

Author: Michał Słowak

Title: The right of a Member State of the European Union to regulate the area of justice.

Summary:

This dissertation conducts an in-depth analysis of the competences of the European Union and its member states in the field of justice, with particular emphasis on the legal conflict between the European Union and Poland from 2016 to 2022. The study focuses on evaluating the extent to which the European Union has the right to intervene in the area of justice, which traditionally falls under the exclusive competences of member states.

Through the legal-dogmatic, systemic, and empirical methodologies, the dissertation analyses the division of competences between the European Union and member states, with a focus on the principles of the functioning of the EU, the role and organization of the judiciary in member states and assesses the EU-Polish dispute stemming from the changes in the Polish justice system after 2015.

The analysis indicates that although the judiciary falls within the competences of member states, the European Union has the right to monitor compliance with the rule of law by these states. The reform of the Polish judiciary, particularly regarding the publication of judgments by the Constitutional Tribunal and changes in the National Council of the Judiciary, raises serious doubts about its compliance with European standards and the principle of the rule of law, which may justify intervention by EU institutions. The study contributes not only to better understanding of the current conflict but also provides reflections on the future relations between the EU and its member states in the context of the judiciary.