
ŠIŠKOVÁ, Naděžda (ed.). The European Union – What is Next? A Legal Analysis and the Political Visions on the Future of the Union. Köln: Wolters Kluwer Deutschland, 2018, 350 p. ISBN 978-3-452-29186-8

Reviewer: Václav Stehlík*

Nowadays the European Union is facing challenges and pressures in various areas. This concerns not only the influx of migrants or Brexit. The calls for changes and shifts in directions of European integration are visible also in other areas which are crucial for finding solutions to current problems. This includes division of competences between the EU and its Member States, reforms of EU institutions and various procedures where they participate, the area of freedom, security and justice, human rights protection or EU external actions.

The newly published book was edited by Naděžda Šišková from the Faculty of Law, Palacký University in Olomouc, and was published under the auspices of the Jean Monnet Centre of Excellence in Olomouc created thanks to the support of the corresponding research grant attributed by the European Commission. The preface was written by Věra Jourová, the EU Commissioner responsible for justice, gender and equality. The book itself analyses various areas where reforms are needed, proposes solutions of current problems and predicts scenarios of the future development. It consists of six parts divided into individual chapters which focus on various areas of EU integration.

The first part is focused on the analysis of general issues of the EU law reform. In the opening chapter Tibor Palánkai from Corvinus University in Budapest rethinks the EU-integration and posts it in the overall theoretical context. Among others he evaluates the multi-speed Europe and variable geometry which is presented as a realistic option even in the long-term run. The next chapter deals with the institutional aspects of the EU integration and necessity for reforms of EU institutions. Pavel Svoboda – actually serving as a chairman of the European Parliament Legal Affairs Committee – analyses reasons for the institutional

* Václav Stehlík, Associate professor of EU law, Department of International and European Law, Faculty of Law, Palacký University in Olomouc, Contact: vaclav.stehlik@upol.cz

change. He also highlights various external challenges which cannot be solved by an individual Member State, the process of Brexit or citizens' lack of confidence in the EU. He attempts to search for the challenges particularly in relation to the European Parliament, including the "one seat" requirement, fusion of the EP with the Council, elections to the EU and supranational candidates and, prominently, also the revision of powers of the EP. He also deals with the alternations in the EU external activities and the powers of the EU in this area. In a similar stanza he proposes changes to the European Commission, European Council or Council. In relation to the CJEU he discusses changes in 258 TFEU procedure and possible broadening thereof to include systematic infringement of EU values or to include also breaches of the EU Charter of Fundamental Rights.

A separate chapter is devoted to the institutional changes after Brexit where Lenka Pítrová from the Faculty of Law in Prague looks for answers on the question whether these changes should be conceived as a challenge or threat. She focuses on the reforms of the EU budget *vis-à-vis* current challenges in the developments in the EU and abroad. Then she deals with the EU institutions and changes which might be expected after Brexit. She supposes that Brexit can be a catalyst for the change and can push EU leaders to reform the EU. At the same time she supposes that substantial changes can be done also by small well-targeted steps.

A fine analysis may be found in the chapter which deals with the future of national parliaments in the institutional system. Jan Grinc from the Faculty of Law in Prague deals – among others – with the subsidiarity check procedure and the search for the common language. In this regard he deals with the interpretation of the principle of subsidiarity as well as the problematic length of the period in which national parliaments may express their opinion. He also evaluates the interparliamentary cooperation and the idea of a chamber of national parliaments. The next chapter written by David Petrlík, from the Faculty of Law in Prague, focuses on the intergovernmentalism as a response to EU challenges. He tries to answer whether it is more a threat for the EU unity or a real and effective solution of the problems. He concludes that intergovernmentalism may be considered as an appropriate tool to respond to some EU challenges. On the other hand, he also thinks that a proliferation of the intergovernmental method into the EU law is eroding the very nature of the EU law based on the supranational method.

The **second part** of the book is focused on the enhancement of democratic values, including human rights and the rule of law. The opening chapter of this part, written by Rainer Arnold from Faculty of Law in Regensburg, deliberates on the anthropocentric constitutionalism in the European Union. He opens issues such as constitutionality and social coherences, anthropocentrism and values which constitute supranational legal order and control national orders. Thereby

prof. Arnold tries to search for the core elements of EU constitutionalism. Next chapter written by Peter-Christian Müller-Graff from the Faculty of Law in Heidelberg, analyses the authority and future of EU law in the light of current changes. He searches for current phenomena which can potentially challenge authority of EU law and asks whether these challenges are of specific nature and what are their potential effects on the future of the EU law. In his analyses prof. Müller-Graff focuses for example on the budget problems of some Euro-states, migration crisis or Brexit. Next chapter written by the editor of the book, Nadežda Šišková from Faculty of law in Olomouc, focuses on the EU legal instruments to strengthen the rule of law as they are currently employed in relation to some EU member States. She not only evaluates the actual legal regulation and practice but also proposes alternation of the enforcement mechanisms for the future.

The **third part** of the book is devoted to the visions on the creation of the fiscal union. Correspondingly Jiří Georgiev from Faculty of Law in Prague analyses in detail the OMT decision of the German Federal Constitutional Court as well as the corresponding case-law of EU Court of Justice. Specifically he analyses the role of the German Constitutional Court as guardian of German constitutional system in general as well as in relation to this case. Another chapter written by Michal Petr from Faculty of Law in Olomouc uncovers current trends and future of the EU economic and monetary union. He reflects the theoretical approaches to the EMU, amendments adopted so far and also the possible developments in the future.

The **fourth** part of the book deals with the actual challenges in the EU area of freedom, security and justice. The sole chapter in this part is written by Jörg Monar from College of Europe in Bruges in which he analyses the content of the AFSJ as a constitutional objective and its restrictions. Prof. Monar is definitely aware of the constitutional implications of freedom, security and justice regulation but he concludes that the AFSJ is delivering a real added value compared to purely national measures of the Member States and he finds it as an important element of freedom of EU citizens within the EU.

The **fifth** part is dedicated to possible modifications in the field of external relations with the first chapter written by Vladimír Týč from Faculty of Law in Brno. Prof. Týč analyses the enhanced cooperation and international treaties between Member States and their role as possible means to overcome the increased heterogeneity of the European Union. He is aware on the increasing heterogeneity in the EU integration and the decline of sympathies for the European idea among the EU population. Prof. Týč analyses the White Paper of the European Commission on the Future of Europe and tries to answer the question how the diversity of EU Member States' interests might be overcome. His solution is based on the partial return to the intergovernmental method which he broadly

evaluates. The next chapter written by Eva Cihelková and Hung Phuoc Nguyen from Pan-European University in Bratislava focuses on EU-China Comprehensive Partnership and the corresponding responses to the globalised world. They deal, among others, with the Belt and Road Initiative, China investment plans for Europe and further cooperation in the area of financial systems and industrial cooperation. In the closing chapter of this part Victor Muraviov from Kiev National University analyses the EU-Ukraine relations and the Europeanisation of national legislation in Ukraine.

The **sixth part** is devoted to the visions and prospects of the EU integration and evaluation of various political proposals. The first chapter in this part – written by Petra Měšťánková and Ondřej Filipec from Faculty of Law in Olomouc – focuses on the debates on the future of the EU and tries to find a balance between expectations and reality. They focus on the visions in relation to the EU institutions, diverging position of Member States expressed by their political representatives. The authors try to answer the question whether there should be more or less Europe as it is reflected in positions of individual Member States. Another Chapter written by Tanel Kerikmäe and Evelin Pärn-Lee from Tallinn Law School deals with the digitalisation and automatization as a challenge to the European Union. It covers the early regulation in this area as well as various EU action plans, initiatives and agendas; separately it deals with the EU state aid rules and EU digital initiatives. The next chapter in this part written by David Sehnálek from Faculty of Law in Brno is dedicated to the future of the EU asking whether the proper answer to current challenges of European integration should be the Darwinism or intergovernmentalism. He applies the evolutionary theory on law including the EU law as well as he opens the debate on the role of inter-state bargaining and its role in the EU integration. The book is closed by common conclusions summarising individual chapters.

It is not possible to fully evaluate each chapter and individual conclusions separately as it would require a thorough knowledge and expertise thereof and subsequent contextual analysis. However, in general it may be concluded that the book, written by a strong research team from internationally respected universities, is an interesting source of ideas on the past, current state and predictable future of EU integration. It shows the complexity of the supranational entity and its relations to national legal orders and their often differing visions of the common integration project. Correspondingly, even though one will evaluate suggested solutions or theoretical visions with own apprehension of the EU integration, the book will be thought-provoking for each reader in this regard. We may share the hope of the editor that at least some of the ideas in this book will enrich current debates both at the national and European level and will contribute to the future developments of the EU.