

Federalism and its manifestations in the European Union

Abstract

The thesis focuses on the concept of federalism and its manifestations in the European Union. The European Union as an entity uniting the member states of Europe in a supranational community is an entity in which it is possible to see some features of a future federal state, although the current European Union does not claim to be federalist. The thesis itself is divided into three main parts, with a general discussion of federalism, federations and their features in the introduction. In the second, central part of the thesis, the European Union is analysed through the features of federalism and their presence in the European Union is assessed. In the final thesis, I then develop my own analytical perspective on the specificities of European federalism. In assessing these specificities of contemporary European federalism, I focus on the combination of the characteristic fact of the subtle gradual expansion of the European Union's powers and the European Union's specific approach to the formal features of federalism and statehood. In particular, I look at examples of active avoidance of any use of federalist or state terminology by the European Union and the Member States. On the whole, the European Union has an appropriate arrangement of institutions and a division of powers between the executive, legislative and judicial branches, as well as a division of powers between the institutions of the Union and the Member States. European law can also serve as a future federal law. However, for the time being, the European Union is not a federation, mainly because of the absence of certain important powers in relation to defence and foreign policy, the limited possibility of enforcing European law, and the excessive degree of sovereignty of the Member States, which remain independent states even in terms of international law. I conclude the thesis by summarizing the insights gained. The sources I have used in my thesis are mainly theoretical publications on federalism, treaties of the primary law of the European Union, judgments of the European Court of Justice, constitutions of federal states and judgments of the Constitutional Courts of the Member States of the European Union.

Keywords: European union, federalism, Sneaking federalism