

Abstract

The PhD thesis concerns the horizontal application of directives. The text consists of an introduction, four chapters and a conclusion with a summary of the work and final remarks.

The first chapter aims at presenting the role of directives in European Union law, with particular emphasis on four issues: changes in EU law since the introduction of the definition of directives to the current legal status, the existence of legislative and non-legislative directives, various legal bases for the adoption of directives, and the process of introducing directives into the EU legal system and their implementation.

The second chapter is devoted to answering the research question of what is the horizontal relationship in the context of the application of the directive. The first part presents differences between permissibility of application of the directive in vertical and horizontal relations. In the remaining part, two categories of relations are discussed that may seem to be examples of horizontal relations, but in fact represent vertical relations in which an entity that is an emanation of the state participates.

The third chapter is devoted to discussing three options of the horizontal application of the directive. In the first part, the permissible application of the directive together with other source of law, national or EU, is described. The issue of refusal to apply a source of national law contrary to the directive is presented next. The last part contains an examination of the admissibility of application of the directives solely based on the principle of direct effect.

The fourth chapter deals with the realization of the objective of the directive in horizontal relations. It must be recognized that in order for the rights granted to individuals in the directives to serve their purpose, mechanisms must exist that prevent infringement of those rights. These rules can be described as an effective means of protecting the rights of individuals. As a result of the refusal to grant horizontal direct effect to directives, in many cases an individual will not be able to exercise the right conferred on him by a directive. This leads to the need of examining whether the current rules on the application of the directives can be amended.