

List of publications

Summary

Author or co-author of 6 monographs, 10 edited volumes, 2 academic commentaries, and over 120 articles, book chapters, case-notes and reviews written in English, Czech, and German, with articles also translated into French, Romanian, Polish, Bulgarian and Russian. Representative publications in English include articles for instance in the *Common Market Law Review* | *European Law Review* | *European Constitutional Law Review* | *American Journal of Comparative Law* | *European Public Law* | *German Law Journal* | *Cambridge Yearbook of European Legal Studies*. | Scholarly work quoted in hundreds of academic works as well as by courts all across Europe. | Shorter commentaries and essays regularly published between 2006 and 2015 online at <http://jinepravo.blogspot.com> and in Czech Dailies.

BOOKS

Monographs

- I. *Comparative Reasoning in European Supreme Courts*. Oxford: Oxford University Press, 2013.
- II. *Judikatura a právní argumentace [Case-Law and Legal Reasoning]*, 2nd edn. Prague: Auditorium, 2013 (co-authored with Z. Kühn).
- III. *Vnitrostátní aplikace práva Evropské unie [Domestic Application of European Union Law]*. Prague: C. H. Beck, 2011 (co-authored with P. Bříza and J. Komárek).
- IV. *Judikatura a právní argumentace [Case-Law and Legal Reasoning]*, 1st edn. Prague: Auditorium, 2006 (co-authored with Z. Kühn and R. Polčák).
- V. *Předběžná otázka v komunitárním právu [Preliminary Reference in Community Law]*. Prague: Linde, 2005 (co-authored with J. Komárek, J. Passer, and M. Gillis).
- VI. *Porušení povinnosti zahájit řízení o předběžné otázce dle článku 234 (3) SES. [Violation of the Duty to Make a Preliminary Reference under the Article 234 (3) ECT]*. Prague: C. H. Beck, 2004.

Commentaries

- VII. *Velký Beckův komentář k Evropské úmluvě [Beck's Big Commentary on the European Convention for Protection of Human Rights and Fundamental Freedoms]*. Prague: C. H. Beck, 2012 (co-authored with J. Kmec, D. Kosař, and J. Kratochvíl).

- VIII. Komentář k Listině základních práv a svobod [*Commentary on the (Czech) Charter of Fundamental Rights and Freedoms*]. Prague: Wolters Kluwer, 2012 (co-authored with E. Wagnerová, V. Šimíček, T. Langášek, I. Pospíšil, and others).

Edited volumes

- IX. *The EU Charter of Fundamental Rights in the Member States*. Oxford: Hart (Bloomsbury) Publishing, 2020 (co-edited with J. Adams-Prassl).
- X. *Évolution des rapports entre les ordres juridiques de l'Union européenne, international et nationaux: Liber amicorum Jiří Malenovský*. Paris: Larcier, 2020 (co-editor).
- XI. *EU Law in the Member States: Air Passenger Rights, Ten Years On*. Oxford: Hart (Bloomsbury) Publishing, 2016 (co-edited with J. Prassl).
- XII. *Central European Judges under the European Influence: The Transformative Power of the EU Revisited*. Oxford: Hart Publishing, 2015.
- XIII. *Selecting Europe's Judges: A Critical Review of Selection Procedures to the European Courts*. Oxford: Oxford University Press, 2015.
- XIV. Dvacet let Evropské úmluvy v Čechách a na Slovensku [*Twenty Years of the European Convention in the Czech Republic and Slovakia*]. Prague: C. H. Beck, 2013 (co-edited with J. Kmec, D. Kosař, and J. Kratochvíl).
- XV. Jiné právo literární [*Jiné právo: Law and Literature*]. Prague: Auditorium, 2011 (co-edited with V. Šimíček).
- XVI. Komunistické právo v Československu; kapitoly z dějin bezpráví [*Communist Law in Czechoslovakia – Chapters from the History of Lawlessness*] Brno: Masaryk University, 2009 (co-edited with P. Molek and V. Šimíček).
- XVII. Jiné právo offline [*Jiné právo offline*]. Prague: Auditorium, 2008 (co-edited with J. Komárek).
- XVIII. Rovnost a diskriminace [*Equality and Discrimination*]. Prague: C. H. Beck, 2007 (co-edited with P. Boučková and Z. Kühn).

ARTICLES & BOOK CHAPTERS

[Please note: This list contains a representative selection of my scholarly publications for the past 15 years only. The titles of the publications are given in the language the contribution was written. The list contains only publicly accessible *scholarly work* and does not reflect any judicial opinions or other professional documents.]

2020

- Conclusion: Of Judges and Trust. In: Iglesias Sanchez, S. et al. (eds.), *Fundamental Rights in the EU Area of Freedom, Security and Justice*. Cambridge University Press, 2020/2021.
- More Heads, more reason? A Comparative Reflection on the Role of Grand Chambers at National and European Level. In: *Liber amicorum Jiří Malenovský*. Larcier, Paris, 2020.
- Institutional Report In: Botman, M.R. and Langer, J. (eds.), *National Courts and the Enforcement of EU Law: The Pivotal Role of National Courts in the EU Legal Order*. Boom Uitgevers, Den Haag, 2020.
- The Effects of EU Law in the National Legal Systems. In: Barnard, C., Peers, S. (eds.), *European Union Law* (3rd ed.) Oxford: Oxford University Press, 2020.
- Introduction. In: Bobek, M., Adams-Prassl, J. (eds.), *The EU Charter of Fundamental Rights in the Member States*. Oxford, Hart (Bloomsbury) Publishing, 2020 (co-authored with J. Adams-Prassl).
- Conclusion. In: Bobek, M., Adams-Prassl, J. (eds.), *The EU Charter of Fundamental Rights in the Member States*. Oxford, Hart (Bloomsbury) Publishing, 2020 (co-authored with J. Adams-Prassl).

2019

- Epilogue: Past and Looming Challenges to Open Justice In: Hess, B., Koprivica Harvey, A. (eds), *Open Justice: The Role of Courts in a Democratic Society*. Nomos, 2019.
- Data Protection, Anonymity and Courts (2019) 26 (2) *Maastricht Journal of European and Comparative Law* 183.
- Prologue: (EU Law) Scholarship in (Times of) Crisis? In: Rauchegger, C., Wallerman, A. (eds.), *The Eurosceptic Challenge: National Implementation and Interpretation of EU Law*. Oxford: Hart, 2019.

2018

- Conclusion: New ICT Wine into Old Legal Wineskins? In: D.-U. Galetta, J. Ziller (eds.), *Information and Communication Technologies Challenging Public Law, Beyond Data Protection*. Nomos, 2018.
- Binding Effect of Decisions of the Court of Justice of the EU in the Preliminary Ruling Procedure. In: Šámal, P., Raimondi, G., Lenaerts, K. (eds.), *Binding Effect of Judicial Decisions – National and International Perspectives*. Prague: Wolters Kluwer, 2018.

2017

- Europeanization of Public law. In: Von Bogdandy, A. et al. (eds.), *Ius Publicum Europaeum: The Max Planck Handbook of European Public Law*. Oxford: Oxford University Press, 2017.
- Fundamental Rights and Fundamental Values in the Old and the New Europe. In: Douglas-Scott, S. (eds.), *Research Handbook on EU Human Rights Law*. Cheltenham: Edward Elgar, 2017.
 - **2016**

- The Court of Justice, the National Courts, and the Spirit of Cooperation: between Dichtung und Wahrheit. In: Blockmans, S., Lazowski, A. (eds.), *Research Handbook on EU Institutional Law*. Cheltenham: Edward Elgar, 2016.
- Výzkum v právo: reklama na Nike anebo kvantová fyzika? [Research in Law: Between a Nike Commercial and Quantum Physics?] XXV (2016) *Jurisprudence* 3.
- Welcome aboard: revisiting Regulation 261/2004. In: *EU Law in the Member States: Air Passenger Rights, Ten Years On*. Oxford: Hart (Bloomsbury) Publishing, 2016 (co-authored with J. Prassl).
- Uniform rights? the nature of regulations revisited. In: *EU Law in the Member States: Air Passenger Rights, Ten Years On*. Oxford: Hart (Bloomsbury) Publishing, 2016.
 - **2015**

- Court of Justice of the European Union. In: Arnulf, A., Chalmers, D. (eds.), *Oxford Handbook of European Union Law*. Oxford: Oxford University Press, 2015.
- Conclusions: Of Form and Substance in Central European Judicial (Non)Transformations. In: Bobek, M. (ed.), *Central European Judges under the European Influence: The Transformative Power of the EU Revisited*. Oxford: Hart Publishing, 2015.
- Prologue: The Changing Nature of Selection Procedures to the European Courts & Epilogue: Searching for the European Hercules. In: Bobek, M. (ed.), *Selecting Europe's Judges: A Critical Review of Appointments Procedures to the European Courts*. Oxford: Oxford University Press, 2015.
- Judicial selection, lay participation, and judicial culture in Czech Republic: a study in a Central European (non)transformation. In: Turenne, S. (ed.), *The independence of a meritorious elite: the government of judges and democracy* (Reports to the 19th International Congress of Comparative Law, Vienna 2014). Berlin: Springer, 2015.
- Pět poznámek k nejvyšší radě soudnictví [Five Points on the Supreme Council of the Judiciary] (2015) 23 *Právní rozhledy* 598 (equally as "Pět poznámek k debatě o Nejvyšší radě soudnictví" in: Nejvyšší rada soudnictví: Quo vadis? Nejvyšší soud, Brno, 2015.

- "Euro-products" and institutional reform in Central and Eastern Europe : a critical study in judicial councils. In: Bobek, M. (ed.), *Central European Judges under the European Influence: The Transformative Power of the EU Revisited*. Oxford: Hart Publishing, 2015 (co-authored with D. Kosař).
- Introduction: Revisiting the transformative power of Europe. In: Bobek, M. (ed.), *Central European Judges under the European Influence: The Transformative Power of the EU Revisited*. Oxford: Hart Publishing, 2015.
- Conclusions: Of form and substance in Central European judicial transitions: In: Bobek, M. (ed.), *Central European Judges under the European Influence: The Transformative Power of the EU Revisited*. Oxford: Hart Publishing, 2015.

○ 2014

- Talking now? Preliminary Rulings In and From the New Member States. 21 (4) *Maastricht Journal of European and Comparative Law* 781 (2014).
- Legal Reasoning of the Court of Justice. 39 *European Law Review* 418 (2014).
- Landtová, Holubec, and the Problem of an Uncooperative Court: Implications for the Preliminary Rulings Procedure. 10 *European Constitutional Law Review* 54 (2014).
- The Effects of EU Law in the National Legal Systems. In: Barnard, C., Peers, S. (eds.), *European Union Law*. Oxford: Oxford University Press, 2014.
- Global Solutions, Local Damages: A Critical Study in Judicial Councils in Central and Eastern Europe. 15 (7) *German Law Journal* 171 (2014) (co-authored with D. Kosař).
- European Laws in National Courts: Viking, Laval, and Beyond. In: Freedland, M., Prassl, J. (eds.), *EU Law in the Member States – Viking and Laval*. Oxford: Hart, 2014.
- The Fight against Terror and the Space of Individual Freedom: A (Classic) Word of Caution. In: Govaere, I., Poli, S. (eds.), *EU Governance of Global Emergencies*. Leiden: Brill, 2014.

○ 2013

- Van Gend +50: the Changing Social Context of Direct Effect. In: Court of Justice of the EU (ed.), *50th anniversary of the judgment of the Court of 5 February 1963, Van Gend en Loos*. Luxembourg: Office for Official Publications, 2013.
- Of Feasibility and Silent Elephants: The Legitimacy of the Court of Justice through the Eyes of National Courts. In: Adams, M. et al. (eds.), *Judging Europe's Judges: The Legitimacy of the Case Law of the European Court of Justice Examined*. Oxford: Hart, 2013.

- Kam až sahá právo EU? K věcnému aplikačnímu rámci Unijního práva v členských státech [How far does EU law reach? On applicability *ratione materiae* of EU law in the Member States]. *Právní rozhledy* 18/2013, p. 611.

- Ratio, obiter a precedent: jak skutečně fungují? [Ratio, obiter, and precedent: how do they genuinely work?] *Soudní rozhledy* 6/2013, p. 202.

○ 2012

- A Fourth in the Court: Why Are There Advocates-General in the Court of Justice? 14 *Cambridge Yearbook of European Legal Studies* 529 (2012).
- The Impact of the European Mandate of Ordinary Courts on the Position of Constitutional Courts. In: Claes, M. et al. (eds.), *Constitutional Conversations in Europe*. Cambridge: Intersentia, 2012.
- Report on the Czech Republic. In Laffranque, J. (ed.), *Protection of Fundamental Rights post-Lisbon: The Interaction between the EU Charter of Fundamental Rights, the European Convention on Human Rights and National Constitutions*. Tallinn: Proceedings of the XXV FIDE Congress, 2012.

○ 2011

- Why there is no Principle of “Procedural Autonomy” of Member States? In: de Witte, B., Micklitz, H. (eds.), *The European Court of Justice and the Autonomy of the Member States*. Cambridge: Intersentia, 2011.
- The Multilingualism of European Union Law in the National Courts: Beyond the Textbooks. In: Kjær, A. L., Adamo, S. (eds.), *Language Diversity and European Democracy*. Aldershot: Ashgate, 2011.
- Odpovědnost a disciplína soudce (v přerodu?) [Judicial Accountability and Judicial Discipline in a Transition] *Právní rozhledy* 14/2011, p. 502.
- Jak je důležité býti textualistou: o okouzlení hodnotovým výkladem práva a historické paměti středoevropského soudce [The Importance of Being a Textualist: On the Enchantment of Value Interpretation of Law and the Historical Memory of a Central European Judge] In: Příbáň, J., Holländer, P. (eds.), *Právo a dobro v ústavní demokracii: Polemické a kritické úvahy*. Prague: Slon, 2011.

○ 2010

- Une méthodologie de loyauté et de résistance dans l’application du droit européen par le cours des nouveaux États Membres. In: Bribosia, E., Ubeda, A., Scheek, L. (eds.), *L’Europe des Cours: Loyautés et Résistances*. Bruxelles: Bruylant, 2010.

- The New European Judges and the Limits of the Possible. In: Lazowski, A. (ed.) *The Application of EU Law in the New Member States - Brave New World*. The Hague: TMC Asser Press, 2010.
- What about That “Incoming Tide”? The Application of EU Law in the Czech Republic. In: Lazowski, A. (ed.) *The Application of EU Law in the New Member States - Brave New World*. The Hague: TMC Asser Press, 2010 (co-authored with Z. Kühn).
- Europe Yet to Come: The Application of EU Law in Slovakia. In: Lazowski, A. (ed.) *The Application of EU Law in the New Member States - Brave New World*. The Hague: TMC Asser Press, 2010 (co-authored with Z. Kühn).
- The Administration of Courts in the Czech Republic – in Search of a Constitutional Balance. 16 (2) *European Public Law* 251 (2010).
- Úvahy o uveřejňování soudních rozhodnutí [On Publication of Judicial Decisions]. *Právní rozhledy* 11/2010, pp. 396.
- O odůvodňování soudních rozhodnutí [On Justification of Judicial Decisions]. *Právní rozhledy*, 6/2010, pp. 204.
- Report on the Czech Republic and Slovakia. In: Martinico, G., Pollicino, O. (eds.), *The National Judicial Treatment of the ECHR and EU Laws*. Europa Law Publishing: Groningen, 2010 (co-authored with D. Kosař).

○ 2009

- Quantity or Quality? Reassessing the Role of Supreme Jurisdictions in Central Europe. 57 (1) *American Journal of Comparative Law* 33 (2009).
- Corrigenda in the Official Journal of the European Union: Community Law as Quicksand. 34 *European Law Review* 950 (2009).
- Reasonableness in Administrative Law: A Comparative Reflection on Functional Equivalence. In: Bongiovanni, G., Sartor, G., Valentini, C. (eds.) *Reasonableness and Law*. New York: Springer, 2009.
- Socialistická srovnávací právní věda [Socialist Comparative Legal Science]. In: Bobek, M., Molek, P., Šimíček, V. (eds.), *Komunistické právo v Československu - kapitoly z dějin bezpráví*. Masarykova univerzita: Brno, 2009.
- (R)Evoluce, která se nekonala - justice dvacet let poté [An (R)evolution that did not take place: the Judiciary Twenty Years Later] *Přítomnost*, summer 2009, p. 26.

○ 2008

- Learning to Talk: Preliminary Rulings, the Courts of the New Member States and the Court of Justice. 45 (6) *Common Market Law Review* 1611 (2008).

- On the Application of European Law in (Not Only) the Courts of the New Member States: 'Don't Do as I Say'? 10 *Cambridge Yearbook of European Legal Studies* 1 (2007-2008).
- Thou Shalt Have Two Masters: The Application of European Law by Administrative Authorities in the New Member States. 1 (1) *Review of European Administrative Law* 51 (2008).
- The Fortress of Judicial Independence and the Mental Transitions of the Central European Judiciaries. 14 (1) *European Public Law* 99 (2008).
- Odpovědnost za škodu vzniklou porušením práva Evropských společenství [Liability for Breaches of Community Law]. Special supplement to *Právní rozhledy* 12/2008, p. 1.

○ 2007

- The Binding Force of Babel: The Enforcement of EC Law Unpublished in the Languages of the New Member States. 9 *Cambridge Yearbook of European Legal Studies* 43 (2006-2007).
- Iudex ex Machina: Institutional and Mental Transitions of Central European Judiciaries. In: Ramona Coman, Jean-Michel De Waele (eds.) *Judicial Reforms in Central and Eastern European Countries*. Bruges: Vanden Broele, 2007.

**CASE NOTES &
BOOK REVIEWS**

Between 2002 and 2012, I authored over 50 case notes (on, *inter alia*, decisions of the Court of Justice of the EU; the European Court of Human Rights; Czech courts of all levels, but equally on the decisions of the German Federal Constitutional Court; the Appellate Committee of the House of Lords; the French Constitutional Council; Austrian Administrative Court; or the Supreme Court of Canada) and almost a dozen of book reviews, published, *inter alia*, in *Common Market Law Review* | *Civil Justice Quarterly* | *European Public Law* | *Cambridge Law Journal* | *Soudní rozhledy*.