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**Individual and collective legal protection by EU law
in administrative judicial review cases**

The modification of the 'impairment of rights' doctrine by EU law

Thesis abstract

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1. Summary of the research subject

In the recent years the Court of Justice of the European Union (hereinafter referred to as ‘ECJ’ in the context of pre-Lisbon primary law, ‘CJEU’ in the context of post-Lisbon primary law) has declared in several of its judgements that the systems of administrative jurisdiction of certain EU Member States did not comply with the EU’s sectoral requirements. These judgements declared that the Member States concerned did not guarantee the right of standing before administrative courts for the non-governmental organizations (hereinafter referred to as ‘NGOs’) before national courts. The CJEU concluded this despite the fact that in the field of administrative procedures and jurisdiction the principle of the national autonomy still prevails. In accordance with that, the European integration affects the administrative procedures and jurisdiction, just as the administrative systems of the Member States in a special way. Implementing EU requirements and EU law is the primary responsibility of the national authorities and courts (indirect implementation) in absence of such EU-level organs which would be responsible for the direct implementation. As a result, the indirect implementation of EU law is the task of national authorities, while the judges of the Member States act as the judges of EU law. EU law can only influence the sectoral regulation of the Member States through the Union policies, guaranteeing wider access to justice for NGOs. Through sectoral regulation, EU law in turn may have indirect repercussions on the general procedural law of the Member States. Those jurisdictions, where the judicial review is intended to protect subjective rights, the dilemma arises from the fact that – in principle – NGOs cannot initiate legal action before national courts in the absence of any violation of their subjective rights (hereinafter referred to as ‘impairment of rights’ doctrine). Meanwhile, the EU uses the wider access to justice of citizens and NGOs before national courts as a tool to facilitate the enforcement of EU law in several policy areas.

During my studies in Germany, I started to examine the extent the CJEU would modify the well-elaborated German dogmatic on ‘impairment of rights’ doctrine in the fields of environment protection, competition law and consumer protection. I wrote my master dissertation on the comparison of this phenomenon in a German-Hungarian perspective, and in connection with this I have come to the decision that the scope of the examined countries should be broadened further, since I presumed that the ‘impairment of rights’ doctrine could be examined as a link between the jurisdictions of the Central and Eastern European region. Therefore, I have chosen Germany, Austria, the Czech Republic, Slovakia and Hungary. I concluded that this issue should be combined with the analysis of EU-level judicial review, as to whether the legal protection at the level of the EU follows the same approach.

Therefore, the dissertation examines how exactly the European Union has modified administrative judicial review, which is bound by the ‘impairment of rights’ doctrine at the level of indirect (Member State-level) and direct (EU-level) implementation of EU norms. This made it necessary to analyse the role of the still prevailing indirect (Member State-level) and of the emerging direct (EU-level) implementation of EU norms.

In the framework of indirect implementation, the dissertation examines a certain group of Member States, where the function of the administrative judicial review was historically characterised by the ‘impairment of rights’ doctrine. The German, Austrian, Czech, Slovak and Hungarian jurisdictions nowadays also restrict the personal scope of potential plaintiffs before national courts, and declare the violation of subjective rights, sometimes the violation of interests, as a prerequisite to that. In contrast, the CJEU (and the former ECJ) has facilitated a broader access to justice of citizens and NGOs before national courts since the *Van Gend & Loos* judgement, in order to enforce the Community law against the not necessarily loyal national administrations. As a result, it is a clear challenge for the legislation and law enforcement of the Member States how to respond to this broadening tendency.

In the focus of the dissertation stands two such fields of Union policies, where the broadening tendency regarding the ‘impairment of rights’ doctrine can be undoubtedly identified. It is possible in such sectors, where the character of the legal interest protected is such that potential plaintiffs, who can exclusively refer to the violation of his/her own rights, cannot be easily determined. The fairness of competition or the protection of environment are typical legal interests, where besides the circle of plaintiffs who suffered violation of their subjective rights, or even in the absence of such, the possibility of an *actio popularis* litigation can come to the front. This can be strengthened by the EU legislation and law enforcement through the broadening of the access to justice in order to enforce EU law before the national courts. Besides that, stemming from the fundamental role of competition law, I presumed that competition related case-law looks back to the longest tradition in EU law. Therefore, this has lost its sector-specific connection, and has had an effect on the configuration of the whole system of EU-level legal protection. Environmental law on the other hand is important due to the fact that NGOs pushing for collective litigation are the most active in this field of policy.

In spite of this broadening tendency, the CJEU in actions for annulment (annulment procedure) still insists on the judicial protection of subjective rights at EU-level. This is expressed by *Plaumann* test elaborated in its case-law, according to which a direct and especially personal concern (as potential plaintiff to be member of a closed, fixed group) is required to have standing right at EU-level. The reason behind the still prevailing, predominantly subjective tendency of judicial protection at EU-level is that certain elements of the guarantee system of judicial protection have been unaltered since the early phases of the integration. It has to be seen, however, that by the broadening of direct implementation this concept becomes more and more obsolete.

Therefore, in the course of examining the direct implementation from the aspects of judicial protection, the subject of the examination goes beyond the two sectors intended to be examined originally, and the classic competence of administrative courts, namely the review of administrative acts. The demonstration of the crisis of the doctrine, which promulgates the exclusivity of the indirect implementation, makes it necessary to present certain non-sector-specific specialities of the legal evolution.

Firstly, it is necessary to examine the civil service law of the EU, in which the European Community was forced – perhaps for the first time – to deal with the dilemma of the procedural requirements for the individuals, especially by the resolution of disputes against its own civil servants.

Secondly, over time regulatory agencies have gained stronger or weaker competences to directly implement the Community norms, besides the European Commission. As a result, the EU-level judicial protection against the administrative acts issued by the agencies has already been essential decades ago, therefore its analysis cannot be omitted.

Thirdly, in connection with the aforementioned matters, it is necessary to more intensively examine the question of judicial protection against the normative acts as well. The core question here is how the EU legislation and jurisdiction managed to resolve the dilemmas regarding delegated regulatory powers - which are also necessarily present in the national administrative systems. However, the questions related to the constitutional control of normative acts issued by institutions with inherent legislative powers are not related organically to the subject of the present analysis. The purpose of my analysis is exclusively the examination of normative acts, which are issued in order to regulate the internal markets, even if the definition of these type of acts is far from being simple.

The administrative judicial review, similarly to legal system as a whole, especially reflects the idea of the relation between the state and its citizen, of the age and the state which has created them. In the Member States examined, historically and societally the ‘impairment of rights’ doctrine can be identified as such a factor. The purpose of the Community, later the Union legislation and jurisdiction, through the broadening of the standing rights before the national courts, in other words through the strengthening of objective judicial protection, is the enforcement of its own acts. These purposes demand that if the administrative judicial protection shifts to the EU-level following a shift in the activity of authorities, then the EU legislation and jurisdiction would have to reconsider its present practice. It follows that the right of standing before CJEU should be granted to those who intend to start court proceedings on the basis of a more widely interpreted violation of subjective rights. The reason for this is that the theoretical ground for a restrictive concept is related to the concepts of the early integration. Nowadays, the function of the European Union is characterised by broader activities, which necessarily involve more and more parties and broader EU-level activities as that of mere policy-making.

To sum it up, the subject of this dissertation is a topic, which is seemingly under-represented in the written law, but has a decisive relevance from the aspect of judicial protection of the EU law.

2. The research objectives and methods

2.1 The research objectives

The purpose of the present dissertation is to analyse the standards of judicial protection, which are at the same time conservative on EU-level and activist on national level, and to unveil the intentions and motivations behind the differences concerned.

As for the indirect implementation, for the presentation of the activist approach of the CJEU demanding the ‘broadening’ of the ‘impairment of rights’ doctrine at national level, it is necessary to clarify how this model of legal protection appeared historically in the Member States concerned. The dissertation describes, how the development of the administrative courts has happened in these states, at the end of the 19th and in the beginning of the 20th century. In the framework of this, my purpose is to present the ‘impairment of rights’ doctrine as a historically and societally determined common or at least similar starting-point.

The first structural unit of the dissertation shortly examines the question how the ‘impairment of rights’ doctrine managed to preserve its dominant position in different ages. Besides that, it is a necessary to examine to the extent the ‘impairment of rights’ doctrine determines the current regulation of the states concerned and their systems of judicial protection.

The main purpose of the first structural unit of the dissertation concerning the indirect implementation is the analysis of how the legislators and judiciary of the Member States responded to the tendency of broadening the access to justice. The requirement of compliance with the EU law – which besides the national administrations, also binds the judges of the Member States, who function as judges of EU law as well – has led to different solutions in sectoral regulations. Moreover, the analysis of indirect implementation enables us to present the general doctrines available for the Member States' judges in case of conflict between national and EU law.

To determine whether the compliance with the EU law is measurable, and if yes, then how it can be explained, has been a subject of scientific debates for a long time. These are necessarily interdisciplinary debates. The problem could raise scholars' attention in the field of sociology, political science and international relations besides the legal studies. By using the *world of compliance* theory, which sets up the system of country cluster categorisation, the first structural unit of the dissertation examines how strong the explanatory power of these theories could be. For this purpose, the implementation performance regarding the two policy areas in five Member States is to be compared with the preconceptions of this theory. This could be interesting especially in connection to the fact that – according to the theory – in the post-socialist new Member States the so-called ‘Eastern problem’ can be identified. This means that in this cluster of countries the formal implementation is completed, but the enforcement of the EU-requirements remains weak, so those are only dead letters (*world of dead letters*). In Germany and Austria based on the theoretical categorisation, the main compliance factor for timely and proper transposition is the compatibility of EU requirements with domestic policy considerations (*world of domestic politics*).

As for the examination of direct implementation, the main purpose of the dissertation is to present the set of instruments of the judicial protection at EU-level, and to examine the relations between these instruments. At the heart of this is the analysis of the annulment procedure I would like to elaborate the development of the related case-law, especially of the *Plaumann* test. The *Plaumann* test, as a milestone case, has led to the development of strict interpretation

of personal concern, to which the requirement of the direct concern is linked. This is the main obstacle of legal standing of the so-called non-privileged individuals before the CJEU. In connection with this, the dissertation intends to present – through the analysis of the case-law – the interpretation models that has been revealed due to the ‘personal concern’ requirement. Besides that, the requirement of personal concern can show how in the case of the most important sources of secondary law the judicial interpretation changed regarding the direct legal effect of these normative acts. It must also be examined, in which policy areas did the CJEU reinterpret the *Plaumann* test, which has become a doctrine in the meantime, and what was the reason for this step.

When examining these issues at EU-level, I intended to go beyond the field of the Union policies, namely the competition law and environmental law. By this I intended to depict the increasingly strengthening tendency, under which the direct implementation is getting prioritised over the indirect implementation of EU norms. This phenomenon is not necessarily linked to the already examined two policy areas. It is true, though, that we are only at the beginning of this process. This enables us to unfold, besides the sector-specific examination, the classic competences in reviewing individual administrative acts, and in civil service disputes. From the aspect of judicial protection, the civil service law of the Community, later the Union is the starting-point for procedural requirements guaranteed for individuals. The ‘mushrooming’ of (regulatory) agencies in the recent years makes the judicial protection also against the acts of the agencies more and more significant. The relevance of the judicial protection against normative acts in case of direct implementation lays in how the EU legislation and jurisdiction handle the dilemmas of judicial protection against acts issued through delegated regulatory powers, which problem also exists in the administrative systems of Member States.

Finally, I would like to emphasise that it is not the purpose of this dissertation to argue either for the subjective, or for the objective judicial protection. It intends to show that the development of these models was influenced by the social environment and the historical development (of law). Consequently, it would be pointless to prioritise any of these models. Naturally, in connection with this, it can and should be examined how consistent the CJEU is in its case-law regarding the applied model of judicial protection.

2.2 The research methods

Regarding the indirect implementation, the main research method of the dissertation is the comparative legal analysis of the Member States, since the theoretical starting-point of the examination is a common aspect of judicial protection in the Member States concerned. The subject of the examination, besides the aforementioned similarity, is how each Member State respond to the tendency of broadening access to justice stemming from EU law.

The reasons for the selection of the examined states are complex: the German, just as the Austrian law, and the institutions of these jurisdictions were often models for the Hungarian legislation since earlier centuries. It would be, though, a mistake to present the regulation of

any of these states as an ‘ideal model’ to be followed. The reason for selecting the Czech Republic and Slovakia was different. I have deemed it important to involve such countries in the examination, whose jurisdictions and regulatory solutions are not so much covered by the Hungarian jurisprudence. It is necessary, not only because the Austro-Hungarian Monarchy and the socialist past can be considered as common roots, but also because of the relatively similar geographic reach and population, just as the economical-cultural similarities. Additionally, it is my firm belief that analysing the similar or different responses given to the challenges stemming from being a Member State might be useful for the academic sphere, and for the legislators and law enforcers as well.

Using a comparative method of analysis always raises the question what extent it is necessary to present the effective law and the case-law of the other Member States. Through my analysis, I tried to make the main characteristics of the institutions of judicial protection obvious, but also tried to omit the unnecessary details of the regulatory environment and the case-law. The main purpose was to make the tendency of broadening in relation to the ‘impairment of rights’ doctrine understandable.

Regarding the entire analysis, the legal history approach was predominant, since it is essential in my point of view in order to understand certain institutions of law, and to track the changes in their functions since their appearance. This is especially worth considering, related to the research subject, because it has had a vital importance and a significance regarding guarantees that among the separate models of judicial protection which has become leading. At the same time, we will see that the decisions, preferring one or another model, were determined by the societal relations on national as well as on EU-level in a given time and historical context, therefore, these decisions cannot be everlasting.

Besides the comparative analysis of different Member States’ regulation, the dogmatic analysis of the separate institutions of law is also necessary, since legal protection poses questions regarding judicial protection, the functioning of democracy, the legality of administrative functions, and the issues of delegating competences – not necessarily only at national level. This does not mean, though, that the methods of this analysis would focus solely on legal aspects. Due to the societal determination, and especially to the perspicacious examination of compliance with the requirements of the EU, an interdisciplinary approach is also detectable. In this regard, I used the theories of political science, international relations and the Europeanisation theories, in order to present a comprehensive examination of compliance with EU law.

3. Summary of the research results and their potential use

3.1. Summary of the research results

The theoretical basis of the analysis took into account that administrative jurisdiction, as well as the whole legal system, reflects the era when it has been created and the vision of the state on the relationship between state and its citizens. Therefore, the starting-point of this analysis

were the two substantial empires of the 19th century and their approach to legal protection. The administrative judicial review with its orientation towards the protection of subjective rights characterised the fundamental approach of the *Kaiserreich* and the Austro-Hungarian Monarchy. ‘These legal systems, balancing between democracy and monarchy has recognised the legal status of the individual, but only to the extent as the citizen would have enforced his/her own interests’ – as Masing states. This fundamental approach remained decisive regardless of two world wars and further regime changes.

The non-compliance with the EU requirements are outstandingly spectacular at the level of the Member States concerning environmental law. The requirements of access to justice have appeared due to the implementation of the Aarhus Convention by EU law (Directive 2003/35/EC). In certain cases the CJEU’s judgements reflect the clear signs of implementation concerns at the level of Member States, such as in case of Germany (*Trainel* case), Austria (*Gruber* case) or Slovakia (the so-called *Slovak bears* case). These judgements were not only related to the standing rights of NGOs, but also to the imperfect subjective legal protection ensured to other affected parties like the neighbours. In the *Slovak bears* case the CJEU has also decided on the direct effect of certain provisions of the Aarhus Convention. Due to the well-elaborated legal dogmatics of the two German speaking countries and especially of Germany, these Member States were mostly reluctant to guarantee wider access to justice for NGOs. The issue of non-compliance has been raised in case of the Czech Republic in form of an infringement proceeding, while the interpretation of the ‘environmental case’ led to non-compliance concerns in case of Hungary as well. Meanwhile, there are other factors to be taken into account. There is no such comprehensive code in the German law like in Hungary, which regulates the participation of NGOs in administrative proceedings covering the whole environmental sector. While in Hungary, the interpretation of these provisions was left for the Hungarian judiciary. Concerning the fields of competition law and consumer protection the most remarkable changes were brought by the recognition of the new forms of subjective standing rights and by the institutionalisation of public interest litigation forms, which were previously unknown in the legal traditions of certain Member States. The case-law of the CJEU has generally broadened the standing rights of affected parties and of the competitors in network industries. The latter phenomenon has tailored the categories of the Member States, which were not supposed to follow the same compliance patterns. This phenomenon occurred in three differently categorised Member States according to the worlds of compliance theory, namely Austria, Germany and Hungary.

Based on the existence of the internal market, the cross-border litigation forms can be seen as an obvious effect of the European Union. As regards to competition law and consumer protection one must note the Directive 2009/22/EC; as regards to environmental law the Espoo Convention has to be mentioned. However, the real potential of these legal instruments could not be manifested in full effect up to now.

From the perspective of the explanatory power of the compliance theories, especially of the worlds of compliance theory, the implementation performance of the Member States concerned revealed diverse results. The post-socialist group of countries did not build up a homogeneous

category, while the German implementation of the Aarhus Convention led to most implementation concerns in relation to the wider access to justice for NGOs. Tailoring the categorisation of the Member States some CJEU judgements have also appeared, where the CJEU has accepted the standing right of the competitors based on their economic interests. Building on the aforementioned factors, the dissertation concluded that the phenomenon called 'Eastern problem' could not be inevitably identified. However, the conclusion based on the implementation and law enforcement performance of these Member States is particularly important. The worlds of compliance theory is not necessarily just a 'sometimes-true' theory, but its target of research needs to be broadened. In my view, a new approach of broadening the research target of such theories might reveal the relevance of systematic research factors such as the 'impairment of rights' doctrine, which links the legal systems of this region. The identification of these factors could positively influence not only the researchers of political sciences and of the Europeanisation theories but also the law enforcement and legislation of the EU. The prior consideration of the systematic factors might also result in a better compliance performance of the Member States with the EU requirements.

Compared to the wider access to justice for NGOs on the level of the Member States, the approach of the CJEU is different in this context on EU level. It has only accepted the extended interpretation of *Plaumann* test for non-privileged applicants in a few cases, while the Lisbon primary law broadened the legal protection of individuals' rights by eliminating the restrictive criteria of individual concern regarding certain regulatory acts. However, the still applicable test indicates that the direct judicial review for individuals remained restrictive. The ECJ has started to adopt a more flexible approach concerning competition-related cases, due to the preliminary administrative procedure before the Commission, as the procedural right of the parties involved had been formalised in course of the evolution of the Commission's competition authority. Nevertheless, this activist approach has not been followed in other policy areas, and consequently, the standing right of NGOs intended to enforce the EU-level implementation of Aarhus Convention has not been guaranteed in absence of being individually concerned. This approach can be considered as being inconsistent, as the ECJ itself concluded in its case-law that 'where a provision can apply both to situations falling within the scope of national law and to situations falling within the scope of Community law, it is clearly in the Community interest that, in order to forestall future differences of interpretation, that provision should be interpreted uniformly'. The Aarhus Convention as a mixed agreement fulfils this criteria, as it has been ratified by the EU as well as by its Member States.

The need to review the approach of the previous case law is based on the fact that the shared competencies between the EU and the Member States regarding the implementation and enforcement of EU rules is being altered. During the first phase of the European integration, the role of the *acquis* was to serve the demands of the common market with the support of market regulations. In this system the individuals were taken into account merely as the parties of certain economic transactions. Consequently, the level of the formalised legal protection connected to the level of the implementation and enforcement of the *acquis*, which was carried out by the Member States. The Court reinforced this restrictive interpretation, as the Court of First Instance tried to reinterpret the related standing requirements in *UPA* and *Jégo Quéré*.

Accordingly, if the annulment procedure cannot be initiated, then the judicial review is still ensured in form of the preliminary ruling proceeding, and therefore the system of legal remedies is complete.

Meanwhile, the broader EU competences, the more complex market and economic relations, and especially the evolution of the common market and later internal market made it indispensable to review the former system of legal protection. The analysis shortly presents the civil service law of the EU, which has turned out to be the basis for the development of individual procedural rights. Due to the most recent tendency of the 'mushrooming of EU agencies', which causes that the individuals get in direct procedural relationship with EU bodies that are entitled to issue certain type of single and normative acts, the *Plaumann* test and the primary judicial role of national courts needs to be reconsidered. The categorisation of the EU agencies in the dissertation was based on the type of acts, which could be issued by agencies, as the *Meroni* doctrine elaborated in the ECJ's case-law, precluded the delegation of powers involving wide margin of discretion to agencies. However, an effective market surveillance and regulation would require stronger competences. The fundamental concern in relation to the 'mushrooming of agencies' is the lack of their proper primary legal basis, so they can be considered as 'non-Treaty bodies'. As for the relevance of the legal protection against the acts issued by agencies, it must also be noted that the single notion of agencies in the Lisbon Treaty refers to the right of third parties to initiate procedure before the CJEU to review the legality of the acts of agencies intended to produce legal effects *vis-à-vis* third parties. Nevertheless, the 'agencification', as well as the related legal protection are expected to be moving upwards on the EU agenda. The Union has already taken further steps concerning the allocation of powers by ensuring exclusive EU competences for certain agencies without any involvement of national authorities. Accordingly, the European Securities and Markets Authority has been made exclusively responsible for registration and supervision of the credit-rating agencies since July 2011. Based on the restrictive delegation model of the *Meroni* (and *Romano*) doctrine, the EU legislation has decided that the European Central Bank (hereinafter referred as 'ECB'), as an EU institution with proper primary legal basis, has to be made responsible for the surveillance of the systematically important European banks. The choice of the EU legislation could solve the problem of the conferred competencies and the lack of primary legal basis. However, the broader EU-level market surveillance powers raise concerns about the EU-level legal protection, as the direct European banking supervision affects a broader scope of third parties who cannot rely on the legal protection at the level of the Member States.

As regards to the future evolution of EU-level legal protection, the dissertation shortly refers to the statement of the European Parliament on the Administrative Procedures of the EU. It contains the so-called Model Rules, which trace the possible directions of development of the administrative procedural regime of the EU. This document can be seen as an important step, however, the issues regarding the legal protection described by the dissertation has to be clarified before raising the question of passing the Code.

3.2. The potential use of the research

The results of the research might be applied in many ways. Nevertheless, due to the elaboration of the judicial case-law, it might have the most practical relevance for the judges of the Member States. The presentation of the case-law of the CJEU covers the circumstances of single cases, the regulation of particular Member States, and the possible interpretation scenarios of the EU law provisions concerned in case of preliminary ruling proceedings.

The presentation of the origins and development of the 'impairment of rights' doctrine in five Member States helps to understand the related policy rules and the functions of the legal instruments concerned. This goes beyond the regulations concerning competition law, environmental law and consumer protection. A mutual learning process can start detached from the underlying questions of European law. This might become especially relevant, as the Hungarian legislator has recently decided to create a separate code on administrative judicial procedure, which has a well-established tradition in Austria, and especially in Germany. In connection with this, the legal practice of the other national courts might be interesting to examine the detached position of the plaintiff before the courts opposed to the position of the party in an administrative procedure. This also applies for the further competences of administrative courts beyond the review of the legality of administrative acts. While on the one hand, I did not want to present the legal system of a certain country as an 'ideal' model to be followed, on the other hand, the mutual learning process cannot be seen as a one-way opportunity. Accordingly, it should also be presented for the German practice that the use of more abstract legal terms in the general Code on environmental protection has led to the broader involvement of the judiciary to interpret the procedural rights of NGOs. The interpretation of the term 'environmental case' in two uniformity decisions of the Hungarian Supreme Court (Curia) can be mentioned as an example. Consequently, an extended analysis of certain issues raised by the dissertation in the foreign literature could be useful in the future.

The dissertation offers an opportunity for the national judges to become acquainted with the responses given by the judiciary of other Member States concerning the broadening tendency of access to justice. The most substantial reluctance was shown by the German and Austrian judiciary on the field of environmental law. However, their approach remained flexible. The Federal Administrative Court of Germany has lately changed its practice, and it recognised that certain provision of the Aarhus Convention might be directly applied, which has been denied by the CJEU. The reaction of the Slovak court was also meaningful, as observing the conflict between the national regulation and the EU law, it has initiated a preliminary ruling proceeding. From this point of view, the Hungarian judges cannot be criticised, as Hungary initiated most of the preliminary ruling proceedings among the new Member States of the 2004-enlargement. The judgement in the *Slovak bears* case has become an important precedent: even if its argumentation could not change the judicial case-law, it has appeared as a reference point before the courts of different Member States. The dissertation reflects not only the policy areas-related concerns, but also the dilemmas concerning the applicable doctrines in cases when there is a conflict between EU and national law.

The implementation performance and the legal practice of two further policy areas have become available for the experts of political sciences, researchers of Europeanisation theories and other professionals dealing with the analysis of compliance with EU requirements. This makes the further evaluation of the related theories and the broader analysis of their explanatory power possible. Additionally, the dissertation has managed to identify the ‘impairment of rights’ doctrine as a systematic research factor, which might be relevant even in the sphere of other Europeanisation theories. Finally, the EU legislation and courts should also take into account these kind of factors due to their systematic character that links the legal systems of different Member States. Their relevance might have an impact on the future legislation of the EU, as well as on the further development of the CJEU’s case-law.

Presenting the mechanism of mutual influence of the legal practices might be important in two dimensions: both between different Member States, and between the EU and national level. For example the research findings concluded that strengthening the status of the complainant in national competition law was partly based on the practice followed by the European Commission. Due to this EU-level influence, it might be worthwhile for the Member State authorities to closely monitor the policy requirements originally formulated at EU-level in other policy areas as well.

The ‘agencification’, complemented with guaranteeing broader market regulatory and surveillance powers for EU agencies is an important tendency in the EU. The most substantial changes in this regard could be identified in relation to the direct European regulation and supervision of financial markets. As it has been concluded by the dissertation, there is a clear demand for ensuring proper primary legal basis for this tendency; even if this step is basically precluded by the related doctrine of the ECJ. Both this and the issue of Model Rules have not been thoroughly elaborated yet, which might be useful for legal professionals in practice and in academic sphere.

4. List of publications related to the research topic

1. László Szegedi: Thoughts to the Council of Europe Recommendation on good administration No. 7/2007, *Pro Publico Bono*, Corvinus University, Faculty of Administrative Sciences, Issue 2011/1, 105-108.
2. László Szegedi: Standing right of non-governmental organizations in environmental cases – Procedural regulation under European pressure?, *Themis: Legal Review of the ELTE*, Faculty of Law, Doctoral School in Law, Issue 2011/2, 136-153.
3. László Szegedi: Compliance concerns with EU law in Central and Eastern Europe with focus on the third pillar of the Aarhus Convention, *Pro Publico Bono*, Corvinus University, Faculty of Administrative Sciences, Issue 2/2011, 57-76.
4. László Szegedi: The European System of Financial Supervisors – with focus on the EU-level delegation of competences, In: Miklós Hollán (ed.): *Two Conferences about the Effective State for the Effective State*, *Pro Publico Bono*, Corvinus University, Faculty of Administrative Sciences, 2012, 113-118.
5. László Szegedi: Challenges of direct European supervision of financial markets, *Public Finance Quarterly*, Issue 2012/3, p. 347-358.; Hungarian version: 368-380.
6. László Szegedi: Act CXL of 2004 on general rules of administrative proceedings and services, 15.§ (Parties), 16.§ (Succession) In: Barabás, Gergely – Baranyi, Bertold – Kovács, András (eds.): *Commentary on the Act CXL of 2004 on general rules of administrative proceedings and services*, Published by Complex Kiadó, Budapest, 2013.
7. Krisztina Rozsnyai – László Szegedi: The mandatory nature of environmental impact assessment decisions and the legal status of local governments in administrative judicial review cases in the Hungarian Supreme Court's (Curia) Judgement of 3rd December 2012, Issue 3/2013, *Jogesetek Magyarázata*, 48-60.
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10. László Szegedi: Diverse standards of legal protection in case-law of the CJEU – Compromises in multi-level European implementation of Aarhus Convention, *European Law (Európai Jog)*, Issue 2014/5, 1-12.
11. László Szegedi: The 'impairment of rights' doctrine under review of the EU in environmental law, *Pro Publico Bono - Magyar Közigazgatás*, Issue 2014/1, 97-117.
12. László Szegedi: Application Concerns of Sector-Specific Procedural Requirements at National and at EU Level: Diverse Interpretation Models of Aarhus Convention

Requirements by the CJEU, In: Balázs Gerencsér – Lilla Berkes - András Varga Zs. (eds.): Current Issues of the National and EU Administrative Procedures - A hazai és uniós közigazgatási eljárásjog aktuális kérdései (the ReNEUAL Model Rules), Budapest: Pázmány Press, 2015, 397-407.