

REVIEWS AND ANNOTATIONS

Michal Tomášek, Bilanční zpráva 60, Univerzita Karlova, Právnická fakulta, knižnice Memorabilia iuridica č. 10 [Interim Evaluation Report 60, Charles University, Faculty of Law, Series Memorabilia iuridica No. 10], 2023, 192 pp.

The reviewed book, as described by its author, Professor Michal Tomášek, himself, is conceived as a report on those years of his life which he devoted to the European Union (EU) and to EU law. The report starts with the events of 1991 and ends with those of 2019. The publication of the book coincides with the author's 60th birthday.

The book is a remarkable and easy-to-read fusion of Professor Tomášek's EU and EU-law related texts, his memoirs and fitting observations from his academic travels. It is, without a doubt, a subjective personal report, which is, however, rooted in objective facts. The report can be likened to an exceptional cocktail prepared with aptly selected ingredients.

The principal ingredient of this cocktail is a collection of academic and media comments, opinions, scientific analyses and short essays, which Professor Tomášek published at the occasion of significant events related to the accession of the Czech Republic to the EU and its membership in the EU and significant events in the development of the EU and its legal order. When it comes to the Czech Republic-related events, some representative examples include the negotiation and translation of the Association Agreement, the Czech Republic's reaction to the introduction of the euro, the "central bank euro-amendment" of Article 98 of the Czech Constitution, the accession of the Czech Republic to the EU, the implementation of the European Arrest Warrant in the Czech Republic, the entry of the Czech Republic into Schengen, the Czech presidency in the EU Council, the constitutional review and the ratification of the Lisbon Treaty in the Czech Republic, the non-respect of the EU decision on refugee quotas or the conflict of interests of Andrej Babiš. As for the EU-wide events, one can mention the adoption of the Maastricht Treaty, the introduction of the euro, the collapse of the Constitution for Europe, the adoption of the Lisbon Treaty, the euro crises, the adoption of the Fiscal Pact, the (lack of) solutions to the refugee crisis in the EU and, finally, the Brexit.

It should be added that, with hindsight, all Tomášek's expert comments, evaluations and analyses were confirmed by later developments (but for two exceptions, as the author openly admits).

Since Professor Tomášek, be it as a diplomat, expert on banking law or university professor, was not only a distant observer of the above-mentioned events, but often an active participant or even a co-actor, another enriching ingredient of the cocktail presented in his book are his numerous personal recollections of quite a number of significant personalities behind these events, from all the Czech presidents to the visionary President of the European Commission Jacques Delors. One cannot but smile when reading his amusing anecdote about the (non-) meeting he arranged between President Václav Havel and Bavarian Prime Minister Edmund Stoiber (p. 26).

An interesting supplementary ingredient is added to the mix by Tomášek's illustrative reminiscences about his activity as the chief-manager of scientific research at the Faculty of Law of Charles University and about the numerous awards (and one non-award) that he received for his publications, his contribution to the development of the legal doctrine and the international academic cooperation. When it comes to the first-mentioned group of awards, one can mention the Award of the Minister of Education for outstanding results of research, experimental development and innovation that Professor Tomášek received for the pentalogy "On New Phenomena in Law", or the Miroslav Ivanov Prize for an outstanding work of non-fiction that he received for the first part of his monograph "Legal Systems of the Far East". From the second-mentioned group of awards, one can recall notably the Austrian Cross of Honour for Science and Art or the Silver Medal of Charles University for his "significant life-long work in the field of European law and long-lasting scientific and teaching activity at Charles University".

Another refreshing ingredient of the cocktail presented by the author are his legal, socio-cultural and travelogue observations from scientific and conference stays abroad (in Europe, several US States, Uruguay, Australia, New Zealand, Japan, Singapore, South Korea, Oman and China, among other places).

The cocktail presented by the author serves to prove that, when Professor Tomášek says on page 32 that “*Nikdy jsem nebyl a nejsem „eurohujerem“.* K EU jsem vždy zastával konstruktivně kritický postoj” (I am not, and never was, a ‘eurofile’. I have always taken a constructively critical approach to the EU), this statement is apt and substantiated. This is demonstrated also by his moderate criticism of the case law of the Court of Justice of the EU (see, for example, pp. 72, 91 and 139), or his questioning of the EU’s indifference to the penetration of Sharia Law to the EU as a result of the influx of Muslim populations to Europe (p. 100). The cocktail also demonstrates that the author has never hesitated to present his constructively critical views with a touch of irony. One can refer to his fitting observation on the nature of the function of the President of the European Council on page 100, “*Prezidentem USA se může stát jen ten ‘nej’, přičemž za tuto superlativní předponu lze doplnit přívlastek jako třeba -lepší, -silnější, -oblíbenější atd. Předsedou Evropské rady se zpravidla stává nositel přívlastku, začínající předponou ‘ne’ jako nenápadný, nevýrazný, ale hlavně nevadící většině členských států.*” (While the President of the USA can become only someone who can be described with phrases containing the word “most” – most capable, most powerful or most popular, the President of the European Council usually becomes someone who can be described with phrases using the prefix “in or un” – inconspicuous, indistinctive and especially untroubling for most of the Member States).

I had the opportunity of reviewing the manuscript of the report. I made a few comments and suggestions which I have found to be duly accommodated in the final text.

I find the report to be a good example that academic prose, memoirs and other literary genres can be successfully merged in a single coherent text. There is no doubt in my mind that the book will be appreciated by not only those interested in EU law but also those interested in the recent history of Czech–EU relations as well as the recent history of the Law Faculty of Charles University.

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