

REVIEWS AND ANNOTATIONS

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The new issue of Prague Law Faculty's open source electronic periodical offers a set of working papers on various topics. The following provides a general outline of their content. Their full versions can be downloaded free of charge from <http://www.prf.cuni.cz>

Rita Simon contributed an article titled “**The main problems in the transposition of the mortgage credit directive into Hungarian and Czech law**”. Under pressure stemming from the financial crisis Directive 2014/17/EU on credit agreements for consumers relating to residential immovable property relatively quickly filled the previously unregulated gap in European consumer credit law. The deadline of the transposition expired on 21. 3. 2016. In less developed mortgage markets with a highly reserved consumer law approach, like the Hungarian and Czech markets, the regulatory framework was created mostly because of the pressure of obligatory transposition. This article first presents a brief appraisal of the directive and a short introduction on the already existing Hungarian and Czech mortgage credit regulation and then examines the main problem areas of these two national implementations: the information provision requirements towards credit intermediaries and creditors, and the admission of intermediaries. The author concludes that it remains to be seen whether the growing volume of information duties and the stronger licensing provisions in these countries can contribute to the benefit of consumers or rather just the “small print part” of pre-contractual information will increase as a result, not to mention what direct and indirect costs will be caused by the more rigorous information requirements, costs which will most likely be passed on to the consumer.

Petr Agha analyzed a very burning issue in his paper “**The Burqa Ban's Dark Side – Uncovering Face Covering Bans**”. According to the author the presence of the so-called Islamic headscarf in the European public sphere epitomizes probably one of the most interesting contemporary conflicts in the human rights universe. In European public space, one can find different ways of accommodating the presence of the veil, which reflects different constitutional and political traditions. They raise fundamental questions about European identity, the concept of secularism, gender as well as touch upon the legacy of colonialism. The discussion about the European project and its identity and the emerging cultures and (their) values is often reduced to simplistic debates. In the present paper arguments are put forward showing that the liberal theory of minority rights tends to remove certain considerations from the debates that are being led in Europe and about Europe. What are the questions that should be posed and what are the social costs and shortcomings at stake here, is the main focus of the paper. One of its main findings is that doctrinal answers to conflicts around the issue of the Islamic veil differ less on the level of the law and more on the level of whether and what kind of socio-cultural aspects are employed in the concrete legal decision. Much of the controversy surrounding the veil is the result of how the image of the veil gets interpreted in the public domain. The veil, as a polysemous sign, often elicits strong reactions for a variety of reasons, largely depending on the individual or group doing the interpretation. Regulation of veiling thus plays an important symbolic role in defining dominant identities.

Václav Šmejkal contributed a paper titled “**Saving the EU and Its Welfare States through Disincentives to Migration? On Recent CJEU Case Law Limiting the Access of EU Migrants to Social Assistance**”. It focuses on the Court of Justice of the EU (CJEU) rulings *Dano*, *Alimanovic*, *Garcia-Nieto*, decided in 2014-2016, that brought a change to the traditional approach to the protection of rights of migrating EU citizens. Their rights that used to be derived primarily from their citizenship status, i.e. directly from the Treaty, seem now to be exhaustively and restrictively defined by the conditions of Directive 2004/38. The paper argues however, that the three cases concerned represented rather

a limited set of situations such as claims to specific social assistance by economically inactive EU-migrants or their request of specific social assistance at the beginning of their residence and before they found a job in the host Member State. More importantly and contrary to this development, the CJEU keeps strengthening rights and entitlements of those who want to be economically active, i.e. of EU migrant workers and self-employed persons. Thus, regardless of its change of approach in the specific cases *Dano*, *Alimanovic*, *Garcia-Nieto*, the CJEU remains opposed to the restrictions of rights of economically active EU-migrants as they were discussed and promised by EU statesmen at the European Council summit in February 2016. Thus, although it is the CJEU who is now blamed for limiting rights derived directly from EU-citizenship, the ball is now in the politicians' court as they want to intervene in the nature of integration much more than the CJEU ever did in its decisions.

Anna Brabcová, a recent graduate of the Faculty of Law, contributed an extract from her diploma thesis submitted in autumn 2015 and dedicated to the topic of “**Accession of the European Union to the European Convention on Human Rights. Examining the CJEU’s Approach in the Opinion 2/13. The Future of the EU-ECHR Accession Process**”. Her paper thus continues the debate on the matter of accession of the European Union (“EU”) to the European Convention on Human Rights and Fundamental Freedoms (“ECHR”) that has been for decades a hot topic of legal and academic discussions. On the 18th December 2014, the Court of Justice of the European Union (“CJEU”) issued its long awaited Opinion 2/13 where the CJEU ruled that the Draft agreement on the accession of the EU to the ECHR is not compatible with EU law. In the first part the paper examines the CJEU’s approach taken in its Opinion 2/13. It tries to see its reasoning from a different perspective which could lead to the conclusion that the CJEU is maybe not as selfish as it might seem at first sight. In the second part the paper foresees the development of future steps regarding the EU accession to the ECHR and provides an assessment of the so far offered solutions to get the EU-EHCR accession process out of its current knotty situation.

Václav Šmejkal*

Knoll, Vilém. Páni z Velhartic: Měli duši zvláštní - trochu drsná zdála se... Praha: Lidové noviny, 2015, 571 s.

This monograph, volume 13 from a series on Czech, Moravian and Silesian nobility, is focused on lords from Velhartice, mainly Bušek I and his son, Bušek II.

Authored by Vilém Knoll, this book has a poetic subtitle: in translation, it would read “Strange was their soul – a bit rough it seemed.” The author drew inspiration from Jan Neruda romance on Charles IV. And Bušek II did play host to Charles IV at the oak table of his castle Velhartice.

Both Bušeks of Velhartice deserve increased attention, being among friends and advisors to Charles IV, and both serving in important functions of the Czech kingdom – Bušek II was the master of the chamber, taking part in management of royal treasury, and later also the district chief officer in Upper Palatinate.

It is very fortunate that the author opens his monograph by depictions of Bušek II in cinematography and literature. He also includes a range of characteristics given to Bušek II by authors of these pieces. František Kubka, for example, described Bušek as “a man of courage and high morals, and a widely experienced knight.”

In his book, written (with interruptions) over several years, Vilém Knoll fructified his knowledge of history, genealogy, heraldry, and architecture. And the book is also a good proof of his erudition in legal history.

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