

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>

Ondřej Zezulka contributed an article titled “**The Digital Footprint and Principles of Personality Protection in the European Union**”. According to the author the concept of so called “Digital Footprint” represents a phenomenon of modern digital era. Natural persons who use digital services create, deliberately or unknowingly, a kind of digital imprint which contains sensitive personal information. Personal data can be relatively easily tracked by digital services providers and subsequently processed for commercial purposes, usually for targeted advertising, or misused for illegal purposes. Therefore, personal data shall be regarded as a potential threat to individual's privacy. It shall be borne in mind that awareness about digital safety within society is still low - social websites encourage users to share sensitive personal data with undisclosed range of recipients, benevolent settings of internet browsers allow to track cookies or mere visiting websites enables specialized programs to create a comprehensive behavioral profile consisting of one's private life, customs, social status or consuming preferences. The author expresses in his conclusion the opinion that consumer rights are widely spread and well-known, in contrast to internet users who are still scarcely aware of possible threats on the Internet. It must however be acknowledged that users have become more and more informed. All the hoaxes and fake winning lottery e-mails have made users more cautious and less willing to send their personal data to unknown people. A lot of threats remain not so obviously detectable though. Therefore, a balanced level of protection and responsibility must be imposed on users.

Aneta Vondráčková treated the issue of “**Regulation of virtual currency in the European Union**”. Her paper introduces virtual currency and its existing regulation in the European Union, than in the Czech Republic and shortly in Germany and China. The issue of taxation of virtual currency is also demonstrated on the current case law of the Court of Justice of the European Union. In connection with the growing popularity of the use of virtual currency and with risks associated with its use raises the need of the European Union regulation. The group of users of virtual currencies extends and thereby it grows a risk of abuse of virtual currency for committing crimes such as money laundering, tax evasions, terrorism financing and more. The European Union deals with the issue of regulation of virtual currency at the theoretical level since 2012. In 2016, in connection with, inter alia, the terrorist attacks in Paris in the autumn of 2015, the Commission presented a draft amendment to the latest Money Laundering Directive, which also contemplates the regulation of virtual currency. The main impact of this regulation is to reduce the anonymous nature of virtual currencies. Thus the European Union is moving towards regulation of virtual currencies and providers of services associated with virtual currencies from nearly zero regulation to strict regulation in the next step, like the regulation of financial institutions. Whether this process contributes to the societal usefulness of virtual currencies is a question for now.

Olga Sovová contributed a paper about “**Legal issues of Intervention Regarding Human Integrity and the Rights of the Injured Patient**”. In this paper she discusses health as a basic human right from the perspective of public and private law in the Czech Republic. The discourse centers around the idea of informed consent and dissent – including proper patient education – as a circumstance which precludes the legal liability. Medical law provides neither a clear-cut definition of a victim of a crime nor of an injured party, and therefore the need arises for identifying these persons and defin-

ing their rights and entitlements based on their procedural and substantive position as determined by criminal and civil law. Regarding liability, Czech law considers the essential relationship between patient and physician as an issue of the *lege artis* conduct, which is denoted as employing methods of treatment, prevention and diagnosis which are consistent with the highest level of scientific knowledge and practice. A clear-cut and unambiguous solution regarding what is the quantifiable value of human health and life damaged during the provision of health care cannot be reached by any methodology or judicial precedence, but will and must always be individualized, taking into account the circumstances of the life of a human being, his family as well as the laws, standards and practices of a given health care profession.

Finally, **Václav Šmejkal** analyzed in his paper the issue of “**The Horizontal Social Clause of Art 9 TFEU and its Potential to Push the EU towards Social Europe**”. The author first introduces the so-called horizontal social clause contained in Art 9 of the Treaty on the Functioning of the EU that obliges EU, already since December 2009, to ensure that in all its activities certain social principles are reflected. The he stresses that although seven years ago a significant potential was attributed to this new Treaty provision, looking back at the post-Lisbon EU developments, Commission's documents and decisions of the EU Court of Justice, it is clear that the horizontal social clause has not changed the EU at all. The EU is still suffering from the same “social deficit” for which the European left and the unions have been criticizing it in the pre-Lisbon period and which is depriving it of the support of EU citizens. The positive effect of the horizontal social clause on EU policies would therefore require a boosting supplement, e. g. as the one suggested in the paper: to emphasize the values of the horizontal social clause by qualifying them as *fundamental* ones. Such a signal from the legislature could not be understood by the Commission and the Court of Justice (and all other EU bodies) in any other way than as a command for a fully equivalent treatment of market efficiency and freedoms on the one hand and social goals and rights on the other hand in all their activities.

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