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## REVIEWS AND ANNOTATIONS

### Prague Law Working Papers Series No I/2018 – New issue of Charles University in Prague Faculty of Law Research Papers

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>

**Richard Král** analyses in his paper the **Unfulfilled democratisation potential of the European Citizens' Initiative**. He demonstrates that, unfortunately, the European Citizens' Initiative (ECI), which was introduced by the Lisbon Treaty and by the EU Regulation on the citizens' initiative, has not yet lived up to its democratisation potential. The ECI has had a disappointingly limited impact as a democratisation instrument and has failed to meaningfully enhance the participation of EU citizens in the EU's political debate and decision-making. Following a survey of critical evaluations of the functioning of the ECI up to now, the paper looks at the recently proposed revision of the ECI Regulation. The proposed revision unfortunately limits itself to measures making the ECI more user-friendly and less burdensome for ECI organisers and signatories. It is argued in the paper that measures of this nature cannot on their own transform the ECI into an effective EU agenda-setting tool that would foster political debate and citizen decision-making participation at the EU level. Such a transformation is not possible without strengthening the legislative impact of successful ECIs. The paper therefore proposes ways of making the ECI legislatively more powerful and thus fully capable of fulfilling its democratisation potential.

**Linda Holková Lubyová** devotes her article to the issue of **Big Data in the EU Competition Law**. She reviews the academic debate about whether data can lead to market power. Some scholars are in favour of strict competition in regulation of collection and use of data, and others consider competition inappropriate for regulation of data processing and call for solutions based on personal data protection regulations or consumer protection regulations. However, several recent proceedings point to the fact that the European Commission, and some national competition authorities are looking at possible competition concerns arising from the collection and processing of data. The main purpose of the text is to identify some of the key issues, describe selected criteria used to assess how data can contribute to creation of market power and analyze the European Commission's decision-making practice concerning undertakings that have access to big data.

**Kamol Tanchinwuttanakul** contributed an article titled **International Investment agreement (IIA) and the Protection of the Environment in Thailand**. Its starting point is that Thailand allegedly broke the International Investment Agreement (IIA) because it did not protect the host state, and investment arbitration in the country was negatively affected by the decision in the case of *Walter Bau AG versus Thailand*. The author argues that Thailand should prepare itself to understand international investment law in the IIA, particularly with regard to the environment. His article aims to explain the problem of environmental protection in Thailand in relation to Thailand's model IIA. It claims that it is necessary to establish general principles regarding the protection of the environment in terms of international investment law and legal problems in the interpretation of IIAs. *De lege ferenda* is also recommended for Thailand's model IIA to be amended in order to add a clause about the protection of the environment, which may be applicable under international law and the IIA as an interpretation mechanism. This is to amend the obligations and social responsibilities of foreign investors to protect the environment in Thailand as the host state.

**Alena Tibitanzlová** treats the issue of **A monetary amount intended for the state to provide financial assistance to victims of crime**. Her paper deals with theoretical and practical aspects of a monetary amount intended for the state to provide financial assistance to victims of crime within

the meaning of § 179g par. 2 letter b), § 307 par. 2 letter b) and § 309 par. 1 letter d) criminal procedure code of the Czech Republic. The theoretical part of the paper offers a detailed criminal law and criminological insight into this issue. The subsequent practical part concerns how often and in what cases the prosecution offices or the courts make use in practice of these types of diversion in criminal proceedings as a common practice and where they are used on the contrary only exceptionally, and how high the monetary amount for these purposes approximately is. All content is based on the statistics related to the monetary amount intended for the state to provide financial assistance to victims of crime. The paper is concluded by a summary of the current situation and conclusions of the author arising from it.

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