

The Court of Justice of the European Union ("CJEU") enjoys exclusive competence to provide a binding interpretation of EU law. This key systemic role played by the CJEU calls for a reflexion on the political aspects of the Court's interpretation of law. It is assumed that the CJEU enjoys a broad margin of discretion within which its decisions belong to the sphere of the political, i.e. they settle conflicts which belong to the sphere of unalienable antagonisms which lie at the foundation of any society (C. Mouffe).

The essence of conflicts belonging to the sphere of the political is that they cannot be resolved and removed once and for all, but any decision in favour of one side of the antagonism is always a decision detrimental to the other side. Examples of issues belonging to the sphere of the political, decided upon by the CJEU, include conflicts between employers and employees, consumers and businesses, between the EU institutions and its Member States regarding the extent of the transfer of sovereignty or those regarding the extent to which the Union itself is bound by public international law.

The project will aim at analysing the exact extent of the CJEU's discretionary power and, in a further step, at ascertainig how the Court makes use of this power in deciding interpretation conflicts which belong to the sphere of the political. Further on, having ascertained that the Court enters into the sphere of the political, the project will analyse the issue of legitimacy of such interpretive activity and explore the possibilities of strengthening it.