ECLIC 9

EU and comparative Law
Issues and Challenges

International Scientific Conference

“Strong and Secure Europe: Legal and Economic Aspects“

BOOK OF ABSTRACTS

EDITORS:
Tunjica Petrašević
Dunja Duić

EXECUTIVE EDITOR:
Ante Novokmet

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CONFERENCE BOOK OF ABSTRACTS

In Dubrovnik, 12-13th June 2025

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"Strong and Secure Europe: Legal and Economic Aspects"

12-13th June 2025 in Dubrovnik

Hosted by the Faculty of Law, Josip Juraj Strossmayer University of Osijek

Location: Akademis Academia Ul. Marka Marojice 2b, 20000, Dubrovnik

Thursday, June 12, 2025

Registration (14:30 – 15:00h)

Opening plenary session (15:00 – 17:00h)

Conference room

Speakers:

1. Vice Dean of Faculty of Law Osijek: **Ante Novokmet**
2. Hanns-Seidel-Stiftung: **Aleksandra Markić Boban**
3. European Commission Representation in Croatia: **Marko Rašić**

Keynote speakers:

Zlata Đurđević, *Full professor at the Law Faculty in Zagreb,* ***"Sovereignty or impunity: The conflict of jurisdiction between the European and national prosecutors for the" prosecution of elites"***

Viktorija Trajkov, *Associate professor University of St. Klimnet Ohridski, Bitola, Deputy Minister of European Affairs North Macedonia* ***"Macedonia on the way to EU membership - challenges and perspectives"***

Moderator: Ante Novokmet

DINNER: 19:00h, Restaurant "Academia"

Friday, June 13, 2025

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7. Péter István Hegyes: THE PRECAUTIONARY PRINCIPLE VERSUS TECHNOLOGICAL INNOVATION IN THE FIELD OF FOOD SUPPLY SAFETY

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3. Jelena Tadić Cegnar: DIGITAL LABOUR PLATFORM (DLP) REGULATION IN CROATIA
4. Damián Pružinský: CYBERSECURITY IN THE SPHERE OF E-COMMERCE
5. Csaba Szabo: ALGORITHMIC MANAGEMENT, LEGAL CERTAINTY, AND WORKERS' RIGHTS: EVALUATING THE PLATFORM WORK DIRECTIVE'S CONTRIBUTION TO SECURING THE DIGITAL LABOUR MARKET
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CULTURAL HERITAGE, PROPERTY RIGHTS, AND CROSS-BORDER DISPUTES: THE INFLUENCE OF *J. PAUL GETTY TRUST AND OTHERS V. ITALY* ON NATIONAL LEGISLATION AND PRIVATE INTERNATIONAL LAW

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ABSTRACT

The European Court of Human Rights (ECtHR) case J. Paul Getty Trust and Others v. Italy can be viewed as a landmark decision in cultural heritage law influencing vast number of legal disciplines such as property law, international commercial law and private international law among others. In essence, this article examines the implication of the ECtHR decision that will have for national legislation, focusing on the balance of the right to peaceful enjoyment of possession under Article 1 of Protocol No.1 of the European Convention on Human Rights (ECHR) and the owner's rights against a state's sovereign interest in preserving cultural identity by weighing factors like the artifact's archaeological significance, the circumstances of its removal, and the acquirer's conduct. The article, is not just regarding the restitution of the famous sculpture "Victorious Youth" but it's about the legal battles that lasted for almost 50 years and the position of the ECtHR to safeguard the interest of the real owners despite the amount of time when the illicit export occurred.

In depicting the legal story behind this case, private international law becomes very important, since the lack of PIL provisions in this legal field, provide for serious problems of forum shopping and title laundering. This article also addresses the problems and challenges that the most important international agreements as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention face.

Finally, the article discusses the consequences of the case J. Paul Getty Trust and Others v. Italy on all of these legal fields and how the countries can improve the legal surroundings and deter the illicit trade of cultural heritage.

Keywords: *Article 1 of Protocol No.1 of ECHR, Cultural Heritage Law, ECHR, Private International Law, 1970 UNESCO Convention, 1995 UNIDROIT Convention*

FREEDOM OF SPEECH AND DEMOCRACY IN EUROPE: LEGAL CHALLENGES AND INSTITUTIONAL RESPONSES

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ABSTRACT

Freedom of speech is a fundamental pillar of democracy, enabling citizens to participate in public debate, hold governments accountable, and advocate for social and political change. In the European Union (EU) and the Council of Europe (CoE), legal frameworks such as the European Convention on Human Rights (ECHR) and the Charter of Fundamental Rights of the EU safeguard this right. However, freedom of speech is increasingly challenged by legal and political pressures, including Strategic Lawsuits Against Public Participation (SLAPPs), disinformation, and restrictions on media freedom. These threats pose significant risks to democratic resilience in Europe, necessitating stronger legal protections and policy responses.

This paper explores the relationship between freedom of speech and democracy in the EU and CoE, examining how institutions such as the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ) interpret and enforce free speech protections. The ECtHR has played a critical role in defining the boundaries of free expression, balancing the right to speech with concerns such as hate speech, national security, and privacy rights.

At the policy level, the European Democracy Action Plan represents a key initiative by the European Commission to strengthen media freedom, combat disinformation, and protect journalists from legal harassment. In response, legislative iniciative such as the Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings aim to prevent the abuse of legal systems to suppress dissent.

By analyzing key legal cases, policy developments, and institutional responses, this paper underscores the need for continued vigilance in protecting freedom of speech as a core democratic value in Europe.

Keywords: *Council of Europe, Court of Justice of the EU, democracy, European Union, European Court of Human Rights, freedom of expression, freedom of speech, SLAPP*

PRIVATE LAW FOR LEGAL CERTAINTY IN THE EU

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ABSTRACT

Private law at the service of legal certainty can provide calculable legal consequences for individuals to foresee and plan their autonom actions and decisions. Legal certainty can be interpreted not only on constitutional basis, but also plays a crucial role for protection of individuals by granting and laying out rights and obligations among equals through establishing the basic fundamentals of social operation.

Individuals have the right to establish organizations, business enterprises for economical, commercial purposes. Correspondence between cooperation of EU law and national private laws is naturally necessary in order to build-up and support the effective operation of the common market and reach the economic achievements of the integration.

Requirements of legal certainty result in more effects on private law from uniformed applied or harmonized legislative acts of the EU through interpretation obligation of judgments of CJEU that cause long-term dogmatically conceptual crystallization in and among national private laws.

Globalization and integration efforts require the neutralisation in economy and legal evolution. This phenomenon presupposes common legal conceptual sets and deep dogmatically harmony in fundamental cornerstones of private law encouraging the stabile and organic reciprocal interactions of regional and national level in privacy. This interplay should preserve the need for diversity of traditions composing the successful evolving of integrated unity in changing world, technology and everyday life situations.

EU functionalist and political legislation can also involve particular and fragmented impacts on national private law instruments through foundation of rights and obligations for individuals in directly applied regulations or demanding implementation into national private law from Member States in directives. The expanding enactments adopted at union level tighten the internal dogmatical coherence of national private laws and necessitate combiner development of normative and interpretive legal techniques to serve the consistency of interferences. This research emphasizes the exploration of the fundamental legal framework of private law legislation of the EU organs for legal certainty arising from common roots of European traditions until challenges of digital transitions of nowadays.

Keywords: *interference, legal certainty, private law*

HI BOSS, DON'T SEND ME AN E-MAIL WHEN I SLEEP: IMPLEMENTATION OF "THE RIGHT TO DISCONNECT" INTO THE EU LAW

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ABSTRACT

Digitalisation has introduced new possibilities in the world of work. New work concepts are being developed as almost all communication is supported by the Internet, and work is often not strictly tied to a particular location. The impact of digitalisation has mostly positive effects, but also raises some questions regarding the need to be connected and the erosion of differences in time spent on work and free time. When work is performed from home, the separation of time does not exist. This problem took on a new dimension during the COVID-19 pandemic, when employers extensively introduced work-from-home arrangements for all employees as a solution to avoid office-based work. Working from home is often identified as having no set working hours, which can be beneficial, but only when the worker chooses to work from home and is, therefore, prepared to do so.

This paper will focus on the problem of digital facilities, primarily emails, that interfere with both work and personal life, allowing workers to remain "connected" to their jobs with no time or place limitations. This concerns the impact of e-mails and other digital innovations enabled by smartphones and tablets on labour conditions and the protection of workers' rights and health, which will be analysed through the existing case law and legislation in force. This right is commonly known as the "right to disconnect," and its introduction into national law is constantly growing.

This paper aims to raise awareness of the importance of the "right to disconnect" from digital facilities outside working hours, thereby protecting workers' rights and health.

Keywords: *digitalisation, EU Law, workers' rights, right to disconnect*

LIABILITY FOR DAMAGES CAUSED BY AUTONOMOUS DRIVING VEHICLES FROM THE EU LAW PERSPECTIVE

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ABSTRACT

The rise of autonomous driving vehicles and artificial intelligence systems presents significant legal challenges in various regulatory fields. Among them is main subject of this paper: liability for damages caused by autonomous driving vehicles. Common regulatory approach of liability caused by vehicles is based on fault or negligence. The legal subjects responsible for causing the accident are held liable for damages. Traditional liability legal frameworks, designed for human drivers, struggle to address the complexities introduced by vehicles operated with assistance of artificial intelligence. When it comes to artificial intelligence systems general regulatory approach varies from extensive risk-based framework best represented by the new European Union Artificial Intelligence Act to the liberal technology friendly approach like one adopted in the United States. Particular focus of this research is on the European Union Product Liability Directive. The new Directive plays a crucial role in holding manufacturers and software developers accountable with application of its rules on strict product liability. Paper explores its interconnection with Artificial Intelligence Act when it comes to liability for damages caused by autonomous driving vehicles. Other legislative efforts aiming to fill regulatory gaps and establish clear rules for liability of damages caused by autonomous driving vehicles are also explored. The interplay between existing and emerging European Union liability frameworks is elaborated. The paper detects the need for harmonized legal standards to ensure consumer protection, fair compensation mechanisms, and legal certainty in the context of accidents related to the use of autonomous driving vehicles.

Keywords: *Autonomous driving vehicles, Artificial intelligence, EU Law, Liability for damages*

DESIGNING EUROPEAN "POLICIES FIT FOR THE FUTURE": HOW ABOUT REVIVING THE IDEA OF A EUROPEAN FOREIGN MINISTER?

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ABSTRACT

On December 19, 2024, the European Council adopted a highly significant document, which represents a strengthened reflection of traditional visionary tendencies of the European project. In its Conclusions, this body reminded that European Union has a continuing obligation to reinforce its global engagement. These official remarks should probably be taken seriously, because they seem to be entirely in line with the European Union's Strategic Agenda for 2024-2029, adopted earlier in 2024. The Agenda calls for "ensuring coherent and influential external action" of the European Union, reminding at the same time that its institutional structures are ripe for "the necessary internal reforms". Re-imagining the European foreign policy can be based, at least partially, on thinking over an idea of creating the post of the European Minister for Foreign Affairs.

In this paper, the patterns for reforming the European foreign policy institutional structure and normative framework are explored. After the introductory part, crucial explanations why the Union's foreign policy is in dire need to be reformed are summed up. In the following section of the paper, some of the weaknesses of the existing foundations of the European diplomacy, personalized by the partly anachronistic office of the High Representative for Foreign Affairs and Security Policy, are exposed. The fourth part is dedicated to exploring potential roles of a unique European foreign minister in creating a more coherent European foreign policy, including the predictable challenges that might stand in the way of reviewing the existing European political and legal framework in this regard. The paper ends with conclusions that, in the field of its foreign affairs, the European Union may and should be rearranged to develop into a coherent entity representing more than just a sum of its parts.

Keywords: *Common Foreign and Security Policy, European Union, European Union foreign policy, European Foreign Minister, European Union institutions*

SHAPING GLOBAL TRADE NORMS: THE EU-MERCOSUR AGREEMENT AND THE EU'S ROLE IN THE INTERNATIONAL ORDER

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ABSTRACT

This paper examines the EU-Mercosur Association Agreement as a critical test of the Union's capacity to project normative influence through trade while preserving strategic interests. It reconstructs two decades of negotiations, compares the final text with CETA (EU-Canada) and the EPA (EU-Japan), and assesses whether the 2024 revisions convert aspirational clauses on sustainability, labour rights and climate action into justiciable obligations. A qualitative analysis of topic exposes an asymmetry: extensive tariff liberalisation and regulatory gains coexist with fragile enforcement mechanisms and the complex ratification requirements of a mixed agreement. The revised annex designates the Paris Agreement and anti-deforestation commitments as "essential elements", yet their effectiveness depends on administrative capacity, participatory monitoring and an untested rebalancing procedure. The paper concludes that the Agreement's implementation will reveal whether the EU can reconcile market power with normative credibility amid intensifying geo-economic competition in Latin America and beyond today.

Keywords: *EU-Mercosur, mixed agreement, trade, sustainability, strategic autonomy*

Session 2

JUDICIAL LAW-MAKING AND THE UNIFORM APPLICATION OF LAW AFTER ECJ'S JUDGMENT IN THE *HANN INVEST* CASE – A MISSION FOR CROATIA AND THE LESSON FOR OTHER MEMBER STATES

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ABSTRACT

The Member States of the European Union employ various mechanisms to ensure the uniform application of law. While appeals and supreme court precedents are regarded as the common methods for resolving case law conflicts, other procedures like preliminary rulings and pilot judgments also play a role. In Croatia, the adoption of binding legal positions at higher courts' and the Supreme Court's sectional meetings has historically been a significant tool for maintaining jurisprudential consistency.

The European Court of Justice (ECJ) in the Hann Invest case challenged this system. The ECJ's Grand Chamber ruled that internal judicial procedures requiring a registration judge's approval violate the right to effective judicial protection and undermine judicial independence, the core principle of the rule of law. This ruling presents a significant challenge for Croatia, which has long struggled with conflicting court decisions and inconsistent application of the law.

This paper explores the implications of the Hann Invest case for Croatia, and possibly for some other states, particularly those with legacies of socialist and communist pasts. It questions whether binding legal positions should in any event be prohibited under European law and examines the underlying issues contributing to the problem of ensuring consistency in case law. Ultimately, this analysis seeks to understand how these challenges can be resolved to facilitate further integration of Croatia's legal system within the EU framework.

Keywords: *case law, consistency, European Court of Justice, Hann Invest case, judicial independence*

CIVIL LAW ASPECTS OF THE CONFLICT OF PRIVATE AND PUBLIC INTERESTS AND REALIZATION OF GUARANTEE OF THE RIGHT OF OWNERSHIP IN THE BOUNDARY REGULATION PROCEDURE

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ABSTRACT

The right of ownership has become the paradigm of modern life. On the one hand categorically guaranteed by the Universal Declaration of Human Rights, The Convention for the Protection of Human Rights and Fundamental Freedoms, and even the Constitution of the Republic of Croatia as one of the highest values that the state can offer an individual, the right of ownership is at the same time subject to public restrictions. In that sense, the question arises as to whether any interference with the right of ownership under the pretext of public interest is really justified. This paper will focus on the issue of the realization of guarantee of the right of ownership, especially by analysing the boundary regulation procedure based on the Act on the State Survey and Cadastre of Real Estates. The main emphasis in on the realization on private, proprietary interests versus the public interest. Through the presentation of court practice and the procedures of administrative bodies, the authors will analyse the protection reach of the institute of the right of ownership and provide guidelines for the regulation of certain open questions de lege ferenda.

Keywords: *boundary line, construction, ownership, public interest*

STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION – MEASURES OF PROTECTION AGAINST MANIFESTLY UNGROUNDED CLAIMS OR ABUSIVE LITIGATION. A POLISH PERSPECTIVE

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ABSTRACT

Lawyers have been observing a growing number of SLAPPs (Strategic Lawsuits Against Public Participation) – lawsuits designed to trigger a freezing effect and intimidate individuals speaking out on socially essential topics – filed in Poland and multiple European countries. Individual states have been coming up against this negatively perceived phenomenon of corporations (businesses) with a strong market position bringing personal interest lawsuits against journalists, reporters, bloggers and/or activists. Cross-border cases are a particular challenge for defendant entities. Judicial proceedings are prolonged and costs aggregated, not to mention the forum shopping (beneficial jurisdiction choosing) practice. In all actuality, civil lawsuits (and, occasionally, indictments) are intended to prevent inconvenient witness accounts regarding assorted irregularities (including corruption) from reaching the public opinion.

Attempts at resolving the issue have been made under Directive (EU) 2024/1069 of the European Parliament and of the Council of April 11th 2024. The law obliges Member States to provide defendants with a catalogue of safeguards: security, motions to dismiss manifestly unfounded claims, reimbursement of the costs of proceedings (charged to the plaintiff), and sanctions against plaintiffs initiating SLAPPs. While the Directive specifies minimum requirements, a standard higher than that guaranteed by the Directive can be applied.

Poland is a European Union member state with a disquietingly high SLAPP count. It has been noted that SLAPPs are filed by business entities – a typically West European phenomenon – as well as by state administration authorities, with the use of the prosecution service and/or police force. Both civil and criminal law institutions are reached for.

While the deadline for the implementation of the Directive remains distant (May 7th 2026), rigorous efforts have been made already to address the problem. The purpose of the paper is to discuss aforesaid efforts in a measure hopefully assisting the international debate designed to develop optimum solutions for European Union member states.

Keywords: *abuse of the letter of law, Directive (EU) 2024/1069, intimidation, lawsuits, public opinion, SLAPP*

THE APPLICATION OF THE LEGAL PRINCIPLES AND METHODS OF INTERPRETATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN CLIMATE CHANGE-RELATED CASES BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

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ABSTRACT

Climate change, a long-term shift in global, regional, and local weather patterns, is primarily driven by human activities, especially the burning of fossil fuels since the 1800s. This has led to a 1.2°C increase in Earth's average surface temperature since the pre-industrial era, a level unprecedented in 100,000 years. The consequences are widespread, including intensified droughts, water shortages, severe fires, rising sea levels, flooding, melting ice, extreme storms, and biodiversity loss. These impacts threaten our health, food production, housing, safety, and livelihoods. While the right to a healthy environment is recognized and protected by the European Court of Human Rights(ECtHR) through its jurisprudence, it isn't explicitly stated in the European Convention on Human Rights. However, the UN Human Rights Council and General Assembly have affirmed this right, recognizing a clean, healthy, and sustainable environment as a universal human right. Climate change, along with unsustainable resource management, pollution, and improper waste disposal, degrades the environment, hindering this right and negatively impacting all human rights. In 2024, the ECtHR made a landmark rulings, establishing that insufficient climate action constitutes a violation of human rights.The paper examines recent ECtHR decisions related to climate change and its impact on the right to a healthy environment (protected by Article 8 of the European Convention on Human Rights) The ECtHR has previously developed criteria for member states to adhere to, particularly regarding Article 8 of the Convention (right to respect for private and family life), in environmental pollution cases. The authors are particularly interested in examining how the Court has used established legal tools and approaches in climate change cases. This includes

the principle of effectiveness, which has been key in defining the positive duties of Convention signatories, and the doctrine of the margin of appreciation. This latter concept is vital for determining the extent of these positive duties under Article 8 of the Convention in the context of climate change. The aim of the present research is, therefore, to examine how the ECtHR's deployment of the doctrines and methods of interpretation- the method of causation and the doctrines of positive state obligations and the margin of appreciation are applied in recent climate change judgements, particularly in Klima Seniorinnen v. Switzerland case, and to answer the main research question- does the interpretation of applied doctrines and methods of interpretation by the ECtHR in cases concerning climate change differ from existing environmental case law?

Keywords: *Article 8. of the European Convention on Human Rights, climate change-related cases, The European Court of Human Rights, the right to a healthy environment, the margin of appreciation doctrine*

THE IMPACT OF EU NATURE RESTORATION LAW ON PRIVATE PROPERTY RIGHTS – BETWEEN THE ENVIRONMENTAL PROTECTION AND THE (IN) COMPATIBILITY WITH THE ROMAN LEGAL TRADITION

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ABSTRACT

Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 (EU Nature Restoration Law) is the first continent - wide comprehensive law aimed at restoring ecosystems, habitats, and species in the EU. Entering into force on 18 August 2024, the Regulation obliges all Member States to adopt effective restoration measures without delay, with the objective of covering at least 20% of the EU's land and sea areas by 2030, and ensuring that all ecosystems in need of restoration are addressed by 2050. Given that over 80% of Europe's natural habitats are currently in poor condition, the EU Nature Restoration Law introduces legally binding targets that aim to reverse biodiversity loss and improve the ecological integrity of the Union's territory.

In order to reach the goals, it is unavoidable that the restoration measures will affect property rights and create a need to supplement existing legal remedies for subjects whose rights will be affected by the restoration measures. As the regulation of property rights—particularly ownership—falls within the exclusive competence of each Member State, the legal and constitutional traditions regarding property vary significantly across the Union. In Croatia, building up on Roman legal tradition, ownership represents a most comprehensive right over an object. As the Nature Restoration Law intervenes in how property may be used, questions arise as to whether the required measures are compatible with the traditional understanding of ownership.

This paper examines the implications of the EU Nature Restoration Law on private property rights, using Croatia as an example. It begins by outlining the definition and core

attributes of dominium in Roman law and its reception in Croatian legal doctrine. The analysis then turns to the key provisions of the EU Nature Restoration Law, highlighting the absence of explicit mechanisms for reconciling ecological objectives with property rights as fundamental rights. Finally, the paper offers conclusions on the significance of nature restoration efforts, thereby underlining the necessity of harmonising environmental goals with the inviolability of private ownership as a cornerstone of modern legal systems.

Keywords: *EU Nature restoration law, European private law, legal environmental, ownership, protection, Roman law*

GREEN DEAL AND EU SOFT LAW AS INCENTIVES FOR THE GREENING OF THE STATE INTERVENTION IN THE ECONOMY

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ABSTRACT

The proposed paper aims to investigate into the 2022 EU Guidelines on State aid for climate, environmental protection and energy, these being at the crossroad of economic and environmental development (as two branches of sustainable development).

Soft law in EU Competition Law is a usual practice. Within State aids field, from the '70s the EU Commission's Guidelines list categories of State aids and their specific conditions under which a State aid project can be considered compatible under the relevant Treaties rules. Soft law is helpful, since it limits the margin of appreciation of the Commission, as regulator and controller and constitutes a guide for Member States in shaping subsidies.

Further, it is important to reflect on the substance of the Guidelines, which are close to the standard contents of EU Regulations on the exemption from notification in State aid procedure (lastly, Regulation No. 651/2014, as amended). The first part of the Guidelines establishes the general conditions. In terms of efficiency, the aid must facilitate the development of an economic activity and have an incentive effect. These clearly form integral part of the economic development. From a procedural perspective, State aid project must be transparent. The second part of the Guidelines realise the environmental targets, listed in aids categories, from the reduction and removal of greenhouse gas emission and pollution, to the improvement in the production. For each category, the compatibility conditions are assessed in terms of scope, supported activities, and effects.

Another key point is the practical impact of the Guidelines and their application in the first three years, especially compared with the application of other State aids Guidelines.

Final remarks will let understand the stimulating impact on Member States of the Guidelines and their makings to help reaching the Green Deal objectives, greening the budgets and the public economic support in the Member States.

Keywords: *environmental objectives, State aid*

THE PRECAUTIONARY PRINCIPLE VERSUS TECHNOLOGICAL INNOVATION IN THE FIELD OF FOOD SUPPLY SAFETY

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ABSTRACT

The food law reform implemented in the early 2000s established the protection of human life and health as the overriding objective in the European Union. To ensure this, horizontal principles were defined, among which risk analysis and the precautionary principle stand out. If, with regard to the placing on the market of a foodstuff, it proves impossible to determine with certainty the existence or extent of the alleged risk due to the insufficient, inconclusive or inaccurate nature of the results of the studies carried out, but the likelihood of actual harm to public health exists if the risk were to materialise, the precautionary principle justifies the adoption of restrictive measures (Case C-282/15 ECJ). Precautionary principle can be interpreted broadly, i.e. as "encompassing a wide range of risks threatening a number of interests, whether related to environmental protection, health, public safety, social justice or even moral. However, if such a broad concept is preferred, it will be more difficult to determine where to draw the line in order to prevent the precautionary principle from becoming a universal motto that hinders innovation." (ECJ C-111/16, paragraph 32) Thus, an inappropriate or overly broad interpretation of the principle may become a general reference that hinders innovation.

Meanwhile, technological innovations implemented in recent years – within the framework of the Industrial Revolution 4.0. (sensor technology; robotics; artificial intelligence; blockchain technology, etc.) – are also causing or may cause revolutionary changes in the food industry. According to industry representatives, these developments clearly help to increase food supply safety. However, the precautionary principle also extends to the production processes behind the finished products. Where, then, is the line drawn between the freedom of innovation, the desired security of supply and the application of the precautionary principle? Under what interpretation can a horizontal framework become counterproductive, and in what cases can the unregulated use of certain technologies become dangerous?

Keywords: *food security, innovation, precautionary principle*

Session 3

PLASMA SELF-SUFFICIENCY AS A FOUNDATION FOR HEALTH SECURITY IN THE EU

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ABSTRACT

The COVID-19 pandemic significantly disrupted global plasma collection, with a 14% decline in plasma volumes for fractionation from 2019 to 2020. In the European Union, plasma collection decreased by 8%, resulting in only 60% of the plasma required for immunoglobulin production being met domestically. To achieve self-sufficiency, Europe would need to increase plasma collection by 67%. Self-sufficiency in plasma collection, as advocated by the World Health Organization, is critical for ensuring reliable access to safe plasma-derived medicinal products such as immunoglobulins and albumin, which are essential in immunology, hematology, neurology, and intensive care. Plasma collection practices vary globally due to factors such as population demographics, cultural attitudes, donation compensation policies, and the structure of collection facilities (public vs. private). While voluntary unpaid donations remain the cornerstone of EU policies, achieving self-sufficiency in plasma-derived medicinal products remains aspirational. National strategies include contract fractionation models and the establishment of local fractionation facilities, which prioritize supply reliability and drug safety but face economic challenges compared to large-scale commercial operations. Harmonized efforts at the EU level are essential to reduce dependency on external sources and ensure equitable access to plasma-derived medicines across member states. This study underscores the importance of a unified approach to plasma self-sufficiency as a foundation for health security in Europe.

Keywords: *Plasma collection, plasma- derived medicinal products, self – sufficiency*

PAY OR CONSENT – A LAWFUL BUSINESS MODEL?

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ABSTRACT

Meta and other companies have recently introduced a "pay or consent" business model for their services, such as Facebook, which is used by millions in the European Union. Under this model, users either consent to the use of their personal data for behavioral advertising purposes, enabling them to access the service "free of charge," or they pay a fee to use the service without their personal data being used for behavioral advertising.

Several non-governmental organizations, such as NOYB, have criticized this model, arguing that it constitutes an unlawful practice under the General Data Protection Regulation (GDPR) of the EU. Conversely, stakeholders in the digital economy, including the Interactive Advertising Bureau, have defended the model, asserting that businesses cannot be compelled to offer their services for free.

In May 2024, the European Data Protection Board (EDPB) issued an opinion on the legality of the "pay or consent" model as applied by large online platforms, such as social media sites. The EDPB concluded that, in most cases, the implementation of such a model would violate the GDPR's requirements for valid consent. The EDPB proposed a possible solution: offering a third, equivalent alternative that would allow users to access the service free of charge without their personal data being used for behavioral advertising. However, the EDPB clarified that other forms of advertising could still be permissible, provided they rely on valid legal bases under the GDPR. The opinion argued extensively that a binary choice between payment and consent undermines the notion of freely given consent, rendering the data processing illegal.

This paper critiques the EDPB's reasoning, arguing that it is weak and inconsistent. While the EDPB emphasizes the need for a case-by-case legal assessment of such models, its stringent requirements effectively render the implementation of a binary "pay or consent" model infeasible for large online platforms. The paper contends that the EDPB overemphasizes the imbalance of power between platforms and users, as well as other "detrimental" factors, and that its opinion contradicts established case law of the Court of Justice of the European Union. Furthermore, the paper asserts that businesses have a fundamental right to design and implement their own business models, including setting prices, as part of their

freedom to conduct business. It argues that data protection law plays a relatively minor role in regulating these aspects compared to competition law and consumer protection law. Consequently, the "pay or consent" model, in and of itself, does not constitute a violation of EU law.

Keywords: *EDPB, GDPR, large online platforms, pay or consent*

SAFEGUARDING INTERESTS AND HUMAN RIGHTS OF UNACCOMPANIED MINORS SEEKING ASYLUM IN POLAND THROUGH CIVIL PROCEEDINGS

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ABSTRACT

This paper addresses the role of civil proceedings in safeguarding interests and human rights of unaccompanied minors seeking asylum in Poland. The first part of the paper describes which human rights, including procedural rights, need to be taken into consideration during aforementioned civil proceedings in order to secure the protection of the children in question, considering their special status, both as children and asylum seekers. In the second part of the research the provisions regulating procedures for appointing a guardian (called a curator) and for placing a minor in foster care as well as their application have been discussed. This provides an answer to questions whether it is possible to respect these rights within the current legal framework and if they are respected at present. To answer these questions selected provisions of the UN Convention of the Rights of the Child, the European Convention on the Exercise of Children's Rights, the Charter of Fundamental Rights of the European Union, two directives of the European Parliament and of the Council (the directive 2013/33/EU of 26 June 2013, which is still in force, and the directive 2024/1346 of 14 May 2024, which needs to be transposed by 12 June 2026 and will replace the directive 2013/33/EU) laying down standards for the reception of applicants for international protection and the Polish Code of Civil Procedure have been analyzed using legal-dogmatic and hermeneutical methods. The research shows that the best interests and rights of unaccompanied children seeking asylum in Poland can be effectively safeguarded in civil proceedings involving them and that Polish guardianship courts have sufficient legal means to provide protection to an unaccompanied minor by ruling in matters of custody or guardianship. On the other hand, in the area of praxis there is significant room for improvement.

Keywords: *asylum, child rights, foster care, guardianship, legal representation, unaccompanied minors*

BEST INTERESTS OF UNACCOMPANIED CHILDREN IN RETURN PROCEEDINGS

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ABSTRACT

Ever since the adoption of the UN Convention on the Rights of the Child in 1989, the best interests of the child principle has become main tool for the protection of children in all proceedings. The centrality of this principle has been particularly emphasised in asylum and migration proceedings, however, after the CJEU judgment in 2021 it remains more of a wishfull thinking than the actual practice.

In the meantime, parts of the 2018 Proposal for a recast of the Return Directive have been incorporated in other EU Acts (mainly Regulations, proposed by the Pact on Asylum and Migration). In the same vein, in March 2025 Proposal for the Directive has been replaced with the Proposal for a Return Regulation, establishing a Common European System for Returns.

Many novelties are introduced, not all of them are welcomed. The new transfer procedure, despite more or less explicit statement on the protection of human rights, threatens to reduce procedural as well as human rights compared to the Return Directive. Combined asylum and return procedure, as already confirmed by the CJEU case law, manifests serious deficiences. Even the European Parliament recognised the risks, like „the risk of refoulment which is not systematically assessed by the authorities on their own initiative when contemplating the issuing of a return decision", limitation of the rights of defence, broad detention grounds, etc. Also, the short deadline for the completion of the return border procedure is a risk in itself.

Thus, the aim of this article is to explore the content and scope of protection of the best interests of the child in the new return procedure, as well as to articulate arguments either in favour or against the new regime.

Keywords: *best interests of the child, human rights, Proposal for a recast of the Return Directive, Proposal for a Return Regulation, Return Directive, unaccompanied children*

ROLE OF THE PARENTS IN THE EXERCISE OF THE CHILD'S RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

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ABSTRACT

The right of the child to freedom of thought, conscience and religion is one of the four participation rights of the child, protected under Article 14, paragraph 1 of the UNCRC. As such, it enables the child to be an active member of society. However, due to child's vulnerability, immaturity and dependency on adults, the role of parents in exercising this (and other) right(s) is of a great importance. As the child's legal representatives, parents are entitled to provide direction and guidance in the exercise of this child's right (Article 14, paragraph 2 of the UNCRC). Nevertheless, according to Family law theory, such direction and guidance must be subject to certain limitations. Additionally, parents are entitled to decide about child's religious upbringing, which can result in conflict between their right to determine child's religion and child's rights, such as right to education, right to life, survival and development, and rights to physical integrity, self-determination and health. Conflicts are also likely to arise in case of divorce of parents in regarding the determination of child's religious upbringing. While discussing the right to determine child's religion, the role and rights of adoptive parents shall not be overlooked. Finally, the limitations of the right of the child to manifest religion are also examined.

Keywords: *Article 14 of the UNCRC, Best interests of the child, conscience and religion, ECtHR, Parental direction and guidance, Right of the child to freedom of thought, Role of parents*

PARENTHOOD WITHOUT BORDERS - JUDICIAL COOPERATION FOR CROSS-BORDER FAMILY SECURITY IN THE EU

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ABSTRACT

Cross-border mobility and diverse family forms are increasingly common in the European Union, yet legal recognition of parenthood remains fragmented along national lines. This paper examines how the lack of mutual recognition of parent-child relationships across EU Member States – especially for children born via surrogacy, assisted reproduction, or adoption in "rainbow families" – undermines children's rights and legal certainty. We critically analyze the current legal framework, including the Brussels IIb Regulation's limitations and key jurisprudence from the Court of Justice of the EU (CJEU) and the European Court of Human Rights (ECtHR) (V.M.A., Coman, Mennesson, Labassee, etc.). The analysis reveals that while incremental judicial solutions have advanced free-movement rights, significant gaps persist in protecting the continuity of parent-child bonds across borders. Building on evidence from the European Commission's 2022 ICF Study and recent policy debates, we explore options for ensuring mutual recognition of parenthood, notably the proposed EU Regulation introducing common private international law rules and a European Certificate of Parenthood. Adopting a child-centric, advocacy-oriented perspective, the paper argues that an EU-level solution is imperative to safeguard the best interests of the child. Practical and normative recommendations are offered to achieve an EU system in which "parent in one Member State, parent in all Member States" becomes a reality, placing children's rights at the core of cross-border family law cooperation.

Keywords: *Best Interests of the Child, Children's Rights, Cross-Border Parenthood, EU Private International Law, European Certificate of Parenthood, Mutual Recognition of Family Status.*

SELF-EFFICACY AND EMOTIONAL REGULATION AS PREDICTORS OF DEPRESSIVE SYMPTOMS AMONG SOCIAL WORKERS: ALIGNING RESEARCH WITH EUROPEAN UNION WORKPLACE MENTAL HEALTH GUIDELINES

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ABSTRACT

Occupational health and safety have been a priority for the European Union (EU) since the 1980s. Over the past decades, the EU has developed a series of strategic documents underscoring the importance of mental health. Several of these specifically address mental health in the workplace, including Directive 89/391/EEC, which serves as a foundational legislative framework. More recently, the European Commission issued a Communication on a Comprehensive Approach to Mental Health, further highlighting workplace mental health as a policy priority. These initiatives demonstrate a sustained and growing commitment by the EU to improving mental health outcomes within occupational settings.

Against this backdrop, the present study aimed to examine the contribution of self-efficacy and emotion regulation to levels of depressive symptoms among social workers employed in Croatian social welfare institutions. Additionally, the research explored potential differences in depressive symptoms, self-efficacy, and emotion regulation based on the length of service within the social care system. The study included 256 participants employed across regional offices of the Croatian Institute of Social Work.

The findings indicate that social workers with longer tenure in the social care system reported more depressive symptoms. Moreover, self-efficacy and emotional suppression emerged

as significant predictors of depressive symptoms in this population. Considering current EU policy directions, these results underscore the need for policymakers and organizational leaders to implement comprehensive mental health strategies that align with EU standards. Future initiatives at the EU level should more explicitly address sector-specific psychological risk factors and develop tailored interventions for professions characterized by high emotional labor. Such targeted approaches are essential to enhancing the effectiveness of workplace mental health policies.

Keywords: *depressive symptoms, European Union mental health guidelines, emotional regulation, social workers, self-efficacy*

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS JUDGMENTS RELATED TO RIGHTS OF PERSONS WITH DISABILITIES: TWO STEPS FORWARD, ONE STEP BACK?

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The European Court of Human Rights plays an important role in safeguarding the rights of persons with disabilities in Europe through a dynamic interpretation of the European Convention on Human Rights in the light of the provisions of the United Nations Convention on the Rights of Persons with Disabilities and its fundamental principles. The objective of the paper is to examine the impact of ECtHR judgments on national legal frameworks regarding rights of persons with disabilities and the ways to improve the ECtHR judgments execution in national contexts. Key findings of the research indicate that despite positive developments, a number of challenges in the execution of ECtHR judgments remain, including varying levels of compliance among Contracting Parties of the ECHR, delays in the implementation process and limitations in addressing systemic discrimination of persons with disabilities, especially persons with mental and intellectual disabilities. In order to improve the effectiveness of the execution of the judgments of the ECtHR, the authors call for creating join forces between the ECtHR and other international actors in charge of monitoring the implementation of disability rights, national authorities, civil society organisations and persons with disabilities to establish synergic action and enable sustainable improvement in the quality of life of persons with disabilities throughout the European continent.

Keywords: *European Court of Human Rights, execution of judgments, Persons with disabilities*

Session 4

TRANSPARENCY OF CIVIL PROCEEDINGS IN THE DIGITAL AGE

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This paper examines the significance of the principle of publicity in civil proceedings, highlighting its role in promoting transparency, accessibility, and the openness of the judiciary. The principle of publicity enhances the efficiency of the judicial system and fosters public trust in the courts by enabling citizens to monitor court operations, thereby ensuring societal oversight of judicial processes. Public access to court proceedings and judgments also has a positive impact on judges, contributing to their accountability and compliance with the rules of civil procedural law. Court hearings and judgments are public, except in cases involving the protection of privacy, national security, or other exceptional circumstances. In such instances, the court may decide to exclude the public to safeguard the interests of justice. The digitalisation of court proceedings represents a crucial step toward the modernisation of European judiciary systems, significantly enhancing the transparency of the judicial system and enabling faster and easier access to court information, thereby promoting a more efficient realisation of the principle of publicity. Through digital tools, courts can reduce administrative obstacles and expedite case processing, contributing to more efficient proceedings and reducing the workload of judges and other judicial personnel. Additionally, digitalisation provides citizens with easier and more direct access to court processes, further strengthening their trust in the judicial system. However, due to the digitalisation of judicial proceedings, modern challenges arise, where such digital tools sometimes allow access to a larger number of individuals, despite confidentiality markings on documents. This presents a challenge in terms of data protection and information security in civil proceedings. Therefore, it is important to ensure that the use of digital technology does not undermine the procedural guarantees of other, diametrically opposed rights. In conclusion, the need for further improvement and more precise legal solutions is therefore emphasized to ensure effective protection of privacy and confidentiality of data in the context of digitalisation.

Keywords: *confidentiality, fair trial, publicity, privacy, transparencys*

OPENING/FALLING OF THE BOW VISOR/RAMP AS THE CAUSE OF MARITIME CASUALTIES – LIABILITY AND INSURANCE ASPECTS

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One of the fundamental determinants concerning the safety of maritime navigation is the need to comply with all safety standards of ship maintenance and safe working conditions, the non-fulfiilment or non-observance of which is considered a decisive factor in the occurrence of maritime casualties. In this article, the international, European and national normative legal issues of liability for damages and insurance cover are presented and explained using the example of two maritime casualties involving ro-ro passenger ships: 15-year old ship "Estonia" from 1994 (the accident occurred due to the opening of the bow visor during the navigation, which led to the sinking of the ship in international waters of the Baltic Sea and the death of 852 people) and the 55-year old ship "Lastovo" from 2024 (the accident occurred as a result of the fall of the bow ramp on a crew member at the pier, resulting in the death of 3 crew members and serious bodily injuries to 1 crew member). Although these are maritime accidents that occurred almost 30 years apart, they have a common link and raise questions about the (un)seaworthiness of the ship - which was established in the case of the maritime accident of the ship "Estonia" and seaworthiness of the ship which was established in the case of the maritime accident of the ship "Lastovo". Given the above, the authors refer to the changes in the international and European legal framework (changes in ferry safety regulations, changes in liability and insurance cover regulations) that followed the „Estonia" maritime casualties, and which,

since a more comprehensive analysis was not possible, focussed exclusively on the damage suffered by passengers. At the same time, the national legal framework of liability and insurance coverage (according to the decisions of the Croatian Maritime Code, national Collective Agreement, Maritime Labour Convention, and P&I Club Rules) is considered in relation to damage caused by the death or physical injury of a „Lastovo" crew member. The paper aims to discuss important issues related to the appropriate application of the International Safety Management Code (ISM Code), which was adopted immediately after the „Estonia" maritime casualties, in order to ensure the safety of all operations related to the operation of the ship, including the prevention of injury or loss of life to passengers/crew members. Although the ISM Code does not regulate property liability issues, its non-application may be an important factor in determining the shipowner's liability for all contractual and non-contractual obligations that may arise from the shipping operation and thus for the successful exercise of maritime insurance rights.

Keywords: *maritime casualties, insurance, ISM Code, liability*

AUTOMATED DECISION-MAKING AND THE ROLE OF ARTIFICIAL INTELLIGENCE IN RESOLVING DISPUTES OVER ILLEGAL CONTENT ON DIGITAL PLATFORMS

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ABSTRACT

The increasing volume of digital content in the virtual world of digital platforms and its potential to contain illegal elements creates significant challenges for moderation and the resolution of related disputes. Automated decision-making, supported by artificial intelligence (AI), is becoming a key tool in the initial identification and processing of illegal content. In particular, this article explores the legal aspects of using AI in this context, with an emphasis on its role in the first stage of the decision-making process. Peripherally, the author also touches on technical aspects.

The article will analyse the legal framework of the European Union, in particular the new Digital Services Regulations (DSA). We will focus our investigation on the extent to which automated decision-making is compatible with the requirements of transparency, fairness and the protection of users' fundamental rights.

The paper also offers insights into redress mechanisms that allow users to challenge AI decisions and possibly escalate disputes to a higher level, where human moderators or independent entities adjudicate them. Finally, we propose recommendations for legislation and digital platforms to harmonise the use of AI in content moderation, considering the need to protect fundamental rights, the efficiency, and transparency of the entire process.

The ambition of this article is to contribute to the ongoing debate on the balance between automation and human intervention in content moderation and dispute resolution, identifying the opportunities and risks associated with the use of AI on digital platforms.

Keywords: *artificial intelligence, automation, dispute settlement, digitisation, online platforms*

LIABILITY IN A DIGITALIZED WORKPLACE: THE ROLE OF THE EU'S NEW AI FRAMEWORK BETWEEN INNOVATION AND SECURITY

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ABSTRACT

The AI Act, adopted by EU lawmakers in 2024, marks a major step in harmonizing AI regulation across Europe by introducing a risk-based framework for AI system oversight. However, it does not directly address civil liability related to the implementation of AI based systems and technologies. To bridge this gap, the EU has taken steps by updating the Product Liability Directive (PLD) and negotiating the proposed Artificial Intelligence Liability Directive (AILD). The PLD now covers damages caused by products that use AI-systems, while the AILD is still under discussion. Despite these efforts, liability rules remain fragmented, particularly in workplace settings.

This paper explores how emerging EU legislation affects liability for AI-related damages at work, where clear rules are essential to ensure accountability and build trust in automation. It addresses challenges such as AI opacity, causation, and the balance between innovation and legal responsibility. Using examples like medical diagnostics and autonomous machines, the paper highlights the difficulties of assigning liability among employers, employees, and AI developers. It focuses on the intersection of contractual distribution of responsibilities, requirements under the AI act and special obligations of employers towards their employees.

Croatia's legal framework on contractual liability serves as a case study, focusing on how EU regulations intersect with national law and worker protection rules. The analysis reveals gaps in liability allocation, shows how guidelines for AI use will increase in importance and suggests how national and EU laws must adapt to support safe and lawful AI use in the workplace.

Keywords: *AI Act, damages, liability, workplace*

PRACTICAL APPLICATION OF THE DIGITAL SERVICES ACT - THE CASE OF THE SLOVAK REPUBLIC

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ABSTRACT

The Digital Services Act is currently receiving significant attention not only from experts but also from the general public. As stated in Article 93 of the DSA, the regulation will be fully applicable from February 17, 2024. Member States were required to incorporate its provisions into their national legal systems and begin its practical implementation. The submitted paper addresses the issues associated with implementation of the Digital Services Act into the legal system of the Slovak Republic, which adopted DSA through amendment of the law, No. 264/2022 Coll., on media services. In the context of the Slovak Republic, we are currently witnessing the first decisions of the Council for Media Services, which imposed an obligation to remove illegal content. The objective of this paper is to examine the process of implementation and application of the Digital Services Act and analyse the relevant decisions of the Council for Media Services, focusing on comparison of the concept of illegal content under national Slovak law and European Union law.

Keywords: *application of Digital Services Act, Council for Media Services, Digital Services Act, illegal content, obligation to remove content*

AI SYSTEMS AND PRODUCT LIABILITY IN THE EU: A PRIVATE INTERNATIONAL LAW ANALYSIS

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ABSTRACT

The paper analyses liability for defective AI systems from a private international law perspective.

It begins with a brief analysis of the main reasons for the adoption of the new Directive 2024/2853 of 23 October 2024 on liability for defective products and the role of this Directive in the new EU legal framework on artificial intelligence, examining in particular its interplay with Regulation 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence (AI Act).

The paper then focuses on the lack of a specific regulation of private international law issues in the above-mentioned legal framework and the consequent need to consider other sources of law to address these issues. To this end, it first examines the relevant provisions of Regulation 1215/2012 (Brussels I bis), in particular the special forum for torts (Article 7 (No. 2)), and its interpretation by the CJEU in cases of defective products. It also deals with the conflict-of-laws rules of Regulation 864/2007 (Rome II) - especially Article 5, on damages caused by a product - and their coordination with the 1973 Hague Convention on the Law Applicable to Products Liability.

The aim of the paper is to examine the results of the application of the current rules on jurisdiction and applicable law to cases of defective AI systems, and to highlight their main critical issues and possible solutions. The author proposes the introduction of new heads of jurisdiction and conflict-of-law rules that would strike a fairer balance between the interests at stake: protecting people from the serious harm that AI systems could cause, and promoting the free movement of these systems in the EU market.

Keywords: *Applicable Law, Artificial Intelligence, EU Law, Jurisdiction, Non-contractual obligations, Product liability*

APPLICABILITY OF THE EUROPEAN UNION ANTI MONEY LAUNDERING LEGAL FRAMEWORK TO THE CRYPTOCURRENCY SPHERE

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ABSTRACT

Suppression of money laundering and terrorist financing is a very complex task for any legislator. This task becomes even more complex when it comes to money laundering that is done using cryptocurrencies. The European Union follows the pace of recommendations made by the most authoritative organization in the world when it comes to combating money laundering, the Financial Action Task Force. Accordingly, with the 5th Anti-Money Laundering Directive, the EU expanded the area of receipt to include the world of cryptocurrencies. However, even after that, significant legal gaps remained, which continue to make it difficult in some cases to identify money laundering using cryptocurrencies. Also, the legal framework in the EU until yesterday suffered from a lack of simple application, since it was about AML directives that were nevertheless implemented in some countries in a slightly different way. Also, the problem is the lack of unified supervision in cross-border cases. Therefore, the EU brought a whole new AML package that will be the subject of processing in this paper, with special emphasis on the Transfer of Funds Regulation and Anti Money Laundering Regulation and the establishment of a special body at the EU level, the Anti Money Laundering Authority. The paper will attempt to determine the suitability and completeness of this new European Union AML legal framework when it comes to cryptocurrency transactions as a method of money laundering.

Keywords: *AML/CFT, Anti Money Laundering Authority, Anti Money Laundering Directives, cryptocurrencies, EU Anti Money Laundering Regulation, EU Transfer of Funds Regulation, Markets in Crypto Assets Regulation, money laundering and the financing of terrorism*

ACCIDENTAL FINDINGS DURING SPECIAL EVIDENTIARY ACTION OF SURVEILLANCE AND INTERCEPTION OF TELEPHONE CONVERSATIONS - CROATIAN LAW AND EUROPEAN LEGAL STANDARDS

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ABSTRACT

Remote surveillance and technical recording of telephone conversations and other communications is one of the special evidentiary measures which, due to its simplicity of implementation, has the highest prevalence of application in detecting and finding perpetrators associated with criminal offences of corruption and organised crime. Although efficient from the perspective of the effectiveness of criminal prosecution, it, like all other special evidentiary measures, represents a significant limitation of the fundamental rights and freedoms of citizens. In the context of its application, the so-called accidental findings, i.e. data and information about another criminal offence and perpetrator in relation to which the aforementioned special evidentiary measure was not initially determined, appear to be particularly delicate, since the gained data and information can be used as evidence in criminal proceedings for that other criminal offence. Therefore, this paper first explains the legal nature of accidental findings obtained through the application of the special evidentiary measure of remote surveillance and technical recording of telephone conversations and other communications. It then considers the positive legal standards developed in the practice of the European Court of Human Rights and the Constitutional Court of the Republic of Croatia on the legal conditions that must be met for their admissibility as evidence in criminal proceedings. In the central part of the paper, the current normative framework of the Criminal Procedure Act is critically analyzed in the part in which accidental findings are regulated, and based on the analysis of domestic judicial practice on the evidentiary usability of accidental findings in criminal proceedings, conclusions are drawn about the compliance of the Croatian regulatory framework with the researched positive legal standards.

Keywords: *accidental findings, criminal procedure remote surveillance, special evidentiary measures, technical recording of telephone conversations*

DOMESTIC VIOLENCE AS A HUMAN RIGHTS VIOLATIONS - CRIMINAL LAW PROTECTION

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ABSTRACT

Domestic violence has existed since ancient times, although it has mostly been kept secret and hidden. It was a shame to talk about it in public, and no one even dared to ask for help and protection. It is not related to certain types of families, it equally affects families of different social strata, different genders, religions, ages as well as families of different levels of education. Although, in some cases of violence within one family, the differences just mentioned can be a stumbling block and a reason for violence. Only recently, domestic violence is gradually ceasing to be a taboo topic and gaining public interest. The paper presents the relevant law of the European Union and the international legal framework for combating domestic violence. At the national level, protection from domestic violence is prescribed by the provisions of misdemeanor law, but also by criminalizing domestic violence as a criminal offense in the Criminal Code of the Republic of Croatia. In addition to the theoretical part, the paper contains an analysis and research of criminal offenses of domestic violence in the last five years. We received answers to the questions of who are the most common perpetrators of domestic violence, what are the most common relationships between perpetrators and victims of domestic violence, and we investigated and the extent to which the human life and the body can reach the consequences of violence between close persons and victims of violence. In accordance with the analysis of theory and practice, in the concluding remarks, several possible preventive and repressive solutions de lege ferenda with the aim of combating domestic violence were proposed.

Keywords: *criminal law protection, case law, domestic violence, legislative framework, Republic of Croatia*

Session 5

CITY OF ZAGREB'S MODEL FOR MUNICIPAL WASTE COLLECTION: AN EXAMPLE OF BEST PRACTICE? (AN INTERDISCIPLINARY APPROACH)

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ABSTRACT

The aim of the paper is to analyse the model of providing the public service of municipal waste collection on the territory of the City of Zagreb. The level of public service that must be provided in order for the municipal waste collection system to fulfil its purpose, be economically viable and ensure the safety, regularity and quality of the public service is extremely difficult to achieve. A particular problem is posed by apartment buildings, where the spatial conditions make it very difficult to organize a sensible billing system in which individual users are billed according to the amount of waste produced. The analysis assumes that a fair balance must be struck between the interests of the individual and the community whereby the municipality has a certain degree of discretion in determining waste management measures. From a legal perspective, the decision of the City of Zagreb must be assessed in the context in which it was taken and the objectives pursued. The current solutions seem to us to be largely acceptable. From an economic point of view, we believe that the imposition of a contractual penalty on service users who separate municipal waste in apartment buildings due to co-owners who do not do so is not made on objective and justified grounds. Therefore, the existing legal solution or justification in relation to the objective and effect of the measure under consideration is not considered in accordance with the principles common in democratic societies. The authors' tendency is to highlight the complexity of the problem through an interdisciplinary approach, to initiate a dialog

on the quality of housing, the relevant role of the state, regional and local government and citizens, and on appropriate implementation mechanisms.

Keywords: *healthy environment, municipal waste, public service, public interest, proportionality*

THE IMPACT OF LAND CONSOLIDATION ON AGRICULTURE AND RURAL DEVELOPMENT

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ABSTRACT

In the paper, the authors analyse the significant impacts of implementing the land consolidation procedure, that is, the analysis of the impact of land consolidation on land that is largely used for agricultural purposes, and how the land consolidation process contributes to the rural development of a specific municipality or village. The said analysis is carried out on the basis of national, but also European legal regulations, considering that land consolidation as a legal institute is closely connected with the objectives of the Common Agricultural Policy, which encourages increased land usability. In the context of European Union law, the Habitats Directive and the Strategic Environmental Assessment Directive will certainly be of importance, as well as the Regulation on the bodies within the system of management and control over the use of the European Agricultural Fund for Rural Development.

The impact of land consolidation on rural development is of great importance, and EU funds, especially the European Agricultural Fund for Rural Development (EAFRD), play an important role in its development, by directly or indirectly influencing the implementation of the land consolidation procedure. The relevance of the topic is reflected in the fact that, from 1991 until today, not a single land consolidation procedure has been carried out in the territory of the Republic of Croatia. The implementation of land consolidation would significantly improve the economic usability of agricultural land and would encourage the renewal and development of rural areas whose existence and growth are based on agriculture as the primary activity of the rural population.

Keywords: *agricultural land, agricultural policy, land consolidation, local self-government units, rural development*

CITIZENS' ATTITUDE TOWARDS LOCAL OFFICIALS - FREQUENCY, PREVENTIVE MEASURES AND CONSEQUENCES OF AGGRESSIVE BEHAVIOUR

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ABSTRACT

A safe working environment is one of the fundamental rights of workers, regardless of the type of job or employer. All previous research on workplace aggression has primarily focused on intra-organizational forms, while aggressive behaviour from external stakeholders (such as users or citizens) has been studied far less frequently, particularly in relation to public officials. Research findings indicate that citizen aggression significantly affects employees' overall well-being and health, their organizational commitment and performance. Public officials work in the public interest, follow the rules and cannot always meet citizens' demands and needs.

Under the influence of New Public Management, officials are expected to do more with fewer resources, leading to overwork, stress, and potentially declining service quality and trust in public administration. At the same time, citizens are becoming more demanding and better informed, while trust in public services is declining. Along with other classic predictors, these factors may contribute to increased citizen aggression toward public officials.

In this paper, the focus of research is on officials in local government units in Osijek-Baranja and Vukovar-Srijem counties. The questions posed in the research are: how frequently do citizens exhibit aggressive behaviour toward officials in local government units, what are the consequences of such behaviour for officials and what preventive measures have been implemented to prevent aggression?

To collect data, a survey questionnaire was created using Google Forms, containing seventeen questions, and was sent to respondents in October 2024. The collected data underwent qualitative and quantitative analysis using classical statistical methods. Relations were made between independent variables (such as gender, type and size of the local government unit, length of service, and job type) and dependent variables.

The results align with comparative research. The respondents report a high frequency of citizen aggression toward officials in local government units, with verbal aggression being the most common form. This type of aggression causes officials to feel moderately to highly distressed, yet a significant number of incidents go unreported. Additionally, many reported incidents receive no response. The most commonly cited preventive measure is the presence of security cameras.

Following the introduction, which highlights the importance of officials' sense of security for organizational efficiency, the second part of the paper analyses the existing legal framework based on Council Directive 76/207/EEC, Directive 2002/73/EC of the European Parliament and of the Council, and other documents of European social partners. Furthermore, the results of comparative research on the frequency and consequences of citizen aggression toward officials, their well-being and work performance in the member states of the European Union are presented. The third part of paper explains the research methodology, while the fourth presents and analyses the results. In the conclusion, the authors emphasize the need for further research on this phenomenon in order to reduce and prevent its harmful effects on officials and the local government units in which they work.

The scientific contribution of this paper is reflected in initiating a comprehensive discussion—previously non-existent in Croatia—on the causes and consequences of citizen aggression toward local officials. The practical implications include raising awareness of this phenomenon, which should lead to a more frequent reporting of citizen aggression and more appropriate organizational responses to these challenges.

Keywords: *local officials, prevention, stress, violence, workplace aggression*

RESTRICTIVE MEASURES OF THE EUROPEAN UNION AND THE PROPORTIONALITY OF RESTRICTIONS ON THE FREEDOM TO CONDUCT A BUSINESS AND THE RIGHT TO PROPERTY: THE BOSPHORUS DOCTRINE AND EUROPEAN CONSTITUTIONAL PLURALISM

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ABSTRACT

The primary objective of this article is to analyse and identify the essential elements of the proportionality assessment method applied by the Court of Justice of the European Union in cases concerning the restrictive measures (sanctions) adopted by the Council, which limit the freedom of entrepreneurship and the property rights guaranteed by Articles 16 and 17 of the Charter of Fundamental Rights. Since these measures amount to interferences with the right to peaceful enjoyment of property protected by Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms, this article specifically aims to identify both the similarities and the contentious differences in the proportionality assessment methods used by the CJEU and the ECtHR, especially in the context of the Bosphorus doctrine and the presumption that the protection standard provided by EU law is equivalent to the standards of the Convention. Given their unprecedent character, the article particularly analyses cases of the CJEU concerning sanctions imposed following the war in Ukraine by comparing them with relevant case-law of the ECtHR under Article 1 of Protocol No. 1 to the Convention. Finally, the article provides original conclusions regarding the elements of the lawfulness and proportionality tests applied by the CJEU that should be improved in order to make its practice more consistent and clearer for national constitutional courts, which will increasingly be required to apply both the accepted Convention standards and EU law in cases concerning restrictive measures. In this regard, the article also offers conclusions on the principles that constitutional courts should follow in such cases.

Keywords: *Bosphorus doctrine, constitutional courts, freedom to conduct a business, right to property, restrictive measures*

ON THE PUBLIC HEALTH CRISIS: WITH SPECIAL REFERENCE TO THE CASE LAW OF THE CROATIAN CONSTITUTIONAL COURT

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ABSTRACT

This article aims to explore the effect of the Public Health Crisis on liberal democracies such as the Republic of Croatia. We will focus on the experiences of the last such crisis - the COVID-19 pandemic, which the WHO declared on March 11, 2020. The article is divided into three parts. The first part of the article provides a conceptual analysis of the term "emergency" or "state of emergency". Public health crises are only one type of crisis that trigger legal mechanisms intended for situations that go beyond the framework of "normal". Therefore, these situations differ from normal and are spatially and temporally limited. They all have in common that they are unexpected, unpredictable and demand an urgent and exceptional reaction from the state. Although crises differ in scope, novelty, or secrecy, their separation is methodologically problematic. It is argued that public health emergencies are "scientific" in the sense that state authorities should primarily follow the recommendations of public health experts.

The second part of the paper refers to the impact of crises on the state's constitutional framework, the relations between the executive, legislative and judicial branches and the protection of human rights. This section of the paper will focus on the critical analysis of articles about this problem in the context of the COVID-19 pandemic. Most constitutions define emergencies and mechanisms to protect the democratic order from usurpation of power. However, these terms are broadly formulated and, in practice, have proven unclear.

The answers to the posed questions should prove vital if and when the EU decides to adopt a more comprehensive emergency legal framework by providing guidelines on essential issues that may arise.

The final part of the article provides an overview of arguments presented by different authors regarding whether the COVID-19 pandemic and the response in Croatia represented a state of emergency as defined under Article 17 of the Constitution. This is notable because the Parliament passed COVID–19 legislation under Article 16, which does not recognise a crisis. This section of the paper explores why the Constitutional Court did not acknowledge this distinction while reviewing pandemic-related legislation. It questions whether the Croatian constitutional framework adequately ensures mechanisms are in place to confirm that an emergency is still ongoing, preventing it from exceeding the "necessary" timeframe and potentially becoming "the new normal." It also examines whether said framework provides sufficient parliamentary and judicial oversight of the executive branch, as discussed in European Parliament research papers from 2020 and on, showing it to also be an important issue at the EU level. All this is done through an analysis of landmark cases of the Constitutional Court of the Republic of Croatia.

Keywords: *Constitutional Court of the Republic of Croatia, Public Health Crisis, Public Trust, Separation of Powers, State of Emergency*

THE PRINCIPLE OF NON-REFOULMENT A CORNERSTONE OF REFUGEE PROTECTION OR A LEGAL FICTION?

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ABSTRACT

The principle of non-refoulement, enshrined in Article 33(1) of the 1951 Refugee Convention, is widely regarded as a cornerstone of international refugee protection. It prohibits states from expelling and returning individuals to territories where their life or freedom would be threatened due to race, religion, nationality, membership of a particular social group, or political ideology. The mentioned principle has been reinforced through several international human rights treaties and customary international law, emphasizing its universality and binding nature. However, its practical implementation often reveals significant challenges, leading some to question whether non-refoulement remains a robust legal safeguard or has devolved into a legal fiction in contemporary refugee governance.

Keywords: *Cross-border parenthood, judicial cooperation*

THE ROLE OF EUROPEAN CULTURAL CSOS IN FOSTERING THE EU'S EXTERNAL CULTURAL RELATIONS

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ABSTRACT

The main aim of this paper is to explore the role of the European cultural civil society organizations (CSOs) in fostering the EU's external cultural relations. This paper is obtained in the following way. Firstly, the important role culture plays in contemporary international relations is conceptualized as well as the key concepts such as soft power, cultural diplomacy and international cultural relations are outlined. Secondly, the EU's external cultural relations are articulated as an emerging cross-sectoral policy field which is extending between the EU's cultural and external policies. Lastly, the role of the European cultural CSOs in fostering the EU's external cultural relations is assessed in three following steps: firstly, by conceptualizing civil society organizations from general towards the EU's perspective; secondly, by identifying the significance of involving the CSOs within the EU's policy framework for external cultural relations; and thirdly, by providing review and analysis of European cultural CSOs' actions in the field of the EU's external cultural relations. Considering that culture represents an important component of contemporary international relations, this paper indicates that within the EU context cultural CSOs play an increasingly significant role in fostering further development of more comprehensive EU's policy framework for external cultural relations.

Keywords: *civil society organizations (CSOs), European Union, EU cultural policy, EU external policy, international cultural relations*

Session 6

THE JUDICIAL INDEPENDENCE FROM AN ECONOMIC PERSPECTIVE

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ABSTRACT

Judicial independence is inseparable from the judicial practice and integral to the task of judicial decision-making. It is a basic prerequisite for the operation of justice, and also a fundamental element of an effective justice system, essential for upholding the Rule of Law.

When judicial independence is mentioned, notions like institutional, procedural and personal guarantees usually come to mind. Hundreds of studies talk about the rules of the appointment and promotion of judges, their immovability, the order of distribution of cases, political, economic and official conflicts of interest, etc. At the same time, little is said about the financial independence of judges despite the fact that this is also essential part of the judicial independence. Thus, my main focus is on researching independence of the judges from material point of view.

An efficient and timely functioning justice system, which greatly helps society's sense of security, economic growth and guarantees clean and predictable legal relations, can only be achieved with a court that is independent in all respects. Therefore, the main question is that can a judge be independent without appropriate remuneration. From my perspective, if judges' salaries do not correspond to the dignity of the profession they hold, than the economic growth of the EU weakens because of possible corruption and it will also hold back the social and technical developments, which ultimately works against a strong and secure Europe.

In my study – demonstrating the difference between the external and internal judicial independence and presenting the European and international expectations regarding judges' salaries, which basic requirements are uniformly defined in European and international documents – I would like to highlight the importance of the above mentioned element of judicial independence (financial independence of judges) and I will explain why it is so crucial the states to recognize the responsibility of judges with an adequate remuneration.

Keywords: *judicial independence*

LINKING EU STRATEGIC GOALS WITH NATIONAL BUDGETS: INSIGHTS FROM SLOVENIA

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ABSTRACT

With the development of the European Union as a political community, also its public finances and fiscal policies have gradually taken shape and developed. The research focuses on the period from 2020 to 2025 and seeks to answer the question of whether and how the European Union's economic governance system ensures that its strategic goals and priorities are reflected in the Member States' strategic and budgetary planning, and what new developments in this respect have been brought about in 2024 and 2025 by the fiscal rules reform, the new composition of the European Parliament and the European Commission, as well as by the substantially changed geopolitical and economic situation and increased security risks. The research is based on empirical and qualitative research methods. The results of the research analysis shows that the European Union's economic and fiscal governance system has linked its strategic goals to national budgetary and reform policies and has responded to changing circumstances through ad hoc emergency instruments such as the fiscal escape clause and the Recovery and Resilience Facility. In particular, the 2024 reform of the European Union's fiscal rules, and changes in the geopolitical and security situation, have brought about greater flexibility and individualisation in the coordination of fiscal policy when dealing with Member States according to their characteristics. The findings of the research indicate the start of a new, broader reform of the economic governance of the European Union, which will allow sustainable adjustments of the European Union to changing geopolitical circumstances and security challenges. While the Republic of Slovenia has kept pace with the European Union's objectives in terms of economic and fiscal governance, it has been less successful in achieving its national goals. Between 2020 and 2025, the transition from national strategic to budgetary planning in the Republic of Slovenia remained incomplete.

Keywords: *European Union, economic and fiscal governance, extraordinary situations, Republic of Slovenia, strategic goals, priorities*

DIGITAL LABOUR PLATFORM (DLP) REGULATION IN CROATIA

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ABSTRACT

Digital labour platforms (DLP) represent one of the most visible results of the latest technological revolution in the world of work. Working through online platforms in the Republic of Croatia is a relatively new phenomenon which has seen significant growth in the last few years, especially since the arrival of digital platforms such as Uber, Bolt, Wolt and Glovo, which operate in Croatia in the transport and delivery services. Although this phenomenon started before the COVID-19 crisis, for many platform workers the workload increased sharply due to the impact of the pandemic. The types of work offered through platforms are ever-increasing, as are the challenges for regulators.

In an effort to modernize and align Croatian labour law with the contemporary challenges, the amendments to the Croatian Labour Act governing work on digital platforms took effect on 1 January 2024, before the formal adoption of the EU Platform Work Directive in April 2024. With this regulatory harmonization, the Croatian legal framework represents one of the earliest regulations on platform work within the European Union.

This paper provides a concise overview of the main novelties brought by the Croatian Labour Act, as well as the key features from the EU Platform Work Directive. The analysis will also examine the Report on the state of Platform Work for the year 2024, which has to be published by the Croatian Ministry of Labour, Pension System, Family and Social Policy by 31 January 2025, being the first report since the implementation of the Unified Electronic Work Records ("JEER") system. The report is expected to provide a more detailed insight into the state of platform work in Croatia. A particular emphasis will be placed on foreign migrant workers, whose number is constantly growing and who are often employed as platform workers. Conclusions will be drawn on the necessary legislative changes during the formal alignment with the adopted directive.

Keywords: *Croatia, digital labour platforms, EU Platform Work Directive, labour market, platform work*

LOBBYING IN THE EUROPEAN UNION

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ABSTRACT

The legislation procedure within the European Union (EU) legal system is determined by the sources of EU law. Therefore, the legal acts adopted by the EU institutions are the instruments by which the application of its public policies is regulated. The process of adopting legal regulations is provided for by the creation of the public policies of the EU, which are at the same time influenced by the number of actors involved. Various political groups and the public administration of the EU play a significant role in creating the EU's public policies. However, informal actors such as interest groups and lobbies play an increasingly important role in this process. Due to the participation of interest groups and lobbyists in the process of creating the EU's public policies, and consequently their implementation, their influence on the EU policies has been transformed and increased in comparison with previous decades. Thus, interest groups and lobbies have become leading actors on the European scene, influencing the law and the economy of the EU through legitimate means, which has consequently also affected its member states and international relations. This paper aims to show how the interest groups and lobbies legally operate within the European legal system, illustrating at the same time the EU mechanisms of lobbying regulation, as well as showing the consequences of the EU's institutions' dependence on such influence – particularly on the specialized professional knowledge of experts, whose opinions can influence the adoption of certain EU public policies. In addition, the paper provides an overview of lobbying strategies and the legal regulation of lobbying within the EU. Lastly, the paper analyses the limits of the legal activity of interest groups and lobbies in relation to illegal forms of lobbying and corruption. Applying the method of analysis, the paper attempts to shed light on the impact of lobbying on the design and implementation of public policies in the EU.

Keywords: *corruption, EU, lobbying regulation*

CYBERSECURITY IN THE SPHERE OF E-COMMERCE

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ABSTRACT

Cybersecurity is one of the greatest challenges in today's digital economy, as the increasing number of online transactions is accompanied by a rise in cyberattacks, fraud, and unauthorized processing of personal data. E-commerce in the European Union faces various threats, such as phishing, ransomware, payment data theft, and misuse of personal information, necessitating a systematic strengthening of legal regulation of cybersecurity at both the national and EU levels. The research question of this paper focuses on how effective the existing legal frameworks are in addressing cybersecurity in e-commerce and what legislative measures are necessary to enhance the security of digital transactions.

This paper employs an analytical-descriptive legal analysis and comparative analysis of key legal instruments, including the GDPR regulation, NIS2 directive, the Digital Services Act (DSA), the Digital Markets Act (DMA), DORA, and CER. Special attention is given to the responsibility of e-commerce platform providers, their obligations in the field of cybersecurity and personal data processing, as well as cross-border challenges in investigating cyberattacks.

The paper identifies key legislative challenges, including fragmentation of legal regulations within the EU, different approaches of Member States to implementing regulations, the issue of cyber incident prevention, and the effectiveness of consumer protection mechanisms. While GDPR establishes strict rules for personal data protection and the NIS2 directive strengthens the cybersecurity resilience of digital services, businesses still face challenges in complying with these regulations, particularly in cross-border online transactions. While the DSA and DMA introduce new obligations for digital platforms, a key question remains as to how effectively security standards can be harmonized and their enforceability ensured in practice. In addition to legal aspects, the paper also examines the level of consumer awareness of their rights in the field of cybersecurity and the availability of protective mechanisms against online fraud.

The conclusion of this paper presents specific measures to improve cybersecurity in e-commerce, including harmonization of EU legal regulations, the establishment of unified security standards for digital service providers, and strengthening the enforceability of

sanctions for cybersecurity violations. The research also highlights the need for intensified cooperation between regulatory authorities, the private sector, and consumers to create a more effective legal framework for safer e-commerce. The results of this analysis may contribute to the proposal of more effective regulatory measures and reinforce legal certainty in the field of cybersecurity within the EU's digital economy.

Keywords: *CER, CIA security requirements, consumer protection, cyber threats, Cybersecurity, digital platforms, DMA, DORA, DSA, e-commerce, electronic contra, GDPR, legal regulation, NIS2*

ALGORITHMIC MANAGEMENT, LEGAL CERTAINTY, AND WORKERS' RIGHTS: EVALUATING THE PLATFORM WORK DIRECTIVE'S CONTRIBUTION TO SECURING THE DIGITAL LABOUR MARKET

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ABSTRACT

The exponential growth of platform-based work, underpinned by digital transformation and algorithmic management, has presented both opportunities and regulatory challenges for the European Union. While offering flexibility and cross-border labour mobility, platform work has also introduced precariousness, opaque algorithmic control, and legal uncertainty regarding employment status. The European Union's recently agreed Platform Work Directive aims to address these challenges by enhancing transparency in digital labour platforms and safeguarding platform workers' rights. However, the compromise text raises significant questions about the Directive's capacity to provide legal certainty, particularly in relation to algorithmic management, data transparency, and the protection of digital rights. This research aims to answer the following research question: To what extent does the Platform Work Directive contribute to securing digital infrastructure, ensuring transparency in algorithmic management, and protecting the digital rights of platform workers, while balancing innovation and legal certainty within the EU? Methodologically, the research employs doctrinal legal analysis, examining the evolution of the Directive from proposal to final agreement, supported by a comparative approach contrasting the EU's solution with parallel models, notably the California ABC Test and Assembly Bill 5 (AB5). Additionally, the paper engages in a critical evaluation of EU secondary law, particularly the interplay between the Platform Work Directive, GDPR, and the EU's broader Digital Strategy. The present research begins by contextualizing the digital transformation of the European labour market, highlighting how the proliferation of platform-based work has disrupted traditional employment relationships and exposed significant regulatory gaps. Platform work, algorithmic task distribution, and digital supervision have introduced unprecedented flexibility and efficiency but have simultaneously fostered precariousness, precarious working conditions, and legal uncertainty regarding employment status. The recently agreed Platform Work Directive represents a legislative response to these challenges, aiming to address vulnerabilities related to algorithmic management,

data transparency, and the protection of platform workers' rights. By critically comparing the Directive's initial proposal characterized by specific criteria to establish employment status with the final, more flexible text, the paper scrutinizes whether the Directive provides sufficient safeguards against misclassification and whether it adequately limits the excessive control exercised through digital platforms' algorithmic systems. Following this, a comparative perspective is introduced, examining divergences in national labour law frameworks that may impact the implementation of the Directive. Particular attention is given to the absence of statutory definitions of "employee" in countries such as Romania and the interpretative challenges posed by Hungarian case law. Additionally, parallels are drawn with the California ABC Test and Assembly Bill 5 (AB5), providing valuable insights into alternative approaches to combating false self-employment and regulating algorithmic management. The anticipated findings suggest that while the Platform Work Directive represents a significant step forward in securing digital labour environments, particularly through mandatory transparency obligations in algorithmic management, its diluted criteria for employment presumption and exclusion of social security considerations may undermine its harmonizing effect.

Keywords: *algorithmic management, digitalization, flex security, platform work, Platform work Directive*

(IN)SUFFICIENCY OF THE EU LEGAL FRAMEWORK IN SAFEGUARDING TEMPORARY MOBILE WORKERS' RIGHTS IN SUBCONTRACTING CHAINS

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ABSTRACT

The increasing complexity and transnational character of subcontracting chains within the European Union pose significant challenges to the EU's objectives of resilience, autonomy, and protection of fundamental rights. This paper critically assesses the (in)sufficiency of the current EU legal framework in safeguarding the rights of temporary mobile workers, particularly posted workers, who are highly vulnerable to exploitation within subcontracting chains. Despite sectoral legislation—most notably the Posted Workers Directive (96/71/EC), its revised version (2018/957), and the Enforcement Directive (2014/67/EU)—the existing regulatory framework fails to adequately address structural deficiencies that undermine both social protection and the EU's strategic objectives. The research question guiding this paper is whether the EU's current legal provisions effectively safeguard posted workers in subcontracting chains and how mechanisms of liability and Human Rights Due Diligence (HRDD), can be recalibrated to better align with the EU's strategic priorities of autonomy, resilience, and human rights protection. Methodologically, the paper employs doctrinal legal analysis, complemented by a comparative review of international corporate accountability standards. It first examines the evolution of EU legislation on posted workers and subcontracting chains, highlighting persistent gaps in liability mechanisms. It then evaluates the HRDD concept, particularly in light of the potential inclusion in the EU legal framework on posted workers, exposing how the current application of due diligence often serves as a legal escape route for companies, allowing responsibility for rights violations to be shifted further down the chain. The paper argues that these regulatory shortcomings not only perpetuate precarious working conditions of posted workers in the EU but also weaken the EU's broader goals of strategic autonomy and sustainable economic governance by fostering labour market fragmentation and legal uncertainty in subcontracting chains. To address these deficiencies, it advocates for the binding application of HRDD across all subcontracting levels, reinforced by liability regimes to ensure effective enforcement and accountability for the posted workers' rights. The anticipated findings underline that strengthening worker protection mechanisms within subcontracting chains is not merely a social imperative but a strategic necessity for the EU. Enhancing

legal safeguards for temporary mobile workers directly supports the EU's resilience, reduces dependence on opaque external labour practices, and upholds fundamental rights.

Keywords: *Enforcement Directive, human rights due diligence, liability schemes, posted workers*

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