

## **ABSTRACT**

The topic of the role and function of the Court of Justice of the European Union has been the subject of academic debate for quite some time. In recent years, a number of new studies have begun to examine judicial activism, also known as the process of judicialization of EU policy. It is a process by which the Court of Justice not only interprets the law, but directly creates it, thus becoming a full-fledged actor in the legislative and institutional framework of the EU. The work combines the topic of judicial activism with the issue of international investment protection in the EU, in which the Court of Justice of the EU has become a key actor by delivering the termination of intra-EU bilateral investment treaties between EU member states. In its judgment in the *Achmea* case, the Court of Justice ruled that these treaties are incompatible with the EU law system as investment arbitrations initiated on the basis of these treaties may undermine the autonomous position of the Court of Justice as the only institution that has a competency to interpret EU laws. The thesis also deals with the scale of the judicial activism in the *Achmea* ruling. Position of the other actors of the EU institutional framework is also presented. The work thus represents an interdisciplinary approach to the research of judicial activism in respect to the issue of investment protection in the EU.