

## **Summary**

### **The Jurisprudence of the European Court of Justice Concerning Protection of the Environment**

The purpose of my thesis is to analyze judgments of the European Court of Justice relating to the protection of the environment. I have chosen this particular topic because in my opinion environmental law is very attractive branch of law at this time. Moreover, European Union plays a significant role at international as well as regional scene.

The paper is composed of seven chapters, subdivided into several subchapters. Chapter one is introductory. It explains the importance of courts generally for emergence and development of environmental law. This part of text analyzes several key judgments of the most famous international courts and in subchapter two shows the linkage between human rights on the one side and environmental protection on the other.

Chapter two examines European Court of Justice as an institution. It explains the system and organization of european judicature and describes two main proceedings used in environmental matters - infringement procedure and preliminary ruling procedure and several problems associated with them.

Chapter three deals briefly with the european environmental policy and analyzes first Community's environmental findings.

Chapter four and following chapters constitute the core of my thesis. These illustrate an attitude of the European Court of Justice towards different environmental questions in different areas of protection. First of all environmental impact assessment is dealt with. This part shows how Member States have been trying to avoid the application of environmental impact assessment directive and what is the response of the Court. Next chapter focuses on nature conservation and presents two key legislative acts - birds directive and habitats directive. These two directives oblige Member States to create special protection areas and special areas of conservation which are protected territories where non-environmental activities are limited. These restrictions have been making states reluctant to implement directives properly and initiated discussions on

scope of discretion of Member States to take economic interests into account. Following chapter highlights the issue of waste and determination of the definition of waste which is highly important to understand the extent of waste legislation. Finally, chapter no. seven is concerned with three aspects - water protection, air protection and integrated prevention and pollution control.

By comparison of all judgments we can find that the Court expresses same arguments and uses same principles to find inadequate transposition of environmental directives. The Court refers to its previous conclusions very often. European Court of Justice focuses most on principle of legal certainty and effectiveness of environmental protection. Moreover, judges apply basic environmental principles established in Treaties. We can conclude European Court of Justice has become environmental court.