

Resumé

The thesis named Case Law of the Court of Justice of the European Union in the Area of Environmental Protection deals with three types of action in which the judicial protection of the environmental interests is provided. First the chambers of the Court of Justice of the EU are characterised – the Court of Justice, the General Court and the Civil Service Tribunal. Chapters on particular types of action follow. Each of them is attached with analysed related significant cases that the Court of Justice of the EU adjudicated upon. The first type of action is the action for failure to fulfil obligations where the principal questions are possibilities of imposing fines on member states that infringe the EU law. Sanctions are imposed in two forms – a penalty or a lump sum. The second type of action is the reference for a preliminary ruling in which the Court of Justice of the EU interprets the EU law a helps courts of the member states apply the EU law. The final chapter examines the action for annulment in which the fundamental and very disputable question is the question of right of action in environmental matters.

After the comparison with other areas of the EU law, in particular the area of the competition law, it results from the thesis's chapters that the Court of Justice of the EU provides a very good protection in the environmental matters when acting within the first two types of action. Within the action for failure to fulfil obligations the Court of Justice of the EU encourages the Commission to propose to penalise infringing member states by all means that the Treaty on the Functioning of the European Union offers. The Court of Justice of the EU is not bound by the Commission's proposals and in some case it modifies them the environmental protection to be more efficient. During one preliminary ruling in the 1980's the Court of Justice of the EU declared that the environmental protection is the EU principal goal. This judgement made legislators to embody the environmental protection into the primary law.

Within the action for annulment the Court of Justice of the EU acts differently. In here it excercises conditions that are out of date and unsuitable for the access to the judicial protection. EU citizens' interests in the environmental protection are not secured this way. A different and less strict interpretation of the law by the Court of Justice of the EU might lead to an improvement. Otherwise it is neccessery to amend the provisions of the primary law in order to protect better the environment.