

Abstract :

This thesis aims to analyze the case-law of the Court of Justice of the European Union in the field of legal protection of access to environmental decision making, with prejudice to the EIA process, consequently to ascertain the compliance of the legal order of the Czech Republic with the law of the European Union in the area of study and therefore assess the possibilities of the future developments in this matter. To do so, this thesis firstly describes the basic properties of access to environmental decision making and its legal basis both in the international law and the law of the European Union. Secondly, the pertinent statutes of the Czech Republic are analyzed in this regard on the basis of the Case C-368/09, *Commission v. Czech Republic* and then conclusion is reached that even after the amendment of Act No. 100/2001 Coll., on the ascertaining of effects on the environment, Czech Republic does not comply with the requirement to correctly transpose the European Union law. The analysis proceeds with next step to ascertain whether Czech Republic complies at least with the requirement to implement the European Union law accordingly. This goal is accomplished by analyzing the caselaw of the Court of Justice dealing with legal problems pertaining to the legal orders of Federal Republic of Germany and Slovak Republic which share common principles of legal protection in the field of EIA process. On the basis of this analysis a conclusion is reached that the Czech Republic does not implement European Union law accordingly either. The final step of this analysis is therefore to deduce the characteristics that should be attained by the legal order of the Czech Republic in order to ensure compliance with the requirement to correctly transpose and accordingly implement the legal order of the European Union and compare them with the planned evolution in the legal order of the Czech Republic. The key finding of this thesis is that the necessary steps have to be done by changing the pertinent statutes of the Czech Republic and therefore as the last step their planned changes are evaluated. The thesis is concluded by remarking that after the evaluation of the changes has been done, there is not much hope of any positive progress in this area.