

The Precautionary Principle in European Environmental Law

SUMMARY

The purpose of my thesis is to analyse the role of precautionary principle in EC environmental law. The reason for my research is the fact of increasing introduction of this principle into the EC legislation. Its repercussions in other areas of EC law especially in EC public health law should not be neglected neither. However the thesis describes reasons and conditions for applying the precautionary principle, it also justifies limits of its application to prevent the misuse or even abusive use of the principle.

The thesis is composed of two basic parts, the first seems to be more theoretic and descriptive compared to the second one which presents the analysis of the application of the precautionary principle in practice with all its consequences.

Part One is composed of two chapters, first of them describing the rise of the precautionary principle in international public law, his introduction and effects in EC environmental law. The second one illustrates guidelines for applying the precautionary principle as established in European commission Communication (COM (2000) 1).

Part Two consists also of two chapters. The first of them, larger one, examines EC legal framework on genetically modified organisms. Chapter Two concentrates on problems resulting from further application of the precautionary principle. On the basis of case law of the Court of Justice of the European Community, the precautionary principle is defined as a general principle of EC law. It could also be understood as an exception from application of EC law as I explained.

Conclusions maintain my initial hypothesis: The precautionary principle seems to have much broader scope of application than it could seem to have under its proclamation in article 174, paragraph 2 of Treaty establishing the European Community. According to the analysis of using the precautionary principle in practice

and to the current world economic situation, it seems to be appropriate to reformulate guidelines for application of the principle - the political discussion on sufficiency of the EC genetically modified organisms legal framework was already opened in the field of food safety. For the question of the misuse of the precautionary principle, the key role of judicial control should be concluded.