

## SUMMARY

The subject of this dissertation thesis is to analyze the relationship between environmental protection on one side and legislation concerning the free internal market of the European Union on the other. In the practice of European law, this tension is reflected not only in the regulation of the free movement of goods, but also eg. in competition law. Protecting the environment is currently one of the complex issues of law and policy. Necessary response to adverse changes in the environment lays down binding rules on environmental protection in international law, EU law and national law. The EU internal market is secured by four fundamental market freedoms - the free movement of goods, persons, services and capital. The free movement of goods is a key principle of the internal market and it is governed by Articles 28-37 of the Treaty on the Functioning of the European Union. The relationship with the environment is reflected in the quality and characteristics of the products, and the conditions under which these products are marketed in different Member States. Environmental protection is strongly linked with service area, which concerns matters such as the operation of landfills. The EU's objectives in the areas of internal market and environmental protection very often collide. Then it is necessary to find a balanced approach between the protection of environmental objectives and ensuring the economic principles of the European Union. Environmental protection was in the early stages of European integration given relatively little attention. Over time, however, environmental protection has become a goal equivalent to the principles of the internal market. The deepening integration of the internal market can still sometimes be perceived as a threat to the environment. Coordination of the two objectives of the European Union, therefore, remains an important legal challenge. Measures taken to protect the environment can have side effects in the form of certain restrictions on the free movement of goods. This thesis is based on applicable EU regulation and a large number of specific cases in which the European Court of Justice has dealt with the conflict between the two above-mentioned principles. Attention will also be paid to the issue of the relationship of environmental protection and competition law, eg. in connection with the issue of dominant competitors. It concerns the question of providing specific benefits to domestic production or the domestic market of the country. Since 1987, when it was incorporated into the contracts, environmental protection is of particular importance. Some provisions of primary law clarify that the objective of an internal market need not be taken into account only as reducing

barriers to the internal market. Different approaches in the legislation of environmental protection in the Member States can in turn lead to a threat to competitiveness. Policy on environmental protection, which was not originally conceived in the founding Treaties, was among the priority activities only in connection with the adoption of the program of the internal market. The conditions of fair competition in the internal market are related to the risk of "ecological dumping" - purposely low environmental standards enable low-cost and enhance the comparative advantages of manufacturers and exporters in one Member State. The EU determines the minimum environmental standards and EU law creates special procedures restricting the governments of the Member States from the possibility of granting aid to companies if it affected the conditions of fair competition in the single market. CJEU plays a significant role in protecting the environment, which completes with its interpretation of EU rules and may specify them. Concerning the provisions of service accessibility, this thesis is focused on the treatment of EU freedom of establishment (Art. 49 TFEU) and the freedom to provide services pursuant to Art. 56-62 TFEU. Services makes up two thirds of EU GDP and the service sector provides the most employment opportunities. CJEU case law in the area involving both the free movement of services and environmental protection is quantitatively relatively limited. However, in the few cases the CJEU attitude on the question of interpretation of the rules and principles relating to this issue can be seen quite clearly. CJEU undoubtedly puts emphasis on the free movement of services and non-discriminatory access to the market of another Member State. This thesis explores in more detail adjustment under Art. 101 TFEU concerning the rules for businesses and exceptions to these rules, as well as the prohibition of dominant position under Art. 102 TFEU, adjustment of public enterprises and ultimately state subsidies.