

Summary

The dissertation consists of eight chapters, an introduction and conclusion remarks. The first chapter has been devoted to an analysis of energy security as a value protected by the German Basic Law. In terms of constitutional law six fundamental threads were elaborated, i.a. the issue of assuring energy security in jurisprudence of the Federal Constitutional Court in Karlsruhe, or influence of lack of deliveries of energy on the potential of a contemporary constitutional state to fulfill its essential public tasks.

The second chapter presents seating of issues regarding nuclear energy in the German Basic Law. Analysed provisions directly refer in their wording to the nuclear energy. Although those provisions regulate solely jurisdictional issues, then the developed jurisprudence of the constitutional court, literature and political practice enriched those provisions with a reach normative content that has been reconstructed in this chapter.

The third chapter presents sources of law that are binding in the area of security of nuclear installations. Also structure of those bodies of public administration in Germany was presented, to the competence of which belong issues of the nuclear energy sector.

The fourth chapter presents characteristic of the law set by the European Union (Euratom) within the area of nuclear energy. Despite consecutive institutional reforms of European Communities (and of the European Union subsequently), a separation of Euratom has been maintained.

Fifth, sixth and seventh chapter concern issues of radioactive waste. Intentionally vast part of this dissertation concerns issues of radioactive waste. It is a highly up-to-date subject, that ignites biggest disputes and is of a vital importance for future generations. This is a result of a circumstance that storage of highly-active radioactive waste will have to continue for at least one million years – thus it is a decision of such a timely perspective, that a constitutional system must set itself against it.

The last, eighth chapter presents analysis of a concept of the so-called *Restrisiko*, i.e. of a risk that cannot be avoided, that has been developed in the jurisprudence of the Federal Constitutional Court in cases concerning the nuclear energy sector. Analysis of this concept has been extended on presenting theory of risk that functions in economics as well as on presenting its application within the concept developed by the Federal Constitutional Court.