

Mateusz Muchel

„Environmental impact assessment in a transboundary context as a legal instrument of the EU environmental law”

Summary

The PhD dissertation covers the topic of environmental impact assessment in a transboundary context (TEIA) in the European Union law. It is a relatively uncommon research perspective since within the TEIA issue an international-law prospect is usually adapted. The aim of the dissertation is to prove that the TEIA, enshrined within the EU provisions, is a horizontal legal instrument of the EU environmental law. The PhD dissertation refers to the origins of EIA as a ground of evolution of the TEIA. Analysis of the documents of the international environmental politics (esp. Rio de Janeiro Declaration) provides fundamentals of TEIA instrument. The dissertation lays out a comprehensive prospect of the EU environmental law. In this regards the constitutive features of legal instruments of the EU environmental law were examined. On this basis it was proven that the environmental impact assessment in a transboundary context constitutes a horizontal legal instrument of the EU environmental law. The PhD dissertation concerns also the customary no-harm rule as a doctrinal as well as a substantive basis of the procedure in question. Findings derived from the relevant International Court of Justice’s case-law allowed to demonstrate the main conditions of the no-harm rule. Furthermore, it was compared with the legal framework of the TEIA procedure in the EU law. In this context the PhD dissertation regards also to other transboundary environmental procedures set out within the EU environmental law. The dissertation contains considerations on the main challenges to a practice dimension of the TEIA provision within the EU law. It refers to large-scale projects as well as the new legal criteria of the assessment of compliance regarding the EU climate agenda (European Green Deal).