

Doctoral thesis

Title: „The influence of legal instruments for reducing greenhouse gas emissions on the right to choose between different energy sources”

(**Abstract** in English)

The subject of the doctoral dissertation concerns legal instruments for the reduction of greenhouse gas emissions in the energy sector and their impact on the right to determine the conditions for the use of energy resources of the Member States as well as the choice between different energy sources and the overall structure of their energy supply as specified in article 194 paragraph. 2 TFEU. The goals of the EU's energy and climate policy are becoming increasingly ambitious. The EU aims at achieving climate neutrality by 2050. As a consequence, with the implementation of these goals the EU legislator amends the existing instruments for reducing greenhouse gas emissions and introduces new ones. The energy sector is responsible for approximately 80% of carbon dioxide emissions, which is commonly considered to be the cause of global warming. The EU legislation aimed at reducing greenhouse gas emissions leads directly and indirectly to limiting the right of member states to choose between different energy sources and their general structure of energy supply. The analysis included the identification of legal instruments for reducing greenhouse gas emissions, their categorisation, and the assessment of their impact on the right of shaping the energy mix of the Member States.

The indicated research problem has not been previously discussed in greater detail in the contemporary literature on the subject. In the doctoral dissertation, the formal dogmatic method as well as functional method and the method of economic analysis of law were used. The work is divided into six chapters. The first chapter of the dissertation is devoted to preliminary issues. The second chapter describes the competences of the European Union within environmental and energy policies and their legal bases. The third chapter is devoted to the EU greenhouse gas emission allowance trading system (EU ETS). The fourth chapter describes other direct instruments of greenhouse gas emissions reduction in the energy sector: the binding target for renewable energy sources, the binding target for climate neutrality, and the obligation to achieve energy savings under the Energy Efficiency Directive. The fifth chapter provides information on indirect instruments. In the sixth chapter the Author verifies the main and secondary hypotheses. The thesis is based on law in force as of November 30, 2021.

The analysis covered numerous sources, in particular legal acts of the European Union, Polish law, jurisprudence of the Court of Justice of the European Union and Polish courts, policy documents of the European Union and the Republic of Poland setting the directions of climate and energy policy, scientific articles, commentaries on legislation, industry reports and press articles. This allowed to analyse the instruments for reducing greenhouse gas emissions in a comprehensive manner, taking into account the characteristics of the energy sector. The conducted research allowed to confirm the main hypothesis. The author concluded that the legal instruments for the reduction of greenhouse gases significantly limit the right of the Member States to shape their own energy mix, changing the content of Art. 194 paragraph. 2 of the Treaty on the Functioning of the European Union in such a way that the right of a

Member State to choose between different energy sources is limited to the choice between different renewable sources.