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Evolution of the legal regulations concerning the investment process related to the construction of nuclear power plants in Poland

Summary

The subject of this dissertation is the evolution of the legal regulations concerning the investment process related to the construction of nuclear power plants in Poland. The goal of the thesis is to indicate the development of legal norms shaping the investment process related to the construction of nuclear power plants, and above all the attempt to assess the real influence of the indicated regulations on the course of the investment process. The answer to the question of how legal factors affect the success of the investment process for the construction of a nuclear power plant in Poland is a great importance for proving the thesis that reads as follows: The successful conclusion of the investment process concerning the construction of a nuclear power plant in Poland is not conditioned solely by legal factors but above all by the determination of state authorities.

The presented thesis is divided into five chapters ended with conclusions, which the order is determined by the historical nature of the dissertation and the degree of detail of the issues being analyzed. The subject of the first chapter is the introduction to the subject of nuclear power. This chapter is intended to prepare the ground for further consideration, and thus sets out the importance of the essential terms for this dissertation: nuclear power plant, public purpose investment and investment process. In subsequent paragraphs, an analysis of the legal regulations in the field of international and EU law shaping the principles of using nuclear power was made. The second chapter presents the genesis of Polish regulations concerning the investment process related to the construction of nuclear power plants. In order to approximate the situation of the energy sector of the time, whose nuclear power undoubtedly is a part, the legal regulations constituting basis of energy economy, as well as the legal standards applicable to investment processes related to energy investments, have been characterized. The analysis of investment process concerning the construction of a

nuclear power plant in Żarnowiec between 1971 and 1990 was carried out in the further part of this chapter, which was basis of the development of legal regulations in the field of nuclear law. In the indicated scope analyzed of the investment process in terms of legal acts and government documents issued in the above mentioned case was pointed out and indicated the institutions influencing nuclear power legislation and presented the first Polish law regulating characterized issues, namely the Act of 10 April 1986 Atomic Law. In addition, has been pointed out the issue of decommissioning of a nuclear power plant under construction in the context of its impact on the Polish nuclear law and the shape of the contemporary energy sector. Chapter three of this dissertation deals with the preparation of legal regulations related to the development of nuclear power and the specificity of this process. This means that it was necessary to refer to the planning of investments in the energy sector and the results of these actions - strategic documents. Further, the work on prepared the legal basis for the development of nuclear power in Poland was discussed, including above all the regulations that sanctioned the course of investment in the construction of a nuclear power plant. The chapter fourth devoted to the nuclear special law, which is the most important legal act regulating the course of investment in the construction of a nuclear power plant in Poland and will have a potential impact on the effective course of this process and the final outcome of this project. In the first place, presented the characteristics of legal institution, which is the explanation of the concept of the special law and the impact it has on the legal system. Next, analyzed the basic assumptions of the special law, i.e. the conditions for its introduction and material and personal scope of this law. The last issue discussed in this chapter is the impact of the nuclear special law on other areas of law. The fifth chapter covers the subject matter of the model course of the investment process for the construction of a nuclear power plant in Poland based on a key legal act for this process. In this connection, indicated on the issue of the organization of the administration responsible for nuclear power issues and on the restrictions of investment in the construction of a nuclear power plant and so the entire administrative path which the investor must follow since the start of the nuclear installation location procedure up to the commissioning of this installation. In this part, indicated issues that may arise from the application of the nuclear special law.

In the doctoral dissertation were used two methods appropriate to this type of study. In the part dealing with the genesis of international, EU and national regulations connected with the use of nuclear power, was used for primarily the historical-legal method. The second, no less important method used in the dissertation was a dogmatic-legal method.