

National procedural autonomy revisited: consequences of differences in national administrative litigation rules for the enforcement of environmental European Union law - the case of the EIA directive

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Propositions

Pursuant to Art. 23 (6) of the Regulation governing the attainment of doctoral degrees (Maastricht University 2013)

On the topic of the dissertation

1. The Court of Justice has established a minimum standard with which national litigation systems have to comply, but in environmental matters the requirements are more elaborate due to the obligations emanating from the Aarhus Convention
2. The Aarhus Convention has induced convergences between national litigation rules, but also independent national reforms contribute to an approximation of legal systems in the Union.
3. Claimants in the Union are treated procedurally unequal under the same rule of Union law: they are confronted with different rules and hurdles for instituting litigations in court and have to accept that different judgements are delivered depending on the legal system in which they are making the claim, not because of a different interpretation of the law but because of procedural differences.
4. A comprehensive harmonisation of administrative litigation rules in environmental matters in the Union would have the advantage that a systematic set of rules could be created in a transparent manner, as opposed to the current search for piece-meal solutions which lead to unsystematic frictions in the national litigation regimes.

On the field of science (Law in the European Union)

5. Growing nationalism endangers the European project and the ideas of the founding fathers are forgotten in the discussions about states (not) joining and leaving the Union.
6. Free movement of students of European law encounters unjustified barriers.
7. The accessibility of updated foreign legal literature in University libraries has to be improved.

On valorisation opportunities for the topic of the dissertation

8. The results of the thesis can trigger controversial discussions in society. For this purpose, the thesis should be sent to different associations of judges which might be interested in the research results.