

NATURE PROTECTION

JUDr. Ilona Jančářová, Ph.D.

SPRING 2008



NATURE PROTECTION

- Act No. 114/1992 Coll. on the Nature and Landscape Protection (the Nature Protection Act), as amended
- Act N. 100/2004 Coll., on the Trade in Endangered Species of Wild Flora and Fauna
- Act N. 115/2000 Coll., on the Compensation of the Damage Caused by Certain Especially Protected Animals
- Act No. 449/2001 Coll., on the Game-keeping,
- Act No. 99/2004 Coll., on the Fishery, both as amended



NATURE PROTECTION ACT

- a) General protection

- b) Special protection
 - territorial (site related)
 - generic (species related)



General protection

- **Territorial systems of ecological stability (TSES)**
- **Significant landscape components (SLC)**
- **Landscape character**
- **Wild animals and plants including european birds**
- **Trees and shrubs**
- **Caves**
- **Protection of paleontological findings**



Special protection of species

- **Animals and plants**
- **Monumental trees**
- **Minerals**



Special territorial protection

Especially protected areas:

- national parks
- protected landscape areas
- national natural reserves
- natural reserves
- national natural monuments
- natural monuments.

NATURA 2000:

- special bird protection areas (Directive 79/449/EEC on the conservation of wild birds)
- sites of Community interest (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna flora)



Tools of legal regulation

Administrative tools:

- permits
- binding opinions
- decision to stop or limit activity
- decision to take measures
- establishment of protected areas
- exemptions.



Tools of legal regulation

- Economic tools
 - levies for felling trees
 - state support to take measures for enhancing the environment
 - fees to enter national parks
 - tax exemption in the area of national parks
 - financial compensations.



Tools of legal regulation

- Bans and duties of persons.
- Registration (significant landscape components)
- Administrative agreements.
- Monitoring and record-keeping.
- Rules for entering the landscape.
- Biological assessment and assessment of impacts of strategic documents and activities in special bird protection areas and in sites of Community interest.
- Management plans for especially protected areas.
- Protective zones.
- Public participation.



Tools of legal regulation

Sanctions:

- the duty to restore/corrective measures
- duty to compensate the damage
- natural persons: fine up to 50 000,- Czech crowns (may be doubled) and up to
- legal persons and entrepreneurs: fine up to 1 000 000,- Czech crowns (may be doubled)
- withdrawal of illegally held specimens.

Liability for damage

Act N. 115/2000 Coll. :

- Beaver
- Otter
- Wolf
- Bear
- Cormorant
- Moos/elk
- Lynx



STATE ADMINISTRATION

- the Ministry of Environment
- the Czech Environmental Inspectorate
- regional authorities
- National Parks and Protected Landscape Areas Administrations
- Municipal authorities



Trade in Endangered Species of Wild Flora and Fauna

- Act No. 100/2004 Coll., on the Trade in Endangered Species of Wild Flora and Fauna
- Council Regulation No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein,
- Council Regulations No. 1808/2001, 348/81, 3254/91, 35/97, 2087/2001,
- Council Decision No. 97/602/ES,
- Council Directive 83/129.



STATE ADMINISTRATION

- the Ministry of the Environment
- the Ministry of Finance
- the Czech Environmental Inspectorate
- customs authorities
- the Veterinary Administration
- Plant-Treatment Authorities
- regional authorities excluding the territory of National Parks and Protected Landscape Areas
- National Parks Administrations and Protected Landscape Areas Administration



ANIMAL RIGHTS

- Act No. 246/1996 Coll., on the Animal Maltreatment, as amended,
- Act No. 166/1999 Coll., Veterinary Care Act, as amended,
- Act No. 140/1961 Coll., Criminal Code, as amended,



General requirements

- ban to maltreat,
- ban to advertise maltreatment,
- ban to kill unreasonably,
- ban of certain methods of killing,
- ban to leave the animal with the intention to dispose it of,
- duty to let officers enter the property for inspection purposes,
- duty to take medical care and other measures after anesthesia and others.

Specific requirements

- slaughter
- transportation
- pet animals
- lost and abandoned animals
- animals kept for farming purposes
- animals kept for experimental purposes
- protection of wild animals, involving the ban on certain methods of hunting and killing.



Sanctions

- withdrawal of the animal, including the duty to pay expenses related to the withdrawal and veterinary care and other expenses needed to keep the animal
- fines up to 500 000,- Czech crowns
- stop or limit the operation/activity for up to 5 years
- corrective measures.



State administration

- the Ministry of Agriculture
- the Central Commission for Animal Protection
- the Veterinary Administration
- Municipal Authorities and Municipalities



