

CZECH ENVIRONMENTAL LAW

- Regulatory Structure
- Sources of Law
- System of Authorities
- EL Principles

THE ROLE OF NATIONAL ENVIRONMENTAL LAW

International environmental law:

- law developed between sovereign states to develop standards at the international level
- provides obligations for states

National environmental law:

- applies within a state
- regulates the relations of citizens among each other and with the executive within the state.

IMPLEMENTATION OF IEL AT THE NATIONAL LEVEL

- **Self-executing treaties** require no special measures in domestic legislation for implementation
- **Non-self-executing treaties** require deliberate legislative or other related decisions at the national level

IMPLEMENTATION OF IEL AT THE NATIONAL LEVEL

- **Monist approach**
 - countries implement treaty obligations automatically upon ratification
- **Dualist approach:**
 - countries conform these treaties to their domestic law/processes first, before implementation

RELATION TO THE NATIONAL LAW

CR Constitutional Act 1/1993 Coll. 

International treaties:

- approved by the Czech Parliament
- binding upon the CR
 - are part of the domestic legal order
 - take precedence over national law

REGULATORY STRUCTURE

- A. Civil matter
 - between two individuals not involving the state
 - state may act as an individual
- B. Criminal matter
 - involves punishment, its penal matter
 - the state is always involved as a prosecutor
- C. Administrative matter
 - relation between state and individual
 - unequal position

SOURCES OF LAW

- IEL Treaties
- EU LAW
- Constitution
- Statutes
- Governmental directives
- Regulations
- Ordinances

- Guidance documents (not legally binding)
- Judicial decisions

AUTHORITIES IN THE FIELD OF ENVIRONMENTAL PROTECTION

- Parliament
- Court system
- Government and administrative bodies – central level
- Specialized bodies (inspectors, NPA, etc.)
- Administrative authorities – regional level
- Administrative authorities – local level
- Ombudsman

OTHER ACTORS

- EU institutions (European Commission, Council and European Parliament)
- State non-governmental institutions
- Scientific institutions and scientists
- Natural and legal persons
- Public (individuals and NGOs)

ENVIRONMENTAL LAW PRINCIPLES

Principles:

- embody a common ground in international environmental law;
- reflect the past growth of environmental law and affect its future evolution;
- provide guidance in interpreting legal norms;
- fill in gaps in positive law

CZECH ENVIRONMENTAL LAW PRINCIPLES

- 1) The environment is the highest asset/value
- 2) Prevention principle
- 3) Precautionary principle
- 4) Polluter pays principle
- 5) Sustainable development

CZECH ENVIRONMENTAL LAW PRINCIPLES

- 6) Highest admissible level of pollution
- 7) Acceptable usage of the territory
- 8) The right to environmental information
- 9) Public participation in environmental protection
- 10) Access to justice principle
