

# The Legislation in the environment protection field - Czech Republic

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## 1. Legislation in the sphere of environment in the Czech Republic

Basic legislative action in the Czech Republic in the sphere of environment is the environment law No 17/1992 of collection, as amended by further legislation. The statute limits basic names and sets the basic principles for environment prevention and obligations of corporate and personal entities to prevent and improve environment condition and exploit of natural resources; work on the principle of the permanent sustainable development. Environment is everything that creates natural conditions of organism existence including human being and it is also a condition for their further evolution. Its components are especially air, water, rocks, soil, organisms, ecosystems and energy. Further, the statute defines principles of environment prevention, then prevention duties and responsibility. It defines also sanctions for environment damage.

Another statute of general environment prevention is the law to have right to be informed about environment No 123/1998 of collection. The statute adjusts conditions of exercise of the right to be absolutely and in time informed about environment condition and natural resources, which state administrative bodies, regional municipal government and other established by them, and ordered or commissioned corporate bodies dispose of. Further, it adjusts public access to information about environment condition and natural resources which have these bodies at disposal, and sets the basic conditions under such information is available.

The most important laws in the sphere of environment protection in the Czech Republic:

Number of statute	Name	Purpose
254/2001	About waters	The purpose of this statute is to protect surface and subterranean waters, to set conditions both for economical exploitation of water sources and preservation and improving surface and subterranean waters quality, to create conditions of reducing adverse reactions of floods and droughts, to ensure safety of water cannons according to the European Community law. The purpose of this statute is also to contribute to the prevention of water ecosystems and land ecosystems depending on them directly.

274/2001	About water supply and sewerages	This statute adjusts some relations caused both at conduits, sewerages development, construction and running, and its branches for public water main as well as the competence of regional municipal government and administrative authorities in the area of their competence.
185/2001	About waste	This statute lays down the following: directives to the waste origin prevention and its treatment when keeping environment protection, health protection and permanent sustainable development, right and duties of people in the waste economy sphere, and the public service competence.
477/2001	About cartons	The purpose of this statute is to protect environment when preventing carton waste origination, in particular to reduce carton weight, volume and harmfulness and to reduce chemical agents contained in these cartons according to the European Community law. This statute sets the rights and duties of self-employed corporate and personal entities and administrative authorities competence at carton treatment and launching the cartons and packaged products on the market, at backward withdrawal and at waste use from cartons, sets the charges and protective measures, corrective measures and fines.
86/2002	About air protection	This statute refers to treatment of all cartons which are launched on the market or put into circulation in the Czech Republic except containers used at road, railway or air transport or at sea or inland water navigation according to international treaties which the Czech Republic is bound by and which were published in Collection of International Treaties or in Collection of Laws. This statute sets rights and duties of persons and administrative authorities competence at outer air protection against polluting agents brought into by human activity and when both treating the regulated material which damages Earth ozone layer and products which such agents contain, conditions of further reducing polluting liquids amount drained off. The amount, which makes adverse effect on people and animals health and existence, on environment or tangible property. This statue also sets the implements for reduction of amount of material that influences climate system on the Earth and the precautions for reducing luminous polluting in the air.

114/1992	About nature and landscape protection	The purpose of the statute is, at the attendance of regarding regions, communities, plot landlords and administrators, to contribute to landscape balance keeping and regeneration, to protect life-form varieties, natural values and beauties, to manage natural resources carefully and to create system Natura 2000 according to the European Community law in the Czech Republic. At the same time it is necessary to acknowledge economic, social and cultural needs of inhabitants and regional and local conditions.
16/1997	About conditions of import and export of endangered species of wild animals and plants	The purpose of the statute is to protect wild animals and plants which are in life danger in international trade.  Subject of the statute is to set the conditions of endangered species of wild animals and plants import and export and other specified, respectively in commercial and non-trading relation and to determine some other precautions which ensure protection and evidence of those species in the Czech Republic.
15/2000	About compensation for damages caused by selected protected animals	This statute adjusts compensation for damages caused by selected protected animals such European Beaver ( <i>Castor fiber L.</i> ), Riverain Otter ( <i>Lutra lutra L.</i> ), Big Cormorant ( <i>Phalacrocorax carbo L.</i> ), European Lot ( <i>Alces alces L.</i> ), Brown Bear ( <i>Ursus arctos L.</i> ), Bob Cat ( <i>Lynx lynx L.</i> ), Wolf ( <i>Canis lupus L.</i> ).
289/1995	About woods	The purpose of this statute is to determine the conditions of wood maintaining, wood care and wood regeneration as national treasure, being irreplaceable item of environment, conditions of performance of all wood functions and conditions of permanent sustainable living support in it.
334/1992	About protection agricultural land resources	The purpose of the statute is to define agricultural land resources, means of management in it, protection and municipal government competence.
93/2004	About environment influence review	The statute adjusts environment influence review and process of personal and corporate bodies, administrative authorities and regional self-governing entities at this review.  In this statute there are determinate intentions liable to environment influence review, whose implementation could influence environment significantly. The purpose of environment influence review is to obtain objective professional data to issue a decision, eventually a measure according to the special legal regulations.

356/2003	About chemical agents and chemical preparative	This statute adjusts the rights and duties of self-employed personal and corporate entities according to the European Community law when classifying and testing dangerous qualities, packing and marking, launching on the market or putting into circulation and when exporting and importing chemical agents and chemical preparative, when notifying and reporting chemical agents. The statute determines competence of administrative authorities how to provide health and environment protection against harmful effects of chemical agents and chemical preparative.
353/1999	About prevention of major accidents caused by selected chemical agents and chemical preparative	The statute sets personal and corporate entity duties who own or use building or appliances which specific chemical agent or chemical preparative in the same amount or more than is the amount mentioned in the supplement No.1 of this statute is place in, further duties of other personal and corporate entity when ensuring the prevention of major accidents according to this statute, method of object or equipment categorization into specific groups according to the place of the kind and the amount of the selected dangerous agent or chemical preparative. The statute means to inform the public at prevention of major accidents in the building or appliances where the selected chemical agent or chemical preparative is placed in, appoints performance of Civil Service in the sector of prevention of major accidents caused by selected dangerous chemical agents or chemical preparative.
76/2002	About integrated prevention and pollution limitation	The purpose of this statute is to achieve high level of environment protection as a unit according to the European Community law, to ensure integrated performance of Civil Service for permission of appliance operating and to set up and carry on integrated register for environment pollution.
695/2004	About conditions of trading with permissions for greenhouse effect emissions	This statute incorporates appointed regulations of the European Community and sets the rights and duties of both entrepreneur appliances and other persons trading with permissions for greenhouse effect emissions, the procedure of issuing per- mission for greenhouse effect emission discharging and decisions of its changes, the procedure of issuing and per- mission allotment for greenhouse effect emissions and the con- ditions how to trade with them. The statute sets public service competence and imposes fines for breaking of set duties.

Regarding environment the superior authority for government control is Ministry of the Environment. Ministry of the Environment is the central organ of Civil Service for: protection of natural water accumulation, water protection and protection of surface water quality and quality of subterranean waters, protection of the air, protection of nature and landscape, sphere of running zoos, protection of agricultural land resources, function of state geological service, protection of mineral environment, including protection mineral resources and subterranean waters, geological activities and ecological exploitation supervision, waste economy and reviewing of influence of its activities and their consequences to environment, including those that reach over the state borders. Further, the Ministry is also the central organ of Civil Service for hunting, fishery and forestry in national parks. It is also the central organ of Civil Service for state ecological policy.

Another department subservient to the Ministry of the Environment is the Czech inspection for Environment.

The Inspection controls that the personal and corporate entity keeps legal regulations in the sphere of environment and decisions concerning wood functions as elements of environment.

The major economic instrument in the sphere of environment is State fund of the Environment, the Czech Republic (SFŽP the Czech Rep.). SFŽP the Czech Rep. meets the commitments resulting from both international agreements on Environment and National programme for preparation of the Czech Republic to enter the European Union and for pursuance of State policy of the Environment.

SFŽP the Czech Rep. supplies the whole agenda for financial supports by virtue of rendered decisions of the Minister for the Environment. It is especially consultation and advisory work, preparation and concluding the treaties for financial supports, releasing financial means for financial support receivers, including regular monitoring of their purposeful usages, final analysis of used financial means and reached ecological effects.

The fund supports regulations how to improve environment in all its elements, namely:

- water protection
- air protection
- nature and landscape protection
- waste treatment
- technology and products
- use of renewable power sources

SFŽP the Czech Rep. incomes consist by law especially of payments for polluting or damaging of particular environment elements.

Other organs of nature protection are:

- Municipal authorities
- Accredited municipal authorities

- Municipal authorities with extended competence
- Regional authorities
- Authorities of national parks and protected landscape areas

## ***2. The way the Czech Republic and Europe contributes to Environment protection***

Form of the legislation of the Czech Republic must have been adapted to the European Union legislation by virtue of the European Union entry. Some laws had to be adjusted, some remained in the same version. Above-mentioned legal rules meet the European Union requirements for environment protection.

The great contribution to the protection of nature and landscape in the European Union and as well as in the Czech Republic is creating of Natura 2000 territory net. Natura 2000 is a system of locations protecting the most endangered species of plants, animals and natural locations (e.g. peat-bog, rocky steppe or mountain pine grove etc.) on the territory of the European Union. The most important EU legal regulations in the sphere of nature protection are:

- 1) Council directive 79/409/EHS from 2 April 1979 about wild birds protection (for short, directive about birds).
- 2) Council directive 92/43/EHS from 21 May 1992 about protection of natural locations, wild animals and wild plants (for short, directive about locations).

The main task which results from the directives of the European Union is to create a system of protected territories, called Natura 2000. In the Czech Republic there have been agreed eminent locations and bird locations in greater part. Locations and localities are entirely suggested in biological terms. The purpose of Natura 2000 is the protection of biological variety through the preserving of the most valuable natural localities on the territory of the European Union, Protection of kinds of plants, animals and natural locations within the EU, which are the most endangered, the preserving eventually improving of the whole situation of natural locations and some kinds of plants and animals on the territory of the EU, coordination of concerns regarding nature protection, with careful behaviour in regarding locations, integration of valuable natural locations in all states of the European Union into all-European natural inheritance.

After all states in the Europe approve suggested localities, it will be a big success regarding nature and landscape protection on "The Old Continent".

### **3. Problems concerning environment**

Majority of authorities solve problems regarding environment within the purview of laws.

Mainly unprofitable organisations contribute to protection. Especially, they concentrate on the most delicate themes in our region e.g.: cleanness of water and air, waste recycling, greater use of natural renewable power sources, return of big beasts to our woods, conservation of natural ecosystems, ecological education etc. Their endeavour to finance own ecological projects lies in financial means obtaining from the government budget or from the European Union funds.

Municipal authorities also try to obtain financial resources for their ecological projects. The main resources are the EU structural funds and moreover financial grant from the state and the region, too.

As an example we can illustrate the project – “Revitalisation of the river-basin OLŠE I”- 8 cities and communities that are located around the river Olše submit a petition to Fund of solidarity regarding financial grant for construction of sewerage and sewage plants. A budget of this project reaches the amount of 35mil EUR. It is project of regional character with over regional impact.