

Legal Regulation of Air Quality Protection

Abstract

This diploma thesis provides an overview of the legislation on air quality in the Czech Republic with a focus on the regulation in the Act No. 201/2012 Coll., on air protection including a detailed analysis of some problematic aspects and current issues. Air pollution is the actual global issue that is discussed not only in the Czech Republic but also all over the world, mainly because of the harmful effects on human health and the environment.

This paper is organized as follows. The introductory chapter defines the necessary terms, which are essential to the following text of the paper. This chapter also describes the distribution of air pollutant sources and the importance of this distribution for subsequent obligations. The next chapter provides an overview of the historical development of Czech, international and European air quality legislation following by chapters, where the individual types of regulatory instruments to reduce air pollution are analyzed. The chapter on conceptual instruments mainly focuses on the National Emission Reduction Programme of the Czech Republic and an Air Quality Improvement Programs, including an analysis of the changes brought by the amendment to the Air Protection Act implemented by Act No. 172/2018 Coll. Moreover conceptual instruments of spatial planning are included. The next chapter aims to describe administrative-legal instruments, specifically pollution limits, emission limits, administrative acts issued by air protection authorities and obligations of persons. The chapter on economic instruments deals with air pollution charges and subsidies provided mainly by the New Green Savings Programme or the Operational Program Environment 2014-2020, which also provides so called “boiler subsidies”. Next part dedicated to legal liability describes the possibility of checking compliance with obligations and analyzes the possibility of inspecting the stationary source located in a household. Furthermore, the thesis deals with delictual liability and responsibility for environmental losses. The last chapter on specific instruments of air protection describes low emission zones, smog situations and some others non-listed precautions. At the end of the thesis there is a summary of individual instruments of air protection and recapitulation of selected current problems.