

Thesis „Legislation of handling of sources of danger to the environment“

Abstract

The thesis deals with material sources of danger to the environment in terms of legal forms of environmental protection from negative impact of these sources. The topic was narrowed at the beginning of the thesis to waste and chemicals so now it represents these two huge and significant groups of threats to the environment. The reason to narrow the topic was existence of a very large scale of different sources of environmental danger and that could cause shattering of the topic during writing the thesis. The thesis describes in individual chapters various forms of waste and chemicals handling in mutual relationship with legal obligations of subjects of law. The thesis at the same time attempts to evaluate valid legislation in terms of sufficiency of legal obligations and whether these obligations are clear and specific enough to enable high level of protection of the environment and human health (at least). Czech waste management legislation is massively influenced by directive of European union waste law, so the thesis compares intention of union legislator (if it is available) with the results of czech transposition. The waste and chemicals handling chapters are connected with supporting chapter about various forms of legal liability which can develop in consequence of existence of legal obligations. The legal liability chapter attempts to evaluate whether valid czech legislation suits to specific needs of environmental protection.

The topic of the thesis has not been covered lately in the extend of the thesis. Therefore the sources of information for the thesis were mostly the czech primary law acts and their explanatory reports. Above that the czech environment legislation is very closely tied to European environmental law. The result is that the second main source of information for the thesis was primary union legislation and related documents. A very important source of information turned out to be various analytical conclusions originated from czech and union government. Their importance was essential especially for establishing a measure of effectivity of appliance of legal obligations. According to the above mentioned is quite clear that the proclaimed task of the thesis was not easy to achieve. In some cases was necessary to guess the legislation goal on basis of its general meaning or in other consequences.

The thesis main value is in creating a description of valid legislation of waste and chemicals handling in its complexity which has not been covered lately. The thesis has also drawn up several recommendations *de lege ferenda*, especially in case of czech Waste act. The thesis considers the Waste act in its current form to be insufficient, unsystematic and disordered in general as demonstrated in relevant chapter. It became clear during writing the thesis that legislation of waste management and issue of returned products should be separated. Their current coexistence within Waste law is in opinion of the author one of the main reasons that Waste act is so disordered. The thesis includes several arguments to support this opinion, they can also serve for *de lege ferenda* purposes. The main benefit of the thesis for chemicals handling is in creating complex description of union CLP Regulation which still is relatively new. CLP Regulation significantly amended existing legislation of union REACH Regulation. The thesis dealt especially with the part of chemicals handling which consists of classification of chemical substances and mixtures. The reason is that the author considers properly done classification to be the core of proper chemical handling. The thesis concluded the current legislation of chemicals sufficient. One of the reasons stated by the thesis as to the sufficiency of legislation extend is that CLP regulation „learns“ from the experiences of previous REACH Regulation. Therefore CLP Regulation uses (even more) legal instruments that proved themselves useful in environmental protection.