

Polluter Pays Principle in environmental law

Abstract

This diploma thesis deals with the legal principle "polluter pays", which is one of the most important and influential principles of environmental law. The aim was to present a theoretical view of this principle, to point out its meaning, function, development, but also its application in contemporary law, both at the international, European and national levels.

The diploma thesis is divided into five chapters. The first chapter deals with the theoretical definition of legal principles, their importance in law in general, with emphasis on the legal principles of environmental law. In the second chapter I introduce and define the basic concepts, which I work with throughout the whole thesis. These concepts are the following terms: "environment", "polluter", "pollution", "environmental damage" and finally "environmental responsibility". The third chapter contains the core of this work - the function and meaning of the "polluter pays" principle, which is mainly the internalization of negative externalities into the polluter's costs. Furthermore, the third chapter describes the application of the principle in selected economic instruments of environmental protection. These are mainly taxes, subsidies, fees, fines and tradable emission permits. The last two chapters then capture the development of the "polluter pays" principle and also illustrate its anchoring in legal regulations or documents on the international, European and national (Czech) level. This legal principle has undergone a relatively long development since the 1970s. Initially, it has been recognized only as an important tool for preventing market distortions due to negative externalities. The "polluter pays" principle was intended to offset these externalities when the polluter was required to pay for the costs of remediation of the polluted environment. This originally economic principle has been over time transformed into an environmental principle, and today's environmental law system is largely based on it. I have demonstrated this in selected legislation in which this principle is reflected.