

Instruments of the protection of water quality

(Summary)

The purpose of my thesis is to examine the actual problem of water pollution and to analyse certain legal instruments that are set in order to protect water quality.

The thesis is composed of three chapters, each of them dealing with different aspects of the protection of water quality. Besides chapters, the thesis includes an introduction and a conclusion. The introductory part of the thesis gives a simple reason for choosing the topic from the point of the necessity of the water protection.

Chapter One refers to the subject, reasons and aims of the protection. The chapter is divided into three parts. The importance of waters for the whole world and its population is described in part One. Part Two deals with water as the subject of the protection and focuses more on the quality of surface and ground waters. Part Three mentions goals to achieve the required water quality which are defined in the State Environmental Policy of the Czech Republic for 2004 – 2010 and in the Framework Directive on Water Management.

Chapter Two also examines relevant Czech, European and international legislation in the area of the water protection. The chapter consists of four parts. Part One provides a brief description of the development of Czech water law. Part Two characterises legal sources of international and European law in water management and protection. International law is based upon bilateral agreements, which the Czech Republic concluded with its neighbours, and multilateral agreements on boundary and common rivers such as the Convention on Protection and Use of Transboundary Watercourses and International Lakes. The Community Water Law, which is grounded especially in the Framework Directive on Water Management No. 2000/60/EC, unifies the whole field of the water protection. Part Three outlines legal regulation of Czech water law that is based upon the Water Act No. 254/2001 Sb. and other altering acts which are supplemented by a number of implementing Government decrees and regulations. Part Four deals with the general division of instruments used in environmental law from which the main division of instruments of the protection of water quality emanates.

Chapter Three, which is divided into six parts, concentrates in detail on all instruments of the water protection and analyses their impact on water quality. Part One looks at informative instruments that emphasize importance of the following instruments. Policy instruments are described in part Two and consist of water planning, landscape planning and environmental impact assessment. Water planning is examined through the plan of main river basins in the Czech Republic, the plans of river basin regions and measures programmes. Part

Three mentions sources of the pollution and examines mainly wastewaters and their discharge into surface or ground waters, harmful substances and the negative effects of water management accidents. Part Four deals with administrative instruments through which the management of water is regulated. This part contains section One where disposal of surface and ground waters is determined including the basic rights and duties in water management, section Two which deals with water management permit that is required for activities above the general water management scope, sections Three, Four and Five which describe water management approval, opinions and institution of the integrated permission. Section Six is called special or increased water protection and it applies to specific areas connected with water. The protection is provided for protected areas of natural water accumulation, protective zones of water sources and vulnerable areas mentioned in subsection One, for waters determined for bathing and for fish life support as well as sensitive areas described in subsection Two and for watercourses and ground waters in subsections Three and Four. Part Five reports on a reformative instrument, purpose of which is minimising or prevention of further damage, and sanctioning instruments that are set in order to punish a person for non fulfilment of duties. Finally, part Six discusses economic instruments which complete the number of all instruments of water protection and deals with charges collected for abstracting groundwater, discharging wastewater into surface or groundwater, charges to cover the administration of watercourses and water basins, and charges to pay for measures in public interests.

The closing part of the thesis gives the general opinion of the research made in this area and draw conclusions vesting in underlining of the protection of waters and their quality for future generations. I suggest that limits set in administrative instruments should be more precise and strict; more attention should be granted to rain waters and to their quality with the possibility of future use as well as support for ecological agriculture which contributes to improvement of quality of waters.

Key words

Quality of waters – čistota vôd

Instruments of the protection – nástroje ochrany