

Compensation for damages caused by selected specially protected species.

Abstract

This thesis focuses on the issue of compensation for damage caused by selected specially protected species. This institute was created by the legislator as a tool to resolve the conflict between two contradicting public interests: the interest of the protection of nature and the interest of the protection of human property rights. Providing compensation for damage caused by selected species satisfies both of these interests, as it reduces the motivation of victims to illegally hunt specially protected animals, while at the same time compensating for the losses incurred.

In the first chapter, the author defines the key concepts related to the protection of selected specially protected species and then lists the most important international law documents and describes their relationship to the issue under study.

The second chapter is devoted to compensation for damages. The legal regulation contained in Act No 115/2000 Coll. is a special legal regulation in relation to the general regulation contained in the Civil Code. Only the types of damages defined exhaustively by law can be compensated. The actual calculation of the amount of compensable damages is regulated by Decree No 126/2021 Coll.

The third chapter deals with the specifics of individual specially protected species, their biography, historical development, role in the landscape, the typology of damage caused and their individual legal protection. The greatest damage in our territory is caused by the Eurasian otter and the Great cormorant. The most frequent subject of case law review are legal issues related to the protection of the Grey wolf.

The fourth chapter is devoted to the description of the Slovak analogy of the examined legislation and its comparison with the Czech one. The two regulations are identical in the selection of animals, the process of claiming compensation and the subject of compensated damages. The biggest differences between the two examined ones lie in the way of incorporation of the issue into the legal system and the teleological basis of their adoption.