

SUMMARY

Municipalities and the Protection of the Environment

The main aim of this Master's Degree thesis is to analyze mutual relations between two important branches of Czech law, the environmental law and the legal regulation of municipalities, which is the key part of a system of public administration in the Czech Republic and also a reliable measure of citizen participation in politics and the functioning of the state.

There are two reasons why I have decided to choose this topic. The first one is that it is very close to me personally because of the region I come from, White Carpathians Protected Landscape Area where small municipalities play an important role in administering daily matters of public interest. The second reason is that I consider the subject very challenging due to the lack of existing sources and works, which are devoted to it.

The diversity in environmental compartments and subsequent extent of the topic resulted in the necessity choose one group of closely related legislation. I have elected legal regulation of nature and landscape, forest and land protection. The purpose of the thesis in respect of this sort of legislation is to find out, compare and analyze the role of municipalities in the protection of aforesaid environmental compartments, uncover problems of the legal regulation and also of the practice of its application and use.

The chosen methodology is influenced by the main characteristics of the municipalities according to Czech law. In one situation they are a part of state administration and in another we can see a juridical person representing its own and its members' (i.e. citizens') interest and opinions. This ambiguity also reflects in the structure of the thesis, which is composed of five chapters.

Chapter One is introductory, it defines basic terminology used in the thesis and describes the organizational structure of the municipalities. The next two chapters deal with dichotomy of performance of the municipalities within the agenda of environmental protection; they explain delegated and separate powers of communities, the position of municipal authorities in the system of state administration of environmental protection and the structure of municipal authority and other bodies of the municipalities.

Chapters four and five represent the core of the work. They describe particular municipal activities in respect of the environmental protection through procedures used by municipalities, such as administrative procedure, providing information, participation in Environmental Impact Assessment procedure and a system of integrated prevention. The fifth chapter focuses on three most typical and also quite controversial topics chosen from among all tasks of municipalities.

The first topic treats of municipal legislation, which is analyzed by means of examples of existing pieces of legislation and decisions of the Constitutional Court, because there is not a strictly specified limitation of the municipal competence. In the second topic we concentrate on the problems related to the protection of woody plants growing outside forests, because municipal authorities are in charge of permitting the felling these plants. The practice shows important mistakes in the work of municipal authorities in this field and there is a strong pressure to make significant changes. Finally, an analysis of delictual liability imposed by municipal authorities is provided. It is divided according to the legal personality of liable persons (individuals or juridical persons and individuals in the course of their business) and a special attention is paid to breaches of regulations protecting the woody plants growing outside forests. In the conclusion we summarize the most severe problems related to the role of

municipalities in the environmental protection and offer information on the legislation being prepared, and also present our own suggestions and comments. The thesis is equipped with appendixes containing specific data on particular municipalities in the aforesaid region. The tables illustrate the structure of bodies of these municipalities, particularly their municipal authorities and the statistics of permissions to fell the woody plants.