

# **Administrative penalties v. remedial measures, their respective systems and environmental protection efficiency**

## **Abstract**

The topic of this master's thesis are administrative penalties and remedial measures in environmental law, with focus on effectiveness of these institutes in environmental protection. Administrative liability is one of the most commonly enforced types of legal liability in the Czech Republic with the goal of punishing illegal acts, whereas the goal of remedial measures is to remedy or prevent environmental damage.

The first chapter is dedicated to environmental liability, its constitutional regulation as well as the principles which are (or should be) fundamental for this type of legal liability. In the second part of this chapter, administrative supervision is introduced as an institute typically preceding administrative delict proceedings as well as proceedings concerning remedial measures. The most important administrative body charged with supervising environmental protection and compliance with laws is Czech Environmental Inspectorate.

The second chapter covers environmental damage liability, which is regulated by two acts with limited applicability. This topic is followed by a section on remedial measures. The regulation of remedial measures in the Czech Republic is incomprehensive and fragmented, as is the entirety of the Czech environmental law. As far as the practical use of this institute, administrative bodies authorized to impose remedial measures hesitate to impose them. They also face the problem of enforcement of imposed measures, and the lack of officials with relevant expertise.

Administrative liability and its role in environmental law is covered in chapter three. Punishing administrative delicts is the most common means of environmental liability enforcement. Administrative punishment is becoming increasingly similar to judicial punishment, and both are ruled by similar, if not the same principles that are also described in this chapter. This is followed by an overview of types of administrative penalties that authorities can impose for environmental delicts. The chapter finishes with an analysis of allocation of proceeds of fines, which are by far the most common administrative penalty.

The last chapter is an analysis of the utility of the presented institutes in the Czech Environmental Inspectorate's practice, illustrated on liability regulated by the Water Act and the Waste Act. The conclusion of this analysis is that while Inspectorate has no issues imposing fines totaling several million Czech crowns, remedial measures are only imposed a few dozen times a year at maximum.

**Keywords:** administrative penalties, remedial measures, environmental damage