

Abstract

Restriction of the ownership rights for environmental reasons

This thesis deals with the restriction of property rights for environmental reasons as one of the instruments of environmental law. It examines its application across Czech legislation and its impact on the owners of the affected land. The aim of the thesis is to map out what forms the restriction of property rights for environmental reasons takes in the conditions of the Czech legal system, how the legislator, state administration bodies, and courts approach them, and what is important from the perspective of the restricted owners. Analytical, descriptive and comparative methods were used to fulfill this goal.

The text of the thesis is divided into seven chapters. The first of them is devoted to the theoretical foundations, i. e. constitutional anchoring of property rights, environmental protection as a public interest, and the main types of their possible collision.

The second chapter focuses on the conditions under which it is possible to restrict property rights for environmental reasons in order to be constitutionally compliant. Special attention is paid to the conditions of expropriation as the most intensive possible intervention, in which not only the restriction but also the direct withdrawal of ownership rights occurs.

The theoretical focus of the thesis lies in the third chapter, which analyzes and compares possible ways of restricting property rights in the broadest sense of the word.

The fourth chapter belongs to specific restrictions on property rights for environmental reasons, namely those based on territorial protection. These instruments are so frequent and significant in the Czech legal system that I decided to devote a separate chapter to them.

The fifth chapter covers other, “non-territorial” possibilities of restricting ownership rights. It is sorted according to the components of the environment that the given instruments serve to protect.

The sixth chapter, the shortest in scope, presents land consolidation as a specific procedure in which the involuntary restriction of property rights occurs when the minority of participating owners disagree.

The last, seventh chapter is devoted to compensation. It addresses in which cases and under what conditions compensation is due for restricting property rights, when it is granted by law, when only by the courts, and why this is the case.

Key words: limitation of property rights, restriction of property rights, environmental law, ownership, compensation, protection of nature