

Compensation for Damages Caused by Specially Protected Animals

Abstract

This thesis addresses the issue of compensation for damage caused by specially protected animals within the legal framework of the Czech Republic. The introductory part of the thesis focuses on defining the terminology of the terms "animal," "game," and "animal organism" as used in various legal regulations. It analyzes their differing meanings and highlights the terminological inconsistencies within the Czech legal system, which can lead to practical application problems.

The next section of the thesis provides a detailed analysis of the protection regime for animals. First, it examines general protection afforded to all wild animals under Act No. 114/1992 Coll., on Nature and Landscape Protection, including specific protection for birds and the regulation of non-native species. It then analyzes the special species-specific protection granted to specially protected animals, which are divided into three categories based on their level of endangerment. Prohibitions concerning these animals and the conditions under which exemptions from these prohibitions may be obtained are explained.

The third part of the thesis focuses on the general concept of compensation for damages, with an emphasis on strict liability, which is characteristic of compensation regimes for damage caused by animals. It analyzes the general regulation of compensation for animal-caused damage under the Civil Code, as well as the specific regime for damage caused by game under the Hunting Act. It compares the liable parties, the scope of liability, and the possibilities of exoneration under these legal regimes.

The core part of the thesis is dedicated to analyzing the legal regulation of compensation for damage caused by specially protected animals under Act No. 115/2000 Coll. It examines in detail the exhaustive list of selected animals whose damage is compensable under this law, as well as the types of property on which such damage can be compensated. The thesis also thoroughly explores the procedure for claiming compensation, from reporting the damage and submitting a claim to the possibility of seeking compensation through the courts. Additionally, it analyzes the method of determining the amount of compensation for damage as outlined in Decree No. 126/2021 Coll. issued by the Ministry of the Environment.

Based on the analysis conducted, the thesis identifies several specific and potentially problematic aspects of the current legal framework. These include the limited list of selected animals, short preclusive deadlines for submitting claims, and the specific compensation process that is not governed by the Administrative Procedure Code.

Key words: specially protected animal, compensation for damages, nature conservation