

SUMMARY

The number and hazardousness of human activities that breach environmental law now features serious and growing problem. The environmental liability, that represents effective legal instrument, includes delictual liability and liability for environmental damage. The purpose of dissertation is to analyze and describe the present legal regulations of the delictual liability of natural persons in the field of environmental protection. The final aim is to propose recommendations de lege ferenda.

The introductory part of dissertation defines the basic concepts like legal and environmental liability and basic principles of environmental protection concerning delictual liability. Then it provides description of regulation of liability in international documents and in European Union law. The dissertation is analyzing in detail the administrative and criminal liability in Czech legal order.

Natural persons are liable in Czech legislation in case of lighter breach of law for offences and other administrative delicts or in more important cases for environmental crimes. This dissertation also includes more branches of law - environmental, administrative and criminal law and considers conditions of liability, sanctions and procedures in Penal Code and several acts of environmental law. Criminal law constitutes the hardest instrument of punishment (*princip ultima ratio*), so the largest number of wrongful conduct is sanctioned in terms of administrative recourse.

As example of foreign law regulation concerning delictual liability is analyzed in more detail German criminal and administrative law, Slovak and Austrian law. On the basis of the analysis were in this dissertation deduced selected elements of foreign legislation, that is considered as inspirational pro futuro. In short is also mentioned legislation in Netherlands, Belgium, United Kingdom and Russia.

The close connection with the topic of this thesis represents the criminal liability of legal persons. Having regard to this fact, this dissertation deals with newly prepared act on the criminal liability of legal persons and proceedings against them.

In the field of criminal law is the new recodification of Czech Penal Code compared to the previous legal regulation. The new Penal Code means for environmental protection indispensable asset, yet many practical problems have not been removed. The most important recommendations de lege ferenda for criminal law are as follows:

- right transposition into Czech criminal law of Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law;
- legal regulation of new acts with serious negative impact for environment and human health;
- reduction of complicated terms of environmental crimes and cumulative conditions of recourse .

In the field of environmental criminal law is mentioned in this thesis newly prepared amendment of Penal Code, which is tackling some problems of valid regulation.

As regards administrative law, natural persons are liable in Czech legislation for offences (fault-based liability) and for other administrative delicts (mainly based on strict liability). Law regulation of administrative delicts is complicated and with nonuniform amended conditions of liability. The prepared reform of administrative punishment has been delayed up to now.

The most important recommendations de lege ferenda for administrative punishment are as follows:

- liability of natural persons based strictly only on fault, disestablishing other administrative delict without fault as legal institute;
- unification fundamental conditions of liability of natural persons in legal regulation.