

Abstract and keywords

The legal regulation of wood species growing outside the forest

Keywords: Wood species growing outside the forest in Czech Republic,
wood species growing outside the forest in Austria,
history of legal regulation of wood species in Czech Republic.

Abstract:

Topic of thesis is the public protection of wood species growing outside the forest in the legal order of the Czech Republic and Austria. The focus of thesis lies by Czech law. Reflected its development, current legislation and existing state of protection of wood species growing outside the forest in decision-making activities of the courts and the Ministry of Environment. Austrian legislation is viewed more as an inspiration for proposals *de lege ferenda*. Protection of nature and landscape in Austria is in the individual competence of each country, so it is not completely uniform. Special laws on the protection of the trees are only in Vienna and Styria, so the point of comparison is the legal order in these countries.

Introductory part of the thesis defines the term wood species growing outside the forest and discusses their relevance for man and their place in the natural processes. Aesthetic and biological functions of trees forms the background the legislation. These functions created the material basis for the public interest in the protection of wood species and are important for the decision of the competent administrative authorities.

Chapter devoted to the legal regulation focuses on the history of legal protection and care of wood species growing outside the forest in the Czech Republic and gives an overview of current legislation in Czech Republic and Austria, which affect into this matter. It is mentioned the fragmentation of legislation in both countries.

The legal regime of wood species growing outside the forest is analyzed systematically by individual principles that apply in this field. Detailed description of the situation in the Czech Republic is always followed by the same institutes in Vienna and the Styrian provincial law. For the key areas of legislation consider we the question of replacement planting and financial contributions. The conclusion therefore includes some suggestions *de lege ferenda* in this field.

In Austrian law we highly appreciate the regulation of replacement planting and financial contributions, which is in Czech Republic permanent lack of rights, on the other hand, a uniform legal protection of wood species growing outside the forest is unquestionable and unsurpassed value of Czech law.