

SUMMARY

A widespread occurrence of the former ecological damages and contaminated locations in the Czech Republic has been a rudiment of more than 60 years of non-democratic regimes in 1938-1989. Then, the preserving of nature and handling of harmful substances for industrial and other purposes was at a very low level. A systematic removal of these detriments of the past extended after democratisation in 1990. The Czech State has taken on the responsibility for removing some of these damages, especially as a part of privatization. This has been a long-term, risky and legally demanding enterprise. A unified, co-ordinated approach to the matter at a national level has not been established yet, despite of the enormous budget. Moreover, some of the issues have not been addressed at all. Such a situation requires an immediate action since the public health has been put at risk either because of a direct contact with harmful substances or due to the groundwater contamination.

Time-wise, the legal commitment of the State regarding the budgeting for decontamination of the former ecological damages of the privatized assets has not been limited. The process has been continuing for 19 years and its proceeding depends on the State assets' privatization timeframe and termination. It has been a legal obligation of the State, so it would be changed or altered only by means of passing a new law. The same measures apply to the rights of privatized assets' vendees environmentally harmed by the activities of former state enterprises before privatization. These rights might still be enforced for the duration of the state legal commitment to refund decontamination of former State assets.

As a Government Act has been one of the necessary conditions for accepting the financial claims of privatized assets' vendees covered by the privatization revenues, a number of the Government resolutions determining the procedures of raising and fulfilling the financial commitments (by the State as well as by its authorities) have been passed until now (individual descriptions of these resolutions are included in part II of this issue). The steps to comply with the pre-privatization ecological obligations and respective authorities and organizations' competencies are included in part III of this publication.

The financial obligations of repairing these damaged environments and revitalization of former heavy lignite mining areas have been refunded by the State according to the law and regulations in a different mode and with different targets. However, the main target remains the same: a complete removal of the environmental damage and devastation.

Legal and technical aspects of the programme of solving environmental damages generated before privatisation of lignite mining companies in Ústecký, Karlovarský and Moravskoslezský regions.

Programme of removing of damages caused by exploiting and environmental damages generated before privatisation of lignite mining companies in Ústecký, Karlovarský and Moravskoslezský region, is funded by the State with the amount of CZK 15 billion according to related government decree. These damages have been generated as a consequence of exploiting of lignite related to foregone strip mining. To establish the method and principal policies of said programme the Joint Committee was established to solve environmental damages and the guidelines of Joint Committee were adopted to define the area of mining activities, types of applicants, subject of support typology of projects and acknowledged costs. The results of foregone redeveloping and restoring works have established new conditions for gradual regression of landscape utilisation after restoring, renaturalisation and subsequent resocialisation the mentioned above have been implemented to Ústecký, Karlovarský and Moravskoslezský regions.

The European Union has frequently acted against the environmental damage of the past by using specific legal measures. This has been the up-to-date European legal enactment and these issues have been reflected upon in this compendium. We can view these past environmental damages in two ways: as a property detriment and hence the pecuniary injury or as the harm to the environment and thus the ecological detriment. It is highly advisable to appreciate the role of the most important parties participating on the former environmental damages removal, e.g. the contaminated property/estate owner, the damage inflictor, the State, general public, contractor... These legal bodies should ensure the appropriate measures leading to improvement are taken.

The immediate necessity to solve the issues of environmental damage of the past by passing particular legal regulations seems to be discernible as portrayed in individual sections of this publication. These regulations would become effective only if the contemporary legal measures do not apply. However, a legally explicit theorem of seeing these environmental damages as a specific detriment should not be disregarded.

The contemporary Czech law includes some legal measures to deal with these negative influences on the environment. Nevertheless, anticipation, awareness and swift legal action remain the best concepts to prevent these damages from occurring in future.