This thesis deals with the legal aspects of the polluter pays principle (PPP) within the environmental law. The aim of this thesis is to provide an overview of current definitions of this principle and its application in the International, European and national Czech law. The text is divided into ten chapters.

After the introduction, the thesis ruminates on legal principles in general, their status and function in the legal system and in the environmental law specially. The third part holds forth on development and functions of the PPP and its relation to other legal principles of the environmental law. The polluter-pays principle represents among the OECD countries, respectively at the European level, for quite long recognized and practically applied economic and legal principles leading to internalize the costs of environmental protection, which are transferred from states to the real polluters, who pollutes environment by their production or other economic activities. The history of this principle reflects a gradual shift in meaning. At first, the Recommendations of the OECD and the EC referred to the principle as a means of preventive the distortion of competition (instrument of harmonization intended to ensure the smooth functioning of the common market); later it formed the basis both for internalizing chronic pollution (instrument of redistribution) and preventive it (instrument of prevention); finally it served to guarantee the integrated reparation of damage (curative instrument). In addition, this part names the main instruments implementing the PPP, which are primarily environmental liability, environmental taxes and charges, tradable permits and credits (systems of emissions trading) or environmental subsidies.
The fourth chapter deals with recommendations of the OECD regarding polluter pays principle. In 1972, the OECD Council adopted the Recommendation on Guiding Principles concerning International Economic Aspects of Environmental Policies which incorporates the first formulation, at the international level, of the Polluter-pays Principle as an economic principle for allocating the costs of pollution control. In 1974, the polluter pays principle was subsequently developed by the OECD Recommendation on Implementation of the Polluter-Pays Principle. At the outset, the polluter pays principle had been devised largely in the context of continuing or chronic pollution that needed to be reduced progressively to an acceptable level. In 1989, OECD recognised in the Recommendation on the Application of the Polluter Pays Principle to Accidental Pollution that the principle was also applicable to accidental pollution.

The fifth chapter is focused on the implementation of the PPP in the international law. There are many references to the PPP in the international law. An important step towards the recognition of the PPP in a broad sense on a global level was made in 1992 with the adoption of the Rio Declaration on Environment and Development. The PPP has also been explicitly incorporated in a number of international environmental instruments and texts. Some international agreements refer to the PPP as “a general principle of international environmental law”. This chapter is focused especially on international agreements dealing with environmental liability in relation to specific fields (e.g. Lugano Convention, Convention on Civil Liability for Oil Pollution Damage, Convention on Civil Liability for Bunker Oil Pollution Damage, Antarctica Liability Annex, Basel Liability Protocol, Kyiv Liability Protocol or Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety).

The sixth chapter deals with the implementation of the PPP in the European (EC/EU) law. The PPP was incorporated into the Treaty Establishing the European Community through the adoption of the Single European Act, thought it has existed at Community level since 1975. The PPP is now enshrined in Art. 191 par. 2 of the Treaty of the Functioning of the EU. Since its introduction into the Treaty, the PPP has not been defined as such in EC/EU legal act. EC/EU directives apply to the PPP to certain areas of environmental protection (e.g. water policy, waste treatment, taxation of energy products and electricity). Environmental Liability Directive is discussed separately as an example of the administrative tools in the implementation of the PPP.

The seventh chapter provides an analysis and assessment of implementation of the PPP in the Czech national law. The main focus is with environmental liability, remedial measures
and economic instruments (environmental taxes, charges and emission trading) applied in different branches of Czech environmental law. The eight chapter provides a brief overview of the implementation of the PPP in the United States law (CERCLA, Atomic Act and emission trading programmes). The last two chapters concludes with summing up the main findings and call for a broader use of polluter pays principle.

The PPP started out as an economic principle (among OECD and EU countries) and has recently become a legal one. It has not yet been codified, for its content has changed and will continue to do so. The predominant trend is to place further liability on the polluter and to alleviate the economic burden which pollution places on the authorities. The PPP is not a principle of equity; it is designed not to punish polluters but to set appropriate signals in place in the economic system so that environmental costs are incorporated in the decision-making process and hence arrive at sustainable development that is environment-friendly. The aim is to avoid wasting natural resources and to put an end to the cost-free use of the environment as a receptacle for pollution. A degree of environmental pollution will certainly persist, and the consumer will bear the cost initially charged to the polluter. But use of the PPP will secure economic efficiency and will reduce distortions in international trade and investment to a minimum.