

The main purpose of my thesis is to examine the case law made by the Czech courts related to environmental issues and to formulate general conclusion from the analyzed case law. My goal was also to prove whether the considered case law is contradictory, or not. I browsed many judicial collections, legal journals etc. and I paid attention to equal or not equal decision making in similar matters. My study concerns on the issues which are solved by the courts either contradictory, contrary to the past, in a new perspective or even surprising for its different reasoning in comparison to the doctrine. The thesis firstly deals with the role of the courts in the environmental protection, than it focuses on the basic issues of environmental law, in particular at the right on a healthy environment and the restraint of property right. A special part of the thesis is devoted to the administrative proceedings with a potential impact on the environment and the effectiveness of legal protection provided by the courts. Finally, the thesis deals with the judge made law related to the protection of nature and landscape as well as other spheres of environment. The judge made law in environmental issues is essentially uniform, but in certain question it is contradictory. There is a significant tension between the doctrine and the courts in some crucial questions of the environmental law. It seems the courts in the past had not considered some awkward consequences of its initial decisions. Now it can be hardly overdone, because the courts can not adopt the role of legislature and the former decisions may not be disrespected. It is necessary that courts apply carefully its own conclusions ruled in the past on similar cases in order to contribute to better protection of healthy environment.