

**Název práce v českém jazyce: Vybrané otázky přístupu k soudům v ochraně životního prostředí**

**Název práce v anglickém jazyce: Selected issues of access to justice in environmental protection**

**Abstrakt:**

Cílem diplomové práce je zhodnotit platnou právní úpravu přístupu k soudům v otázkách životního prostředí ve světle nálezu Výboru pro dodržování Aarhuské úmluvy. Práce nejprve stručně pojednává o teoretických přístupech a obecných otázkách, které jsou pro zhodnocení platné právní úpravy nezbytné, a poté popisuje hlavní body stížnosti. V závěru se pak věnuje tématu odkladného účinku, jelikož v této části nebyla dle Výboru Úmluva porušena. Součástí práce je také autorův vlastní výzkum dle zákona 106/1999 Sb.

**Klíčová slova:** Soudní ochrana životního prostředí, Aarhuská úmluva, odkladný účinek

**Abstract:**

The aim of this thesis is to evaluate the legal regulation of access to justice in environmental matters in the light of findings of the Compliance Committee of the Aarhus Convention. The thesis briefly discusses theoretical approaches and general issues that are necessary to evaluate existing legislation, and then describes the main points of the complaint. The conclusion is devoted to the topic of suspensive effect, as in this section according to the Compliance Committee the Convention was not violated. The thesis also includes author's research pursuant to the Act 106/1999 Coll.

Key words: Access to justice in environmental matters, the Aarhus Convention, suspensive effect

Resumé:

The aim of this thesis is to evaluate the legal regulation of access to justice in environmental matters in the light of findings of the Compliance Committee of the Aarhus Convention. In 2010, a statement of non-compliance with Czech law requirements of the Convention was sent to the Compliance Committee, and in 2012 the Committee noted that most of the complaint is justified.

The first part deals with general issues of access to justice and the Aarhus Convention as it is the most important international instrument in the field of environmental protection.

The second part of the thesis deals with complaint sent by Czech NGO Environmental Law Service and also with the body of the complaint, especially the three most important points: limited standing for NGOs and individuals excluded or limited scope of judicial protection and the ineffectiveness of judicial protection.

The third part focuses on the evaluation of suspensive effect, the only point of the complaint, which was not found in breach of international obligations. This chapter briefly presents the theoretical foundations of suspensive effect and then shows that the legislative changes may cause better protection of the environment. This part also contains author's research pursuant to the Act 106/1999 Coll., which shows increased interest in using the suspensive effect after the legislative change.

The last section provides opinions *de lege ferenda* and the author's view on possible legislative developments and the development of the courts practice.