

## **Abstract**

The main goal of the thesis is to answer the question, whether the current Czech criminal legislation enables effective punishment of serious environmental offences and ensures the enforcement of rules on environmental protection in a more efficient way than administrative sanctions.

Protection of the environment through the criminal law can be traced in the Czech Republic back to 1980s. However, criminal law has until now played only marginal role in the sanctioning of offences against the environment. Majority of environmental offences are prosecuted in administrative procedures. Since 1990s the international community and later also the EU have discussed the need to pursue a harmonised criminal policy aimed at the protection of the environment.

In case of serious environmental violations criminal law penalties are perceived as a more effective and appropriate measure than administrative penalties. Despite the fact that most of the potentially harmful activities are strictly regulated by both EU and national environmental law, environment continues to be threatened by pollution and excessive exploitation and environmental rules are being breached. The most serious environmental crimes are related to waste management, trade in endangered fauna and flora species and discharge or emission of hazardous substances into air, soil or water. Environmental crime causes significant harm or threat to the environment and human health. At the same time it provides for very high profits for the perpetrators at a relatively low risk of detection. Often there are cross-border effects on the environment. Criminal law measures are considered to be the last resort, however, when other measures fail to prevent the impairment of the environment, the application of criminal penalties is necessary and adequate. Unlike civil and administrative measures, criminal sanctions prevent the offender to continue with unlawful activities, effectively discourage potential offenders and express strong social disapproval.

The thesis focuses on the current Czech criminal legislation (crimes against the environment are laid down in the Criminal Code), describes its evolution and analyses and evaluates its practical application. It uses police and judicial data on the number of environmental crimes and the number of prosecuted and sentenced offenders in the last twenty years. As previously mentioned, environmental breaches are mostly punished in an administrative procedure. Therefore the rules on administrative sanctions are also briefly described and their application analysed. Additionally, the thesis discusses the EU Directive

2008/99/EC on the protection of the environment through criminal law and the Council of Europe Convention on the protection of the environment through criminal law, which was adopted 1998. An essential part of the thesis is the analysis of the environmental criminal law legislation and its practical application in three other EU Member States – Germany, Austria and Poland. The rules on criminal liability for environmental crimes in these countries are due to historical and geographical reasons very similar to the rules in the Czech Republic. The thesis is concluded by an assessment of the effectiveness of the criminal law in environmental protection.

### **Keywords**

Criminal Liability, Environmental Protection, Environmental Crime