

Summary

The dissertation deals with legal regulation of energy in the Czech Republic in the context of environmental protection. Power is the broadly conceived by the author because it includes not only the stage of obtaining energy resources, production, and the distribution of energy, but also the activities related to energy conservation and dealing with energy waste. For these individual phases, the author introduces the concept of the energy chain which is understood as a set of interrelated developmental stages of energy. Energy law is defined by the author as a law that regulates people's behavior towards usable energy at all stages of the energy chain. Endangerment and damage to the environment may occur (and often does occur) at each stage of the energy chain. This work emphasizes the principles and instruments of environmental protection which can effectively fulfill their function in energy legislation. The aim of the work is to find and understand the context of principles and instruments of environmental protection in the Czech energy law. This knowledge may then allow for an assessment of energy legislation *de lege lata*, including introducing specific proposals *de lege ferenda* and possible policy changes.

The most important and overarching principle in all stages of the energy chain is the principle of permanent sustainable development, while the principle of the Best Available Techniques and the liability of the operator also have their irreplaceable role. The importance of environmental protection must not be understood in absolute terms; it must also be measured further with other basic energy pillars, such as accessibility and competitiveness. The most important conceptual tool is the State Energy Policy, which sets long-term energy objectives and is the basis for the Spatial Development Policy. From the territorial perspective, energy concepts tie into the State Energy Policy, while action plans tie into it from the perspective of thematic areas of energy. The hierarchy of documents is an important element for the realization of long-term concepts. The creation of these documents lacks an appreciation of experiences with some measures in other Member States of the European Union. In energy law, we also encounter some special tools which are represented by a state of emergency, protection and safety zones, and an energy specialist. Energy as a governable natural force is an issue in a legal sense. The Civil Code operates with the concepts of linear structures and utility networks which, however, are not defined by any legislation. *De lege ferenda* would be appropriate to include their definition in the building

law. It can be concluded that the concept of linear structures is broader than utility networks, do not constitute a component part of a tract of land, and as a rule are immovable things. The law on accelerating the construction of the transportation, water, and energy infrastructure works with the concept of energy infrastructure, although even here a definition in the Building Act would be more appropriate. Czech legislation lacks the terminological consistency of energy concepts, including the absence of certain basic definitions. A new fundamental item from 2018 is the institute of coordinated management which is expected to accelerate the construction of an energy infrastructure. An increase in the importance of the EIA process is expected in terms of environmental protection. The most vulnerable component of environmental protection is the atmosphere with the Earth's associated climate system. Increasing efforts to regulate the construction of overhead lines that threaten birds may be seen as positive. It is also necessary to insist on a minimization of the fragmentation of the landscape caused by overhead lines. The author concludes that future financial support for first-generation biofuels is incorrect given the possibilities of using biomass wastes and the development of electromobility, and is therefore contrary to the principle of best available technologies. The preservation of the existing four major laws in the energy sector at the expense of the fragmentation of legal regulation into more laws is a positive concept.

From the perspective of international law, the most important Convention that indirectly controls energy is currently the Paris Agreement. The nuclear power industry has a dominant position in international conventions that directly regulate energy. The emergence of international conventions dealing with issues of extracting minerals from the seabed seems inevitable. Paradoxically, renewable energy sources are associated with this issue. The need for certain rare metals for the construction of energy manufacture from renewable sources and their accompanying devices (especially battery cells) is now ranked among scarce raw materials. The energy policy of the European Union and related EU legislation are the main reason for the change of the energy law in the Czech Republic. Even though Member States have the exclusive right to determine the composition of their energy mix under the Treaty on the Functioning of the European Union, binding goals of increasing the share of renewable sources in gross final energy consumption affects this area indirectly as well. The harmonization of Czech legislation is most evident in the area of energy market liberalization and energy conservation. EU product regulation with regard to ecodesign requirements is fundamentally correct, but excessively frequent changes and the breadth of regulated products

can often be counterproductive; the economic and social aspects must be taken into account as well, based on the principle of permanent sustainable development.

For the regulation of business in the energy sectors, key administrative tools are particularly represented through granting licenses as a prerequisite for doing business. The author found also finds the principle of purposeful finding of financial means in abundance in energy legislation. The position of the customer is specific for business in the energy sector, for whom protection must be specially emphasized. Since contracts for the supply of electricity or gas to the general public are often completely incomprehensible, the *de lege ferenda* must insist on the mandatory written form of these contracts. The provisions of the Energy Act may be viewed as positive, as they require license holders to observe environmental protection during their activities, facing sanctions for non-compliance. The current possibilities for selecting and dismissing members of the Board of the Energy Regulatory Office is viewed critically; *de lege ferenda* recommends the Austrian model. The general departure from operational support for the production of electricity from photovoltaic plants and biogas plants, including the termination of operational support of electricity from the island system (in the area outside the distribution network), is improper. The risk of misuse of operational support can be solved by determining support for the maximum amount of the installed capacity. In the case of a choice between a one-time investment subsidy or operational support, the operational support is the more economical option. The further support for renewable sources should address a massive part of the public in that it will simplify administration, increase public awareness, and set a motivational level of operational support. The introduction of an auction system for the further construction of renewable sources is recommended, having the advantage of long-term planning and competition of market prices among investors. The creation of a map of exclusion zones for the construction of wind turbines is also recommended. In terms of the localization of production from renewable sources, it is necessary to avoid monoculture, which departs from one of the primary benefits of renewable energy sources, specifically the decentralization of energy production. It is precisely long-term and consistent legislation that is an essential prerequisite for the further development of energy.

Leaving the civil liability of operators of nuclear installations in the old Atomic Act is seen as unsuitable. Although the new Atomic Act is systematically structured and contains a number of important principles and tools for environmental protection, the new Atomic Act still contains too many technical terms, the modification of which should be left to the

implementing legislation. Fundamental disagreement is expressed with the declared effort of some legislators to adopt a special law for the completion of the nuclear power plant in Dukovany. In this respect, amendments to the law on accelerating construction into the transportation, water, and energy infrastructure are viewed as positive, however, *de lege ferenda* could include elements of the packaging method for the construction of nuclear power plants. In the area of energy conservation, it is necessary to unify the various supported programs under a single central government authority (the Ministry of Industry and Trade), dramatically simplify the administrative process of submitting applications, reach the general public, and systematically list individual supports. Emphasis must be placed on increasing the importance of economic instruments to the detriment of the administrative ones. The principle of positive economic stimulation should be implemented by setting the mechanism of minimum market value as part of investment grants. The obligation to prepare documents with the effects of soft law is subject to criticism. The existing law lacks implementing legislation for pricing obligatory activities conducted by energy specialties.