

15 RESUME

In my work I concentrated on the stationary sources of air pollution, in some cases with a closer description of the situation in the South Moravia region, due to my (permanent) residence, which is one of the most polluted regions of the Czech republic with regard to the emissions of principal air pollutants. Last, but not least, I also tried in general to demonstrate the proceedings by the Czech Environmental Inspection Office (ČIŽP) and finally tried to sum up the current situation.

The global necessity to improve the quality of the air in particular, and of the environment in general, has impetrated the international co-operation, which has presented in many, mostly general, conventions, implemented by protocols. The emissions don't need any passport, the borders don't exist for them! The obligations our republic to these conventions and EU-membership brought many positive changes into our law. Besides the activity of many czech specialists and statemen (e.g. ex-minister Vavroušek) after 1989, was just the influence of the international and the european law, during the process of the consolidation, the powerhouse for our enviromental law. The legal

regulation forms the system of the sources of law gradually instituted in to the „Clean air act“ No. 86/1992 Sb., which is effective from 6.1.2002 and embraces also the ozonosphere conservation and climate protection. There are many next elementary legal regulations (regulations and decrees). Of course, it is important to consider the next regulation in the constitutional order, and other legal rules.

In respect of air quality control, regular, nation-wide, assessment of air quality, based on systematic monitoring and evaluation of air pollution, deposition and emission data, has become part of the standard public service provided by the Czech Hydrometeorological Institute. These data show the global improvement of the air quality in the Czech republic, but at the same time suggest growing air pollutants of some substances. For example, the monitoring shows, that the air pollution caused by SO₂ (Sulphur dioxide) did not exceed, with the exemption of the stations, where local influence can be expected, the limit values for the protection of health, analogously by the pollution caused by Lead, Cadmium, Carbon monoxide, Benzene and others. Unfortunately the annual PM₁₀ (Suspended particles, PM₁₀ fraction) limit value was exceeded at many stations, and most of them exceeded also the margin of tolerance. The growing pollution was monitored also by nitrogen dioxide, ground-level ozone or locally Benzo(a)pyrene. This growth is also produced by the traffic.

In spite of improving knowledge about these problems in society, too many people still see the legal protection of the air, climate and the ozone layer as a useless disincentive to development. Particularly the problems with the externalities beg the question: Are the costs in to the cause more expensive costs in to the repercussion? This should be also the main theme in the next law-making process by Czech, EU and international legislative and their consolidation. Next problem can be the inforcement or too liberal and misconstrued interpretation, which should be done by the spirit of law.

The Climate Change

Some scientists claim, there's no question that the Earth is getting hotter—and fast. The real questions are: How much of the warming is our fault, and are we willing to slow the meltdown by curbing our insatiable appetite for fossil fuels?²¹²

I would like to demur at some terms and opinions. Firstly the term „global warming“ is criticised by some climatologists, as it summons up the vision of warming all over the planet, but these problems are more difficult and that is why they prefer the term „climatic changes“. Next question is our fault. The proportional number of the humans participation on the climatic changes is growing summit by summit, caused first of all by the growing industry and traffic. Unfortunately the statesmen use demagogy and words-game, wherever it may be supporters soever opinion. And my last comment relates to our potential to slow down the meltdown, in spite of the term „meltdown“ is an unfortunate phrasing, more journalistic, not scientific. Anyway, this question of slowdown, is the most important one, I think. As nobody dead knows, we can do that in the satisfactory rate (amount). That's why it is maybe the same important the question: How can we best confront the presumable situation, which will come? I have abandoned the law-theme in this paragraph, but advisedly, because just similar seemingly pettifogging nuances can in a negative way influence the legislation. Primarily the international summits and following conventions are in their fragility, caused by the problematical enforceability, very contingent on the global social thinkink, consciousness and ensuant response with the political pressure. I know I abandoned the theme, but I just want to describe how interconnected are constituent systems as law, policy, economics and next, and how necessary but questionable is their communication, because each of them resonate in different way, as write N. Luhmann in his work²¹³.

Human activity certainly significantly drove most of the past century's warming, a landmark report from the United Nations Intergovernmental Panel on Climate Change (IPCC) declared in 2001. Global temperatures are shooting up faster than at any other time in the past thousand years. And climate models show that natural forces, such as volcanic eruptions and the slow flickers of the sun, can't explain all that warming. But to the contrary the efforts in the international law, the main originators of the carbon dioxide emissions (as USA, China),²¹⁴ which is the only legally binding greenhouse effect – gas, are set against these obligations.

The only reasonable approach and way is probably the continuous support and publicity of the erudite, skilled extensive research of the causes, effects and solutions. This voice should sway more the vox populi, which one and only can in a democracy lobby the government in the sufficient measures, see above.

Anyway, the legal protection of the climate sticks to principles as the principle of prevention or principle of preliminary wariness, which have to take the worst possible variant into account.