

Criminal Law Instruments of Environmental Protection

The dissertation deals with the possibilities of criminal law in relation to the protection of the environment. It presents the analysis of the most significant instruments of criminal law from the sphere of the international, European and Czech law, particularly the Rome Statute of the International Criminal Court, the Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, and the Czech Criminal Code (Act No 40/2009 Coll.) Apart from the analysis of the most important legal norms and the subsequent formation of proposals *de lege ferenda*, the dissertation is concerned with the characteristics of environmental crime and the specifics of criminal law in environmental protection. The dissertation is divided into five chapters. The first chapter deals with the issue of the role of criminal law in environmental protection and the peculiarities of creation criminal rules in this area. The second chapter concentrates on the characteristics of environmental crime and the description of its specific features. The third chapter refers to the current state of the international criminal law and the possibilities of environmental protection through international criminal law that are applicable in armed conflicts as well as the time of peace. First the attention is paid to the crimes under international law, in relation to which the analysis of the Rome Statute of the International Criminal Court is crucial. Furthermore, the theme of conventional crimes is discussed. Thus, international conventions containing the obligation to criminalize acts that damage or endanger the environment are analyzed. In the fourth chapter, the dissertation deals with criminal law instruments of environmental protection in the European context. The analysis of the Directive on the protection of the environment through criminal law is thus crucial. Attention is paid to its idea sources, its state of the art and possible future development. The fifth chapter focuses on Czech legal code and the regulation of crimes against the environment. Thus, the Czech Criminal Code is analyzed, together with relevant judicial decision. The chapter brings in the description of the development of the Czech criminal law protection of the environment and discusses the facts of the crimes against the environment. The conclusion of the dissertation is devoted to the characterization of the role of criminal law in the protection of the environment, and to the identification of problematic areas in environmental protection through criminal law. Further on, the proposals for possible future changes in the criminal law instruments at all analyzed levels of law are presented.