

SUMMARY

The aim of this thesis is to analyse the position of the municipalities in the area of environmental protection, to refer to municipal problems in this sphere, which come up in current scope of duties and to present some of the instruments, the municipality can solve this kind of issues with. The thesis is composed of four chapters. Chapter one and two is introductory and defines fundamental terms in the thesis: The environment, the municipality. I try to find out, who is responsible for environmental protection, the relation between public and private interest in the environmental protection and which one of these interests is overriding. Next is the analysis of the position of the municipalities in it's separate powers of community and in it's delegated powers of community. I illustrate with giving some examples the fact that the municipality can be in various positions, as a one, who makes the rules, mainly during issuing ordinances or as an individual subject, first as a owner of the municipal property, second as a party to some administrative procedures related to environment, e. i. to application for a planning, EIA, IPPC...

Chapter three is subdivided into three parts, each of them introduces the group of instruments of environmental protection, that the municipality dispose with. The first, and the most important, are conceptions, especially landscape planning and a land - use plan, so called „little constitution“ of the municipality. Next part describes instruments divided into sections corresponding to basic parts that constitute the environment, as an atmosphere, water, nature and landscape, soil and woods. As next issue I mention the problematic of municipal waste.

In a fourth chapter I describe the most frequent activities in delegated powers of the community. Every municipality, even the small one with no more than one thousand inhabitants, deals with tree felling or with air pollution coming from local sources of pollution.

I put the accent on instruments of environmental protection in individual competence, because, in my point of view, these powers (are) the basic sense of existence of municipalities. Delegated powers of a community could perform every special authority created to this purpose. But municipality as a self-governed community established in a Constitution is unique and irrevocable (irrevocable) body.

The municipality has to, according to the Act No. 128/2000 Coll., Communities Act, protect the public interest. The question is, whether the community council as an elected body is the competent authority to view the public interest independently in comparison with local municipal interest. The municipality has another preferences than the environmental protection, e.g. the social development, where the environmental protection has its place, but is not the main point of view, or economic interests.

Therefore the guarantee of environmental protection is the state, as defined in articles e. g. one or eight of Constitution.

During the law making process is important to distinguish what questions, related to environmental protection, are municipal local interest, and give to the municipality effective instruments to solve this issues, and what is better to delegate to higher territorial self - governing units - regions or to higher levels of state administrative than local authority.

Municipalities should dispose wih such means, that enable them really end effectively solve and influence current questions of the municipal life.