

ENGLISH SUMMARY

This thesis, called “Environmental Principles and Their Application in International, European Community and Czech Law”, discusses five selected environmental principles. This work only contains a narrow selection of fundamental environmental principles, considering the relatively large number of conservation principles that have been formulated to date. It deals with principles that we can find, either explicitly or implicitly, at all the named levels of law (i.e. International, European Community and Czech) on a regular basis and that are well established in legal theory at the same time.

In the opening part of the thesis (i.e. second chapter) the matter has been explored from the legally-theoretical point of view. The introduction is dedicated to a general interpretation of the concept of “principle” as well as its definition purely within the legal field. Legal principles are defined here as leading ideas of law presenting essential values which are the general objectives of legal regulations. Fundamental attributes common to all legal principles can also be found in this part, as well as clarification of the principles’ significance for law. In order to understand them better, the author also concentrates on the typology of principles. The purpose of the first part is to acquaint the readers with the general, and rather abstract, concept of “principles” and “legal principles” and to point out their crucial role in all of the legal field (and especially environmental law) as they are generally the bearers of legitimate values whose effective protection and consistent enforcement gives the law – as a means of social regulation – a whole new dimension. Without these principles, the law would be a chaos. However, the importance of these rules stretches even further than the law system itself and their range of usage lies therefore also in non-legal documents, which the author demonstrates by providing individual principles with examples of political documents.

Third chapter is dedicated entirely to environmental principles and the author is proposing here a way of structuring the principles applied in environmental law, according to the level of commonness and whether they have legal properties or not. He is also pointing out that the principles of environmental

protection are of both legal and non-legal nature; this is mainly determined by the fact that environmental law is still a young branch of law and therefore these principles have been, with a few exceptions, forming for a relatively small amount time. According to the level of commonness, he then divides the legal principles into general and branch principles of law, which are typical for environmental law. This chapter also includes a list of the majority of all the environmental principles formulated to date.

Fourth chapter is then fully focused on the selected principles for environmental protection. Each of the five principles is explored within a separate sub-chapter, in which the principle is firstly introduced and defined, emphasising its significance, and secondly there is described the application of the given principle in International, European Community and Czech Law. The author finishes each of these sub-chapters summarising the importance, evolution and application of each principle in legal as well as legally not-committal documents. Out of the selected principles, the biggest space has been given to metanormative principles and above all to the principle of sustainable development.

For purpose of comparison, a structured survey has been added to the thesis, of thirteen selected authors – Czech as well as foreign environmental law experts – together with all the principles that they mention and describe in their work.