

ENGLISH SUMMARY:

This thesis, called „Environmental Principles and Their Application in International, European Community and Czech Law“, is concerned with the problems of environmental principles as part of legal order. The special nature of environmental law implies the specific attributes of these principles. My task is to demonstrate and to give reasons for these special features. It requires previous investigation into their relation to the universal definition of the concept of „principle“. I have used the comparative and teleological method with a view to contribute towards understanding the sense of environmental principles as instruments of the environmental protection. The thesis is composed of two parts, each of them is dealing with different approaches:

The opening part introduces a specific branch of law - the environmental law and shows what its primary purpose is and circumscribes the object of protection. The following chapter focuses on the sources of law and points out that the principle can be regarded as independent source of law. The theoretical construction of the principle is similar to the norm of law. The chapter called „The general characteristic of the principles of law“ refers to differences of these constructions, which are the basis of qualifying the qualities of principles and the ways of their origination, which are helpful for distinguishing the principles from values and political aims. Legal principle is defined as a legal regulative idea, it presents essential values whose enforcement is the objective of legal regulation. Besides this function the principles of law are used in law-making process. Principles may play an important role in application and interpretation of law.

The second part is devoted to the environmental principles. The first chapter explains their creation in the context of epoch and their further development in connection with globalisation, postmodern situation and the expansion of human rights. The second chapter focuses on the most important historical moments of their development, especially the conclusions which were declared during the conferences in Stockholm, Rio de Janeiro or Johannesburg. The core of the second part is identification of the most important environmental principles (normative and metanormative) which are included in International, European and Czech law (Precautionary principle, Preventative principle, Polluter pays principle, Public participation principle, Sustainable development etc.). The thesis describes the character of the principles and offers the definition, evaluates the significance for

environment, explains its position in the system of law. The thesis illustrates in which documents the principles are contained.

The last chapter is based on utility approach. It gives an example of how the environmental legal principles can be used in application or interpretation, how they affect constitution of law. It is shown on international and Czech case law. The conclusion offers a small excursion into the questions relating to conflicts of laws.