

## **Abstract**

In the field of environmental law, some people consider the most important provisions enforcing environmental standards. However, not only in law, it is necessary to think about situations in which the subjects do not respect the law and adjust their responsibility in the event of violation of their duties. Without adjusting the remedial measures, the restoration would only be a moral obligation. Under such circumstances, the measures would be mostly financed by the state and there would not be any possibility of regression to the originator. That is the reason, why effective remedial measures, which can be characterized as a frontier institute between prevention and sanctioning, are needed.

At present, remedies can be imposed through a relatively diverse range of legislation, of which the most important should be Act No. 167/2008 Coll., On Prevention of Environmental Damage and its Remedy. Remedial measures are, however, usually imposed on the basis of constituent laws for which the imposition of sanctions and corrective measures is not linked to the occurrence of environmental damage but to a specific breach of the obligations laid down. The environmental authorities are thus proceeding also because even before the effectiveness of Act No. 167/2008 Coll. there was a relatively high level of environmental protection in the Czech Republic, and they are also unwilling to apply a new procedure if they achieve the same goal by the current approach.

The aim of this diploma thesis is to describe the remedial measures in the protection of environment, their systematics and to analyze the weaknesses of the legislation. Major chapters also include brief summaries where can be found important information related to the topic and possible way to solve problems.

The first chapter deals with the definition of the notion of remedial measure, its position in the system, the breakdown and definition of the basic functions of the measure. The general basis for remedies in the narrower sense is provided by the provisions of § 27 of Act No. 17/1992 Coll. the Environmental Act. The restoration to its original state is preferred. If it is not possible or ineffective, there is an obligation to make at least compensatory measures. Money reimbursement is only possible if ecological damage cannot be compensated in other ways. In a broader sense, we can consider remedial measures to prevent the beast, to take away illegally held individuals, to withdraw the permit or to close the facility. These measures at least prevent further potential damage to the environment.

In the second chapter I deal with the European Union environmental law and its influence on the remedial measures. I deal with the Seventh Action Program and Directive 2004/35/EC of the European Parliament and of the Council on Environmental Liability for the Prevention and Remedy of the Environment.

The main parts of the diploma thesis are the following two chapters. The third chapter deals with selected remedies in the environmental protection provided by the Czech legal order. The regulation in the Czech law system is spread into many legal regulations that do not even use uniform terminology. The laws most often refer to corrective measures, remedies, measures to address identified shortcomings. Often, we can encounter duplicate environmental protection where it is possible to choose to impose remedies on the basis of two, sometimes even three, laws.

In the fourth chapter I deal with procedural aspects related to the supervision of environmental protection authorities and subsequent proceedings for the imposition of corrective measures. It can be said that the adjustment of procedural aspects relating to corrective measures is relatively satisfactory. In the case of codification of environmental proceedings into one act, it would greatly simplify the provisions of the Czech Environmental Inspection as the starting body for environmental management. In order to tackle local problems more effectively, the authority could also be given explicit authority to another office, mostly to the municipal office with extended powers.

The Conclusion includes an analysis of remedial measures and a reflection on what can be considered properly adjusted in the Czech legal order, in which parts of the adjustment I see reserves and which is the best way to solve the problems *de lege ferenda*.

Finally, it is appropriate to emphasize that it is essential to ensure effective legal protection of the environment, otherwise there is a danger of damaging or even destroying the space where we all live. The good news is that legislation can see a steady increase in environmental protection due to public interest.