

Ministry of the Environment of the Czech Republic

Transposition of the Environmental Liability directive in the Czech Republic

Eva Kružíková
Ministry of Environment of the Czech Republic

Ministry of Environment of the Czech Republic
Vršovická 65
Praha 10, 100 10


Tel: ++420-267 122 889
Fax: ++420-267-311-596
Email:eva_kruzikova@env.cz



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Current legislation concerning environmental liability

- ❑ Penal Code (1961)
- ❑ Civil Code (1961)
- ❑ Act on Misdemeanours (1990)
- ❑ Act on Environment (1992)
- ❑ Sectoral environmental legislation (administrative liability)- **strict liability in case of legal persons**



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Legislation on prevention of environmental damage

- ❑ Act on the Czech Environmental Inspectorate (1991)
- ❑ Act on the Protection of Nature and Landscape (1992)
- ❑ Act on Waste (2001)
- ❑ Act on Water (2001)
- ❑ Act on IPPC (2002)
- ❑ Act on the Protection of Air (2002)
- ❑ Act on Prevention of Major Accidents (2006)



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Legislation on remedial measures


- ❑ Act on the Czech Environmental Inspectorate (1991)
- ❑ Act on the Protection of Nature and Landscape (1992)
- ❑ Act on the Protection of Agricultural Soil (1992)
- ❑ Water Act (2001)
- ❑ Act on the Protection of Air (2002)



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Legislation on remedial measures

- ❑ Water Act (2001)
- ❑ Act on Waste (2001)
- ❑ Act on IPPC (2002)
- ❑ Act on Prevention of Major Accidents (2006)
- ❑ Act on GMOs (2004)




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Ecological damage - definition

Ecological damage is a loss or weakening of natural functions of ecosystems occurring as a result of

- a damage of their parts or
- a disruption of their internal ties a processes caused by human activities.


Act on Environment (1992), section 10.



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Options of ELD transposition


- ❑ Amendment of the sectoral legislation
- ❑ Special act



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Act on prevention and remedying of ecological damage - draft


- ❑ Scope of the Act
- ❑ Definitions
- ❑ Measures for prevention and remedying
- ❑ Costs of prevention and remedial measures
- ❑ Financing of the measures
- ❑ Transboundary damage
- ❑ Public administration and sanctions



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Dilemmas and problems

- ❑ Definition of ecological damage – as compared to that in the Act on Environment
- ❑ Relationship with sectoral legislation stipulating rules on prevention and remedies (Water Act, Act on the Protection of Nature and Landscape, e.g.)
- ❑ Ecological damage in respect of natural habitats/conservation status
- ❑ Land damage



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Dilemmas and problems

- ❑ Ecological damage as a result of an authorised emission or event (Art. 8(4))
- ❑ NGOs' right for standing (Art. 13)
- ❑ Forms of financial security (Art. 14)
- ❑ Relationship between ELD and environmental charges pursuant to the sectoral acts (air, water, e.g.)
- ❑ Scope of implementing rules

