

OFFICIAL TRANSLATION

CZECH NATIONAL COUNCIL ACT No. 14/1992

dated February 19, 1992

on the Protection of Nature and the Landscape

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The Czech National Council has passed the following Act:

PART ONE Introductory Provisions

§ 1

The Purpose of the Act

The purpose of this Act is to contribute towards the preservation and restoration of the natural balance in the landscape, towards the protection of the diversity of all forms of life, natural values and beauty, and towards the economical management of natural resources.

§ 2

Nature and Landscape Protection

- 1) According to this Act the protection of nature and the landscape is understood to be the hereinafter specified care for wild animals, wild plants and their communities, minerals, rocks, paleontological finds and geological wholes, ecological systems and landscape wholes, as well as for the appearance and accessibility of the landscape, carried out by the state and by physical and legal persons.
- 2) The protection of nature and the landscape is ensured in particular by:
 - a) the protection and establishment of territorial systems of ecological stability of the landscape;
 - b) the general protection of wild plant and animal species and the special protection of such species which are rare or endangered, by positively influencing their natural development and by creating conditions for their preservation, and also by using special growing and breeding facilities;
 - c) the protection of selected mineral deposits, paleontological finds and geomorphological and geological phenomena, as well as by the particular protection of selected minerals;
 - d) the protection of wood species growing outside forests;
 - e) the establishment of a network of particularly protected areas and their care;
 - f) participation in the establishment and approval of forestry plans, with the aim to ensure environmentally appropriate forestry management;
 - g) participation in the process of territorial planning and building proceedings, with the aim to enforce an environmentally balanced and aesthetically valuable landscape;

- h) participation in the protection of land resources, particularly in the lay-out of land
- i) influence of water management in the landscape, with the aim to maintain natural conditions for life in water and wetland ecosystems while preserving the natural character and appearance of water courses, stretches and wetlands;
- j) the restoration and establishment of new, naturally valuable ecosystems, e.g. in the reclamation and other changes of the structure and utilization of the landscape;
- k) protection of the landscape for ecologically appropriate forms of economic utilization, tourism and recreation.

§ 3

Definition of Terms

For the purpose of this Act some basic terms are defined as follows:

- a) A territorial system of ecological stability of the landscape (hereinafter "system of ecological stability") is a mutually integrated complex of natural and changed-though nearly natural ecosystems, which maintain a natural stability. Systems of ecological stability are distinguished as local, regional and supra-regional systems.
- b) A significant landscape component, as an environmentally, geomorphologically or aesthetically valuable part of the landscape, creates the typical appearance of the landscape, or contributes towards its stability. Significant landscape components are forests, peatlands, water courses, ponds, lakes, floodplains. Other landscape components are also parts of a landscape that the nature conservation authorities register as a significant landscape component, pursuant to § 6, particularly wetlands, steppe grasslands, game refuges, continuous grass stretches, mineral and fossil deposits, artificial and natural rock formations, geological outcrops and exposures. A landscape component may also be valuable growths in settlement formations, including historical gardens and parks. Particularly protected parts of nature are exempted from this definition (letter f)).
- c) A wild plant (hereinafter "plant") is a single plant or a colony of plant species, including fungi, the population of which is sustained spontaneously and naturally. A plant is all its underground and above-ground parts.
- d) A wild animal (hereinafter "animal") is an individual of an animal species, the population of which is sustained spontaneously and naturally, and this even if it is kept in captivity, unless otherwise determined in this Act. An animal is all the development stages of the given species.
- e) An animal or plant species is also a systematic unit of a lower order.
- f) A particularly protected part of nature is a very significant and unique part of animate and inanimate nature; it can be a part of the landscape, a geological formation, a tree, an animal, a plant, or a mineral, declared as particularly protected by a state authority according to part three or four of this Act.
- g) A woods species, growing outside the forest (hereinafter "wood species") is a tree or shrub growing singly or in groups in the open landscape or in settlement formations, on land outside

forest land resources.¹

- h) A paleontological find is something that is significant evidence or the remains of life from the geological past,
- i) A biotope is a complex of all animate and inanimate mutually effected factors, which form the environment of a certain individual, species, population or community. A biotope is a local environment that meets the requirements which are characteristic for plant and animal species.
- j) An ecosystem is a functional complex of animate and inanimate environmental components that are mutually connected by metabolism, energy flow and the transfer of information, and which mutually influence each other, and develop in a certain area or time.
- k) A landscape is a part of the Earth's surface, with a characteristic relief, formed by a complex of functionally integrated ecosystems and elements of civilization.

PART TWO

The General Protection of Nature and the Landscape

§ 4

Basic Obligations in General Nature Conservation

- 1) The specification of a system of ecological stability, ensuring the preservation and reproduction of natural wealth, a favourable effect on the surrounding less stable part of the landscape, and the establishment of a foundation for the multilateral utilization of the landscape, is determined and assessed by the territorial planning and nature conservation authorities in cooperation with the authorities for water management, agricultural land resource protection and the state forestry administration. The protection of a system of ecological stability is the obligation of every owner or user of land that forms this system; the establishment of such a system is a public interest shared by the owners of the land, by the community and by the state. The Ministry of Environment of the Czech Republic (hereinafter "Ministry of Environment") shall specify the details for defining and assessing a system of ecological stability, and the details for the plans, projects and measures in the process of its establishment, in a generally binding regulation.
- 2) Significant landscape components must be protected from damage and destruction. They shall be solely used in a manner which does not impair their renewal and does not endanger or weaken their stabilizing function. Whosoever intends to carry out any intervention that might lead to the damage or destruction of a significant landscape component, or could endanger or weaken its ecologically stabilizing function, must procure a binding opinion from the nature conservation authorities. Such interventions include the placing of buildings, land

¹ Law No. 61/1977 on forests and its development up to the present times.

conditioning (lay-out), changes of cultures, land drainage, regulation of water courses and reservoirs, and mineral extraction. Details for the protection of significant landscape components shall be specified by the Ministry of Environment in a generally binding regulation.

- 3) A binding opinion of the nature conservation authorities with regard to the protection of a system of ecological stability, is also required for the approval of forestry plans², for the deforestation and afforestation of and exceeding 0.5 ha, for the building of forest roads and down-drives, and for forest drainage systems. A binding opinion of the nature conservation authorities is not required for cultivation and timber production in forests, carried out in accordance with the forestry plans, and for random felling.³
- 4) With the exception of necessary facilities which serve navigational purposes, the maintenance of water courses, ponds and lakes, or for operational purposes, the placing of buildings within a distance of 50 m from the registered border of ponds or lakes, or within a distance of 20 m from the shoreline of water courses, is prohibited. This limitation does not apply to built-in areas in communities.

§ 5

The General Protection of Plants and Animals

- 1) All plant and animal species must be protected from destruction, damage, collection or catching, which leads or could lead to the endangered existence of these species or to their degeneration, to the impairment of their reproductive ability, to the extinction of a population of species, or to the destruction of the ecosystem of which they are a part. If these conditions of protection are violated, the nature conservation authorities are authorized to prohibit or limit interfering activities.
- 2) Protection, pursuant to clause 1, does not apply to the eradication of plants and animals, specified in a separate regulation⁴. Endangered or rare plant and animal species are particularly protected in accordance with §§ 48 to 50 of this Act.
- 3) In the execution of agricultural, forestry and building work, in water management and regulation, transport and power engineering, physical and legal persons must proceed in a manner which will not cause an excessive destruction of plants, or injury to or death of

² § 2 Of Czech National Council Act No. 96/1977
on Forestry and Forestry State Administration

³ § 21 of Czech National Council Act no. 96/1977.

⁴ E.g., Act No. 61/1964 on the Development of Plant Production, Act No. 87/1987 on Veterinary Care, in the wording of Act No. 239/1991, Act No. 20/1966 on Care for Human Health, in the wording of later regulations, Act No. 23/1962 on Hunting, in the wording of Act No. 96/1977, and Act No. 143/1991, Act No. 102/1963 on Fishery.

animals, nor the destruction of their biotopes, and which can be prevented with the use of technical or economically accessible means. If the liable person does not do so himself, the nature conservation authorities shall order the procurement or use of such means.

- 4) The intentional dispersion of geographically non-indigenous plant and animal species in the landscape is possible only with the permission of the nature conservation authorities. A geographically not original plant or animal species is a species which is not a part of the natural communities in a certain area.
- 5) The intentional cross-breeding and the subsequent dispersion of plant and animal cross-breeds in the landscape is possible only with the permission of the nature conservation authorities.
- 6) The export and import of endangered plants and animals, protected by international conventions which bind the Czech and Slovak Federal Republic (hereinafter "international conventions"), is subject to the permission of the nature conservation authorities.

§ 6

The Registration of Significant Landscape Components

- 1) The registration of significant landscape components is carried out by the nature conservation authorities, which at the same time notify the owner or tenant of the concerned land, the territorially appropriate building office and community, of this registration. If a larger number of landowners are involved, this notification may be made in the form of a public notice.
- 2) The notification, pursuant to clause 1, must include a specification on the significant landscape component, a brief substantiation for its registration, and the legal consequences thereof (§ 4, clause 2).
- 3) The owners of the concerned lands are entitled to raise written objections to the registration of a significant landscape component, and send them to the nature conservation authority which made the registration within 30 days of the date on which they received notification thereof, or within 30 days of the date on which the public notice was issued. This nature conservation authority must discuss the objections with the owners and decide whether to confirm or cancel the registration.
- 4) The nature conservation authority, which made the registration, may cancel the registration of a significant landscape component, if this cancellation is not pursuant to clause 3, only if it is in the public interest to do so.

§ 7

The Protection of Wood Species

- 1) According to this provision, wood species must be protected from damage or destruction, if they are not subject to stricter protection (§§ 46 and 48), or to protection according to

separate regulations⁵.

- 2) The care for wood species, particularly their tending and maintenance, is the duty of their owners. If wood species are infected with epidemic or other serious diseases, the nature conservation authorities may order the owners to take certain steps, including the felling of the infected wood species.

§ 8

Permission to Fell Wood Species

- 1) If not hereinafter determined otherwise, the felling of wood species requires the permission of the nature conservation authorities. Permission may be granted for serious reasons after the assessment of the functional and aesthetic significance of the wood species.
- 2) No permission is required to fell wood species for growing and cultivation purposes, i.e. for reproducing or culling the growths, and for reasons of health, or in the execution of authority pursuant to separate regulations⁶. Felling for these reasons must be reported to the nature conservation authorities 15 days in advance. The nature conservation authorities may stop, limit or prohibit the felling, if it is in conflict with the requirements of the protection of wood species, or if it exceeds the limits of special authority.
- 3) No permission is required for felling wood species on lands in the possession of physical persons, if they are using the lands, and if this concerns trees of a prescribed size or other characterization. This size or characterization shall be specified by the Ministry of Environment in a generally binding regulation.
- 4) No permission is required for felling wood species if their condition evidently and imminently endangers human life or health, or if there is danger of extensive damage. Whosoever fells wood species under these conditions, shall report it to the nature conservation authorities within 15 days of the date on which the wood species were felled.
- 5) The Ministry of Environment shall specify the details for the protection of wood species and the conditions for their permitted felling in a generally binding regulation.

⁵ Act No. 61/1964, Public Notice No. 62/1964 which Publishes the Procedural Regulations for Act No. 61/1964., Act No. 132/1981 on the Protection of Rights to New Plant Varieties and Animal Breeds.

⁶ E.g., § 34, clause 1, letter b) of Act No.138/1973 on Water (The Water Act), Act No. 51/1964 on Railways, in the wording of Act No.104/1974, Act No.79/1957 on the Production, Distribution and Consumption on Electricity, Act No. 67/1960 on the Production, Distribution and Consumption of Heating Gás, Act No.11/1964 on Telecommunications, Act No. 61/1964.

§ 9

Compensatory Planting and Deliveries

- 1) In the permission it grants to fell wood species, a nature conservation authority may order the applicant to plant compensatory wood species in order to make up for the environmental detriment caused by the felling of the wood species. It may also order the subsequent care of the wood species for a period not exceeding 5-years.
- 2) Compensatory planting, pursuant to clause 1, may be ordered on land which is not in the possession of the applicant for permission to fell, only with the prior approval of the owner of the land. Communities shall keep records of lands within their territory, suitable for compensatory planting, after prior discussion with the owners of the lands.
- 3) If the nature conservation authorities do not order compensatory planting, pursuant to clause 1, whosoever fells wood species for construction work reasons and with the permission of the nature conservation authorities, must pay a delivery to the community, which shall use it for the improvement of its environment. Whosoever fells species illegally must pay a delivery to the State Environment Fund of the Czech Republic⁷. The amount of the deliveries, the conditions for their imposition and their possible remittance shall be specified by a separate act.
- 4) Compensatory planting, pursuant to clause 1, or the payment of a delivery, pursuant to clause 3, is simultaneously the fulfilment of the order for compensatory measures, pursuant to § 86, clause 2, and the order for the compensation of an environmental detriment.⁸

§ 10

The Protection and Utilization of Caves

- 1) Caves are an underground space caused by the effects of natural forces. For the purpose of this Act, caves are also understood to be natural phenomena on the surface of the Earth and underground, which are in direct causal nexus with caves.
- 2) It is prohibited to damage or destroy caves. The approval of the nature conservation authorities is required for accessibility to caves or their utilization, according to separate regulations⁹.

⁷ Czech National Council act No. 388/1991 on the State Environment Fund of the Czech Republic.

⁸ § 27 of Act No. 17/1992 on the Environment

⁹ §§ 71 to 74 of Act No. 50/1976 on Territorial Planning and the Building Rules (The Building Code), Decree No. 7 of the Czech Mining Office, dated 18.8.1987, which

The Protection of Paleontological Finds

- 1) Whosoever makes a paleontological discovery, which he himself determines, must ensure its protection from destruction, damage and theft, and take down data on the circumstances of its discovery, particularly the place of discovery. Upon written summons, issued by the nature conservation authorities, he must also inform them of the circumstances of the discovery and enable access and submit documentation concerning the discovery to persons authorized by a nature conservation authority.
- 2) The owner of the land on which a paleontological discovery was made; or the person who carries out activities, in the course of which the discovery was made, must - upon request of a nature conservation authority - enable persons, authorized by this authority, to carry out paleontological salvage research, and during this period (max. within 8 days from the date of discovery, if not agreed upon otherwise by both parties), he must refrain from carrying out any activities at the place of discovery, which could lead to its destruction or damage. When the paleontological salvage research is completed, persons authorized by the nature conservation authority must be allowed to carry out professional paleontological supervision of further work.
- 3) The export of paleontological finds is permitted only with the approval of the nature conservation authorities.

Protection of the Character of the Landscape and Natural Parks

- 1) The landscape nature of a place or area is its natural, cultural and historical character, and it must be protected from activities that reduce its aesthetic and natural values. Interference in the character of a landscape, particularly the approval and placing of buildings, may be carried out only with regard for the preservation of significant landscape components, particularly protected areas and cultural landscape high points and for harmonious standards and relations within the landscape.
- 2) The approval of the nature conservation authorities is required for approving and placing buildings which could impair or change the character of the landscape. Details for protecting the character of the landscape may be specified by the Ministry of Environment in a generally binding regulation.

publishes Regulations on the Safety and Protection of Health, and regulations for Operational Safety During Work in Access to Natural Caves and Their Maintenance in a Safe Condition (registered in part 18 of the 1987 Gazette).

- 3) For the purpose of protecting the character of a landscape with a significant concentration of aesthetic and natural values, and which is not particularly protected pursuant to part three of this Act, the nature conservation authorities may, with a generally binding regulation, establish a natural park, and limit such use of the area which could result in its destruction, damage or disturbance.

§ 13

Temporarily Protected Areas

- 1) The nature conservation authorities may proclaim an area with a temporary and unforeseen occurrence of significant plant and animal species, minerals or paleontological discoveries, a temporarily protected area. A temporarily protected area may also be proclaimed for other serious reasons, such as for scientific, research or informative purposes. A temporarily protected area may be proclaimed for a previously determined period, or for a recurring period, such as the nesting period. In its decision on the proclamation of such an area, the nature conservation authority shall limit such use of the area which could result in its destruction, damage, or in the disturbance of the development of the subject of protection.
- 2) If the consequences of the conditions of a temporarily protected area are not insignificantly detrimental to its owner or tenant, he is entitled to a financial compensation from the nature conservation authority which proclaimed the temporarily protected area. When deciding the amount of the compensation, this authority may request the submission of documents or information on the yield of the land, together with the application for compensation.

PART THREE

Particularly Protected Areas Chapter One

§ 14

Categories of Particularly Protected Areas

- 1) Naturally, scientifically or aesthetically significant or unique areas may be proclaimed particularly protected areas. When so done, the conditions of their protection must also be specified.
- 2) The categories of particularly protected areas are the following:
 - a) national parks;
 - b) protected landscape areas;
 - c) national nature reserves;
 - d) nature reserves;

- e) national natural monuments;
- f) natural monuments.

Chapter Two

§ 15

National Parks

- 1) Extensive territories, unique according to a national or international standard, a considerable part of which are natural ecosystems or ecosystems little effected by human activities, where plants, animals and inanimate nature are of an exceptional scientific and educational significance, may be proclaimed national parks.
- 2) All utilization of national parks must follow and conform to the preservation and improvement of the natural conditions and must be in conformity with the scientific and educational aims pursued by the proclamation of national parks.
- 3) National parks, their mission and the detailed conditions of their protection are proclaimed by a legal act.

§ 16

The Basic Conditions of Protection of National Parks

- 1) On the entire territory of a national park, it is prohibited:
 - a) to farm the land in a manner requiring the use of intensive technology, particularly means and activities that could cause fundamental changes in the biological diversity, structure and function of the ecosystems, or could irreversibly damage the soil surface;
 - b) to neutralize waste originating outside the territory of a national park, or to neutralize other waste elsewhere than at the place assigned for this purpose with the approval of the nature conservation authorities;
 - c) to camp and light fires elsewhere than in places assigned for this purpose by the nature conservation authorities;
 - d) to drive motor vehicles and trailers (caravans) except on roads and local thoroughfares and places assigned for this purpose with the approval of the nature conservation authorities, with the exception of vehicles belonging to state administrative bodies, vehicles necessary for forestry and agriculture, the defence of the country, and for the protection of the state borders, for fire protection, for medical and veterinary services, and vehicles belonging to water-management organizations;

- e) to organize and arrange mass sports, tourist and other public events, and to carry out water sports elsewhere than at places assigned for this purpose with the approval of the nature conservation authorities;
 - f) to practice mountain climbing and flying on parachutes and suspension gliders, to ride bicycles, except on roads, local thoroughfares and places assigned for this purpose with the approval of the nature conservation authorities;
 - g) to pick plants, with the exception of forest fruit, or catch animals, if not otherwise stipulated in this Act, in the detailed conditions of protection, or in the Visitors Rules of the national park;
 - h) to permit or carry out the intentional dispersion of geographically non-indigenous plant and animal species;
 - i) to introduce intensive breeding of game, for instance, in game enclosures, breeding farms and pheasantries, with the exception of rescue breeding, and to use poisoned bait in the execution of huntman's rights;
 - j) to build new highways, roads, railways, industrial buildings, residential formations, navigation channels, extra-high tension transmission lines and long-distance product pipelines;
 - k) to change the existing water conditions of the land;
 - l) to spread the thoroughfares with chemicals;
 - m) to extract minerals, rocks and hummollites, with the exception of building stone and sand for constructions on the territory of the national park;
 - n) to carry out observation flights with airborne motorized transport means;
 - o) to alter the preserved natural environment contrary to the detailed conditions for the protection of national parks.
- 3) On the territory of the first zone of a national park (§ 17, clause 1), it is also prohibited:
- a) to approve and place new buildings;
 - b) to leave step off the roads marked with the approval of the nature conservation authorities, with the exception of owners or tenants of the land;
 - c) to alter the present composition and areas of cultivated plant life, unless this alteration ensues from the plan of national park care;
 - d) to fertilize the land, to use farm-sewage, silage juice and other liquid waste.

§ 17

Territorial Zoning of National Parks

1. The methods and manners of protection of national parks are graded according to the division of their territory as a rule into three zones of nature conservation, demarcated with regard

to natural values. The strictest protection regime is set down for the first zone. A detailed characterization and regime of the zones is specified in the generally binding regulation which proclaims a national park.

2. The demarcation and changes of the individual zones of nature conservation shall be determined by the nature conservation authorities in agreement with the Federal Ministry of Defence and the Ministry of Agriculture of the Czech Republic (hereinafter "Ministry of Agriculture"), and after discussing them with the respective central state administrative bodies, district councils and communities, and shall be recorded in suitably scaled maps, which shall be kept by all the authorities with which the zones were discussed. The nature conservation authorities shall mark the boundaries of the first zone in a suitable manner.

§ 18

Plans for the Care of National Parks and Their Protective Zones

- 1) The nature conservation authorities propose and approve a plan for the care of every national park and its protective zones (hereinafter "care plan"), as a rule, for a period of 10 years. The basis for this plan is the zoning of the territory of the national park into individual zones (§ 17), and the contents of the plan is a specification of long-term and short-term tasks for the protection of plants and animals, for forest and soil care, the appearance of the landscape, the ecological limits of settlement, transport, tourism and of management on the territory of a national park.
- 2) The care plan also contains tasks in the sphere of guard and information service, and principal internal tasks for the nature conservation authorities. The plan serves as a binding foundation for other documents and for the activities of the nature conservation authorities.
- 3) The care plan may be divided into detailed sub-plans, and for shorter periods, and may be elaborated for parts of a national park.

§ 19

National Park Visitors Rules

- 1) The entry, access with vehicles, free passage of people outside the built-in areas of communities, and the recreational and tourist activities of persons on the territory of a national parks is limited. The conditions of this limitation and the enumeration of prohibited tourist and recreational activities, are specified by this Act and by the Visitors Rules.
- 2) The Visitors Rules are issued by the nature conservation authority of a national park in the form of a generally binding public notice; persons permanently residing or working in a national park may be exempted from the effect of this public notice in a specified extent. Visitors Rules may also be issued for part of a territory of a national park.
- 3) The Visitors Rules contain certain provisions on the social, educational and cultural utilization of a national park.

§ 20

The National Park Council

- 1) The nature conservation authority of a national park shall establish a council of the national park (hereinafter "council") for the assessment and discussion of all important documents concerning the protection and management of the national park and its protective zones, particularly the division of the territory of a national park into zones of nature conservation, as well as of the care plans, Visitors Rules, forestry and territorial plans, as an initiative and consultative authority for matters pertaining to the national park.
- 2) Members of the council are delegated representatives of • communities, district councils, and in mountain areas, representatives of the Mountain Rescue Service on the territory of which the national park and its protective zones is located. Other council members are appointed by the nature conservation authority of the national park from among the most prominent legal and physical persons with business undertakings on the territory of the national park, particularly in the sphere of forestry, agriculture, trade and travel, specialists from scientific and specialized institutions, or from other state administrative bodies.
- 3) Prior to approving national park zones (§ 17), the Visitors Rules (§ 19) and the care plan (§ 18), the nature conservation authority must agree on a draft of these documents with the representatives of the communities who were delegated to the council according to clause 2.
- 4) If no agreement, according to clause 3, is reached, the council shall submit this dissension with its own binding opinion to the Ministry of Environment, which shall decide the matter after discussing it with the involved communities.

§ 21

Hunting and Fishing Rights in National Parks

The nature conservation authorities may limit or bar the execution of hunting and fishing rights, pursuant to separate regulations¹⁰, in certain parts of a national park or on its entire territory.

§ 22

National Park Forests

- 1) Forests in national parks cannot be categorized as utilitarian forests¹¹; provisions on interventions against pests¹² and on cases of exceptional circumstances and unforeseen damage¹³

¹⁰ Act No. 23/1992, Act No.102/1963

¹¹ Act No.61/1977, Czech National Council act No.96/1977

¹² § 20 of Czech National Council act No. 96/1977

may be applied only with the approval and in the extent determined by the nature conservation authorities.

- 2) The right to utilize forests, forest land resources and other forest property in the possession of the state, which are on the territory of a national park and its protective zones, shall be transferred to the respective administration of a national park by the legal persons executing their right of utilization, within one year of the date on which this Act came into legal force, and in cases of national parks, proclaimed after this Act came into legal force, within one-year of the date on which the national park was proclaimed.
- 3) With regard to transferred property according to clause 2, the respective national park administration shall execute utilitarian rights directly or through a legal person, whom it shall appoint for this purpose.
- 4) The period specified for the transfer of property pursuant to clause 2, is prolonged to two years in the case of the Giant Mountain National Park.

§ 23

Property Rights to Certain Property in National Parks

Forests, forest land resources, water courses and water stretches on the territory of national parks, which are state owned up to the date on which this Act comes into legal force, cannot be appropriated. This does not effect the rights of physical or legal persons pursuant to regulations on the restitution of property.

§ 24

Charges in National Parks

- 1) The nature conservation authorities may collect charges from drivers of motor vehicles who drive them into and stay on the territory of a national park, or from persons who enter specifically selected parts of national parks. This does not apply to persons permanently working or living on the territory of a national park, nor to physical persons owning recreational facilities on the territory of a national park.
- 2) For driving in the territory of a national park with a motor vehicle, which is subject to charges according to clause 1, the nature conservation authorities may also collect a one-time charge. The maximum amount and the manner of imposing this charge shall be defined by

¹³ e.g., act No.298/1990 on the Regulation of Certain Property Relations of Monastic Orders and Congregations and the Olomouc Archbishopric, act No. 87/1991 on Out-of-Court Vindication, act No.403/1990 on the Removal of Certain Property Injuries, act No.92/1991 on Conditions for the Transfer of Property to Other Persons, act No. 229/1991 on the Regulation of Property Relations to Land and Other Agricultural Property.

the Ministry of Environment in a generally binding regulation.

- 3) The amount of the charges, pursuant to clauses 1 and 2, and the manner of collecting charges, shall be specified by the nature conservation authority of the national park in a public notice.
- 4) Charges in national parks are an income for the respective nature conservation authority of a national park.
- 5) If a nature conservation authority makes use of its rights according to clauses 1 and 2, no additional charges may be collected in these places in accordance with the act on local charges¹⁴.

Chapter Three

§ 25

Protected Landscape Areas

- 1) Extensive territories with a harmoniously formed landscape, a characteristically developed relief, a significant share of natural ecosystems of forest and permanent grass growth, with abundant wood species, or with preserved monuments of historical settlement, may be proclaimed protected landscape areas.
- 2) The utilitarian use of such territories must be carried out according to the zones of graded protection so as to preserve and improve their natural condition, and to preserve and create the optimum ecological function of these territories. Recreational use is admissible, provided it does not damage the natural values of the protected landscape area.
- 3) Protected landscape areas, their mission and detailed condition are proclaimed by the Government of the Republic in a decree.

§ 26

The Basic Conditions for the Protection of Protected Landscape Areas

- 1) On the entire territory of a protected landscape area it is prohibited:
 - a) to neutralize waste other than in places assigned for this purpose with the approval of the nature conservation authorities;
 - b) to camp and light fires except in places assigned for this purpose with the approval

¹⁴ § 10 of the Czech National Council act No.565/1990 on Local Charges

of the nature conservation authorities;

- c) to drive motor vehicles and trailers (caravans) in the area except on roads, thoroughfares and places assigned to this purpose with the approval of the nature conservation authorities. This does not apply to vehicles belonging to state administrative bodies, vehicles necessary for forestry and agriculture, the defence of the country and for the protection of the country and for the protection of the state border, for fire protection, for medical and veterinary services, and to vehicles belonging to water management organizations;
 - d) to permit, or to carry out the intentional dispersion of non-indigenous original plant and animal species;
 - e) to use poisoned bait in the execution of hunting rights;
 - f) to build new highways, settlement formations and navigation channels;
 - g) to organize automobile and motorcycle races;
 - h) to spread the thoroughfares with chemicals;
 - i) to alter the preserved natural environment contrary to the detailed conditions for the protection of protected landscape areas.
- 2) On the territory of the first zone of a protected landscape area, it is also prohibited:
- a) to permit the placing and to place new buildings;
 - b) to permit a change and to change the utilization of the territory;
 - c) to alter the present composition and location of cultivated plant life if this alteration does not ensue from the care plan for protected landscape areas;
 - d) to fertilize the land, use farm-sewage, silage juice and other liquid waste;
 - e) to extract minerals and hummollites.
- 3) On the territory of the first and second zones of a protected landscape area it is also prohibited:
- a) to farm the land in a manner which requires the use of intensive technology, particularly means and activities that can cause fundamental changes in the biological diversity, structure and function of ecosystems, or can irreversibly damage the soil surface, to use biocides, to alter the water conditions, or to carry out extensive adjustments (alterations) of the terrain;
 - b) to introduce the intensive breeding of game, e.g., in game enclosures, breeding farms and pheasantries;
 - c) to organize bicycle races, except on roads, local thoroughfares and places assigned for this purpose with the approval of the nature conservation authorities.

§ 27

Zones and Care Plans in Protected Landscape Areas

- 1) For the detailed specification of the manner of protecting protected landscape areas, usually four, but at least three zones of graded nature conservation are demarcated; the first zone has the strictest rules of protection. The zones are demarcated by the nature conservation authorities after discussing them with the respective central state administrative bodies, district councils and communities. A detailed regime for the nature conservation zones in protected landscape areas is determined together with the proclamation or alteration of the detailed conditions of protection in protected landscape areas (§ 25, clause 3) in a generally binding regulation.
- 2) The nature conservation authorities propose and approve plans for the care of protected landscape areas (hereinafter "care plans") for a period of ten to fifteen years, to regulate and influence human activities with regard to the mission of protected landscape areas, and to set medium-term and long-term nature conservation tasks in these areas, particularly for the care of plants and animals.
- 3) The care plans ensue from the conditions of protection in the nature conservation zones of protected landscape areas (paragraph 1), and are the initial foundation for territorial planning documentation, forestry plans, water resources development plans and other types of planning documentation.

Chapter Four

§ 28

National Nature Reserves

- 1) Smaller territories of an exceptional natural value, where the natural relief, together with a typical geological structure, forms ecosystems which are unique and significant on a national or international scale, may be proclaimed national nature reserves by the nature conservation authorities, which at the same time specify their conditions of protection.
- 2) The utilization of national nature reserves is possible only if their hitherto natural environment is preserved or improved.

§ 29

Basic Conditions for the Protection of National Nature Reserves

On the entire territory of national nature reserves it is prohibited:

- a) to farm the land in a manner which requires the use of intensive technology, particularly

means and activities which can cause fundamental changes in the biological diversity, structure and functions of ecosystems, or can irreversibly damage the soil surface; to use chemicals, to alter the water conditions, or to carry out alterations of the terrain;

- b) to permit the placing of, and to place buildings;
- c) to extract minerals and hummollites;
- d) step off marked paths, marked with the approval of the nature conservation authorities, with the exception of the owners or tenants of lands;
- e) to permit or to carry out the intentional dispersion of non-indigenous and animal species;
- f) to practice mountain climbing and flying with parachutes and suspension gliders, and to ride bicycles, except on roads, local thoroughfares and places assigned for this purpose by the nature conservation authorities;
- g) to introduce the intensive breeding of game, for instance in game enclosures, breeding farms and pheasantries, and to use poisoned bait in the execution of hunting rights;
- h) to drive motor vehicles, with the exception of vehicles belonging to state administrative bodies, vehicles necessary for forestry and agriculture, the defence of the country and protection of state borders, fire protection, and for medical and veterinary services;
- i) to pick plants or catch animals, if this does not involve cases pursuant to § 30;
- j) to camp and light fires, except in places assigned to this purpose by the nature conservation authorities;
- k) to alter the preserved natural environment contrary to the detailed conditions for the protection of national nature reserves.

§ 30

Hunting and Fishing Rights in National Nature Reserves

The execution of hunting and fishing rights in national nature reserves is possible only with the approval of the nature conservation authorities.

§ 31

National Nature Reserve Forests

Forests in national nature reserves cannot be categorized as utilitarian forests¹¹; the provisions on interventions against pests¹² and on cases of exceptional circumstances and unforeseen damage¹³ may be applied only with the approval and to the extent determined by the nature conservation authorities.

§ 32

Property Rights to Certain Property in National Nature Reserves

Forests, forest land resources, water courses, water stretches and unbuilt-on land on the territory of national nature reserves, which are state owned up to the date on which this Act comes into force, cannot be appropriated. This does not effect the rights of physical and legal persons pursuant to regulations on the restitution of property¹³.

§ 33

Nature Reserves

- 1) Smaller territories of concentrated natural values with ecosystems, typical and significant for the involved geographical region, may be proclaimed nature reserves by the nature conservation authorities, which at the same time determine the detailed conditions of their protection.
- 2) Unbuilt-on land on the territory of nature reserves, which is state owned to the date on which this Act comes into force, may be appropriated only with the approval of the Ministry of Environment. This does not effect the rights of physical and legal persons pursuant to regulations on the restitution of property¹³.

§ 34

Basic Conditions for the Protection of Nature Reserves

- 1) On the entire territory of a nature reserve it is prohibited:
 - a) to farm land in a manner which requires the use of intensive technology, particularly means and activities which can alter the biological diversity, structure and function of ecosystems, or irreversibly damage the soil surface;
 - b) to use biocides;
 - c) to permit the placing of and to place new buildings;
 - d) to permit or carry out the intentional dispersion of geographically non-indigenous plant and animal species;
 - e) to pick plants or catch animals, with the exception of the execution of hunting and fishing rights, or the picking of forest fruit;
 - f) to alter the preserved natural environment contrary to the detailed conditions of protection in nature reserves.
- 2) The nature conservation authorities may limit the execution of hunting and fishing rights if it is contrary to the conditions of protection on nature reserve territory.

Chapter Five

§ 35

National Natural Monuments

- 1) A natural formation of a smaller extent, particularly a geological or geomorphological formation, a mineral deposit, or rare or endangered species in fragments of ecosystems, of national or international environmental, scientific or aesthetic significance, as well as such formations which were formed by nature and human activities, may be proclaimed a national natural monument by the nature conservation authorities, which at the same time shall determine the detailed conditions of its protection.
- 2) Changing or damaging national natural monuments and their utilization is prohibited, if this could cause their damage.
- 3) Forests, forest land resources, water courses, water stretches and unbuilt-on land on the territory of national natural monuments, which are state owned to the date on which this Act comes into force, cannot be appropriated. This does not effect the rights of physical and legal persons pursuant to regulations on the restitution of property¹³.

§ 36

Natural Monuments

- 1) A natural formation of a smaller extent, particularly a geological or geomorphological formation, a mineral deposit or rare or endangered species in fragments of ecosystems, of national or international environmental, scientific or aesthetic significance, as well as such formations which were formed by nature and human activities, may be proclaimed a national natural monument by the nature conservation authorities, which at the same time shall determine the detailed conditions of its protection.
- 2) Unbuilt-in lands on the territory of natural monuments, which are state owned up to the date on which this Act came into force, may be appropriated with the approval of the Ministry of Environment. This does not effect the rights of physical and legal persons pursuant to regulations on the restitution of property¹³.

Chapter Six

§ 37

The Protective Zones of Particularly Protected Areas

- 1) If it is necessary to safeguard particularly protected areas from disturbing influences of the surroundings, a protective zone may be proclaimed for them, where it is possible to specify activities and actions that are subject to the prior approval of the nature conservation authorities. A protective zone is proclaimed by the authority which proclaimed the particularly protected area, and which shall do so in the same manner. If a protective zone for a national nature reserve, a national natural monument, a nature reserve or a natural monument is not proclaimed, then the area within a distance of 50 m from the borders of a particularly protected area becomes a protective zone.

§ 38

Care Plans for Selected Particularly Protected Areas

- 1) The development of the natural conditions in national nature reserves, nature reserves, or in national natural monuments and natural monuments and their protective zones, is regulated on the basis of care plans. These plans contain instructions for the regulation of natural development and human activities, particularly for the execution of practical interventions in the respective particularly protected parts of nature.
- 2) The care plans are approved by the nature conservation authorities, as a rule for a period of ten years. They are used as a binding foundation for other types of planning documents, particularly for forestry plans and territorial planning documentation.
- 3) The Ministry of Environment may specify details on the requisites of the care plans in a generally binding regulation.

§ 39

Contractual Protection of Certain Particularly Protected Parts of Nature

Nature conservation authorities may also establish nature reserves, natural monuments and memorable trees (§ 46), including their protective zones, on the basis of a written agreement on the conditions of protection, concluded between the authority authorized to proclaim them and the owner of the involved land, under the condition that a thus concluded agreement shall be permanently bound to the involved land in the form of a burden on the land.

§ 40

Proclamation Procedures for Particularly Protected Areas

- 1) The nature conservation authorities, authorized to proclaim particularly protected areas, shall notify the owners and tenants of the involved lands of their intention to do so. The nature

conservation authorities shall notify the owners and tenants of the involved lands through the community authorities of their intention to proclaim a national park or a protected landscape area, as a rule in the form of a public notice. The Ministry of Environment shall specify the details of notification, pursuant to this clause, in a generally binding regulation.

- 2) The owners of the involved lands are entitled to raise objections to the intention to proclaim a particularly protected area, pursuant to clause 1, within 30 day of the date on which they received notification thereof, or of the date on which the public notice was issued, in the form of a written communication to the nature conservation authority which issued the notification.
- 3) The nature conservation authority, authorized to proclaim a particularly protected area, must assess the objections, pursuant to clause 2, and inform those who raised the objections, of its conclusions within 60 days.
- 4) From the date on which they were notified of the intention to proclaim a particularly protected area according to clause 1, until the final decision, but for a period no longer than two years, the owners of the involved land must refrain from any interventions which could negatively change or damage the preserved natural condition of the territory proposed for particular protection.

§ 41

Discussion of Proclamation Intentions with the State Administrative Bodies

- 1) The nature conservation authorities shall discuss their intention to proclaim a national park, a protected landscape area, a national nature reserve or national natural monument with the central state administrative bodies, according to separate regulations¹⁵.
- 2) The state administrative bodies in question must deliver their opinion on the proposals and intentions, pursuant to clause 1, within 30 days of the date on which they were submitted.

§ 42

The Filing and Marking of Particularly Protected Areas

- 1) Particularly protected areas are recorded in the central files of the nature conservation authorities (hereinafter "central files").
- 2) The central files are public and anyone may examine them in the presence of an authorized person. The Ministry of Environment shall determine the details for filing in a generally binding regulation, and in this regulation shall also determine the legal person authorized to keep the central files.

¹⁵ E.g., law No. 61/1977, law No. 53/1977 on the Protection of Agricultural Land Resources, in the wording of law No. 75/1976 (complete wording of law No. 124/1976), law No. 138/1973, law No. 50/1976.

- 3) The nature conservation authorities shall notify the appropriate geodesy and cartography authorities¹⁶ of every proclamation, change or cancellation of a particularly protected area, pursuant to clause 1.
- 4) The large national emblem of the Czech Republic shall be used to mark national parks, protected landscape areas, national nature reserves and national natural monuments. The small national emblem of the Czech Republic shall be used to mark nature reserves and natural monuments.
- 5) The Ministry of Environment shall specify the details for the manner of marking particularly protected areas in maps and in the territory.

§ 43

Exceptions from Prohibitions in Particularly Protected Areas

In cases where public interest markedly predominates nature conservation interests, the nature conservation authority, authorized to proclaim protection, may permit exceptions from prohibitions pursuant to §§ 16, 26, 29, 34 and § 35, clause 2.

§ 44

Approval of Some Activities in Particularly Protected Areas

- 1) Without the approval of the nature conservation authorities no decision may be issued on the placing, permission or change in the use of buildings¹⁷, on permission to treat water and for water-management works on permission for certain activities¹⁸, or on granting permission¹⁹ according to the Water Act.
- 2) Activities and interventions, which are subject to the prior approval of the nature conservation authorities, may be specified in the detailed conditions of protection for particularly protected areas.

¹⁶ Law No.22/1964 on Real Property Records, in the wording of CNC law No.157/1983, Public Notice No. 23/1964 for the execution of law No.22/1964 in the wording of Public Notices 133/1965 and 19/1984, law No. 46/1971 on Geodesy and Cartography. CNC law No. 36/1973 on Geodesy and Cartography Authorities.

¹⁷ Law No. 50/1976

¹⁸ § 8 to § 10 of law No. 138/1973

¹⁹ § 13 of law No. 138/1973

§ 45

The Cancellation of Particularly Protected Areas
and Their Protective Zones

- 1) The authority which proclaimed an area and its protective zone a particularly protected area, is authorized to cancel this protection in the same manner in which it was proclaimed, and this only for reasons for which no exception from the detailed conditions of protection (§ 43) can be granted, or if the reasons for particular protection cease to exist.
- 2) Contractual particular protection of an area, proclaimed according to § 39, may be cancelled on the basis of a written agreement between the owner of the land and the nature conservation authority authorized to proclaim it. If the owner of the land does not agree, the nature conservation authority, which is authorized to conclude the agreement, shall decide the cancellation itself.

PART FOUR

Memorable Trees, Particularly Protected
Plant, Animal and Mineral Species

Chapter One

§ 46

Memorable Trees and Their Protective Zones

- 1) By the decision of the nature conservation authorities, exceptionally remarkable trees, groups of trees and rows of tree may be proclaimed memorable trees.
- 2) It is prohibited to damage and destroy trees and to disturb their natural development; their tending is carried out with the approval of the nature conservation authority which proclaimed their protection.
- 3) If it is necessary to safeguard memorable trees from the damaging influence of the surroundings, the nature conservation authority which proclaimed them shall demarcate a protective zone for them, where certain activities and interventions may be carried out only with the prior approval of the nature conservation authority. If this authority does not do so, every tree shall have a basic protective zone in the shape of a circle of a radius equal to ten times the diameter of the tree trunk, measured 130 cm above ground level. No harmful activities, such as construction work, alternations of the terrain, drainage, chemical applications, are permitted within this zone.
- 4) The nature conservation authorities may cancel the protection of a memorable tree only for reasons for which an exception according to § 56 is granted.

§ 47

Recording and Marking Memorable Trees

- 1) Memorable trees are recorded in the central files (§ 42, clauses 1 and 2).
- 2) The small national emblem of the Czech Republic shall be used to mark a memorable tree.
- 3) The Ministry of Environment shall specify more detailed conditions for the manner of marking memorable trees in the open and in maps in a generally binding regulation.

§ 48

Particularly Protected Plants and Animals

- 1) Endangered or rare, scientifically or culturally significant plant and animal species may be proclaimed particularly protected species.
- 2) According to the degree to which they are endangered, particularly protected plant and animal species are divided into the following groups:
 - a) critically endangered species;
 - b) severely endangered species;
 - c) endangered species.
- 3) A list of particularly protected plant and animal species and the degree of jeopardy, according to clauses 1 and 2, shall be determined by the Ministry of Environment in a generally binding regulation.

§ 49

Basic Conditions for the Protection of Particularly Protected Plants

- 1) Particularly protected plants are protected in all their underground and above-ground parts and all stages of development; their biotope is also protected. It is prohibited to collect, pick, dig up, damage, destroy, or otherwise disturb the development of these plants.
- 2) Protection according to this Act does not apply to plants:
 - a) if they grow naturally within other cultivated plant life and if they are destroyed, damaged or disturbed in their natural development in connection with the usual cultivation of this cultivated plant life
 - b) if they are grown in cultivated plant life which is acquired in a permitted manner
 - c) if they come from imported species and are not subject to protection according to international conventions.

- 3) Usual cultivation according to clause 2, letter a) must not be understood as an intervention which could cause changes in the hydrological soil conditions, soil surface or chemical properties of the environment, except for interventions in the course of usual forestry work in accordance with the valid forestry plans.
- 4) The provisions of clause 2, letter a) do not apply to critically and severely endangered species; in this case the manner of usual cultivation requires the prior opinion of the nature conservation authorities, which may impose compensatory protective measures, e.g. the rescue transfer of the plants.
- 5) The more detailed conditions of protection of particularly protected plants shall be specified by the Ministry of Environment in a generally binding regulation.

§ 50

Basic Conditions for the Protection of Particularly Protected Animals

- 1) Particularly protected animals are protected in all their stages of development. The natural and artificial habitats they use, as well as their biotopes, are protected. Selected animals, which are protected even when perished, shall be specified by the Ministry of Environment in a generally binding regulation.
- 2) It is prohibited to harmfully intervene in the natural development of particularly protected animals, especially to catch them, hold them in captivity, disturb, injure or kill them. It is not permitted to collect, destroy, damage or transfer them in any of their stages of development, nor the habitats they use.
- 3) Protection, according to this Act, does not apply to cases when intervention in the natural development of particularly protected animals is demonstrably necessary in consequence of current work on real or other property, or for hygienic reasons. In such cases the manner and time of such interventions requires the prior opinion of the nature conservation authorities, which may impose compensatory protective measures, e.g. the rescue transfer of the animals.
- 4) The provisions of clause 3 do not apply to severely and critically endangered species.
- 5) More detailed conditions of protection of particularly protected animals, especially if this concerns zoological gardens, rescue breeding, care of injured animals, and authorized taxidermy, shall be determined by the Ministry of Environment in a generally binding regulation.

§ 51

The Particular Protection of Minerals

- 1) Mineral species, which are rare or scientifically or culturally valuable, may be proclaimed

particularly protected minerals.

- 2) It is not permitted to damage or collect particularly protected minerals in the place of their natural deposit without the approval of the nature conservation authorities.
- 3) A list of particularly protected minerals, pursuant to clause 1, and the detailed conditions of their protection shall be specified by the Ministry of Environment in a generally binding regulation.

§ 52

Rescue Programmes for Particularly Protected Species

All nature conservation authorities must establish rescue programmes for the protection of particularly protected plant and animal species, with the aim to create conditions enabling such a reinforcement of the population of these species which would lead to a lesser degree of their jeopardy. Rescue programmes consist in a proposal for and implementation of special controlled development regimes, such as rescue breeding, introduction, reintroduction, rescue transfers and other accessible methods suitable for achieving the pursued aim.

§ 53

Export

- 1) The export of particularly protected animals, plants and minerals is prohibited. In exceptional cases deserving special consideration, the Ministry of Environment may grant permission for the export of such species.
- 2) This permission does not replace approval according to separate regulations²⁰.

§ 54

Evidence of Origin

- 1) Whosoever keeps, offers for sale or processes particularly protected plants, particularly protected animals, or plants and animals protected in accordance with international conventions (§ 5, clause 6), must, upon the summons of a nature conservation authority prove the permissive manner of their acquisition (permitted import, permitted breeding or collection, permitted growing in cultures, etc.). It is prohibited to keep, offer for sale, or process particularly protected plants, animals, or animals and plants protected according to international conventions, without evidence of their origin.
- 2) Whosoever keeps, offers for sale or processes a plant or animal, pursuant to clause 1, must prove his identity if so requested by a nature conservation authority or nature guard (§ 81).

²⁰

E.g., law No. 87/1987 on Veterinary Care

Chapter Two

§ 55

Discussion of Proclamation Intentions

- 1) The nature conservation authorities shall discuss their intention to proclaim memorable trees with the owners of such trees and with the state administrative bodies involved according to separate regulations²¹), in accordance with § 40.
- 2) Particularly protected plant, animal and mineral species are proclaimed by the nature conservation authorities in agreement with the Ministry of Agriculture and after discussing them with the central state administrative bodies involved, according to separate regulations²¹.
- 3) The involved central state administrative bodies must state their opinion on the proposals and intentions, submitted according to clause 1, within 30 days of the date on which they were submitted.

§ 56

Exceptions to Prohibitions Concerning Memorable Trees and Particularly Protected Plant, Animal and Mineral Species

In cases where other public interests significantly predominate nature conservation interests, the nature conservation authorities shall permit exceptions to prohibitions concerning memorable trees and particularly protected plant, animal and mineral species, pursuant to § 46, clause 2, § 49, § 50 and § 51, clause 2.

§ 57

Approval of Some Activities Concerning Particularly Protected Plant, Animal and Mineral Species

It is possible to specify activities and interventions, which are subject to the prior approval of the nature conservation authorities, in the detailed conditions for the protection of particularly protected

²¹ E.g., law No. 23/1962, law No.102/1963, law No.61/1964, law No.61/1977. law No.44/1988 on the Protection Utilization of Mineral Wealth (The Mine Act) ,in the wording of the CNC law No.541/1991.

plant animal (§ 50,
clause 5) and mineral (§ 51, clause 3) species.

PART FIVE

Some Limitations of Property Rights, Financial Contributions in Nature Conservation, Access to the Landscape, Public Participation, and Right to Information in Nature Conservation.

Chapter One

§ 58

Basic Obligations

Whosoever enjoys nature and the landscape must suffer the limitations ensuing from this Act.

§ 59

The Ensurement of Lands for Establishing Systems of Ecological Stability

- 1) To ensure the conditions for establishing a system of ecological stability, measures, projects and plans according to § 4, clause 1, are carried out in agreement with the owner of the land.
- 2) If the establishment of a system of ecological stability requires a change in the utilization of land, which the owner of this land does not agree to, the Land Office²² shall offer to exchange his land for land in the possession of the state, adequate in area and quality to his original land, and if possible, in the same community where the major part of the land is located.
- 3) Provisions on the protection of agricultural land resources²³ and the protection of forest land resources 1) do not apply to lands required for the implementation of measures, projects and plants for the establishment of systems of ecological stability, pursuant to § 4, clause 1.

§ 60

Expropriation and Obligatory Transfers of Management Rights

²² CNC law No. 284/1991 on Land Regulation and Land Offices

²³ Law No. 53/1966

- 1) It is possible to expropriate real property or the property rights to this property for the protection of nature and the landscape in cases specified by a separate regulation²⁴.
- 2) Procedures of separate regulations on expropriation²⁵ shall be applied in cases of expropriation pursuant to clause 1, and based on a proposal of the nature conservation authorities.
- 3) A nature conservation authority may transfer the management rights to state-owned property to itself for reasons and to the extent specified in clause 1. The transfer of management rights is free of charge; it may only be charged if the transferer acquired the real property for a charge.
- 4) The Ministry of Environment shall specify the procedural details for transfers of management rights, pursuant to clause 3, in a generally binding regulation.

§ 61

State Preemption Rights and the Financing of Land Purchase

- 1) Owners of not built-on land, which is located outside settlement formations on the territory of national parks, national nature reserves or national natural monuments, and owners of caves, must, in the case of their intended sale, first offer the sale of these lands to the nature conservation authorities. If these authorities do not manifest a binding interest in this land in writing within 60 days of the date on which they received the offer, the owners may carry out the intended sale of their land.
- 2) It is possible to provide a financial contribution from the State Environment Fund of the Czech Republic⁷ to ensure the purchase of land in particularly protected areas or significant landscape components by the state.

§ 62

Admittance to Lands

- 1) All nature conservation authority employees, who in the course of their work prove their identity with an official identification card, are entitled to enter foreign lands for the execution of tasks ensuing from this Act and from other nature and landscape protection regulations. When so doing, they may also carry out necessary measurements, observation, documentation, and may demand information necessary for determining the condition of the environment. When carrying out these activities the nature conservation authority employees must spare the lands as much as possible, as well as all the owner's rights.

²⁴ § 108, clause 2, letter e) of law No. 50/1976

²⁵ §§ 109 to 116 of law No. 50/1976

- 2) The state is responsible for any damage caused by employees of the nature conservation authorities in the execution of their activities according to clause 1. The state cannot be exempted from this obligation.
- 3) Admittance to premises and buildings, used by the armed forces and armed corps, is governed by separate regulations²⁶.

§ 63

Access to the Landscape

- 1) It is not permitted to establish or disestablish publicly accessible roads²⁷, trails and paths outside the built-in area of a community without the approval of the respective nature conservation authority. The community authorities keep records of publicly accessible roads, trails and paths within their territorial province.
- 2) Everybody is entitled to free passage over lands in the possession or tenancy of the state, a community, or other legal persons, provided he does not cause damage to the property or the health of another person, and does not transgress the rights to protection of another person's public personality²⁸ or neighbourhood rights²⁹. In so doing everybody must respect the legitimate rights of the owner or tenant of the land and the appropriate generally binding regulations³⁰.
- 3) The rights pursuant to clause 2 do not apply to built-on land or building sites, courtyards, gardens, orchards, vineyards, hop-gardens and lands destined for animal farming. Arable soil, meadows and grazing lands are exempted from the rights, pursuant to clause 2, at a time when damage may be caused to the growth or soil, or during the grazing of cattle³¹.

²⁶ Law No.169/1949 on Military Domains, law No. 102/1971 on the Protection of State Secrets, in the wording of later regulations.

²⁷ Law No. 135/1961 on Lands Roads (The Road Act), in the wording of law No. 27/1984 (complete wording promulgated under No. 55/84).

²⁸ Constitutional law No.23/1991, which introduces the Document on The Basic Rights and Liberty.

²⁹ § 130a of the Civil Code.

³⁰ E.g., law No. 135/1961, Public Notice No.99/1989 in the wording of Public Notice No, 24/1990 on Traffic Rules

³¹ E.g. 9, § 16 of CNC law No. 96/1977, Public Notice No.99/1989.

- 4) When enclosing or fencing in land which is not exempted from the right of free passage pursuant to clause 3, the owner or tenant of the land must ensure free passage over the land by technical or other means, and in a suitable place.

§ 64

Limitation of Access for Nature Conservation Reasons

If there is danger of damage to the territory in national parks, national nature reserves, national natural monuments and in the first zone of protected landscape areas, primarily by an excessive inflow of visitors, the nature conservation authorities may, after discussing it with the involved communities, limit or prohibit public access to these territories or to their parts. Prohibited or limited access must be properly marked on all the access roads and paths, and in a suitable manner in other places as well.

§ 65

Affecting the Interests of Nature Conservation

A state administrative body, when issuing decisions in accordance with separate regulations³², which could affect the interests protected by this Act, can do so only in agreement with the nature conservation authorities, provided this Act does not prescribe another procedure.

§ 66

Limitation and Prohibition of Activities

The nature conservation authorities are entitled to impose upon physical and legal persons conditions for the execution of activities which could cause an unwarranted change in generally or particularly protected parts of nature, or they may prohibit such activities.

Chapter Two

§ 67

The Obligations of Investors

1. Whoever, within the framework of construction work or other use of the landscape, intends to carry out consequential interventions which could affect protected interests pursuant to

³² E.g., law No.61/1977, law No.138/1973, law No.50/1976.

Parts Two, Three or Four of this Act (hereinafter "investor"), must at his own expense arrange for a natural scientific study of the involved land and procure a written assessment of the effect of the intended intervention on plants and animals (hereinafter "biological assessment") if this intervention is found necessary by the nature conservation authority which is appropriate to approve it. The physical or legal person, who makes the biological assessment on the basis of a proposal made by the investor or participant of the pertinent procedure, must be approved by the nature conservation authority with regard to his qualifications. The Ministry of Environment shall specify the details for biological assessment in a generally binding regulations.

2. A biological assessment, pursuant to clause 1, is not required if it is already a part of another environmental assessment in accordance with other generally binding regulations³³ and at the same time meets the requirements of a biological assessment.
3. The natural scientific study and the biological assessment, according to clauses 1 and 2, are used as supporting material in decisions made by the nature conservation authorities.
4. If this Act or other regulations, or the results of the biological assessment, according to clause 1 or 2, necessitates other compensatory nature protection measures (such as the building of technical barriers, the transfer of plants or animals), the investor must implement these measures at his own expense. The nature conservation authorities shall decide the extent and necessity of such measures.

§ 68

Measures for the Improvement of the Natural Environment

- 1) Owners and tenants of land shall, if it is within their power, improve the condition of the preserved natural environment and landscape for the purpose of preserving the diversity of natural species and systems of ecological stability.
- 2) Nature conservation authorities or community authorities may conclude written agreements with owners or tenants of land to take care of the land for nature conservation reasons.
- 3) The nature conservation authorities are entitled to improve the natural environment and landscape, according to clause 1, themselves or through another person if the owner or tenant of the land does not respond to the appeal of the nature conservation authorities and does not do so himself, especially if this involves the protection of particularly protected parts of nature and significant landscape components.
- 4) The owners and tenants of the land must suffer interventions pursuant to clause 3, and enable persons, who are carrying them out, to enter the land. The nature conservation authorities must inform the owners or tenants of the extent and date of the intervention in advance. The nature conservation authority which ordered these interventions is responsible for any

damage the owners or tenants may suffer in connection with these interventions. This does not effect the responsibility of persons carrying out these interventions.

§ 69

Financial Contributions

- 1) A financial contribution may be granted to owners or tenants of the involved lands for taking care of these lands pursuant to § 68, clause 2, provided they refrain from certain activities, or carry out agreed-upon work for the improvement of the natural environment.
- 2) A financial contribution may also be granted to a person who carries out compensatory protective measures according to § 49 or § 50.
- 3) The financial contribution, pursuant to clause 1, may be granted by nature conservation or community authorities on the basis of a written agreement. The Ministry of Environment shall specify details concerning the conditions for granting a contribution, as well as the details of the pertinent agreement, in a generally binding regulation.
- 4) The contribution, pursuant to clause 1, may also be granted from the State Environment Fund of the Czech Republic⁷.

Chapter Three

§ 70

The Participation of Citizens

- 1) The protection of nature, pursuant to this Act, is carried out with the direct participation of citizens through their civic associations³⁴ and voluntary groups or organizations attached to the nature conservation authorities.
- 2) The locally appurtenant organizational unit of a civic association, the main mission of which according to its statutes is the conservation of nature, provided it is a legal entity, (hereinafter "civil association") is entitled to demand that the respective state administrative bodies inform it in advance of all the intended interventions and initiated administrative proceedings which could involve nature and landscape protection interests, protected according to this Act.
- 3) Under the conditions and in cases pursuant to clause 2, a civic association is entitled to participate in administrative proceedings, provided it notifies the state administrative body which initiated the administrative proceedings, of its participation within 8 days of the date on which these proceedings were started; in this case the civic associations role is that of a

³⁴ § 2 of law No.83/1990 on the Association of Citizens.

participant of the proceedings³⁵.

§ 71

The Participation of Communities

- 1) Through their authorities, communities involve themselves in the protection of nature and the landscape in their territorial district. They in particular advance their opinion on the establishment and disestablishment of particularly protected areas, memorable trees and their protective zones.
- 2) The nature conservation authorities must cooperate with communities, submit supporting materials and information to them, give them the necessary explanations for nature interventions and for methods of protecting the environment, particularly if these interventions could negatively effect the environment in the community or limit the execution of the community inhabitants rights.
- 3) The community authorities are participants in administrative proceedings within their territorial district, pursuant to this Act, provided they do not decide the same matter in the role of a state administrative body.

§ 72

The Right to Information on Nature and Landscape Protection

- 1) The authorities which carry out the state administration of nature conservation according to this Act must, within the scope of their activities, keep records of information, which must include:
 - a) directive administrative acts in nature conservation;
 - b) proposals for initiating administrative proceedings;
 - c) issued decisions, including decisions made in appellate or revisional proceedings;
 - d) all written and other supporting materials for the issued decisions, particularly minutes and records of meetings; testimony of witnesses, written evidence, expert opinions;
 - e) proposals for proclaiming particularly protected components of nature, and the statements of the owners or tenants of the involved land to these intentions (§ 40 and § 55);
 - f) other important information known to the authorities, related to the execution and management of nature conservation, particularly information on the condition and development of the natural environment.
- 2) The information mentioned in clause 1, is accessible to physical and legal persons during the

³⁵

§ 14 of law No.71/1967 on Administrative Proceedings
(The Administration Rules).

office hours of the nature conservation authorities, if it is not an economic or state secret³⁶ or if the publication of the location of particularly protected plant, animal or mineral species does not endanger or disturb them. This information is available free of charge, with the exception of information mentioned in clause 1, letter f, used for business purposes. Everybody has the right to make excerpts from the documents mentioned in clause 1, and if it is technically possible, to have copies made of them by the nature conservation authorities for the price of material costs.

§ 73

Science and Research

- 1) The nature conservation authorities cooperate with professionally qualified legal and physical persons in the protection of nature and the landscape, particularly in the proclamation and protection of particularly protected parts of nature, or in the abandonment of their protection, or in the preparation of plans for the care of particularly protected areas.
- 2) The nature conservation authorities may order or permit an expert opinion concerning the protection of nature and the landscape and the research of particularly protected areas, to be carried out only by those physical or legal persons who are qualified to do so.

§ 74

Cooperation in Nature Conservation

- 1) The nature conservation authorities actively participate in international cooperation in nature conservation, meet the obligations ensuing from international conventions, programmes and project adopted for the conservation of nature. Within the scope of its activities, the Ministry of Environment may issue a generally binding regulation to ensure the tasks ensuing from international obligations.
- 2) The nature conservation authorities shall pay particular attention to the proclamation and protection of territories adjoining particularly protected areas in the Slovak Republic and in the neighbouring countries of the Czech Republic, as well as to the protection of animals, freely passing across the state borders; and to natural transboundary resources in the Czech Republic.

PART SIX

Authorities and State Administration in Nature Conservation

³⁶

Law No.102/1971 in the wording of law No.43/1976 and law No.383/1990.

Chapter One

§ 75

The Nature Conservation Authorities

- 1) The nature conservation authorities are:
 - a) communities;
 - b) district offices;
 - c) administrations of national parks and protected landscape areas;
 - d) the Czech Environment Inspection³⁷;
 - e) the Ministry of Environment.
- 2) The nature conservation authorities carry out the state administration of nature and landscape protection according to this Act.

§ 76

The Scope of Activities of Communities

- 1) Communities:
 - a) participate in the protection of nature and the landscape in their territorial districts according to § 68, clause 2, § 69, clause 2 and § 71;
 - b) with the exception of national parks, permit the felling of wood species, and are entitled to stop, limit or prohibit the felling of wood species according to § 9, with the exception of the territories of national parks, and must keep records of lands suitable for compensatory planting; pursuant to § 9, clause 2;
 - c) keep records of publicly accessible roads, trails and paths in their territorial district, pursuant to § 63, clause 1.
- 2) Authorized community offices³⁸:
 - a) register significant landscape components, pursuant to § 6;
 - b) issue binding opinions according to § 4, clause 2, to interventions in registered landscape components;
 - c) assess and demarcate local systems of ecological stability;

³⁷ CNC law No. 282/1991 on the Czech Environment Inspection and Its-Scope of Activities in Forest Protection

³⁸ CNC law No.367/1990 on Communities

- d) proclaim memorable trees and their protective zones according to § 46, clause 1, and approve their tending according to § 46, clause 2;
 - e) approve the establishment or disestablishment of roads, trails and paths according to § 63, clause 1;
 - f) impose fines for misdemeanours according to § 87, clause 1 and for illegal conduct according to § 88, clause 1 outside the territory of national parks and protected landscape areas.
- 3) The scope of activities of authorized district councils, according to clause 2, does not apply to the territory of national parks, protected landscape areas, national nature reserves, nature reserves, national natural monuments and natural monuments.
 - 4) Statutory towns carry out the state administration of nature conservation in the extent entrusted to communities, authorized community councils and district councils (§ 77).
 - 5) The Capital City of Prague and its municipal districts carry out the state administration of nature conservation to extent specified by a separate regulation³⁹.

§ 77

The Scope of Activities of District Offices

- 1) District offices prepare the policy for nature and landscape protection in the district and carry out the state administration of nature conservation in their territorial district, provided another nature conservation authority is not authorized to do so (§ 76, § 79 and § 80) and if it does not involve the territory of a national park or protected landscape area (§ 78).
- 2) District offices also keep excerpts from the central files on nature conservation (§ 42 and § 47) within their territorial district. For important reasons they may extend their scope of activities to include community matters pursuant to § 76, clause 1, letter b), as well as matters pursuant to § 76, clause 2 within the scope of activities of the authorized community councils. They impose fines according to this Act, provided another nature conservation authority is not authorized to do so (§ 76, clause 2, letter f) and § 78, clause 2).
- 3) District offices may issue a public notice according to § 5, clause 1 of this Act to limit or prohibit disturbing activities, a public notice on the establishment of a natural park according to § 12, clause 3, a public notice on the establishment of a nature reserve according to § 33, and a public notice on the establishment of a natural monument according to § 36.

§ 78

³⁹ § 14 of law No. 418/1990 on the Capital City of Prague

The Scope of Activities of Administrations
of National Parks and Protected Landscape Areas

- 1) The state administration of nature conservation and landscape protection on the territory of national parks, protected landscape areas and their protective zones, is carried out by the administrations of national parks and protected landscape areas, (hereinafter "administrations"), provided a community, the Ministry of Environment or the Czech Environment Inspection is not authorized to do so by this Act. A list of the administrations on the territory of the Czech Republic and their seats, is given in the annex to this Act. The administration of the National Park Šumava is at the same time the administration of the Protected Landscape Area Šumava.
- 2) Administrations keep excerpts from the central files on nature conservation (§ 42 and § 47) within their territorial district. For important reasons they may extend their scope of activities to include community matters according to § 76, clause 1, letter b) and clause 2, letters c) to e); they settle and impose fines according to this Act for misdemeanours and illegal conduct on the territory of national parks and protected landscape areas. They are authorized to issue a public notice on the establishment of nature reserves (§ 33 and natural monuments (§ 36).
- 3) Administrations at the same time fulfil the tasks of professional nature conservation organizations within their territorial districts. These tasks include stock-taking and natural scientific surveys, documentation and investigations of nature conservation activities, cooperation with research and scientific institutions, watch services, informative and popular educational activities.
- 4) On the territory of national parks, national park administrations also carry out activities, entrusted in accordance with separate regulations to district councils, communities and authorized district councils in the sphere of forestry, hunting, fishing and the protection of agricultural land resources⁴⁰
- 5) National park administrations propose plans for the care of national parks (§ 18), issue a public notice on the visitors. Rules for a national park (§ 19) and on charges in a national park (§ 24, clause 3), approve forestry plans for forests located on the territory of national parks, grant permission to carry out research activities in national parks (§ 73) and establish councils (§ 20).

§ 79

The Scope of Activities of the Ministry of Environment

- 1) The Ministry of Environment is the central state administrative body for nature conservation in the Czech Republic.
- 2) The Ministry of Environment:
 - a) prepares prognoses and policy for the nature conservation strategy in the Czech Republic
 - b) coordinates state scientific and research activities in the sphere of nature and

⁴⁰ Laws No. 96/1977, 23/1962, 102/1963 and 53/1966.

- landscape protection
 - c) cooperates with the Ministry of Education of the Czech Republic in the sphere of nature and landscape protection.
- 3) The Ministry of Environment also:
 - a) demarcates and assesses supra-regional system of ecological stability;
 - b) issues public notices with which it proclaims national nature reserves (§ 28) and national natural monuments (§ 35), particularly protected plant and animal species (§ 48) and mineral species (§ 51), and which specify the detailed conditions for their protection;
 - c) demarcates nature conservation zones of national parks (§ 17) and of protected landscape areas (§ 27);
 - d) approves plans for the care of national parks (§ 18), national nature reserves and national natural monuments (§ 38) and plans for the care of protected landscape areas (§ 27);
 - e) ensures rescue programmes (§ 52) for critically endangered plant and animal species
 - f) grants exceptions from the conditions for protecting particularly protected, critically and severely endangered plant and animal species, and exceptions from the conditions for protecting minerals (§ 56);
 - g) approves certain activities in national nature reserves and national natural monuments (§ 44) if it does not transfer this authority to a district council or administration;
 - h) is the appellate authority for appeals against decisions made by a district council or administration
 - i) performs the function of a central state administrative body in matters concerning forestry and national parks;
 - j) issues permission for the export of paleontological finds (§ 11, clause 3), the export of particularly protected plants, animals and minerals (§ 53), for research work in national nature reserves, national natural monuments, and for research on critically or severely endangered plant and animal species (§ 73);
 - k) approves the export or import of plants and animals protected by international conventions (§ 5, clause 6)
 - l) carries out the activities of a nature conservation authority on lands destined for state defence purposes⁴¹ if not otherwise determined by this Act (§ 91);
 - m) makes known its intention to proclaim a national park, a protected landscape area or a national nature reserve (§ 40, clause 1)
 - n) directs the activities of the administrations and carries out other tasks specified by this Act.

§ 80

The Scope of Activities of the Czech Environment Inspection

- 1) The Czech Environment Inspection (hereinafter "Inspection") supervises the manner in which the state administrative bodies, physical and legal persons observe the provisions of legal regulations and decisions concerning the protection of nature and the landscape. The

⁴¹ Law No. 169/1949, law No. 40/1961 on the Defence of the State

Inspection determines cases of jeopardy or damage to nature and the landscape, their causes and the persons responsible for them.

- 2) In cases of imminent damage, the Inspection is entitled to order a limitation or cessation of the harmful activities until the result or causes of the harm are eliminated.
- 3) The Inspection imposes a fine upon legal and physical persons for violating obligations in the sphere of nature and landscape protection according to this Act. The Inspection may initiate proceedings on the imposition of fines only if these proceedings were not initiated by an authorized community council, a district council or by an administration. If these proceedings are initiated by an authorized community council, a district council or an administration and by the Inspection on the same day, the proceedings shall be conducted by the authorized community council, district council or administration. The Inspection and the authorized community council, district council or administration shall inform each other of the commencement of proceedings on the imposition of a fine. The Ministry of Environment shall make a decision on appeals against decisions made by the Inspection.
- 4) The Inspections tasks are carried out by inspectors, who shall prove their identity with an official identification card.

§ 81

The Nature Guard

- 1) District councils and administrations appoint nature guards, primarily from among voluntary workers. The mission of the nature guard is to check the observation of regulations on nature and landscape protection.
- 2) The nature guard consists of guards and reporters, who are appointed and recalled by the territorially appropriate district council or administration.
- 3) The nature guard is entitled to:
 - a) establish the identity of persons who violate nature conservation regulations;
 - b) impose and collect (ticket) fines⁴² for misdemeanours in the sphere of nature conservation;
 - c) enter foreign lands under conditions specified in § 62.
- 4) In cases of imminent danger to interests protected according to Part Two, Part Three and Part Four of this Act, the nature guard is authorized to stop disturbing activities. The nature guard shall immediately inform the territorially appropriate nature conservation authority of the measure it had taken to do so. The nature conservation authority shall confirm, change or cancel this measure within 15 days of the date on which it was issued.

§ 82

⁴² § 13, clause 2, §§ 45, 46 and 85 of CNC law No. 200/1990 on Misdemeanours.

Uniforms and Identification of Nature Conservation Employees

- 1) Employees of administrations and the Inspection may wear nature conservation uniforms.
- 2) The Ministry of Environment shall specify the details concerning the introduction and use of uniforms and the identification of nature conservation employees in a generally binding regulation.

Chapter Two

§ 83

Proceedings in Matters of Nature Conservation

- 1) The nature conservation authorities shall invite all the participants known to them to attend oral proceedings. In cases when a decision of the nature conservation authority may effect the natural conditions in the territorial districts of several communities, the nature conservation authority shall announce the date and subject of the verbal proceedings also in a public notice, posted in these communities.
- 2) If oral proceedings are ordered, the nature conservation authorities must deliver the summons to participate in these proceedings to the participants 15 days, in complicated cases 13 days, before the date on which the oral proceedings are to take place. The public notice of these oral proceedings must be posted on the same date.
- 3) Simple matters shall be decided by the nature conservation authority immediately. It shall decide other matters within 60 days of the date on which the proceedings were started, in particularly complicated cases, within 90 days of the date on which the proceedings were started.

§ 84

Changes and Cancellation of Permission

- 1) A nature conservation authority may at its own instance, or upon a submitted proposal, change or cancel a permission it issued, after the proceedings were concluded:
 - a) if there is a change in the facts that were decisive for issuing permission;
 - b) if so required by the interests of nature and the landscape protected by this Act, particularly if there is danger of an imminent environmental detriment;
 - c) if the holder of the permission repeatedly violates the conditions or obligations specified therein by the nature conservation authority;
 - d) if the holder of the permission does not make use of the permission for no special

- reason for a period exceeding two years;
- e) if in the course of the permitted activities the provisions of this Act are violated, or if substantial damage to other authorized interests concerning the protection of the natural environment is caused by these activities.
- 2) The Ministry of Environment may reserve its right to change or cancel a permission, issued by a lower ranking nature conservation authority, for reasons specified in clause 1, letter b) or e).

§ 85

State Supervision in Nature Conservation

- 1) District councils and administrations supervise whether the interests of nature and landscape protection are endangered within their territorial district, supervise the observance of this Act and procedural regulations, and within the scope of their authority they impose measures to remedy the determined faults. The authorities in particular supervise how the issued decisions and binding opinions in the sphere of nature and landscape protection are observed, as well as the fulfilment of the obligations of physical and legal persons ensuing from the regulations for the protection of nature and the landscape, the ensurement of the conditions for the protection of particularly protected parts of nature, and the observance of the protection of significant landscape components, the preparation and implementation of plans, projects and measures for the restoration of a system of ecological stability.
- 2) Within the scope of its supreme supervision in nature conservation, the Ministry of Environment supervises how the district councils, administrations, the nature guard, physical and legal persons, carry out the provisions of this Act and procedural regulations. The Ministry of Environment in particular supervises the observance of the decisions and binding opinions made by the nature conservation authorities, the fulfilment of obligations ensuing from this Act on the Protection of Nature and the Landscape, the preparation and implementation of plans for the care of particularly protected areas and plant and animal rescue programmes; the observance of the conditions for the protection of national parks, protected landscape areas; national nature reserves and national natural monuments. If the Ministry of Environment determines any faults, it shall impose the necessary measures to remedy them.

PART SEVEN

Responsibility in the Sphere of Nature Conservation

§ 86

The Removal of the Consequences of Unauthorized Interventions

- 1) Whosoever damages, destroys or unwarrantedly changes parts of nature or the landscape, protected according to this Act, must restore them to their original condition if this is possible and purposeful. The possibility of and conditions for restoring the original conditions is decided by the nature conservation authorities.
- 2) If the restoration to the original conditions is not possible or purposeful, the nature conservation authorities may order the liable person to carry out an adequate compensatory remedy. The purpose of this remedy is to at least partly compensate for the consequences of unwarranted behaviour.
- 3) The imposition of an obligation to restore parts of nature to their original condition, or the compensatory remedy, does not effect liability for damages according to other regulations, nor retributions for misdemeanours, illegal acts or criminal offence.

§ 87

Misdemeanours

- 1) The nature conservation authorities shall impose a fine of up to 5000,- Czechoslovak Crowns upon a physical person who commits a misdemeanour in that he:
 - a) unwarrantedly changes or disturbs the preserved condition of nature in a particularly protected area, or unwarrantedly changes the conditions of a memorable tree;
 - b) unwarrantedly intervenes in the natural development of particularly protected plant species;
 - c) ~~injures~~, holds without permission particularly animals, or otherwise unwarrantedly intervenes in their natural development;
 - d) does not enable persons, authorized according to § 64 or § 68, clause 4, and § 81, to enter land he owns or uses;
 - e) does not fulfil the obligation of notification prescribed by this Act;
 - f) carries out activities prohibited in a protective zone destined to protect particularly protected parts of nature;
 - g) does not prove in the prescribed manner, pursuant to ~~§ 54~~, clause 1, the origin of a particularly protected plant or animal;
 - h) does not carry out the imposed compensatory planting of wood species according to § 9;
 - i) ~~does~~ not observe limited or prohibited entry, declared according to § 64;
 - j) does not fulfil one of the obligations concerning a paleontological find according to § 11, clause 1.
- 2) The nature conservation authorities shall impose a fine of up to 10.000,- Czechoslovak Crowns upon a physical persons who commits a misdemeanour in that he:
 - a) destroys a part of nature in a particularly protected area, or destroys facilities serving the protection, marking and equipment of a particularly protected area;
 - b) destroys particularly protected plants listed in the category of endangered species, or causes them to perish by an unwarranted intervention in their environment;
 - c) kills particularly protected animals listed in the category of endangered species, or causes them to perish by an unwarranted intervention in their environment, or catches particularly protected animals;
 - d) endangers beyond the necessary extent particularly protected parts of nature.

Fines Imposed Upon Physical and Legal Persons
in the Execution of their Business Activities

- 1) The nature conservation authorities shall impose a fine of up to 500.000,- Czechoslovak Crowns upon legal or a physical persons who, in the execution of their business activities, commit an illegal act in that they:
 - a) damage a part of nature in a particularly protected areas, unwarrantedly change or endanger its preserved condition;
 - b) damage or destroy a memorable tree;
 - c) without permission damage or destroy a wood species or a group of wood species which grow outside forests;
 - d) unwarrantedly interfere with the natural development of particularly protected plant species;
 - e) injure, hold without permission particularly protected animals, or otherwise unwarrantedly interfere with their natural development;
 - f) carry out activities prohibited in a protective zone destined to secure particularly protected parts of nature;
 - g) do not enable persons, authorized according to § 62 or § 68, clause 4 and § 81, to enter lands they own or use;
 - h) do not fulfil the obligation of notification pursuant to this Act, or do not fulfil the obligation of compensatory planting pursuant to § 9;
 - i) harmfully interfere with a significant landscape component without the approval of the nature conservation authorities;
 - j) violate the conditions determined for the protection of temporarily protected areas;
 - k) violate the limitations or prohibition of entry according to § 64, or violate the provisions of the Visitors Rules of a national park;
 - l) damage or destroy a cave or its part;
 - m) do not fulfil an obligation concerning paleontological finds according to § 11, clause 1.

- 2) The nature conservation authorities shall impose a fine of up to 1 000 000,- Czechoslovak Crowns upon legal or physical persons who commit an illegal act in the execution of their business activities in that they:
 - a) impair the nature of the landscape by not fulfilling the obligations specified in § 12, clause 2;
 - b) seriously damage or destroy a significant landscape component;
 - c) destroy a part of nature in a particularly protected area, or destroy facilities serving the protection, marking and equipment of particularly protected areas;
 - d) directly destroy an individual plant or a particularly protected plant species, or by an unwarranted interference in their development;
 - e) directly kill particularly protected animals or cause their death by an unwarranted interference in their environment;
 - f) beyond the necessary extent endanger particularly protected parts of nature during interventions against pests, plant diseases, weeds and during hygienic measures;
 - g) do not restore a damaged part of nature, protected according to this Act, to its original condition, or do not carry out a remedy according to § 86, or adequate compensatory measures according to § 67, clause 4;
 - h) do not fulfil the obligations of an owner or tenant of the land to refrain from negative interference with land prepared to be proclaimed particularly protected

- course of killing pests;
 - e) damages or unwarrantedly cuts wood species which grow outside forests;
 - f) carries out a harmful intervention in a significant landscape component without the approval of the nature conservation authorities;
 - g) impairs the nature of the landscape by violating the obligations specified in § 12, clause 2;
 - h) damages or destroys a cave or its part;
 - i) violates the provisions of the Visitor Rules of a national park, issued according to § 19.
- 3) The nature conservation authorities shall impose a fine of up to 50,000,- Czechoslovak Crowns upon a physical person who commits a misdemeanour in that he:
- a) damages or destroys a memorable tree or a particularly protected area or its part;
 - b) kills a particularly protected animal of a critically or severely endangered species, or causes it to perish by intervening in its environment;
 - c) destroys a particularly protected plant of a critically or severely endangered species, or causes it to perish by intervening in its environment;
 - d) without permission cuts or seriously damages a group of wood species which grow outside a forest;
 - e) does not restore a damaged part of nature, protected according to this Act, to its original condition, or does not remedy this condition according to § 86, nor carries out compensatory measures according to § 67, clause 4;
 - f) does not fulfil the obligation as owner or tenant of land to refrain from negative interventions on land prepared to be proclaimed particularly protected according to § 40, clause 4;
 - g) does not proceed in a manner that would prevent the excessive perishing of plants and animals according to § 5, clause 3;
 - h) violates the limitation or prohibition of activities declared according to § 66;
 - i) unwarrantedly trades in individuals of species the trade of which is limited or prohibited according to international conventions;
 - j) unwarrantedly collects or damages particularly protected minerals;
 - k) violates the conditions prescribed for the protection of temporarily protected areas (§ 13);
 - l) does not meet the conditions for an exception, granted according to § 43 and § 56, or the conditions for an approval according to § 44 and § 57;
 - m) seriously damages or destroys a significant landscape component.
- 4) A fine of up to double the amount may be imposed for misdemeanours in the protection of particularly protected plants and animals, wood species and memorable trees, if they were committed in particularly protected areas.
- 5) The proceeds from fines imposed by an authorized community council or district council are an income to the budget of the authority which imposed the fine. The proceeds from fines imposed by administrations and the Inspection are divided in accordance with the provisions of a separate Act¹.

- i) according to § 40, clause 4;
 - ii) do not proceed in a manner that would prevent the excessive perishing of plants and animals, pursuant to § 5, clause 3, or unwarrantedly collect or damage particularly protected minerals;
 - iii) violate the limitation or prohibition of activities defined in § 66;
 - iv) unwarrantedly trade in individuals of species, the trade of which is limited or prohibited according to international conventions;
 - v) do not ensure the protection of paleontological finds against damage, destruction or theft according to § 11;
 - vi) exceed the inevitable extent of damage they cause in generally or particularly protected parts of nature on territories serving the interests of the defence of the state according to § 90, clause 2.
- 3) When establishing the amount of a fine, the seriousness of the illegal act and the extent of imminent or caused impairment to nature and landscape protection is taken into account.
- 4) A fine may be imposed upon a legal person within one year of the date on which the nature conservation authorities learned about the violation of an obligation, and at the latest within 3 years of the date on which the violation occurred.
- 5) A fine is payable within 30 days of the date on which the decision to impose a fine came into legal force.
- 6) The imposition of a fine upon a legal person does not effect his responsibility nor the responsibility of his employees, pursuant to separate regulations.
- 7) The proceeds from fines, imposed by an authorized community council, are an income to the budget of the authority which imposed the fine. The proceeds from fines imposed by administrations or the Inspection are divided in accordance with the provisions of a separate act⁷.

§ 89

The Withdrawal of Unwarrantedly Held Individuals of Particularly Protected Species

- 1) The nature conservation authorities may withdraw unwarrantedly kept individual plants or animals of particularly protected species. They may also withdraw individual particularly protected plants and animals if the holder of such an individual plant or animal does not prove its origin according to § 54, clause 1, or if their trade is limited or prohibited according to international conventions.
- 2) The nature conservation authorities must issue the decision on a withdrawal, pursuant to clause 1, within 15 days of the date on which the withdrawal was made. If they do not do so the withdrawal is invalid.
- 3) The state shall become the owner of a withdrawn plant or animal. The Ministry of Environment may specify the details of this in a generally binding regulation.

PART EIGHT

Common, Temporary and Final Provisions

§ 90

Common Provisions

- 1) The general regulations on administrative proceedings⁴³ do not apply to proceedings pursuant to § 5, clause 6, § 11, clause 3, §§ 17, 18, 24, 27, 38, 40, § 46, clause 2, §§ 52, 53 and 69 of this Act. The suspensory effect of an appeal is ruled out in the case of a decision on the establishment of a temporarily protected area according to § 13, on the limitation and cessation of activities according to § 66, and on the withdrawal of individual plants and animals of particularly protected species according to § 89.
- 2) The provisions of § 4, clauses 2 and 3, §§ 6, 8, 12, § 40, clause 4, § 49, clause 1, § 63, § 68, clause 3, and § 70 of this Act do not apply to territories serving the interests of the defence of the state⁴⁴. In these cases any damage to nature for reasons of state defence must not exceed an inevitable extent.
- 3) In mining activities, carried out in the extraction area of exclusive mineral deposits⁴⁵, the obligations defined in § 10, § 11, clauses 1 and 2, and § 51, clause 2, may be applied only in agreement with the person authorized to carry out mining activities according to separate regulations⁴⁵.
- 4) The Act on the Protection of Nature and the Landscape and the regulations issued for the execution of this Act are special regulations in relation to regulations on forests, water, territorial planning and on the building code, on the protection of mineral wealth, the protection of agricultural land resources, hunting and fishing⁴⁶.
- 5) State nature reserves, proclaimed according to § 4, clause 3 of law No. 40/1956 on State Nature Conservation, shall be transferred to the category of national nature reserves (§ 28), nature reserves (§ 33), national natural monuments (§ 35), or natural monuments (§ 36). The Ministry of Environment shall define the categorization of these territories in a generally binding regulations.

⁴³ Law No. 71/1967

⁴⁴ § 11 of law No. 44/1988

⁴⁵ §§ 15 to 19 of law No. 44/1988, law No. 61/1988 on Mining Activities Explosives and State Mining Administration, in the wording of later regulations.

⁴⁶ E.g. law No. 61/1977, law No. 138/1973, law No. 50/1976, law No. 44/1988, law No. 53/1966, law No. 23/1962, law No. 102/1963.

- 6) Protected localities, protected parks and gardens and protected research areas, proclaimed according to § 5 of law No. 40/1956, shall be proclaimed national natural monuments or natural monuments (§ 35 and § 36). The Ministry of Environment shall define the categorization of these territories in a generally binding regulation.
- 7) Protected natural formations and protected natural monuments, proclaimed according to § 6 of law No. 40/1956, are herewith proclaimed natural monuments (§ 36) if they are not classified in the category of national nature reserves (§ 28), nature reserves (§ 33) or national natural monuments (§ 35) by the Ministry of Environment in a generally binding regulation.
- 8) Trees and groups of trees, proclaimed protected natural formations or protected natural monuments according to § 6 of law No. 40/1956, are herewith proclaimed memorable trees (§ 46).
- 9) National parks and protected landscape areas, proclaimed according to § 8 of law No. 40/1956, shall continue to be protected as national parks (§ 15) and protected landscape areas (§ 25).
- 10) Areas of quiet, proclaimed by generally binding regulations issued by the former District National Committees⁴⁷, are herewith proclaimed natural parks (§ 12).

§ 91

Temporary Provisions

In the extent defined in § 78, clause 4, the Administration of the National Park Šumava shall carry out the state administration of forestry in military forests⁴⁸ on the territories of the National Park Šumava where the reasons for proclaiming them military forests have passed.

§ 92

Provisions of Cancellation

The following legal regulations are hereby cancelled:

- 1) Law No. 40/1956 on State Nature Conservation, in the wording of Czech National Council

⁴⁷ § 24a of CNC law No. 67/1969 on National Committees, in the wording of later regulations (complete wording No. 31/1983).

⁴⁸ § 25 of law No. 61/1977, No. 163/1991, which establishes the National Park Šumava and specifies the conditions for its protection.

law No. 146/1971, Czech National Council law No.137/1982, Czech National Council law No. 96/1977 and Czech National Council law No. 65/1986.

- 2) § 2, clause 1, letter f) of Czech National Council law No. 68/1990 on the Use of the National Emblem and the State Flag of the Czech Republic.
- 3) § 3, § 5, clause 1, and § 7 of Czech Government Decree
- 4) § 3, § 5, clause 1, and § 7 of Czech Government Decree No. 164/1991, which establishes the National Park Podyjí and specifies the conditions for its protection.
- 5) § 3, § 5, clause 1, and § 7 of Czech Government Decree No.165/1991, which establishes the Giant Mountain National Park and specifies the conditions for its protection.
- 6) Public Notice No. 142/1980, which specifies the details for the protection of trees growing outside forests, the proceedings for their exceptional felling, and the manner of utilizing the wood from these trees.
- 7) Public Notice No. 131/1957 of the Gazette, concerning the voluntary workers of the state nature conservation authorities (conservators and reporters).
- 8) Public Notice No.228/1959 of the Gazette, concerning the records on protected parts of nature and compensation for property damage caused by limitations specified in the conditions for protection.

§ 93

Legal Force

This Act comes into legal force on July 1, 1992.

Burešová (written in her own hand)

Pithart (written in his own hand)

ANNEX to Act No. /1992

List of National Parks and Protected Landscape Areas in the Czech Republic, Related to the Provisions of § 78, clause 1, of the Act

Name of Territory	The Establishing Legal Regulation	The Seat of the Administration
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National Park Šumava	Czech Government Decree No.163/1991	Vimperk
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National Park Podyjí	Czech Government Decree No.164/1991	Znojmo
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Giant Mountain National Park	Czech Government Decree No.165/1991	Vrchlabí
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Protected Landscape Areas:

Beskids	Decree of the Ministry of Culture of the Czech Republic, ref.No.5373/ 1973	Rožnov p.Radhoštěm
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White Carpathians	Ditto, No.17644/1980	Luhačovice
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Blaník	Ditto, No.17332/1981	Louňovice p.Blaníkem
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Blanský les	Public Notice of the Ministry of Culture of the Czech Republic No.197/1989	Český Krumlov
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Broumovsko	Public Notice of the Ministry of Environment of the Czech Republic No.157/1991	Police nad Metují
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České Středohoří	Decree of the Ministry of Culture of the Czech Republic No.6883/1976	Litoměřice
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Český kras	Ditto, No.4947/1972	Karlštejn
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Český ráj	Ditto, No.70261/1954	Turnov
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Jeseníky	Ditto, No.9886/1969	Malá Morávka
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Jizerské hory	Ditto, No.13853/1967	Liberec
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Kokořínsko	Decree of the Ministry	
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	of Culture of the Czech Republic No.6070/1976	Mělník
Křivoklátsko	Ditto, No.21973/1978	Křivoklát
Labské pískovce	Ditto, No.4946/1972	Děčín
Litovelské Pomoraví	Public Notice No.464/ 1990 of the Ministry of Environment of the Czech Republic	Olomouc
Lužické hory	Decree No.6227/1975 of the Ministry of Culture of the Czech Republic	Jablonec v Podještědí
Moravský kras	Decree No.18001/1955 of the Ministry of Culture of the Czech Republic	Blansko
Orlické hory	Decree No.16369/1969 of the Ministry of Culture of the Czech Republic	Rychnov n. Kněžnou
Pálava	Decree No.5790/1976 of the Ministry of Culture of the Czech Republic	Mikulov
Poodří	Public Notice No.155/ 1991 of the Ministry of Environment of the Czech Republic	Ostrava
Slavkovský les	Decree No.7657/1974 of the Ministry of Culture of the Czech Republic	Mariánské Lázně
Šumava	Decree No.53855/1963 of the Ministry of Culture of the Czech Republic, amended by Decree No. 5954/1975 of the Ministry of Culture of the Czech Republic	Vimperk
Třeboňsko	Decree No.22737/1979 of the Ministry of Culture of the Czech Republic	Třeboň
Žďárské vrchy	Decree No.8908/1970 of the Ministry of Culture of the Czech Republic	Žďár nad Sázavou

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