

17/1992: Coll.

Act from 5th December 1991

on Environment

Amendment: 127/1994 Coll.

Amendment: 287/1994 Coll.

The Federal Assembly of the Czech and Slovak Federative Republic following from the fact that Man is together with other living organisms an inseparable part of Nature, recalling the natural interdependence between Man and other organisms while respecting the right of Man to adapt Nature in compliance with the principle of permanently sustainable development, aware of his responsibility for the conservation of favourable environment to next generations and emphasising the right to favourable environment as one of Man's basic rights it has passed the following Act:

Article 1 ***Purpose of Act***

The Act stipulates the basic concepts and determines the basic principles of environment protection and the duties of legal and natural entities for the protection and improvement of environment conditions and for the utilisation of natural resources as well as it follows from the principles of permanently sustainable development.

BASIC CONCEPTS

Article 2 ***Environment***

The "environment" is everything that creates natural conditions of the existence of organisms including Man and it is a precondition of their further development. Its components are mainly the air, water, minerals, soil, organisms.

Article 3 ***Ecosystem***

The ecosystem is a functional system of live and lifeless components of environment that are interconnected by exchange of substances, energy flow and information transmission and that are mutually effected and are developing in a specific space and time.

Article 4 ***Ecological Stability***

The ecological stability is the ability of ecosystem to balance the changes caused by external factors and to sustain its natural properties and functions.

Article 5
Bearable Loading of Territory

A bearable loading of territory is such a loading of territory by human activity where no damages to the environment occur, especially of its components, ecosystem's functions or ecological stability.

Article 6
Permanently Sustainable Development

The permanently sustainable development of the society is such a development that preserves for present and next generations the chance to satisfy their basic needs for life and while doing it, the variety of nature is not decreased and the natural functions of ecosystems are preserved.

Article 7
Natural Resources

- (1) The natural resources are those parts of live or lifeless nature that are utilised by the Man or can be utilised to satisfy his needs.
- (2) The recoverable natural resources have the ability , when gradually consumed, to be restored partially or completely by themselves or with Man's contribution. Non-restorable natural resources are perished by consumption.

Article 8
Contamination and Damage to the Environment

- (1) Contamination of environment is carrying in of such physical, chemical or biological agents into the environment as a consequence of human activities that they are by their nature or by their quantity heterogeneous to the given environment.
- (2) The damage to the environment is a deterioration of its conditions by contamination or other human activities over the rate determined by special regulations.

Article 9
Protection of Environment

The protection of environment includes activities that prevent contamination or damage of environment or when this contamination or damage is limited or eliminated. It includes the protection of its individual components or specific ecosystems and their interconnection but also the protection of environment as a whole.

Article 10
Ecological Detriment

The ecological detriment is a loss or weakening of natural functions of ecosystems arisen by a damage of its components or by the impairment of internal links and processes as a consequence of human activity.

THE PRINCIPLES OF ENVIRONMENTAL PROTECTION

The territory must not be loaded by human activity over the rate of carrying capacity.

Article 12

- (1) The admissible rate of contamination of environment are determined by limit values set by special regulations; these values are determined in accordance with achieved state of knowledge so as the health of people would be not threatened and no other live organisms would be endangered as well as other components of environment.
- (2) The limit values have to be determined with respect to possible cumulative effects or joint effects of contaminating materials and activities.

Article 13

If there is a supposition in respect to all circumstances of a forthcoming danger of irreclaimable or material damage of environment threatens, there must be not doubt about it that such a damage happens indeed, the reason for the postponement of measures that should avoid the damage.

Article 14

Everyone has a right to truthful and appropriate information about the condition and development of environment, about the causes and consequences of this condition, to information about the activities being prepared that could lead to the change of environment condition and to information about the measures taken by authorities that are responsible for the environmental protection to avoid or rectify the damages of environment. A special regulation can constituted cases when it is possible to render limited information or to deny them.

Article 15

Everyone can demand by a stipulated way at the competent authority of his or her rights that follow from the herein Act and other regulations dealing with the issues of environment.

Article 16

Upbringing, cultural activities and education are performed in such a way that they should lead to a thinking and dealings that are in conformity with the principle of permanently sustainable development, to the awareness of responsibility for the conservation of the quality of environment and its individual components and to the respect to life in all its forms.

DUTIES OF ENVIRONMENTAL PROTECTION

Article 17

(1) Everyone is obliged, especial by measures taken directly at the source, to avoid contamination or damage of environment and to minimise unfavourable consequences of his or her activity for the environment.

(2) Everyone who utilises an area or natural resources, makes projects, erects or removes constructions, is obliged to perform such activities only after a judgement of their effects on environment and the load of area in the range determined by herein act and special regulations.

(3) Everyone who intends to introduce into production, circulation or consumption technologies, products or materials or who intends to import them, is obliged to secure the fulfilment of the conditions of environment protection and in the cases specified by herein law and special regulations they should be assessed from the point of their possible effects on the environment.

Article 18

(1) Everyone who contaminates or damages with his or her activities the environment or who utilises natural resources, is obliged to secure on his own costs to monitor these effects or to know their possible consequences.

(2) Legal entities and natural entities authorised for business activities are obliged in the range and under the conditions determined by special regulations to provide information about the effects of their operation on the environment.

Article 19

Everyone who finds out that there is a forthcoming threat to he environment or it already happened, is obliged to make in the range of his or her capacity to make inevitable measures to avoid the threat or to diminish the impacts and without delay to report these facts to bodies of state administration; from the duty to intervene is relieved a person who would endanger his or her own life or health or of a close person. 1)

1) Article 116 of the Civil Code.

EVALUATION OF THE IMPACTS OF ACTIVITIES ON THE ENVIRONMENT.

Article 20

Abrogated from 1st September 1994

Article 21

Abrogated from 1st September 1994

Article 22

Abrogated from 1st September 1994

Article 23

Abrogated from 1st September 1994

**EVALUATION OF THE IMPACTS OF ACTIVITIES AND THEIR CONSEQUENCES TO
THE ENVIRONMENT EXTENDING BEYOND STATE BORDERS**

Article 24

Abrogated from 1st September 1994

Article 25

Abrogated from 1st September 1994

Article 26

Abrogated from 1st September 1994

**RESPONSIBILITY FOR THE BREACH OF DUTIES IN ENVIRONMENTAL
PROTECTION**

Article 27

(1) Everyone who caused an environmental detriment by damaging the environment or by other illegal actions is obliged to restore natural functions of the disturbance of ecosystem or its parts. In the case it is not possible or purposeful from material reasons, then he or she is obliged to compensate the detriment by other way (indemnity satisfaction) ; in the case it is not possible he or she is obliged to indemnify this detriment in money. A parallel fulfilment of these indemnifications is not excluded. The method of calculation of the environmental detriment and other particulars are stipulated by a special regulation.

(2) A competent body of state administration makes decision about the imposition of duties according to clause 1.

(3) The state is the entitled entity to the caused environmental detriment; the particulars will be stipulated by the laws of Czech National Council and by the Slovak National Council.

(4) There will be used for an environmental detriment general regulations on the responsibility for the damage and its compensation if the clauses 1 up to 3 would not stipulate otherwise.

(5) The provisions of clauses 1 up to 3 do not effect general regulations about the responsibility for the damage and damage compensation.

Article 28

Sanctions for the damage to the environment.

(1) Environmental authorities impose a fine

a) up to the sum of 1.000.000 Czechoslovak crown to legal entity or natural entity authorised to business that by the violation of legal regulations during its activities caused an environmental detriment

b) up to the sum of 500.000 Czechoslovak crown to legal entity or natural entity authorised to business that would not take measures for a remedy or would not inform state administration authorities (Article 19).

(2) The sanction can be imposed within one year from the date when the environmental authority has found the violation of duties but within three years as latest from the date when the violation of duties has occurred.

(3) The imposition of sanction is not aggrieving general regulations on damage compensation.

Article 29

For the violation of duties stipulated by special regulations on environmental protection there are imposed fines or other measures according to these regulations; they do not aggrieve the contingent criminal liability nor the damage liability according to general legal regulations.

Article 30

The competent environmental authorities of state administration are entitled in grounded cases when there is a threat of material environmental damage or such a damage already happened, to decided about the temporary suspension or limitation of activities that can cause such a damage or already caused it, for a longest permissible period of 30 days (preliminary measure) and at the same time to propose a measure for the remedy to the competent authority of state administration. The particulars are stipulated by special regulations.

ECONOMIC TOOLS

Article 31

For the contamination of environment or its parts and for the economic utilisation of natural resources the natural entities or legal entities pay taxes, charges, levies and other payments if it is not stipulated by special regulations.

Article 32

Special regulations stipulate the cases when the legal or natural entities protecting the environment or utilising the natural resources in compliance with the principle of permanently sustainable development, can be favouritized by regulated taxes and levies or by credit and subsidy granting .

Article 33

There are among the tools of environmental protection also the environmental funds; the particulars are stipulated by special regulations.

PRELIMINARY AND FINAL PROVISIONS

Article 34

(1) The utilisation of areas, natural resources, constructions, technologies, products and materials that are not in compliance with the statutes of herein law and conditions that follow from special regulations about the protection of individual parts of environment, have to be put into harmony with these regulations in the terms stipulated in them.

(2) In the case there is not reached the compliance according to clause 1 within the terms stipulated by special regulations, then the activities have to be restricted or stopped. The decision is issued by competent authorities of state administration.

Article 35

The herein Act comes into force by the date of its announcement.

Act no. 127/1994 Coll. came into force on 1st September 1994

Act no. 287/1994 Coll. came into force on 1st January 1995.

Havel sign manual

Dubček sign manual

Čalfa sign manual

ANNEX No. 1

Abrogated on 1st September 1994

ANNEX No. 2

Abrogated on 1st September 1994

ANNEX No. 3

Abrogated on 1s September 1994

ANNEX No. 4

Abrogated on 1st September 1994