

Abstract

This diploma thesis deals with legal regulation of creation and protection of Natura 2000 network. Natura 2000 is a system of protected areas created in Member States of the European Union which is aimed at preservation and potential renewal of natural habitats and rare and threatened species of wild fauna and flora. The objective of the creation of Natura 2000 network is to ensure the diversity of species and ecosystems, primarily the rare and threatened ones. The network is composed of the Special Protection Areas (SPAs) designated on the basis of the Birds Directive and of the Special Areas of Conservation (SAC) designated according to the Habitats Directive.

The introductory chapter deals with historical development of the nature conservation on the Czech territory up to the present and as follows it gives an explanation of the term *the Natura 2000 network*. The chapter 2 is devoted to the most significant international conventions related to Natura 2000. The Bern Convention has even inspired some articles of the regulation included in the Directives.

The chapter 3 is focused on the European legal regulation of nature and biodiversity protection. The nature conservation area comes under the EU environmental policy and it is related to other policies as well. The legal basis is contained in the Primary Treaties and the regulation is mainly included in the secondary legislation. The legal regulation of the creation and protection of Natura 2000 network is based on the most significant European Directives in the nature conservation area: Directive 2009/147/EC on the conservation of wild birds (Birds Directive) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). The chapter 3 deals with territory and species protection provided for in the Directives and with the protection mode of SPAs and SACs. It also pays particular attention to the procedure of assessment of impacts on Natura sites provided for in Article 6 (3) and 6 (4) of the Habitats Directive.

The chapter 4 deals with decision-making activity of the European Court of Justice. Its decisions are the essential instrument of unified understanding, correct interpretation and transposition of the European law. The chapter is focused on the most significant decisions of the Court with respect to the most frequent imperfections made by States during the transposition process.

The chapter 5 concentrates on transposition and implementation of the European Directives in the Czech Republic, considering the creation of the Natura 2000 network. There are currently 41 SPAs and 1082 SAC in the Czech Republic.

The Birds and Habitats Directives were transposed in the Act No. 114/1992 Coll., on the Nature and Landscape Protection by its amendments: the Act No. 218/2004 Coll. and the Act No. 349/2009 Coll. (together with the Act. No. 371/2009 Coll.).

The chapter also pays attention to the imperfections of the transposition process and briefly discusses some significant infringement procedures. The Act No. 349/2009 Coll. eliminated most of the legal discrepancies of the transposition.

The chapter 6 is focused on the assessment procedure of the impacts of policies and projects which could significantly affect Natura 2000 sites, provided for in the Act No. 114/1992 Coll. The chapter also deals with some of the most serious imperfections of transposition of Article 6 (3) and 6 (4) of the Habitats Directive.