

Limitation of the Property Rights due to the Environmental Protection

Abstract:

This thesis deals with the interaction of two constitutionally protected rights, namely the protection of property rights and the environmental components protection, i.e. the right to a favourable environment. These two fundamental rights are often in a position of mutual conflict. This is not a new topic, but it is undoubtedly a topical one, especially given the importance of the property rights and the intertwining of public law with private law. It is an issue that will continue to grow in importance as the European Union's policies move towards a sustainable future and climate neutrality, and the related need for stricter regulation.

In doing so, the topic touches several important issues, for example: what are the boundaries for distinguishing the limits of property rights from true limitations on property rights, and what are the considerations in deciding compensation claims? Is the legislation moving towards more intensive limitation of property rights, or are other instruments of environmental protection being chosen - both in recent years or in future developments? Does the evidence of limitations on property rights due to the environmental protection provide us with sufficient legal certainty?

The dissertation is divided into seven chapters. The introduction, as the first chapter, contains an outline of the whole issue of environmental protection and protection of property rights, defines the content and structure of the thesis and the methodology used, and especially formulates the research questions and thesis objectives. The second chapter discusses the various backgrounds of the limitation of property rights, in particular the legal basis of the right to property and the right to a favourable environment under the Charter, the conflict between private and public law, the general rules of limitation of fundamental rights, the issue of resolving the conflict between two fundamental human rights, and the consequences of limiting property rights on environmental grounds. In the third and fourth chapters, an analysis of the Czech legal regulation of the limits and true limitation of the property right on environmental grounds and compensation for it is made, including changes in the legal regulation in the last five years. Using three examples of case law, I analyse the aspects of granting the compensation. Chapter 5 examines recent

developments in the legal regulation, focusing on the European Renovation Wave and a case study of the possibilities of different intensities of limitation of property rights, including inspiration from foreign legislation. The sixth chapter discusses registration in the Land Registry as a basic means of information on the nature of real estate. Chapter seven provides a summary of the most significant findings of the thesis and directly answers the research questions. Points of deficiencies, considerations *de lege ferenda*, and recommendations for further development of the legislation and its application and interpretation are expressed throughout the dissertation.

Key words: property rights; environmental protection; compensation; limitation of property rights; Renovation wave; energy performance of buildings; Land Registry