

Measure of general nature as instrument of environmental protection

Abstract

The aim of this thesis was to carry out a comprehensive analysis of the use of the measure of a general nature as an instrument of environmental protection. To this end, the thesis in the first chapter deals with the definition of the measure of a general nature, then, following this definition, the thesis deals with its so-called formal or material concept, then the measure of a general nature is compared with other forms of administrative action, in particular administrative act and regulation, which share some of its characteristics, and then the requirements for reasoning derived from case law are presented. Subsequently, in the second chapter, the thesis also deals with the procedural regulation of measures of a general nature, i.e. in particular the procedure for the issuance and subsequent review of issued measures within the public administration and by administrative courts. In the following two chapters, the main part of the thesis deals with the use of measures of a general nature in environmental law. Firstly, the third chapter briefly discusses some general aspects of the use of this form of action as an instrument of environmental protection. Then, the fourth chapter deals with analysis of individual measures of a general nature in the statutes of environmental law, namely the Nature and Landscape Protection Act, the Water Act, the Forest Act, and the Air Protection Act. For each measure, the thesis briefly describes what it is used for and what form was used before the introduction of the measure of general nature, and then examines whether this form was chosen appropriately in the given case, i.e. whether the given action of the administrative authority corresponds to the material features of a measure of a general nature, in particular the concreteness of the subject of regulation. The thesis also includes as an annex a summary table of all situations in the above-mentioned statutes for which the legislator has explicitly introduced the form of a measure of a general nature.

Keywords: measure of general nature, environmental protection, forms of administrative action