



VETcert Fact sheet Legislation Czech Republic version July 2019

Legislation and grants (Czech Republic)

This document is intended to give a pointer to some key laws relating to trees in the Czech Republic - it does not give legal guidance. All attempts have been made to ensure that it is accurate but cannot be guaranteed. It is essential that you consult someone with legal qualifications if you have any doubts or questions. No responsibility can be taken for any action carried out/not carried out based on the information given in this handout.

Before you read the fact sheet, you should consider:

- Many different laws deal with trees.
- What you can/can not do **depends on the law and the situation**.
- This sheet is not intended to be an exhaustive list, but it **should highlight the main areas**.

Tree management and protection

Act No. 114/1992; On Nature and Landscape Protection, regulates the protection of **trees growing outside forest** (land which not intended to perform forest functions), both general and special.

Concerning the care about veteran trees, there is the **obligation of the owner to care for the trees** in general and **the provisions relating to the general protection of woody plants from damage and destruction** (§ 7). This law defines the special protection for:

- a) Trees declared as **memorable**.
- b) Tree **species** with special protection.
- c) Trees which are registered as a **significant landscape feature**.
- d) Trees which provides a **biotope** for special protected species.
- e) Trees, where the pruning or other related management, can cause a **change of landscape character**.

The law defines the conditions for the protection of birds when trees are pruned. As well as conditions for work in special protected areas and their protection zones. This law further regulates rights and obligations in connection with the felling of woody plants growing outside the forest (§ 8), substitute planting (§ 9) and general and special protection of plants and animals.

Decree No. 189/2013; On the Protection of Woody Plants and the Authorization of their Felling, is important for the issue of veteran trees especially by adjusting the illegal management of woody plants and its exceptions (§ 2).

The **illegal management of woody plants is damage or destruction**, which caused significant or permanent reduction of their ecological or social functions. The reduction leads to **immediate or consequential death** of woody plants. The exception, which allows for undertaking more extensive management (for example more extensive pruning) if necessary is:



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- a) Management which aims to **maintain or improve some of the function** of the woody plant.
- b) Management related to the **care of special protected species of plants or animals**.
- c) Management which is consistent with the management plan **for specially protected areas**.

The exceptions are related to the exceptional cases, where the management of this kind should have strong/sufficient reasoning behind.

Act No. 89/2012; Civil Code

The issue of care and assessment of veteran trees is primarily connected to **obligations from offences, resp. liability**. Civil Code lays **down a general duty of prevention** (§ 2900), **liability for culpable violation of the law** (e.g. Act No. 114/1992 Coll.) (§ 2910) and liability for breach of contract (§ 2913). Furthermore, the Civil Code introduces responsibility for deliberate violation of good manners and damage compensation (§ 2909), in the provisions of § 1013 regulates the issue of entering the air pollution, solves other similar disputes, e.g. regarding roots, branches or other parts of trees and shrubs, if harmfully intruding onto neighbouring land.

Act No. 20/1987; On State Preservation of Monuments

Concerning the topic of care of the veteran trees, the law defines **special conditions for the trees** growing in:

- a) heritage protected objects and zones, which are **cultural monuments**;
- b) properties which are not cultural but they are located in **the heritage preserves, heritage zones or in the protection zone of real cultural monuments, real national cultural monuments, heritage reserves of heritage zones**.

For trees growing in b) the regional authority, after consultation with stakeholders, can determine for which properties or for which kind of management (including tree planting and felling) it is not possible to request the binding opinion of the municipal authority with extended power. The regional authority makes the decision by using the protection plans, which issues by the form of the general measure.

Decree No. 395/1992; Implementing certain provisions of the Act No. 114/1992, on Nature and Landscape Protection

The list of specially protected species of plants (including trees and shrubs) and their degree of threat is in the **Annex No. II** of this decree. **Annex No. III** of this decree contains the list of endangered animal species included the ones, which are closely related to trees (or their development stages).

Act No. 289/1995; On Forests and Amendments and Supplements to Certain Acts (Forestry Act)

The law regulates the rules in connection with felling in the forest, resp. on land intended to perform forest functions. Forest management including felling is governed by the so-called forest management plan, in the case of a smaller area (up to 50 ha) by the forest management syllabus or by the consent of the forestry expert.

Act No. 254/2001; On Waters and Amendments to Certain Acts (Water Act)



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According to this law, the water authority may prohibit felling the trees and shrubs, providing stability of the watercourse bed, to landowners adjacent to the watercourses. Furthermore, the law lays down the water administrator's obligation to maintain bank vegetation on plots of watercourse channels or lands adjacent to them. For the landowners adjacent to the watercourses, there is the obligation to tolerate the bank vegetation on their properties.

Act No. 13/1997; On Roads

The law regulates the felling of trees on the road land, which must be followed by the conditions of Act No. 114/1992.

Act No. 127/2005; On Electronic Communications and Amendments to Some related laws (Electronic Communications Act)

The legislation permits an entrepreneur providing a public communications network to prune and fell woody plants threatening the safe and reliable operation of communication lines and electronic communications equipment following the law No. 114/1992 Coll. The pruning and felling have to be only in the necessary extent. The owner has to be informed by the entrepreneur based on the demonstrable notification.

Act No. 458/2000; On Business Conditions and the Performance of State Administration in Energy Sectors and Amendments to Certain Acts (Energy Act)

The legislation provides the authorisation to enter the land and the right to fell woody plants for safe and reliable operation of distribution systems (both electricity and gas), offshore pipelines, gas and transmission systems. Unless the owner or user of the land has done so after prior notice.

Act No. 266/1994; On Railways

The law (§§ 4, 8, 9 and 10) lays down the runway protection zones and defines activities that are possible in these bands accept, eventually from the point of view of the owner of the land, the activities which he must tolerate; it also lists, among other things, the basic rights and obligations of the owner and the operator of the railway (§§ 20 to 22).

Other rules which can be related to tree management

Act No. 500/2004; The Code of Administrative Procedure

The law lays down the General procedure and formalities in the course of administrative decision making.

EU Regulation 995/2010 laying down the obligations of economic operators marketing timber and timber products, as amended imposes an obligation on everyone who places timber and timber products on the EU markets and regularly updates the so-called due diligence system. It contains the following three elements:





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- access to information relating to the supply of timber to the market,
- assessing the risks of placing illegally harvested timber or timber market for this wood product,
- mitigating the identified risk if the identified risk of putting it illegally timber or timber products from this wood is not negligible.

Act No. 226/2013; On the marketing of timber and timber products, as amended of later regulations regulates the "central register", which serves for control of due diligence systems (see 1.2.10) and the competence of the authorities, state administration and sanctions for administrative offences to EU Regulation 995/2010.

Act No. 201/2012; On air protection

The law, as amended, provides the possibility of burning plant materials (unpolluted by chemical substances) in an open fireplace and the right of the municipality to regulate this burning.

Work safety

The work safety is a broad topic concerning work on the trees. The requirements for safety may increase with veteran tree care. The following regulations are the basic statements for the Czech Republic, but it is expected that there should be individual approach related to the performed tree work.

Government Regulation No. 339/2017

The regulation states the organisation of work and workflows that the employer is obliged to ensure when working in the forest and on workplaces of a similar nature.

Government Regulation No. 362/2005

The regulation on more detailed requirements for safety and health protection in the case of work at heights.

Government Order No. 591/2006

For the Minimum Requirements Occupational Safety and Health at Work, as amended regulations regulate specific procedures to ensure safety at work construction sites.

