

CZECH REPUBLIC NATIONAL REPORT:

RECENT DEVELOPMENTS IN ENVIRONMENTAL LAW

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A. Legislation

- Draft of amendment to the Act No. 334/1992 Coll., on the Agricultural Land Protection is dealing with fees for use of agricultural land for non-agricultural purposes. According to it, fees will not be charged in cases of transportation and energetic infrastructure.
- Amendment to the Act No. 76/2002 Coll., on IPPC was adopted with the aim to enhance the effectiveness of permitting procedure and at the same time, to strengthen the role of BAT, to stress the soil and ground water protection, to optimize procedures dealing with information exchange and others in accordance with requirements of Industrial Emissions Directive. The previous definitions were changed and the list of activities enumerated in Appendix to the Act was enlarged.
- The former Act No. 695/2004 Coll., on conditions of trade in greenhouse gas emissions was abolished by completely new Act No. 383/2012 Coll.. The goal of this legislative change was transposition of Directive 2009/29/EC (provisions with transposition period till 31.12.2012), and implementation of EU Regulation 1031/2010.
- The Amendment to the Mining Act No. 44/1988 Coll. abolished the possibility to expropriate the real-estate property for the sake of mining activities related to the „exclusive mineral deposits“ which belong to the state. The completely new law is anticipated to be adopted lately and the problem of expropriation will be regulated under different conditions.
- The Act No. 406/2000 Coll., on energy management was amended based on EU Directive 2010/31 and partially Directive 2009/28.
- Act No. 350/2012 Coll. changed the Construction/Building Code No. 183/2006 Coll. substantially. Some changes are related to participation of public in procedures regulated under the Act.

- The biggest problem is seen in the new Civil Code No. 89/2012 Coll., which is supposed to come into effect 1.1.2014. It is related to environmental protection in many aspects (liability for damage and others). A public hearing is organized by the Constitutional Law Committee of the Parliament regarding the possibility to postpone its coming into effect.

Jurisdiction

- Decision of the Supreme Administrative Court 1Ao 7/2011-526 (21.6.2012) has abolished the land-use planning documentation of the South-Moravian Region. Its illegality was seen in reluctance to consider cumulative and synergic effects of the regional plan during the SEA procedure. The Court dealt with limitations related to discussion in public hearing as well.