

# RECENT DEVELOPMENTS

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## Legislation:

- Act No. 334/1992 Coll. on the agricultural land fund was amended by the Act No. 41/2015 Coll. The amendment divided the agricultural land into 5 classes according to its quality. The most important changes:
  - agricultural land of the best quality (I. and II. classes) may be used for non-agricultural purposes only in cases of overriding public interest
  - rules regulating the use of sediments
  - information on the agricultural land quality
  - soil quality standards
  - corrective measures to remediate contaminated sites
  - rules aimed at protection of agricultural land during development activities
  - new set of sanctions for illegal behavior
  
- Act No. 185/2001 Coll. on wastes was amended by the Act 229/2014 Coll. The most important changes:
  - municipal waste management
  - land ban (since 2024 it is prohibited to dispose municipal waste and recyclable waste into the landfills)
  
- Act No. 100/2001 Coll. on the environmental impact assessment was amended by the Act No. 39/2015 Coll. The most important changes:
  - Decision on finding of no significant impact (e.g. no EIA procedure is required to decide on the project) is subject to administrative and judicial reviews
  - binding character of the environmental impact statement
  - public concerned is distinguished from the general public
  - right of public concerned to participate in consequent decision making procedures
  - access to the court (judicial review of the development consent/permit).
  
- Act No. 350/2011 Coll., on chemical substances was changed to comply with EU regulations (mostly provisions dealing with classification, labelling and packaging were abolished) and provisions on sanctions were changed to implement REACH and other EU regulations (POPs, detergents).

- Act No. 114/1992 Coll., on nature protection was amended by the Act No. 250/2014 Coll.
  - Nature Protection Agency was empowered to carry out state administration in especially protected areas
  
- Act No. 201/2012 Coll., on the air protection
  - minor changes
  - trade in emission ceilings

### **Jurisprudence:**

17. 12. 2014, čj. 1 As 189/2014-50 Supreme Administrative Court

The person required to make the information available to the public (mostly public authority) is obligated to notify in written the person that might be affected by it.

12. 11. 2014, čj. 1 As 116/2014-29 Supreme Administrative Court

Duty to pay for municipal waste disposal is related to all permanent residents without regard to their age. This duty, however, cannot be enforced in situation if the interest of statutory deputies are contradictory to the interest of the juvenile (the parents did not pay the fee).

14. 11. 2014, čj. 6 As 1/2014-30 Supreme Administrative Court

It must be proven that the omissive act of a state authority have caused illegal state (exceeding of the ambient air quality standards ) otherwise the conditions to provide judicial protection against illegal intervention of a public authority (in the form of omission) are not fulfilled.

29. 10. 2014, čj. 2 As 127/2014-32 Supreme Administrative Court

The failure to adopt action plan containing short-term measures to improve the air quality in regions with bad air quality may be considered as illegal intervention. Persons claiming their subjective rights were illegally infringed by that are entitled to file an action according to § 82 (Judicial Administrative Code).

30. 5. 2014, sp. zn. I. ÚS 59/14 Constitutional Court

In its previous finding of 6. 1. 1998 sp. zn. I. ÚS 282/97 the Constitutional Court held that rights related to environment (e.g. the right to the favorable environment and the right to environmental information) belong only to natural (physical) persons. This opinion was changed recently and the Constitutional Court ruled that „in democratic state, environment is the asset which is to be protected and the public including NGOs (legal persons) should participate in its protection.“This direction was followed by the Supreme Administrative Court in its decision of 26. 6. 2014, č. j. 5 AOs 3/2012-70.

Supreme Administrative Court held that citizens associated in NGOs (which was established with the aim to protect the nature) may enforce their right to the favorable environment through such NGO. The decision of the Supreme Administrative Court was dealing with participation of NGOs in judicial reviews of land use plans. According to it, NGOs have a standing in those judicial proceedings if they meet certain criteria (local relations to the area concerned, infringement of their subjective rights, their focus on environmental protection).