Abstract

The main goal of this thesis is to provide a description and analysis of the Environmental Impact Assessment (EIA), which is one of the significant legal tools of environmental quality protection. This process precedes the development consent to the project and his purpose is to identify and comprehensively evaluate environmental impact of a project.

The first part of this thesis is focused on the international and European legal context of the EIA. This part introduces the key international treaties related to the EIA (the Aarhus Convention and the Espoo Convention), then an example of the EIA’s integration into policy of one of the international organisations (an example of the World Bank) and the reflection if the EIA procedure can be considered as part of the international customary law. In the second part of this chapter the context of the European law (especially the revised Directive 2011/92/EU) and the current Czech legal regulation is outlined.

The second part of this thesis consists of the analysis of the Czech legal regulation of the EIA under the Act No. 100/2001 Coll., on the Environmental Impact Assessment, with the emphasis on its recent amendments (especially the amendment of Act No. 326/2017 Coll. effective from 1 November 2017). In this part the essential elements of the EIA procedure are described and analysed. The amended sections are assessed taking into account the aim of the above-mentioned amendment as well as the European legislation. Some of these changes shall be considered as reinforcement of the character of the EIA procedure, others seem to be inconsistent with the revised Directive 2011/92/EU.

In the third part the character of the significant effect on the environment is assessed on the examples of the projects of golf courses developed in the Czech Republic after year 2002. The concept of the potential significant effect has a character of an indefinite concept of law, therefore it shall be always considered in relevance to specific facts of the project. The concept of the potential significant effect was reviewed according to undertaken analysis and comparison of selected conclusions of the inquiry proceedings (screening), which were decisive for the performing of the EIA.

Keywords: Environmental Impact Assessment – Significant Effect – Golf Course