

# **Expropriation for the purposes of construction of transport, water and energy infrastructure**

## **Résumé**

This thesis deals with expropriation under the regime of Act No. 416/2009 Coll. on accelerating the construction of transport, water and energy infrastructure and electronic communications infrastructure (Act on Acceleration of Construction). The thesis provides an analysis of selected provisions of this Act, evaluates the possibilities of interpretation of questionable provisions and proposes possibilities of *de lege ferenda* optimisation of the existing legislation. The thesis also responds to the recent amendment to the Act on Acceleration of Construction implemented by Act No. 169/2018 Coll. and analyses the potential impacts of the new legislation on the procedural position of the parties to the proceedings as well as the conformity of the selected provisions of the amendment with the constitutional order. In the first chapter, the reader is acquainted with the notion of expropriation, with the content of this term, the relevant legal regulation and the substantive conditions of expropriation. The following second chapter contains a brief description of the Act on Accelerating Construction and its contextualisation in the terms of historical and political circumstances of its adoption. The third chapter guides the reader through the expropriation procedure from the pre-expropriation negotiation phase to the appeal procedure and the procedure for the revocation of expropriation. In this chapter, special attention is paid to the newly introduced institute of interim decision and its comparison with the German institute of preliminary possession, as well as the new regulation of the competence of the expropriation authority and the controversial authorisation to carry out exploration works before the initiation of the proceedings under the Building Act and expropriation proceedings. The fourth chapter deals with judicial review of expropriation and consideration of compensation for expropriation in court proceedings. This chapter is mainly focused on the special regulation of the time limits for bringing actions to the courts and the time limits for court decisions, as well as the judicial review of the interim decision. The fifth chapter provides an evaluation of the analysed legislation, a summary of its most significant deficits and *de lege ferenda* considerations of the possibilities of their improvement.

**Keywords:** expropriation, acceleration of construction, transport infrastructure, water infrastructure, energy infrastructure.