ABSTRACT

This thesis focuses on the binding opinion and defines its key role in nature and landscape protection. From the author’s viewpoint construction activity is an activity with the greatest impact on nature and landscape and the submitted work focuses, among other things, on the evidence that the purpose of issuing binding opinions is the regulation of construction.

The thesis consists of introduction, conclusion and five chapters divided into subchapters according to logical and well-arranged structure. The first chapter discusses the role of the body concerned in the protection of the public interest, which is the protection of nature and landscape. The second chapter is structured into several subchapters and is devoted to the description of the binding opinion. The author analyzed its definition features, its legal nature and its content requirements. The last part of this chapter is devoted to the process of issuing binding opinions.

Furthermore, the author focused on the review mechanism of binding opinions, namely its legislation in the Code of Administrative Procedure, the Code of Administrative Justice, including a deviation from the general regime laid down by the Building Act. The fourth chapter is devoted to the definition of the involved authorities concerned by the law on nature and landscape protection. The following subchapters contain an analysis of selected binding opinions issued in the field of nature and landscape protection. The key to the selection was the frequency of their use in practice, their crucial importance or the change in their legal nature resulting from a relatively recent amendment of the relevant legislation.

The thesis is based not only on the current relevant legal regulations, relevant judicial case law or applicable practice of administrative bodies, but also focused on the proposed changes to the institutes and processes contained in the substantive intention of the new Building Act approved by the Czech Government in June 2019.