

Abstract

The subject of this diploma thesis is the analysis of the legal regulation of environmental impact assessment (EIA). EIA is one of the horizontal instruments of environmental law. It is based on the principle of prevention and sustainable development. The Czech legislation can be found primarily in the EIA Act which, to a large extent, is the result of the transposition of the EIA Directive. National and European regulation of environmental impact assessment is significantly influenced by international law, in particular by the Espoo Convention and the Aarhus Convention. Non-legally binding documents are also very important. During the environmental impact assessment process, which consists of several phases, the significant impacts of the project on the environment and public health are examined and evaluated. Not all projects are subject to assessment, but only those which are stipulated directly by law (“obligatorily assessed projects“) or by the relevant administrative authority in the screening procedure (“facultatively assessed projects”). The result of the assessment, which is performed by authorized experts, serves as an objective expert basis for the so-called consequential proceedings, in which a decision is made on the approval of the project. The environmental impact assessment process is led by an administrative authority (Ministry of the Environment or the relevant regional authority) and a number of entities participate in it. Persons from the public concerned, especially “environmental legal entities”, play an important role in EIA and have broad rights under the EIA Act, particularly in the consequential proceedings. The diploma thesis is divided into three basic areas. Firstly, the legal and non-legal principles as well as international, European and national sources of the legal regulation of environmental impact assessment of projects are defined (parts one and two). Secondly, an analysis of the Czech legislation on EIA under the EIA Act, with emphasis on the particular phases of the “standard” EIA process, including the so-called consequential proceedings is provided (parts three and four). In the third area, attention is paid to specific fields of EIA, such as the assessment of priority transport projects, assessment and evaluation under the Nature and Landscape Protection Act and EIA of transboundary projects (part five).