

Binding Opinions as an Instrument of the Environmental Protection

Abstract

The thesis deals with binding opinions issued in the field of environment. Its primary objective is to evaluate whether binding opinions fulfil the role of an effective and appropriate instrument of environmental protection in the context of the adopted reform of public building law. In addition to an unnumbered introduction and conclusion, it is divided into four parts.

The first part deals with binding opinions from the perspective of general administrative law and their enshrinement in the Administrative Procedure Code. In particular, it focuses on their general definition, the process of issuing and the issues of review in both administrative proceedings and administrative court proceedings.

The second part provides a basic definition of the respective authorities, with an emphasis on the regulation of the status of the respective authorities in the field of the environment. It focuses in particular on their institutional setting and powers. It does not fail to introduce several proceedings under various laws in which the respective authorities are involved. At the same time, it presents the main changes in the field of the respective authorities brought about by the reform of public building law.

As binding opinions are most often used in building law processes, the third part focuses on selected issues of the relationship between binding opinions and building law. The third part therefore deals with the issue of issuing binding opinions for other acts than decisions of the respective authority, coordinated binding opinions and finally the positive fiction of binding opinions. Last but not least, it presents the basic aspects of the new Building Act in relation to binding opinions.

Finally, the fourth part deals with individual binding opinions issued in the fields of air, water, forest, agricultural land and nature and landscape protection. It provides the reader with an overview of binding opinions under selected laws, with a more detailed analysis of some of them. It also does not omit the changes that are yet to come into effect and that are brought about by the amendment law related to the new Building Act.

On the basis of the analysis and comparison of the existing and newly adopted legislation, the thesis concludes with a significant weakening of the importance of binding opinions in terms of environmental protection.

Key words: binding opinions, environmental protection, public building law