

Resumé

Environmental Impact Assessment

The theme of this thesis is the process of Environmental impact assessment also known as the EIA process. This topic is very extensive therefore this thesis is not aimed to a comprehensive analysis of the topic. This thesis is focused only on the essential issues and specially selected topics and other related matters are mentioned only marginally. The author of this thesis deals with so-called “Project EIA” or EIA in the strict sense, the so-called strategic EIA or SEA is analyzed only if necessary to the context of the project EIA.

The thesis is composed of four chapters, each of them dealing with different aspects of the theme. Introductory chapter of this thesis defines the basic terminology of EIA process. This chapter also discusses the role of EIA in the environmental law, briefly describes the historical development of the EIA process and the fundamental principles which govern the EIA process.

In the second chapter the author deals with the sources of legislation of the EIA process at the level of International law, European Union law and the law of the Czech Republic.

The third chapter of this thesis considers the author as a key chapter of this thesis. In this chapter the author attempts to describe the main discrepancies of the Czech legislation with the European Union law focusing on the problems of false transposition and implementation of the Directive No. 85/337/EEC, as amended, into the Czech law. The author tries to summarize the theoretical aspects of the transposition and implementation of a EU directive by Member States of the European Union and the consequences that could arise if the Member state fails to implement a directive. Recent developments in the Czech legislation concerning EIA procedure are mentioned in this chapter including the specific consequences of the Czech legislative procedure with the infringement procedures against the Czech Republic, respectively with the threat of these proceedings. This chapter is concluded by the evaluation whether the recent Czech legislation of the EIA process complies with the EU law and international obligations of the Czech Republic in the field of the environmental law.

The subject of the fourth chapter of this thesis is a detailed analysis of the valid and effective Czech legislation governing EIA process, taking into account the last legislative changes.

The closing part of this thesis brings a summary of the previous chapters and highlights the main problems of the Czech legislation in the field of EIA. Finally are given some solutions in order to improve the EIA process in the Czech Republic and make it more efficient.

The thesis is based on a Czech legislation valid and effective as of April 30, 2010.