Resume in English.

Easement in Telecommunication

This thesis deals with the easements in the specifically chosen and therefore dedicated area – in Telecommunication field. The easement has its primary regulation in the Civil Code No. 64/1964 Sb., however the easements are regulated also within the public law area, namely the public law codes e.g. Water Act, Railway Act etc.

In its very basic effect they represent the limitation of the property owner. We divide them into two groups easements *ad personam* and *ad rem*.

The easement in the telecommunication belongs into the public law. They are currently regulated by the Telecommunication Act No. 127/2005 which has it's specific procedure of establishing these easements. Before this Act there were two previous Acts - the Act. No. 110/1964 Sb. which was replaced by Act No. 151/2000 Sb. The Act No. 151/2000 Sb was replaced by above mentioned valid act. Each of the Acts maintained the area of easement in different way. When we take into consideration the first and the oldest Act No. 110/1964 Sb. the easements were considered like public limitation of owner rights until the year 1992, when was the Act updated and specifically renamed the public limitation of the owner rights into the easements.

The Act No. 151/2000 Sb. was clear since it's beginning about the establishment of easements, however the huge number of pursuits has been brought up mainly due discrepancies in different judicature and decisions of administrative bodies. These two were in deep contradiction. The dispute was whether the expropriation bodies has right to refuse to decide after the telecommunication cables were already put in the ground. The administrative bodies insisted on decision before the work on putting the cables into the ground has started and courts had different opinion.

The valid Act No. 127/2005 Sb. solves this situation in the way that there has to be a contract about future contract signed before the work started. This however doesn't solve the former disputes and many open cases persist. The administrative bodies direct the pleadings on civil courts. Unfortunately the civil courts are not the smoothest solution in this case, while they according to many expert opinions are not entitled to solve such cases. The easement in telecommunication is considered to be public limitation of owner rights, they are regulated by public law area and therefore the opinion is that they should be decided and maintained by the public bodies and courts.