

Abstract

This thesis deals with the institute of Administrative Law called „measure of a general scope“. It is a form of administrative activity, the general rules of which were adopted by Act No. 500/2004 Coll., The Administrative Code effective from 1. 1. 2006. During *vacatio legis* of The Administrative Code, the Act No. 127/2005 Coll., The Electronic Communication Act came into force. It was the first act, which empowered the administrative bodies to issue an act in the form of measure of general scope.

The aim of the thesis is to clarify the position of other administrative measures and acts, to assess relevant legislation, to analyze case law, to draw attention to problematic areas and suggest possible solutions.

The first chapter deals with the theory of abstract and concrete acts. This is necessary to understand the nature of measures of a general scope as an act that stands between laws and decisions.

The second chapter is devoted to the nature of measures of a general scope in Czech law. The institute itself was adopted imperfectly and inconsistently by a negative definition. Therefore, the Supreme Administrative Court had to deal with the character of measures of a general scope. Nowadays, case law and jurisprudence agree on the definition of measures. There is a discrepancy, however, regarding whether the acts can be reviewed as measures. Therefore, the second chapter of the work provides an in-depth analysis of case law and the differences between material and formal conception of measures. It analyzes the effects of application of both concepts in practice.

In the third section, cases are described in which particular statutes expressly prescribe the form of action for certain acts. Consideration of possible amendments and my recommendations follow. It is also focused on the problematic examples of improper adoption of this measure.

The fourth chapter analyzes the steps by which the administrative bodies issue appropriate measures and investigates their specific nature. The procedure in itself involves both the elements of the administrative process and the elements of the legislation. Individual process-specific institutes are discussed – „objections“ and „recommends“.

The last two chapters explore review of the measures. The fifth chapter summarizes the review procedure under the Administrative Code. The main attention is devoted to the insufficient regulative and the indistinct nature of the process. The sixth chapter describes the

judicial review. The work also deals with the shortcomings of recent legislation and reflects the amendments to the „Administrative Procedure Code“ effective from 1. 1. 2012, which fundamentally changes the nature of judicial review.