

Abstract

The main goal of this thesis is to analyze the Environmental Impact Assessment (EIA), which is one of the most important horizontal tools for environmental protection. The EIA process can be described as the procedure of identification and assessment of potential significant effects of a project on the environment. The information and outputs provided by the assessment process are considered by decision makers before a decision is made. The EIA process was first mentioned in the US in the National Environmental Policy Act (NEPA) 1969. Then the EIA process was adopted in other economically developed countries.

The beginning of this thesis is focused on two significant multilateral environmental agreements - The Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention). Then the EU legislation related to the EIA process is described (especially Council Directive 85/337/EEC – the EIA Directive).

The following part analyzes the Czech legal regulation of the EIA process that is included in Act No. 100/2001 Coll. Attention is turned to historical development, particular phases of the EIA process, the transboundary impact assessment and the assessment of projects in relation to NATURA 2000.

The last part of this thesis is concentrated on the relation between the EIA process and the follow-up decision-making process. Because of incompatibility of the Czech legislation with the requirements of the Aarhus Convention and the EIA Directive special attention is given to the forms of public participation and the option of access to judicial review. The main problem is that some members of public concerned are deprived the right to participate in decision-making process (which is separated from the process EIA). Related to this fact they haven't access to judicial protection. In order to solve the above mentioned problems and to achieve correct transposition of the EIA Directive the Czech legislation should be changed. This thesis contains analysis of some possible changes.