

## **Abstract**

Presented dissertation is devoted to the participation of lay element in the environmental matters within the public administration. In these matters it is necessary to find the compromises that should reflect the private plans (of investors and the owners), exercising of the public participation and the public interests too. The cooperation among the administrative authorities, public subjects and private subjects shall be constructive, based on a real legal ground.

The target of this thesis is to make an overview of the ways that Czech legal system (based on the international and European law) gives to the public in order to participate on the public administrative in the environmental matters. The important finding of the thesis is evaluation of efficiency of partial tools and also of risks connected with their application.

The main terms, motives, preconditions and the importance of public participation in the environmental matters are defined in the introduction. Apart from that the main principles of the public participation are defined.

The most important document for public participation, the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), is analyzed in this dissertation. Even though the Convention was ratified as by the Czech Republic as the European Union, still the Convention hasn't been properly implemented and in the practice the Convention causes some problems. This thesis analyzes the implementation of all the three pillars of the Convention (right to information, public participation in decision-making, access to justice) in national law. The conclusion is that implementation hasn't been properly finished and the Czech legal system evinces a lot of failings and defects. In simple terms it's possible to summarize that the first pillar has been mostly implemented with the exception of access to justice. The second pillar hasn't been rather implemented, according to the conditions of public participation in the procedures and to the absence of the legal rule which would regulate the way how to deal with various tools of consultative public participation. The third pillar hasn't been fully implemented, the faults are found in the conditions of access to justice, in lack of suspensive effect of an administrative action, in the lack of efficiency of the

judicial proceedings and in the issue of active authorization of non-governmental organizations for the judicial proceedings.

The public participation can be effective only if the public is properly informed. The right to information is an essential prerequisite for the public participation in decision-making and other procedures. This dissertation analyzes especially the Act on the Right to Environmental Information which is the basic rule that establishes the ways how to get the information. This act is mostly in conformity with the international and European law; the main problem is connected only with the judicial protection of the right to information which is not completely assured. This is not in conformity with the Aarhus Convention.

The passage about the public participation in partial environmental procedures follows the chapter about the right to information. It reflects the sequence of procedures stated in legal rules. The lack of national law is an absence of the binding uniform rules for the public participation in the environmental procedures and also in an absence of unified way to deal with tools of consultative public participation. The procedures according to public participation shall be divided to four categories: 1) procedures assuring the public participation, however this guaranty's just formal; 2) procedures assuring the public participation under the fulfill of various conditions; 3) procedures where the public participation is assured but it's not used; 4) procedures where the public participation is not assured but it should be.

Besides the participation in administrative and non-administrative procedures there are some other ways of public participation in the environmental protection, especially the exercising of constitutionally guaranteed rights, the institutionalized participation and the cooperation with the administrative authorities.

Partial results are elaborated in the summaries that close each chapter, general ideas are presented in the conclusion. The conclusion is also devoted to reflections of future legislating.