

The aim of this thesis is to analyse the problematics of expropriation by construction lines in the area of energetics and telecommunications, which are considered to be strategic net branches of industry. Expropriation itself is regarded as an utmost intervention in the law of property, whose guarantee is secured with the highest legal power in the constitutional order of the Czech republic. As far as the structure of this thesis is concerned, it is divided into three main chapters described as following:

The first chapter deals with basic definitions of the key words of this work, namely: construction, construction line and expropriation. Construction can be perceived in the sense of not only Civil code, but also Building act and it is crucial to differ these two regulations one from another. Construction line seems to be the source of a wide range of complications due to the fact that there is no legal definition of this term in the Building act. It should be taken into serious consideration to define this term in the future. The term of expropriation has two different meanings in the czech legal system, the first meaning represented by the widely acknowledged legal theory, the second one expressed in the key regulation of this institute – the Act of expropriation. The regulation of expropriation itself is involved in the constitutional order of the country, in the content of the Civil code and in the previously stated Act of expropriation. Expropriational titles are enumerated in separate acts, which also comprise special conditions of expropriation. The Act of acceleration, which is of a special importance in the whole problematics, modifies the procedure of expropriation, however does not contain further expropriational titles. Its field of force is limited onto special types of structures.

The focus in the second chapter is given on the Act of expropriation, in force since 1.1.2007, in connection with its amendment n. 405/2012 Sb., in force since 1.2.2013. The Act of expropriation regulates general conditions of expropriation, providing of compensation, expropriational procedure as well as restoration of rights to the owner. Further, there are special expropriational titles given by the Energy Act and the Electronic Communications Act described in this chapter. In order to assure legal security, temporary provisions of these both acts incorporate the parts of acts already abolished that regulate authorisation of net operators towards the property, which results in a 'labyrinth' of possibly applicable legal acts in these areas. By every single existing construction line, it is therefore necessary to analyse which legal act was in force at the time of conceiving the relationship between the operator and owner of the property. The form of this stated relationship itself has developed within the years and is not of equal character in all the acts. Currently, the Energy Act as well as the Electronic Communications Act demand that the operator obtains an easement in accordance

with the Civil code in order to regulate the relationship with the owner. Under strictly given conditions, the both acts allow establishment of the easement within the expropriational procedure. The end of second chapter mentions the concept of compensation for expropriation and its deposit.

The third chapter is devoted to detailed description of expropriational procedure in accordance with the Act of expropriation. It defines the competence of expropriational offices, participants of the procedure and the problematics of custody, delivering of documents, way of opening of the procedure and verbal negotiation that represents an obligatory part of it. Furthermore, it describes the situations when the procedure is interrupted and stopped. The attention is also drawn onto the decision about expropriation, whose enunciation is separated into the part about expropriation and the part about compensation. Under given circumstances, an abolishment of expropriation is plausible. The very end of the third chapter addresses essentials of an appeal against the decision about expropriation and its impacts as well as judicial protection in case of expropriation with its development in the past decades.

To conclude, it remains necessary to state that the Act of expropriation itself is considered to be progressive, the benefit of the amendment n. 405/2012 Sb. as for its effectiveness is to be assessed within the future. It is to be recommended to incorporate the regulation comprised in the Act of acceleration into the Act of expropriation with special focus on strategic construction lines and therefore simplify the current situation.