

Competence of Administrative Authorities as Authorities Involved in Administrative Proceedings under the Building Act

Abstract:

The main aim of this rigorous thesis is a comprehensive discussion of the authority and competence of the authorities concerned as administrative authorities in proceedings under the Building Act. Given that the current legislation does not sufficiently regulate the institute of the authority concerned and the activities of the authorities concerned, I focused on the problematic parts of the legislation.

The thesis is divided into eleven chapters. The introduction is followed by Chapter I and II describing the institute of the authority concerned, combined with the practical experience and with my opinions and the individual findings of administrative courts. Stating the classification of the institute of the authority concerned and its relation to specific legislation is a basic prerequisite for the subsequent definition of the individual aspects of the activities of the authorities concerned, i.e. the conditions for issuing binding opinions and other acts under Part Four of the Code of Administrative Procedure. It is important first to thoroughly identify the various parts of the issue of the authority and competence of the authorities concerned, and then to highlight the aspects that cause problems in practice and to suggest possible solutions *de lege ferenda*. This section also deals with the influence of Act No. 225/2017 Coll., amending the Building Act, which fundamentally amends the provisions with a significant impact on the location and authorization of constructions (for example, a change in the possibility of reviewing the binding opinions of the authorities concerned). Chapter III presents an overview of the modern history of public administration performance in administrative proceedings according to building regulations. The former legislation does not explicitly stipulates the institute of the authority concerned; this power was substituted by the Building Authority, which is also documented in the Annexe containing the decisions authorizing the location of a block of flats from 1892 and 1925. Chapter IV deals in detail with the competencies, powers and responsibilities of the authorities concerned, including the

changes in powers made by an amendment to the Building Act with effect from January 2018. Chapter V characterizes the application of the individual principles of the activities of the administrative bodies, which play an indispensable role (according to my opinion) and which substitute the insufficient codification of the procedural arrangements of the powers of the authorities concerned. Chapter VI defines the concept, requirements, form and types of acts of the authorities concerned, including the conditions for their implementation. Chapter VII is focused on the process of performing acts of the administrative authorities, such as the way of discussing cases and calculating periods. As I try to capture the issues of the authorities concerned in a comprehensive way, I also focus on the obstructive behaviour of these authorities (Chapter VIII) and their possible inaction in the proceedings. Chapter IX discusses the issues of contradictions in the opinions of the authorities concerned, drawing attention to the frequent contradictory requirements set out in the opinions of the authorities concerned, justified by the efforts of those authorities to maximally protect their interests, but sometimes interfering with each other. Chapter X points out the highly topical issue of the impartiality of the responsible officials in the administrative activities of the authorities concerned in relation to the building authorities. The acts of the administrative authorities concerned are reviewed in Chapter XI. The last chapter is divided into the review of other administrative acts according to Part Four of the Code of Administrative Procedure and the review of binding opinions. The aspects, requirements and possibilities of judicial protection against unlawful administrative acts are also mentioned.

Keywords:

Authority concerned

Binding opinion

Specific public interest