

## ***Abstract***

This diploma thesis deals with source administrative acts, which serve as a means of protection of the relevant area of the environment. The term “source administrative act” as used herein denotes various types of acts issued by administrative bodies which are then used as the ground for the final decision in administrative proceedings. The thesis does not focus only on binding source administrative acts, but also on other source acts of lower legal force. The thesis includes a section on the special legal regulation of source acts used in administrative sanctions proceedings. The main source materials for the thesis are the following: legal regulation of this issue currently in force, literature, methodologies of administrative authorities, decisions of administrative courts and the author’s own professional experience.

The beginning of the work includes the contents and a list of abbreviations. The third chapter contains an introduction where the author presents the reason for choosing the topic of the work, i.e. the frequent use of source administrative acts in the environmental field of public administration and their influence on administrative proceedings. Other reasons for choosing this topic were varying degrees of binding effect and problematic nomenclature of these acts and the bodies that issue them. The third chapter also briefly introduces the structure of the work. The introduction of the fourth chapter is titled “The Basis of Legal Regulation of Source Acts”. This chapter provides an overview of the common features of source administrative acts and other source acts analysed herein. The fourth chapter further defines various terms used in the text, provides description of the types of relations between different administrative acts and looks at various methods of structuring of these acts.

The aim of the thesis is to critically analyse and evaluate the current legal regulation of source administrative acts in terms of their significance and binding effect for the final decision in administrative proceedings. Given that binding effect is used as the main criterion for the classification of source administrative acts, the main part of the thesis is the fifth chapter dealing with binding opinions and the sixth chapter dealing with other types of source acts. The seventh chapter discusses various types of binding source administrative acts used as a basis for administrative sanctions procedure.

The fifth chapter deals with the most important types of source administrative acts, which are binding opinions. First, the basic characteristic of binding opinions is presented in the chapter, followed by procedural aspects (obtaining, publishing) and there are also forms of review of these acts. The subchapter on judicial review also looks at the development of binding opinions not only from the historical point of view, but also from the perspective of the possibility of a separate judicial review. Further on, the specifics of a coordinated binding opinion are discussed, and a sub-chapter on summary opinions is included drawing from the author's professional practice. Besides, the fifth chapter comprises two more detailed examples (consent according to s. 15 (2) of the Building Act and modification of binding opinions in the EIA process). The examples illustrate the practice of using various terms to denote administrative acts of the same nature and concerned administrative bodies in the same position.

The sixth chapter considers source acts of lower legal force that are not binding on the final administrative decision and the principle of free evaluation of evidence applies to them. In addition to the general part, the chapter incorporates examples of specific regulation of different types of source acts (statements in the EIA process and statements of the National Heritage Institute) and issuing bodies or professional organizations.

The seventh chapter concentrates on the relationship between source acts and the decision to impose a sanction for an administrative offence. In the examples presented (Statement of the Regional Veterinary Administration pursuant to s. 24 (5) of Act on the Protection of Animals against Cruelty, expert opinion of the Nature Conservation Agency of the Czech Republic, the decision pursuant to s. 78 (2) (i) of the Waste Act, there are various types of source acts differing in their binding effect on the final administrative decision. These acts are source documents that may have a major impact on the final administrative decision about the accused person's guilt and punishment. As a result (by means of a decision on the administrative offence), the source acts used in administrative sanctions proceedings may lead to substantial interference in the property of the accused.

The final chapter contains a summary of the conclusions of the diploma thesis, i.e. the analysis and evaluation carried out herein. The Conclusion also includes, as a separate section, *de lege ferenda* proposals with regard to the problematic parts of the current legal regulation.

The last chapters of the thesis contain a list of sources, and abstracts, thesis title and keywords in Czech and English. Throughout the thesis the author points out the fact that the new regulation in force will enter into effect on 01.01.2018 and will have a significant impact on the whole area of source administrative acts in relation to the protection of the environment. Further on, the work draws attention to the preparatory work on future complex changes in the building law and related regulations. As far as the subject of the thesis is concerned, we can expect a great dynamics in the future.