

**Act No. 100/2001 Coll.,**

**of 20th February, 2001**

**on the Environmental Impact Assessment  
and amending some related laws (the EIA Act)**

as amended by Act No. 93/2004 Coll., Act No. 163/2006 Coll., Act No. 186/2006 Coll.,  
Act No. 216/2007 Coll., Act No. 124/2008 Coll., Act No. 436/2009 Coll.,  
Act No. 223/2009 Coll., Act No. 227/2009 Coll., Act No. 38/2012 Coll.,  
Act No. 85/2012 Coll., Act No. 167/2012 Coll., Act No. 350/2012 Coll.,  
Act No. 39/2015 Coll., Act No. 268/2015 Coll., Act No. 256/2016 Coll.,  
Act No. 298/2016 Coll., Act No. 225/2017 Coll. and Act No. 326/2017 Coll.

The Parliament has passed this Act of the Czech Republic:

**PART ONE**

**ENVIRONMENTAL IMPACT ASSESSMENT**

**TITLE I**

**ENVIRONMENTAL IMPACT ASSESSMENT IN THE CZECH REPUBLIC**

**Chapter 1**

**Introduction**

**§ 1**

**Subject of the Act**

(1) In conformity with law of the European Union,<sup>1)</sup> this Act provides for assessment of impacts on the environment and public health (hereinafter “environmental impact assessment”) and the procedure followed by private individuals, legal entities, administrative bodies and local governments (municipalities and regions) in this assessment.

(2) Environmental impact assessment applies to projects, plans and programmes defined in this Act if implementation of these projects, plans and programmes is likely to have a significant effect on the environment.

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Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programs on the environment.

Directive 2011/92/EC of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

Directive 2014/52/EC of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

(3) The purpose of environmental impact assessment is to obtain an objective expert basis for the issue of a decision or a measure pursuant to special regulations, and thus contribute to sustainable development of society<sup>1b)</sup>.

## § 2

### Scope of Assessment

The scope of assessment covers the effects on population and public health and effects on the environment, including effects on fauna and flora, ecosystems, biodiversity, land, water, air, climate, landscape, natural resources, material assets and cultural heritage defined by special regulations<sup>2)</sup>, and their mutual interactions and relationships. Effects on biodiversity shall be assessed with particular attention to species of European importance, birds and European habitats<sup>15</sup>.

## § 3

### Definitions

For the purposes of this Act:

a) **Project means**

1. construction works, installations, activities and technologies listed in Annex No. 1 to this Act,
2. construction works, installations, activities and technologies that, according to the opinion of a nature conservation authority issued pursuant to the Nature and Landscape Protection Act, are likely, either independently or in conjunction with others, to significantly affect the subject of protection or integrity of a Site of European Importance or a bird area;

b) **plans and programmes** means strategies, policies, plans or programmes including those which are co-financed from European Union funds, drawn up or commissioned by a public authority and subsequently approved or submitted for approval by a public authority;

c) **affected territory** means a territory in which the environment and population is likely to be significantly affected by the implementation of a project, plan or programme;

d) **affected local government** means the local government whose administrative district is at least partly belongs to the affected territory;

e) **affected administrative body** means the administrative body that defends the interests protected by special regulations<sup>2)</sup> and whose administrative district at least partly belongs to the affected territory, and the Czech Environmental Inspectorate;

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<sup>1b)</sup> Act No. 17/1992 Coll., on the Environment, as amended.

<sup>15</sup> § 3 para 1 letters o) and p) and § 5a para 1 of the Act No. 114/1992 Coll., on the Nature and Landscape Protection, as amended.

<sup>2)</sup> E.g. Act No. 44/1988 Coll., on the Protection and Exploitation of Mineral Resources (Mining Act), as amended; Act No. 20/1987 Coll., on State Monument Care, as amended; Act No. 17/1992 Coll., on the Environment, as amended; Act No. 114/1992 Coll., on the Nature and Landscape Protection, as amended; Act No. 289/1995 Coll., on Forests and amending and supplementing some laws (the Forest Act), as amended; Act No. 258/2000 Coll., on Protection of Public Health and amending some related laws, as amended; Act No.

- f) **competent authority** means the Ministry of the Environment (§ 21) or a regional authority in delegated competence in whose administrative district a project is proposed or for whose administrative district a plan or programme is being drawn up (§ 22);
- g) **subsequent proceeding** means a proceeding conducted to a project or a change to a project that are subject to environmental impact assessment, namely
1. procedure for the issue of zoning permit,
  2. procedure for the issue of building permit,
  3. joint procedure for the issue of zoning permit and building permit,
  4. repeated procedure for the issue of building permit,
  5. procedure for the issue of additional building permit,
  6. procedure for the issue of mining permit,
  7. procedure for the determination of mining site,
  8. procedure for the permission of activity performed in a mining way,
  9. procedure for the permission of surface water and groundwater use,
  10. procedure for the issue of integrated permit,
  11. procedure for the issue of stationary source operation permit,
  12. procedure for the issue of operation permit for installations for recovery, disposal, collection or purchase of waste
  13. procedure for the issue of a decision necessary for the implementation of a project, where no proceeding pursuant to points 1 to 12 is conducted
  14. procedure for a change of the decision issued in proceedings pursuant to points 1 to 13 to a project, or a part or a stage thereof, that has not been permitted yet, provided that the conditions of the decision based on the statement are to be changed
- h) **public** means one or more persons;
- i) **public concerned** means
1. a person who can be affected in their rights or obligations by a decision issued in the subsequent proceeding,
  2. a legal person of private law whose activity is according to its founding act the protection of the environment or public health, whose principal activity is not business or other profit-making activity, and which was established at least three years before the date of the publication of the announcement of initiation of the subsequent proceeding pursuant to § 9b para 1 or before the date of the issue of the decision pursuant to § 7 para 6, or which is supported by at least 200 persons by their signatures,
- j) **signature deed** means a deed with signatures of at least 200 persons,
- k) **developer** means a person who intends to implement a project,
- l) **environmental impact assessment of a project** means a process which consists of preparation and consultation of an environmental report, preparation of an expert report, issue of a statement and its integration in a decision issued in a subsequent proceeding,

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254/2001 Coll., on Waters and amending some other laws (the Water Act), as amended; Act No. 185/2001 Coll., on Waste and amending some other laws, as amended; and Act No. 201/2012 Coll., on the Air Protection, as amended.

- m) **permitted project or a part or a stage thereof** means a project or a part or a stage thereof, to which all decisions in subsequent proceedings pursuant to points 1 to 13 of letter g) required by special regulations were issued,
- n) **below-the-threshold project** means a project listed in Annex No. 1 to this Act Category II which does not meet the relevant threshold, if specified.

Chapter 2  
Environmental Impact Assessment of Projects

§ 4  
**Subject of Environmental Impact Assessment of Projects**

(1) Subject to the assessment pursuant to this Act are

- a) projects listed in Category I of Annex No. 1 to this Act and changes to these projects where the change in capacity or scope in itself meets the relevant threshold, if specified; these projects and changes to projects are always subject to the environmental impact assessment;
- b) changes to projects listed in Category I of Annex No. 1 to this Act which may have a significant adverse effect on the environment, especially if the capacity or scope of the project is to be substantially increased or if its technology, management of operation or manner of use is being substantially changed and unless changes pursuant to letter a) are involved; these changes to projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure;
- c) projects listed in Category II in Annex No. 1 to this Act and changes to these projects if, in terms of its own capacity or scope, the change meets the relevant threshold, if specified, or which may have a significant adverse effect on the environment, especially if the capacity and scope of the project is to be substantially increased or if its technology, management of operation or manner of use is to be substantially changed; these projects and changes to projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure;
- d) below-the-threshold projects that meet at least 25% of the relevant threshold, are located in a specially protected area or its protective zone under the Nature and Landscape Protection Act, and the competent authority determines that they shall be subject to the screening and scoping procedure; these projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure,
- e) changes to below-the-threshold projects which, in terms of their own capacity or scope, meet at least 25% of the relevant threshold and simultaneously, as a result of these changes, the below-the-threshold project meets the relevant threshold or the criteria under letter d) and the competent authority determines that they shall be subject to the screening and scoping procedure; these changes to projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure,

- f) projects pursuant to § 3 letter a) point 2; these projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure,
- g) changes to projects which may have a significant adverse effect on the environment according to the binding statement of the competent authority issued pursuant to § 9a para 6; these changes to projects are subject to the environmental impact assessment if so determined in the screening and scoping procedure.
- h) parts or stages of a project pursuant to § 9a para 5; these parts or stages of a project are subject to the environmental impact assessment if so determined in the screening and scoping procedure,

(2) The Government may decide that a project, or a part thereof, which is intended solely for defence purposes or for an imminent avoidance of, or mitigation of consequences of, an unpredictable event that could seriously endanger health, safety or property of the population or the environment, shall not be subject to the assessment under this Act, provided that the assessment would have an adverse effect on these purposes.

(3) The Government may, in an exceptional case, decide that a project shall not be subject to the assessment under this Act, provided that public interest on the implementation of this project significantly prevails over public interest on environmental protection and protection of public health and provided that, due to the circumstances, the assessment cannot be performed without the purpose of the project being adversely affected. The request for the procedure under the first sentence shall always include the opinion of the Ministry of the Environment (hereinafter “Ministry”). In case of a project excluded pursuant to the first sentence, the government

- a) may opt for a different form of the assessment,
- b) shall ensure a publication of the information about the exemption under the first sentence, the reasons for such exemption and the results of the assessment pursuant to letter a), and
- c) prior to the issue of a decision which permits location or implementation of the project, shall provide the European Commission with the reasons for the exemption under the first sentence and with the information published pursuant to letter b).

(4) If the Government decides, pursuant to para 3 above, that a project shall not be subject to the assessment, provisions of § 11 to 13 shall apply accordingly. In respect of projects under § 4 para 1 letter f), the developer shall ensure preparation of the appropriate assessment by the person who is a holder of a special authorization. The authority competent to approve the project shall incorporate the conclusions of this assessment into its decision; § 45i paras 8 to 11 of the Nature and Landscape Protection Act shall apply analogously.

## § 5

### **Method of the Environmental Impact Assessment of Projects**

(1) The assessment includes identification, description, assessment and evaluation of the anticipated direct and indirect significant effects of implementation and non-implementation of the project on the environment.

(2) In case of a long-term project, its individual phases shall be assessed separately and within the context of the impact of the project as a whole.

(3) In the assessment of a project, the environmental impact shall be assessed in terms of its preparation, implementation, operation and termination, where appropriate, as well as the consequences of its liquidation, as appropriate, together with reclaiming or rehabilitation of the territory if such reclaiming or rehabilitation is required by special regulations. Effects related to normal operation of the project as well as effects deriving from the vulnerability of the project to the relevant risks of major accidents or disasters shall be assessed.

(4) Assessment of a project shall also include a proposal for measures to prevent potential significant adverse environmental impact resulting from implementation of the project, to exclude, reduce, mitigate or minimise this impact, or to increase a favourable environmental impact resulting from implementation of the project, including evaluation of the anticipated effects of the proposed measures, and a proposal for measures to monitor the potential adverse effects on the environment, unless required by special regulations.

## § 6 Notification

(1) The developer shall be obliged to submit a notification of the project (hereinafter “notification”) to the competent authority.

(2) In respect of a below-threshold project, or a change thereto, under § 4 para 1 letters d) and e), the developer shall be obliged to submit a notification of the project in one copy in physical form or through an electronic data message. The requisites of a notification of a below-the-threshold project are listed in Annex No. 3a to this Act.

(3) On the basis of a notification of a below-the-threshold project and taking into consideration the criteria set out in Annex No. 2 to this Act, the competent authority shall notify the developer within 15 days as to whether the below-the-threshold project will be subject to the screening and scoping procedure, and shall simultaneously publish this information on the internet.

(4) The developer shall be obliged to submit the notification of a project in physical form and on a data storage device or send it by electronic mail (hereinafter “in electronic form”), in the number of copies determined by agreement with the competent authority. The requisites of a notification of a project pursuant to § 4 para 1 letters a), b), c), f) and g) are listed in Annex No. 3 to this Act; notification shall be prepared taking into account the current knowledge and methods of assessment and where relevant, the results of any other environmental assessment under the special regulations and the criteria of the screening and scoping procedure specified in Annex No. 2 to this Act. In respect of a project pursuant to § 4 para 1 letter a), the developer must always outline the main alternatives being examined and the principal reasons for his choice in respect of the environmental impact.

(5) With the exception of projects being subject to environmental impact assessment in a transboundary context pursuant to § 11, and projects that, according to the opinion of a nature conservation authority issued pursuant to the Nature and Landscape Protection Act, are likely, either independently or in conjunction with others, to significantly affect the subject of protection or integrity of a Site of European Importance or a bird area, the developer may submit the environmental impact assessment report (hereinafter “environmental report”) pursuant to Annex No. 4 to this Act instead of the notification; in such case, the procedure pursuant to § 8 or § 10 shall apply.

(6) In respect of projects that, according to the opinion of a nature conservation authority issued pursuant to the Nature and Landscape Protection Act, are likely, either independently or in conjunction with others, to significantly affect the subject of protection or integrity of a Site of European Importance or a bird area, the developer is obliged to obtain an assessment elaborated by a person with a special authorization<sup>14</sup>, to take into account conclusions of this assessment in the notification and to attach this assessment to the notification; the notification shall be submitted in alternatives if the necessity to elaborate them results from the requirements of § 45i of the Nature and Landscape Protection Act.

(7) If the notification complies with the requisites pursuant to paras 4 and 6 above, the competent authority shall publish it within 7 business days of the date of its receipt pursuant to § 16. Within the same deadline, the competent authority shall send a copy of the notification to the affected administrative bodies and the affected local governments with a request for comments.

(8) The public, public concerned, affected administrative bodies and affected local governments may submit written comments on the notification to the competent authority within 30 days of the date of the publication of information about the notification. The competent authority shall not take into account any comments sent after this deadline.

## § 7

### **Screening and scoping Procedure**

(1) The objective of the screening and scoping procedure for projects and changes of projects set forth in § 4, para 1 letter a) is to further specify information that should be included in the environmental report, with emphasis on

- a) the nature of the specific project or type of project;
- b) the environmental factors set out in § 2 that could be affected by implementation of the project;
- c) the current state of knowledge and methods of assessment.

(2) In respect of projects and changes of projects set out in § 4 para 1 letters b) to h), the screening and scoping procedure is aimed to determine whether the project or its change may have a significant environmental impact, or whether the project is likely, independently or in conjunction with others, to significantly affect the subject of protection or integrity of a Site of European Importance or a bird area, and thus it shall be subject to the environmental impact assessment pursuant to this Act. If the project is subject to the environmental impact assessment pursuant to this Act, the screening and scoping procedure shall also involve the specification under para 1.

(3) The screening and scoping procedure shall be initiated on the basis of a notification and shall be conducted according to the criteria set out in Annex No. 2 to this Act. When determining as to whether a project or change of a project may have a significant environmental impact, the competent authority shall always take into consideration:

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<sup>14</sup> § 45i of the Act. No. 114/1992 Coll., on the Nature and Landscape Protection, as amended

- b) the design and size of the project and its site;
- b) whether, in terms of its capacity, the project or change of the project reach the relevant thresholds listed in Category II in Annex No. 1 to this Act;
- c) comments received from the public, the public concerned, affected administrative bodies and affected local governments.

(4) The competent authority shall conclude the screening and scoping procedure not later than 45 days after the date of publication of the information about the notification pursuant to § 16; in justified, particularly complex cases, this deadline may be exceeded for a maximum of 25 days. The competent authority shall, without delay, send the conclusion of the screening and scoping procedure to the developer, the affected local governments and the affected administrative bodies, and publish it pursuant to § 16.

(5) If the competent authority concludes that project a under para 2 above shall be subject to environmental impact assessment under this Act, it shall issue a written reasoned conclusion of the screening and scoping procedure, providing basic information about the project in the scope of points B.I.1 to B.I.4 and B.I.6 of the Annex No. 3 to this Act and thoughts which the competent authority followed when assessing criteria set forth in Annex No. 2 to this Act.

(6) If the competent authority concludes that a project under para 2 above shall not be subject to environmental impact assessment under this Act, it shall issue a decision which is the first procedural step in the proceedings. The decision shall provide basic information about the project in the scope of points B.I.1 to B.I.4 and B.I.6 of the Annex No. 3 to this Act and thoughts which the competent authority followed when assessing the criteria set forth in Annex No. 2 to this Act. The decision shall be published pursuant to § 16 and delivered by a public notice. The right to appeal against the decision belongs to the developer and to the public concerned specified in § 3 letter i) point 2. The public concerned shall demonstrate compliance with conditions according to § 3 letter i) point 2 with the appeal.

(7) In respect of projects that, according to the opinion of a nature conservation authority issued pursuant to the Nature and Landscape Protection Act, are likely, either independently or in conjunction with others, to significantly affect the subject of protection or integrity of a Site of European Importance or a bird area, the competent authority may in the conclusion of the screening and scoping procedure require the assessment elaborated by a person with a special authorization to be included in the environmental report, in particular with regard to the content of the comments received, or the content of the assessment elaborated by a person with a special authorization.

(8) Where the projects was submitted in alternatives, the conclusion of the screening and scoping procedure shall also include the evaluation of the alternatives in terms of their impact on the environment, indicating their order. The competent authority may, in the written reasoned conclusion, propose the preparation of alternative solutions for the project, which shall, as a rule, differ in their site, capacity, technology used or the time of implementation, provided that the preparation of such alternative solutions is demonstrably purposeful and technically feasible.



(9) The public concerned specified in § 3 letter i) point 2 is entitled to bring a legal action against the decision issued in the screening and scoping procedure determining that project or change to a project shall not to be assessed under this Act, and may challenge the substantive and/or procedural legality of the decision. For the purposes of the procedure pursuant to the first sentence, the public concerned pursuant to § 3 letter i) point 2 is presumed to have rights which may be impaired by the decision in screening and scoping procedure determining that the project, or change thereto, shall not be assessed under this Act.

(10) The court shall decide on a legal action against the decision issued in the screening and scoping procedure within 90 days after the action was brought to the court.

## § 8

### **Environmental report**

(1) In cases other than the procedure pursuant to § 6 para 5, on the basis of the notification, comments on the notification pursuant to § 6 para 8 and the written reasoned conclusion pursuant to § 7 para 5, the developer shall ensure the preparation of the environmental report by a person authorized to this effect pursuant to § 19, in physical form in a number of copies as determined by agreement with the competent authority, and in electronic form. The requisites of an environmental report are listed in Annex No. 4 to this Act; the environmental report shall be prepared taking into account the current knowledge and methods of assessment and where relevant, the results of any other environmental assessment under the special regulation.

(2) If the competent authority concludes that the environmental report does not contain the requisites on the basis of this Act, it shall, within 10 business days of the date of its delivery to the competent authority, return it to the developer and, at the same time, publish the information about its returning on the internet and send it to the affected local governments; otherwise, within the same deadline, it shall publish the environmental report pursuant to § 16 and send the environmental report, or information about the environmental report, to the affected administrative bodies and the affected local governments with a request for comments. Without undue delay, the competent authority shall deliver the environmental report to the expert entrusted with the preparation the expert report on environmental impact of the project (hereinafter “expert report”).

(3) The public, public concerned, affected administrative bodies and affected local governments may submit comments on the environmental report to the competent authority in writing within 30 days of the publication of information about the environmental report. The competent authority shall not take into account the comments sent after this deadline.

(4) After the expiry of the deadline pursuant to para 3 above, the competent authority shall, without delay, deliver the received comments to the expert.

(5) On the basis of the received comments on the environmental report or on the basis of recommendations submitted by the expert, but not later than within 40 days of the date of delivery of the environmental report to the expert, the competent authority may return the environmental report to the developer for modification or supplementation; the competent authority shall publish the information about returning the environmental report pursuant to § 16. If the modified or supplemented environmental report is not submitted within 3 years of returning the environmental report, the competent authority shall terminate the assessment.

(6) If the environmental report is returned pursuant to para 5 above, the supplemented or modified environmental report shall be treated pursuant to para 2 above.

§ 9  
**Expert Report**

(1) The competent authority shall ensure, on the basis of a contract, the preparation of the expert report by a person authorized to this effect pursuant to § 19 (hereinafter “expert”).

(2) The expert shall prepare the expert report on the basis of the environmental report and all the received comments thereon, taking into account the conclusions of public hearing pursuant to § 17, if held. The requisites of an expert report are listed in Annex No. 5 to this Act.

(3) The competent authority shall give the expert a deadline for the submission of the expert report which may not exceed 60 days from the date of the delivery of the environmental report to the expert including all the received comments. In justified cases, particularly in complex cases, the competent authority may, on a request of the expert, extend this deadline, but up to no more than further 20 days.

(4) If the expert requests further documents to verify data on the environmental impact of the implementation of the project from other experts, the expert shall be obliged to state this fact in the expert report. A person who participated in the preparation of the notification or the environmental report may not participate, even partly, in the preparation of the expert report.

(5) The expert may not modify or supplement the environmental report being assessed.

(6) The developer shall be obliged to provide the expert, at his own expense, with documents that were used for the preparation of the environmental report and with other data required for the preparation of the expert report, within 5 business days of the date of receipt of a request from the expert.

(7) The expert shall send the expert report to the competent authority in the agreed number of copies, within the agreed deadline and in the agreed form. If the expert report does not comply with the requisites pursuant to this Act, the competent authority shall return it to the expert within 10 business days of the date of its receipt for supplementation or modification, and set a reasonable deadline of a maximum of 30 days within which the expert is obliged to re-submit the expert report; simultaneously, it shall inform the developer about this procedure.

(8) In case the expert report is not submitted within the deadline specified in paras 3 or 7 above, the competent authority shall invite the expert to submit the expert report within an additional deadline of 15 days. If the expert report is not submitted within this additional deadline, the competent authority shall reduce their remuneration by financial penalties pursuant to § 18 para 3 first sentence.

§ 9a

**Binding statement on Environmental Impact Assessment of Project**

(1) On the basis of the environmental report, the comments received thereon, public hearing and the expert report, the competent authority shall issue a binding statement on environmental impact assessment of the project (hereinafter “statement”) within 30 days of the date of the receipt of the expert report. The requisites of the statement are listed in Annex No. 6 to this Act.

(2) The competent authority shall send the statement to the developer, the affected administrative bodies and the affected local governments and publish it together with the expert report pursuant to § 16.

(3) The statement shall constitute a basis for the issue of decisions in subsequent proceedings. The developer shall submit the statement as a part of the application as one of the underlying documents for a subsequent proceeding. The statement must be valid at the time of the issue of decisions in subsequent proceedings in the first instance.

(4) The statement shall be valid for a term of 7 years of the date of its issue. On a request of the developer, this term may be extended by 5 years, even repeatedly, provided that there have been no changes of conditions prevailing in the affected territory or current knowledge and methods of assessment which would have significant, and not previously assessed, effects on the environment. The request for the extension of validity of the statement shall be submitted before the validity expires; the validity of the statement shall not expire until it is decided on the request. The request for the extension of validity of the statement shall comprise an underlying document containing a description of the current state of the affected territory, including a summary of all changes in comparison to the situation at the time of the issue of the statement. If a decision issued in a subsequent proceedings in the first instance under the third sentence of para 3 above is annulled, the validity of the statement shall be deemed to expire no earlier than 60 days of the date of the annulment of such a decision.

(5) In case the validity of a statement cannot be extended due to the changes pursuant to second sentence of para 4 above, related only to a specific part or a stage of the project, such a part or a stage of the project shall be subject to the assessment under § 4 para 1 letter h). The developer shall submit a notification regarding such a part or a stage of the project pursuant to § 6 within a deadline set by the competent authority. If a decision under § 7 para 6 is issued, the competent authority shall extend the validity of the statement. If the notification is not submitted by the developer within the set deadline, or if a reasoned written conclusion pursuant to § 7 para 5 is issued, the competent authority shall extend the validity of the statement only partially, to the extent not affected by changes under the first sentence.

(6) Not earlier than 90 days before, but no later than on the day of, the submission of the application for the initiation of a subsequent proceeding, the developer shall submit to the competent authority which issued the statement the documentation for the relevant subsequent proceeding, including a complete description of the possible changes compared to the project for which the statement was issued, in the scope of a part or a stage of the project which is subject to the subsequent proceeding. The competent authority shall review, on the basis of the announcement of initiation of the proceeding sent to this authority by the administrative authority responsible for the subsequent proceeding, each project and shall issue a dissenting

binding statement if there are changes to the project which may have a significant adverse effect on the environment, especially an increase of its capacity and scope or changes of its technology, operations management or methods of use. These changes shall be subject to a environmental impact assessment pursuant to § 4 para 1 letter g) of this Act. If there are no changes pursuant to the second sentence of this paragraph, the competent authority shall issue a consenting binding statement. In this binding statement, the competent authority may, taking into account the underlying documents pursuant to para 1 above, determine which conditions of the statement are unfeasible due to other changes of a project, in cooperation with the relevant affected administrative bodies where appropriate. If the documents under the first sentence are not submitted within the set deadline, it is deemed that they were not submitted.

## § 9b

### **Subsequent proceeding**

(1) The administrative authority responsible for the subsequent proceeding shall publish within the procedure under § 25 of the Code of Administrative Procedure together with the announcement of initiation of the proceeding

- a) the application along with a notice indicating that a project **subject to the assessment** under this Act or a project which is subject to the assessment of environmental impacts in a transboundary context is involved, together with the information where the documentation relevant for the subsequent proceeding can be consulted,
- b) the information about the subject and nature of the decision which is to be issued in subsequent proceeding,
- c) the information about where the documents acquired during the assessment, which ~~were~~ **shall be** published pursuant to § 16, are accessible
- d) the information about conditions of public participation in the proceeding pursuant to § 9c para 1 and pursuant to special regulation, which means especially information about the location and timing of potential public hearing, about the deadline for the public to submit comments on the project and the possible consequences of a failure to meet such deadlines, information about whether and in what period of time the public may consult the underlying documents for the decision, about affected authorities and information about opportunities given to public concerned to participate in the subsequent proceeding pursuant to § 9c paras 3 and 4.

The information is considered published upon its publication on the official board of the administrative authority responsible for the subsequent proceeding. The information shall be available for 30 days.

(2) At a request of the applicant who submits the application for the decision in the subsequent procedure and at any time before initiation of this proceeding, the administrative authority responsible for the subsequent proceeding in cooperation with affected authorities shall give a preliminary information about the requirements on data and documents which the applicant shall supply with the application for the decision. The preliminary information is valid for a term of 1 year from the date of its issue.

(3) The subsequent proceeding is always considered as a procedure with a large number of participants under the Code of Administrative Procedure.

(4) The administrative authority responsible for the subsequent proceeding shall ensure in the course of the proceeding the availability of

- a) opinions, statements and binding statements of affected authorities which were issued for the purposes of the subsequent proceeding,
- b) other underlying documents for the issuance of decision, whose publishing the administrative authority considers effective.

(5) The administrative authority in its decision in the subsequent proceeding shall also, regarding the underlying documents, take into account the environmental report and, if appropriate, notification, comments by the public, statements by affected country in transboundary assessment pursuant to § 13 and the results of the public hearing, if it was held.

#### § 9c

(1) The public may submit comments on the project in a subsequent proceeding. The comments may be submitted within 30 days from the publication of the information pursuant to § 9b para 1 on the official board unless special regulations or the administrative authority responsible for the subsequent proceeding determines a longer period.

(2) The administrative authority shall, in the reasoning of its decision, also set forth the settlement of comments of the public.

(3) If registered by submitting written notification to the administrative authority responsible for the subsequent proceeding within 30 days from the date of publication of the information pursuant to § 9b para 1,

- a) affected local government, and/or
- b) public concerned specified in § 3 letter i) point 2

also becomes a party to the subsequent proceeding.

(4) The appeal against a decision issued in subsequent proceeding may also be filed by public concerned pursuant to the § 3 letter i) point 2 even if it was not a party of the proceeding in the first instance.

(5) Compliance with conditions pursuant to § 3. letter i) point 2 shall prove public concerned in a written notification pursuant to para 3 or appeal pursuant to para 4 above.

#### § 9d

(1) Public concerned specified in § 3 letter i) point 2 is entitled to bring an action against the decision issued in subsequent proceeding and challenge the substantial and/or procedural legality of such decision. For the purposes of the procedure pursuant to the first sentence, the public concerned specified in § 3 letter i) point 2 is presumed to have rights which may be impaired by the decision issued in subsequent proceedings.

(2) The actions against decisions issued in subsequent proceedings shall be decided by the court within 90 days after the action is brought to the court. The court, even without a request, shall decide to grant the action a suspensive effect or interim measures pursuant to Code of Administrative Procedure. The court shall grant the action a suspensive effect or order interim measures if there is a risk that the implementation of the project may lead to a serious damage to the environment.

#### § 9e

#### **The requisites of the supporting signature deed**

(1) The header of the supporting signature deed and each of its numbered signature sheets shall indicate at least the name of the project, identification data of the legal person pursuant to § 3 letter i) point 2 which is supported by the supporting signature deed, and also

- a) the fact the deed is designed for the support of a written notification by which the public concerned registers as a party to the subsequent proceeding pursuant to § 9c para 3 letter b), and the reference number and the date of the issue of the announcement of initiation of such subsequent proceeding, or
- b) the fact the deed is designed for the support of an appeal against a decision pursuant to § 7 para 6 or § 9c para 4, and the reference number and the date of the issue of such decision.

(2) Any person supporting the legal person pursuant to § 3 letter i) point 2 shall include in the signature sheet their name, surname, date of birth, address of the residence and accompany it by their handwritten signature. The supporting signature deed may be used for any subsequent proceedings to the project initiated within its validity period. The validity period shall be 18 months from the date indicated in the header of the supporting signature deed pursuant to para 1 above. The validity period of the supporting signature deed shall be interrupted if subsequent proceedings were interrupted.

#### § 10

#### **Special provisions for the Environmental Impact Assessment of building projects**

(1) In case of a building project permitted pursuant to the Building Act (hereinafter “building project”) in a joint zoning and building procedure with environmental impact assessment or in a zoning procedure with environmental impact assessment (hereinafter “proceeding with environmental impact assessment”), the competent authority proceeds in cooperation with the authority responsible for conducting proceeding with environmental impact assessment (hereinafter the “building authority”).

(2) If the subject to a proceeding with environmental impact assessment is a part or a stage of a building project that was subject to the screening and scoping procedure pursuant to § 7, the environmental report shall be prepared in respect of the entire building project. Provision of § 7 para 8 second sentence shall not apply.

(3) In cases other than the procedure pursuant to § 6 para 5, the developer shall ensure the preparation of the environmental report on the basis of the notification, comments on the

notification pursuant to § 6 para 8 and the conclusion of the screening and scoping procedure pursuant to § 7. The requisites of an environmental report are listed in Annex No. 4 to this Act. The environmental report shall be submitted by the developer as a part of the documentation for the proceeding with environmental impact assessment to the building authority, in the number of copies determined by the building authority. Provision of § 8 para 1 shall not apply.

(4) Where the competent authority concludes that the documentation sent to the competent authority by the building authority<sup>15</sup> as part of the documentation for the proceeding with environmental impact assessment does not contain requisites pursuant to this Act, it shall notify the building authority and the developer within 10 days; otherwise, within the same deadline, it shall provide the building authority with the list of affected administrative bodies and affected local governments pursuant to this Act. If the documentation does not contain requisites pursuant to this Act, the developer may consult the documentation with competent authority prior to the resubmission thereof to the building authority. Provisions of § 8 paras 2 to 6 shall not apply.

(5) After the building authority announces the initiation of proceeding with environmental impact assessment to the competent authority, the competent authority shall publish the received environmental report pursuant to § 16 without undue delay and shall deliver it to the expert. Unless the competent authority determines otherwise, the expert shall participate in the public oral hearing pursuant to the Building Act if ordered. After receiving the results of consultations under the Building Act (hereinafter "the results of consultation")<sup>16</sup>, the competent authority shall forward the results of consultation to the expert within 5 days.

(6) If a project is subject to the transboundary assessment, the competent authority shall notify this to the building authority within the deadline pursuant to para 4 and, after the building authority announces the initiation of proceeding with environmental impact assessment, shall ensure procedure pursuant to § 13 paras 3 and 4.

(7) The expert shall prepare the expert report on the basis of the environmental report, the results of consultation and the statement by affected country in transboundary assessment pursuant to § 13, related to effects on public health and the environment to the extent pursuant § 2. The requisites of an expert report are listed in Annex No. 5 to this Act. The deadline for preparation of the expert report may not exceed 60 days from the date of the delivery of the results of consultation to the expert including the statement by affected country in transboundary assessment pursuant to § 13. In justified, particularly in complex cases, this deadline may be extended, but up to no more than further 20 days. Provisions of § 9 paras 2 and 3 shall not apply.

(8) On the basis of the environmental report, the results of consultation, the statement by affected country in transboundary assessment pursuant to § 13 and of the expert report, the competent authority shall issue the statement within 30 days of the date of the receipt of the expert report; any delay caused by a failure to pay the invoiced amount by the developer pursuant to § 18 para 3 shall not be included in the deadline. The requisites of the statement are listed in Annex No. 6 to this Act. The competent authority shall send the statement to the building authority, the affected administrative bodies, the affected local governments and to

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<sup>15</sup> § 94d para 1 and § 94t para 1 of the Act No. 183/2006 Coll., Building Act, as amended

<sup>16</sup> § 94f para 1 a § 94v para 1 of the Act No. 183/2006 Coll., Building Act, as amended

the developer, and shall publish it pursuant to § 16. Provisions of § 9a paras 1 and 2, § 9a para 3 third sentence and § 9a para 6 shall not apply.

(9) In respect of building projects pursuant to para 2, the statement shall be issued for the entire building project and shall be the basis for the issue of decisions in subsequent proceedings for all of its parts or stages.

(10) If the competent authority is changed pursuant to § 23 para 4, the Ministry shall notify this to the building authority without undue delay.

### Chapter 3 Environmental Impact Assessment of Plans and Programmes

#### § 10a

#### **Subject of Environmental Impact Assessment of Plans and Programmes**

(1) Environmental impact assessment of plans and programmes (hereinafter “assessment of plans and programmes”) pursuant to this Act is concerned with

- a) plans and programmes that stipulate the framework for future approval of projects set out in Annex No. 1 drawn up in the area of agriculture, forest management, gamekeeping, fishing, management of surface waters or groundwater, energy production, industry, transport, waste management, telecommunications, tourism, zoning planning, regional development and the environment, including nature conservation; further more plans and programmes that need to be assessed, given their potential significant environmental impact on the subject of protection or integrity of a Site of European Importance or a bird area arising from the Nature and Landscape Protection Act; these plans and programmes are always subject to assessment,
- b) plans and programmes pursuant to letter a) above, where the affected territory consists of the territory of a single or several municipalities which establish use of areas at local level if so determined in the screening procedure pursuant to § 10d,
- c) changes of plans and programmes pursuant to letters a) and b) above if so determined in the screening procedure pursuant to § 10d.

(2) Framework for future development consent of projects listed in Annex no. 1 to this Act is given whenever plans and programmes set conditions for their permitting, in particular regarding the location, nature, size, operating conditions or demands on natural resources.

(3) The environmental impact assessment of projects does not substitute assessment of plans and programmes. Data obtained when assessing the impacts of the projects on the environment, or when assessing the impact of the project on the subject of protection or integrity of a Site of European Importance or a bird area and the status of their protection can be used in the environmental impact assessment of plans and programmes.

(4) Assessment pursuant to this Act do not apply to

- a) plans and programmes drawn up solely for the purposes of State defence;



b) plans and programmes drawn up for potential extraordinary events during which there is a serious and imminent threat to the environment, health, security or property of persons<sup>4e)</sup>;

c) financial and budgetary plans and programmes.

#### § 10b

### **Method of the Environmental Impact Assessment of Plans and Programmes**

(1) The assessment of plans and programmes includes determination, description and evaluation of the anticipated direct and indirect impact of implementation and non-implementation of the plan or programme and its objectives, for the entire period of its anticipated implementation.

(2) The assessment of a plan or programme shall be based on the state of the environment prevailing in the affected territory at the time of submission of the notification of preparation of the plan or programme (hereinafter “notification of a plan or programme”), taking into consideration the effects of other plans, programmes or projects that are to be implemented prior to implementation of the plan or programme or during its implementation, or that are contemplated.

(3) Data from other assessments may be utilised in assessment of a plan or programme pursuant to this Act provided that these data correspond to the data pursuant to this Act.

(4) Assessment of a plan or programme shall also include a proposal for measures to prevent adverse environmental impact and adverse impact on public health, to exclude, reduce, mitigate or offset this impact, or to increase favourable environmental impact and favourable impact on public health resulting from implementation of the plan or programme, including evaluation of the anticipated effectiveness of the proposed measures. Where a plan or programme has been drawn up in alternatives, assessment pursuant to this Act must be performed for all the alternatives.

#### § 10c

### **Notification**

(1) The person who prepares plan or programme, or submits instigation for its preparation (hereinafter “submitting party”) shall be obliged to submit a notification of the plan or programme to the competent authority in both documentary and electronic form. The requisites of a notification of a plan or programme are listed in Annex No. 7 to this Act.

(2) If the notification of a plan or programme complies with the requisites pursuant to para 1 above, the competent authority shall send the information on receipt of notification of plan or programme together with the information on the possibility of giving comments on the notification of plan or programme within 10 days of its receipt, to the affected administrative bodies, affected regions and if appropriate to affected municipalities, which competent authority determines with respect to the anticipated local impacts of the plan or programme on the environment. Within the same deadline, it shall publish the notification pursuant to § 16.

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<sup>4e)</sup> E.g. Act No. 254/2001 Coll.

(3) Everyone may send his written comments on the notification of a plan or programme to the competent authority within 20 days of the date of its publication. The authority shall disregard any comments sent after this deadline.

#### § 10d

#### **Screening and Scoping Procedure**

(1) The objective of the screening and scoping procedure is to further specify the contents and scope of evaluation of the effects of a plan or programme on the environment and public health (hereinafter “evaluation”). In respect of a plan or programme set out in § 10a para 1 letters b) and c), the screening and scoping procedure also aims to determine whether the plan or programme or its change may have a significant environmental impact and whether it shall be assessed under this Act.

(2) The competent authority shall conduct the screening and scoping procedure on the basis of the notification, comments received on the notification and pursuant to the criteria set out in Annex No. 8 to this Act, and shall conclude the proceedings not later than within 35 days of the date of publication of the notification of the plan or programme by means of rendering a reasoned written conclusion of the screening and scoping procedure.

(3) If a plan or programme is subject to assessment pursuant to this Act, the competent authority shall determine in the conclusion of the screening and scoping procedure

- a) the content and scope of the evaluation, including the requirement for drawing up possible alternatives of the plan or programme;
- b) the number of copies of the draft plan or programme that are to be submitted to the competent authority.

(4) In cases other than in respect of plans and programmes pursuant to para 3 above, in the conclusion of the screening and scoping procedure, the competent authority shall be obliged to state the reasons why assessment pursuant to this Act is not required.

(5) The competent authority shall send the conclusion of the screening and scoping procedure without delay to the submitting party, the affected administrative bodies and affected regions and to ~~the~~ affected municipalities, if determined by the competent authority pursuant to § 10c para 2 and, simultaneously, it shall publish it pursuant to § 16.

#### § 10e

#### **Procedure in Environmental Impact Assessment of Plans and Programmes**

(1) The submitting party shall be obliged to contract a person authorized to draw up an evaluation pursuant to § 19 (hereinafter “evaluator”) and inform the competent authority of this fact no later than together with submitting of the draft of plan or programme pursuant to § 10f para 1, the competent authority shall publish this information without delay on the internet.

(2) The submitting party shall be obliged to co-operate with the evaluator in the preparation of the evaluation, particularly provide the evaluator with the comments received during the preparation of the draft plan or programme.

(3) Responsibility for full and objective evaluation shall be borne by the evaluator. The requisites of the evaluation are listed in Annex No. 9 to this Act.

(4) The evaluator shall be authorized to request information necessary for the evaluation from the submitting party, competent authority, affected administrative bodies and affected local governments and the latter shall be obliged to provide the evaluator with this information to the necessary extent. Information may be refused only under the conditions stipulated by special regulations<sup>4c)</sup>.

(5) The submitting party shall co-operate with evaluator during the preparation of the draft of plan or programme and aims to take into account recommended measures to prevent, reduce or offset the adverse impact of the plan or programme on the environment and public health.

#### § 10f

#### **Draft Plan or Programme**

(1) The submitting party shall be obliged to submit the draft plan or programme to the competent authority in both documentary and electronic form. The draft plan or programme shall include the evaluation drawn up by the evaluator as its integral part.

(2) If the evaluation contains the requisites pursuant to Annex No. 9 to this Act, the competent authority shall send the information on receipt of notification of plan or programme together with the information on the possibility of giving comments on the notification of plan or programme within 10 days of its receipt to the affected administrative bodies, affected regions and to affected municipalities, if determined by the competent authority pursuant to § 10c para 2. Competent authority may decide, on the basis of the draft plan or programme and public comments on the notification, whether the public hearing is to be held. Within the same deadline, it shall publish the notification pursuant to § 16. If the evaluation does not contain requisites to Annex No. 9 to this Act, the competent authority shall return it for completion within the same deadline.

(3) The submitting party shall be obliged to publish information on the place and time of holding the public hearing on the draft plan or programme on its official board at least 10 days prior to its holding. At the same time, it shall be obliged to inform the competent authority of the place and time of holding the public hearing.

(4) Public hearing on the draft plan or programme may not be held prior to expiry of 30 days of the date of submission of the draft plan or programme to the competent authority. The submitting party shall carry out the public hearing. Not later than within 5 days of the date of holding the public hearing on the draft plan or programme, the submitting party shall be obliged to send minutes of the public hearing to the competent authority and, simultaneously, publish them on the internet. § 17 do not apply to the public hearing of draft plan or programme.

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<sup>4c)</sup> E.g. Act No. 123/1998 Coll., on free access to information on the environment, as amended, Act No. 412/2005 Coll., on protection of classified information and security qualification, as amended, Act No. 101/2000 Coll., on personal data protection and amending some laws, as amended.

(5) Everyone may send his written comments on the draft plan or programme to the competent authority not later than within 5 days of the date of the public hearing on the draft plan or programme. Within the same deadline, the submitting party may send its written comments on the evaluation to the competent authority. The competent authority shall disregard any comments sent after this deadline.

(6) If a public hearing is not held according to para 2 above, everyone may send their written comments on the draft plan or programme to the competent authority not later than within 20 days of the date of the publication. The competent authority shall disregard any comments sent after this deadline.

(7) The competent authority shall send the comments received under the fifth and sixth paras above to the submitting party without delay after the expiry of deadline.

(8) The submitting party in co-operation with the evaluator shall ensure settlement of all comments on the draft plan and programme. The submitting party shall send the modified draft plan or programme including the information of the way of settlement of all comments to the competent authority without delay.

#### § 10g

#### **Statement on Draft Plan or Programme**

(1) On the basis of a modified draft plan or programme, comments expressed on the draft plan or programme and the conclusions of the public hearing, the competent authority shall issue a statement on assessment of the environmental impact and impact on public health of implementation of the plan or programme (hereinafter “statement on the plan or programme”) within 20 days of the date of receipt of modified draft plan or programme including information of the way of settlement of all comments.

(2) In its statement, the competent authority may express its disagreement with the draft plan or programme in terms of the potential adverse impact on the environment and public health, and may also propose its supplementation, or propose offsetting measures and measures to monitor the impact of implementation of the plan or programme on the environment and public health.

(3) The competent authority shall send the statement on the plan or programme to the submitting party, the affected administrative bodies and affected regions and to affected municipalities, if determined by the competent authority pursuant to § 10c para 2, without delay after it has been issued and, simultaneously, it shall publish it pursuant to § 16.

(4) The plan or programme may not be approved without the statement on the plan or programme. The approving authority shall be obliged to take into consideration the requirements and conditions following from the statement on the plan or programme; if the statement contains such requirements and conditions and the latter have not been included in the plan or programme or have been included only partly, the approving authority shall be obliged to state the reasons for its procedure.

(5) The submitting party is obliged to publish approved plan or programme, including a statement summarising in particular

- a) information how requirements and conditions of the statement on the plan or programme have been integrated into the approved plan or programme,
- b) information on a way of taking into account the statements of the affected country in an approved plan or programme, if the plan or programme was a subject to assessment pursuant to § 14a,
- c) the reasoning for the alternative chosen, if the draft plan or programme dealt with alternatives,
- d) information on public participation in the preparation plan or programme and during environmental assessment of plan and programme,
- e) information on the measures adopted concerning the monitoring and analysis of the impacts on the environment and public health pursuant to § 10h.

(6) The submitting party shall inform the affected administrative bodies, affected regions and affected municipalities, if determined by the competent authority pursuant to § 10c para 2 on the publication of the statement under para 5 within 7 business days.

#### § 10h

### **Monitoring and Analysis of Impact of Plans and Programmes on Environment and Public Health**

(1) The submitting party shall be obliged to provide for monitoring and analysis of the impact of an approved plan or programme on the environment and public health. If the submitting party ascertains that implementation of the plan or programme has unforeseen significant adverse impact on the environment or public health, it shall be obliged to provide for the adoption of measures to prevent or mitigate such impact, inform the competent authority and the affected administrative bodies thereof and, simultaneously, make a decision on a change of the plan or programme.

(2) Within their competence pursuant to special regulations<sup>2)</sup>, the affected administrative bodies shall monitor the impact of the approved plan or programme on the environment and public health, and shall be authorized to submit an instigation for a change of the plan or programme if an unforeseen significant adverse impact pursuant to para 1 above cannot be prevented or mitigated otherwise in agreement with the approving authority.

#### § 10i

### **Special Provisions on Environmental Impact Assessment of Territorial Development Policy and Zoning Planning Documentation**

(1) The procedure in environmental impact assessment of a territorial development policy, development principles and zoning plan shall be governed by a special regulation<sup>4b)</sup> without prejudice to provisions of § 20, 21 letter k) and 22 letter d). Provisions of § 2, 3, 10a, 10b and 10h shall be applied analogously with the exception that the screening and scoping procedure and public hearing shall not be performed pursuant to this Act. Provisions of § 10g shall apply accordingly.

(2) The Ministry or regional authority within its delegated jurisdiction (hereinafter the "regional authority"), shall stipulate, in drawing up a territorial development policy, development principles and zoning plan, the requirements for the contents and scope of

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<sup>4b)</sup> Act No. 183/2006 Coll., on zoning planning and the construction procedure (the Construction Code), as amended.

evaluation of the environmental impact, including the proposal for the preparation of potential alternative solutions. These requirements shall be taken into account in the evaluation of the environmental impacts by the author of the evaluation, or the author provides the reasons for not doing so. If the evaluation of the environmental impact does not contain the requisites pursuant to special regulations<sup>4d)</sup>, the Ministry or regional authority shall be authorized to request its supplementation. In the preparation of the zoning plan, where relevant, the regional authority shall stipulate the requirement for evaluation of the environmental impact on the basis of the criteria set out in Annex No. 8 to this Act.

(3) Evaluation of the environmental impact may be drawn up only by a person authorized to this effect pursuant to § 19.

## TITLE II

### ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

#### § 11

#### **Subject of Environmental Impact Assessment in a transboundary context**

(1) Environmental impact assessment in a transboundary context (hereinafter “transboundary assessment”) is concerned with

- a) projects pursuant to § 4 para 1 and plans and programmes pursuant to this Act, if the affected territory may extend beyond the borders of the Czech Republic;
- b) projects pursuant to § 4 para 1 or plans and programmes pursuant to this Act, if the country whose territory may be affected by a significant environmental impact (hereinafter “affected country”) requests such assessment;
- c) projects, plans and programmes that are to be implemented in the territory of another country (hereinafter “country of origin”) and that may have a significant environmental impact in the territory of the Czech Republic.

(2) In the transboundary assessment, the competent authority shall proceed in co-operation with the Ministry of Foreign Affairs.

(3) In respect of a project set out in Column RA in Annex No. 1, regional authority shall be obliged to refer its assessment without delay to the Ministry if it ascertains that the project is a project pursuant to para 1 above. Furthermore, it shall be obliged to refer the assessment of a plan or programme to the Ministry if it ascertains that the plan or programme is a plan or programme pursuant to para 1 above.

#### § 12

#### **Method of Transboundary Assessment**

(1) The procedure in the transboundary assessment shall be governed by Title I of this Act unless the provisions of Title II of this Act or international treaties binding on the Czech Republic stipulate some other procedure. The Ministry may extend the deadlines for

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<sup>4d)</sup> § 19 para 2 of the Act No. 183/2006 Coll. as amended by the Act No. 350/2012 Coll.

submitting comments in the transboundary assessment by up to 30 days if so requested by the affected country. Other deadlines shall be extended appropriately.

(2) In doubt as to whether the transboundary assessment shall be governed by the regulations applicable in the territory of the affected country or regulations applicable in the territory of the country of origin, the procedure shall be governed by regulations applicable in the territory of the country of origin unless an international treaty binding on the Czech Republic stipulates otherwise.

(3) The country of origin and the affected country, at the request of any of these countries, shall determine whether, and if so to what extent, a post-project analysis shall be carried out, taking into account the likely significant adverse transboundary impact of the project that was the subject of the transboundary assessment. Any post-project analysis shall include, in particular, permanent surveillance of the consequences of implementation of the project and the determination of any adverse transboundary impact. Such permanent surveillance and determination may be undertaken with a view to achieving the following objectives:

- a) monitoring compliance with the conditions as set out in the decisions and, as the case may be, measures pursuant to special regulations and the effectiveness of mitigating measures;
- b) review of the impact of the project and coping with uncertainties arising during the post-project analysis;
- c) verification of past predictions in order to transfer the obtained findings to the performance of similar projects in the future.

(4) When, as a result of the post-project analysis, the country of origin or affected country has reasonable grounds for concluding that there is a significant adverse transboundary impact or factors have been discovered which may result in such an impact, it shall immediately inform the other country. Based on mutual agreement, the country of origin and the affected country shall subsequently determine the necessary measures to reduce or eliminate such an impact.

### § 13

#### **Transboundary Assessment of Projects Implemented in the Territory of the Czech Republic**

(1) In case of a project pursuant to § 11 para 1 letter a) or on the request of the affected country pursuant to § 11 para 1 letter b), the notification shall also be submitted in the official language of the affected country, in a scope determined by the Ministry. The Ministry shall send the notification, including the translation, to the affected country within 7 business days of its receipt with a request for comments, together with the information about the course of the assessment, including identification of the competent authority responsible for the transboundary assessment of the project and information on subsequent decisions which may be issued in subsequent proceedings.

(2) If comments received from the affected country on the notification sent include a requirement for participation in international assessment, the Ministry shall request information from the affected country on the state of the environment prevailing in its

affected territory. The Ministry shall send this information, within 5 business days of the date of its receipt, to the developer for use in the preparation of the environmental report and shall also provide it to the expert.

(3) The environmental report shall also be submitted in the official language of the affected country, in a scope determined by the Ministry. The Ministry shall send the environmental report, including the translation, to the affected country within 10 business days of its receipt with a request for comments and offer a preliminary consultation, particularly if the environmental report was drawn up in alternatives, including a communication of measures to mitigate any significant adverse transboundary impacts (hereinafter “consultation”). If the affected country shows interest in the consultation, the Ministry shall participate in the consultation. Without delay, but not later than within 5 days of the date of setting the date of the consultation, the Ministry shall inform the developer and, through the developer, also the author of the environmental report in advance of the place and time of the consultation. The developer and author of the environmental report shall then also be obliged to participate in the consultation. The Ministry shall be obliged to publish information on the consultation pursuant to § 16.

(4) Within 5 business days of receiving comments on the environmental report from the affected country, the Ministry shall deliver the comments to the expert as a basis for the evaluation of the project.

(5) The Ministry shall incorporate the comments of the affected country in the statement or shall describe in the statement the reasons for not incorporating the comments in the statement or incorporating them only partly.

(6) The Ministry shall be obliged to send the statement to the affected country within 15 days of its issue. Furthermore, it shall be obliged to send information according to § 9b para 1 and § 9b para 4 letter a) and the decision pursuant to § 9a para 3 within 15 days of their receipt. The administrative authorities shall be obliged to send this information to the Ministry as the affected authority on the basis of the requirement set out in the statement or on the basis of a request.

#### § 14

### **Transboundary Assessment of Projects Implemented Outside the Territory of the Czech Republic**

(1) If the Ministry receives a notification of a project or otherwise learns of a project that is to be implemented in the territory of the country of origin, it shall publish it pursuant to § 16 without delay and send such notification, or information about such notification, to the affected administrative bodies and affected local governments with a request for comments.

(2) The public, affected administrative bodies and affected local governments shall be entitled to send written comments on the notification pursuant to para 1 above to the Ministry within 30 days of the date of the publication of the information about the notification. The Ministry shall send all the comments, together with its own comments, to the country of origin within 10 days of the expiry of the deadline pursuant to the first sentence.



(3) On request of the country of origin, the Ministry shall provide data on the state of the environment prevailing in the affected territory of the Czech Republic within 30 days of the date of receipt of the request unless this is prevented by special regulations<sup>5)</sup>.

(4) If the Ministry receives an environmental report of a project or a proposal for a consultation from the country of origin, it shall send such environmental report, or information about such environmental report, to the affected administrative bodies and affected local governments with a request for comments, and publish such environmental report pursuant to § 16.

(5) The public, affected administrative bodies and affected local governments shall be entitled to send written comments on the environmental report pursuant to para 4 above to the Ministry within 30 days of the date of publication of information about the environmental report. The Ministry shall send all the comments, together with its own comments and information that it will participate in the consultation, where appropriate, to the country of origin within 10 days of the expiry of the deadline pursuant to the first sentence.

(6) If the Ministry receives in due time information on the place and time of the public hearing held in the territory of the country of origin, it shall publish it pursuant to § 16.

(7) If the Ministry receives the conclusions of the country of origin on assessment of the project and on the decision of the country of origin based on subsequent proceedings, it shall publish information on this conclusion and, as appropriate, the decisions pursuant to § 16 within 15 days of their receipt.

#### § 14a

### **Transboundary Assessment of Plans and Programmes Implemented in the Territory of the Czech Republic**

(1) If the Ministry ascertains that a plan or programme pursuant to § 11 para 1 letter a) is involved or if the affected country has requested transboundary assessment pursuant to § 11 para 1 letter b), draft plan or programme is submitted to the Ministry also in the official language of the affected country in the scope determined by the Ministry. The Ministry shall send the information on a draft plan or programme, including the translation, to the affected country together with the information on possibility of giving comments on the plan or programme within 10 business days of its receipt. At the same time, the Ministry shall offer a consultation to the affected country, particularly if the draft plan or programme has been drawn up in alternatives.

(2) If comments received from the affected country on the draft plan or programme include a requirement for participation in international assessment, the Ministry shall request information from the affected country on the state of the environment prevailing in its affected territory. The Ministry shall send these data to the submitting party and the evaluator within 5 business days of their receipt.

(3) If the affected country shows interest in the consultation, the Ministry shall participate in the consultation. Without delay, but not later than within 5 business days of the date of setting the date of the consultation, the Ministry shall inform the submitting party and,

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<sup>5)</sup> E.g. the Civil Code; the Commercial Code; the Code of Criminal Procedure; Act No. 527/1990 Coll., on inventions, industrial designs and innovations, as amended; Act No. 101/2000 Coll., on personal data protection and amending some laws, as amended; Act No. 148/1998 Coll.

through the submitting party, also the evaluator in advance of the place and time of the consultation. The submitting party and the evaluator shall then also be obliged to participate in the consultation. The Ministry shall be obliged to publish information on the consultation pursuant to § 16.

(4) The Ministry shall incorporate the comments of the affected country on the final draft plan or programme in the statement on the plan or programme or shall describe in the statement the reasons for not incorporating the comments or incorporating them only partly. The Ministry shall send the statement on the plan or programme to the affected country within 10 days of its issue.

(5) The approving authority shall be obliged to send to the Ministry one copy of the plan or programme within 30 days of the date of its approval together with other information pursuant to § 10g para 5. The Ministry shall be obliged to send the approved plan or programme and this information to the affected country within 7 business days.

#### § 14b

### **Transboundary Assessment of Plans and Programmes Implemented Outside the Territory of the Czech Republic**

(1) If the Ministry receives a draft plan or programme that will be implemented in the territory of the country of origin and, as appropriate, a proposal for consultation from the country of origin, it shall be obliged, within 20 days of their receipt, to publish information on the draft plan or programme pursuant to § 16 and send it to the affected administrative bodies, affected regions and to affected municipalities, if determined by the competent authority with regard to the expected local impacts of the plan or programme on the environment, together with the information on possibility of giving comments to the plan or programme.

(2) Everyone shall be entitled to send written comments on the draft plan or programme pursuant to para 1 above to the Ministry within 30 days of the date of publication of the information on the draft plan or programme. The Ministry shall send all the comments, together with its own comments and information that it will participate in the consultation, as appropriate, to the country of origin within 40 days of the date of publication of information on the draft plan or programme.

(3) On request of the country of origin, the Ministry shall provide data on the state of the environment prevailing in the affected territory of the Czech Republic within 30 days of the date of receipt of the request unless this is prevented by special regulations<sup>5)</sup>.

(4) If the Ministry receives in due time information on the place and time of the public hearing held in the territory of the country of origin, it shall publish it pursuant to § 16.

(5) The Ministry shall publish information on approval of a plan or programme pursuant to § 16 within 15 days of the date of receipt of such information from the country of origin. If the Ministry receives an approved plan or programme from the country of origin, it shall publish it on the internet within 20 days of the date of receipt.

## TITLE III

### JOINT AND TRANSITORY PROVISIONS

#### Chapter 1 Joint Provisions

##### § 15

#### **Preliminary Consultation**

The competent authority and the affected administrative bodies shall be obliged, if requested by the developer or the submitting party, prior to the submission of a notification, environmental report, notification of a plan or programme or evaluation, to consult with the developer or the submitting party the contemplated project, including potential alternatives of its solution, or the plan or programme, and recommend preliminary consultations with other affected administrative bodies, affected local governments and other entities, where appropriate. On request of the developer or the submitting party, the competent authority and the affected administrative bodies shall be obliged to provide the developer or the submitting party with the information on the environment pursuant to special regulations<sup>6)</sup>.

##### § 16

#### **Publication of Information on Documents Acquired during the Assessment and Information thereon**

(1) The competent authority shall publish on the internet

- a) notification,
- b) conclusion of the screening and scoping procedure,
- c) information about returning the environmental report for modification or supplementation,
- d) environmental report,
- e) information about where and when the public hearing on a project is to be held, if ordered,
- f) expert report,
- g) statement,
- h) minutes of the public hearing on a project, if held,
- i) notification of a plan or programme,
- j) draft plan or programme,
- k) information on a transboundary consultation,
- l) statement on the plan or programme,
- m) information on termination of assessment.

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<sup>6)</sup> Act No. 123/1998 Coll., on the Right to Information on the Environment, as amended.

(2) The affected local governments shall publish the information pursuant to para 1 letters c) and e) above without delay after their receipt on their official board for at least 15 days. The affected local governments shall publish the information on the documents pursuant to para 1 letters a), b), d), g), i), j) and l) above, and about when and where they can be viewed, without delay after their receipt on their official board and display for at least 15 days. The affected local governments shall notify without delay the competent authority about the publication of the information under the first and second sentences. The date of publication of the information pursuant to the first and second sentences on the official board of the affected region shall be deemed the date of publication.

(3) In respect of a building project, the affected local governments shall also notify the building authority about the publication of the information pursuant to para 2 above.

## § 17

### **Public Hearing**

(1) The competent authority shall order a public hearing in case of receiving any reasoned dissenting comment of the public on the environmental report. The competent authority shall publish the information about public hearing pursuant to § 16 and send it to the affected administrative bodies and affected local governments at least 5 business days prior to its holding.

(2) The competent authority shall be obliged to ensure that the ordered public hearing is held not later than 5 days of the expiry of the deadline for submitting comments on the environmental report.

(3) The competent authority may terminate the public hearing in case of absence of the developer or of the author of the environmental report or expert.

(4) If the competent authority terminated the public hearing pursuant to para 3 above, it shall be obliged to determine the place and time of a new public hearing, not later than within 5 business days of the date of termination of the public hearing. The date of the new public hearing shall then be deemed to be the date of holding the public hearing; other deadlines shall be extended appropriately.

(5) The competent authority shall draw up minutes of the public hearing, containing particularly data on participants and the conclusions of the hearing and shall also provide for audio record of the hearing.

(6) The competent authority shall be obliged to send the minutes of the public hearing to the developer, the affected administrative bodies and the affected local governments and publish them on the internet.

(7) The public hearing shall not be concerned with facts protected by special regulations<sup>5)</sup>.

## § 18

### **Costs Associated with Environmental Impact Assessment**

(1) The costs associated with environmental impact assessment of projects, other than costs associated with the public hearing and publication shall be borne by the developer. The costs associated with environmental impact assessment of plans and programmes, other than costs associated with publication, shall be borne by the submitting party.

(2) The costs associated with the public hearing pursuant to § 17 para 1 of this Act and the costs associated with publication pursuant to this Act shall be borne by the competent authority; any increased costs associated with the transboundary assessment shall be borne by the Ministry. The costs associated with translation of notification, environmental report, notification of plan or programme or draft plan or programme and the costs associated with interpretation shall be borne by the developer or the submitting party.

(3) The expert shall have right to a remuneration for a preparation of an expert report in the amount determined in a contract concluded pursuant to § 9 para 1, reduced by financial penalties arising from the contract where relevant. After the receipt of an expert report compliant with the requisites pursuant to this Act, the competent authority shall reimburse the amount determined pursuant to the first sentence to the expert, and invoice the developer for its payment. The developer shall be obliged to pay the determined amount to the competent authority within 10 days of the date of the receipt of the invoice as a part of the costs associated with the assessment set out in para 1 above. The competent authority shall issue the statement after payment of the invoice. Any delay caused by a failure to pay the invoiced amount by the developer shall not be counted in the deadline specified in § 9a para 1.

## § 19

### **Authorization to prepare environmental report, expert report and evaluation**

(1) The environmental report, expert report, notification submitted pursuant to § 6 para 5 first sentence and evaluation may be drawn up only by private individuals who are holders of the authorization in the area of the environmental impact assessment (hereinafter "authorization"). A legal entity or a private individual authorized to operate a business may undertake to draw up these documents only if this activity is ensured for this entity or individual by a private individual who is the holder of authorization. In respect of projects listed in § 4 para 1 letter a), in respect of projects submitted pursuant to § 6 para 5 and in respect of other projects where this is determined in the conclusion of the screening and scoping procedure, the part of the environmental report concerning assessment of the impact on the public health must be drawn up by a person who is the holder of a certificate of professional qualifications for the area of assessment of impacts on public health. A certificate of professional qualifications for the area of assessment of impacts on public health shall be granted and removed by the Ministry of Health.

(2) The holder of the authorization is obliged to prepare documents pursuant to Annexes No. 3, 3a, 4, 5, 7 and 9 to this Act in an expert and objective manner, to the full extent, in compliance with the specified requisites.

(3) The authorization may be granted or extended only to those persons who have no criminal record, are professionally qualified, have at least 3 years of experience in the given area and enjoy full legal capacity.

(4) Professional qualifications shall be demonstrated through

- a) a certificate of a completed university education in at least a master's study programme in the area of nature and technical sciences, and
- b) a certificate of the examination of professional qualifications completed not earlier than 2 years before, but not later than on the day of, the submission of the application for granting or extension of the authorization.

(5) A private individual who has not been validly convicted of a criminal offense related to the authorized activity pursuant to this Act shall be deemed to have no criminal record. Lack of a criminal record shall be proved through a document on lack of criminal record, consisting in an extract from the Penal Register Records issued not more than 3 months before; in respect of foreigners, this shall be demonstrated through an analogous document of the country of which the foreigner is a national or where the foreigner has permanent address, or through an affirmation if the country of which the foreigner is a national do not issue such documents. For the purpose of demonstrating lack of criminal records, the Ministry shall request an extract from the Penal Register Records pursuant to special regulations<sup>7)</sup>. An application for an extract from the Penal Register Records and an extract from the Penal Register Records shall be submitted in electronic form in a way allowing for remote access. A foreigner, who is/was a citizen of another Member State of the European Union or has/had a permanent address in another Member State of the European Union, may, instead of the document on lack of a criminal record issued by a competent authority in another Member State of the European Union, prove the lack of a criminal record through an extract from the Penal Register Records, including an annex containing information provided in the Penal Register Records of another Member State the European Union<sup>7)</sup>.

(6) The authorization for the area of environmental impact assessment shall be granted, extended or removed by the Ministry, in agreement with the Ministry of Health.

(7) The authorization shall be granted for a period of 5 years. The authorization may be extended for a period of additional 5 years, even repeatedly. The application for the extension of the authorization may be filed not earlier than 6 months before and not later than on the day of the expiry of the period for which the authorization was granted. In case the request for the extension of the authorization is not submitted within the timeframe specified in the second sentence, Ministry shall terminate the proceeding for the extension of the authorization.

(8) Granted authorization shall not pass to any other private individual.

(9) The Ministry shall remove the authorization from a private individual who substantially violated this Act or failed to fulfil obligations arising from the decision on granting the authorization, or ceased to comply with the requisites pursuant to para 3 above. A substantial violation of this Act shall mean particularly if a private individual at least twice within the last 3 years

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<sup>7)</sup> Act No. 269/1994 Coll., on the Criminal Records, as amended.

- a) violated their obligations pursuant to para 2 above, or
- b) without a serious reason, did not fulfil the deadline for the submission of the expert report set by this Act or by a contract pursuant to § 9 para 1.

(10) If a regional authority, within the exercise of its competences, finds reasons for the removal of authorization pursuant to para 9 above, it shall send an incentive for the initiation of proceedings on removal of the authorization to the Ministry.

(11) The decision on granting, extension or removal of the authorization shall be issued in administrative proceedings pursuant to the Code of Administrative Procedure<sup>8)</sup>. The authorization shall also arise upon the expiry of a deadline to no effect and in the manner pursuant to § 28 to 30 of the Free Movement of Services Act.

(12) The decision on the authorization shall terminate

- a) upon the expiry of the term for which it was granted;
- b) through a decision of the Ministry on removal of the authorization;
- c) upon death of the private individual to whom the authorization was granted, or declaring this individual dead.

(13) The fee associated with the examination of professional qualifications in the amount of 1.000 CZK shall be paid by the applicant for the examination in advance into the account of the contributory organisation or branch of the State that was authorized by the Ministry to organise examinations of professional qualifications. The fee for a repeated examination is 500 CZK. The examination held for the purposes of the extension of the authorization is free of charge.

(14) The Ministry shall stipulate in implementing regulation the extent of the required education and the content of the examination of professional qualifications for granting and extension of the authorization. In agreement with the Ministry, the Ministry of Health shall stipulate in implementing regulation further conditions for professional qualification for the area of assessment of the impact on public health, the procedure in the verification thereof and the procedure in granting and removing the authorization for the area of assessment of impact on public health.

(15) The decision on the authorization shall not be required for a person who is established in some other Member State of the European Union and intends to pursue the activities set out in para 1 above in the territory of the Czech Republic only on a temporary basis provided that this person demonstrates that

- a) (s)he is a citizen of a Member State of the European Union,
- b) (s)he is authorized to pursue the activity set out in para 1 above pursuant to the legal regulations of another Member State of the European Union.

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<sup>8)</sup> Act No. 500/2004 Coll., Code of Administrative Procedure, as amended.

(16) The Ministry shall issue a decision on failure to comply with the requirements for the pursuit of the activity set out in para 1 above within 15 days of the date of submission of complete documents on fulfilment of the conditions pursuant to para 15 letter a) and b) above to the Ministry.

(17) Unless the decision pursuant to para 16 above has been issued, the activity pursuant to para 1 above may be pursued for a period not exceeding 1 year from the date following after the date of the expiry of the deadline for issuance of the decision.

## Chapter 2

### Exercise of State Administration in the Area of Environmental Impact Assessment

#### § 20

State Administration in the area of environmental impact assessment shall be exercised by

- a) the Ministry;
- b) Regional authorities.

#### § 20a

(1) Ministry of the Interior or the Police of the Czech republic shall provide the authorities exercising state administration in the area of environmental impact assessment with

- a) reference data from the basic population register,
- b) data from the civil registration information system,
- c) data from the foreigners information system.

(2) Data provided in accordance with para 1 letter a) are

- a) name(s), surname,
- b) date, place and district of birth; in case of persons born abroad date, place and country of birth,
- c) date and place of death; in case of death outside the territory of the Czech Republic date of death, place and country in whose territory the death occurred; if a judicial declaration of death is issued, the date listed as the date of death in such declaration, or the date the subject declared dead shall not have survived, and the date on which the Declaration entered into force,
- d) residence address,
- e) citizenship or multiple citizenship.

(3) Data provided in accordance with para 1 letter b) are:

- a) name(s), surname, maiden name,
- b) date, place and district of birth; in case of persons born abroad the date, place and country where he was born,
- c) social security number,



- d) permanent residence address,
- e) citizenship or multiple citizenship.

(4 ) Data provided in accordance with para 1 letter c) are:

- a) name(s), surname, maiden name,
- b) date, place and district of birth; in case of persons born abroad, date, place and country where they were born,
- c) citizenship, multiple citizenship,
- d) type of residence and address,
- e) residency starting date, residency ending date.

(5) Data kept as reference data in the basic population register shall be used from agenda information system of civil registration and agenda information system of foreigners only if they correspond to the form previous to the current state.

(6) From the data provided, only data necessary for a particular case shall be used.

## § 21

### The Ministry

- a) is the central administrative authority in the area of environmental impact assessment;
- b) exercises supreme state supervision in the area of environmental impact assessment;
- c) provides for the assessment of projects listed in Column ME in Annex No. 1 to this Act and, in respect of projects where the Ministry of Defence is the developer, also in Column RA and their changes; projects pursuant to § 4 para 1 letter h) and of changes to projects pursuant to § 4 para 1 letter g) if the Ministry issued a statement to such projects;
- d) provides for the assessment of plans and programmes in those cases where the affected territory extends to the territories of several regions, or if the affected territory constitutes the entire territory of the country;
- e) provides the European Commission with information in the area of environmental impact assessment in conformity with the legislation of the European Communities;
- f) provides for the transboundary assessment of projects, plans and programmes;
- g) provides for the assessment of further projects where the competence belongs to regional authority, if the Ministry has reserved competence in the given individual case;
- h) keeps summary records of all initiated assessments and records of all issued conclusions of screening and scoping procedures and statements;
- i) grants and removes the authorizations;
- j) keeps and, once annually, publishes in its Journal a list of holders of the authorization;

- k) issues a statement on the evaluation of the environmental impact of a territorial development policy, a statement on evaluation of the environmental impact of the principles of zoning development and is the affected authority in the process of their preparation;
- l) publishes in a way allowing a remote access to information about how to seek via a legal action for an annulment of a decision pursuant to § 7 para 6 or pursuant to § 9a para 3;
- m) is an affected body in the procedure which aims to determine whether an energy infrastructure project of common interest<sup>17</sup> is mature enough to enter the permit granting process, where competent to the assessment of such project pursuant to letter c) or f) above.
- n) determines which regional authority is competent to ensure assessment of the project pursuant to § 22 letter a) proposed in the territory of several regions,

## § 22

### **Regional authorities**

#### Regional authorities

- a) provide for the assessment of projects listed in columns RA in Annex No. 1 to this Act and changes thereto, of projects pursuant to § 4 para 1 letters d), e), f) and h) and of changes to projects pursuant to § 4 para 1 letter g) if they issued a statement to such projects;**
- b) provide for the assessment of plans and programmes in those cases where the affected territory extends exclusively to the jurisdiction of a region unless the competence belongs to the Ministry pursuant to § 21 letter f);
- c) keep records of the statements issued by them;
- d) issue the statement on the evaluation of the environmental impact of a zoning plan and are the affected authorities in the process of their preparation
- e) are affected bodies in the procedure which aims to determine whether an energy infrastructure project of common interest<sup>17</sup> is mature enough to enter the permit granting process, where competent to the assessment of such project pursuant to letter a) above.

## § 23

### **Other Joint Provisions**

(1) The competent authority, affected administrative bodies and affected local governments shall be obliged to disclose the documents drawn up within the assessment under this Act pursuant to special regulations<sup>6)</sup>.

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<sup>17</sup> Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009.

(2) If the reason for the assessment has ceased to exist or has changed, the competent authority shall not continue the assessment and shall terminate it.

(3) In case of reasonable doubts of the developer regarding the classification of a project pursuant to § 4 para 1, the competent authority or the extent of the affected territory, the Ministry shall, upon the request of the developer, issue an opinion within 15 business days of the receipt of the request for the opinion, provided that:

- a) a change to a project on which the Ministry issued a reasoned written conclusion pursuant to § 7 para 5 or a statement pursuant to § 9a para 1 is concerned,
- b) a project pursuant to § 11 may be concerned,
- c) a reasoned, particularly complex case is concerned and the request for the opinion was delegated to the Ministry by the regional authority, together with its opinion.

(4) In cases other than cases pursuant to para 3 letters a) to c), the opinion pursuant to para 3 above shall be issued by the regional authority. If reasonable doubts of the developer were not clarified by the opinion of the regional authority, the developer may apply to the Ministry for a decisive opinion, with the opinion of the regional authority attached; the decisive opinion of the Ministry prevails.

(5) In justified cases, the Ministry may reserve the assessment of a project, plan or programme where the competence for its assessment belongs to the competent regional authority. In justified cases, based on agreement with regional authority, the Ministry may delegate the assessment of a project pursuant to § 21 letter c) or the assessment of a plan or programme pursuant to § 21 letter d) to regional authority if this can contribute to the speed and economy of the assessment.

(6) The Ministry of Health shall be the affected administrative body in the environmental impact assessment pursuant to this Act in terms of the impact on public health in respect of projects, plans and programmes exceeding the scope of a region; in other cases, the affected administrative bodies shall be the territorially competent regional public health authority.

(7) The State Office for Nuclear Safety shall be the affected administrative body in the environmental impact assessment pursuant to this Act in respect of projects listed in Category I, points 8 to 12, and in Category II, point 13 of Annex No. 1 to this Act.

(8) The competent authority shall maintain all the documents drawn up in the environmental impact assessment pursuant to this Act for a period of 10 years from issuing the statement. After the expiry of this period of time, the procedure shall be governed by special regulations<sup>10)</sup>.

(9) The Ministry shall stipulate in a decree the form and course of a public hearing, disclosure of information and statements to the public, and the procedure in providing for expert report pursuant to this Act.

(10) In the territory of the Capital City of Prague

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<sup>10)</sup> Act No. 499/2004 Coll., on archives and the filing service and on amendment to some laws, as amended.

- a) the competence conferred by this Act on regional authority shall be exercised by the Prague City Hall;
- b) acts performed pursuant to this Act by a municipality shall be ensured by a city quarter of the Capital City of Prague.

§ 23a

(1) For the purposes of this Act, a prioritised transport project means a project:

- a) which is situated on the trans-European transport network<sup>14)</sup>,
- b) for which zoning proceeding was initiated no later than on 31 March 2015,
- c) for which an affirmative environmental impact statement pursuant to Act No. 244/1992 Coll., on environmental impact assessment (hereinafter “Act No. 244/1992 Coll.”) was issued, and
- d) which is determined by a Government Regulation.

(2) In case of a prioritised transport project, the Ministry shall always be the competent authority.

(3) The competent authority issues to the prioritised transport project a binding statement on the environmental impact of a prioritised transport project which serves as a basis for issuing decisions in the subsequent proceedings. To the validity of the binding statement pursuant to the first sentence, § 9a para 3 applies analogically.

(4) A binding statement on the environmental impact of a prioritised transport project is issued upon an application of the developer which includes a supporting material with a description of the current technical solution of the project and its impact on the environment and public health; the application may be submitted no later than on 31 January 2017. While issuing a binding statement on the environmental impact of a prioritised transport project, § 6 to § 9 shall not apply. If an affirmative binding statement pursuant to the first sentence was issued, the statement pursuant to § 9a para 1 shall not be required in the subsequent proceedings.

(5) A proceeding under which a decision pursuant to special legal regulations<sup>1a)</sup> is to be issued, which permits location or realization of a prioritised transport project for which a binding statement on the environmental impact of a prioritised transport project was issued, is a subsequent proceeding.

(6) In the subsequent proceeding, the competent authority shall review whether there were any changes to the prioritised transport project which might have a significant adverse effect on the environment. To the review pursuant to the first sentence, § 9a paras 4 and 5

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<sup>14)</sup> Regulation (EU) No. 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No. 661/2010/EU.

shall apply analogically; changes shall be assessed in relation to the project as described in the supporting material pursuant to para 4.

(7) Chapter II, Article 1 of Act No. 39/2015 Coll., which amends Act No. 100/2001 Coll., on environmental impact assessment and on amending some related acts (the EIA Act), as amended, and other related acts, shall not apply to the environmental impact statement issued pursuant to Act No. 244/1992 Coll. for the prioritised transport project pursuant to para 1.

### Chapter 3 Transitory Provisions

#### § 24

An authorized person who has obtained the certification pursuant to Act No. 244/1992 Coll., on environmental impact assessment, as amended, and Decree No. 499/1992 Coll., on professional qualifications for the environmental impact assessment and on the form and course of the public hearing on an expert report, shall be deemed to be a holder of the authorization pursuant to § 19.

### **PART TWO**

#### § 25 to 27

These provisions amended other laws.

### **PART THREE**

#### **EFFECT**

#### § 28

This Act shall enter into effect on 1 January 2002.

Project:		Category I (always subject to assessment)		Category II (screening and scoping procedure)	
Competent authority		ME	RA	ME	RA
1	Crude-oil refineries or primary processing of oil products.	x			
2	Installations for the gasification and liquefaction of coal or bituminous shale with a capacity from the established limit.	500 t per day		50 t per day	
3	Thermal or chemical processing of coal or bituminous shale, including the manufacture of carbon-burnt coal or electrographite by means of incineration or graphitization.	x			
4	Thermal power stations with a heat output from the established limit.	300 MW		50 MW	
5	Industrial installations for the production of electricity, steam and hot water with a output from the established limit.				50 MW
6	Hydroelectric power plants with a total installed electric output from the established limit.				10 MW
7	Wind power plant with the tube height from the established limit.				50 m
8	Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such a power stations or reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power do not exceed 1 kilowatt continuous thermal load.	x			
9	Installations for the reprocessing of irradiated nuclear fuel.	x			
10	Installations for the production or enrichment of nuclear fuel.	x			
11	Installations for the processing of irradiated nuclear fuel or high-level radioactive waste.	x			

12	Installations for the final storage, final disposal or long term storage planned for more than 10 years irradiated nuclear fuels or radioactive waste in a different site than the production site.	x			
13	Installations for the processing and storage of radioactive waste; drilling for the storage of nuclear waste material.			x	
14	Deep geothermal drillings, deep drilling for water supplies in aqueducts with a depth from the established limit.				200 m
15	Deep drillings not listed in a point above with exception of drillings investigating the stability of the soil and with exception of drillings, whose realization cannot cause interconnection of hydro-geological horizons or significantly influence the hydrogeological conditions in the area.				x
16	Integrated works for the initial smelting of cast iron and steel.	x			
17	Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.			x	
18	Installations for the processing of ferrous metals: ferrous metal foundries, hot-rolling mills, smitheries with hammers, and application of protective fused metal coats.				x
19	Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.	x			
20	Installations for the smelting, including the alloyage, of non-ferrous metals (excluding precious metals), including recovered products and installation of the non-ferrous metal foundries.				x
21	Installations for the roasting and sintering of metallic ores, including sulphide ore.				x

22	Installations for surface treatment of metals and plastic materials using electrolytical or chemical processes with a volume of bath from established limit.				15 m <sup>3</sup>
23	Installations for the surface treatment of the substances, objects or products using organic solvents when organic solvent consumption equals to or exceeds at least one of the established limits.				75 kg/h 100 t p.a.
24	Swaging by explosives.				x
25	Installations for the extraction of asbestos.	x			
26	Installations for the processing and transformation of asbestos and products containing asbestos for asbestos-cement products with production of final products from the established limit.	20 000 t p.a.			
27	Installations for the processing and transformation of asbestos and products containing asbestos for friction material with production of final products from the established limit.	50 t p.a.			
28	Installations for the processing and transformation of asbestos and products containing asbestos for other uses of asbestos with utilization of material from the established limit.	200 t p.a.			
29	Installations for the manufacture of asbestos and products containing asbestos.			x	
30	Integrated installations for the manufacture on an industrial scale of basic organic and inorganic chemicals using chemical conversion processes for the production of basic organic chemicals (for example hydrocarbons, acids, bases, oxides, salts, chlorine, ammonia).	x			
31	Integrated installations for the manufacture on an industrial scale of basic plant health products and biocides using chemical conversion processes.		x		



32	Integrated installations for the manufacture on an industrial scale of phosphorous-, nitrogen- or potassium-based fertilisers using chemical conversion processes.		x		
33	Integrated installations for the manufacture on an industrial scale of basic pharmaceutical products using chemical conversion or biological processes.		x		
34	Production of chemical substances and mixtures and treatment of intermediate products from the established limit (for example pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides).				200 t p.a.
35	Integrated installation for the production of explosives on an industrial scale using chemical conversion processes.		x		
36	Installation for the destruction or delaboration explosives, ammunition and pyrotechnic objects using chemical conversion processes.				x
37	Installations for the manufacture of cement, lime or processing of magnesite from the established limit.				15 000 t p.a.
38	Installations for the manufacture of glass including glass fibre from the established limit.				7 000 t p.a.
39	Installations for smelting mineral substances or for manufacturing of mineral fibres with a capacity from the established limit.				7 000 t p.a.
40	Installations for the manufacture of artificial mineral fibres with a capacity from the established limit.				7 000 t p.a.
41	Installations for the manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a capacity from the established limit; manufacture of other building materials and products with a capacity from the established limit.				25 000 t p.a.

42	Manufacture and treatment of polymers, elastomers, synthetic rubber or elastomer-based products with a capacity from the established limit.			1 000 t p.a.	
43	Airport runway with a length from the established limit.	2,1 km			x
44	National railways.	x			
45	Railways and intermodal transshipment facilities, and intermodal terminals and rail line with a length from established limit.				2 km
46	Tramways, trolleyways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport with a length from established limit.				1 km
47	I. and II. class highways.	x			
48	Road or local road of four or more lanes, including widening or reconstruction of an existing road or local road of two lanes or less so as to provide roads or local roads of four lanes with a continuous length of established limit.	10 km			2 km
49	All roads and local roads of I. and II. class of less than four lanes from the established length (a); other road from the established length (a) and from the established design of traffic intensity predicted for the new construction and the annual average daily intensities for existing constructions from the established limit (b).				a) 2 km b) 1 000 cars/24 hours
50	Waterways, harbours, docks and port installations for vessels with a displacement from the established limit.	1 350 t			
51	Harbours, docks and port installations for vessels with a displacement from the established limit.				200 t
52	Waterways and canalisation works used for its navigability; canalisation works used for its navigability and flood-relief works if significantly changes the character of the watercourse or landscape.				x

53	Waste disposal or treatment installations for the hazardous waste, by incineration, physical-chemical treatment or landfilling.	x			
54	Waste disposal or treatment installations for the non-hazardous waste, by incineration or physical-chemical treatment with a capacity from the established limit.	100 t per day			
55	Waste disposal or treatment installations for the hazardous waste with a capacity from the established limit.				250 t p.a.
56	Waste disposal or treatment installations for the non-hazardous waste with a capacity from the established limit.				2 500 t p.a.
57	Sludge-deposition sites.				x
58	Installation for disposal or treatment animal by-products and wastes of animal origin.				x
59	Groundwater abstraction or artificial groundwaters recharge schemes with a capacity of abstracted water from established limit.		10 000 000. m <sup>3</sup> p. a.		250 000 m <sup>3</sup> p. a.
60	Water abstraction and transfer of water between river basins with a volume of transferred or abstracted water from the established limit (except transfer of drinking water through pipelines), where that transfer aims to prevent possible shortages of water.		100 000 000 m <sup>3</sup> p.a.		
61	Transfer of water between river basins, except transfer of drinking water through pipelines, where average multi-annual flow in the river basin, where the water is pumped from, exceeds 2 000 000 000 m <sup>3</sup> per year and transferred water volume reaches or exceeds the multi-annual average of the flow in a place where the water is transferred.		5 %		

62	Water abstraction and transfer of water between river basins with a transferred or abstracted water volume from the established limit (a) or where volume of transferred or abstracted water reaches or exceeds the established part (b) of an average multi-annual flow in the river basin ( $Q_{355}$ ), from where water is transferred or abstracted.				a) 5 000 000 m <sup>3</sup> p.a. b) 50 %
63	Urban waste-water treatment plants from the established limit.		150 000 population equivalent		10 000 population equivalent
64	Other waste-water treatment plants where waste waters may, with regard to the characteristics of the production within which the waste waters are produced, be reasonably deemed to contain at least 1 particularly hazardous substance <sup>16</sup> or 1 priority hazardous substance <sup>16</sup> with a capacity from the established limit (a) of discharged waste-water and other waste-water treatment that do not contain substances mentioned above from the established limit (b) of discharged waste-water.				a) 20 000 m <sup>3</sup> p.a. b) 600 000 m <sup>3</sup> p.a.
65	Water reservoirs and other installations designed for the holding back or permanent storage of water, where an amount of held back or stored water reaches or exceeds the established limit.	10 000 000 m <sup>3</sup>			100 000 m <sup>3</sup>
66	Pipelines for the transport of gas, oil and chemicals with a diameter exceeding 800 mm and a length from the established limit. Pipelines for the transport of carbon dioxide (CO <sub>2</sub> ) streams for the purposes of geological storage, including associated booster stations, with a diameter exceeding 800 mm and a length from the established limit.	40 km			

<sup>16</sup> Act No. 254/2001 Col., Water Act, as amended

<sup>17</sup> Government Regulation No. 401/2012 Coll., on indicators and values of acceptable pollution of surface water and wastewater, on requisites of a permit for wastewater discharge into surface water and into canalization systems, and on sensitive areas.

67	<p>Pipelines for the transport of gas, oil, steam, chemicals products and mixtures and water with a diameter from 300 mm and a length from the established limit.</p> <p>Pipelines for the transport of carbon dioxide (CO<sub>2</sub>) streams for the purposes of geological storage with a diameter from 300 mm and a length from the established limit.</p>				8 km
68	<p>Installations for the rearing of poultry or pigs with space for more than established amount of:</p> <p>a) broilers, b) hens; c) production pigs (over 30 kg) or d) amount of sows.</p>		<p>a) 85 000 heads of animal b) 60 000 heads of animal c) 3 000 heads of animal d) 900 heads of animal</p>		
69	<p>Livestock with a capacity from the established amount of livestock units. (1 livestock unit = 500 kg live weight).</p>				50 LU
70	<p>Fishponds intended for fish farming with stock of fish from the established limit of the number of pouch-like fry of a main fish - age K0 (a), the number of fry of main fish - age K1 (b) a number of stocks of main fish K2 age (c).</p>				<p>a) 100 000 ps p. a. b) 3 000 pc p.a. c) 1 000 pc p. a.</p>
71	<p>Industrial plants for the production of pulp from timber or similar fibrous materials.</p>		x		
72	<p>Industrial plants for the production of paper and card board with a capacity from the established limit.</p>		200 t per day		10 t per day
73	<p>Pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of textile fibres or textiles with a treatment capacity from the established limit.</p>				10 t per day

74	Tanning of hides and skins with a treatment capacity from the established limit of the finished products.				12 t per day
75	Installation for the production and treatment of cellulose.				x
76	Production of fibreboards, particleboards, sawdust boards or plywood and veneers from the established limit.				200 m <sup>3</sup> per day
77	Extraction of petroleum in a quantity from the established limit (a) and natural gas in a quantity from the established limit (b).	a) 500 t per day b) 500 000 m <sup>3</sup> per day		a) 50 t per day b) 50 000 m <sup>3</sup> per day	
78	Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale, on the area from the established limit.				5 ha
79	Establishment of mining sites and proposed open-cast mining of mineral resources thereon on the area from the established limit (a) or with a capacity of proposed open-cast mining from the established limit (b). Open-cast mining of mineral resources on the area from established limit (a) or with a capacity from established limit (b). Peat extraction from the established limit (c).	a) 25 ha b) 1 000 000 t p.a. c) 150 ha			a) 5 ha b) 10 000 t p.a. c) x
80	Establishment of mining sites and proposed mining of uranium thereon, mining of uranium and treatment of uranium ores.	x			
81	Establishment of mining sites and proposed underground mining thereon, underground mining.			x	
82	Extraction of minerals resources by fluvial dredging.				x
83	Modification of coal (included lignite) with a capacity from the established limit.				1 000 000 t p.a.
84	Overhead electrical power lines with a voltage of 220 kV or more and a length from the established limit.	15 km			

85	Overhead electrical power lines with a voltage of 110 kV or more and a length from the established limit.				2 km
86	Installation for storage of petroleum and oil products with a capacity from the established limit and installations for storage of chemicals products and mixtures, that are classified as hazardous according to regulation of the European Parliament and of the Council No. 1272/2008 on classification, labelling and packaging of substances and mixtures with a capacity from the established limit.	200 000 t			200 t
87	Storage of natural gas and other flammable gases with volume of stock space from the established limit.				10 000 m <sup>3</sup>
88	Surface storage of fossil fuels with volume of stock space from the established limit.				10 000 t
89	Storage sites of carbon dioxide. <sup>13</sup>		x		
90	Installations for the capture of carbon dioxide for the purposes of its geological storage in natural rock structures <sup>18)</sup> , namely installations which are subject to an environmental impact assessment pursuant to this Act, or installations where the total annual capture of carbon dioxide is 1,5 megatonnes or more.		x		
91	Installations for the capture of carbon dioxide for the purposes of its geological storage in natural rock structures from installations not included in Category I.				x
92	Projects included in Category I intended exclusively or primarily for developing and testing new methods or products with intended service less than 2 years.			x	

<sup>13</sup> Act No. 85/2012 Coll., on the natural geological storage of carbon dioxide, as amended

93	Restructuring of lands in the landscape and plans of use of uncultivated lands or semi-natural areas for intensive agricultural use on the area from the established limit.				10 ha
94	Projects of water management measures for agriculture (e.g. drainage, irrigation, erosion protection, landscaping measures, forestry and technical amelioration) with the whole area of measures from the established limit.				10 ha
95	Forestation of a non-forest land with an area from the established limit (a) or deforestation for the purposes of conversion to another type of land use with an area from the established limit (b)				a) 25 ha b) 10 ha
96	Manufacture and assembly of motor vehicles, track vehicles, boats, construction and repair of aircrafts and manufacture of railway equipment with a production area from the established limit.				10 000 m <sup>2</sup>
97	Production of plant or animal oils or fats with a capacity from the established limit.				20 000 t p.a.
98	Packaging and canning animal or plant products with a capacity from the established limit.				100 000 t p.a.
99	Processing of milk from the established limit.				200 000 hl p.a.
100	Breweries with a capacity from the established limit (a) and malt plants with a capacity from the established limit (b) and distilleries or growers' distilleries with a capacity from the established limit (c).				a) 200 000 hl p.a. b) 50 000 t p.a. c) 100 000 hl p.a.
101	Manufacture of non-alcoholic beverages with a capacity from the established limit.				200 000 hl p.a.
102	Confectionery and syrup manufacture with a capacity from the established limit.				10 000 t p.a.



103	Installations for the slaughter of animals, meat plants and installations for fish processing (including the production of fish meal and fish oils) with a capacity from the established limit.				5 000 t p.a.
104	Starch production with a capacity from the established limit.				50 000 t p.a.
105	Sugar factories with a capacity of processed raw material from the established limit.				150 000 t p.a.
106	Construction of warehouse of the built-up area from the established limit.				10 000 m <sup>2</sup>
107	Industrial zones and industrial estate development projects of an area from the established limit.				20 ha
108	Urban development projects of a projects area from the established limit.				5 ha
109	Parking lots or parking garages with a capacity from the established limit in total for the entire building.				500 places
110	Construction of business complexes and shopping centres of the built-up area from the established limit.				6 000 m <sup>2</sup>
111	Permanent tracks for racing and testing motor vehicles with a length from the established limit.				2 km
112	Testing benches for motors, turbines or reactors.				x
113	Storage of scrap iron (including car wrecking lots) from the established limit.				1 000 t
114	Ski slopes, ski lifts and cable cars and associated developments.				x
115	Recreational harbours for vessels with a displacement from the established limit a) or for vessels in the number of established limit b).				a) 1 t b) 25 vessels
116	Recreational and sports grounds out of urban districts on the area from the established limit (a) and accommodation grounds out of urban districts with a capacity from the established limit (b)				a) 1 ha b) 100 beds

117	Permanent camp sites and caravan sites with an accommodation capacity from the established limit.				100 persons
118	Theme parks with an area from the established limit; crematories.				2 ha

## **Criteria of the Screening and scoping Procedure**

### **I. CHARACTERISTICS OF THE PROJECT**

The parameters of the project must be considered, with particular regard to:

1. the size and design of the whole project;
2. cumulation of its impacts with other known projects (existing, approved, prepared or contemplated);
3. the use of natural resources, in particular land/soil, water and biodiversity;
4. the production of waste;
5. pollution of the environment and nuisances;
6. the risk of major accidents or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
7. the risks to public health (for example due to water contamination, air pollution or noise pollution).

### **II. LOCATION OF THE PROJECT**

The parameters of the territory likely to be affected by the project must be considered, with particular regard to:

1. the existing and approved land use and the priorities of its sustainable use;
2. the relative representation, availability, quality and regenerative capacity of the natural resources (including land/soil, water and biodiversity) in the area including its underground part;
3. the absorption capacity of the natural environment, with particular attention to
  - a) territorial system of ecological stability of the landscape;
  - b) specially protected areas, Sites of European importance and bird areas;
  - c) areas of natural parks;
  - d) significant landscape components, wetlands, riparian areas and river mouths, coastal zones and the marine environment, mountain and forest areas;
  - e) areas of historical, cultural or archaeological significance;
  - f) densely populated areas;
  - g) areas excessively loaded above the level of acceptable environmental burdening or areas which are considered to be excessively loaded above the level of acceptable environmental burdening (including old ecological burdens).

### **III. CHARACTERISTICS OF POTENTIAL IMPACT OF THE PROJECT ON POPULATION AND ENVIRONMENT**

The likely significant effects of the project must be considered in relation to the criteria set out under I. and II. above, with regard to the impact of the project on factors specified in § 2 and taking into account:

1. the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
2. the nature of the impact including its transboundary nature;
3. the intensity and complexity of the impact;
4. the probability of the impact;
5. the expected onset, duration, frequency and reversibility of the impact;
6. the cumulation of the impact with the impact of other existing or approved projects;
7. the possibility of an effective reduction of the impact.

## Requisites of Notification

### A. INFORMATION ON THE DEVELOPER

1. Business name
2. Identification No.
3. Registered office (place of residence)
4. Name, surname, place of residence and telephone number of the developer's authorised representative

### B. INFORMATION ON THE PROJECT

#### I. Basic information

1. Name of the project and its classification pursuant to Annex No. 1
2. Capacity (scope) of the project
3. Location of the project (region, municipality, cadastral area)
4. Nature of the project and possibility of cumulation with other projects
5. Justification of the location of a project, including overview of the considered alternatives and the main reasons (also in terms of the environment) for the selection or rejection thereof
6. Brief description of the technical and technological solution of the project, including, where relevant, necessary demolition works to implement the project; in respect of projects falling within the scope of the Act on Integrated Prevention, including a comparison with best available techniques, levels of emissions associated with them and other relevant parameters
7. Anticipated date of commencement of implementation of the project and its completion
8. List of the affected local governments
9. List of subsequent decisions pursuant to § 9a para 3 and the administrative authorities that will issue these decisions

#### II. Information on inputs

the use of natural resources, in particular land/soil, water (water abstraction and consumption), raw material and energy sources, and of biodiversity

#### III. Information on outputs

the quantity and type of expected residues and emissions, quantity of waste water and its pollution, categorisation and quantity of waste, risks of accidents given the proposed use of substances and technologies}

### C. INFORMATION ON THE STATE OF THE ENVIRONMENT IN THE AFFECTED TERRITORY

1. List of the most significant environmental characteristics of the affected territory with a particular regard to its ecological sensitivity
2. Brief characteristics of the factors of the environment in the affected territory that are likely to be significantly affected

### D. INFORMATION ON THE POTENTIAL SIGNIFICANT IMPACT OF THE PROJECT ON PUBLIC HEALTH AND THE ENVIRONMENT

1. Characteristics of the possible impact and estimate of their magnitude and significance (in terms of probability, duration, frequency and reversibility)

2. Extent of the impact in respect of the affected territory and its population
3. Details on the potential significant adverse transboundary impact
4. Characteristics of the measures envisaged to prevent, avoid or reduce all adverse environmental effects and the description of compensations where possible with respect to the project
5. Characteristics of forecasting methods and underlying premises used to detect and assess the significant environmental impacts of the project
6. Characteristics of all difficulties (technical deficiencies or lack of knowledge) encountered compiling the notification, and the main uncertainties involved

#### E. COMPARISON OF THE PROJECT ALTERNATIVES (if submitted)

Details pursuant to parts B, C, D, F and G shall be set out within an appropriate scope for each alternative solution of the project submitted by the developer

#### F. ADDITIONAL DETAILS

1. Maps and other documents concerning the details set out in the notification
2. Further material information of the developer

#### G. NON-TECHNICAL SUMMARY

##### H. ANNEX

Opinion of the competent land use planning authority on the project in terms of the zoning planning documentation

Statement of the nature conservation authority if required pursuant to § 45i para 1 of the Nature and Landscape Protection Act

Date of compilation of the notification:

Name, surname, place of residence and telephone number of the person compiling the notification and persons who were involved in compiling the notification:

Signature of the person compiling the notification:

## Notification of Below-the-Threshold Project

<b>I. Details on the developer</b>	
1. Business name/Name:	
2. Id. No.:	
3. Registered office/Address:	
4. Name, surname, place of residence and telephone number of the developer's authorised representative	
<b>II. Name of the project</b>	
<b>III. Details on the project</b>	
1. Site of the project (municipality, cadastral area)	
2. Nature of the project, brief description of the technical and technological solution of the project, including the parameters (e.g. enclosed area, capacity of production, number of cattle units)	
3. Type of subsequent decisions pursuant to § 9a para 3	
4. List of structures, installations, activities and technologies in the territory affected by the project (implemented, approved, prepared, contemplated)	
5. List of the most significant environmental characteristics of the affected territory (territorial system of ecological stability, specially protected area, important cultural monument, etc.)	
<b>IV. Information on inputs</b>	
1. Use of land (agricultural land, forest)	
2. Water abstraction and consumption	
3. Raw material sources	
4. Energy sources	
<b>V. Information on outputs</b>	
1. Quantity and type of emissions into the air	
2. Quantity of wastewater, degree of their pollution	
3. Categorisation and quantity of waste	
4. Noise sources	
5. Risks of accidents	
<b>VI. Summary of the characteristics of the project and site allowing for a determination whether the project requires environmental impact assessment</b>	

Annexes:

Maps of broader relations with delimitation of the location of the project in the given municipality and in respect of the surrounding structures

Statement of the nature conservation authority if required pursuant to § 45i para 1 of the Nature and Landscape Protection Act

Opinion of the competent land use planning authority on the project in terms of the zoning planning documentation

Date of compilation of the notification:

Name, surname, place of residence and telephone number of the person compiling the notification:

Signature of the person compiling the notification:

Signature of the developer (authorised representative):

## Requisites of the Environmental report

### PART A

#### INFORMATION ON THE DEVELOPER

1. Business name
2. Identification No.
3. Registered office (place of residence)
4. Name, surname, place of residence and telephone number of the developer's authorised representative

### PART B

#### I. Information on the project

1. Name of the project and its classification pursuant to Annex No. 1
2. Capacity (scope) of the project
3. Location of the project (region, municipality, cadastral area)
4. Nature of the project and possibility of cumulation with other projects
5. Justification of the location of the project and a description of the alternatives considered by the developer, stating the main reasons leading to chosen solution, including comparison of environmental impacts
6. Description of the technical and technological solution of the project, including, where relevant, necessary demolition works to realize the project; in respect of projects falling within the scope of the Act on Integrated Prevention, including a comparison with best available techniques, levels of emissions associated with them and other relevant parameters
7. Anticipated date of commencement of implementation of the project and its completion
8. List of the affected local governments
9. List of subsequent decisions pursuant to § 9a para 3 and the administrative authorities that will issue these decisions

#### II. Information on inputs (in particular for construction and operational phases)

1. Land/soil (e.g. type, class of protection, area used)
2. Water (e.g. source of water, consumption)
3. Other natural resources (e.g. raw material sources)
4. Energy sources (e.g. type, source, consumption)
5. Biodiversity
6. Requirements for transport and other infrastructure (e.g. a need for related structures)

#### III. Information on outputs (in particular for construction and operational phases)

1. Air, water, soil and subsoil pollution (e.g. overview of sources of pollution, type and quantity of pollutants emitted methods and effectiveness of the capture of pollutants)
2. Wastewater (e.g. overview of sources of wastewater, quantity of wastewater and the discharge point, discharged pollution, treatment facilities and their effectiveness)
3. Waste (e.g. overview of sources of waste, categorisation and quantity of waste, methods of waste management)
4. Other emissions and residues (e.g. noise and vibrations, radiation, odour, other outputs – overview of sources, quantity of emissions, methods of their reduction)
5. Additional information (e.g. major landscaping and interventions in landscape)

## PART C

### INFORMATION ON THE STATE OF THE ENVIRONMENT IN THE AFFECTED TERRITORY

1. Overview of the most significant environmental characteristics of the affected territory (e.g. landscape structure and character, its geomorphology and hydrology, determining aspects of flora and fauna, areas of the territory and species protected pursuant to Nature and Landscape Protection Act, significant landscape components, territorial systems of ecological stability of the landscape, specially protected areas, natural parks, sites of European importance, bird areas, specially protected species; deposit of minerals; areas of historical, cultural or archaeological importance, densely populated areas, areas excessively loaded above the level of acceptable burdening, old environmental burdens, extreme conditions in the affected territory)
2. Characteristics of the current state of the environment and landscape in the affected territory and a description of their relevant aspects or characteristics which may be affected by the project, in particular the air (e.g. the air quality status), water (e.g. hydromorphological conditions in affected territory and their changes, quantity and quality of water etc.), land and soil (e.g. the proportion of built-up areas, the proportion and state of agricultural and forest land, state of erosion risk and soil degradation, land take, erosion, compaction, sealing), natural resources, biodiversity (e.g. the state and the diversity of flora and fauna, communities, ecosystems), climate (e.g. impacts related to climate change, vulnerability of the project to climate change), population and public health, material assets and cultural heritage including architectural and archaeological aspects
3. Overall evaluation of the environment of in terms of its acceptable load and an outline of the likely evolution thereof without implementation of the project as far as it can be assessed on the basis of the availability of environmental information and scientific knowledge

## PART D

### COMPREHENSIVE CHARACTERISTICS AND EVALUATION OF POTENTIAL SIGNIFICANT IMPACTS OF THE PROJECT ON THE ENVIRONMENT PUBLIC HEALTH AND THE PUBLIC HEALTH

I. Characteristics and evaluation of estimated direct, indirect, secondary, cumulative, transboundary, short-term, medium-term, long-term, permanent and temporary, positive and negative effects of the project resulting from the construction and operation of the project (including, where relevant, necessary demolition works to realize the project), the technologies and the substances used, the emission of pollutants and waste management, the cumulation of the project with other existing or approved projects (taking into account the current state of specially protected areas pursuant to Nature and Landscape Protection Act and the use of natural resources considering their sustainable availability), taking into account requirements of other environmental legislation:

1. Impact on population and public health
2. Impacts on the air and climate (e.g. character and quantity of air pollutants and greenhouse gases, the vulnerability of the project to climate change)
3. Impact on the noise situation and, as appropriate, other physical and biological characteristics (e.g. vibration, radiation, the creation of nuisances)
4. Impact on surface waters and groundwater
5. Impact on land/ soil
6. Impact on natural resources
7. Impact on biodiversity (fauna, flora and ecosystems)



8. Impact on the landscape and its ecological function
  9. Impact on material assets and cultural heritage including architectural and archaeological aspects
- II. Characteristics of environmental risks for public health, cultural heritage and the environment in case of potential accidents, disasters and extraordinary situations and the description of the expected significant adverse effects deriving therefrom
  - III. Comprehensive characteristics of the likely significant effects of the project under part D points I and II in terms of their magnitude and significance, including its mutual effect, with particular regard to the possibility of transboundary effects
  - IV. Characteristics and the estimated effect of the measures envisaged to prevent, avoid or reduce all adverse environmental impacts and impacts on public health and the description of compensations where possible with respect to the project, and, where appropriate, of the measures envisaged to monitor potential adverse environmental effects (e.g. a post-project analysis), related to the construction and operation of a project, including measures concerning the preparedness for extraordinary situations under part II and a proposed response thereto
  - V. Characteristics of forecasting methods, underlying premises and evidence used to identify and assess the significant effects on the environment
  - VI. Characteristics of all difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved

#### PART E

##### COMPARISON OF THE PROJECT ALTERNATIVES (if submitted)

Details pursuant to parts B, C, D, F, G and H shall be set out within an appropriate scope for each alternative solution of the project submitted by the developer.

#### PART F

##### CONCLUSION

#### PART G

##### NON-TECHNICAL SUMMARY

#### PART H

##### ANNEXES

Opinion of the competent land use planning authority on the project in terms of the zoning planning documentation (in respect of other and new facts compared to the notification) and, furthermore, e.g., maps, pictorial and graphic annexes

Statement of the nature conservation authority if required pursuant to § 45i para 1 of the Nature and Landscape Protection Act

Date of compilation of the environmental report:

Name, surname, place of residence and telephone number of the person compiling the environmental report and persons who were involved in compiling the environmental report:

Signature of the author of the environmental report:

## **Requisites of Expert Report**

### **I. BASIC DETAILS**

1. Name of the project
2. Capacity (scope) of the project
3. Location of the project (region, municipality, cadastral area)
4. Business name of the developer
5. Identification No. of the developer
6. Registered office (place of residence) of the developer

### **II. ASSESSMENT OF THE ENVIRONMENTAL REPORT**

1. Completeness of the environmental report
2. Correctness of the data set out in the environmental report including methods used for evaluation
3. Order of the alternatives (if submitted) in terms of their environmental impact
4. Evaluation of significant transboundary environmental impact of the project

### **III. ASSESSMENT OF THE TECHNICAL SOLUTION OF THE PROJECT IN RESPECT OF THE STATE OF KNOWLEDGE AS REGARDS ENVIRONMENTAL POLLUTION**

### **IV. ASSESSMENT OF THE PROPOSED MEASURES FOR PREVENTION, ELIMINATION, REDUCTION OR COMPENSATION OF ADVERSE ENVIRONMENTAL IMPACT AND IMPACTS ON PUBLIC HEALTH, AND TO THEIR MONITORING**

### **V. RESPONSE TO ALL THE RECEIVED COMMENTS ON THE ENVIRONMENTAL REPORT**

### **VI. OVERALL ASSESSMENT OF ACCEPTABILITY OF THE PROJECT IN TERMS OF ENVIRONMENTAL IMPACT AND IMPACTS ON PUBLIC HEALTH**

### **VII. DRAFT STATEMENT**

Date of compilation of the expert report:

Name, surname, place of residence and telephone number of the expert and persons who were involved in compiling the expert report:

Signature of the expert:

Authorisation to prepare the expert report:

## Requisites of Statement

Designation of competent authority

Evidence No.

### I. COMPULSORY DETAILS

1. Name of the project
2. Capacity (scope) of the project
3. Classification of the project pursuant to Annex I
4. Location of the project
5. Business name of the developer
6. Identification No. of the developer
7. Registered office (place of residence) of the developer
8. Conditions for the preliminary phase of the project, implementation (construction) of the project, operating plan of a project or conditions for the termination of the project to prevent, avoid, reduce, or compensate for adverse environmental impacts and impacts on public health of the project
9. Conditions for monitoring and analysis of impacts of the project on the environment (parameters, duration of observation) adequate to the nature, location and size of the project and to significance of its effects on the environment

### II. REASONING

1. Reasoning of consent / dissenting statement, including reasoning for setting the above conditions
2. Summary characteristics of the likely environmental impact and impact on public health of the project in terms of its size and significance
3. Evaluation of the technical solution of the project in respect of the state of knowledge as regards environmental pollution
4. Order of the alternatives (if submitted) in terms of their environmental impact
5. Response to comments on the environmental report
6. List of affected local governments

Date of issue of the statement:

Official stamp of the competent authority:

Name, surname and signature of the authorised representative of the competent authority:

## Requisites of Notification of Plan or Programme

### A. DETAILS ON THE SUBMITTING PARTY

1. Name of the organisation
2. Identification No., if assigned
3. Registered office (place of residence)
4. Name, surname, address, telephone number and e-mail address of the authorized representative of the submitting party

### B. DETAILS ON THE PLAN OR PROGRAMME

1. Name
2. Contents (outline)
3. Character
4. Substantiation of the need for the plan or programme
5. Basic principles and procedures (phases) of the solution
6. Main objectives
7. The extent to which the plan or programme set a framework for projects and other activities, either in respect of their location, nature, size and operational conditions or demands on natural resources
8. Overview of considered alternatives
9. Relationship to other plans and programmes and the likelihood of cumulation of impact on the environment and public health with other projects
10. Anticipated date of completion
11. Proposal period
12. Manner of approval

### C. DETAILS ON THE AFFECTED TERRITORY

1. Delimitation of the affected territory
2. Overview of the affected local governments that are likely to be influenced by the plan or programme
3. Basic characteristics of the state of the environment in the affected territory
4. Existing environmental problems in the affected territory

### D. ANTICIPATED IMPACT OF THE PLAN OR PROGRAMME ON THE ENVIRONMENT AND PUBLIC HEALTH IN THE DELIMITED AFFECTED TERRITORY

### E. ADDITIONAL DETAILS

1. List of likely effects of the plan or programme extending beyond the borders of the Czech Republic
2. Maps and other documents concerning the details set out in the notification of the plan or programme
3. Other material information of the submitting party in respect of likely impact on the environment and public health
4. Statement of the nature conservation authority if required pursuant to § 45i para 1 of the Nature and Landscape Protection Act

Date of compilation of the notification of the plan or programme:

Name, surname, address, telephone number and e-mail address of the person(s) who were involved in compiling the notification of the plan or programme:

Signature of the authorized representative of the submitting party:

## **Criteria for Screening and scoping Procedure**

### **1. Contents of the plan or programme, having regard, in particular, to:**

- a. purposefulness of the set alternative solutions to achieve the envisaged objectives of the plan or programme;
- b. the extent to which the plan or programme sets a framework for projects and other activities, either in respect of their site, nature, size and operational conditions or in terms of the requirements for natural resources;
- c. the extent to which it affects other plans and programmes;
- d. significance of the plan or programme for incorporating the requirements for protection of the environment and public health, particularly in view of support for sustainable development;
- e. impact of the plan or programme on sustainable development of the affected territory (including socio-economic aspects);
- f. problems of the environment and public health that are significant for the plan or programme;
- g. significance of the plan or programme for implementation of the requirements following from the legal regulations of the European Communities concerning the environment and public health (e.g. plans and programmes in the area of waste management or water protection).

### **2. Characteristics of the impact of the plan or programme on the environment and public health and characteristics of the affected territory, having regard, in particular, to**

- a. the probability, duration, frequency and reversibility of the impact;
- b. cumulative and synergic nature of the impact;
- c. the transboundary nature of the impact;
- d. risks for the environment and public health following from implementation of the plan or programme (e.g. in natural disasters and accidents);
- e. significance and scope of the impact (size of an area and number of inhabitants that are likely to be affected);
- f. importance and vulnerability of the area that is likely to be affected, having regard to
  - i. special natural characteristics or cultural heritage,
  - ii. density of population, settlement and degree of urbanisation,
  - iii. excess of environmental quality standards or thresholds,
  - iv. quality of soil and intensity of its use,
  - v. impact of the climate change;
- g. impact on areas or landscape with recognised protection status at national, Community or international level.

### **3. Anticipated benefits of assessment of the plan or programme in relation to assessment of other plans and programmes drawn up at different levels in the same area.**

## **Requisites of Evaluation of Plans and Programmes in Terms of Impact on Environment and Public Health**

1. Contents and objectives of the plan or programme; its relationship to other plans and programmes.
2. Information on the current state of the environment prevailing in the affected territory and its probable development without implementing the plan or programme.
3. Characteristics of the environment in areas that could be significantly affected by implementation of the plan or programme.
4. All current problems of the environment that are significant for the plan or programme, in particular those relating to areas with special importance for the environment (e.g. areas requiring protection pursuant to special regulations).
5. Objectives of environmental protection stipulated at an international, Community or national level that are related to the plan or programme, and the manner in which these objectives were taken into consideration during its preparation, particularly in comparison of alternative solutions.
6. Significant environmental impact (including secondary, synergic, cumulative, short-, medium- and long-term effects, permanent and temporary, positive and adverse effects) of the proposed alternatives of the plan or programme.
7. Evaluation of potential transboundary impacts of the plan and programme on the environment.
8. List of reasons for the choice of the alternatives under consideration and a description how the assessment was carried out, including any possible problems encountered in gathering the required data (e.g. technical shortcomings or insufficient know-how).
9. Determination of indicators for monitoring the environmental impact of the plan or programme.
10. Description of measures to be taken to prevent, avoid, reduce or offset significant adverse impacts on the environment identified or assumed during the implementation of the plan or programme.
11. Determination of the indicators (criteria) for selection of the project.
12. Impact of the plan or programme on public health.
13. Non-technical summary of the above information.
14. Summary settlement of requirements set out in conclusion of the screening and scoping procedure and comments received on the plan or programme in terms of impact on the environment and public health
15. Conclusions and recommendations including draft statement on the plan or programme.

### **Transitional Provisions of the Act. No 225/2017 Coll.**

1. Building projects, for which a conclusion of the screening and scoping procedure was issued without meeting the requirements of § 6 para 6 and § 7 para 8 first sentence of Act No. 100/2001 Coll., on Environmental Impact Assessment, as in force after the effective date of this Act, and for which the environmental impact assessment has not been initiated yet, shall not be subject to a zoning procedure with environmental impact assessment or a joint zoning and building procedure with environmental impact assessment pursuant to the Building Act, if the environmental impact assessment report fulfilling the requisites pursuant to Act No. 100/2001 Coll., as in force after the effective date of this Act, is submitted to the competent authority within 2 years after the entry into force of this Act; the environmental impacts assessment shall be carried out in accordance with § 8 to § 9a of Act No. 100/2001 Coll., as in force after the effective date of this Act. If the environmental impact assessment report is not submitted according to the first sentence, the developer shall submit a notification of the project pursuant to § 6 of Act No. 100/2001 Coll., as in force after the effective date of this Act.
2. Environmental impact assessment initiated before the effective date of this Act, in which the competent authority has already received the environmental impact assessment report, shall be completed under the existing legislation, as in force before the effective date of this Act.

### **Transitional Provisions of the Act. No 326/2017 Coll.**

1. Environmental impact assessment initiated before the effective date of this Act where the deadline for returning the environmental impact assessment report pursuant to § 8 para 5 of the Act No. 100/2001 Coll., as in force before the effective date of this Act, already expired, shall be completed pursuant to Act No. 100/2001 Coll., as in force before the effective date of this Act, with the exception of § 9a para 3 third sentence; the validity of the statement shall be assessed pursuant to § 9a para 4 first sentence of the Act No. 100/2001 Coll., as in force after the effective date of this Act.
2. Environmental impact assessment initiated before the effective date of this Act where the deadline for returning the environmental impact assessment report pursuant to § 8 para 5 the Act No. 100/2001 Coll., as in force before the effective date of this Act, has not expired yet, shall be completed pursuant to Act No. 100/2001 Coll., as in force after the effective date of this Act; the competent authority shall not be changed.
3. Environmental impact assessment initiated before the effective date of this Act where the environmental impact assessment report was returned pursuant to § 8 paras 2 or 5 of the Act No. 100/2001 Coll., as in force before the effective date of this Act, more than 3 years before the effective date of this Act, the competent authority shall terminate the assessment, unless the developer submits a supplemented or modified environmental report within 3 months from the effective date of this Act.
4. Screening and scoping procedure initiated before the effective date of this Act shall be completed pursuant to the Act No. 100/2001 Coll., as in force from the effective date of this Act; the competent authority shall not be changed.

5. A reasoned written conclusion issued more than 3 years before the effective date of this Act shall expire on the effective date of this Act, unless the environmental impact assessment report was submitted before the effective date of this Act; the competent authority shall terminate the assessment.
6. Validity of a statement on environmental impact assessment of project issued 5 years before the effective date of this Act or later shall be assessed pursuant to the Act No. 100/2001 Coll., as in force from the effective date of this Act, except § 9a para 4 first sentence.
7. Validity of a statement on environmental impact assessment of project issued more than 5 years before the effective date of this Act and extended for a period exceeding the effective date of this Act, shall be assessed pursuant to the Act No. 100/2001 Coll., as in force after the effective date of this Act, with the exception of § 9a para 4 first sentence; in case the validity of a statement is to expire before 1 January 2019, the statement shall be deemed valid until 31 December 2018.
8. Validity of a statement on environmental impact assessment of project issued more than 5 years before the effective date of this Act, which is by the effective date of this Act valid as a result of interruption of the deadline pursuant to § 9a para 3 third sentence of the Act No. 100/2001 Coll., as in force before the effective date of this Act, shall expire on 31 December 2018, unless the developer requests for its extension before 31 December 2018; in case the validity of the statement is to be extended, the period pursuant to § 9a para 4 second sentence of the Act No. 100/2001 Coll., as in force after the effective date of this Act, shall commence on the date of the extension.
9. In case of a private individual authorized to draw up environmental impact assessment report and expert report pursuant to § 19 of the Act No. 100/2001 Coll., as in force before the effective date of this Act, who have not completed university education in at least a master's study programme with a focus on the nature or technical sciences, the obligation referred to in § 19 para 4 letter a) of the Act No. 100/2001 Coll., as in force after the effective date of this Act, is deemed to be fulfilled, provided that the private individual submits the a certificate of a completed university education in at least a bachelor's study programme.
10. The authorization to prepare environmental report and expert report extended pursuant to § 19 of the Act No. 100/2001 Coll., as in force before the effective date of this Act, for a period exceeding 5 years after the effective date of this Act, shall expire 5 years after the effective date of this Act, unless extended pursuant to § 19 of the Act No. 100/2001 Coll., as in force after the effective date of this Act.



### **Transitional Provisions of the Act. No 39/2015 Coll.**

(1) In cases of projects for which the statement on the environmental impact assessment was issued before the effective date of this Act, the competent authority shall issue, on the basis of the notice of initiation of the proceeding sent to this authority through the administrative authority responsible for the subsequent proceeding, affirmative binding statement after verifying that the substance of the statement on the environmental impact assessment complies with the requirements of the regulations, which transpose the directive 2011/92/EU of the European Parliament and of the Council. In the binding statement pursuant to first sentence the competent authority shall also determine which conditions specified in statement on the environmental impact assessment shall be included in decisions issued by administrative authorities responsible for the subsequent proceedings. If the positive binding statement pursuant to first sentence cannot be issued, the project shall be assessed pursuant to § 4 of the Act No. 100/2001 Coll., on environmental impact assessment and amending some related laws (the EIA Act), as in force after the effective date of this Act. The binding statement pursuant to first sentence is issued for decision being issued in subsequent proceedings after the entry into force of this Act; this binding statement shall also apply to decisions issued in other subsequent proceedings. If the competent authority also issues a binding statement pursuant to § 9a paras 4 and 5 of the Act No. 100/2001 Coll., as in force from the date of entry into force of this Act, both procedures shall be joined and only one binding statement shall be issued.

(2) Provisions of § 9a paras 4 to 5 and § 9b to § 9d of this Act shall apply to subsequent proceedings initiated before the entry into force of the Act No. 100/2001 Coll., as in force from the date of entry into force. In term of 30 days from the entry into force of this Act, the administrative authority responsible for the subsequent proceeding shall publish information pursuant to § 9b para 1 of the Act No. 100/2001 Coll., as in force from the date of entry into force of this Act, not published yet if the deadline for submission of binding statements of the affected authorities, objections of participants and comments of the public has not expired. Court proceedings initiated before the date of entry into force of this Act shall be completed pursuant to existing legislation.