

Act No. 100/2001 Coll.
on Environmental Impact Assessment and Amending Some Related Acts
(Act on Environmental Impact Assessment), as amended by Act No. 93/2004 Coll.
CONSOLIDATED VERSION

The Parliament has passed the following Act of Law of the Czech Republic:

PART ONE

Environmental impact assessment

CHAPTER I.

**ENVIRONMENTAL IMPACT ASSESSMENT
IN THE CZECH REPUBLIC**

Section 1
Introductory Provisions

§ 1
Subject of the Regulation

(1) The Act in conformity with the law of the European Community² regulates the assessment of impacts on the environment and on public health (hereinafter "environmental impact assessment") and the procedure for natural and legal persons, administrative authorities and territorial self-governing units (municipalities and regions) in this assessment.

(2) Plans and conceptions as delimited in this Act, the implementation of which could have serious environmental impact, shall be subject to environmental impact assessment.

(3) The purpose of the environmental impact assessment shall be to obtain an objective professional foundation for issuing a decision or measure pursuant to special regulations^{1a} and thereby contribute to the sustainable development of the society.^{1b} This foundation shall be one of the basic documents in procedures pursuant to special regulations.^{1a}

² Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC).

Council Directive 97/11/EEC of 3 March 1997 amending Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

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 programmes on the environment.

^{1a} E.g. Act No. 50/1967 Coll., on territorial planning and construction (The Construction Code), as amended, Act No. 44/1988 Coll., on the protection and exploitation of mineral resources (Mining Act), as amended, Act No. 138/1973 Coll., on waters (The Water Act), as amended, Act No. 13/1997 Coll., on roadways, as amended, Act No. 266/1994 Coll. on railways, as amended and Act No. 49/1997 Coll., on civil aviation and amending and supplementing Act No. 455/1991 Coll. on small businesses (The Small Business Act), as amended, as amended.

^{1b} Act No. 17/1992 on the environment, as amended.

§ 2

Scope of the Assessment

The assessment shall comprise the impacts on public health and the impacts on the environment, including impacts on fauna and flora, ecological systems, the soil, the geological environment, water, air, climate and landscape, natural resources, tangible property and cultural monuments, delimited by special regulations³ and on the mutual interactions and connections between them.

§ 3

Basic Definitions

For the purposes of this Act, the following definitions shall be valid

- a) plan shall be a construction work, activity and technology as set forth in Annex No. 1 to this Act,
- b) conception shall be strategies, policies, plans or programs prepared or farmed out by a public administration authority and subsequently approved or submitted for approval by a public administration authority,
- c) affected territory shall be the territory the environment and population of which could be significantly affected by the implementation of the plan or conception,
- d) affected territorial self-governing unit shall be the self-governing unit the administrative area of which constitutes at least part of the affected territory,
- e) affected administrative authority shall be an administrative authority which defends interests protected by special regulations² and the administrative area of which constitutes at least part of the affected territory and the Czech Environmental Inspection,
- f) relevant authority shall be the Ministry of the Environment (§ 21) or the regional authority in delegated jurisdiction in the territorial administrative area of which the plan is proposed or for the territorial administrative area of which the conception is being prepared (§ 22).

Section 2

Environmental Impact Assessment of a Plan

§ 4

The Subject of Environmental Impact Assessment of a Plan

- (1) The subject of the assessment pursuant to this Act shall be
- a) plans set forth in Annex No. 1, Category I, which shall always be subject to assessment,
 - b) plans set forth in Annex No. 1, Category II, if so laid down in a fact-finding procedure pursuant to § 7,
 - c) changes in any plan set forth in Annex No. 1, if its capacity or extent is to be increased by 25% or more, or if there is a significant change in the technology, management of operations or manner of use thereof and if so laid down in a fact-finding procedure pursuant to § 7,

³ E.g. Act No. 44/1988 Coll., Act No. 20/1987 Coll., on the state preservation of monuments, as amended, Act No. 20/1966 Coll., on care for the health of the population, as amended, Act No. 17/1992 Coll., on the environment, as amended, Act No. 114/1992 Coll., on nature and landscape protection, as amended, Act No. 289/1995 Coll., on forests and amending and supplementing some Acts (the Forest Act), as amended, Act No. 258/2000 Coll. on public health protection and amending some related Acts, as amended, Act No. 254/2001 Coll., on waters and amending some Acts (the Water Act), as amended, Act No. 185/2001 Coll., on waste and amending some other Acts, as amended, and Act No. 86/2002 Coll., on protection of the air and amending some other Acts (the Clean Air Act).

§ 10

Statement on the Environmental Impact Assessment of Implementing the Plan

(1) On the basis of the documentation or notification, expert report and public hearing pursuant to § 9 par. 9 and the viewpoints submitted thereon, if appropriate, the relevant authority shall issue a statement on environmental impact assessment of the plan (hereinafter "statement") within 30 days of the date of expiration of the deadline for submitting viewpoints on the expert report. The requisites of the statement are set forth in Annex No. 6 to this Act.

(2) Within 7 working days of issuing the statement, the relevant authority shall send the statement to the notifier, affected administrative authorities and affected territorial self-governing units. Within the same period of time, it shall publish the statement on the Internet and shall ensure that it is made available to the public pursuant to § 16.

(3) The statement shall be a basic expert document for issuing a decision or measure pursuant to special regulations.^{1a} The statement shall be submitted by the notifier as one of the basic documents for related procedures or processes pursuant to special regulations. The statement shall be valid for a period of 2 years from the date of issuing thereof. On the basis of a request by the notifier, the validity may be extended by two years, which may be repeated if no substantial change has occurred in implementation of the plan, conditions in the affected territory, new knowledge related to the substantive content of the documentation and developments in new technologies utilizable in the plan. This period of time shall be interrupted if a related procedure has been commenced pursuant to special regulations.^{1a}

(4) In the absence of a statement, it shall not be possible to issue a decision or measure required for implementing or carrying out the plan in any administrative or other procedure pursuant to special regulations^{1a}. In such procedures, the relevant authority shall be the affected administrative authority. An administrative authority that issues a decision or measure pursuant to special regulations^{1a} shall include, in its decision or measure, requirements for protection of the environment set forth in the statement, if set forth therein, or it shall state in its decision or measure the reasons why it did not do so or did so only partly.

(5) In case that a plan set forth in Annex No. 1 Category II and a change of a plan pursuant to § 4 par. 1 shall not be assessed pursuant to this Act, the provisions of paragraph 4 shall apply by analogy also to the conclusions of the fact-finding procedure.

Section 3

Environmental Impact Assessment of a Conception

§ 10a

The Subject of Environmental Impact Assessment of a Conception

(1) The subject of environmental impact assessment of a conception (hereinafter the "assessment of a conception") pursuant to this Act shall be

- a) conceptions which set the framework for future permits of plans set forth in Annex No. 1, prepared in the field of agriculture, forestry, hunting, fishery, surface or groundwater management, the energy industry, industry, transport, waste management, telecommunications, tourism, land-use planning, regional development and environment, including nature protection, conceptions for which, in view of their possible effect on the environment, the necessity of their assessment follows from a special regulation and furthermore conceptions co-financed by European Community funds; these conceptions shall always be subject to assessment, if the affected territory is comprised of the territorial area of more than one municipality,
- b) conceptions pursuant to letter a), if the affected territory is comprised of the territorial area of only one municipality, if so laid down in a fact-finding procedure pursuant to § 10d,

c) changes of conceptions pursuant to letters a) and b) if so laid down in a fact-finding procedure pursuant to § 10d.

(2) The subject of assessment pursuant to this Act shall not be

- a) conceptions prepared only for the purposes of the state defence,
- b) conceptions prepared for cases of extraordinary events which are likely to significantly and directly endanger the environment or the health, safety or property of persons^{4a},
- c) financial and budgetary conceptions,
- d) regulatory plans pursuant to a special regulation^{4b} unless they specify conditions for the implementation of plans set forth in Annex No. 1 to this Act.

§ 10b

The Manner of Environmental Impact Assessment of a Conception

(1) The conception assessment shall include the identification, description and evaluation of expected direct and indirect impacts of implementing or not implementing the conception and its objectives for the whole period of its expected implementation.

(2) The conception shall be assessed in relation to the state of the environment in the affected territory at the time when the notification on preparing the conception is submitted (hereinafter "the notification of a conception") taking account of effects of other conceptions or plans which will be implemented before or in the course of the implementation of the conception, or, if appropriate, the implementation of which is intended.

(3) Data of another assessment may be used in the assessment of a conception pursuant to this Act, if they correspond to the data defined pursuant to this Act.

(4) In assessing a conception, measures to prevent unfavourable impacts on the environment and public health, to exclude, reduce, mitigate or compensate these impacts, or, if appropriate, to increase the favourable impacts on the environment and public health by implementing the conception shall be proposed and assessed, including an evaluation of the expected effectiveness of the proposed measures. For a conception prepared in variants it shall be necessary to carry out the assessment pursuant to this Act for all variants.

§ 10c

Notification of a Conception

(1) The person submitting a suggestion for the preparation of a conception (hereinafter the "submitter") shall be obliged to submit the notification of a conception to the relevant authority in documentary and electronic form. The requisites of the notification of a conception are laid down in Annex No. 7 to this Act.

(2) If the notification of a conception contains the requisites pursuant to paragraph 1, the relevant authority shall, within 10 days of its receipt, send a copy thereof for a viewpoint to the affected administrative authorities and affected territorial self-governing units. Within the same period of time, it shall publish the notification on the Internet and provide for publishing information on the notification pursuant to § 16. The regional authority shall send a copy of the notification to the Ministry within the same period of time.

(3) Every person may send his (her) written viewpoint on the notification of a conception to the relevant authority within 20 days of the date of publication thereof. The relevant authority shall not take into account viewpoints sent after the deadline.

^{4a} E.g. Act No. 254/2001 Coll.

^{4b} Act No. 50/1976 Coll.