

Section 3(g)

g) subsequent proceeding means a proceeding in which, pursuant to special regulation^{1a}, a decision is to be issued which permits location and implementation of the project assessed under this Act;

^{1a}) E.g. Act No. 183/2006 Coll., on zoning planning and the construction procedure (the Construction Code), as amended; Act No. 61/1988 Coll., on the mining, explosives and the State Mining Administration, as amended; Act No. 254/2001 Coll., on waters and amending some laws (the Water Act), as amended; No. 266/1994 Coll., on railways, as amended; Act No. 76/2002 Coll., on integrated pollution prevention and control, on the integrated pollution register and amending some laws (the Act on integrated prevention), as amended; and Act No. 49/1997 Coll., on civil aviation and amending and supplementing Act No. 455/1991 Coll., on business in trade (the Trade Act), as amended, as amended.

Section 4(1)(f)

f) 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 4; these changes to projects are subject to the assessment if so determined in the scoping and screening procedure.

Section 9a

Binding statement on Environmental Impact Assessment of Project

(1) On the basis of the environmental report and, if appropriate, the notification, and of the expert report and public hearing pursuant to § 17 and comments thereon, the competent authority shall issue a binding statement on environmental impact assessment of the project (hereinafter “statement”) within 30 days of the date of expiry of the deadline for making comments on 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 authorities and the affected local governments and provide for its publication pursuant to § 16.

(3) The statement shall constitute a basis for rendering a decision pursuant to special regulation. The developer shall submit the statement in the application as one of the underlying documents for the subsequent proceedings pursuant to these regulations. The statement shall be valid for a term of 5 years from the date of its issue. On request of the developer, its term may be extended by 5 years, even repeatedly, if the developer demonstrates in writing that there have been no substantial changes in the implementation of the project, conditions prevailing in the affected territory, new findings related to the substantive contents of the environmental report and development of new technologies that could be utilised in the project. This deadline shall be interrupted if subsequent proceedings have been initiated pursuant to special regulations^{1a}).

(4) At least 30 days before the application for the subsequent proceeding is submitted, the

developer provides the competent authority with the documentation for the relevant subsequent proceeding including a complete description of the potential changes to the project assessed. The competent authority shall review, on the basis of the notice of initiation of the proceeding sent to this authority through 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 new environmental impact assessment pursuant to § 4 para 1 letter f) of this Act. If there are no changes pursuant to the second sentence of this paragraph, the competent authority shall not issue a binding statement. The competent authority may issue a dissenting binding statement also in case the documentation pursuant to the first sentence of this paragraph is not provided on time and/or the description of the potential changes is not complete.

(5) The competent authority shall always issue the binding statement on the review of the changes to the project if the subsequent proceeding is the zoning proceeding, building permit proceeding, and also in case if the subsequent proceeding is the proceeding on changes of a structure before its completion.

Section 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 notice of initiation of the proceeding

- a) the application along with a notice indicating that a project assessed under this Act or a project which is subject to the assessment of environmental impacts beyond the borders of the Czech Republic is involved, together with the information where the documentation relevant for the subsequent proceeding can be consulted,
- b) the information on 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 published pursuant to § 16, are accessible
- d) the information on 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 bulletin 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.