

Binding opinions as an instrument of environmental protection

Abstract

The whole concept of binding opinions is undergoing major changes nowadays, mainly due to an ongoing recodification of construction law. The transformation is the final part of a long process of sharp criticism that binding opinions have already been subject to. The important instrument for protecting public interests is criticized for its complicated and fragmented legislation, an ambiguity of its form and a division of competences between state agencies. However, is the critique legitimate? What is the current state of binding opinions? What role do they play in an environmental protection? What are the procedural and substantive aspects of the matter?

The first part of the thesis describes a current state of a global and local environment, a state of its parts, important factors, trends, and prospects, with a closer look to different approaches to understanding the environment. The second part describes an effective regulation of the environment in the Czech legal framework. It deals with a history of a legal regulation, the role of state in protecting the environment and analyses potential instruments that the state can use to fulfil its obligations.

The third- and fourth-part deal with an introduction to the effective legal framework of binding opinions regarding upcoming changes. These parts further examine procedural and substantive aspects of the instrument, such as its legal form, its influence on an administrative procedure, authorities concerned and examples of application of binding opinions in construction law and outside of it. Finally, the most important changes are described and their impacts to the environmental protection are analysed.

The diploma thesis corresponds to the effective legal regulation on 20 February 2022.