

# **Respective authorities in the construction procedure**

## **Abstract**

The topic of this thesis is the status of the respective authorities in construction proceedings. Its aim is to introduce the reader to the regulation of respective authorities in the Building Act and other related laws, then draw models of organisation of the respective authorities in the construction procedure from different legal regulations and finally find a compromise model which enables the respective authorities to perform their function as protectors of the public interest effectively, without compromising the speed of the construction process itself. In addition to the introduction and conclusion, the thesis contains four parts that logically follow each other.

The first part is devoted to the construction procedure in general, according to the valid and effective Building Act No. 183/2006 Coll., and deals in more detail with the participants in the construction procedure, the submission of an application for a building permit, the commencement of the construction procedure, the objections of the participants in the construction procedure and the building permit itself.

The second part deals generally with the respective authorities, their activities, their comments and judicial protection against those comments. Given the complexity of the legislation, the first two parts aim at a more detailed legal analysis, focusing on some problematic provisions.

The third part deals with acts of the respective authorities in the construction procedure, first in general and then in more detail. Specifically, their regulation in the Building Act No. 183/2006 Coll., then in the Building Act No. 283/2006 Coll., first in its promulgated version and then as amended by Act No. 152/2023 Coll., and lastly in Act No. 148/2023 Coll., on the Unified Environmental Statement.

On the basis of the third part, three models of organisation of the respective authorities in the construction procedure are then derived, which are: the model in Act No. 183/2006 Coll., the model of the organisational integration of the respective authorities and the model of procedural integration in the environmental field, which are compared in the fourth part from two opposing points of view. On the one hand in terms of speed of the construction procedure, on the other hand in terms of protection of the public interests concerned.

Finally, it is concluded that the model of procedural integration in the environmental field is the only one that does not disproportionately favour the speed of the construction procedure over the protection of public interests and vice versa and is therefore a compromise model.

**Keywords: public construction law, authorities concerned, binding opinions**