



Act 283/2021 Coll. – Building Act, as amended

Translation of Act No. 283/2021 Coll. – the Building Act,
as amended



MINISTRY
OF REGIONAL
DEVELOPMENT CZ



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283/2021 Coll. ACT of 13th July 2021 – BUILDING ACT

Amendment: 195/2022 Coll.

Amendment: 152/2023 Coll.

Amendment: 465/2023 Coll.

Amendment: 126/2024 Coll.

Amendment: 183/2024 Coll.

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The Parliament has adopted this Act of the Czech Republic:

PART ONE

INITIAL PROVISIONS

TITLE I

GENERAL PROVISIONS

Section 1

Subject of Amendment

(1) This Act governs the competencies of building administration authorities, spatial planning authorities and territorial self-governing authorities in the field of spatial planning and building regulations, establishes the objectives, tasks and tools of spatial planning, and requirements for construction and building regulations.

(2) This Act further governs the conditions for integrated protection of public interests in spatial planning, building permit process and construction, obligations of persons in the preparation and implementation of constructions, conditions for design activities and implementation of constructions, certain purposes of expropriation, authorisation of authorised inspectors and supervision performance.

(3) The purpose of the Building Act is to provide integrated protection of public interests in spatial planning, building permit process and construction process and to create conditions for sustainable development and improvement of the quality of the built environment, architecture and building culture.

Section 2

Respective Authorities

(1) The respective authority shall be bound by its previous opinion, statement or binding opinion which it issued as a basis for the actions pursuant to this Act.

(2) The opinions of the respective authorities in matters decided upon during the approval of the spatial development policy and the issuance of the superior spatial planning documentation shall not be taken into account during the development of the subsequent spatial planning documentation.

(3) No account shall be taken of a statement or binding opinion on matters which were decided in the spatial planning documentation or a planning measure in the procedures pursuant to Part Six.

Section 3

Change in Terms

(1) A new opinion, statement or binding opinion may be applied by the respective authority in the same matter only to the extent of newly revealed facts which could not be acquired previously, or on the basis of a change in legal regulations, and if the terms pursuant to which the opinion, statement or binding opinion was issued have changed, and only to the extent of the change in terms.

(2) A new opinion, statement or binding opinion may also be issued by the respective authority if the original one was issued on the basis of false, incomplete or distorted information.

(3) A new opinion on the spatial planning documentation may also be applied by the respective authority on the basis of facts resulting from the greater detail of the spatial planning documentation being developed or on the basis of the result of the outcome of the resolution of contradictions.

TITLE II

CONCEPTS

Section 4

Project

(1) A project within this Act shall be understood as a structure, a set of structures, a facility, and the maintenance of a completed structure, a change in land use, the division or consolidation of land, and the establishment of a protection zone.

(2) An EIA project within this Act shall be understood as a project referred to in Subsection (1) which is subject to an environmental impact assessment pursuant to the Environmental Impact Assessment Act.

Section 5

Structure

(1) A structure within this Act shall be understood as construction work that is performed by building or assembly activities from building products, materials or building structures for the purpose of use at a specific location. A product which performs the function of a structure is also considered to be a structure.

(2) Structures are

- a) small, listed in Annex No. 1 to this Act,
- b) simple, listed in Annex No. 2 to this Act,
- c) reserved, listed in Annex No. 3 to this Act, and
- d) other.

(3) A set of structures within this Act shall be understood as mutually related structures which, within the framework of one project, are being built on a continuous area or for a common purpose.

(4) The main structure of a set of structures within this Act shall be understood as the structure that determines the construction purpose of the set of structures. The ancillary structure in a set of structures shall be understood within this Act as a structure which is related to the main structure by its purpose of use or location and which provides the usability of the main structure or complements the purpose of use of the main structure.

(5) A temporary structure within this Act shall be understood as a structure for which the building authority limits its duration in advance.

(6) If the term structure is used within this Act, it also means a part of thereof or a change to a completed structure, depending on the circumstances.

Section 6

Change and Maintenance of the Completed Structure

(1) The change of a completed structure within this Act shall be understood as

- a) a superstructure by which the structure increases,
- b) an extension by which the structure expands its floor plan and which is operationally interconnected with the existing structure, and
- c) a building modification, which preserves the external layout and height boundaries of the structure.

(2) A change of a completed structure within this Act shall be understood as a change in the structure use consisting of a change in

- a) the way the structure is used,
- b) the operational facility of the structure,
- c) the mode of production or substantial expansion of production,
- d) the activities, the impacts of which could endanger life or public health, animal life and health, safety or the environment; or
- e) the duration of the temporary structure or the change of the temporary structure into a permanent structure.

(3) A maintenance of a completed structure within this Act shall be understood as maintenance work to provide a good structural and technical condition of the structure to reduce the risk of a defect or accident of the structure as far as possible and to avoid deterioration of the structure.

Section 7

Facility

(1) A facility within this Act shall be understood as a technical facility or advertising installation unless it is a structure, which is built for the use in a particular place.

(2) An advertising installation within this Act shall be understood as a panel, board, plate or building structure used for the dissemination of advertising or other information. An advertising instalment with a total area greater than 8 m² shall be considered a structure.

Section 8

Landscaping

Landscaping within this Act shall be understood as earthworks and changes in the terrain which substantially alter the appearance of the environment or drainage conditions, mining, similar and related works unless they are mining activities or activities carried out in a mining manner.

Section 9

Building Site

(1) A building site within this Act shall be understood as a place where a structure, facility, landscaping or maintenance work is being executed or where a structure, facility or landscaping is being removed.

(2) A building site includes a building plot or part thereof or part of a structure, or, to the extent defined by the building authority, also other plot or part thereof or part of other structure necessary for the construction or removal of a structure, facility or landscaping.

Section 10

Public Infrastructure

(1) Public infrastructure within this Act shall be understood as land, structures and facilities serving public needs, namely

- a) transport infrastructure, which is mainly the construction of roads, railways, waterways, aviation structures and related structures and facilities,
- b) technical infrastructure, in particular technical infrastructure systems and networks and related structures and facilities for water supply, wastewater disposal and treatment, energy, including energy production and energy sources, energy storage facilities, recharging stations and gas storage facilities, product pipelines and electronic communications, as well as structures and facilities for reducing hazards in the territory and for improving the condition of surface and groundwater or for waste management,
- c) green infrastructure, which is a planned, predominantly continuous system of areas and other vegetation, water and water management features of a natural and semi-natural character which, by their target condition, enable or significantly support the fulfilment of a wide range of ecosystem services and functions; green infrastructure also includes the territorial system of ecological stability of the landscape,
- d) civic amenities, which are structures, facilities and land serving to provide the basic needs of the population, in particular for education, upbringing and sport, social and health services, culture, public administration and

protection of the population,

e) public spaces¹⁾.

(2) Technical infrastructure networks within this Act shall be understood as linear or spatial utility lines, including fittings, facilities and structures on the line and its terminal elements, providing connection to the various types of utilities used.

(3) Technical infrastructure networks are, depending on their purpose, mainly energy, water and sewerage, electronic communications and product pipelines.

Section 11

Publicly Beneficial Structure and Measure

(1) A publicly beneficial structure within this Act shall be understood as a structure or a facility for public infrastructure intended for the development or protection of the territory of a municipality, region or state defined in the spatial planning documentation and structures and facilities related to it or conditioning its implementation.

(2) Publicly beneficial measure within this Act shall be understood as a measure of a non-construction nature serving to reduce hazards in the territory, to create elements of the territorial system of ecological stability²⁾ and to develop or protect natural, cultural and archaeological heritage, defined in the spatial planning documentation.

Section 12

Basic Concepts of Spatial Planning

The following concepts within this Act shall be understood:

a) a territory change as a change in its functional use or spatial arrangement, including the location of structures or their changes,

b) a building plot as a land plot, its part or a set of plots delimited and intended for development,

c) a built-up building plot as a land plot registered in the Cadastre of Real Estate as a building plot and other land plots usually pursuant to common fencing, forming a continuous functional and spatial unit with structures having a determining function in this continuous unit,

d) an area as a part of the territory consisting of one or more plots of land or parts thereof, which is defined in the spatial development plan, the spatial development principles or the spatial plan, or the spatial planning documentation, with regard to the existing or required use or its significance,

e) a corridor as an area defined for a generally linear transport or technical infrastructure project or a measure of a non-construction nature,

f) an area or a corridor of national significance as an area or a corridor which by its significance, extent or use affects the territory of several regions or states,

g) an area or a corridor of supra-local significance as an area or a corridor which, by its significance, extent or use, affects the territory of several municipalities; in the case of the Capital City of Prague, an area or a corridor of supra-local significance as an area or a corridor which, by its significance, extent or use, affects the territory of several urban districts,

h) a built-up area as an area delimited by an individual procedure pursuant to this Act (hereinafter referred to as "built-up area delimitation") or by a spatial plan,

i) a buildable area as an area designated for development as defined in a spatial development plan, spatial development principles or a spatial plan,

j) a non-developed area as the area not included in the built-up area or the buildable area,

k) a transformation area as an area intended to create a completely new character of the territory or to restore a degraded or neglected area for the purpose of its reuse, delimited by the spatial development plan, spatial development principles or in the built-up area by the spatial plan,

l) an area of change in the landscape as an area intended for the change of the existing use to other use of a non-developed area delimited in a non-developed area by a spatial plan,

- m) the street line as the boundary between land plots and public space,
- n) the building line as the boundary between a structure and an undeveloped part of the plot, which defines the location of the edge of the structure at the level of the existing or landscaped terrain; the building line may be
 - 1 closed which establishes the interface of a continuously built-up, full-length structure; or
 - 2 open which establishes an interface interrupted by gap sites,
- o) a gap site as a non-developed area within an existing continuous development, including an undeveloped corner, that is intended to be developed,
- p) the superior spatial planning documentation for
 - 1 a regulatory plan as a spatial plan, the spatial development principles and a spatial development plan,
 - 2 a spatial plan as the spatial development principles and a spatial development plan,
 - 3 the spatial development principles as the spatial development plan,
- q) the subsequent spatial planning documentation for
 - 1 the spatial development policy as a spatial development plan, the spatial development principles, a spatial plan and a regulatory plan,
 - 2 the spatial development plan as the spatial development principles, a spatial plan and a regulatory plan,
 - 3 the spatial development principles as a spatial plan and a regulatory plan,
 - 4 a spatial plan as a regulatory plan,
- r) the land use limit as a restriction on change in the territory due to the protection of public interests, resulting from legal regulations or established by other legal regulations, or resulting from the characteristics of the territory,
- s) a concept drawing as a drawing in which phenomena are depicted in a simplified form on a scale smaller than that prescribed for individual spatial planning documents,
- t) the built environment as a man-made or modified environment comprising structures and open spaces, both public and non-public,
- u) land clearance as a set of measures serving to remediate an area which is damaged, in particular, because of economic changes or because it has been affected by a natural disaster or a major accident,
- v) an architectural design competition as a process of searching for the best architectural design of the structure or the building contractor of the project documentation, in which proposals for the architectural design of the structure are submitted and assessed,
- w) an urban design competition as a process of searching for the best urban planning design for a territory or a building contractor for a spatial planning study or spatial planning documentation, in which proposals for an urban planning design for a territory are submitted and assessed.

Basic Concepts of Building Regulations

Section 13

Within this Act, it shall be further understood:

- a) a building as an above-ground structure, including its underground part, spatially concentrated and predominantly enclosed externally by perimeter walls and a roof structure,
- b) a block of flats as a structure for residential use in which more than half of the floor area is used for dwelling,
- c) a house as a structure for residential use in which more than half of the floor area is used for dwelling and which has no more than three individual flats, no more than two floors above ground and one underground floor and an attic, or a third floor set back from the external face of the external wall of the building facing the street line by at least 2 metres,
- d) accessibility as creating conditions for the independent and safe use of land and structures by persons with mobility, visual or hearing impairment, elderly persons, pregnant women and persons accompanying a child in a pram or a child under 3 years of age (hereinafter referred to as “a person with reduced mobility or orientation”) with the aim of barrier-free use,

- e) an accommodation facility as a structure or part of thereof for the provision of accommodation and related services; an accommodation facility is not a block of flats, a house or a structure for family recreation,
- f) a shop facility as a structure with a sales area,
- g) a production and storage facility as a structure for industrial, craft or other production, or services having the character of production, and for the storage of products, materials and substances, except for the facilities for storage referred to in Subsection (h),
- h) an agricultural facility as a building for livestock, an auxiliary building for livestock, a facility for crop production and post-harvest treatment, a facility for agricultural machinery, a facility for the storage of crop production products, mineral fertilisers, products and plant protection products,
- i) a flat as a set of rooms, or a single residential room, the structural and technical layout and facility of which meet the requirements for permanent dwelling,
- j) a special-purpose flat as a flat adapted for a dwelling of persons with severe mobility disabilities or persons with severe visual impairments,
- k) a room as a spatially enclosed part of a structure defined by the floor, ceiling or roof structures and solid walls,
- l) a residential room as a part of a flat which is intended for dwelling and meets the requirements for living in terms of size, daylight, ventilation, heating and noise and has a floor area of at least 8 m²; a kitchen shall be considered a residential room if it has a floor area of at least 12 m²; if the flat consists of a single residential room, its floor area shall be at least 16 m²,
- m) a day residence room as a room which, by its position, size and structural arrangement, meets the requirements for occupancy by persons,
- n) a floor area as the sum of the areas defined by the inner face of the vertical structures of individual rooms and spaces structurally adapted for the intended use in the building; in floors with sloping walls or sloping ceilings, it is defined by the inner face of the structures at a level of 1.2 m above the floor level; in the case of semi-open or open spaces, instead of the missing vertical structures, the floor area is defined by the orthogonal projection of the perimeter of the horizontal supporting structure,
- o) the built-up area of the building as the area delimited by the orthogonal projections of the outer face of the external envelope of all floors above and below ground in the horizontal plane; the areas of loggias and bay windows are included; for semi-open buildings (without some external walls), the built-up area is defined by the envelope lines drawn through the outer faces of the vertical structures into the horizontal plane; for roofed buildings or parts thereof without external vertical structures, the built-up area is defined by the orthogonal projection of the roof structure into the horizontal plane,
- p) the land plot built-up area as the sum of all built-up areas of individual buildings,
- q) affordable rental housing as a block of flats for which an affordable rental housing planning agreement has been concluded or delimited as an affordable rental housing in a regulatory plan issued by the municipality which is the developer.

Section 14

Within this Act, it shall be further understood:

- a) a builder as a person who applies for a permit for himself/herself for the building or removal of a structure, facility or landscaping, and a person who builds or removes a structure, facility or landscaping, unless he/she is a building entrepreneur acting within his/her business activity,
- b) a designer as a natural person authorised pursuant to the Authorisation Act to develop spatial planning documentation, spatial planning studies and project documentation,
- c) a chief designer as the designer responsible for coordinating the development of the documentation,
- d) a building entrepreneur as a person authorised to perform construction or assembly work as the subject of his/her activity pursuant to the Trade Licensing Act,
- e) a building contractor as the builder in the case of self-help construction, or a building entrepreneur,
- f) a construction manager as a natural person authorised pursuant to the Authorisation Act to provide expert guidance in the implementation or removal of a structure,
- g) a construction supervisor as a professional supervisor of the implementation or removal of a structure,

facility or landscaping on a self-help basis,

h) a designer supervisor as an ongoing professional supervisor of the compliance of the project implementation documentation with the building permit documentation and of the project implementation in accordance with the project implementation documentation.

PART TWO

PUBLIC ADMINISTRATION ORGANIZATION AND PERFORMANCE

TITLE I

BUILDING ADMINISTRATION

Section 15

General Provisions

The competence pursuant to this Act is executed by the Government, the Ministry of Regional Development (hereinafter referred to as "the Ministry"), the spatial planning authorities, building authorities, municipalities, and regions.

Section 16

Municipality and Region

The municipality and the region shall continuously monitor the implementation of the spatial planning documentation issued by them and assess it pursuant to this Act. If there is a change in the conditions according to which the spatial planning documentation was issued, the spatial planning documentation concerned shall be amended.

Section 17

Transport and Energy Building Authority

(1) The Transport and Energy Building Authority is an administrative authority with national competence in matters of building rules and regulations, subordinate to the Ministry of Transport.

(2) The seat of the Transport and Energy Building Authority is the Capital City of Prague.

(3) The regional office of the Transport and Energy Building Authority shall be determined by a decree issued by the Ministry of Transport.

(4) The Transport and Energy Building Authority is headed by a director. For the purposes of the Civil Service Act, the Ministry of Transport shall be the immediate superior administrative authority of the Transport and Energy Building Authority.

(5) The selection, appointment and removal of the director shall be governed by the Civil Service Act.

Section 18

Cooperation between Public Authorities

(1) In exercising their competence, the spatial planning authorities and building authorities shall proceed in mutual cooperation with the respective authorities in protecting public interests according to other legal regulations.

(2) The building authority shall discuss with the respective authorities the statements and binding opinions issued by them. The building authority may convene a joint hearing with the respective authorities in order to discuss the statements and binding opinions or to resolve contradictions. The joint hearing shall be closed to the public and a record shall be drawn up of its proceedings and conclusions. The building authority shall give the respective authorities at least five days' notice of the meeting. Where appropriate, the building authority shall invite the builder and the other parties to the proceedings to the joint hearing. In such a case, the building authority shall order the joint hearing as an oral hearing.

(3) If the procedure referred to in Subsection (2) does not result in the resolution of the contradictions between the building authority and the respective authorities, as well as between the respective authorities

mutually, the Administrative Procedure Code shall apply.

(4) If the respective authorities set conditions which have become part of the building authority decision in their statement or binding opinion, they shall check compliance with them in cooperation with the building authority.

TITLE II

COMPETENCE IN SPATIAL PLANNING MATTERS

Section 19

General Provisions

(1) The competence in spatial planning matters shall be exercised by the Government and the spatial planning authorities, which are

- a) the Ministry,
- b) the Ministry of Defence,
- c) spatial planning authorities; and
- d) a municipal authority which has obtained a certificate of compliance with meeting the qualification requirements for carrying out spatial planning activities.

(2) Spatial planning authorities are municipal authorities of municipalities with extended powers and regional authorities.

(3) The municipal council, the regional council, the municipal board and the regional board also exercise competence in spatial planning matters.

Section 20

Government

The government

- a) approves the Architecture and Building Culture Policy of the Czech Republic,
- b) decides on the Spatial Development Policy of the Czech Republic development,
- c) approves the Spatial Development Policy of the Czech Republic,
- d) discusses and approves the report on the Spatial Development Policy of the Czech Republic and the Architecture and Building Culture Policy of the Czech Republic implementation,
- e) issues a spatial development plan,
- f) discusses and approves the spatial development plan implementation report,
- g) issues a planning measure on construction ban, if it concerns changes in the territory of national importance,
- h) issues a planning measure on land clearance if it affects the territory of several regions or states in terms of its significance, extent or use.

Section 21

Ministry

(1) The Ministry is the superior administrative authority of the regional authorities as spatial planning authorities.

(2) The Ministry

- a) performs supervision on the spatial planning matters,
- b) develops Architecture and Building Culture Policy of the Czech Republic,
- c) develops a Spatial Development Policy of the Czech Republic,
- d) develops a spatial development plan,

- e) develops spatial planning documents in detail and to the extent necessary for the development of the Spatial Development Policy and the spatial development plan, or for the performance of its other tasks,
- f) develops a planning measure on construction ban, if it concerns changes in the territory of national importance,
- g) develops a planning measure on land clearance if it affects the territory of several regions or states by its significance, extent or use,
- h) maintains the National Geoportal of Spatial Planning and feeds it with data,
- i) provides methodological support for the application of the latest knowledge of science and technology and methodologically unifies the interpretation and application activities of regional authorities and municipal authorities in the field of spatial planning, urban planning and architecture,
- j) performs other activities pursuant to this Act.

Section 22

Ministry of Defence

Ministry of Defence for the territory of the military training areas

- a) develops and issues a spatial plan and a regulatory plan,
- b) develops spatial planning documentation in detail and to the extent necessary for the development of spatial plans, regulatory plans, or other spatial planning activities of the Ministry of Defence,
- c) enters data into the National Geoportal of Spatial Planning.

Section 23

Regional Authority

(1) The regional authority is the superior administrative authority of municipal authorities of municipalities with extended powers as spatial planning authorities and municipal authorities according to Section 26.

(2) The regional authority as a Spatial Planning Authority

- a) performs supervision on the spatial planning matters,
- b) develops spatial development principles,
- c) develops spatial planning documentation in the detail and extent necessary for the development of the spatial development principles or for other spatial planning activities of the region,
- d) develops a planning measure on construction ban, if it concerns changes in the territory of supra-local importance,
- e) develops a planning measure on land clearance if it affects the territory of several municipalities by its significance, extent or use,
- f) enters data into the National Geoportal of Spatial Planning,
- g) issues a certificate of fulfilment of qualification requirements for the performance of spatial planning activities,
- h) performs other activities pursuant to this Act.

Section 24

Regional Council and Regional Board

(1) Regional council

- a) decides on the spatial development principles development,
- b) approves the spatial development principles assignment,
- c) approves the proposal for the selection of the most appropriate variant in the spatial development principles draft,

- d) issues the spatial development principles,
- e) discusses and approves the report on the spatial development principles implementation.

(2) Regional board

- a) applies comments on the Spatial Development Policy draft and spatial development plan and spatial development principles of the neighbouring region,
- b) comments on a planning measure draft, which is developed by the Ministry and affects the territory of the region,
- c) decides on the development of planning measures on building closure and land clearance, which the corresponding regional authority is competent to develop,
- d) issues a planning measure for building closure and land clearance, which the corresponding regional authority is competent to develop,
- e) initiates the development of the Spatial Development Policy amendment, the spatial development plan amendment, the spatial plan amendment or the regulatory plan amendment.

Section 25

Municipal Authority of Municipality with Extended Powers

Municipal authority of a municipality with extended powers as a Spatial Planning Authority

- a) develops a spatial plan and a regulatory plan,
- b) develops a spatial plan, a regulatory plan and a planning measure at the request of the municipality,
- c) develops spatial planning documents for its administrative district in detail and to the extent necessary for the development of spatial plans, regulatory plans, or other municipal spatial planning activities,
- d) develops and issues the built-up area delimitation,
- e) develops planning measures on building closure and land clearance for the territory of the municipality,
- f) enters data into the National Geoportal of Spatial Planning,
- g) performs other activities pursuant to this Act.

Section 26

Municipal Authority

A municipal authority that has obtained certification from the regional authority on compliance with the qualification requirements for the performance of spatial planning activities, may perform its delegated jurisdiction pursuant to Section 25(a),(e) and (f) and develop a spatial planning study.

Section 27

Municipal Council and Municipal Board

(1) Municipal council

- a) decides on the development of a spatial plan and a regulatory plan,
- b) approves the assignment of the spatial plan and the regulatory plan,
- c) approves the proposal for the selection of the most appropriate variant in the spatial plan draft and a regulatory plan draft,
- d) issues the spatial plan and the regulatory plan,
- e) discusses and approves the report on the spatial plan implementation.

(1) The municipal board and, in municipalities where the board is not elected, the municipal council

- a) applies comments on the spatial development policy draft, spatial development plan draft, spatial development principles draft and spatial plan of the neighbouring municipality,
- b) comments on the built-up area delimitation draft for the territory of the municipality,

- c) applies comments on the planning measure draft on land clearance and the planning measure on construction ban, which are developed by the regional authority as the planning authority or the Ministry, and which affects the territory of the municipality,
- d) decides on the development of planning measures on building closure and land clearance for the territory of the municipality,
- e) issues a planning measure on construction ban and land clearance for the territory of the municipality,
- f) decides on the submission of an application pursuant to Section 25(b) or decides on the conclusion of a contract with a person meeting the requirements for the performance of spatial planning activities pursuant to Section 46(2)(c),
- g) decides on the submission of an application pursuant to Section 48(3).

Section 28

Jurisdiction in the Territory of the Capital City of Prague

(1) If the Prague City Hall develops a spatial plan for the territory of the Capital City of Prague, the Ministry shall perform the jurisdiction of the regional authority.

(2) If the city district authority develops a spatial plan for a delimited part of the territory of the Capital City of Prague, the Prague City Hall shall perform the jurisdiction of the regional authority.

Section 29

Institute for Spatial Development

(1) The Institute for Spatial Development, based in the Statutory City of Brno, is an organisational unit of the state and an accounting unit for which the Ministry is the founder.

(2) Institute for Spatial Development

- a) conducts research, publishes and addresses conceptual issues of theory and practice in the field of spatial planning and building regulations, building culture and built environment, urban planning and architecture,
- b) develops an Architecture and Building Culture Policy draft,
- c) develops the spatial development policy draft, its amendments and the full text of the spatial development policy after its latest amendment,
- d) develops a spatial development plan draft, its amendments and the full text of the spatial development plan after its latest amendment,
- e) develops spatial planning documentation draft for the territory of the State,
- f) performs other activities assigned by the Ministry.

TITLE III

JURISDICTION IN BUILDING REGULATIONS' MATTERS

Section 30

General Provisions

(1) Jurisdiction in the building regulations' matters is performed by the building authorities, which are

- a) the Ministry,
- b) the Ministry of Transport,
- c) the Ministry of Industry and Trade,
- d) the Transport and Energy Building Authority,
- e) regional building authorities,
- f) municipal building authorities, and
- g) other building authorities³⁾.

(2) The regional building authorities are represented by regional authorities.

(3) The municipal building authorities are

- a) municipal authorities of municipalities with extended powers, and
- b) authorised municipal authorities and municipal authorities established by the Ministry by the implementing legal regulation.

(4) The administrative districts of municipal building authorities shall be established by the Ministry by implementing legal regulation. The establishment of a municipal building authority or its abolition, or change of its administrative district, can only be done at the beginning of the calendar year.

(5) If a municipal building authority is established or abolished, or its administrative district is changed, the Ministry shall determine by an implementing legal regulation which municipal building authority shall complete the unfinished administrative proceedings and shall conduct a file separation with the abolished municipal building authority.

(6) Other building authorities are the Ministry of Defence, the Ministry of the Interior and the Ministry of Justice.

Section 30a

Qualification Requirements for Performance of Activities in the Field of Building Regulations

(1) The regional building authorities and municipal building authorities shall carry out activities in the field of building regulations through the officials⁶⁾ meeting the qualification requirements for the performance of activities in the field of building regulations.

(2) The qualification requirements for the performance of activities in the field of building regulations shall be met by a natural person who

- a) holds a certificate of special competence for the administrative activity in the field of building regulations and expropriation pursuant to other legal regulation⁷⁾, or a certificate of successful completion of the civil service examination for the civil service branch of which building regulations form a part,
- b) meets the qualification educational requirements pursuant to this Act; and
- c) meets the qualification work experience requirements pursuant to this Act.

(3) The provisions of any other legal regulation related to the issuance of certificates of recognition of equivalence of education⁸⁾ shall not apply to the conditions pursuant to Subsection (2).

(4) The qualification requirements of education and work experience referred to in Subsection (2)(b) and (c) shall be met by

- a) an authorised architect who has been granted an authorisation for the field of architecture or without specification of the field pursuant to the Authorisation Act,
- b) an authorised engineer or authorised technician who has been granted authorisation in the field of civil engineering, transport engineering, water management and water structures and landscape engineering, bridges and civil engineering structures, statics and dynamics of buildings or urban engineering,
- c) a natural person who holds a university degree in a study programme in the field of architecture, civil engineering or legislation,
- d) a natural person who has completed a higher professional education in civil engineering and one year of work experience in the field of building regulations in public administration, or
- e) a natural person who has completed a secondary education with a school-leaving certificate in the field of civil engineering and 1 year of work experience in the field of building regulations in public administration.

(5) An official who does not meet the qualification requirements may carry out the activity of a building authority in the field of building regulations if it is guaranteed that he/she will carry out this activity under the professional guidance of an official who meets the qualification requirements for carrying out the activity in the field of building regulations, however, for a maximum period of 3 years.

Section 31

Methodological Activity

(1) The Ministry shall methodically unify the performance of competencies of building authorities in the field of building regulations and requirements for construction.

(2) The Ministry of Transport shall methodically unify the performance of the competence of building authorities in the field of construction requirements in the case of motorways, roads, local roads and publicly accessible special-purpose roads, railway buildings and civil aviation buildings.

Section 32

Ministry

(1) The Ministry is the superior administrative authority of the regional building authority unless its superior administrative authority is the Transport and Energy Building Authority.

(2) The Ministry

a) maintains a system of building and technical prevention in which it monitors and analyses serious or recurring defects or accidents in buildings which should be prevented in the public interest and proposes measures to prevent their recurrence,

b) monitors the effectiveness of the technical requirements for structures and seeks to improve their level,

c) proposes modifications to the requirements for structures, their parts, functions, elements and construction products and initiates modifications to Czech technical standards or certification of construction products or other construction technical measures,

d) develops a list of binding Czech technical standards or parts thereof containing more detailed technical requirements for structures, which shall be delimited by the Czech Office for Standards, Metrology and Testing as designated technical standards in the construction industry and shall announce them in the Bulletin pursuant to other legal regulation, with the exemption of the standards established by the implementing legal regulation of the local government unit,

e) provides free access to designated technical standards in the construction industry pursuant to other legal regulations, except for the standards established by the implementing legal regulations of the local self-governing unit,

f) performs supervision in the building regulations' matters,

g) performs supervision over the activities of authorised inspectors.

(3) The Ministry may

a) reserve to itself the investigation of, or participation in the investigation of, the causes of construction accidents if they affect the public interest to a significant degree by their extent or repeated consequences,

b) entrust the management of the construction technical prevention system to the Institute for Spatial Development.

(4) The Ministry shall not perform powers pursuant to this Act to the extent that is performed by the Ministry of Transport or the Ministry of Industry and Trade.

Section 32a

Ministry of Transport

(1) The Ministry of Transport is the superior administrative authority of the Transport and Energy Building Authority unless its superior administrative authority is the Ministry of Industry and Trade.

(2) The Ministry of Transport in the matters of construction of motorways, roads, local roads and publicly accessible special-purpose roads, railway buildings and civil aviation buildings

a) monitors the effectiveness of the technical regulations for construction and seeks to improve their level,

b) proposes modifications to the requirements for structures, their parts, functions, elements and construction products and submits initiatives for the modification of the Czech technical standards or certification of construction products or for other construction technical measures,

- c) develops a list of binding Czech technical standards or parts thereof containing more detailed technical requirements for structures, which are determined by the Czech Office for Standards, Metrology and Testing as designated technical standards in the construction industry and shall announce them in the Bulletin pursuant to other legal regulation, with the exemption of standards established by an implementing legal regulation of a local self-governing unit,
- d) provides free access to designated technical standards in the construction industry pursuant to other legal regulations, except for the standards established by the implementing legal regulations of the local self-governing unit,
- e) performs supervision in the matters of building regulations.

Section 32b

Ministry of Industry and Trade

(1) The Ministry of Industry and Trade is the superior administrative authority of the Transport and Energy Building Authority in matters of

- a) the reserved structures listed in Annex No. 3 (d) to (q) to this Act, including related structures,
- b) structures referred to in Section 34(a)(3),
- c) technical infrastructure buildings for the energy sector and electronic communications.

(2) The Ministry of Industry and Trade shall, in the case of buildings referred to in Subsection (1)

- a) monitors the effectiveness of the technical regulations for construction and seeks to improve their level,
- b) performs supervision in the matters of building regulations.

Section 33

Transport and Energy Building Authority

(1) The Transport and Energy Building Authority is the superior administrative authority of the regional building authority in matters of the following types of construction

- a) roads, local roads and publicly accessible special-purpose roads,
- b) referred to in Section 34(a)(3),
- c) technical infrastructure for the energy sector and electronic communications.

(2) The Transport and Energy Building Authority

- a) performs the powers of the building authority in matters of reserved structures,
- b) performs the powers of the building authority in matters of buildings related to reserved structures which would otherwise be within the competence of a regional building authority or a municipal building authority,
- c) issues outline permits for nuclear facility structures and related structures located inside and outside the nuclear facility site; and
- d) performs supervision in the matters of building regulations.

(3) A change in use is required for the transfer of a related structure to the jurisdiction of a regional authority or municipal building authority.

Section 34

Regional Building Authority

Regional building authority

- a) performs the powers of the building authority in matters of
 1. EIA projects,
 2. class I roads,
 3. renewable energy plants not listed in Annex No. 3 to this Act,
 4. water works on border waters,

5. wastewater treatment plants used for the discharge of sewage into surface waters from pollution sources of 10,000 equivalent population or more,
6. water reservoirs with a total volume exceeding 1,000,000 m³ or with a backwater height exceeding 10 m from the bottom of the bottom outlet,
7. water works used for the discharge of wastewater from uranium ore mining and processing and nuclear power plants and wastewater containing particularly hazardous pollutants or hazardous pollutants into surface waters and for the discharge of wastewater containing particularly hazardous pollutants or priority hazardous substances into sewers, except where facility with sufficient efficiency is installed in pursuant to other legislation,
8. water works used for pumping polluted groundwater to reduce its pollution and its subsequent discharge into these waters or surface waters,
9. buildings and facilities of the 110-kV distribution system, including a 110-kV transformer station,
10. buildings and facilities of the gas distribution system with a pressure level of 4 to 40 bar, including related technological facilities, for which the Transport and Energy Building Authority or other building authority does not perform jurisdiction,

b) issues outline permits for structures under the jurisdiction of other building authority, including related constructions, and

c) performs supervision in the matters of building regulations.

Section 34a

Municipal Building Authority

(1) Municipal building authority

a) performs the competence of the building authority in matters of projects where the Transport and Energy Building Authority, regional building authority or other building authority does not perform the competence,

b) performs supervision in the matters of building regulations.

(2) The competence of the building authority in matters of a project of a block of flats, a class II and class III road, a local road, a publicly accessible special-purpose road, technical infrastructure which is a part of the distribution system in the electricity or gas sector, waterworks, in respect of which the competence of the building authority is not performed by the regional building authority, and a set of buildings which these building form part of, shall be performed by the municipal building authority of the municipality with extended powers. Section 37(3) shall not apply to determine the jurisdiction of the building authority.

Section 35

Other Building Authorities

(1) The Ministry of Defence performs the jurisdiction of the building authority for the military training areas and for projects that serve or are intended to serve to provide the defence of the State⁵⁾, implemented by the Ministry of Defence, a legal entity established or founded by it or, for buildings and projects that serve or are intended to fulfil the tasks of the National Cyber and Information Security Agency, with the exemption of issuing an outline permit.

(2) The Ministry of the Interior performs the jurisdiction of the building authority for the security of the state projects, which means structures used to fulfil the tasks of the Ministry of the Interior or state organizational units established by it, the Police of the Czech Republic, the Police Academy of the Czech Republic, the Fire Rescue Service of the Czech Republic, the Office for Foreign Relations and Information, the Security Information Service and the National Security Authority, with the exemption of buildings or parts thereof mainly used for residential or recreational purposes. The performance of jurisdiction according to the first sentence does not include the issuance of an outline permit.

(3) The Ministry of Justice performs jurisdiction of the building authority in relation to projects for buildings for the purposes of the Prison Service of the Czech Republic and its organizational units, with the exemption of issuing an outline permit.

(4) A change of the use purpose is required for the transition of the structure to the jurisdiction of the regional authority or the municipal building authority according to Subsections (1) to (3).

TITLE IV

DELIMITED AREAS

Section 36

(1) The Ministry of Defence and the Ministry of the Interior shall, by means of measures of a general nature, delimit the area in which, to provide the defence and security of the State

- a) issues a binding opinion for the purpose of project building permit,
- b) issues a statement on the proposal for the spatial planning documentation assignment and an opinion on the spatial planning documentation draft or its amendment, if it affects a delimited area, and
- c) may comment on the necessary adjustments to already implemented buildings or apply requirements for necessary adjustments.

(2) A measure of a general nature pursuant to Subsection (1) is issued without a proceeding on its proposal and becomes effective on the day the public notice is published.

(3) Costs associated with requirements for necessary adjustments pursuant to Subsection (1)(c) are borne by the ministry that applied them.

TITLE V

COMMON PROVISIONS

Section 37

(1) The competence imposed on the regional authority, the municipal authority of the municipality with extended powers and the municipal authority by this Act is a delegated competence.

(2) The building respective authority shall be determined by the superior building authority in case of doubt as to which building authority is competent in matters relating to the project.

(3) In the case of a set of structures, the jurisdiction of the building authority to issue building permit shall be governed by the jurisdiction to grant building permit for the main structure of the set of structures. The building authority shall be competent to perform all acts, and procedures and issue a decision pursuant to this Act for all buildings within a set of buildings.

PART THREE

SPATIAL PLANNING

TITLE I

OBJECTIVES AND TASKS OF SPATIAL PLANNING

Section 38

Objectives of Spatial Planning

(1) The spatial planning aims to systematically and comprehensively address the functional use of the territory, to establish the principles of its area and spatial arrangement and to create the preconditions for sustainable development consisting in a balanced relationship of conditions for a favourable environment, economic development and for the cohesion of the community of residents of the territory, which satisfies the needs of the present generation without endangering the living conditions of future generations.

(2) Spatial planning provides the prerequisites for sustainable development, evaluates the development potential of the territory and prognoses its further development for this purpose.

(3) The objective of spatial planning is also to improve the quality of the built environment of settlements, to develop their identity and to create a functional and harmonious environment for the everyday life of their residents.

(4) Spatial planning protects and develops the natural, cultural and civilisation values of the territory, including the urban, architectural and archaeological heritage, while protecting the landscape as an essential component of the living environment of the inhabitants and the basis of their identity. With this in mind, it determines the conditions for the economic use of the built-up area and provides the protection of the non-developed area as well as the protection and development of green infrastructure. Buildable areas are defined

with regard to the possibilities of development of the territory and the degree of use of the built-up area.

(5) The spatial planning authorities shall, in accordance with the procedure pursuant to this Act, coordinate public interests in the territory and initiatives for the implementation of changes in the territory, construction activity and other activities affecting the development of the territory and shall specify the protection of public interests arising from this Act and other legal regulations.

Section 39

Tasks of Spatial Planning

The task of spatial planning in the public interest is in particular to

- a) determine and assess the state of the territory, its natural, cultural and civilisation values,
- b) determine, with regard to the conditions and values of the territory, the concept of the use and development of the territory, including the long-term urban concept of settlements, the development of public infrastructure and the protection of the open countryside and the determination of the conditions of permeability of the territory,
- c) examine and assess the need for changes in the territory, their benefits, problems and risks with regard to the protection of public interests and the economic use of the territory,
- d) determine the urban, architectural, aesthetic and functional requirements for the use and spatial arrangement of the territory and its changes, in particular the degree of use of the territory, the location, arrangement and design of buildings and the quality of public spaces,
- e) create the preconditions for the economic use of the territory, in particular by consistent use of the built-up area of settlements through targeted revitalisation of degraded or neglected areas,
- f) assess and, where appropriate, delimit suitable areas for industrial production, electricity, gas and heat production including areas for their production from renewable sources with regard to the objectives of the energy concept⁶⁷ and the climate objectives of the state taking into account the character of the territory and the quality of the built environment,
- g) establish conditions for the renewal and development of the settlement structure, for quality dwelling and the development of recreation and tourism,
- h) examine and assess the need for changes in the territory, especially for the location and arrangement of buildings with regard to the existing character and values in the territory and the usability of the adjacent territory, to propose such changes and set conditions for their implementation,
- i) determine the order of implementation of changes in the territory,
- j) coordinate public interests and incentives for the implementation of changes in the territory,
- k) delimit publicly beneficial structures and publicly beneficial measures,
- l) create and establish conditions for the reduction of hazards in the territory, in particular from the impacts of floods, drought, erosion phenomena and extreme temperatures,
- m) apply the requirements for the adaptation of settlements and the layout of the landscape resulting from climate change,
- n) examine and create conditions in the territory for the economic use of public funds for changes in the territory,
- o) create conditions in the territory for providing the defence and security of the State and civil protection,
- p) create conditions in the territory for the elimination of the consequences of sudden economic changes, in particular by examining and, if necessary, delimiting buildable areas or transformation areas,
- q) determine the necessary remediation and land clearance interventions in the territory,
- r) regulate the extent of areas for the exploitation of natural and mineral resources, create and determine conditions for their use,
- s) create conditions for the protection of the territory according to other legal regulations against significant negative impacts of projects on the territory and propose compensatory measures, if other legal regulations so impose.

Section 40

Assessment of Impacts on Sustainable Development

(1) The task of spatial planning is also to assess the impacts of the spatial development policy, spatial development plan, and spatial development principles or spatial plan for the sustainable development. An impact assessment on sustainable development (hereinafter referred to as "impact assessment") is developed for this purpose.

(2) An impact assessment shall be developed for the spatial development policy draft, spatial development plan draft, spatial development principles draft or spatial plan if an environmental impact assessment is required.

(3) The impact assessment shall include an assessment of the impacts on

- a) the economic development,
- b) the cohesion of the community living in the area; and
- c) the environment.

(4) The environmental impact assessment shall also include an assessment of the impacts on the object of protection and the integrity of the European Special Areas of Conservation or Special Protection Areas if required pursuant to other legal regulations.

(5) The impact assessment shall identify, describe and assess the possible significant impacts referred to in Subsection (3) arising from the spatial development policy, the spatial development plan, the spatial development principles or the spatial plan and reasonable alternative solutions, taking into account the objectives of the documents assessed. The impact assessment of the spatial development policy, and the superior spatial planning documentation shall not contain details that are not relevant to the impact assessment of the superior spatial planning documentation.

(6) The content and the structure of the impact assessment and the environmental impact assessment are determined in Annex No. 4 of this Act. The requirements of the impact assessment for the object of protection or the integrity of the European Special Areas of Conservation or the Special Protection Areas are determined by other legal regulations.

Section 41

Character of Territory

The character of the territory is determined in particular by the functional use, structure and type of development, arrangement of public spaces, other elements of spatial arrangement and urban, architectural, aesthetic, cultural and natural values of the territory, including their mutual relations and links, especially by defining them in the spatial planning documentation.

TITLE II

GENERAL AND COMMON PROVISIONS

Chapter 1

General Provisions

Section 42

Authorised Investor

(1) An authorised investor within this Act shall be understood as the owner, manager or operator of public transport or public technical infrastructure.

(2) An authorised investor may request to be notified individually of the actions of the planning authority during the discussion of spatial planning documentation drafts and planning measures. A list of authorised investors shall be developed and maintained by the Ministry for this purpose.

(3) The Ministry shall make a record of an authorised investor in the list of authorised investors on the basis of an application. The authorised investor shall, in addition to the general requirements pursuant to the Administrative Procedure Code indicate in the application

- a) a list of the municipalities or, where applicable, regions to which the notification relates; and
- b) a document proving that he/she is an authorised investor with territorial competence in the territory of the municipalities or regions listed.

(4) If the application pursuant to Subsection (3) is complete, the Ministry shall, within 14 days from the date of receipt of the application, make a record of the authorised investor in the list of authorised investors. The Ministry shall publish the list of authorised investors on the National Geoportal of Spatial Planning in a manner that allows remote access.

(5) The entry in the list of authorised investors shall be kept for 5 years from the date of its publication. An application pursuant to Subsection (3) may be submitted repeatedly. If the information provided by the authorised investor pursuant to Subsection (3) changes, the authorised investor shall immediately notify the Ministry, which shall adjust the information in the list of authorised investors.

Section 43

Publishing and Storing Documents

(1) The procurer must ensure that the public and the respective authorities have the opportunity to become familiar with the spatial planning documentation assignment draft, spatial planning documentation or report on its application, planning measures and the delimitation of the built-up area from the date of the draft publication by public notice.

(2) The procurer concerned shall publish the assignment of the spatial planning documentation, the report on the application of the spatial planning documentation, the spatial planning documentation, the built-up area, the spatial planning study and the planning measures and their drafts on the National Geoportal of Spatial Planning.

(3) The spatial development policy, including the documents on its development, the spatial development plan and the planning measure issued by the Government, including the file on the spatial development plan and the planning measure on construction ban, shall be stored by the Ministry.

(4) The spatial development principles, the spatial plan, the regulatory plan and the planning measure, including the file, shall be stored by the procurer with the region or municipality for which they were developed.

(5) Delimitation of the built-up area, including the file, and spatial planning documents, including documents on their development, shall be stored by the corresponding procurer.

Chapter 2

Qualification Requirements for Performance of Spatial Planning Activities

Section 44

Qualification Requirements

(1) The spatial planning authorities shall perform spatial planning activities pursuant to Sections 23 and 25 through the officials⁶⁾ who meet the qualification requirements for performing spatial planning activities.

(2) The qualification requirements for performing spatial planning activities shall be met by a natural person who

a) holds a certificate of special competence for the administrative activity of spatial planning pursuant to other legal regulation⁷⁾, or a certificate of successful completion of the civil service examination for the field of civil service of which spatial planning is a part,

b) meets the qualification educational requirements pursuant to this Act; and

c) meets the qualification work experience requirements pursuant to this Act.

(3) The provisions of any other legal regulation on the issue of certificates of recognition of equivalence of education⁸⁾ shall not apply to the conditions referred to in Subsection (2).

(4) The qualification requirements of education and work experience referred to in Subsection (2)(b) and (c) shall be met by

a) a chartered architect who has been granted an authorisation for the field of spatial planning or without specification of the field pursuant to the Authorisation Act, or a chartered engineer for the field of urban engineering,

b) a natural person who holds a university degree recognised for authorisation in the field of spatial planning and has at least 18 months of work experience in performing spatial planning activities in public administration; or

c) a natural person who has a university degree in a programme of study in the field of architecture and urban planning, civil engineering or geography and at least 24 months of work experience in performing spatial planning activities in public administration.

(5) An official who does not meet the qualification requirements may carry out spatial planning activities of the Spatial Planning Authority if it is provided that he/she will perform these activities under the professional guidance of an official who meets the qualification requirements for performing spatial planning activities, however, for a maximum period of 3 years.

Section 45

Exemption from Qualification Requirements

(1) The Ministry shall grant an exemption from the qualification requirement on the basis of an application of an official of a local government who performs spatial planning activities in accordance with legal regulations, meets the qualification requirements of work experience and has a certificate of special professional competence pursuant to other legal regulation⁷⁾.

(2) In assessing the application, the Ministry shall base its assessment on the quality of the applicant's activities in the development of spatial planning documentation and spatial planning documents in which he/she has participated personally and on the annexes to the application referred to in Subsection 3(b) and (c).

(3) The application for exemption from the qualification requirement shall include

a) evidence of work experience in public administration in the development of spatial planning documentation or spatial planning documents for a period of at least 18 months, including a list of spatial planning documentation or spatial planning documents in the preparation of which the applicant has personally participated, indicating the extent of his/her participation,

b) a copy of the specification draft or report on the application of the spatial planning documentation and the activities of the procurer in the preparation of the spatial planning documentation draft or its amendment, or the opinion of the regional authority on the spatial plan draft in which the applicant was personally involved,

c) a report on work activity⁹⁾ or other document proving the quality of the applicant's work,

d) a copy of a certificate of special professional competence for the administrative activity of spatial planning, or a certificate of successful completion of the civil service examination for the field of civil service of which spatial planning is a part.

Part 3

Procurement Activity

Subchapter 1

Procurer and Designated Representative

Section 46

Procurer

(1) Procurer within this Act shall be understood as

a) the Ministry,

b) the Ministry of Defence,

c) the Spatial Planning Authority; and

d) a municipal authority on the basis of confirmation by the regional authority on meeting the qualification requirements for the performance of the spatial planning activities.

(2) The procurer shall perform spatial planning activities through

a) a civil servant who has been recruited and appointed to a civil service post or appointed to a senior civil

service post to perform in a field of the civil service which includes spatial planning,

b) an official of a local government who meets the qualification requirements for the performance of spatial planning activities, unless he or she has been granted an exemption therefrom; or

c) a person who meets the qualification requirements for the performance of spatial planning activities and who has been granted authorisation to perform spatial planning activities by the Ministry (hereinafter referred to as "the representative of the procurer"), if the procurer is referred to in Subsection (1)(d).

(3) The performance of spatial planning activities by the persons referred to in Subsection (2) and the activities of a designer are mutually incompatible.

Section 47

Spatial Planning Activities Performed by Municipal Authority

(1) A municipal authority may perform spatial planning activities pursuant to Section 26 only on the basis of a certificate issued by the regional authority stating that it has arranged for the performance of spatial planning activities through a person who meets the qualification requirements for the performance of spatial planning activities.

(2) The municipal authority shall state in the application for the issuance of a certificate

a) its identification data,

b) information about what spatial planning documentation or, where applicable, the spatial planning study it intends to develop,

c) a document that it will perform spatial planning activities through a person who meets the requirements for performing spatial planning activities.

(3) The regional authority shall examine within 30 days of receipt of an application pursuant to Subsection (2), whether the municipal authority will perform the spatial planning activity through a person who meets the requirements for performing spatial planning activity and shall issue an acknowledgement to the municipal authority or inform it that the acknowledgement cannot be issued. The acknowledgement shall include a determination of the scope of the municipal authority's performance of spatial planning activities. The acknowledgement shall be sent by the regional authority at the same time to the Ministry and the Spatial Planning Authority.

(4) The Ministry shall provide the municipal authority with access to the National Geoportal of Spatial Planning within the scope of the acknowledgement pursuant to Subsection (3).

Section 48

Obstacles to the Performance of Spatial Planning Activities

(1) If the municipal authority cannot carry out the performance of spatial planning activities by a person who meets the qualification requirements for the performance of spatial planning activities during the process of development of the spatial planning documentation or a spatial planning study, it shall immediately suspend the process and notify the Ministry and the regional authority of this fact. The regional authority shall repeal the municipal authority's acknowledgement referred to in Section 47(3) on the basis of the notification referred to in the first sentence.

(2) In the notification referred to in Subsection (1), the municipal authority shall state whether

a) it will submit a proposal to terminate the procuring to the council,

b) it requires the planning authority of the municipality with extended powers to complete the development; or

c) it takes steps to ascertain that the planning activity is performed by a person who meets the qualification requirements for performing the spatial planning activity.

(3) Where a municipality requires that the Spatial Planning Authority of the municipality with extended powers completes the procurement, the regional authority shall forward the request to the appropriate Spatial Planning Authority. A request pursuant to the first sentence shall be regarded to be a request by a municipality pursuant to Section 25(b).

(4) If the content of the request is an indication pursuant to Subsection (2)(c), the procedure pursuant to Section 47 shall apply by analogy.

Section 49

Designated Representative

(1) The municipal council and the regional council shall designate a member of the municipal council who shall cooperate with the procurer in the development of the municipal or regional spatial planning documentation (hereinafter referred to as the "designated representative").

(2) The procurer shall proceed in cooperation with the designated representative in the development of spatial planning documentation.

(3) If the procurer and the designated representative do not reach an agreement, the solution proposed by the procurer is decisive for the continuation of the development of the spatial planning documentation in terms of compliance of the proposal with the superior spatial planning documentation, with legal regulations and with the opinions of the superior Spatial Planning Authority and the respective authorities, in other cases the solution proposed by the designated representative is decisive.

(4) If a spatial planning study is developed for a municipality by the Spatial Planning Authority, which is a condition for a decision-making process in the territory pursuant to Section 81(4), the council may designate a representative who cooperates with the procurer in its development; the provisions on the designated representative shall apply *mutatis mutandis*.

Subchapter 2

Representative of Procurer

Section 50

General Provisions

(1) The Ministry shall grant authorisation to perform spatial planning activities to a person who

- a) is fully legally capable,
- b) has a certificate of special competence for administrative activities in spatial planning or a certificate of successful completion of the civil service examination for a field of the civil service of which spatial planning is part thereof,
- c) meets the qualification requirements of education and work experience referred to in Section 44(4),
- d) is of personal integrity,
- e) has carried out spatial planning activities in accordance with legal regulations; within its assessment, the Ministry shall base its assessment on the quality of the applicant's activities in the development of spatial planning documentation in which he/she has personally participated.

(2) The list of representatives of the procurer shall be kept by the Ministry and published on the National Geoportal of Spatial Planning in a manner that allows remote access.

Section 51

Personal Integrity

(1) A person shall not be considered to be of personal integrity to be granted an authorisation to perform spatial planning activities if he/she

- a) has been finally convicted of a criminal offence committed intentionally, if that offence was committed in connection with performing a spatial planning activity, if he/she shall not be regarded as not having been convicted; or
- b) has been subject to a disciplinary measure in the form of suspension or withdrawal of authorisation by the Czech Chamber of Architects.

(2) A person who is not a citizen of the Czech Republic and who is not a permanent resident of the Czech Republic shall prove his/her personal integrity by an extract from a register similar to the Penal Register issued by the State of which he/she is a citizen or by the State of his/her last residence. A person who is or has been a citizen of other Member State of the European Union or has or has had a residential address in other Member State of the European Union may, instead of an extract from a register similar to the Penal Register, prove his/her personal integrity by an extract from the Penal Register with an annexe containing

information which is entered in the penal records of other Member State of the European Union.

(3) The Ministry shall request an Extract from the Penal Register record, including an annexe containing foreign convictions in order to verify personal integrity. The application for the issuance of an Extract from the Penal Register record and the Extract from the Penal Register record shall be provided in electronic form in a manner that allows remote access.

(4) The Czech Chamber of Architects shall immediately notify the Ministry of the final imposition of a disciplinary measure consisting of the suspension or withdrawal of the authorisation of the representative of the procurer.

Section 52

Application for Granting Authorisation

(1) The application for granting authorisation to perform spatial planning activities include

- a) a proof of education achieved pursuant to Section 44(3), or a proof of exemption pursuant to Section 45(1),
- b) a certificate of work experience in public administration in the development of spatial planning documentation,
- c) a copy of a certificate of special competence in spatial planning, or a copy of a certificate of successful completion of a civil service examination pursuant to the Civil Service Act,
- d) a list of the spatial planning documentation developed by the procurer in which he/she has personally participated, indicating the extent of his/her participation.

(2) The Ministry may request the regional authority to state whether it has taken any action in respect of the spatial planning documentation for which the applicant has acted as a procurer in the last 3 years prior to the submission of the application.

Section 53

Granting and Termination of Authorisation

(1) The authorisation to perform spatial planning activities is granted for a period of 5 years. This period shall be extended by 5 years at the request of the representative of the procurer, even repeatedly, if the conditions of Section 50(1) are met.

(2) The authorisation to perform spatial planning activities shall expire

- a) on the date of delivery of a written declaration of the representative of the procurer on the termination of the activity to the Minister of Regional Development,
- b) on expiry of the period for which it was granted,
- c) on the date on which the court decision restricting the legal capacity of the representative of the procurer enters into force,
- d) on the loss of personal integrity; or
- e) on the revocation of the authorisation referred to in Subsection (3).

(3) The Ministry shall repeal the authorisation to perform spatial planning activities if the representative of the procurer

- a) repeatedly or grossly violates the legal regulations while performing the spatial planning activity; or
- b) ceases to meet the conditions for the performance of the function.

(4) A person whose authorisation to carry out spatial planning activities has ceased shall immediately inform the municipal authority for which he/she performs such activities of this fact and shall submit to it a proposal for the further procedure for the development of spatial planning documentation or a spatial planning study.

Chapter 4

Respective Authorities in Spatial Planning Process

Section 54

Opinions and Statements of Respective Authorities

(1) The respective authorities shall submit opinions that are not decisions in administrative proceedings and whose content is binding for the development of spatial planning documentation, planning measures or the definition of the built-up area unless otherwise stipulated in the resolution of contradictions. Section 149(2) of the Administrative Procedure Code shall apply to the content of opinions by analogy.

(2) The respective authorities shall submit their opinions to the specification draft of the spatial planning documentation, the impact assessment, the draft report on the spatial planning documentation implementation and the specification draft of the amendment to the spatial planning documentation.

(3) If the assessed draft contains design variants, the respective authority shall assess each variant separately.

(4) If, within the process of developing spatial planning tools, deadlines are set for the submission of opinions or comments and the respective authority does not submit an opinion or comment within this period, the opinion or comment submitted later shall not be considered.

Section 55

Resolution of Contradictions

The spatial planning authorities discuss contradicting opinions of the respective authorities. In the event of contradictions between the procurer and the respective authorities, as well as between the respective authorities mutually, the Administrative Procedure Code shall apply.

Chapter 5

Common Provisions

Section 56

Spatial Reserve

(1) A spatial reserve within this Act shall be understood as an area or a corridor that is delimited in the spatial planning documentation for a use which need and area requirements must be subsequently examined.

(2) When delimiting a spatial reserve, the spatial planning documentation shall set out its intended future use or the conditions for its examination.

(3) The spatial reserve may be changed to an area or a corridor enabling the specified use only by amending the spatial planning documentation.

(4) The spatial reserve shall not be assessed in terms of its impacts on sustainable development, on the environment, on the object of protection or the integrity of European Special Areas of Conservation or Special Protection Areas, nor in terms of the anticipated consequences of the proposed project on the agricultural land fund and land intended for the fulfilment of the forest function; these impacts shall be assessed only when the spatial planning documentation is amended to enable the specified use.

(5) Changes to the area which could make the delimited use significantly more difficult or impossible are prohibited in the spatial reserve.

(6) The purposefulness of the further existence of the spatial reserve delimitation shall always be assessed by the procurer in accordance with Section 107(2)(a).

Full Text and Location Plan

Section 57

(1) The full text of the spatial documentation or the delimitation of the built-up area (hereinafter referred to as the "full text") shall be understood as the effective version of the spatial planning documentation or the

delimitation of the built-up area with subsequent changes incorporated. The full text includes both textual and drawing parts.

(2) The development of the full text of the spatial planning documentation amendment or the definition of the built-up area shall be provided by the procurer.

(3) Location plan shall be understood as a drawing including the proposed design, the unchanged current state and important restrictions in the area, especially the limits of land use.

(4) The full text shall, after the issuance of the spatial planning documentation amendment, bear a record of its effectiveness that includes

- a) identification of the administrative authority that issued the latest amendment,
- b) the serial number of the latest amendment,
- c) the date of entry into force of the latest amendment,
- d) the name, surname, function and signature of the authorised official of the authorising authority and the official stamp.

Section 58

(1) If a deficiency occurs during the development of the full text, the procurer shall immediately remove the error or arrange for its elimination; any deficiencies in the development of the full text shall not affect the effectiveness of the spatial planning documentation amendment.

(2) A change in the way of graphic representation shall not be considered a falsification or change of the full text.

Section 59

Uniform Standard

(1) The spatial planning documentation, its amendment and complete full text, the spatial planning study, the delimitation of the built-up area, its amendment and full text and the planning measures shall be drawn up in an electronic version in a machine-readable format¹⁰⁾, including spatial data¹¹⁾, also in vector form.

(2) Selected parts of the spatial planning documentation, its amendments and full text, the delimitation of the built-up area, its amendment and full text and the planning measure shall be developed in a uniform standard.

(3) The unified standard of the spatial planning documentation, the delimitation of the built-up area and the planning measure shall determine their standardised parts and requirements for

- a) geodetic reference system,
- b) the structure of the standardised parts,
- c) the graphical representation of the standardised parts,
- d) the data exchange format; and
- e) metadata.

(4) The detailed content of the uniform standard, including the determination of selected parts of the spatial planning documentation, the delimitation of the built-up area and planning measures shall be developed in the unified standard, and the requirements for a machine-readable format shall be determined by implementing legal regulation.

Section 60

Map Sources and Other Documents for Spatial Planning Activities

(1) Map sources for spatial planning activities (hereinafter referred to as "map sources") are a cadastral map and base state map series; map sources for the development of a regulatory plan may also be a planimetric orientation and altimetric orientation of the area concerned.

(2) The map source shall also be the basic geographic database and thematic state map series.

(3) The map source may be complemented for the purposes of spatial planning based on the facts determined by the actual survey of the territory; a record of the complementation shall be kept with the procurer.

(4) The digital technical map of the region, the digital technical map of the municipality, if available, and the digital map of the public administration pursuant to other legal regulation¹⁴⁾ shall be used in spatial planning activities as an additional source.

TITLE III

SPATIAL PLANNING TOOLS

Chapter 1

General Provisions

Section 61

Types of Spatial Planning Tools

The spatial planning tools are

- a) spatial planning documents, which are spatial analytical documents and spatial planning studies,
- b) spatial development policy,
- c) spatial planning documentation, which includes the spatial development plan, spatial development principles, spatial plan and regulatory plan,
- d) delimitation of the built-up area,
- e) planning measures, which are planning measures on building closure and planning measures on land clearance.

Chapter 2

Spatial Planning Documents

Subchapter 1

Spatial Analytical Documents

Section 62

(1) Spatial analytical documents serve mainly as a professional basis for the development of spatial development policy, spatial planning documentation, spatial planning studies, planning measures, delimitation of built-up areas and the decision-making process in the territory.

(2) Spatial analytical documents include the findings and assessment of the state and development of the territory, its values, limits of the use of the territory, plans for changes in the territory, identification and assessment of conditions for sustainable development and identification of problems to be addressed in spatial planning documentation.

(3) The requirements for the content of spatial analytical documents shall be stipulated by an implementing legal regulation.

Section 63

Spatial Data

(1) Spatial data is information or data on the state of the territory and the restrictions that relate to a particular part of the territory, for example, an area, a land plot, a natural formation or a structure, which were developed or identified, in particular on the basis of legal regulations, as well as information or data on projects to implement a change in the territory; the spatial data also includes metadata.

(2) The spatial data shall be provided to the procurer by the spatial data provider, which is

- a) a public administration authority to whose competence the spatial data relate, or a legal entity whose founder is the State or a local self-governing unit,
- b) the owner of transport or technical infrastructure,
- c) the operator of buildings and facilities whose operation results in restrictions in the territory pursuant to other legal regulation¹⁵⁾.

Section 64

Provision of Spatial Data

(1) The spatial data provider shall provide the data in digital form without delay after their creation or after their identification, while being responsible for their accuracy, completeness and timeliness, within the accuracy characteristics specified in the metadata. Spatial data shall be provided in the formats and pursuant to the conditions stipulated by the implementing legal regulation. The obligation to provide spatial data shall be fulfilled by entering it in the digital technical map of region¹⁶⁾, on the National Geoportal of Spatial Planning or the Registry of Territorial Identification, Addresses and Real Estates¹⁷⁾.

(2) Spatial data may be used only for the activities of public administration authorities and for the activities of the designer of spatial planning documentation and spatial planning studies.

(3) The owner of transport or technical infrastructure shall be entitled to reimbursement of the costs reasonably incurred in connection with the provision of spatial data pursuant to this Act, but not more than to the extent of the costs of developing their copies, data carriers and the costs of delivery to the procurer. The costs shall be borne by the procurer on the basis of a request from the owner of the transport or technical infrastructure.

(4) The provider of spatial data who fails to fulfil the obligation pursuant to Subsection (1) shall be obliged to pay the resulting costs for changes to the spatial planning documentation, and spatial planning studies and for amending the spatial analytical documents and shall be liable for the harm resulting from the failure to provide the spatial data or the incorrect provision of the data.

Section 65

Development and Amending of Spatial Analytical Documents

(1) Spatial analytical documents and their amendments shall be developed by the procurer on the basis of surveys of the territory, spatial data and other available information. The procurer shall also take into account the prognoses of further spatial development in order to obtain an insight into its future state and development.

(2) A digital technical map of the region or municipality, if available, shall also serve as a basis for the development of spatial analytical documents.

(3) The procurer shall continuously update the spatial analytical documents and develop a new complete update draft within 4 years of their last complete update.

Section 66

Discussion of Spatial Analytical Documents

(1) The procurer shall discuss the spatial analytical documents for the administrative district of the municipality with extended powers and their complete update within the scope of identification of problems to be addressed in the spatial planning documentation within 30 days after their development with the municipalities in its administrative district.

(2) The procurer shall modify the spatial analytical documents for the administrative district of the municipality with extended powers according to the discussion results and immediately enter them into the National Geoportal of Spatial Planning.

(3) The procurer shall submit the spatial analytical documents for the territory of the region and their complete update to the regional council for discussion in the scope and form specified by the implementing legal regulation.

(4) The regional authority shall enter the spatial analytical documents for the territory of the region into the National Geoportal of Spatial Planning within 10 days of their discussion pursuant to Subsection (3).

Subchapter 2

Spatial Planning Study

Section 67

Objective

(1) The spatial planning study shall propose, examine and assess possible solutions to selected problems in the territory that could significantly influence or condition its use and layout.

(2) The spatial planning study shall serve as a professional basis for

- a) a decision-making process in the territory, however, only in those parts in which it is compliant with the spatial planning documentation,
- b) the development of spatial planning documentation, however, only in those parts in which it does not contradict the spatial development policy and the superior spatial planning documentation,
- c) the development of a spatial development policy.

Section 68

Development

(1) The procurer shall develop a spatial planning study

- a) in cases where it is required by the spatial planning documentation,
- b) on its own initiative, or
- c) on other initiative.

(2) The costs of the spatial planning study development required by the spatial planning documentation shall be borne by the authority which issued the spatial planning documentation. The procurer may condition the spatial planning study development from other initiative by bearing the costs of the spatial planning study development by the entity that submitted the initiative.

(3) The procurer shall determine the content, scope, objectives and purpose of the spatial planning study assignment. The procurer may set down that the entity who intends to implement the change in the territory shall arrange the spatial planning study development at his/her own expense.

(4) The procurer shall submit a spatial planning study draft for discussion to the municipal board which approves the spatial plan in the case of a spatial planning study, in which development is imposed by the spatial plan as a condition for a decision-making process in the territory. If the municipal board does not discuss the spatial planning study draft within 90 days from the date of its submission by the procurer to the municipal board, it shall be deemed to have agreed to the draft.

(5) If necessary, the procurer shall arrange for the modification of the spatial planning study and upload it to the National Geoportal of Spatial Planning within 7 days from the date on which it approved its use; such uploading shall be a condition for the spatial planning study use.

Section 69

Examination of the Spatial Planning Study

(1) The procurer shall examine the timeliness of the spatial planning study within 8 years from the entry of the spatial planning study into the National Geoportal of Spatial Planning at the latest, and subsequently within every 8 years he/she shall examine its timeliness, and in the case of a positive result of the examination shall provide the entry of data on this fact into the National Geoportal of Spatial Planning, otherwise the spatial planning study shall be removed from the National Geoportal of Spatial Planning.

(2) If the data on the examination of the spatial planning study timeliness is not entered or the spatial planning study is removed from the National Geoportal of Spatial Planning by the procurer within the time limit pursuant to Subsection (1), the Ministry or the organisational unit of the State authorised by it shall remove the spatial planning study from the National Geoportal of Spatial Planning within 30 days from the date of expiry of the time limit pursuant to Subsection (1).

Chapter 3

Spatial Development Policy

Section 70

Spatial Development Policy

(1) The spatial development policy is a strategic document which shall determine the requirements for the specification of spatial planning tasks in the national, cross-border and international context within a defined period and determine the strategy and basic conditions for the fulfilment of these tasks. The Spatial Development Policy shall be developed for the entire territory of the State.

(2) The spatial development policy, taking into account the possibilities of the territory, shall coordinate the development and amendments to the spatial development plan and spatial development principles, the development of concepts approved by ministries and other central administrative authorities, and projects for changes in the territory of national significance, and shall determine the tasks providing such coordination.

(3) The Ministry shall ensure that a notice of the spatial development policy approval is published in the Collection of Legislations and International Treaties and that it is published on the National Geoportal of Spatial Planning. The spatial development policy shall be binding for the development and issuance of spatial planning documentation on the day following the date of publication of the notice referred to in the first sentence.

Section 71

Contents

(1) The spatial development policy shall

- a) establish national priorities of spatial planning to provide sustainable development in the Czech Republic,
- b) establish the concept of the settlement structure of the Czech Republic,
- c) delimit the areas affected by the development dynamics of one or more centres of settlement with increased requirements for changes in the territory which are of international or national importance or areas affected by the development dynamics of one or more centres of settlement with increased requirements for changes in the territory, which in their importance go beyond the territory of one region (hereinafter referred to as "development areas") and areas with a connection to the capacity transport infrastructure connecting the development areas and important centres of population (hereinafter referred to as "development axes"),
- d) delimit areas with specific values and specific problems of international or national importance or areas with specific values and specific problems whose significance goes beyond the territory of one region (hereinafter referred to as "specific areas"),
- e) delimit transport and technical infrastructure projects of international and national importance or transport and technical infrastructure projects whose significance goes beyond the territory of one region; and
- f) determine the tasks referred to in Section 70(2).

(2) The Ministry shall provide an impact assessment for the spatial development policy draft if required pursuant to Section 40.

(3) The content and structure of the spatial development policy are determined in Annex No. 5 of this Act.

Section 71a

Draft

(1) The Ministry shall develop a spatial development policy draft in cooperation with the ministries, other central administrative authorities and regions.

(2) The Ministry of the Environment shall, at the request of the Ministry, within 30 days of receipt of the spatial development policy draft content, determine the requirements for the environmental impact assessment. The nature conservation respective authority shall deliver the opinion pursuant to Section 45(i)(1) of the Act on Nature and Landscape Protection to the Ministry and the Ministry of the Environment no later than 10 days before the expiry of the time limit referred to in the first sentence.

(3) The spatial development policy draft shall be developed by the Ministry on the basis of

- a) spatial planning documents,
- b) documents intended to support regional development,
- c) materials and documents of public administration which have an impact on the State territory use in an international and national context,
- d) state of the environment report, and
- e) international commitments of the Czech Republic relating to spatial development.

Section 71b

Discussion of Draft

(1) The Ministry shall publish the spatial development policy draft together with the impact assessment on the National Geoportal of Spatial Planning and shall at the same time send the Spatial Development Policy draft together with the impact assessment to

- a) the ministries,
- b) other central administrative authorities; and
- c) the regions.

(2) Ministries, other central administrative authorities, regions, municipalities and the public may submit their comments in writing within 60 days of the spatial development policy draft publication. Comments submitted later shall not be taken into account.

(3) The Ministry, in cooperation with the Ministry of Foreign Affairs and the Ministry of the Environment, shall send the spatial development policy draft together with the impact assessment to neighbouring countries whose territory may be significantly affected by the spatial development policy implementation and offer them consultations. If a neighbouring country expresses an interest in consultations, the Ministry, in cooperation with the Ministry of Foreign Affairs and the Ministry of the Environment, shall participate in the consultations.

(4) The Ministry shall take the comments, the results of the impact assessment, any comments of the neighbouring countries and the consultation results into account in the spatial development policy draft.

Section 71c

Statement of Concept Draft

(1) The Ministry shall send a draft assessment of the comments submitted, any comments from neighbouring countries and the results of consultations to the Ministry of the Environment as a basis for issuing an opinion on the concept draft pursuant to Section 10(g) of the Environmental Impact Assessment Act.

(2) The Ministry of the Environment shall give its opinion within 30 days of receipt of the documents referred to in Subsection (1). If it does not concern a spatial development policy amendment, the time limit for submitting the opinion may be extended for serious reasons, which the Ministry of the Environment shall notify the Ministry within 30 days of the receipt of the documents, but not longer than 30 days.

(3) If the Ministry of the Environment fails to submit an opinion within the time limit referred to in Subsection (2), the spatial development policy may be approved without such an opinion; in such a case, the Ministry shall take into account the conclusions of the impact assessment, comments and the results of the consultations.

(4) If the impact assessment on the European Special Area of Conservation or a Special Protection Area shows that the spatial development policy has a significant negative impact on the object of protection or the integrity of the European Special Area of Conservation or Special Protection Area, the procedure pursuant to Section 45(i)(1) of the Act on Nature and Landscape Protection shall apply. The Ministry of the Environment shall specify the compensatory measures in the opinion pursuant to Section 54(1).

Section 71d

Approval and Implementation

(1) The Ministry shall submit a spatial development policy draft to the Government for approval.

(2) The Ministry shall assess the spatial development policy implementation no later than 4 years after the spatial development policy approval and at least once every 4 years thereafter.

(3) the Ministry, in cooperation with other ministries, other central administrative authorities and regions, shall develop a report on the spatial development policy implementation (hereinafter referred to as the "implementation report"), for the purpose of assessing the spatial development policy implementation, which shall include in particular

- a) an evaluation of the implementation of the spatial development policy tasks,
- b) the problems to be addressed in the spatial development policy resulting from the spatial analytical documents,
- c) an impact assessment of the spatial development plan, spatial development principles, public administration materials and documents with a national focus on the spatial development policy implementation,
- d) an impact assessment on sustainable development resulting from the spatial development policy implementation in terms of possible unforeseen impacts, including the need for measures to their prevention, mitigation or compensation,
- e) an assessment of the need for the spatial development policy amendment or a new spatial development policy development.

(4) If the assessment pursuant to Subsection (3)(e) results in the need for the spatial development policy amendment or a new spatial development policy development, the implementation report shall include in particular

- a) proposals for the spatial development policy amendment, including its justification, or, where appropriate, proposals and reasons for the development of a new spatial development policy draft,
- b) an opinion pursuant to Section 45(i)(1) of the Act on Nature and Landscape Protection,
- c) an opinion of the Ministry of the Environment developed on the basis of the criteria pursuant to Annex No. 8 to the Environmental Impact Assessment Act, indicating whether the spatial development policy amendment shall be assessed in terms of its environmental impacts,
- d) a proposal for measures to be implemented in the spatial planning activities of regions and municipalities and the activities of the ministries and other central administrative authorities.

(5) The Ministry shall publish the implementation report draft on the National Geoportal of Spatial Planning and shall set a time limit for submission of written comments by municipalities and the public, which shall not be shorter than 30 days from the date of the draft publication. Comments shall be submitted to the Ministry. Later comments shall not be taken into account.

(6) The Ministry shall submit the implementation report draft to the Government, which shall

- a) acknowledge the implementation report unless an amendment or the development of a new spatial development policy is required; or
- b) approve the implementation report and decide on the spatial development policy amendment or the development of the new spatial development policy.

Section 71e

Amendment

(1) The spatial development policy amendment shall be developed, discussed and issued in the scope of the amended parts. Sections 71(a) to 71(c) shall apply by analogy to the development and discussion of the spatial development policy amendment.

(2) An impact assessment of spatial development policy amendment shall be developed only if the Ministry of the Environment determines so in its opinion pursuant to Section 71(d)(4)(c).

(3) The Ministry shall ensure the development of the full text of the spatial development policy after its amendment. The Ministry shall publish the spatial development policy amendment and the full text of the

spatial development policy after its amendment on the National Geoportal of Spatial Planning.

(4) The Government may, on a proposal, decide to amend the spatial development policy and its content without submitting an implementation report on the grounds of urgent public interest. In such a case, the Government may decide to shorten the time limits referred to in Section 71(b)(2) and Section 71(c)(2).

(5) A proposal to amend the spatial development policy on the grounds of urgent public interest may be submitted by the central government authority or the regional council and it shall include

- a) the data enabling identification of the proponent,
- b) the content of the spatial development policy amendment,
- c) the reasons for the amendment development, including an indication of the urgent public interest,
- d) an opinion pursuant to Section 45(i)(1) of the Act on Nature and Landscape Protection; and
- e) the opinion of the Ministry of the Environment, indicating whether the spatial development policy amendment shall be assessed in terms of its environmental impact.

(6) In justified cases, the Government may decide on the development of the spatial development policy amendment and the spatial development plan or its amendment at the same time.

Chapter 4

Spatial Planning Documentation

Subchapter 1

Purpose and Basic Content Requirements of Spatial Planning Documentation

Section 72

Common Provisions

(1) The spatial planning documentation must not contain details that belong in their contents to the subsequent spatial planning documentation or decision.

(2) The spatial planning documentation and its justification shall contain a text part and a graphic part. The content and the structure of the spatial planning documentation as well as the content of the spatial planning documentation justification are set out in Annexes No. 6 to 9 to this Act.

(3) Spatial planning documentation shall also be understood as the spatial planning documentation amendment.

(4) The provisions of this Act shall apply mutatis mutandis to the content of the spatial planning documentation of a military training area. The spatial planning documentation draft of a military training area shall only be discussed pursuant to this Act to the extent of the impacts beyond the boundaries of the military training area.

Section 73

Form and Binding Force of Spatial Planning Documentation

(1) Spatial planning documentation shall be issued in the form of a measure of a general nature.

(2) The spatial planning documentation shall be binding for the decision-making process in the territory and further changes in the territory. Small structures may only be implemented in accordance with the spatial planning documentation.

(3) The superior spatial planning documentation shall be binding for the content of the subsequent spatial planning documentation. The part of the subsequent spatial planning documentation which is in contradiction with the superior spatial planning documentation shall not be taken into account.

(4) Where appropriate, the subsequent spatial planning documentation shall specify the extent of areas and corridors delimited in the superior spatial planning documentation.

(5) Specification pursuant to Subsection (4) shall be understood as the delimitation of the areas and corridors in the territory included in the area or corridor delimited in the superior spatial planning documentation. The specification of an area or corridor shall also specify the area to which the conditions set out in the superior spatial planning documentation for the area or corridor to be specified, shall apply.

Spatial Development Plan

Section 74

(1) The spatial development plan shall specify the projects defined in the spatial development policy in accordance with the spatial planning objectives and tasks, define other projects, take into account the requirements resulting from the strategic concepts of the Czech Republic and international commitments and contribute to their implementation.

(2) Spatial development plan shall define

a) buildable areas, transformation areas and corridors intended for the location of transport and technical infrastructure projects of international or national importance, or exceeding in importance the territory of one region, delimited by the spatial development policy and establish the purpose of their delimitation, or the conditions for a decision-making process in the territory,

b) buildable areas, transformation areas, areas and corridors for other projects of international or national significance, or exceeding in importance the territory of one region, which are not delimited in the Spatial Development Policy and which are decided by the government, and determines the purpose of their delimitation or the conditions for a decision-making process in the territory,

c) territorial system of ecological stability of supra-regional significance, and

d) publicly beneficial structures, publicly beneficial measures, structures and measures to provide defence and security of the State and areas for land clearance, for which the rights to land and structures can be expropriated.

Section 75

(1) The spatial development plan may delimit an area or corridor of the spatial reserve.

(2) The spatial development plan may determine the order of the implementation of changes in the territory.

(3) The spatial development plan may impose a spatial planning study development in selected areas or corridors in order to examine the proposed solution in more detail.

Section 76

(1) The spatial development plan shall be developed and issued for the entire territory of the State.

(2) The Ministry shall provide an impact assessment for the spatial development plan draft if required pursuant to Section 40.

Spatial Development Principles

Section 77

(1) The spatial development principles shall represent a basic conceptual document of the region for directing its spatial development and protecting the values of its territory.

(2) Spatial development principles shall

a) set out the concept of the territory development of the region and the development and protection of its values, including the concept of the settlement structure of the region, taking into account the concept of the settlement structure of the State included in the spatial development policy,

b) specify the delimitation of development areas and development axes included in the spatial development policy and, where appropriate, delimit development areas and development axes of supra-local significance,

c) specify the definition of specific areas included in the spatial development policy and, where appropriate, delimit specific areas of supra-local importance,

d) adopt and, where appropriate, specify the substantive solutions included in the spatial development plan, in particular the buildable areas, transformation areas and corridors and the territorial system of ecological stability of supra-regional importance,

e) delimit the buildable areas, transformation areas and corridors of supra-local importance, including areas and corridors of public infrastructure, areas for mineral extraction, the territorial system of ecological stability of regional importance, define the purpose for which they are delimited and the requirements for their use,

- f) delimit landscapes and set their target qualities in accordance with the European Landscape Convention¹⁸⁾, including spatial conditions for their conservation or achievement,
- g) take over and, where appropriate, specify publicly beneficial structures, publicly beneficial measures, structures and measures to provide the defence and security of the State and areas for land clearance for which rights to land and structures may be expropriated, included in the spatial development plan,
- h) delimit publicly beneficial structures and publicly beneficial measures to provide the defence and security of the State and areas for land clearance for which rights to land and structures may be expropriated,
- i) set out requirements for the coordination of municipal spatial planning activities and solutions in municipal spatial planning documents, taking into account the established settlement structure and renewable and secondary energy sources.

Section 78

(1) Spatial development principles in supra-local context shall specify and develop the objectives and tasks of spatial planning in accordance with the spatial development policy and the spatial development plan and determine the strategy for their implementation.

(2) Where appropriate, the spatial development principles shall arrange for a more detailed solution included in the spatial development policy or the spatial development plan and address other matters that exceed the territory of the municipality in terms of their significance or scope; while, they may include a solution for a selected area, corridor or area on a more detailed scale.

(3) Spatial development principles may delimit an area or corridor of a spatial reserve.

(4) Spatial development principles may determine the order of implementation of changes in the territory.

(5) Spatial development principles may impose a spatial planning study development in selected areas or corridors in order to examine the proposed solution in more detail.

Section 79

(1) Spatial development principles shall be developed and issued for the entire territory of the region.

(2) Matters of national significance which are not included in the spatial development policy or the spatial development plan may be included in the spatial development principles unless the superior authority excludes them in its opinion pursuant to Section 101 with regard to the need for their supra-regional coordination.

(3) In addition to the spatial development principles draft, the procurer shall provide an impact assessment if required pursuant to Section 40.

(4) Spatial development principles of the Capital City of Prague shall address matters of city-wide significance; while, the provisions determining the content of the spatial development principles concerning development areas, development axes, specific areas and settlement structure shall apply *mutatis mutandis*.

Spatial Plan

Section 80

(1) A spatial plan shall be the basic conceptual document of the municipality to direct the spatial development and protection of the values of its territory.

(2) A spatial plan shall

- a) delimit the built-up area and determine the date to which it is delimited,
- b) determine the basic concept of the municipality development, expressed in particular in the objectives of improving its existing condition and the requirements for the development and protection of its values,
- c) establish the urban concept, which includes the urban composition, the delimitation of areas according to the existing or newly required mode of use (hereinafter referred to as "area with a different mode of land use"), the delimitation of buildable areas, transformation areas, the system of public spaces and the system of settlement greenery,
- d) establish the concept of public infrastructure, which includes the determination of conditions for its location, the delimitation of areas and corridors for public infrastructure, including the determination of conditions for their use,

e) establish the concept of landscape layout, which includes the delimitation of areas with a different mode of land use, areas of changes in the landscape and the determination of conditions for their use, the delimitation and determination of conditions for green infrastructure, including the territorial system of ecological stability, permeability of the landscape, anti-erosion measures, protection against floods and drought, recreation and mining of mineral deposits,

f) set out the conditions for the use of areas with a different mode of land use, specifying the main use, if it is possible to determine it, acceptable use, nonacceptable use, or the determination of conditionally acceptable use of these areas and the conditions of spatial arrangement, including the basic conditions for the protection of the landscape and the character of the territory,

g) define publicly beneficial structures, publicly beneficial measures, structures and measures to provide the defence and security of the State and areas for land clearance, for which the rights to land and structures may be expropriated.

(3) The spatial plan shall adopt the substantive solutions of the spatial development principles, especially areas and corridors and, if it is appropriate, specify them. If the spatial development principles have not yet taken into account the substantive solutions contained in the spatial development policy or the spatial development plan, the spatial plan adopts these solutions and, if appropriate, specifies them.

Section 81

(1) The spatial plan may delimit the areas and corridors of spatial reserves and divide the territory into localities according to the prevailing character.

(2) The spatial plan may delimit a buildable territory. The buildable territory shall include the built-up area, buildable areas and transformation areas.

(3) A spatial plan may delimit an area or corridor in which decisions in the territory are conditioned upon by the conclusion of a planning contract. In such a case, the spatial plan shall determine the basic content of the planning contract, the conditions and the time limit for its conclusion, which shall not be longer than 6 years from the effective date of the spatial plan. Upon the expiry of the time limit, the condition shall cease to be valid.

(4) In selected areas or corridors, the spatial plan may impose the development of a spatial study or the issuance of a regulatory plan as a condition for a decision-making process in the territory and determine the basic conditions for the spatial study development and the basic conditions for the regulatory plan development or the regulatory plan assignment and the time limit for the entry of the spatial study into the National Geoportal of Spatial Planning or for the entry into force of the regulatory plan, which shall not be longer than 6 years from the entry into force of the spatial plan in both cases. Upon the expiry of the time limit, the condition shall cease to be valid.

(5) The spatial plan may delimit an area or corridor in which a decision-making process in the territory is subject to an architectural or urban design competition. The architectural or urban design competition shall be arranged at the request of the builder at the expense of the municipality whose council issued the spatial plan. An architectural or urban design competition may be arranged by the municipality at the expense of the entity that plans to implement the project in the area or a corridor.

(6) The spatial plan may determine the order of implementation of changes in the territory.

Section 82

(1) A spatial plan shall be developed and issued, if the municipal board so decides, for the entire territory of the municipality, unless otherwise provided in this Act.

(2) A spatial plan may also be developed and issued for a part of the territory of the Capital City of Prague. In such a case, the spatial plan shall contain the delimitation of the area addressed. The spatial plan of the Capital City of Prague shall be considered as the superior spatial planning documentation.

(3) The spatial plan may contain components of a regulatory plan for the whole or part of the territory of the municipality if the municipal board so determines in the spatial plan assignment or the amendment to the spatial plan assignment.

Section 83

(1) The procurer shall provide an impact assessment if required pursuant to Section 40 in addition to the spatial plan draft.

(2) The spatial plan may delimit architecturally or urbanistically significant structures¹⁹⁾.

(3) The provision of public funds pursuant to other legal regulations for the implementation of changes in the territory shall not be in contradiction to the spatial plan issued.

Section 84

Matters of supra-local importance, which are not included in the spatial development principles, may form part of the spatial plan if the superior authority does not exclude them in its opinion according to Section 101 on account of the need for their supra-local coordination.

Regulatory Plan

Section 85

(1) The regulatory plan in the area addressed shall determine detailed conditions for

- a) the delimitation and land use,
- b) the location and spatial arrangement of structures, including their connection to public transport and technical infrastructure, and urban and architectural conditions,
- c) the location and spatial arrangement of public infrastructure structures,
- d) protection of the values, and character of the territory and landscape.

(2) The regulatory plan shall also generally determine

- a) the street and building lines,
- b) the mutual setback of structures and the setback of structures from the plot boundary,
- c) the plan size, height, volume and shape of the structure,
- d) basic information on the capacity of the structure,
- e) the identification of the parts of the plot which may be built on or the buildability of the plot with other structures,
- f) basic conditions for fire protection,
- g) conditions for a favourable environment and green infrastructure, including the delimitation and use of the plots of the territorial system of ecological stability.

Section 86

(1) A regulatory plan shall be developed and issued for the area addressed if the municipal board so decides.

(2) The regulatory plan may delimit publicly beneficial structures or publicly beneficial measures, structures and measures to provide the defence and security of the State and land for land clearance, for which the rights to land and structures may be expropriated.

(3) The regulatory plan may define a project for which the conclusion of a planning contract is a condition for the decision-making process in the territory. In such case, it shall contain basic conditions for the conclusion of a planning contract and the time limit for the conclusion of a planning contract, which shall not exceed 4 years. Upon the expiry of the time limit, the condition shall cease to be valid.

(4) The regulatory plan may define a project for which arranging an architectural or urban design competition is a condition for the decision-making process in the territory. The architectural or urban planning competition shall be arranged at the request of the builder at the expense of the municipality whose council issued the regulatory plan unless otherwise agreed. An architectural or urban design competition may be organised by the builder at its own expense instead of the municipality.

(5) The regulatory plan may delimit the construction of affordable rental housing, including the determination of the proportion of flats designated for affordable rental housing.

(6) The regulatory plan may determine the order of implementation of changes in the territory or architecturally or urbanistically significant structures¹⁹⁾.

Subchapter 2

Spatial Planning Documentation Development

Section 87

Decision on Development and Assignment Draft

(1) The respective authority for its issue (hereinafter referred to as the "authorising authority") shall decide on the spatial planning documentation development on

- a) its own initiative, or
- b) an initiative pursuant to Section 109(1), if it concerns a regulatory plan or a spatial planning documentation amendment.

(2) The procurer, in cooperation with the designated official develops a specification draft of the spatial planning documentation (hereinafter referred to as "assignment draft") on the basis of the decision pursuant to Subsection (1) and the spatial planning documents. Additional surveys and analyses may also be used as a basis for the assignment draft development.

(3) The assignment draft shall set out the main objectives and requirements for the spatial planning documentation draft development, in the case of a regulatory plan and a spatial plan for a delimited part of the territory of the Capital City of Prague, the area to be addressed shall be delimited.

(4) The content and structure of the spatial development principles specification draft, the spatial plan assignment and the regulatory plan assignment shall be determined by the implementing legal regulation.

Discussion and Improvement of the Assignment Draft

Section 88

(1) The procurer shall immediately publish the assignment draft on the National Geoportal of Spatial Planning and announce this publication by public notice. The procurer shall notify the publication individually to the respective authorities and to

- a) the Ministry, the local government units in the territory concerned and those directly adjacent to the territory concerned in the case of spatial development principles,
- b) the superior spatial planning authority and the local authorities directly adjacent to the territory concerned in the case of a spatial plan.

(2) The local self-governing unit, for which the spatial planning documentation shall be developed, shall publish the assignment draft on its official notice board. The Ministry shall publish the specification draft of the spatial development plan on its official notice board.

Section 89

(1) The procurer shall send the specification draft of the spatial development plan without delay if developed, the spatial development principles and the spatial plan to the respective authority²⁰⁾ and at the same time to the nature conservation authority.

(2) The nature conservation authority shall deliver to the procurer and the corresponding authority an opinion pursuant to Section 45(i)(1) of the Act on Nature and Landscape Protection within 20 days of the receipt of the assignment draft, in which it shall state whether a significant impact on a European Special Area of Conservation or a Special Protection Area can be excluded.

(3) The respective authority shall, within 30 days of receipt of the assignment draft, submit an opinion to the procurer in which it shall, considering the opinion of the nature conservation authority pursuant to Subsection (2), state, in the case of

- a) the spatial development plan and the spatial development principles, more detailed requirements pursuant to other legal regulation²¹⁾,
- b) the spatial development plan amendment, the spatial development principles amendment and the spatial plan and its amendment, whether the draft thereof shall be assessed in terms of its environmental impact, or, where appropriate, set out more detailed requirements pursuant to other legal regulation²¹⁾.

(4) The requirements pursuant to Subsection (3) may not require details belonging by its contents to

the subsequent spatial planning documentation or a decision.

(5) Within 30 days of receipt of a notice pursuant to Section 88(1), it may be delivered in writing to the procurer

- a) an opinion by the respective authority and the superior authority,
- b) anybody's comments.

(6) If it results from the opinion of the authority referred to in Subsection (3) that the draft of the spatial development plan, special development principles or spatial plan shall be assessed in terms of its environmental impacts, the procurer pursuant to Section 40, add a requirement for an impact assessment to the assignment draft.

Section 90

(1) The procurer in cooperation with the designated representative shall modify the assignment draft on the basis of the results of the discussion and submit it to the authorising authority for approval.

(2) The authorising authority shall, in justified cases or at the initiative of the respective authority, impose the development of the design variants to the spatial planning documentation draft in the assignment. If the authorising authority disagrees with the submitted assignment draft, it shall return the submitted draft to the procurer with its instructions for its modification and new discussion, or reject the draft.

(3) the procurer shall publish the authorised assignment draft from the authorising authority within 7 days of receiving it on the National Geoportal of Spatial Planning.

Reimbursement of Costs for Spatial Planning Documentation Development

Section 91

(1) The costs of map sources, the costs of the spatial planning documentation or its amendment development by the designer, the costs of the impact assessment, if developed, the costs of the full text of the spatial planning documentation development after its amendment, the costs of the subsequent spatial planning documentation amendment and the costs of reimbursement for the change in the territory shall be borne by

- a) the Ministry for the spatial development plan,
- b) the region for the spatial development principles,
- c) the municipality for the spatial plan and the regulatory plan,
- d) the Ministry of Defence for the spatial planning documentation for the military training area.

(2) The costs related to the development of the spatial planning documentation not referred to in Subsection (1) shall be borne by the procurer.

Section 92

(1) If the spatial planning documentation amendment results from the spatial development policy amendment or the superior spatial planning documentation, the costs referred to in Section 91(1) shall be reimbursed upon request by the Ministry, if it concerns the spatial development policy or a spatial development plan, or by the local self-governing unit that issued the superior spatial planning documentation.

(2) Subsection (1) shall not apply if the relevant part of the spatial development policy or the superior spatial planning documentation that initiated the amendment was issued on the basis of the exclusive need of the municipality or the region, or if it is for the benefit of the development of the municipality or region relevant to the approval of the subsequent spatial planning documentation.

(3) If the spatial planning documentation amendment development or the regulatory plan development is initiated by the exclusive need of the person who initiated the amendment, the authorising authority may condition their development by the partial or full reimbursement of the costs referred to in Subsection (1) and Section 91(1) by the person who initiated the amendment.

Section 93

Spatial Planning Documentation Draft

(1) The approved assignment shall be handed over by the procurer without delay to the designer of the spatial planning documentation, who shall arrange for the development of the spatial planning

documentation draft. If the development of an impact assessment is required, the procurer shall arrange for its development.

(2) Upon the receipt of the spatial planning documentation draft and the impact assessment, if developed, the procurer in cooperation with the designated representative shall without undue delay evaluate their completeness, compliance with the requirements of this Act and its implementing legal regulations, compliance with the assignment and compliance with the superior spatial planning documentation.

(3) If the spatial planning documentation draft does not meet the requirements referred to in Subsection (2), the procurer, in cooperation with the designated representative, shall develop instructions for its completion. The procurer shall forward the instructions to the designer within 7 days of their processing and shall set a reasonable time limit for their incorporation. Upon receipt of the completed draft, the procedure according to Subsection (2) and this Subsection shall apply *mutatis mutandis*.

(4) The procedure pursuant to Subchapter 3 shall apply by analogy for the impact assessment if developed.

(5) The developer shall within 7 days of a positive assessment pursuant to Subsection (2)

a) publish the spatial planning documentation draft and the impact assessment, if developed, on the National Geoportal of Spatial Planning and make them available for inspection,

b) announce the place and time of the joint hearing; and

c) announce by public notice the place and time of the public hearing and the places where the spatial planning documentation draft and the impact assessment, if developed, may be consulted.

Section 94

Joint Hearing

(1) The procurer shall announce the place and time of the joint hearing and the address of the access to the spatial planning documentation draft on the National Geoportal of Spatial Planning to the individual respective authorities and, in the case of

a) the spatial development plan to the regions,

b) the spatial development principles to the Ministry, neighbouring regions, and municipalities in and adjacent to the area addressed,

c) the spatial plan to the municipality for which it was developed, the regional authority, the Ministry of Defence if the spatial plan is developed for a municipality adjacent to a military training area, and neighbouring municipalities,

d) the regulatory plan to the municipality for which the regulatory plan is being developed.

(2) The joint hearing shall be held no earlier than 15 days but no later than 30 days after the notification pursuant to Section 93(5).

(3) The respective authorities shall submit their opinions on the spatial planning documentation draft and comments on the impact assessment within 15 days from the date of the joint hearing. Within the same period, the authorities and persons referred to in Subsection (1) may submit comments. Opinions and comments submitted after this deadline or submitted on matters that have been decided in the superior spatial planning documentation shall not be taken into account.

Section 95

Cross-Border Consultation

(1) If a significant negative impact on the territory of a neighbouring state is identified in the impact assessment, the procurer shall, through the Ministry of the Environment and the Ministry of Foreign Affairs, send the spatial planning documentation draft and the impact assessment to the competent authority of the neighbouring state²²⁾ whose territory may be significantly affected by the implementation of the spatial planning documentation and offers it consultations.

(2) If the competent authority of the neighbouring state is interested in consultations, the procurer shall invite the competent authority of the neighbouring state, the Ministry of Foreign Affairs, the Ministry of the Environment, the designated representative and the Ministry to participate, if it is not the procurer of the spatial planning documentation addressed.

Section 96

Public Hearing

(1) A public hearing shall be understood as a presentation of the spatial planning documentation draft and the impact assessment, if developed, to the public, with expert interpretation provided by the procurer in cooperation with the designer, and allowing questions from the public.

(2) A public hearing shall be held by the procurer in agreement with the designated representative in accordance with the procedure pursuant to Section 93(5)(c). Where appropriate, the procurer shall hold more than one public hearing at locations delimited by the procurer or a public hearing using remote access. For the purposes of calculating the time limits laid down by legislation, the date of the last public hearing shall be decisive.

(3) The public hearing shall be held no later than the thirtieth day following the date of delivery of the public notice pursuant to Section 93(5).

(4) A written record of the public hearing shall be made by the procurer.

Section 97

Comments

(1) Within 15 days from the date of the public hearing, anyone may submit their comments in writing on the spatial planning documentation draft and the impact assessment, if developed. Comments submitted after the deadline or submitted on matters that have been decided in the superior spatial planning documentation shall not be taken into account.

(2) In addition to the general requirements of a submission pursuant to the Administrative Procedure Code, a comment must contain a statement of reasons and a delimitation of the area affected by the comment.

(3) If the spatial planning documentation draft contains design variants, comments on each variant shall apply separately.

(4) No objections may be raised against the spatial planning documentation draft pursuant to part six of the Administrative Procedure Code.

Section 98

Assessment of Consultation Results

(1) The procurer in cooperation with the designated representative shall assess the opinions submitted and arrange for the resolution of any contradictions.

(2) The procurer, taking into account the objectives and tasks of spatial planning, in cooperation with the designated representative, shall develop an evaluation draft of comments submitted to the spatial planning documentation draft, including its justification if proposed measure do not satisfy the comment or to satisfy it only partially. Substantially related comments may be evaluated together.

(3) The evaluation draft of comments must not be in contradiction with legal regulations, with the opinions of the respective authorities or with the result of the resolution of contradictions, with the spatial development policy and the superior spatial planning documentation.

(4) If the spatial planning documentation draft contains design variants, the procurer, in cooperation with the designer and the designated representative, shall propose the selection of the most suitable variant with regard to the objectives and tasks of spatial planning, on the basis of the comments and opinions submitted, the impact assessment, if developed, or the results of the resolution of contradictions.

(5) The procurer shall immediately send the evaluation draft of comments and the draft of the most appropriate variant to the respective authorities and invite them to submit their opinions within 30 days of receipt. If the respective authority fails to submit an opinion within that period, it shall be assumed that it agrees with the proposals of the procurer.

(6) The procurer, in cooperation with the designated representative, shall evaluate the opinions submitted pursuant to Subsection (5) and, if necessary, arrange for the resolution of any contradictions.

Section 99

Informing the Council

(1) The designated representative may submit to the council a proposal for the selection of the most suitable variant and a proposal for the evaluation of the comments submitted to the spatial planning documentation draft for consideration.

(2) If the designated representative submits proposals pursuant to Subsection (1) to the council, the council shall consider them within 60 days. If the council does not discuss the proposals within the time limit referred to in the first sentence, it shall be assumed that it agrees with them.

(3) If the council disagrees with the proposals referred to in Subsection (1), it shall return them to the designated representative with its instructions for their modification, otherwise, it shall acknowledge them.

(4) The instructions of the council must not contradict the legal regulations, the opinions of the respective authorities or the outcome of the resolution of contradictions and the superior spatial planning documentation.

(5) The designated representative shall forward to the procurer the instructions to modify the proposals referred to in Subsection (1) without delay. The procurer, in cooperation with the designated representative, shall arrange for the modification of the proposals in accordance with the instructions of the council.

Section 100

Opinion on Concept Draft

(1) If an impact assessment is carried out, the procurer shall without delay send the draft evaluation of comments, the results of consultations and the draft evaluation of the submitted opinions, or the results of the resolution of contradictions and the selection of the most suitable variant draft to the respective authority as a basis for issuing an opinion on the concept draft pursuant to Section 10(g) of the Environmental Impact Assessment Act.

(2) The competent authority shall submit an opinion on the draft of the spatial development plan, spatial development principles or spatial plan, if it is subject to assessment, within 30 days of receipt of the documents pursuant to Subsection (1). An opinion pursuant to the first sentence shall not constitute an opinion pursuant to Section 54(1). If the matter does not concern the development plan amendment, the time limit for submitting an opinion may be extended for serious reasons by a resolution which shall be merely noted in the file, but not longer than 30 days. The competent authority shall inform the procurer of the extension without delay.

(3) If the competent authority fails to submit an opinion within the time limit referred to in Subsection (2), the spatial development plan, the spatial development principles or the spatial plan may be issued without its opinion; in such a case, the procurer shall take into account the conclusions of the impact assessment, comments and the results of the consultations.

(4) If the impact assessment on the European Special Area of Conservation or a Special Protection Area results in the spatial development plan, spatial development principles or spatial plan has a significant negative impact on the object of protection or the integrity of a site of European Special Area of Conservation or a Special Protection Area, which was not subject to the assessment of the superior spatial planning documentation in terms of these impacts, the procedure shall be carried out in accordance with the Section 45(i) of the Act on Nature and Landscape Protection. Compensatory measures shall be specified by the nature conservation respective authority in its opinion.

Section 101

Opinion of Superior Authority

(1) The procurer of the spatial development principles and the spatial plan shall send the evaluation draft of comments, the results of consultations and the draft evaluation of opinions, or the results of resolution of contradictions and the selection of the most suitable variant draft to the superior authority.

(2) The superior authority shall send the procurer an opinion on the draft spatial development principles or draft spatial plan from the point of view of providing the coordination of territory use with regard to wider territorial relations and in compliance with the spatial development policy and the superior spatial planning documentation within 30 days from the receipt of the documents according to (1). If it is not a spatial plan amendment, the time limit pursuant to the first sentence may be extended for serious reasons by a resolution which is merely noted in the file but not longer than by 30 days. The superior authority shall inform the procurer

of the extension without delay.

(3) If the superior authority does not provide its opinion within the time limit referred to in (2), first sentence or within the extended time limit, the spatial development principles or the spatial plan may be issued without its opinion.

(4) If the superior authority, in its opinion, draws the attention of the procurer to the deficiencies in the aspects referred to in Subsection (2), the proposal may be submitted to the authorising authority for approval only on the basis of confirmation by the superior authority that the deficiencies were resolved.

Draft Modification and New Discussion

Section 102

(1) The procurer in cooperation with the designated representative shall develop instructions for modification of the spatial planning documentation draft in accordance with the evaluation of the results of the discussion, the opinion on the draft concept and the opinion of the superior authority and shall hand them over to the designer. If the proposal contains design variants, the instruction shall include the selection of the most appropriate variant.

(2) The designer shall modify the spatial planning documentation draft on the basis of the instructions pursuant to Subsection (1). If the draft contains design variants, he/she shall supplement the justification with a diagram of the variants and a justification for the selection of the most appropriate variant.

Section 103

(1) If, as a result of the discussion, the spatial planning documentation draft is modified in a way that public interests are negatively affected or, in the case of a spatial plan or regulatory plan, the ownership of land and buildings is negatively affected, and neither the respective authority nor the owner had the opportunity to submit an opinion or comment on the modified documentation (hereinafter referred to as a "substantial modification"), the procurer shall without undue delay order a new discussion within the scope of the substantial modification. A substantial modification shall not be understood as a reduction of the draft to the most appropriate variant or a different method of graphic representation or internal arrangement of spatial data.

(2) For a substantial modification of the draft of the development plan, spatial development principles and spatial plan, the procurer shall request the opinion of the nature conservation authority pursuant to Section 45(i) of the Act on Nature and Landscape Protection and the opinion of the respective authority, in which it shall be determined whether the impact assessment needs to be modified or whether the substantial modification requires the environmental impact assessment amendment. The respective authority shall issue its opinion within 20 days of the receipt of the request from the procurer. The nature conservation respective authority shall deliver the opinion to the procurer and the respective authority, at the latest 7 days before the expiry of the time limit referred to in the second sentence.

(3) A substantial modification shall be discussed to the extent of the amended parts in accordance with the procedure pursuant to Section 93(5), Sections 94 to 99 according to Subsections (1) and (2); the joint hearing and the public hearing may be combined if the requirements for both meetings are met. Opinions, comments and statements may apply only on the substantial modification, otherwise, they shall not be taken into account.

(4) The impact assessment which served as the basis for the discussion of the spatial planning documentation draft shall not be modified, except where the respective authority so determines pursuant to Subsection (2).

(5) Within 15 days from the date of the repeated public hearing, an opinion shall be submitted by

a) the authority competent to a substantial modification of the spatial development plan draft, spatial development principles and spatial plan; for its content, the procedure in the event of its non-issuance within the specified time limit and for the determination of compensatory measures, the procedure under Section 100 (2) to (4) shall apply by analogy; and

b) the superior authority for the substantial modification of the spatial development principles draft and spatial plan; for its content, the procedure in the event of its non-issuance within the specified time limit and in the event of notification of deficiencies, shall apply pursuant to Section 101(2) to (4) by analogy.

(6) If the spatial planning documentation draft requires further modifications on the basis of the outcome of the substantial discussion, the procedure shall be followed in accordance with Section 102, and, if

necessary, in accordance with Subsections (1) to (5) mutatis mutandis.

Issuing of Spatial Planning Documentation

Section 104

(1) The procurer, in cooperation with the designated representative, shall immediately submit a spatial planning documentation draft with justification to the authorising authority. If the spatial planning documentation draft contains design variants, the proposal for the selection of the most appropriate variant pursuant to Section 98(4) shall also be part of the submitted draft. The spatial planning documentation draft shall comply with

- a) the requirements of this Act and its implementing legal regulations,
- b) the opinions of the respective authorities, where appropriate, with the result of the resolution of contradictions; and
- c) the spatial development policy and the superior spatial planning documentation.

(2) The authorising authority shall approve the selection of the most appropriate variant, if the submitted draft contains it, and shall issue the spatial planning documentation after authorising that it does not contradict the requirements referred to in Subsection (1)(a) and (b) and the superior spatial planning documentation. If the authorising authority disagrees with the submitted draft, it shall approve the instructions for the modification of the spatial planning documentation, which it shall forward to the procurer, or reject the draft and thus terminate its development.

(3) If the modification instructions do not result in a substantial modification, the procurer shall arrange for the modification of the spatial planning documentation draft and subsequently submit it to the authorising authority for issuance. If the modification instructions result in a substantial modification, the procurer shall apply by analogy pursuant to Section 103.

Section 105

(1) The procurer shall be responsible for the entering spatial planning documentation following its issuance on the National Geoportal of Spatial Planning.

(2) The procurer shall announce the spatial planning documentation and the address of its access on the National Geoportal of Spatial Planning by public notice on the day of delivery of the public notice, spatial planning documentation shall become effective.

(3) The spatial planning documentation shall be provided with a record of its effectiveness, which shall include

- a) the designation of the authority which issued the spatial planning documentation,
- b) the date on which the spatial planning documentation becomes effective,
- c) the name, surname, function and signature of the authorised official representative of the procurer and the official stamp.

Subchapter 3

Evaluation of Spatial Planning Documentation

Section 106

Evaluation of Spatial Planning Documentation Implementation

(1) The procurer shall evaluate the spatial planning documentation implementation, with the exception of the regulatory plan, no later than 4 years after the issuance of the spatial planning documentation and regularly at least once every 4 years thereafter.

(2) The council shall, at the request of the procurer, appoint a designated representative, if not designated for the entire electoral period, for the purpose of evaluating the implementation of the spatial development principles and the spatial plan.

Section 107

Implementation Report

(1) The procurer, in cooperation with the designated representative, develops a draft report on the spatial planning documentation implementation, with the exception of the regulatory plan, (hereinafter referred to as the "implementation report").

(2) The implementation report shall include in particular

- a) an evaluation of the spatial planning documentation implementation,
- b) problems to be addressed in the spatial planning documentation resulting from the spatial analytical documents,
- c) an assessment of the compliance of the spatial planning documentation with the spatial development policy and the superior spatial planning documentation,
- d) an assessment of the impacts of the spatial planning documentation implementation on sustainable development in terms of their possible unforeseen impacts, including the need for measures for their prevention, mitigation or compensation,
- e) an assessment of the need for the spatial planning documentation amendment or a new spatial planning documentation development,
- f) an assessment of the proposals for the spatial planning documentation amendment,
- g) a proposal for superior spatial planning documentation or spatial development policy amendments

(3) If the assessment pursuant to Subsection 2(e) results in the need for the spatial planning documentation amendment or a new spatial planning documentation development, the implementation report shall include a draft of the assignment of the spatial planning documentation amendment (hereinafter referred to as "amendment assignment") or a draft of the assignment. Sections 88 to 90 shall apply by analogy to the discussion and approval of the implementation report draft, the amendment assignment draft or the assignment draft, if they form its contents.

(4) The procedure for the new spatial planning documentation development following the approved assignment pursuant to Subsection (3) shall further proceed in pursuant to Sections 91 to 105.

(5) Section 111(5) shall apply by analogy to the development of the spatial planning documentation amendment following the approved amendment assignment pursuant to Subsection (3).

Subchapter 4

Spatial Planning Documentation Amendment

Section 108

General Provisions

(1) The spatial planning documentation amendment shall be developed, discussed and issued within the scope of the amended parts.

(2) The procurer, following the issuance of a spatial planning documentation amendment, shall be responsible for the development of the full text and shall enter the amended spatial planning documentation and its full text into the National Geoportal of Spatial Planning.

(3) The procurer shall announce the spatial planning documentation amendment, the full text of the spatial planning documentation after the amendment and the addresses of their access on the National Geoportal of Spatial Planning by public notice; the amendment shall become effective on the day of delivery of the public notice.

(4) In the case of the spatial plan amendment, additional buildable areas may be delimited by this amendment only on the basis of demonstrating the need for new buildable areas.

Section 109

Amendment Decision

(1) If it is not an amendment to the spatial development plan based on the spatial development policy

amendment or if it is not an amendment based on an implementation report, the authorising authority shall decide on the amendment adoption on its own initiative or the initiative of

- a) an authorised investor,
- b) a Ministry, other central administrative authority or the regional council in the case of a spatial development plan unless the amendment is conditioned by the spatial development policy amendment,
- c) a public authority in the case of the spatial development principles, a spatial plan or a regulatory plan,
- d) an organisation pursuant to the Mining Act, in the case of a spatial development policy,
- e) a citizen of the municipality or a person who has ownership or other rights to the land or a structure within the municipality in the case of a spatial plan or a regulatory plan.

(2) A proposal for an amendment pursuant to Subsection (1) shall be submitted to the Ministry in the case of a spatial development plan, and with the authorising respective authority in other cases, and it shall contain

- a) data enabling the identification of the proponent of the proposal, including the indication of the fact proving that he/she is entitled to submit a proposal for the development of the spatial planning documentation amendment,
- b) the name of the spatial planning documentation which it proposes to be amended,
- c) the subject of the amendment and the reasons for its development,
- d) a proposal for reimbursement of the costs referred to in Section 91(1) and Section 92.

(3) The proposal may further include a specification draft of the amendment and, if it is not a regulatory plan amendment, also

- a) an opinion of the competent nature conservation authority pursuant to the Act on Nature and Landscape Protection on the proposed contents of the spatial planning documentation amendment, stating whether a significant impact on a European Special Area of Conservation or a Special Protection Area can be excluded,
- b) an opinion of the respective authority on the proposed contents of the spatial planning documentation amendment, in which it shall also indicate, taking into account the opinion of the nature conservation authority pursuant to (a), whether the proposed amendment is to be assessed in terms of its environmental impact, or, where appropriate, set out more detailed requirements pursuant to Section 10(g) of the Environmental Impact Assessment Act.

(4) The content of the assignment of the spatial planning documentation amendment shall be determined by the implementing legal regulation.

(5) If a proposal for the development of an amendment contains the elements referred to in Subsection (3), the authorising authority shall forward it to the authorising authority without delay, otherwise the proposal shall be assessed in accordance with the procedure pursuant to Section 107(2)(f).

Section 110

Draft Assessment

(1) The procurer shall assess the draft within 30 days of its receipt pursuant to Section 109 for completeness and compliance of the amendment specification draft with

- a) this Act and its implementing legal regulations,
- b) the opinions referred to in Section 109(3), and
- c) the spatial development policy and the superior spatial planning documentation.

(2) If the draft is not complete or if it shows deficiencies in the aspects referred to in Subsection (1) and the person who submitted the proposal does not remove the deficiencies within the specified time limit, even at the request of the procurer, the procurer shall defer the proposal and inform the person who submitted the proposal and the authorising authority thereof.

Section 111

Development and Discussion on Amendment

(1) If an amendment is developed on its own initiative and if this proposal does not include

a specification draft of the amendment, the amendment specification draft shall be developed by the procurer in cooperation with the designated representative by analogy pursuant to Section 87(2) and (3) and shall further proceed by analogy pursuant to Section 89(1) to 4 and (6).

(2) The procurer shall submit the amendment assignment draft with his/her comments to the authorising authority for consideration without undue delay.

(3) If the authorising authority agrees with the amendment specification draft, it shall decide on the spatial planning documentation amendment development and approve its assignment. If the authorising authority disagrees with the proposal, it shall return it to the procurer with its instructions for its modification or reject it.

(4) The authorising authority may condition the development of the spatial planning documentation amendment by the reimbursement of the costs pursuant to Section 91(1) and Section 92 by the person who initiated the amendment. The authorising authority may decide to combine the joint hearing and the public hearing. In such a case. The public hearing shall also comply with the requirements of this Act for a joint hearing.

(5) The spatial planning documentation amendment shall be developed according to the procedure pursuant to Sections 93 to 104, Section 105(3) and Section 108 shall apply by analogy.

Subchapter 5

Common Provisions

Section 112

Special Procedures

(1) The region and the municipality are obliged to modify the spatial planning documentation they have issued into compliance with the superior spatial planning documentation without undue delay. In the meantime, no decisions may be made in accordance with parts of the spatial planning documentation which are in contradiction with the superior spatial planning documentation. The impact assessment of the spatial planning documentation amendment shall not develop when the subsequent spatial planning documentation is being brought into compliance with the superior spatial planning documentation.

(2) If the spatial planning documentation of the region or municipality or its part prevents the implementation of the plan contained in the superior spatial planning documentation, this part of the related spatial planning documentation shall not be used for the decision-making process in the territory nor the development of the subsequent spatial planning documentation and the decision shall be made according to the superior spatial planning documentation.

Section 113

Revocation of Spatial Planning Documentation by Authorising Authority

(1) A spatial development plan, spatial development principles and a spatial plan may be repealed by the authorising authority only at the same time as the issuance of a new spatial development plan, spatial development principles or a spatial plan.

(2) The council may repeal a spatial development plan if the conditions pursuant to which it was developed and issued changed substantially and the design contained in the plan is no longer up to date.

(3) A proposal to repeal a regulatory plan shall apply by analogy to Sections 94, 96, 97 and Sections 98(1) to (3), the provisions on impact assessment and design variants shall not apply.

(4) The municipal council may repeal the regulatory plan if it is in accordance with the opinions of the respective authorities or with the result of the resolution of contradictions. The justification of measures of a general nature shall always include the proof of the condition stated in the first sentence and the assessment of comments.

(5) The procurer shall announce the revocation of the regulatory plan by public notice; the revocation of the regulatory plan becomes effective on the day of its delivery.

(6) Within 7 days after the regulatory plan revocation becomes effective, the procurer shall on the National Geoportal of Spatial Planning

a) announce the revocation of the regulatory plan,

b) delete the repealed regulatory plan.

Section 114

Consequences of Spatial Planning Documentation Revocation

(1) If the spatial planning documentation or its parts are repealed by a superior spatial planning authority in review procedure or by a court, the authorising authority shall immediately decide on

- a) continuation of the spatial planning documentation development, whereby the procurer shall follow up on the last action that was not affected by the revocation,
- b) the new spatial planning documentation development or its amendment, or
- c) terminating the development in the case of a regulatory plan or the spatial planning documentation amendment.

(2) In the case of the revocation of the spatial planning documentation amendment, the spatial planning documentation in the version prior to this amendment shall apply. If necessary, the procurer shall arrange the full text modification.

(3) The municipality or the region shall submit to the Ministry the decision of the court that the spatial planning documentation issued by them or its part was repealed. The Ministry shall immediately arrange for the publication of the decision of the court on the National Geoportal of Spatial Planning.

(4) The Ministry and the regional authority shall immediately arrange for the publication of the decision on the spatial planning documentation or its part revocation in the review procedure on the National Geoportal of Spatial Planning

(5) If the spatial plan is repealed, the built-up area delimited by this spatial plan is considered to be a built-up area delimited according to this Act until the issuance of a new spatial plan or the delimitation of the built-up area, however, for a maximum period of 5 years. This does not apply if the reason for the spatial plan revocation was the illegality of the delimitation of the built-up area. Within 3 months, the Spatial Planning Authority shall evaluate the timeliness of the delimitation of the built-up area pursuant to Section 121 and arrange for its issuance pursuant to Section 120.

Section 115

Concurrent Spatial Planning Documentation Development

(1) If the same authorising authority is responsible for issuing different types of spatial planning documentation, it may decide on the development of subsequent spatial planning documentation and the superior spatial planning documentation amendment at the same time. If the nature of the spatial planning documentation under the discussion allows it, the discussion of both types of spatial planning documentation can be held at the same time in one discussion.

(2) During the development of the spatial planning documentation at the same time, subsequent spatial planning documentation does not have to be in accordance with the parts of the superior spatial planning documentation, which shall be amended by a concurrently developed amendment; the issuance of superior spatial planning documentation shall be the condition for issuing subsequent spatial planning documentation.

(3) If an environmental impact assessment is required, it shall be developed pursuant to Subsections (1) and (2) of the impact assessment only for subsequent spatial planning documentation and in details that correspond to this subsequent documentation, if the area addressed requires the same type of the assessment if the opinion of the nature conservation authority excluded the impact of the superior and subsequent spatial planning documentation or its amendment on the subject of protection or the integrity of a European Special Area of Conservation or a Special Protection Area.

(4) The provision of Subchapter (3) does not apply if the subsequent spatial planning documentation is a regulatory plan or its amendment.

Chapter 5

Delimitation of Built-up Area

Subchapter 1

Built-up Area

Section 116

(1) One or more built-up areas are delimited on the territory of the municipality. The boundary of one built-up area is formed by a line drawn along the boundary of land plots, in exceptional cases it is formed by the connecting points of breaking points of existing boundaries or points on these boundaries.

(2) The delimitation of the built-up area is based on the last effective spatial plan. If the municipality does not have a spatial plan, the basis for the delimitation of the built-up area is the delimitation of the plots in the built-up part of the municipality as of September 1, 1966, marked on the maps of the Cadastre of Real Estate (hereinafter referred to as "municipality built-up area set in 1966"), from which are excluded

- a) vineyards,
- b) hop gardens,
- c) forest land, and
- d) agricultural land adjacent to the municipality built-up area set in 1966 boundary not forming a building gap.

(3) The built-up area always includes

- a) built-up building plots,
- b) gap sites,
- c) other fenced gap sites between the built-up plots,
- d) public spaces,
- e) roads or their parts from which there are entrances to other land plots in the built-up area and tracks in the parts passing through the municipality built-up area set in 1966 and other plots of the built-up area,
- f) further plots that are surrounded by other plots of the built-up area, with the exception of plots of vineyards and hop gardens.

(4) The built-up area is delimited in the spatial plan and updated by its amendment.

Subchapter 2

Built-up Area Delimitation

Section 117

General Provisions

(1) If a spatial plan has not been issued, the procurer shall immediately provide, pursuant to Section 116(1) to (3), the development of a draft for the built-up area delimitation.

(2) When delimiting the built-up area, land plots that cannot be built on until the time of the spatial plan issuance (hereinafter referred to as "non-buildable plots") shall be marked in it, namely

- a) a plot of public greenery and a park forming a public space¹⁾,
- b) a forest plot or a group of adjacent forest plots with an area of more than 0.5 ha in the municipality built-up area set in 1966,
- c) a demolition site plot, if it is not surrounded by built-up sites.

(3) Only the necessary transport and technical infrastructure that does not prevent their current use can be permitted on non-buildable land plots until the time of the spatial plan issuance.

(4) The built-up area delimitation shall be issued in the form of measures of a general nature by the Spatial Planning Authority for the entire territory of the municipality.

(5) The delimitation of the built-up area ceases to be valid upon the spatial plan issuance.

Section 118

Contents

(1) The built-up area delimitation shall contain a text part and a graphic part.

(2) The text part shall contain mainly the date on which the built-up area is delimited.

(3) The graphic part shall contain a drawing of the built-up area delimitation, which is developed over the map base source at the scale of the cadastral map and is issued at the scale of the cadastral map or 1: 5,000, and which contains marking of the boundaries of

a) the built-up area and

b) the non-buildable land plots.

(4) Justification of the built-up area delimitation shall especially contain

a) a brief description of the procedure of the built-up area delimitation,

b) an assessment of compliance with Section 116(2) and (3) and an assessment of compliance with the opinions of the respective authorities or with the result of the resolution of contradictions,

c) an assessment of comments and

d) an assessment of the compliance of the built-up area delimitation with a uniform standard.

Section 119

Development

(1) The procurer shall arrange for the development of the draft of the built-up area delimitation, which shall be published on the National Geoportal of Spatial Planning and displayed at the municipality for inspection. Places, where it is possible to inspect the draft of the built-up area delimitation, shall be announced by the procurer by public notice.

(2) Everyone can submit their comments in writing to the procurer regarding the built-up area delimitation draft within 15 days from the date of delivery of the public notice. Comments that request the modification of the built-up area based on facts that occurred after the date on which the built-up area was delimited shall not be taken into account. Objections cannot be submitted against the built-up area delimitation draft pursuant to part six of the Administrative Procedure Code.

(3) The procurer shall convene local inquiries with the municipality participation and the concerned authorities defending public interests in the section of

a) nature conservation,

b) protection of the agricultural land fund,

c) forest protection,

d) state conservation of monuments, and

e) road transport.

(4) The place and time of the local inquiry shall be announced by the procurer at least 15 days in advance. The respective authorities shall submit their opinions and the municipality concerned their comments no later than 15 days from the date of the local inquiry.

(5) The procure shall immediately assess the results of the discussion of the draft of the built-up area delimitation, develop a draft for the assessment of comments and arrange the resolution of any contradictions. If necessary, the procurer shall arrange for the draft of the built-up area delimitation modification in accordance with the results of the discussion.

(6) If, on the basis of the discussion, there is a substantial modification of the draft of the built-up area delimitation, the procurer shall arrange for the publication, display and notification of the modified draft by analogy with Subsection (1); to the extent of modified parts, it is proceeded according to Subsections (2) to (5).

Section 120

Issuance

(1) The built-up area delimitation can only be issued if it is in accordance with the results of the discussion. The procurer shall arrange for the built-up area delimitation to be uploaded to the National Geoportal of Spatial Planning within 7 days of its issuance.

(2) The built-up area delimitation and the address of its storage on the National Geoportal of Spatial Planning shall be announced by the procurer without delay by public notice; the built-up area delimitation becomes effective on the date of delivery of the public notice.

(3) The built-up area delimitation shall be provided with a record of its effectiveness, which contains

- a) designation of the administrative authority that issued the built-up area delimitation,
- b) the date of effectiveness of the built-up area delimitation,
- c) name, surname, position and signature of the authorised official person of the procurer and an imprint of the official stamp.

(4) If the built-up area delimitation or its part is repealed by the court, the procurer shall publish the verdict on the National Geoportal of Spatial Planning.

Section 121

Amendment

(1) The procurer shall evaluate the timeliness of the built-up area delimitation within 8 years from the issuance of the built-up area delimitation at the latest, and thereafter regularly at least once every 8 years.

(2) The delimitation of the built-up area shall be updated by its change. If several built-up areas are delimited in the territory of the municipality, only those that require updating shall be updated.

(3) The built-up area delimitation amendment can also be developed based on the proposal of the municipality concerned.

(4) Sections 117 to 120 to the scope of the amended parts shall apply by analogy for the development of the built-up area delimitation amendment. Opinions and comments applied to unamended parts are not taken into account.

(5) The procurer shall announce the built-up area delimitation amendment, the full text of the built-up area delimitation and the address of their access on the National Geoportal of Spatial Planning by means of a public notice. The built-up area delimitation amendment came into effect on the day of the public notice delivery.

Subchapter 3

Non-developed Area

Section 122

(1) Project in a non-developed area, in accordance with its character, can be approved for

- a) public transport and technical infrastructure, connections and purpose-built roads,
- b) water management,
- c) search, exploration and extraction of minerals and special interventions in the earth's crust,
- d) reducing the risk of accidents, ecological and natural disasters and eliminating their consequences,
- e) agriculture and forestry,
- f) nature conservation and landscape protection and
- g) improving the conditions of its use for recreation and tourism, for example, cycle paths, sanitary facilities, ecological and information centres,
- h) facilities of forest kindergartens and forest kindergarten serving hatch, if it is a small structure.

(2) In the case of structures and facilities pursuant to Subsection (1), the additional function of dwelling or residential recreation is prohibited.

(3) Structures and facilities pursuant to Subsection (1) may be permitted in a non-developed area only if the spatial planning documentation does not expressly exclude them.

Chapter 6

Planning Measure

Subchapter 1

Planning Measure on Construction Ban

Section 123

Issuance Conditions

(1) A planning measure on construction ban restricts or prohibits, to the necessary extent, construction activity in a delimited area, if it could make its future use difficult or impossible according to the spatial planning documentation under development if it was decided about its development or an amendment development, or according to other decision or measure in the territory, which regulates the use of the territory.

(2) A planning measure on construction ban can also be issued in cases where the spatial planning documentation or its part is repealed.

(3) A planning measure on construction ban, which restricts or prohibits construction activity that could make it difficult or impossible to use the territory in the future pursuant to the spatial planning documentation under development, is issued for a strictly necessary period, which, however, must not be longer than 6 years.

(4) A planning measure on construction ban ceases to be effective upon its revocation.

(5) A planning measure on construction ban cannot limit or prohibit maintenance work. Furthermore, a planning measure on construction ban cannot limit or prohibit the implementation of public structure of transport or technical infrastructure and the determination of the mining area delimited in the spatial development plan or the spatial development principles.

Section 124

Contents

(1) A planning measure on construction ban shall contain

- a) territory delimitation, indicating the cadastral territory and land plot numbers according to the Cadastre of Real Estate, for which restrictions or bans on construction activities apply,
- b) scope and contents of restriction or prohibition of construction activity,
- c) where appropriate, other conditions resulting from the opinions of the respective authorities,
- d) the duration of the restriction or prohibition of construction activity,
- e) determining the conditions for granting exemptions.

(2) Part of the planning measure on construction ban shall be a drawing based on a cadastral map with the marking of the territory to which the building closure applies.

(3) If the planning measure on construction ban concerns a particularly large area, the information pursuant to Subchapter (1)(a) shall be replaced by the description of the boundary of the affected territory, for which the restriction or prohibition of construction activity applies.

Subchapter 2

Planning Measure on Land Clearance

Section 125

Issuance Conditions

(1) A planning measure on land clearance shall be issued in the territory affected by a natural disaster or a serious accident, as a result of which there was a substantial disruption in the use of the territory, if it is necessary for the affected territory to establish the conditions for removing their impacts and for the further use of the territory.

(2) A planning measure on land clearance can also be issued for territories in which there are unsafe structures, contaminated sites or old ecological burdens, for reasons of hygiene, safety, fire prevention, operational and environmental protection, and for which it is in the public interest or due to a threat to the life or health of persons or the threat of significant damage, it is necessary to order modifications, removal of buildings, land clearance, recultivation of contaminated sites or old ecological burdens.

(3) The spatial planning documentation issued in the affected territory ceases to be effective in the scope pursuant to Section 126(2) on the date of entry into force of the planning measure on land clearance

(4) A planning measure on land clearance ceases to be effective on the date of issuance of the new spatial planning documentation or its amendment for the affected territory.

(5) A planning measure on land clearance further ceases to be effective upon its evocation.

Section 126

Contents

(1) A planning measure on land clearance shall contain

- a) delimitation of the area, indicating the cadastral territory and the plot numbers and buildings situated on them according to the Cadastre of Real Estate, for which the planning measure on land clearance applies,
- b) a list of plots that must be modified or sustained with an indication of the method of implementation,
- c) a list of buildings and facilities that must be removed, sustained or modified, indicating the method of implementation,
- d) determination of spatial, construction technical and safety conditions for carrying out land clearance, rehabilitation or recultivation of the territory,
- e) determination of spatial, architectural and urban planning conditions for the future use of the territory,
- f) any other conditions resulting from the opinions of the respective authorities.

(2) The spatial planning documentation that ceases to be effective in the affected area shall be marked in the planning measure on land clearance, and the area in which it shall cease to be effective shall be defined.

(3) A drawing on a copy of the cadastral map or on a copy of other state map layer of an appropriate scale with the marking of the area to which the planning measure on land clearance applies shall form part of the planning measure on land clearance.

(4) If the planning measure on land clearance concerns a particularly large area, the information according to Subsection (1)(a) shall be replaced by a description of the boundary of the affected territory which the planning measure on land clearance concerns.

Subchapter 3

Planning Measures Development and Issuance

Section 127

Development

(1) The government, the regional council or the municipal board shall decide on the planning measure development at

- a) their own initiative,
- b) the proposal of the authorised investor,
- c) the proposal of a public administration authority,
- d) the proposal of the regional council, if the government is competent to issue it, or
- e) the proposal of the municipal board, if the regional council is competent to issue it.

(2) The planning measure draft shall be developed by the procurer on the basis of a survey and assessment of the affected area, spatial planning tools and, in the case of a planning measure on construction ban in accordance with the objectives and tasks of spatial planning.

(3) In the case of a planning measure on land clearance, the procurer shall proceed without delay and, when developing the draft, shall also take into account the assessment of the condition of buildings and plots in terms of threats to life or health of persons or in terms of requirements for the use of the territory as a result of the elimination of a natural disaster or accident.

(4) The procurer shall publish the planning measure draft on the National Geoportal of Spatial Planning, announce its publication by public notice and discuss the draft in writing with the respective authorities who may express their opinions.

(5) Anybody can submit comments to the planning measure on construction ban draft or to a planning measure on land clearance. Opinions and comments shall be submitted to the procurer in writing within 30 days from the date of draft publication. Section 98(2) shall apply by analogy to the assessment of the comments to the draft with the provision that the draft of the comment evaluation will be developed by the procurer separately. Objections cannot be submitted against the planning measure draft pursuant to part six of the Administrative Procedure Code.

(6) The time limit pursuant to Subsection (5) can be shortened by the procurer in the case of a planning measure on land clearance for important reasons. The draft of the planning measure on construction ban must be agreed upon with the respective authorities, which submit their opinions unless otherwise determined in the resolution of the contradictions.

Section 128

Issuance

(1) Planning measure shall be issued in the form of a measure of a general nature.

(2) The procurer shall arrange for the planning measure to be uploaded to the National Geoportal of Spatial Planning within 7 days after its issuance. The planning measure and the address to the access on the National Geoportal of Spatial Planning shall be announced by the procurer by public notice; the planning measure shall come into effect on the day of delivery of the public notice.

(3) Planning measures shall be provided with a record of effectiveness, which contains

a) designation of the administrative authority that issued the planning measure,

b) the date of effectiveness of the planning measure,

c) name, surname, position and signature of the authorised official representative of the procurer and an imprint of the official stamp.

(4) The municipality or the region shall immediately send to the Ministry the decision of the court repeal of the planning measure or its part issued by them. The Ministry shall immediately arrange for the publication of the court decision in accordance with the first sentence on the National Geoportal of Spatial Planning.

(5) The Ministry and the regional authority shall immediately arrange for the publication of the decision by which it was decided to repeal the planning measure or its part in the review procedure, on the National Geoportal of Spatial Planning.

Section 129

Exemptions

The Ministry, the municipal board and, in municipalities where the council is not elected, the municipal council or the regional council, which issued the planning measure on construction ban, may, upon request, grant an exemption from the conditions, restrictions or prohibition of construction activity according to the planning measure on construction ban, if the permission of the exemption does not threaten the intended purpose of the building closure. The decision on the exemption request cannot be appealed.

Chapter 7

Arrangements of Relations in the Territory

Subchapter 1

Planning Contracts

Section 130

Introductory Provisions

(1) A planning contract is a public legislation contract concluded between a builder and a municipality, a municipal district of the Capital City of Prague or a region or the owner of public infrastructure, the contents of which is the mutual obligation of the contracting parties to cooperate in the implementation of the project specified in the contract and to proceed in its implementation in an agreed manner.

(2) The planning contract may also contain the regulation of the rights and obligations of persons in the field of private legislation. The planning contract may be transferred with the consent of all contracting parties; the provisions of the Civil Code on the contract transfer shall apply *mutatis mutandis*.

(3) The municipality, the municipal district of the Capital City of Prague or the region shall immediately

send the concluded planning agreement to the planning respective authority, which shall provide for its entry into the National Geoportal of Spatial Planning. If the planning agreement is terminated, the municipality, the municipal district of the Capital City of Prague or the region shall inform the Spatial Planning Authority of this fact, which shall provide for its removal from the National Geoportal of Spatial Planning.

Section 131

Contents of Planning Contract

(1) The municipality, the municipal district of the Capital City of Prague, the region or the owner of the public infrastructure may in the planning contract undertake to

- a) provide cooperation to the builder to implement the project,
- b) the municipality or the region shall take steps to issue spatial planning documentation, in the case that the project cannot be implemented without prior issuance of the spatial planning documentation,
- c) not issue or amend spatial planning documentation for the agreed period or not take any other action that would make it difficult or impossible to implement the project,
- d) not submit proposals, statements and remedies in administrative or judicial proceedings related to building permit that would contradict the contents of the concluded planning contract for the duration of the planning contract.

(2) The municipality, the municipal district of the Capital City of Prague, the region or the owner of the public infrastructure may in the planning contract further undertake that

- a) they do not encumber or alienate the land or structures needed for the implementation of the project, to which they exercise rights, either directly or through other persons, for the agreed period,
- b) shall participate in the design, construction or financing of public infrastructure or publicly beneficial structures or other measures needed for project implementation,
- c) take over the structure finished from the developer to its ownership,
- d) makes other legal actions in the field of private legislation.

(3) The developer may, in particular, make a commitment in the planning contract to

- a) participate in the construction of public infrastructure or other buildings or measures initiated by the project,
- b) assume the costs for the construction of public infrastructure or publicly beneficial structures or measures initiated by the project,
- c) participate in the land clearance affected by the project,
- d) participate in the settlement of property relations in the territory affected by the project,
- e) provide monetary or material compensation for the appreciation of the land plot by issuing spatial planning documentation; its purpose can also be negotiated in the planning contract.

Section 132

Concluding and Reviewing Planning Contracts

(1) A planning contract concluded by a municipality, a region or the Capital City of Prague shall be approved by the municipal council, the regional council or the council of the Capital City of Prague. A planning contract concluded by a municipal district of the Capital City of Prague shall be approved by the municipal district council.

(2) The regional authority shall be competent to review the compliance of the planning contract concluded by the municipality with legal regulations and decide on disputes arising therefrom. The municipal authority of the Capital City of Prague shall be competent to review the compliance of the planning contract concluded by the Prague City Hall with legal regulations and decide on disputes arising therefrom.

(3) The Ministry shall be competent to review the compliance of a planning contract concluded by a region or the Capital City of Prague with legal regulations and decide on disputes arising therefrom.

Subchapter 2

Reimbursements for Change in Territory

Section 133

Beneficiaries

(1) The owner of the land or a structure and the person who has other rights in rem to the land or a structure (hereinafter referred to as the "beneficiary") and who has suffered loss as a result of the revocation or significant restriction of the buildability of the land on the basis of the spatial planning documentation amendment or the new spatial planning documentation issuance, shall be entitled to reimbursement for the loss consisting of the costs incurred for the preparation of the construction in the usual amount, in particular for the purchase of the land, for the project development of the construction or for the reduction in the value of the land used as debt security.

(2) The beneficiary shall also be entitled to reimbursement if his/her rights with respect to the land or a structure have been significantly restricted by a planning measure on construction ban and if he/she has suffered loss as a result.

(3) The beneficiaries shall not be entitled to reimbursement if the developability of the land has been repealed or significantly restricted on the basis of his/her proposal or after the expiry of a period of 5 years from the entry into force of the planning documentation which enabled the development of the land concerned for the purpose specified. This period does not include the time during which the development of the land was prevented as a result of a building closure or other temporary restrictions on the development of the land established by the spatial planning documentation.

(4) Furthermore, the beneficiary shall not be entitled to reimbursement if the building permit for which the development was determined by the relevant planning documentation has become legally valid and this permission is valid or has expired.

Section 134

Mandatory Persons

(1) The obligation to provide reimbursement for a change in the territory shall be borne by the municipality, region or state whose authorities have issued the spatial planning documentation or its amendment or a planning measure on construction ban.

(2) The reimbursement shall be provided on the basis of a written request of the beneficiary containing the proof of the loss.

Section 135

Method of Reimbursement

(1) Reimbursement shall be provided in monetary form. Instead of the monetary compensation, other land or a structure may be provided to the person entitled by an agreement; the right to reimbursement for the difference between the amount of monetary compensation and the value of the replacement land or a structure shall not be affected.

(2) If the spatial plan is subsequently amended or the regulatory plan is amended or repealed and the land for which reimbursement was paid is returned to its original or other regime allowing its development, the person to whom reimbursement was paid shall be obliged to return the reimbursement paid in full to the entity who provided it within 3 months of the notification of the occurrence of this obligation. If instead of monetary compensation, other land or a structure was provided to the beneficiary, he/she shall be obliged to repay the reimbursement in the amount to which he/she would otherwise be entitled.

(3) The obligation to repay the reimbursement shall cease 5 years after the effective date of the spatial plan amendment or the amendment or repeal of the regulatory plan on the basis of which the entitlement to reimbursement was incurred.

Section 136

Recourse Compensation

(1) If a municipality or a region pays reimbursement for a change resulting from a spatial planning activity, it may claim recourse compensation from the administrative authority on the basis of whose request the property right of the owner was restricted, or from the region or the state if the spatial planning documentation of the municipality or the region was amended as a result of its being made into compliance

with the superior spatial planning documentation.

(2) The municipality or the region shall claim recourse compensation within 3 months from the payment of the reimbursement, otherwise their right shall cease. The recourse compensation must be paid within 3 months of the receipt of the municipality or the region that paid the reimbursement.

TITLE IV

ARCHITECTURE AND BUILDING CULTURE POLICY

Section 136a

(1) Architecture and building culture policy is a strategic document with national scope, which sets out the vision, objectives and measures to achieve the quality of the built environment.

(2) Architecture and building culture policy shall develop the objectives and tasks of spatial planning and is the basis for spatial development policy development, which is not binding.

(3) The Ministry shall arrange for the publication of the government resolution authorising the Architecture and building culture policy in the Government Bulletin for regional and municipal authorities and shall, within the same period, publish the architecture and building culture policy in a way that allows remote access.

(4) The Ministry shall submit a report on the architecture and building culture policy implementation to the government no later than 6 years after the architecture and building culture policy approval and at least once every 6 years thereafter. On the basis of the report, the government may impose on the Ministry to develop an update or a new architecture and building culture policy.

PART FOUR

SUBSTANTIVE BUILDING LEGISLATION

TITLE I

REQUIREMENTS FOR CONSTRUCTION

Chapter 1

General Provisions

Section 137

(1) Requirements for construction shall be understood as

- a) requirements for the delimitation of land,
- b) requirements for the location of structures,
- c) technical requirements for structures.

(2) Everyone shall comply with the objectives and tasks of spatial planning and the requirements for construction set out in this Act, the implementing legal regulations or other legislation in his/her planning and design activities, in the permitting, implementation, use and removal of buildings.

(3) The requirements for construction shall be understood as fulfilled by meeting the requirements set out in this Act, its implementing legal regulations and other legislation.

(4) The requirements for construction shall also, to the extent to which the binding spatial and technical or construction engineering reasons or other public interest do not exclude them, apply to

- a) changes to the completed structure,
- b) maintenance of the completed structure,
- c) changes in the use of the structure,
- d) temporary structures,
- e) building site facilities,

f) a land or a structure which is a cultural monument or located in a conservation area or conservation zone.

Section 138

Exceptions to Requirements for Construction and Different Solutions

(1) An exemption from the requirements for construction may be granted only from those provisions of the implementing legal regulation from which the legislation expressly permits an exemption, and only if the safety, health or life protection of persons or animals, the environment, neighbouring land or structures are not thereby endangered. The solution pursuant to the permitted exemption must achieve the purpose pursued by the requirements for construction set out in this Act.

(2) In a regulatory plan or in a spatial plan that contains the components of a regulatory plan, requirements for the delimitation of land and requirements for the location of structures may be established differently from those provisions of the implementing legal regulation that allow for this, including for parts of the areas; the conditions pursuant to Subsection (1) shall apply *mutatis mutandis*.

Chapter 2

Requirements for Delimitation of Land

Section 139

General Requirements

(1) Land shall be delimited and the conditions for its use shall be set in accordance with the spatial planning documentation, and if it has not been issued, with the objectives and tasks of spatial planning, with regard to the character of the territory, the urban, architectural, cultural and historical, natural and archaeological value of the territory and the quality of the built environment. The land shall always be delimited in such a way that its characteristics, in particular its size, location, layout and spatial arrangement, enable its use for the proposed purpose.

(2) Land may be delimited and structures for dwelling, family recreation, civic facilities related to and compatible with dwelling or recreation, structures for transport and technical infrastructure and public open space land may be permitted in the built-up area of a municipality that does not have a spatial plan. The delimitation of other land plots and the location of other structures on them is possible only if these buildings are in accordance with the character of the territory and do not reduce the quality of the environment as determined by other legal regulations.

(3) During land delimitation, care shall be taken to delimit public spaces appropriate to the character of the area, particularly street space.

Section 140

Requirements for Delimitation of Building Plots

(1) Land plots shall not be subdivided to prevent their efficient use. Land plots of which a structure is a part shall not be subdivided in such a way as to separate a part of the structure which cannot be used independently; the process of subdivision of land plots encumbered by a right to build shall apply by analogy.

(2) A building plot shall always be delimited in such a way that its characteristics, in particular, its size, location, area and spatial arrangement, enable the location, implementation and use of the structure for the proposed purpose and that it is connected by transport to a suitable publicly accessible capacity road²³.

(3) A building plot shall always be delimited in such a way as to accommodate

a) the location of the parking area and parking spaces for the purpose of the building plot use and the use of the structures located thereon,

b) the waste management and wastewater disposal in accordance with other legal regulations²⁴, generated from the use of the land or the use of the buildings thereon,

c) the rainwater management or its

1. accumulation and subsequent use, seepage or evaporation, provided that the hydrogeological conditions, the size of the plot and its prospective use allow it and provided that the surrounding structures or land are not endangered by seepage,

2. discharge to surface waters by means of rainwater drainage, if neither seepage nor accumulation with subsequent use is possible; or

3. regulated discharges to a single sewer if discharge to surface waters is not possible.

(4) When delimiting a building plot or when changing the use of a built-up building plot, compliance with the requirements of Subsections (2) and (3) may be demonstrated by a regulatory plan or building permit documentation also with the use of additional land.

Section 141

Public Spaces

(1) The land comprising the public space shall be delimited to form a permeable continuous system appropriate to the character of the area and the needs of human life, to contribute to the residential quality and significance of the place, and to limit the effects of warming and drought, in particular by the possibility of water absorption and the planting of trees and other public greenery.

(2) The layout of public spaces shall arrange for the area to be accessible and serviced for use by pedestrians and, where possible, non-motorised transport.

(3) Pavements, public transportation stop stands, level and fly-over crossings, pavements in orchards and parks, and other walkable areas as part of the public space shall meet accessibility requirements.

Section 142

Street Spaces

(1) The street space forms part of the public space and forms the basic network of service and permeability of the area; it is defined mainly by street lines.

(2) The land comprising the street space shall be delimited in such a way so that its characteristics, particularly its width, permit the intended use in accordance with the character of the area.

(3) Where technically feasible and where not inconsistent with the character of the area, lands forming a planting strip for trees or other public greenery shall be delimited in newly established street spaces and the overall development of existing street spaces.

Chapter 3

Requirements for Location of Structures

Section 143

General Requirements

(1) Structures shall be located in accordance with the spatial planning documentation and, if it has not been issued, with the objectives of spatial planning. Structures shall also be located with regard to the character of the area, the urban, architectural, cultural, historical, natural and archaeological value of the area and the quality of the built environment.

(2) Structures shall be located, according to their type and need, in such a way as to enable their connection to technical infrastructure networks and roads and to arrange for placement on the plot to enable access and intervention of the fire-fighting facility outside the protection zones of power lines. The connection of buildings to roads must meet the requirements for the safe use of buildings and the safe and smooth operation on adjacent roads²⁵). Depending on the type and character of the structure, the connection must also meet the requirements for traffic serviceability and parking.

(3) The change of the building shall not affect the cultural, historical, natural, urban design and architectural values of the place or disturb the architectural unity of the whole.

(4) Only building site facilities and the connections of the structures to technical infrastructure networks and roads may be located outside the building plot.

Section 144

Setback of Structures

(1) The setback of structures must meet the urban and architectural requirements and the

requirements set out in the implementing legal regulations and other legal regulations.

(2) The setback of structures shall allow for maintenance of the structures.

Chapter 4

Technical Requirements for Structures

Section 145

Basic Requirements for Structures

(1) The structure shall be designed and constructed to be suitable for its intended use and to meet the basic requirements for structures while commonly maintained and exposed to commonly predictable influences, which are

- a) mechanical resistance and stability,
- b) fire safety²⁶⁾,
- c) health protection²⁷⁾,
- d) protection of the environment²⁸⁾,
- e) safety and accessibility in use, operation and maintenance,
- f) energy saving²⁹⁾,
- g) sustainable use of natural resources³⁰⁾

(2) In the design activity, permitting, implementation and use of buildings pursuant to the jurisdiction of other building authorities or in the case of buildings of nuclear facilities and buildings on the premises of nuclear facilities which are nuclear power plants³¹⁾, the technical requirements for the set of structures in this Act or other legal regulations shall apply mutatis mutandis so as not to endanger the safety, health and life of persons or animals and the environment.

Section 146

Requirements for Mechanical Resistance and Stability of Structures

(1) A structure shall be designed and constructed so that the effects of loads and adverse environmental influences to which it is subjected during construction and use do not result in

- a) sudden or gradual collapse of the structure or a part thereof,
- b) unacceptable deformations which may disturb the stability of the structure, the mechanical resistance and the functional integrity of the structure or a part thereof,
- c) damage to the parts of the structure or technical installations or installed facility as a result of the deformation of the supporting structure,
- d) damage to the structure to an extent disproportionate to the original cause,
- e) endangering the operability of transport and technical infrastructure within the reach of the structure or a building site,
- f) damage to the structure due to adverse effects of groundwater or dynamic effects of flood flows or hydrostatic buoyancy during flooding,
- g) threatening the flow rate of watercourses or the valley profiles of bridges and culverts.

(2) Structures located within the range of the impacts of underground mining or within the range of seismic impacts shall also be designed taking into account anticipated deformations of the base soil caused by surface mining or seismic activity.

Section 147

Fire Safety Requirements

The structure must be designed and constructed in such a way that in the case of a fire

- a) the load-bearing capacity of the structures shall be maintained for the specified period,

- b) the generation and spread of fire and smoke within the structure shall be limited,
- c) the spread of fire to neighbouring structures shall be restricted,
- d) the occupants shall be able to leave the structure or shall be rescued by other means,
- e) the safety of rescue units shall be taken into account.

Section 148

Requirements for Health Safety and Environmental Protection

(1) The structure shall be designed and constructed in such a way that it does not violate the safety, life or health of persons or animals, and that noise within the protected area of the structure shall be maintained at a level that does not endanger the health of its occupants, provides quiet environment at night and shall be convenient for the environment with the residence of persons or animals, including on adjacent land and structures, nor shall it have an unacceptable adverse effect on the quality of the environment or the climate, during construction, use and removal, especially as a result of

- a) inadequate thermal insulation, sound insulation or light technical properties,
- b) the release of toxic gases, hazardous substances, volatile organic compounds, greenhouse gases or hazardous particles into the indoor or outdoor environment,
- c) the occurrence of moisture in or on the surface of building structures inside buildings,
- d) emissions of hazardous radiation and light,
- e) the release of hazardous substances into water or soil,
- f) the discharge of wastewater, the emission of waste gases, or
- g) disturbance of bedrock resulting in a permanent change in groundwater flow or other unacceptable impact on groundwater levels.

(2) The structure shall be designed and constructed in such a way as not to cause

- a) excessive plant mortality and injury or animal mortality or habitat destruction; or
- b) deterioration of the permeability of the landscape for wildlife.

Section 149

Requirements for Safety and Accessibility in Use, Operation and Maintenance

The structure shall be designed and constructed in such a way that when it is used, maintained or operated

- a) there is no risk of accidents or damage to the health of persons or animals,
- b) consideration is given to accessibility for persons with reduced mobility, in particular for
 1. construction of roads and public spaces³²⁾,
 2. civic amenity structures in the parts intended for use by the public,
 3. common areas and amenities of residential buildings,
 4. special purpose flats,
 5. structures for the performance of work by more than 25 persons, if the nature of the operation in these structures allows the employment of persons with disabilities.

Section 150

Energy Saving Requirements

The structure and its technical equipment for heating, ventilation, air-conditioning, cooling and lighting shall be designed and constructed in such a way that, when used, maintained or operated, the energy consumption is as low as possible with regard to the purpose of use and the local climatic conditions. The structure shall also be energy efficient.

Section 151

Requirements for Sustainable Use of Natural Resources

(1) The structure shall be designed, constructed and removed in such a way as to arrange for the sustainable use of natural resources, in particular through the reuse or recyclability of materials and building structures from the removed structure or the use of raw or secondary environmentally friendly materials in construction.

(2) Sustainable use of natural resources may be provided by reusing materials and structures or construction products that were generated during the implementation or removal of the project or by using by-products or construction products that have ceased to be waste.

Chapter 5

Common Provisions

Section 152

Detailed Definition of Requirements for Construction

(1) The implementing legal regulation shall lay down detailed requirements for the delimitation of land, requirements for the location of structures and technical requirements for structures.

(2) Local governments, which are empowered by this Act to do so, may, with the exception of requirements for the construction of highways, roads, railways and civil aviation structures, establish by implementing legal regulation detailed requirements for the delimitation of land, requirements for the location of structures and technical requirements for structures, with the exception of requirements for technical infrastructure structures, differently from the implementing legislation referred to in Subsection (1).

(3) The implementing legal regulation referred to in Subsection (1) or its individual provisions shall apply unless the implementing legal regulation referred to in Subsection (2) provides otherwise.

(4) If the implementing legal regulation of a local government pursuant to Subsection (2) specifies binding technical standards in the construction sector differently from the implementing legal regulation pursuant to Subsection (1), the local self-governing unit shall provide free access to such specified technical standards and maintain a list thereof.

TITLE II

REQUIREMENTS FOR CONSTRUCTION PRODUCTS

Section 153

(1) Only those products, materials and building structures may be designed and used for structures whose characteristics in terms of the suitability of the structure for the intended purpose guarantee that the structure, when properly constructed and commonly maintained for its intended lifetime, will meet the basic requirements for structures³³⁾

(2) Construction products which are of decisive importance for the final quality of the structure and which could endanger to an increased extent the life or health of persons or animals, safety or the environment or other public interest shall be determined and assessed in accordance with other legal regulations.³⁴⁾

TITLE III

CONSTRUCTION TECHNICAL PREVENTION SYSTEM

Section 154

(1) Serious or recurring defects or accidents of buildings and the results of investigations into their causes shall be recorded in the construction technical prevention system if they caused loss of life of persons or animals, endangered life and health of persons or animals, or endangered the safety of the structure or caused significant loss.

(2) The scope and contents of the construction technical prevention system shall be determined by the implementing legal regulation.

(3) A public legislation contract may arrange for cooperation in the transmission of information on facts affecting construction technical prevention which is related to an accident or emergency in which loss of life, danger to life of persons or animals or significant loss occurred. A public legislation contract may be concluded by the Ministry with other central government authority, a public corporation or a legal person established by legislation. The public legislation contract shall specify the scope of the information to be transmitted and the frequency of its provision and its duration.

TITLE IV

ACTIVITIES IN CONSTRUCTION

Section 155

Selected Activities

Selected activities, the result of which affects the protection of public interests in construction, may only be carried out by a natural person who has obtained authorisation to carry them out pursuant to other legal regulation³⁵⁾. The selected activities are

- a) spatial planning documentation, spatial planning studies and project documentation development,
- b) professional management of the construction implementation or modification or the building removal,
- c) verification of the results of land surveying activities in construction³⁶⁾
- d) supervision of the designer.

Section 156

Design Activity

(1) Spatial planning documentation, planning studies and project documentation shall be developed by a designer.

(2) The documentation of simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection (2) of Annex No. 2 to this Act and the documentation of the existing state of the structure (hereinafter referred to as the "building passport") may also be developed by a person who holds a university degree in the field of construction or architecture or has secondary education in the field of construction with a school-leaving Maturita examination and at least 3 years of work experience in designing buildings.

(3) The designer shall be provided with data from the non-public part of the digital technical map of the region to the extent necessary for the design activity.

Section 157

Project Documentation and Building Permit Documentation

(1) Project documentation shall be understood as a documentation for

- a) a building, facility or maintenance work permit (hereinafter referred to as "building permit documentation"), except for simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection (2) of Annex No. 2 to this Act,
- b) outline permit,
- c) a change of land use permission,
- d) a building implementation, with the exception of simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection (2) of Annex No. 2 to this Act,
- e) a building removal, with the exception of simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection (2) of Annex No. 2 to this Act.

(2) The building permit documentation shall be understood as

- a) building permit,
- b) outline permit,
- c) a change of land use permission.

Section 158

Contents of Documentation

(1) Building permit documentation shall contain a cover sheet, a summary technical report, site plans and documentation of the structures. Documentation for the change of land use permission shall contain a cover sheet, a summary technical report, site plans and construction drawings. Documentation for outline permit shall contain a cover sheet, summary technical report and site plans. Documentation for building permit pursuant to the implementing legal regulation shall include the urban design and the basic architectural and technical design of the project, allowing an assessment of its mechanical resistance and stability, fire safety and the impacts on the territory and the environment.

(2) The documentation for the building implementation and the documentation for the building removal shall contain a cover sheet, a summary technical report, site plans, documentation of structures and technical and technological facilities.

(3) Documentation for simple structures and the building passport shall contain the cover sheet, the summary technical report, site plans and construction drawings. In the case of a product fulfilling the function of a structure, the relevant parts of the documentation may be replaced by a document pursuant to other legal regulation³⁴ proving the conformity of the characteristics of the product fulfilling the function of a structure with the requirements pursuant to Section 153, documentation of the manufacturer or importer, or other documents from which it is possible to verify compliance with the requirements for structures.

(4) The project documentation and documentation of simple structures shall be accompanied by a statement part, which contains documents on compliance with requirements according to other legal regulations, documentation developed by persons authorised according to other legal regulations and conclusions of mandatory surveys, which are determined by the implementing legal regulation.

(5) The details of the contents of the project documentation, documentation of simple structures, the building passport and the scope of mandatory surveys, including the type of structures to which project documentation conclusions of mandatory surveys are attached, shall be determined by the implementing legal regulation.

Section 159

Implementation and Removal of Structures, Facilities and Landscaping

(1) Structures, facilities and landscaping shall be implemented and removed by a building contractor who shall provide professional management of the structure implementation or removal by a construction manager unless otherwise provided in Subsections (2) and (3).

(2) A self-help building contractor may implement

a) small structures listed in Annex No. 1 to this Act, with the exception of structures listed in Subsection 1(a)(11) and (12) of this Annex, as well as structures listed in Subsection 1(a)(1) and (2) of Annex No. 1 to this Act, which are placed at a distance of less than 2 m from the boundaries of the land plot,

b) simple structures listed in Annex No. 2 to this Act, if he/she provides construction supervision unless he/she is professionally qualified for such activity. However, in the case of a structure for housing or a modification of a structure which is a cultural monument, the builder is obliged to arrange for the professional supervision of the construction by a construction manager.

(3) The builder may remove small structures on his own, with the exception of small structures listed in Subsection (1) (a) (11) and (12) of Annex No. 1 to this Act, and simple structures listed in Annex No. 2 to this Act, as well as structures listed in Subsection (1)(a) (1) and (2) of Annex No. 1 to this Act, which are located at a distance of less than 2 m from the boundaries of the land plot, provided that he arranges for the construction supervision. In the case of structures containing asbestos, the builder shall arrange for the professional management of the removal of the structure by a construction manager.

TITLE V

OBLIGATIONS OF PERSONS IN THE PREPARATION, IMPLEMENTATION, USE AND REMOVAL OF STRUCTURES, FACILITIES AND LANDSCAPING

Builder

Section 160

(1) The builder is obliged to provide the required documentation for the purposes of the project discussion pursuant to this Act. If the legislation requires the project documentation development by a person authorised to do so, the builder shall arrange for the project documentation development by such a person unless he/she has the necessary authorisation himself.

(2) The builder, in the case of a structure, facility or landscaping subject to permission pursuant to this Act, shall

a) before commencing the construction, arrange for the documentation development for the construction implementation, with the exception of simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection (2) of Annex No. 2 to this Act,

b) before commencing the construction, arrange for the consent of the State Fire Supervisory authority to the documentation for the construction implementation, if required by other legal regulation²⁶⁾,

c) notify the building authority in advance of the date of commencement of the implementation or removal of the structure, facility or landscaping, the name and registered office of the building contractor who will implement or remove it, and in the case of a structure implemented or removed by self-help, the name and surname of the construction manager or the person who will perform construction supervision, and notify the building authority immediately of changes in these facts,

d) before commencing the implementation or removal of the structures, to place in a visible spot at the entrance to the building site a label containing the identification data about the construction and leave it there until the completion of the construction, or until the issuance of the occupancy permit decision, or until its removal; large constructions may be marked in other appropriate way with the data from the label,

e) arrange for the approved building permit documentation and the construction implementation documentation and, where applicable, the approved building removal documentation, and all documents relating to the construction implementation or removal, or copies thereof, to be available at the structure or building site,

f) to notify the building authority of the stages of construction specified in the permit conditions for the purpose of carrying out building site inspections, to allow the building site inspections to be carried out and, unless serious reasons prevent it, take part in the inspection,

g) notify the building authority in advance of the commencement of the trial operation,

h) during construction, but at the latest with the application for an occupancy permit decision, unless otherwise provided for in other legal regulation³⁷⁾, to provide an energy performance certificate, if required by other legislation.³⁷⁾

Section 161

(1) From the commencement of the construction until its completion, the builder is obliged to arrange for the preservation of all mandatory documents and documentation referred to in Section 167(c) and (d), and if he/she is not at the same time the owner of structure, he/she is obliged to hand them over to the owner of structure no later than after the completion or occupancy permit decision.

(2) In the case of a structure funded from public funds, which is carried out by a building entrepreneur as a building contractor, the builder shall be obliged to arrange for technical supervision of the construction implementation by a natural person authorised pursuant to the Authorisation Act. If the project documentation for this structure was developed by a designer, the builder shall arrange for the supervision of the designer; this shall not apply to the construction of technical infrastructure networks.

(3) When implementing reserved structures, the builder is always obliged to arrange for the supervision of the designer.

(4) The content of the label shall be determined by the implementing legal regulation.

Section 162

Designer

(1) The designer is obliged to respect the public interests protected by these or other legal regulations, the requirements resulting from the objectives and tasks of spatial planning and the requirements for construction and to act in cooperation with the respective authorities in his/her designing activity. He/she is also obliged to act in cooperation with the Spatial Planning Authority when developing spatial planning documentation and planning studies and with the building authority when developing project documentation.

(2) The designer is obliged to develop

- a) the spatial planning documentation and the spatial planning study pursuant to legal regulations,
- b) project documentation in accordance with the legal regulations; static and other calculations must be developed in such a way to be reviewable.

(3) If the designer is not competent to develop any part of the project documentation himself/herself, he/she shall be obliged to invite a person with an authorisation for the relevant field or specialisation to develop it, who shall be responsible for the design developed by him/her.

(4) The designer shall not be liable for deviations from the project documentation which occurred during the construction implementation and which were not approved by him.

(5) Subsections (1) to (4) shall apply by analogy to the procurer of documentation for simple structures referred to in Subsection (1)(c) and (e) to (p) and Subsection 2 of Annex No. 2 to this Act.

(6) The designer shall be obliged to arrange for the development of the relevant parts of the spatial planning documentation or the spatial planning study and the documents for the project documentation development by persons authorised to do so pursuant to other legal regulations³⁸). The designer shall develop the spatial planning documentation and submit it to the procurer in a uniform standard.

Section 163

Building Contractor

(1) The building contractor shall be obliged to

- a) take care of the proper preparation and implementation of the structure, facility or landscaping; while taking into account in particular the protection of life and health of persons or animals, the protection of the environment and property, as well as thoughtfulness towards the neighbourhood,
- b) arrange for the spatial delimitation of the structure in accordance with the approved documentation for project permit and the construction implementation documentation,
- c) arrange for the construction manager or construction supervisor during the implementation or removal of the structure, facility or landscaping,
- d) arrange for the compliance with construction requirements, or technical regulations and technical standards, which are related to the actual implementation or removal of the structure, facility or landscaping during the implementation or removal of the structure, facility or landscaping,
- e) report to the building authority immediately after discovering defects in the structure, facility or landscaping that threaten the lives and health of people or animals or the safety of the structure, facility or landscaping,
- f) arrange for the performance and evaluation of tests and measurements stipulated by other legal regulations during the implementation or removal of structure, facility or landscaping.

(2) When implementing or removing the structure, facility or landscaping subject to a permit pursuant to this Act, the building contractor is further obliged to

- a) implement or remove a structure, facility or landscaping in accordance with the decision of the building authority, approved building permit documentation and construction implementation documentation or building removal documentation,
- b) arrange for compliance with obligations to protect life, health, the environment and occupational safety arising from other legal regulations,
- c) arrange for the work on the structure, its removal or landscaping, for the implementation of which a special authorization is stated³⁹) to be performed only by persons who hold such authorization,

d) keep a construction site diary or a simplified construction record.

Section 164

Construction Manager

(1) The construction manager is obliged to

- a) expertly manage the implementation or removal of a structure, facility or landscaping,
- b) manage the implementation or removal of a structure, facility or landscaping in accordance with the decision of the building authority and with approved building permit documentation and construction implementation documentation or building removal documentation,
- c) arrange for the proper arrangement of the building site and its operations,
- d) arrange for compliance with obligations to protect life, health, the environment and occupational safety arising from other legal regulations,
- e) arrange for compliance with construction requirements, or technical regulations and technical standards, which are related to the actual implementation or removal of the structure, facility or landscaping,
- f) arrange for the delimitation of technical infrastructure lines on the building site.

(2) The construction manager is also obliged to act to remove defects that arose during the implementation or removal of a structure or landscaping and to immediately notify the building authority of defects that could not be removed during construction management, to create conditions for the building inspection, to cooperate with the person performing technical supervision of the builder or the designer supervision, if they are designated, and with the occupational safety and health coordinator⁴⁰⁾, if performing his/her duties on the building site.

Section 165

Construction Supervision

(1) Construction supervision may only be performed by a natural person who holds a university degree in the field of construction or architecture or secondary education in the field of construction with a school leaving Maturita exam and at least 3 years of work experience in implementation of constructions.

(2) The person performing construction supervision shall arrange, together with the builder, for

- a) implementation or removal of a structure, facility or landscaping in accordance with the building authority decision and with approved building permit documentation and construction implementation documentation or building removal documentation,
- b) compliance with construction requirements, or other technical regulations and technical standards, which are related to the actual implementation or removal of a structure, facility or landscaping.

(3) The person performing construction supervision monitors the way and procedure of the construction implementation or removal, in particular the safety of the implementation and operation of technical facility on the building site, the appropriateness of use and the correctness of the storage of construction products, materials and building structures on the building site and the way of keeping a construction site diary or a simplified construction record; acts to eliminate defects arising during construction implementation, and if he/she fails to remove such defects within the scope of supervision, he/she shall notify the building authority immediately.

Section 166

Construction Site Diary

(1) When implementing or removing a structure, facility or landscaping which is subject to the permit pursuant to this Act, a construction site diary in the Czech language must be kept. Data related to the implementation or removal of a structure, facility or landscaping are regularly recorded in the construction site diary. When implementing or removing simple structures, with the exception of simple structures listed in Subsection (1)(a) to (c) of Annex No. 2 to this Act, it is sufficient to keep a simplified construction record.

(2) Entries in the construction site diary or a simplified construction record are authorised to be made by the builder, the construction manager, the person performing construction supervision, the person conducting the inspection of the construction and the person responsible for carrying out selected land

surveying activities. Records are also authorised to be made by persons carrying out technical supervision of the builder or the designer supervision if such supervision is carried out, the occupational safety and health coordinator, if carrying out the activity on the building site, and other persons who can carry out inspections according to other legal regulations.

(3) Upon completion or removal of the structure, the building contractor shall hand over the original construction site diary or simplified construction record to the builder; in the case of their development in electronic form, the building contractor shall hand them over in a machine-readable format or keep them and provide access to them for the builder and the persons designated by him for a period of 10 years from the legal validity of the occupancy permit decision, or from the completion of the structure, if the occupancy permit decision is not required.

(4) The contents of the construction site diary and the simplified construction record and the manner of keeping them shall be determined by the implementing legal regulation.

(5) For a structure that is the subject of a public contract in the above-limit regime, the construction site diary must be kept in electronic form.

Section 167

Owner of Structure and Facility

The owner of structure and facility is obliged to

- a) carry out maintenance of the structure or facility throughout its existence,
- b) immediately notify the building authority of defects in the structure or facility that threaten the lives and health of people or animals,
- c) keep a construction site diary or a simplified construction record of the structure or facility for a period of 10 years from the date of the occupancy permit decision, or from the completion of the structure or facility, if the occupancy permit decision is not required,
- d) keep for the entire duration of the structure the approved project documentation, construction implementation documentation, and structure documentation, if there is a deviation from the building permit documentation, or the actual construction implementation documentation, including its geodetic parts, or building passport, decision, certificate, consents and other important documents related to the structure or facility; documentation can also be kept in electronic form,
- e) arrange for the installation of at least 1 charging station by January 1, 2025, if he/she is the owner of the structure other than for housing with more than 20 parking spaces, pursuant to the conditions set by the implementing legal regulation,
- f) if it is technically feasible, arrange for the installation of building automation and control systems by January 1, 2025, pursuant to the conditions set by other legal regulation⁶⁷⁾, if he/she is the owner of structure other than a building with a system for
 1. heating or a combined heating and ventilation system with a nominal output of more than 290 kW or
 2. air-conditioning or a combined air-conditioning and ventilation system with a nominal power of more than 290 kW.

Section 168

Owner of Technical Infrastructure

The owner of technical infrastructure is obliged to

- a) keep records of the technical infrastructure, which must include positional location and protection, and in justified cases, taking into account the character of the technical infrastructure, and the height location,
- b) inform free of charge anyone upon request of information on connection conditions, protective and security zones and the basic conditions for carrying out activities in them unless it is a technical infrastructure that is managed by the Ministry of Defence or the Ministry of the Interior.

Section 169

Notification of Defects and Accidents in Construction

(1) The builder, the building contractor, the construction manager, the person performing construction supervision, the designer supervisor, the technical supervisor of the builder, the authorised inspector and the owner of structure are obliged to immediately notify the building authority through the construction and technical prevention system of the occurrence of serious and recurring defects or breakdowns of the structure and the results of their investigation causes if they resulted in loss of life, endangering the lives of people or animals, or significant loss. The notification must contain the place, time, description of the notified event and its consequences, the character of the construction, or other circumstances important for the correct assessment of the causes.

(2) The contents of the notification of the occurrence of a defect or accident and the result of the investigation into their causes shall be determined by the implementing legal regulation.

PART FIVE

EXPROPRIATION

Section 170

Purposes of Expropriation

(1) Rights to land plots and structures can be taken away or restricted if they are delimited in the spatial planning documentation and if it concerns

- a) implementation of a publicly beneficial structure,
- b) implementation of a publicly beneficial measure,
- c) implementation of a structure and measures to provide defence and security of the State, or
- d) land clearance.

(2) The right to land plot or a structure can be taken away or restricted also to create conditions for the necessary access to the land plot or a structure and for the proper use of a publicly beneficial structure or a publicly beneficial measure.

(3) Withdrawal or restriction of the right according to Subchapter (1) also applies to areas necessary for implementing a construction, implementing a publicly beneficial measure and creating a protective zone, if it is a protective zone according to the legislation.

PART SIX

BUILDING REGULATIONS

TITLE I

GENERAL AND COMMON PROVISIONS

Section 171

The project requires a permit, with the exception of small structures and land use changes according to the requirements pursuant to this Act.

Section 172

Way and Form of Application Submission

(1) Submission according to this part can also be made via the Builder Portal.

(2) An application or project pursuant to this part shall be submitted on the prescribed form electronically via the Builder Portal or in paper form. The application form and the project form are determined by the implementing legal regulation.

(3) The applicant may refer to an electronic document kept in the register of electronic documentation

or in the register of proceedings and other procedures of the building authorities and respective authorities (hereinafter referred to as "Construction Procedures Register") in the application instead of attaching it to the application as part thereof.

(4) The builder shall enter the project documentation or building permit documentation into the register of electronic documentation at the latest with the application submission. The building permit documentation, which does not have to be developed by the designer, shall be entered into the register of electronic documentation by the building authority if the builder does not do so together with the application submission.

Section 173

Record Keeping and Delivery

(1) The building authority records all actions and enters all documents into the Construction Procedures Register.

(2) The building authority and the respective authority deliver documents to each other through the Construction Procedures Register. The written document is delivered on the day when the building authority or the respective authority enters it into the Construction Procedures Register.

(3) If a request for a statement or a binding opinion is submitted by the applicant before the commencement of the proceedings according to this part, the respective authority shall enter the statement or a binding opinion in the Construction Procedures Register and deliver it to the applicant.

TITLE II

ACTIONS BEFORE COMMENCEMENT OF PROCEEDINGS

Chapter 1

Preliminary Information

Section 174

(1) The building authority shall provide preliminary information to the person who requests it, within the scope of its competence and within 30 days of the request

- a) on the conditions of land use and changes in land use, especially on the basis of spatial planning documents and spatial planning documentation,
- b) on the necessity of building permit and its occupancy permit decision,
- c) on the aspects according to which it shall assess the request for the issuance of a building permit and pursuant to what conditions the request can be granted,
- d) about the respective authorities in relation to the project.

(2) The respective authority shall provide preliminary information to the person who requests it, within the scope of its competence and within 30 days of the request

- a) on the necessity of a statement or a binding opinion of the respective authority,
- b) on the aspects according to which it will assess the request for the issuance of a statement or a binding opinion and pursuant to what conditions the request can be granted.

(3) The person requesting preliminary information shall, in addition to the general requirements according to the Administrative Procedure Code, state specific requirements for preliminary information and specific data about the project, in particular its location, purpose and technical implementation of the project.

Chapter 2

Statement and Binding Opinion of Respective Authority

Section 175

Statement

(1) The statement of respective authority shall contain a conclusion and a justification. In the conclusion, the respective authority shall state whether the project is permissible from the point of view of the

public interests protected by it. In the justification, the respective authority shall briefly state the reasons on which the conclusion is based, the basis for its issuance and the considerations that guided it in its assessment and in the interpretation of the legal regulations on which the conclusion is based.

(2) If it is necessary for the protection of the public interests protected by it, the respective authority shall also state the conditions of admissibility of the project in the conclusion. The respective authority is obliged to arrange for the conditions to be consistent.

Section 176

Coordinated Statement and Coordinated Binding Opinion

(1) If the respective authority is the same public administration body according to other legal regulations, it shall issue a coordinated statement instead of individual statements and a coordinated binding opinion instead of individual binding opinions. The provisions of the Administrative Procedure Code on joint proceedings and the provisions on resolution of contradictions shall apply *mutatis mutandis*.

(2) A coordinated statement or a coordinated binding opinion shall include requirements for the protection of all public interests concerned that the public administration authority defends in accordance with other legal regulations.

(3) Coordinated binding opinion shall not include

a) a binding opinion on the impact assessment of the project implementation on the environment pursuant to the Environmental Impact Assessment Act and

b) a unified environmental opinion according to the Uniform Environmental Covenants Act, if it is issued at the same time as a binding opinion on the impact assessment of the project implementation on the environment pursuant to the Environmental Impact Assessment Act

(4) In the conclusion of the coordinated statement or coordinated binding opinion, the public administration authority shall state in summary whether the project is admissible from the point of view of all public interests protected by it. Section 175 (2) shall apply by analogy.

(5) The coordinated binding opinion is valid for 5 years from the date of its issuance. If the coordinated binding opinion includes a unified environmental binding opinion, the provisions on the validity of the unified environmental binding opinion pursuant to the Uniform Environmental Covenants Act shall apply by analogy to the coordinated binding opinion.

Section 177

Application

(1) Application for a statement or binding opinion shall contain, in addition to general requirements according to the Administrative Procedure Code, documentation, identification data of the project and, where appropriate, other requirements pursuant to other legal regulations.

(2) If an application for a statement or a binding opinion does not contain the specified requirements or if it suffers from other deficiencies, the respective authority shall invite the applicant to remove them within 10 days of its submission at the latest, provide him/her with a reasonable period of time and instruct him/her on the consequences of not removing the deficiencies in the application.

(3) If the applicant does not remove the deficiencies in the application, the respective authority shall inform the applicant in writing that a statement or a binding opinion cannot be issued. The deadline for issuing a statement or a binding opinion does not run during the time that the defects of the application are being removed. A new time limit for issuing them shall begin from the date of removal of deficiencies in the application.

Section 178

Time Limit for Issuing

(1) The respective authority shall issue a statement or a binding opinion on the project from the point of view of the public interests protected by it within 30 days from the date of delivery of the application or request by the building authority.

(2) The time limit referred to in Subsection (1) may be extended by the respective authority by up to 30 days if an on-site inspection is necessary or if the case is particularly complex. The time limit referred to in

Subsection (1) may also be extended by the respective authority for a reason for which the time limit for issuing a uniform environmental opinion pursuant to the Uniform Environmental Covenants Act may be extended if it is a coordinated binding opinion which includes a uniform environmental opinion. The extension of the time limit shall be decided by the respective authority and only be noted in the file.

(3) If the respective authority does not issue a statement or binding opinion within the time limit for issuing it, it shall be deemed to be in agreement and without conditions.

(4) Provisions of Subsection (3) shall not apply to

a) a binding opinion on the environmental impact assessment of the project implementation pursuant to the Environmental Impact Assessment Act,

b) a uniform environmental opinion issued pursuant to the Uniform Environmental Covenants Act instead of a binding opinion on the environmental impact assessment of the project implementation pursuant to the Environmental Impact Assessment Act or an administrative act of a nature conservation authority pursuant to the Act on Nature and Landscape Protection, which

1. assesses whether the conditions for establishing a different procedure for the protection of birds are met,
2. grants consent to interventions that could lead to serious or irreversible damage or destruction of a European habitat or the Natural habitats of wild fauna and flora,
3. grants consent to activities in Special Protection Areas,
4. assesses compliance with the conditions for granting exemptions from prohibitions for specially protected species of plants and animals subject to protection pursuant to European Union legislation,
5. grants consent to activities delimited in the detailed protection conditions of specially protected areas that have been declared to provide the maintenance of the favourable status of European habitats or European habitats of important species that are the subject of protection of the European Special Areas of Conservation.

Section 179

New Statement and Binding Opinion of Respective Authority

(1) If the prerequisites for issuing consent with a statement or a binding opinion without conditions have not been met in the case referred to in Section 178(3), the superior administrative authority shall issue a new statement or binding opinion which shall repeal the statement or binding opinion.

(2) A new statement or binding opinion may be issued within 6 months of the legal validity of the decision on which the statement or binding opinion was based.

Section 179a

Review of Binding Opinion in Review Procedure

A review procedure, the subject of which is a binding opinion serving as a basis for proceedings pursuant to this Act, may be initiated within 6 months of the legal force of the decision on which the binding opinion was based. The binding opinion may not be repealed or amended in the review procedure after 9 months from the legal force of the decision on which the binding opinion was based.

Chapter 3

Statement of Owner of Public Transport or Technical Infrastructure

Section 180

Application

(1) The application for a statement from the owner of public transport or technical infrastructure regarding the possibility and method of connection of the project or the conditions of the affected protection and safety zones shall include the identification data of the applicant and the identification data of the project.

(2) The application for a statement may be submitted via the Builder Portal if the owner of public transport or technical infrastructure has established a data box or access to the data interface of the Builder Portal.

(2) The application shall always be accompanied by the building permit documentation.

Section 181

Time Limit and Way of Delivery

(1) The owner of public transport or technical infrastructure shall issue a statement to project within 30 days, in particularly complex cases within 60 days from the date of receipt of a complete application.

(2) An application submitted via the Builder Portal shall be deemed to have been received by the owner of public transport or technical infrastructure who has established access to the data interface of the Builder Portal at the moment of its submission.

(3) The owner of public transport or technical infrastructure who has established access to the data interface of the Builder Portal shall deliver his statement by entering it in the Construction Procedures Register. The statement shall be delivered at the moment of its insertion in the Construction Procedures Register.

(4) Actions on behalf of the owner of public transport or technical infrastructure are performed by its administrator or operator to the extent that the technical infrastructure administrator fulfils the editing obligation according to the list of editors of digital technical maps of the regions maintained on the basis of the Land Surveying Act.

TITLE III

BUILDING PERMIT PROCEEDINGS

Chapter 1

General Provisions on Proceedings

Section 182

Parties to the Proceedings

The parties to the proceedings are

- a) the builder,
- b) the municipality in whose territory the project shall be implemented,
- c) the owner of land or a building on which the project shall be implemented, or whoever has other rights in rem over that land plot or a structure,
- d) persons whose ownership or other rights in rem over neighbouring structures or neighbouring land plots may be directly affected by the building permit decision,
- e) persons pursuant to other legislation.

Section 183

Homeowners' Association

If the builder is a homeowners' association⁴¹⁾, it shall be the representative of the individual homeowners as a party to the proceedings. If the represented homeowner notifies the building authority that he/she no longer wishes to be represented by the homeowners' association, his/her representation shall cease at the time when this notification is delivered to the building authority.

Section 184

Application

(1) The application for the building permit shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code

- a) basic information on the project, its scope and purpose, method and duration of the implementation,
- b) identification details of the land plot or a structure on which the project shall be implemented,
- c) the duration of the temporary structure and the proposal for the land redevelopment after its removal.

(2) The application shall include

- a) project permit documentation for the approval,
- b) the planning contract, if concluded,
- c) the consent of the owner,
- d) the consent of the parties to the proceedings, if the builder applies for a building permit pursuant to the expedited procedure,
- e) the statement, binding opinion or decision of the respective authority, if required by this Act or other legal regulation, or the requirements of the application pursuant to Section 177, if the statement or binding opinion is not part of the application,
- f) the statement of the owners of public transport or technical infrastructure delimited on the digital technical map,
- g) the conclusion of the investigative procedure that the project is not subject to an environmental impact assessment pursuant to the Environmental Impact Assessment Act if issued,
- h) the specification of the exemption from general requirements for construction required for the project implementation and its justification, the statement or binding opinion of the respective authority which defends the interests pursuant to other legal regulations to which the exemption from general requirements relates,
- i) any other document required by other legal regulations.

(3) If the application is not accompanied by a statement or binding opinion required by this Act or other legal regulation, the building authority shall request it from the respective authority; this does not apply to a binding opinion on the examination of changes to the project pursuant to Section 9(a)(6) of the Environmental Impact Assessment Act.

(4) The request pursuant to Subsection (3) shall stop running of the time limit for issuing a decision until the statement or binding opinion has been issued but at the latest until the date on which the fact referred to in Section 178(3) happens.

Section 185

Application Deficiencies

(1) When requesting the removal of deficiencies in the application, the building authority shall proceed in such a way that all deficiencies can be removed at the same time if possible.

(2) The building authority shall invite the builder to complete the application and remove the deficiencies in the application within 10 days of the commencement of the proceedings at the latest and shall suspend the proceedings by a resolution; the resolution shall be delivered only to the builder and may not be appealed against.

(3) The building authority shall not discuss the application and shall defer it by resolution if

- a) the application is not accompanied by building permit documentation,
- b) the project documentation or a part thereof is not developed by the designer; or
- c) the builder fails to enter the project documentation or the building permit documentation into the Electronic Documentation Register.

(4) A resolution to defer an application shall be announced only to the builder.

Section 186

Conclusion of Investigative Procedure

(1) In the case of a project for which the conclusion of the investigative procedure pursuant to other legal regulation⁴²⁾ has been issued stating that the project is not subject to an environmental impact assessment, the building authority shall check whether there have been any changes to the project that could have a significant negative impact on the environment. In particular, the building authority shall check that there has been no increase in the capacity and scale of the project or any change in its technology, operation management or use⁴³⁾.

(2) If the building authority concludes, on the basis of the check pursuant to Subsection (1), that there

have been changes to the project which could have a significant negative effect on the environment, it shall invite the developer to submit the conclusion of the investigative procedure pursuant to Subchapter 1 for the project changed. In such a case, the building authority shall suspend the procedure and proceed pursuant to the provisions of other legal regulation.

Section 187

Consent of Owner

(1) If the builder is the owner of land or a building on which the project shall be implemented, or if he/she is entitled to implement the project due to right to build or right of an easement, the building authority shall check this fact in the Cadastre of Real Estate. The right of a building ownership which is not subject to registration in the Cadastre of Real Estate shall be proved by the builder by means of an affidavit.

(2) If the builder is not the owner of the land plot on which the project shall be implemented, and if he/she is not entitled to implement the project due to right to build or right of an easement, the builder shall document the consent of the owner of the land which is registered in the Cadastre of Real Estate on the date of submission of the application. The same process apply by analogy if the builder is not the owner of a building that is not a part of the land plot. The consent of the owner of land or a building cannot be withdrawn after the application for building permit has been submitted. If the project is substantially modified after the application has been submitted, the project may be permitted only if the builder provides consent of the land or building owner to the modified project.

(3) The consent shall be marked on the location drawing of the documentation and shall include the identification and signature of the owner of land or a building on which the project shall be permitted or the person entitled to implement the project due to right to build or right of an easement. The identification data are, in the case of

a) a natural person's name, surname, date of birth, permanent address and, if not, residential address,

b) a legal person, the name, registered office and, the personal identification number if assigned

(4) The consent of the owner of the land or the building which is in a shared co-ownership requires the consent of a two-thirds majority of the co-owners according to the number of their shares; in the case of residential co-ownership, only the consent of the homeowners' association or the administrator if the homeowners' association has not been established is sufficient.

(5) Consent is not required if the purpose established by legislation in order to obtain the necessary rights to land or a building for the project is expropriation.

Section 188

Notification of Proceedings Commencement

(1) Without delay, and no later than within 7 days of the commencement of the proceedings by delivery of a deficiency-free application or the removal of deficiencies in the application, the building authority shall notify the parties to the proceedings, the respective authorities and the chief designer of the commencement of the proceedings. It shall state in the notification how the parties to the proceedings may make themselves familiar with the project whether and when, if necessary, an oral hearing or a public hearing will be ordered in the matter and whether the oral hearing will be accompanied by an on-site inspection.

(2) The notice of commencement of proceedings shall also contain information on the conditions for the submission of the parties' objections or, where appropriate, public comments.

(3) The parties to the proceedings referred to in Section 182(d) shall be, in the notice of commencement of proceedings with a large number of parties and in other documents in the proceedings, identified by the identification of the plots of land and structures registered in the Cadastre of Real Estate.

(4) The notice of commencement shall be delivered to the parties to the proceedings pursuant to Section 182(a), (b) and (c) individually In the proceedings with a large number of parties. The other documents shall be delivered individually only to the applicant, the municipality in whose territory the project shall be implemented and the respective authorities; the other parties to the proceedings shall be informed by public notice, which shall be made aware in the notice of commencement of the proceedings. In the case of the delivery abroad, the document shall be delivered at the address provided in the Cadastre of Real Estate and the date of delivery shall be the 30th day after the document is forwarded for postal delivery.

(5) In the case of a project affecting the territory of several municipalities, the notification of the

commencement of the proceedings and other acts in the proceedings shall also be announced by posting on the official notice boards of all these municipalities.

Section 189

Oral Hearing

(1) If the building authority orders an oral hearing, it shall notify the parties to the proceedings and the respective authorities of the date of the oral hearing at least 15 days in advance. If no oral hearing is ordered, the building authority shall specify in the notice of the commencement of the proceedings a time limit, which shall not be shorter than 15 days, within which the parties to the proceedings may submit objections.

(2) In the case of a project in an area where no spatial plan has been issued, the building authority shall always order a public hearing. In the case of EIA projects in an area in which a spatial plan has been issued, the building authority may order a public hearing. The public hearing shall be announced to the public by public notice and may be scheduled no earlier than 30 days after the date of delivery of the public notice, during which time the building authority shall allow anyone to inspect the building permit decision documents.

Section 190

Objections of Parties to the Proceedings

(1) The parties' objections must be raised no later than at the oral hearing or, where appropriate, at the public hearing and, if no hearing has been ordered, within the time limit set out in the notice of the commencement of the proceedings. The building authority shall only take into account and deal with objections raised at a later date if they relate to newly supplemented building permit decision documents to which it was not possible to object earlier. Objections on matters that were decided when the spatial planning documentation was issued, shall not be taken into account.

(2) The parties to the proceedings may raise objections aimed at defending their procedural rights; other objections may be raised only to the extent specified in Subchapter 3. Objections that exceed the scope of Subchapter 3 shall not be taken into account by the building authority. Furthermore, the building authority shall not take into account objections of a party to the proceedings which are contrary to the concluded planning contract to which the party to the proceedings is a party.

(3) The municipality as a party to the proceedings may only raise objections within the scope of its independent competence. A party to the proceedings pursuant to Section 182(c) and (d) may only object to the extent to which its rights may be directly affected. A party to the proceedings pursuant to Section 182(e) may only object to the extent to which the project under consideration affects interests protected by other legal regulation which gives rise to its participation in proceedings pursuant to this Act. The party shall always state the reasons for objection when raising it.

(4) If the building authority finds the objection to be justified, it shall allow the builder to comment on it, for which it shall give him a reasonable period of time. The building authority may combine the request for the builder's comments with other procedure.

Section 191

Objections to Existence or Extent of Property Rights

(1) Objections concerning the existence or extent of property or other rights in rem shall be assessed by the building authority according to the data in the Cadastre of Real Estate. If the property or other rights in rem are in favour of the builder, the building authority shall not consider the objection.

(2) If the data in the Cadastre of Real Estate give rise to doubts as to the existence or extent of the property or other rights in rem, the building authority shall suspend the proceedings and invite the party who has raised such objection to raise it before the court within a specified time limit.

(3) If court proceedings have not been initiated within the prescribed time limit, the application has been rejected by the court or the proceedings have been terminated, the building authority shall not take the objection into account.

Section 192

Public Comments

(1) If a public hearing is ordered, anyone can raise comments, at the latest at this hearing. Comments

on matters that were decided upon when the spatial planning documentation was issued are not taken into account

(2) The building authority shall take into account and assess the comments submitted later only if they relate to newly supplemented building permit decision documents, to which it was not possible to raise a comment earlier.

(3) The assessment of public comments shall be included as a part of the justification of the building permit decision.

Section 193

Project Assessment

(1) The building authority shall assess whether the project is in accordance with

- a) the spatial planning documentation, spatial measures and the built-up area delimitation,
- b) the objectives and tasks of spatial planning, especially with the character of the territory and the requirements for the protection of cultural, historical, architectural and urban values in the territory, if the municipality has not issued a spatial plan,
- c) the requirements of this Act and its implementing legal regulations,
- d) requirements of other legal regulations protecting the public interests concerned,
- e) requirements for public transport or technical infrastructure,
- f) protecting the rights and legally protected interests of the parties to the proceedings which shall be evaluated and measured in mutual context.

(2) When assessing the compliance of the project with the requirements of other legal regulations, the building authority bases its decision on the statement or binding opinion of the respective authority or on the results of the resolution of contradictions. At the request of the building authority, within 5 days, the respective authority shall issue a communication on the proposals, objections, statements or drafts of evidence of the parties to the proceedings, which are related to the public interest protected by it.

Section 194 [DZ]

Repealed

Section 195

Project Decision

If the conditions pursuant to Section 193 are met or if their fulfilment can be ensured by the imposition of conditions in the building permit decision, the building authority shall issue the building permit; otherwise, it shall reject the building permit application.

Section 196

Time Limit for Issuing a Decision

(1) The building authority shall decide on the application no later than

- a) 30 days from the date of commencement of proceedings in the case of a simple structure,
- b) 60 days from the date of commencement of proceedings in other cases.

(2) The building authority may, by resolution, extend the time limits before the expiry of the time limits referred to in Subsection (1),

- a) for up to 30 days in particularly complex cases or where an oral hearing is ordered, or
- b) for up to 60 days in proceedings involving a large number of parties, or where delivery by public notice is to be made to persons to whom delivery is impossible, or where delivery shall be made abroad.

(3) In the resolution on the extension of the time limit, the building authority shall state the reasons for which it is not possible to make a decision within the time limits referred to in Subsection (1) or (2); the building authority shall only note this resolution in the file and notify only the builder of the extension of the time limit.

(4) The time limit for issuing a decision shall be interrupted in the event of a suspension of proceedings due to deficiencies in the application and shall start running again from the beginning after the deficiencies have been removed.

Section 197

Permit

(1) In the statement part of the building permit, the building authority shall

a) approve the project development,

b) delimit the land plot for the project implementation, where appropriate, determine the conditions for the division or consolidation of land, and determine the conditions for its location and implementation and, if necessary, for its use,

c) determine the conditions which provide compliance with the requirements referred to in Section(1), in particular conditions to provide the protection of public interests, compliance with general requirements for construction or, where appropriate, technical standards, and requirements for public transport or technical infrastructure.

(2) In the case of a project on a cultural monument or a project on immovable property which is not a cultural monument but is located in a conservation area or a conservation zone, the building authority may, in the statement part of the building permit, determine the scope of the partial works, the implementation of which shall be subject to the decision of the state conservation authority.

(3) After the permit has become legally effective, the building authority shall send the builder a notice of verification of the project documentation together with a label containing identification data on the permitted construction. The building authority shall also send the notice of verification of the project documentation to the owner of structure if he is not the builder. At the same time, it shall notify the chief designer of the permit issuance.

Section 198

Permit Validity

(1) The permit shall be valid for 2 years from the date of its entry into force unless the building authority specifies a longer period in justified cases, however, no longer than 5 years. If the project implementation was started during its validity, the period of validity shall be extended to 10 years from the date of the legal validity of the permit or the decision on the extension of the validity of the permit.

(2) The permit shall also expire on the date on which the building authority receives notification from the builder that he is withdrawing from the project implementation. In the case of reserved structures, including related structures, the permit shall not cease to be valid if the construction was commenced during its validity.

(3) The building authority may extend the period of validity of the permit on the basis of an application by the builder submitted before its expiry, even repeatedly, but always for a maximum of 2 years. The validity of the permit shall not expire until the final decision of the application is issued.

(4) In the procedure for the permit validity extension, the building authority shall examine whether there has been any change in the conditions pursuant to which the permit was issued. The building authority shall request supplementary documents from the builder only to the extent of the changed conditions. If the building authority concludes that there has not been such a change in the conditions since the permit was issued to require supplementation of the documents, it may extend the validity of the permit by a decision as the first act of the building authority in the proceedings.

(5) The provisions of the building permit procedure shall apply mutatis mutandis to the procedure for extending the building permit validity.

Section 199

Transfer of Permit

(1) The legal successor of the builder shall notify the building authority of the transfer of rights and obligations of the permit.

(2) The building authority shall issue a new label containing identification data about the construction at the request of the legal successor of the builder.

Section 200

Amendment and Revocation of Permit

(1) A permit may be amended at the request of the builder or owner of structure. The validity of the permit shall not be affected unless a decision is taken at the same time to change its period of validity at the request of the builder.

(2) A permit may be amended or revoked at the request of the builder or ex officio in proceedings for the publicly beneficial structure permit or a publicly beneficial measure. A permit may not be amended or revoked if construction has begun.

(3) The provisions of the building permit proceedings shall apply mutatis mutandis to the procedure for the amendment or revocation of permit. The building authority shall discuss the amendment of the permit to the extent of the amendment.

Chapter 2

Repealed

Title omitted

Section 201 [DZ]

Repealed

Section 202 [DZ]

Repealed

Section 203 [DZ]

Repealed

Section 204 [DZ]

Repealed

Section 205 [DZ]

Repealed

Section 206 [DZ]

Repealed

Section 207 [DZ]

Repealed

Title omitted

Section 208 [DZ]

Repealed

Title omitted

Section 209 [DZ]

Repealed

Section 210 [DZ]

Repealed

Chapter 2

Special Provisions for Building Permit Proceedings for Affordable Rental Housing

Section 201

Application for Building Permit for Affordable Rental Housing Building

(1) If the builder is not a municipality, the application for affordable rental housing shall include an affordable rental housing planning agreement to which the municipality where the building shall be located, is a party and which includes

- a) a commitment of the builder to provide at least 80% of the floor area for affordable rental housing for at least 20 years from the effective date of the final occupancy permit decision for the use of the affordable rental housing pursuant to the State Investment Promotion Fund Act,
- b) a commitment of the builder not to encumber or alienate the block of flats during the period of the affordable rental housing planning agreement without the approval of the municipality,
- c) the negotiation of the amount of affordable rent and the procedure of increasing it in accordance with the State Investment Promotion Fund Act,
- d) the arrangement of the duration of the planning agreement, which shall not expire earlier than after 20 years from the legal force of the occupancy permit decision authorising the use of affordable rental housing,
- e) a commitment of the builder to allow inspection of the obligations arising from the affordable rental housing planning agreement,
- f) a commitment of the builder to pay a contractual penalty equal to 12 times the maximum monthly affordable rent per 1 m² multiplied by the number of m² of the floor area of the affordable rental housing for the breach of any obligation under the planning agreement in relation to the provision of affordable rental housing, for each individual breach, unless the parties agree on a higher penalty.

(2) The building authority shall, when granting a building permit for an affordable rental housing building, verify that the planning agreement contains the arrangements referred to in Sections (1)(a), (b) and (d).

Section 202

Assessment of Project of Affordable Rental Housing

Owner's consent under Section 187 shall not be required for an affordable rental housing building project.

Chapter 3

Building or Facility Permit and Expedited Procedure

Section 211

Building or Facility Permit

(1) A building or facility permit shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) and (2), the following

- a) the type and purpose of the structure or facility to be permitted,
- b) the cadastral area, plot numbers and type of land according to the Cadastre of Real Estate on which the structure or facility shall be located,
- c) the location of the structure or facility on the land plot, in particular the minimum distances from the boundaries of the land plot and neighbouring buildings,
- d) determination of the spatial layout of the structure or facility, in particular the plan size, maximum height and shape and basic information on capacity,
- e) the conditions for the structure or facility implementation,

f) the delimitation of the area affected by the structure or facility.

(2) The building authority shall also specify in the permit, where appropriate

- a) in the case of a temporary structure, the duration of the structure, the time limit for its removal and the way of its removal and subsequent area land clearance,
- b) in the case of a simple structure, the purpose of use and any other conditions of use,
- c) the measures on neighbouring land plots due to the implementation of a structure or facility,
- d) the construction phases in order to perform building inspections,
- e) other requirements pursuant to other legal regulations.

(3) In order to check the functionality of the structure or facility, the building authority may, at the same time as the permit, impose a trial operation for a period not exceeding 1 year.

Section 212

Expedited Procedure

(1) A building or facility permit shall be issued as the first act of the building authority in the proceedings if the builder has applied for a decision in an expedited procedure and

- a) the municipality in whose territory the structure or facility shall be implemented, has issued a spatial plan,
- b) the project is not an EIA project,
- c) it is not a project requiring an exemption or a different procedure pursuant to the Act on Nature and Landscape Protection,
- d) the structure complies with the requirements set out in Section 193; and
- e) the builder has provided the consent of all parties to the project, marked on the site plan of the documentation.

(2) A building or facility permit issued in an expedited procedure shall, in addition to notifying the parties to the proceedings, be published on the official board of the building authority for a period of 15 days from the date of issuance.

(3) If the conditions for the permit issuance in an expedited procedure are not met, the building authority shall proceed in accordance with the general provisions of the building permit procedure.

Chapter 4

Non-building Project

Subchapter 1

Land Use Change

Section 213

Changes Requiring Permits

Land use change permits shall be required for

- a) landscaping,
- b) the establishment of an area for the extraction of mineral deposits for which no extraction area is determined pursuant to the Mining Act,
- c) a parking, handling, sales, storage or exhibition area,
- d) a burial ground,
- e) a change in the type of land⁴⁸⁾, or in the land use⁴⁹⁾, unless the conditions are set out in approved land development plans,
- f) land development that affects the ability to absorb water.

Section 214

Changes not Requiring a Permit

(1) Permission for a land use change shall not be required for

- a) landscaping up to 1.5 m in height or depth with an area of up to 300 m² on a land plot that does not share a common boundary with a public road or public space,
- b) a parking, handling, sales, storage or exhibition area of up to 300 m² that is not used for the storage of flammable substances or the handling of flammable substances or substances that may cause environmental pollution or particularly hazardous or dangerous substances pursuant to the Water Act,
- c) change in the type of land⁴⁸⁾ or the land use⁴⁹⁾ with an area of up to 300 m²,
- d) landscaping in the natural channel of a watercourse and on land adjacent to it, which does not substantially alter the natural streambed of the watercourse, unless it is carried out in a delimited floodplain,
- e) land development that affects the ability to absorb water, carried out on the site of a building for housing or family recreation, that is related to or condition housing or family recreation, does not serve to store flammable substances or explosives, does not contradict the spatial planning documentation, and the area of the part of the site capable of absorbing rainwater after its implementation will be at least 50% of the total area of the site of the building for housing or family recreation,
- f) an area designated for the destruction of explosives, unless it is a structure.

(2) The provisions of Subsection (1) shall not apply in respect of

- a) an area for which an archaeological site plan has been issued,
- b) the EIA projects,
- c) a project in a specially protected area, a European Special Area of Conservation or a Special Protection Area,
- d) a project in a protected mineral deposit area.

Section 215

Land Use Change Permit

(1) The building authority shall determine the new land and set the conditions of its use in the land use change permit.

(2) A land use change permit shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) a (2), also

- a) the cadastral area, plot numbers and type of land according to the Cadastre of Real Estate to which the land use change relates,
- b) the area delimitation and designation of the new land use.

(3) A land use change permit may be issued as the first act of the building authority in the proceedings. The provisions pursuant to Section 212 shall apply by analogy.

Subchapter 2

Division or Consolidation of Land

Section 216

Conditions

(1) The building authority may issue a permit for the division or consolidation of land only on the basis of an application submitted by the owners of all the affected land plots to be subject to the permit or by at least one of the owners with the documented consent of the other owners of the affected land. The provisions of Section 187 shall apply by analogy to the consent of the owners of the land concerned. In the case of a publicly beneficial structure or a publicly beneficial measure, a division or consolidation of land permit may also be granted on the basis of an application by the builder; in such a case, a public hearing shall always be ordered.

(2) The application for the division or consolidation of land permit shall be accompanied, instead of the

project documentation, by a general situation at the scale of the cadastral map, including the plot numbers, with a drawing of the required division or consolidation of land, indicating direct access from a public road to all the plots of land, or via land or a building of the same owner, or on the basis of other right in rem to land or structure of other person.

(3) The issuance of the division or consolidation of land permit shall be the first act of the building authority in the proceeding if the conditions for the division or consolidation of land are determined by a spatial plan, a regulatory plan, or a decision pursuant to other legal regulation. Division or consolidation of land permit shall not be granted if the division or consolidation is approved by the land development plan.

(4) An application for the division or consolidation of land for the construction of highways, class I roads, railroads, aeronautical structures and structures related thereto shall not be accompanied by a traffic connection to a publicly accessible road. In the division or consolidation of land decision for the construction of motorways, class I roads, railways, aeronautical structures and related structures, the building authority shall set the condition of establishing a connection of the newly created land to a publicly accessible road.

Section 217

Division or Consolidation of Land Permit

(1) The building authority shall determine the conditions for the division or consolidation of land in the division or consolidation of land permit.

(2) The issuance of the division or consolidation of land permit shall be the first act of the building authority in the proceedings where it is not necessary to determine conditions for the division or consolidation of land.

(3) A permit for the division or consolidation of land shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code, the following:

a) the cadastral area, plot numbers and type of land according to the Cadastre of Real Estate to which the division or consolidation of land relates,

b) the determination of the new boundaries of the land plots, indicating the access from a publicly accessible road to each land plot.

(4) A division or consolidation of land permit shall be valid for an indefinite period. The permit shall expire on the date on which the building authority receives notice from the builder that he/she is withdrawing from the implementation of the project.

Subchapter 3

Determination of Protection Zone

Section 218

Conditions

(1) In order to protect a structure or facility from the negative effects of its surroundings or to protect the surroundings of a structure or facility from the negative effects of the structure or facility, the building authority may determine a protection zone by a decision or a measure of a general nature if the protection zone concerns an unspecified group of persons.

(2) The building authority shall not determine a protection zone if the conditions of protection are established by or on the basis of other legal regulation. The determination of a protection zone pursuant to other legal regulation is not affected.

(3) The building authority shall, at the proposal of the builder or owner of structure, determine a protection zone for the structure or facility in the interest of the protection of a structure or facility.

(4) The building authority shall ex officio determine a protection zone for a completed or permitted structure or facility if this is necessary to protect the surroundings from the negative effects of the structure or facility.

(5) Within the protection zone, the building authority shall prohibit or restrict, depending on the character or negative effects of the protected structure or facility, the permitting and implementation of certain structures or certain activities. The permitting and implementation of certain structures or certain activities may be prohibited or restricted for reasons of protection of life and health of persons or animals or protection of the

environment against negative effects of structures or facilities in the surroundings.

Section 219

Measure of a General Nature on Determination of a Protection Zone Draft

(1) On the draft of a measure of a general nature on the determination of a protection zone, the respective authorities defending public interests pursuant to other legal regulations, which are affected by the protection of the structure or facility or its surroundings, shall submit their comments within 30 days from the date of delivery of the draft. Submissions made later shall not be taken into account.

(2) Comments and objections to the measure of a general nature on the determination of a protection zone draft may be submitted within 30 days of its publication; if a public hearing is held, comments and objections may be raised at the public hearing at the latest.

(3) In addition to the persons referred to in Section 172(5) of the Administrative Procedure Code, objections to a measure of a general nature draft may also be submitted by persons to whom obligations are imposed in the measure of a general nature on the determination of a protection zone draft.

(4) The building authority shall issue a measure of a general nature on the determination of a protection zone within 90 days from the date of publication of the protection zone draft.

Section 220

Measure of a General Nature or Decision on Determination of a Protection Zone

(1) A measure of a general nature or the statement part of the decision on the determination of a protection zone shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, also

- a) designation of the protected structure or facility, or designation of the structure or facility from whose negative effects the protection zone protects the surroundings,
- b) the cadastral area, plot numbers and type of land according to the Cadastre of Real Estate on which the protection zone is determined,
- c) the determination of prohibitions or restrictions on the permission and implementation of constructions or activities,
- d) the period of validity of a measure of a general nature or a decision, if this can be determined in advance,
- e) a graphic annex containing the overall situation at the scale of the cadastral map, indicating the boundaries of the protection zone and the protected structures, facilities and land; in the case of protection zones for linear structures longer than 1,000 m and structures of a particularly large scale, the indicated data shall be provided on a map base at a scale of 1:10,000 to 1:50,000.

(2) A measure of a general nature on the determination of a protection zone shall come into force at the earliest on the date of the legal force of the occupancy permit decision if the structure requires it. In the case of a structure which does not require an occupancy permit decision or in the case of a facility, the building authority shall determine the date of entry into force of the measure of a general nature on the determination of the protection zone.

(3) If a protection zone is determined for a permitted structure or facility, the permit shall be enforceable at the earliest on the date of issuance of the measure of general nature on the protection zone for this structure.

(4) If the building authority does not specify the period of validity of the measure of a general nature on the determination of a protection zone, it shall apply for the duration of the structure or facility.

(5) The provisions of Subchapters (2) to (4) shall apply by analogy to a decision on the determination of a protection zone.

(6) A measure of a general nature on the determination of a protection zone may be amended or repealed at the initiative of the person to whom it implies protection or obligation or if the public interest so requires; a decision on the determination of a protection zone may be amended or repealed at the request of the person to whom it implies protection or obligation or ex officio if the public interest so requires. The building authority may, at the request of the person to whom the measure of a general nature or the decision on the determination of the protection zone implies an obligation, grant a time-limited exemption from the measure for the purpose of implementing a one-off activity, provided that the activity does not contradict the purpose of the protection zone.

Chapter 5

Outline Permit

Section 221

General Provisions

(1) At the request of the builder, the building authority shall issue an outline permit.

a) in the case of the construction of a nuclear facility and related structures, both inside and outside the site of the nuclear facility; or

b) for projects within the jurisdiction of other building authority.

(2) Except as otherwise provided, the provisions of this Title, with the exception of Parts 3, 6 and 8 and the provisions of Titles I, II, IV and V of this part, shall apply to proceedings for the issuance of an outline permit. In the consideration of a project, the protection of the public interest shall apply only to the extent of the outline permit.

(3) The outline permit shall not allow the implementation of the project. The requirements of this Act relating to the implementation and operation of the project shall not apply to the outline permit. The implementation of the project shall be approved by a building permit, which may be issued only pursuant to the conditions and in accordance with the outline permit of the building authority. Other building authority may only approve the construction on the basis of an outline permit issued by the regional authority. The Transport and Energy Building Authority may approve the construction referred to in Subchapter 1(a) without prior outline permit. An outline permit shall not be issued for projects on the territory of military training areas.

(4) Persons referred to in Section 182(1)(a), (c) and (d) shall be parties to the proceedings for a project outline permit for which an outline permit has been issued and which serves or shall serve for the purposes of providing the defence and security of the State or for the purposes of the Prison Service of the Czech Republic and its organisational units.

(5) Projects that are located on the premises of completed structures and do not exceed the existing spatial parameters, in particular the height level of existing buildings or the setback from the boundaries of the land plots and neighbouring structures, may be permitted without prior outline permit. The persons referred to in Section 182(1)(a), (c) and (d) shall be parties to the building permit procedure for projects referred to in the first sentence.

(6) Section 198 shall apply mutatis mutandis to the determination of the period of validity of the outline permit. An outline permit does not expire if a building permit is issued during its validity.

Section 222

Scope of Permit

(1) By the outline permit, the building authority shall delimit the building plot and within it determine the composition, type and purpose of structures and framework conditions for their location in maximum or minimum spatial parameters, in particular the horizontal and elevation range of the structure, setback distances of buildings from land boundaries and neighbouring buildings and connections to transport and technical infrastructure and limit values for inputs and outputs.

(2) The building authority shall only delimit the building plot and determine the purpose of the structure by an outline permit for projects pursuant to the jurisdiction of other building authority, which serves or is intended to serve to provide defence and security of the State and are not located on the sites of completed structures.

Section 223

Outline Permit Contents

(1) The outline permit for the construction of a nuclear facility and related structures located inside and outside the nuclear facility and for projects within the competence of other building authorities shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code

a) the delimitation of the site as a building plot,

b) the cadastral area, plot numbers and type of land plots according to the Cadastre of Real Estate on which

the set of structures shall be located,

- c) determination of the composition, type and purpose of the structures,
- d) determination of the minimum setback distances of the structures from the site boundary or from neighbouring structures outside the site,
- e) delimiting the maximum extent of built-up areas for the location of structures within the site of the nuclear facility and the maximum height limitation of structures within the premises of the nuclear facility,
- f) determining the framework conditions for the connection of the structure to the transport and technical infrastructure, in particular connection points and capacities, limit requirements for inputs and outputs necessary for the implementation and operation of the site, namely capacity and time limits for permitted inputs, such as water, energy and stored fuel, and capacity and time limits for permitted outputs, such as wastewater, waste, emissions and immissions,
- g) the delimitation of the area affected by the structure,
- h) the establishment of other conditions for the design development of the construction, as appropriate,
- i) in the case of temporary structures, setting a time limit for their removal.

(2) In the case of projects pursuant to the jurisdiction of other building authorities, which serve or are intended to serve to provide the defence and security of the State, the outline permit shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code

- a) the delimitation of the building plot,
- b) the cadastral area, plot numbers and type of land plot according to the Cadastre of Real Estate
- c) determination of the purpose of the buildings.

Chapter 6

Change of Project Prior to Completion

Section 224

(1) A change of project prior to completion is a change of the project compared to its permit or to the building permit documentation approved by the building authority.

(2) A change to project prior to completion may be implemented only based on a permit. The building authority which approved the project shall decide on the builder's application for a change to project prior to completion.

(3) Non-substantial deviations from the approved project documentation pursuant to Section 157(a), (c) and (d), which do not change the horizontal and elevation range of the structure, do not interfere with the supporting structures of the building, do not change the way of using the structure and do not affect fire safety, shall not be considered a change to the structure and shall be discussed during the occupancy permit proceedings.

(4) In the application for a change of project prior to completion, the builder shall, in addition to the general requirements pursuant to the Administrative Procedure Code, provide a description of the changes and attach the building permit documentation indicating the intended changes and attach the statements, binding opinions and decisions of the respective authorities to the extent to which the change of project affects interests protected by other legal regulations.

(5) If the change of the project does not affect the rights of the parties to the proceedings, except for the builder, or protected public interests and is not subject to an environmental impact assessment, the building authority may issue a permit as the first act of the building authority in the proceedings.

Chapter 7

Appeal Proceedings

Section 225

(1) If the appellate administrative authority concludes that the appealed decision issued in the application proceedings contradicts the legislation or is incorrect, it shall revise the appealed decision or its part.

(2) The appellate administrative authority shall issue its appeal decision within the time limit specified in Section 196.

(3) Except as otherwise provided in this Chapter, the provisions of Chapter 1 shall apply to the appeal proceedings, except for the provisions on expedited proceedings.

Section 226

Appellate Administrative Authority Procedure

(1) If the appeal is submitted by a party to the proceedings who has approved the building permit, the appellate administrative authority shall not take account of the part of the appeal contents that is directed against what the party has consented to.

(2) The appellate administrative authority shall not take into account any appeal objections that the appellant may have raised earlier. Further, the appellate administrative authority shall not take into account a part of the appeal contents that was submitted by an appellant who is a party to the planning contract if the appeal contents contradict what the appellant agreed to in the planning contract. Further, the appellate administrative authority shall not take into account a part of the appeal contents that was submitted by an appellant who is a party to a proceeding pursuant to Section 182(e) to the extent that the project discussed does not affect interests protected by other provision of legal regulation that implies his/her participation in a proceeding pursuant to this Act.

(3) The basis for issuing an appeal decision against the decision of the Transport and Energy Building Authority shall also be the statement of the Ministry of Health and, in the case of reserved structures referred to in Subsections (m), (n) and (q) of Annex No. 3 to this Act, the Czech Mining Office, in which it shall assess the fulfilment of the conditions for the protection of public interests within their competence in the decision of the Transport and Energy Building Authority.

Chapter 8

Inspection

Section 227

(1) The building authority may, in building permit, a building removal permit, a decision ordering the building removal, a prohibitive measure or a remedial measure, impose an obligation to accept inspections if this is necessary to determine whether the builder is proceeding in accordance with the permit or decision during construction implementation or removal.

(2) Other persons referred to in Section 292(3) shall also be obliged to attend the inspection at the request of the building authority; the provisions of Section 292(4) a (5) shall apply by analogy.

(3) The building authority shall draw up a report on the progress of the inspection, which, in addition to the general requirements of the Administrative Procedure Code, shall also contain the findings. The report shall be provided to all participants in the inspection.

(4) The provisions of Section 62 of the Administrative Procedure Code shall apply by analogy. In the course of an inspection, the provisions of Section 293 for entry the land and the structure during an inspection, shall apply by analogy.

(5) The details of the scope of the inspection shall be determined by the implementing legislation.

TITLE IV

PROCEEDINGS FOR EXEMPTION FROM CONSTRUCTION REQUIREMENTS

Section 228

Exemption Decision and Application

(1) If an exemption from the construction requirements is necessary for the building permit approval, the building authority shall decide on the exemption in the building permit proceedings.

(2) An application for an exemption from the construction requirements shall form part of the building permit application and shall include an indication of what exemption is being applied for and its justification.

TITLE V
REIMBURSEMENT FOR DAMAGE

Section 229

(1) The owner of land, structure or facility whose rights to land, structure or facility have been restricted by the establishment of the protection zone and who has suffered damage as a result, shall be entitled to reimbursement.

(2) Reimbursement for the restriction of rights to land, structure or facility by the establishment of a protection zone shall be provided by the owner of structure or facility for which the protection zone has been established.

(3) The owner of land, structure or facility who has suffered damage as a result of the revocation or amendment of a building permit decision by the building authority ex officio in the proceedings for the permit of a publicly beneficial structure or a publicly beneficial measure shall be entitled to reimbursement for the costs incurred for the project development in the usual amount, in particular for the purchase of land, for the construction project development or in connection with the reduction in the value of land used as debt security.

(4) The obligation to provide reimbursement pursuant to Subsection (3) shall be imposed on the municipality, region or state whose authorities initiated the revocation or amendment of the building permit ex officio in accordance with the procedure pursuant to Section 200(2) a (3).

(5) Reimbursement shall be provided as a monetary reimbursement. Instead of monetary reimbursement, the owner may be provided with other land or a building by agreement; the right to reimbursement for the difference between the amount of monetary reimbursement and the value of the replacement land or building shall not be affected.

TITLE VI
OCCUPANCY PROCEEDINGS

Chapter 1

Occupancy Permit Proceedings

Section 230

Occupancy Permit Decision Proceedings

(1) A structure that requires a permit may be used only on the basis of an occupancy permit decision and only for the purpose defined in the decision.

(2) Simple structure shall not require an occupancy permit decision, with the exception of buildings referred to in Subsection (1)(a) to (c) and Subsection (2)(d) of Annex No. 2 to this Act.

(3) A building which does not require the occupancy permit decision may be used immediately after its completion only in accordance with the purpose defined in the project building permit. The builder shall immediately notify the building authority of the completion of the structure. In the notification, the builder shall state

a) the number of the geometric plan, if the structure is subject to registration in the Cadastre of Real Estate or its construction results in the division of the land plot,

b) the identifier of the record in which the changes relating to the contents of the digital technical map of the region have been entered or the documents for their entry have been submitted, if the details of the structure form the contents of the digital technical map of the region⁵⁰.

(4) A small structure may be used only for the purpose for which it is intended by its character.

(5) If a structure which does not require an occupancy permit decision and which must be identified by a number pursuant to other legal regulation has been executed, the building authority shall, after notifying of the completion of the structure pursuant to Subsection (3), invite the respective municipality to assign a number.

Section 231

Parties to Proceedings

The parties to the occupancy permit decision proceedings are the builder and the owner of structure.

Section 232

Application

(1) The application for the issuance of an occupancy permit decision shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, the identification number of the structure, the expected date of completion of the structure and a description of deviations from the building permit documentation.

(2) The application shall include

- a) the building permit documentation, indicating the deviations in case of an insignificant deviation from the approved project documentation,
- b) an indication of the location of the structure definition point and, in the case of a building⁵¹⁾, an indication of the location address¹⁷⁾,
- c) the number of the geometric plan, if the structure is the subject of registration in the Cadastre of Real Estate or if its implementation results in the division or consolidation of land,
- d) the statement, binding opinion or decision of the respective authority, if required by this Act or by other legal regulation,
- e) evaluation of tests and measurements pursuant to other legal regulations,
- f) an evaluation of the trial operation, if ordered or permitted,
- g) a geodetic part of the documentation of the actual implementation of the technical and transport infrastructure construction or the identifier of the record in which changes related to the contents of the digital technical map of the region have been entered or the documents for their entry have been submitted, if the data on the structure form the contents of the digital technical map of the region,
- h) an energy performance certificate, if required by other legislation²⁹⁾.

Section 233

Application Assessment

(1) In the occupancy proceedings, the building authority shall assess whether the actual implementation of the structure or a part thereof that can be used separately is in accordance with the permit.

(2) The building authority shall assess insignificant deviations from the approved building permit documentation. The building authority shall not take these deviations into account if they do not change horizontal and elevation range of the structure, if they do not interfere with the load-bearing structures of the building if they do not change the way of using the structure and if they do not negatively affect fire safety.

(3) The structure shall be assessed according to the technical standards or other technical regulations that were in force at the time when the building permit documentation was approved by the building authority if technical standards or other technical regulations changed during the implementation.

Section 234

Final Inspection

(1) The building authority shall perform a final inspection of the completed structure within the occupancy permit proceedings if this is necessary to check the actual structure implementation. The final inspection shall not be performed in the case of underground construction of technical infrastructure energy networks, with the exception of collectors and heat distribution facilities pursuant to the Energy Act⁵²⁾. The final inspection shall be performed within 30 days of the submission of a complete application or from the date of completion or elimination of deficiencies in the application if the application did not contain all the mandatory requirements or if it suffered from deficiencies. The parties shall be notified of the date of the final inspection at least 10 days before the date of the final inspection. The building authority shall also notify the chief designer

of the final inspection.

(2) If the occupancy permit decision application is accompanied by a professional opinion of an authorised inspector on authorising the compliance of the actual structure implementation with its permit and its suitability for use, the building authority may omit the final inspection.

(3) The building authority shall, after the final inspection, invite the respective municipality to assign the number to a structure. If a structure which must be marked with a number according to other legal regulation⁵⁴⁾ has been implemented.

Section 235

Occupancy Permit Decision

(1) If the conditions pursuant to Section 233 are met, the building authority shall, within 15 days from the date of the final inspection, issue an occupancy permit decision permitting the use of the structure for its intended purpose.

(2) The occupancy permit decision shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) and (2).

- a) the type, purpose of the structure, house number or registration number,
- b) the location of the structure, indicating the land plot number and the cadastral area according to the Cadastre of Real Estate,
- c) the date and serial number of the building permit under which the structure was executed,
- d) details of the trial operation, if any, or of the preliminary use of the structure,
- e) the date and result of the final inspection,
- f) a delimitation of the purpose of the structure use.

(3) If necessary, the occupancy permit decision in its statement part shall furthermore contain

- a) the conditions for the structure use,
- b) the conditions for the removal of minor deficiencies found during the occupancy permit proceedings, including setting a reasonable time limit for their removal; or
- c) the conditions to provide the protection of public interests.

(4) If the building authority does not perform a final inspection, it shall issue an occupancy permit decision as the first act of the building authority in the proceedings within 15 days of the application. The occupancy permit decision shall be delivered to the parties to the proceedings and the respective authorities.

(5) An occupancy permit decision may also be issued for a part of a structure if it can be used separately, provided that this does not endanger the safety and health of persons or animals or the environment.

Chapter 2

Preliminary Use and Trial Operation

Section 236

Preliminary Use

(1) The building authority may permit a preliminary use of the structure before the completion of the structure for a maximum period of 1 year, if it can be used and if it does not endanger the safety and health of persons or animals or the environment.

(2) The building authority shall decide on the preliminary use of the structure upon the application of the builder, in which the builder shall prove that the unfinished structure is suitable for use before its completion.

(3) The application for preliminary use permission of a structure shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, identification data of the structure and the reasons for the application. The application shall be accompanied by supporting documents pursuant to Section 232(2) to the extent appropriate to the character of the structure. In the case of a structure implemented

by building contractors, the builder shall attach an agreement with the building contractor to the application, including his consent or, where appropriate, the agreed conditions for the preliminary use of the structure; for other structures, the builder shall propose the conditions for the preliminary use of the structure in the application.

(4) The party to the preliminary use permit proceedings of the building shall be the builder and the owner of structure.

(5) Following the completion of the structure, Sections 230 to 235 and 237 shall apply by analogy.

Section 237

Trial Operation

(1) The trial operation checks the functionality of the completed structure.

(2) The building authority shall permit the trial operation at the request of the builder or order it ex officio.

(3) An application for a trial operation permit shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, identification data of the structure and a justification. The application shall be accompanied by a statement, binding opinion or decision of the respective authority if required by this Act or other legal regulation.

(4) The building authority shall order a trial operation if this condition has been required in the permit. The builder shall notify the building authority in writing of the completion of the structure; the notification shall be accompanied by a statement, binding opinion or decision of the respective authority if required by this Act or other legal regulation.

(5) A party to the trial operation permit proceedings shall be the builder and the owner of structure.

(6) The builder shall apply for the issuance of an occupancy permit decision upon the termination of the trial operation.

Section 238

Preliminary Use and Trial Operation Permit

(1) The preliminary use and trial operation decision shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) and (2)

a) the type, the purpose of the structure, and house number or registration number,

b) the location of the structure, indicating the land plot number and the cadastral area according to the Cadastre of Real Estate,

c) the date and serial number of the building permit under which the structure was executed,

d) the duration of the preliminary use or trial operation,

e) the conditions for the preliminary use of the structure or the conditions for the smooth transition from the trial operation to the normal use,

f) other conditions pursuant to special legal regulations.

(2) The building authority shall determine the duration of the trial operation, not exceeding 1 year in the trial operation decision.

(3) The building authority which has approved the preliminary use or trial operation may, at the request of the builder, and in the case of trial operation also ex officio, by a decision which is the first act of the building authority in the proceedings, extend the specified period of preliminary use or the duration of the trial operation repeatedly before its expiry, in which case the period of preliminary use or trial operation may not exceed 3 years. In the case of reserved structures, the period of preliminary use or trial operation may not exceed 10 years.

Chapter 3

New Occupancy Permit Decision

Section 239

Change in Structure Use

(1) A change in structure use or a part thereof may be approved by a change in structure use permit at the request of the owner of structure unless such change is conditioned by a modification of the structure requiring a permit.

(2) An application for a change in structure use shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, the identification data of the structure and the justification for the intended change, its scope and consequences.

(3) The application shall include

- a) construction documentation indicating the changes caused by the change of use and
- b) a statement, binding opinion or decision of the respective authority, if required by this Act or other legislation.

(4) The parties to the proceedings shall be the owner of the structure, the owner of the land on which a change in structure use to be made is located, persons whose other rights in rem to the structure may be directly affected, and persons whose ownership or other rights in rem to neighbouring structures or neighbouring land may be directly affected by the change in structure use permit.

Section 240

Change in Structure Use Permit

Change in structure use permit shall contain in the statement part, in addition to the requirements of the occupancy permit decision, also

- a) the existing purpose of structure use,
- b) the new purpose of structure use.

Section 241

Expedited Procedure on Change in Structure Use

(1) The building authority may issue a change in structure use permit as the first act of the building authority in the proceedings if the change in structure use is a change which does not

- a) affect the rights of the third parties,
- b) require the issue of an integrated permit,
- c) require a more detailed assessment of impacts on the surroundings,
- d) require a trial operation,
- e) require the determination of the conditions of use or conditions to provide the protection of public interests; or
- f) result in a change in the structure category in terms of fire safety and public protection of the structure pursuant to other legal regulations.

(2) The application shall contain the construction documentation indicating the changes caused by the change in use and a statement, binding opinion or decision of the respective authority if required by this Act or other legislation.

(3) A party to the proceedings is the owner of structure.

Section 242

(1) The occupancy permit decision shall be repealed to the extent of the permitted change on the date of the legal force of the change in structure use permit.

(2) If the change in structure use is conditional by a structure modification requiring a permit, Sections 172 to 181, 189 to 193, 196, 225 and 226 shall apply by analogy and Section 185, 188 and 194 mutatis mutandis.

Section 243

Change in Use of Small and Simple Structures

(1) The change of use of a simple structure or its part, with the exception of simple structures referred to in Subsection 1(a) to (c) of Annex No. 2 to this Act and simple structures referred to in Subsection 2(d) of Annex No. 2 to this Act or their part, may be made only at the request of the owner of structure by a permit for a change in simple structure use, unless such a change is conditioned by a building modification of the project requiring a permit. This also applies to small structures if the change of use results in losing the character of a small structure.

(2) Sections 239 and 241 shall apply by analogy to the permission of a change of use of a small and simple structure.

Section 244

Change in Use of Small and Simple Structure Permit

Change in use of small and simple structure permit shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) and (2)

- a) the type and the purpose of the structure, and house number or registration number,
- b) the location of the structure, indicating the land plot number and the cadastral area according to the Cadastre of Real Estate,
- c) the existing purpose of structure use,
- d) the new purpose of structure use,
- e) the conditions for the structure use.

Section 245

Building Passport

(1) The owner of structure is obliged to keep the authorised documentation corresponding to its actual implementation according to the issued permits for the entire duration of the structure existence. In cases where the documentation has not been preserved or is not in proper condition and the structure was permitted or did not require a permit according to the legal regulations in force when the structure was implemented, the owner of structure is obliged to obtain a Building Passport.

(2) If no documents are preserved from which it would be possible to determine the purpose for which the structure was permitted, the structure shall be deemed to be intended for the purpose according to the design of its structural and technical layout.

(3) If the owner of structure fails to fulfil the obligation pursuant to Subsection (1), the building authority shall order him to obtain a Building Passport. The decision to order the obtaining of the Building Passport shall be issued as the first act of the building authority in the proceedings. If the Building Passport does not need to be completed, amended or otherwise revised, the building authority shall verify it.

Chapter 4

Common Provisions

Section 246

Except as otherwise provided in this Title, the proceedings for the issuance of a occupancy permit decision shall apply by analogy to Sections 172 to 181, 225 and 226, and as provided in Section 185, 188, 190 and 194, mutatis mutandis, for the issuance of a change in structure permit use or a change in use of a small or simple structure permit shall apply by analogy to Sections 172 to 181, 189 to 193, 196, 225 and 226 and shall apply mutatis mutandis to Sections 185, 188 and 194.

TITLE VII
STRUCTURES AND LANDSCAPING REMOVAL

Chapter 1

Removal Permit Proceedings

Section 247

Conditions for Structure Removal

(1) A structure that is subject to a permit or contains asbestos may only be removed under a building removal permit.

(2) The owner of the land on which the structure to be removed is located, the owner of structure, and other persons whose property or other rights in rem to the adjacent land or structure may be directly affected by the structure removal shall be parties to the building removal permit proceedings.

(3) Unless the application concerns a structure in a conservation area, a conservation zone or a structure containing asbestos, and the application does not affect the ownership or other rights in rem of land on which the structure to be removed is located or the structures thereon, and the ownership or other rights in rem of neighbouring land or neighbouring structures, which could be directly affected by the structure removal and it is not necessary to impose conditions for the structure removal or conditions to provide the protection of public interests, the building authority shall, on the basis of a complete application, issue a building removal permit as the first act of the building authority in the proceedings.

Section 248

Building Removal Permit Application

(1) An application for a building removal permit shall, in addition to the general requirements pursuant to the Administrative Procedure Code, contain

- a) the expected dates of the commencement and termination of the demolition work and the way of their implementation,
- b) identification of the adjacent land plots and structures necessary for the demolition works; and
- c) information as to whether it is a structure in which asbestos is present or may be expected to be present.

(2) The application shall contain documentation for the building removal and a statement, binding opinion or decision of the respective authority if required by this Act or other legal regulations.

Section 249

Building Removal Permit

(1) Building removal permit shall contain in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code

- a) the type, purpose of the structure, the plot number and cadastral area in which the structure is located, house number or registration number if assigned,
- b) the time limit for the structure removal,
- c) the procedure and method of performing demolition work, in particular ensuring the stability and safe use of neighbouring structures, including technical infrastructure facilities, and traffic on adjacent roads,
- d) conditions to provide compliance with technical regulations and the protection of public interests, as appropriate,
- e) the obligation to notify, before the commencement of demolition work, the name and registered office of the building contractor who will perform the work or the name, surname, date of birth and permanent residential address, and if not, the residential address of the person who will perform construction supervision in the case of self-help demolition work of a structure that does not require a permit,
- f) the obligation to notify a certain stage of the demolition work to the building authority for inspection,

g) the landscaping of the site after the structure removal, the safe disposal of surface water and the planting of greenery.

(2) A building removal permit decision may form part of a building permit decision.

Chapter 2

Removal Order

Subchapter 1

Building Removal Order Proceedings

Section 250

General Provisions

(1) The building authority shall order the builder or the owner of structure to remove the structure if

a) its defective condition endangers the life or health of persons or animals, safety, the environment or the property of third parties and its owner has not remedied the defective condition within a specified period of time despite the decision of the building authority unless it is a cultural monument,

b) it is implemented or has been implemented without a permit pursuant to this Act or in contradiction thereof,

c) it is implemented out or has been implemented on the basis of a permit pursuant to this Act which has been repealed,

d) it does not require a permit but is implemented or has been implemented in contradiction of the legal regulations,

e) it is a structure for which the determined period of time has expired without an application for an extension of the period of time having been made before the expiry of that period,

f) it is a structure which has not been completed within the period of the permit validity,

g) it is a structure which has not been restored within 10 years of the date of notification to the building authority or within 10 years of the date on which the restoration permit becomes legally effective.

h) it is implemented or has been implemented in contradiction to the spatial planning documentation in force.

(2) A party to the proceedings for a building removal order shall be the owner of structure and the builder (hereinafter referred to as "the obligated person"), the owner of the land on which the structure to be removed is located, a person who has other rights in rem to land on which the structure to be removed is located or to the structures thereon, the municipality in the territory on which the structure to be removed is located, and other persons whose ownership or other rights in rem to the neighbouring land or structures may be directly affected by the structure removal activity.

Section 251

Proceedings Commencement Notice

(1) The building authority shall notify the commencement of the building removal proceedings and shall invite the obligated person to submit the documentation for the structure removal and the statement, binding opinion or decision of the respective authority, if required by this Act or other legal regulations, and shall set a reasonable time limit for this unless the proceedings are repeated and the new building removal permit issued.

(2) If the obligated person fails to submit documentation for the structure removal within the specified time limit, the building authority shall provide it at his/her expense; the obligated person shall be informed thereof. After submission of the building removal documentation, including the statement, binding opinion and decision of the respective authority, or after its provision by the building authority, the building authority shall notify the other parties to the proceedings of the commencement of the proceedings for the building removal order and shall set a deadline for submitting objections.

Section 252

Building Removal Order Decision

(1) The building removal order decision in the statement part, in addition to the general requirements pursuant to the Administrative Procedure Code and the requirements pursuant to Section 197(1) and (2) shall contain

- a) the type, purpose of the structure, house number or registration number,
- b) the location of the structure, indicating the land plot number and the cadastral area according to the Cadastre of Real Estate,
- c) the procedure and method of performing the demolition work, in particular ensuring the stability and safe use of neighbouring structures, including technical infrastructure structures, and traffic on adjacent roads,
- d) conditions to provide compliance with technical regulations and protection of public interests, as appropriate,
- e) the obligation to notify the name and registered office of the building contractor who will perform the work before the demolition work begins,
- f) the obligation to notify a certain stage of demolition work to the building authority for inspection,
- g) the obligation to carry out landscaping after the structure removal to restore it to its original purpose, safe discharge of the surface water and planting greenery,
- h) the time limit for the structure removal.

(2) The building authority may also order in its decision the obligatory party to submit a proposal for a technological procedure for the structure removal, including the necessary measures to exclude, limit or compensate for any negative consequences on the interests protected pursuant to this Act or other legal regulations. If the obligated person fails to submit a proposal for a technological procedure for the building removal within the prescribed time limit, the building authority shall provide it at the expense of the obligated person; the obligated person shall be informed thereof.

(3) The building authority shall notify the tenants of flats and non-residential premises by the order for removal by means of information placed on the building site before the removal is performed.

Section 253

Previous State of Building Restoration and Building Removal Based on Court Decision

(1) If it is necessary to order the previous state of a building restoration where building alterations have been carried out without a permit or in contradiction thereof, the building authority shall proceed in accordance with this Chapter *mutatis mutandis*.

(2) If the court has ordered the building removal, the building authority may, of its own authority or at the request of the person to whom the court has ordered the building removal, impose conditions for the structure removal; the decision imposing the conditions shall be the first act of the building authority in the proceedings.

(3) The costs of removal shall be borne by the obligated person or the person to whom the court has ordered the building removal.

Subchapter 2

Procedures Related to Building Removal Order Proceedings

Section 254

General Provisions

(1) The building authority may retrospectively grant a building permit to a structure implemented without a permit or in contradiction thereof if the obligated person has applied for the retrospective permit and has fulfilled the conditions for its issuance.

(2) A structure implemented on the basis of a permit pursuant to this Act which has been repealed, shall be permitted by the building authority by a new decision in a repeated procedure if the obligated person fulfils the conditions for its issuance.

(3) The building authority shall not order the removal of a structure not requiring a permit, however, implementing or implemented in contradiction to the legal regulations, if the obligated person has brought the structure into compliance with the legal regulations.

(4) In the case of a structure for which the prescribed duration has expired, the building authority may extend the duration of the structure if an application for extension of the duration of the structure has been submitted within the expiry of the duration of the structure or within 30 days of the commencement of proceedings for the building removal and the obligated person complies with the conditions for the issuance of an extension of building duration permit.

(5) A party to the proceedings pursuant to Subchapters 1, 2 and 4 shall be the obligated person, the person having ownership or other rights in rem over land on which the structure to be removed is located or the structures thereon, and other persons whose ownership or other rights in rem over the neighbouring land or structure may be directly affected by the decision.

Retrospective Permit

Section 255

(1) In the notice on the building removal order proceedings, the building authority shall instruct the obligated person on the possibility of submitting an application for a retrospective building permit within 30 days from the commencement of the proceedings. If no application is submitted within the specified time limit, the structure cannot be retrospectively permitted. If the retrospective permit application was submitted before the commencement of the removal proceedings, it shall be deemed to have been submitted at the time of the commencement of the removal proceedings. If an application for a retrospective permit has been rejected, no application for a new decision may be submitted.

(2) A retrospective building permit application shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, the requirements set out in Section 184(1) and (2) the same extent as for a building permit.

(3) The provisions of Sections 172 to 181, 183 to 220 and 225 to 227 shall apply by analogy in the proceedings for a retrospective permit.

(4) Retrospective building permit proceedings shall form part of building removal order proceedings.

Section 256

(1) A structure may be retrospectively permitted if the obligated person demonstrates compliance with the conditions pursuant to Section 193 and

a) the structure does not require a decision to grant an exemption from prohibitions under other legal regulations,

b) the structure does not require to be granted of an exemption from the requirements of the development; and

c) the obligated person has paid, within the prescribed time limit, a penalty for an offence pursuant to this Act for the structure implementation without a permit or in contradiction to a permit, if imposed.

(2) If the structure requires only an exemption from the requirements for the location of structures and the builder provides the building authority with the consent of the parties to the proceedings whose ownership or other property rights in respect of neighbouring structures or neighbouring land may be directly affected by granting the exemption, the condition pursuant to Subsection (1)(b) shall be deemed to have been fulfilled. Section 187(2 to 4) shall apply by analogy.

(3) The retrospective permit contains the requirements of a building or facility permit. If the subject of a retrospective permit is a structure in progress, the building authority shall set out the conditions for its completion in the permit.

(4) If the subject of a retrospective permit is a completed structure, the building authority may, upon verification of compliance with the conditions pursuant to Sections 232 and 233, at the request of the obligated person submitted together with the retrospective permit application, at the same time issue an occupancy permit decision if the structure requires such a decision. The building authority shall issue the retrospective permit and the occupancy permit decision as a joint decision.

Section 257

If the building cannot be retrospectively permitted, the building authority shall reject the retrospective

permit application and order the building removal.

Repeated Proceedings and New Permit

Section 258

(1) A new building permit application shall be understood as an application based on which a retrospective repealed permit was issued; the building authority shall require supplementary documents only to the extent necessary for the re-assessment of the structure.

(2) The provisions of Sections 172 to 181, 183 to 220 and 225 to 227 shall apply by analogy in the re-assessment procedure.

(3) The time limit for issuing a decision in the repeated proceedings shall begin to run on the day following the entry of the revocation decision into force. The building authority which made the decision in the last instance shall inform the building authority which made the decision in the first instance of the building permit decision revocation.

(4) If the structure is not permitted in the repeated building permit proceedings, the building authority shall repeal the application and order the building removal.

Section 259

(1) The building shall be permitted in repeated proceedings if the obligated person proves that the conditions pursuant to Section 193 are met. If these conditions are not met, the building shall be permitted if the obligated person has acted in good faith and if the order to remove the building would cause damage to third parties or to the public interest which would be obviously disproportionate to the damage caused by not ordering the building removal.

(2) The new permit contains the building permit requirements.

(3) If the subject of the new permit is a structure in progress, the building authority shall set conditions for its completion.

(4) If the subject of the new permit is a completed structure, the building authority may, after verifying that the conditions pursuant to Sections 232 and 233 have been met, at the request of the obligated person, at the same time issue an occupancy permit decision if the structure requires such a decision.

(5) If the subject of the new permit is a completed structure for which a building permit has been issued prior to the permit revocation, the building authority shall, at the request of the obligated person, at the same time issue a new occupancy permit decision after verifying that the conditions pursuant to Sections 232 and 233 have been met; the original occupancy permit decision shall cease to be valid on the date on which the new occupancy permit decision becomes effective or on the date on which the building removal order becomes effective if the new building permit cannot be issued.

Section 260

Building Duration Extension Permit

(1) A building duration extension permit application contains, in addition to the general requirements pursuant to the Administrative Procedure Code, the requirements set out in Section 184(1) and (2).

(2) The provisions of Sections 172 to 181, 183 to 220 and 225 to 227 shall apply by analogy in proceedings for the building duration extension permit.

(3) A building duration extension may be granted if the obligated person proves that he/she has complied with the conditions pursuant to Section 193.

(4) The building duration extension permit contains the requirements of a building permit.

(5) If a building duration extension permit cannot be issued, the building authority shall reject the permit application and order the building removal.

Chapter 3

Common Provisions

Section 261

(1) The provisions of this Title shall apply by analogy to landscaping and facilities.

(2) The Ministry may, at the request of the building authority, reimburse the costs reasonably incurred in the substitute implementation of a building removal decision order or landscaping if the building authority, by order pursuant to Section 119(4) of the Administrative Procedure Code, has ordered the obligated person to pay in advance the costs necessary to perform the implementation and the obligated person has failed to pay such costs.

(3) The application pursuant to Subsection (2) contains

- a) the building removal decision order,
- b) the enforcement order on the basis of which the building authority has commissioned other person to remove the structure or landscaping,
- c) a resolution pursuant to Section 119(4) of the Administrative Procedure Code by which the building authority has ordered the obligated person to pay the necessary costs of the execution; and
- d) a tax receipt for the amount of the cost of the structure removal or landscaping.

(4) If the Ministry has paid the reasonable costs incurred pursuant to Subsection (2), it shall, after the execution of the substitute enforcement order, order the obligated person to repay the payment of such costs to the Ministry.

Section 262

Except as otherwise provided in this Title, the building removal order permit shall apply by analogy to Sections 172, 174, 185, 188, 189, 191, 192, 194, 196, 225 and 226, and to Sections 190 and 200 shall apply *mutatis mutandis*. Proceedings for building removal order shall apply by analogy to Sections 173, 175, 176, 178 to 181, 189, 191, 192, 225 and 226, and to Section 190 shall apply *mutatis mutandis*.

TITLE VIII

EXCEPTIONAL PROCEDURES

Section 263

Exceptional Measures

(1) If, in the event of an imminent natural disaster or major accident (hereinafter referred to as "emergency"), measures are required to be taken immediately to avert or mitigate the possible impacts of the emergency, the procedures set out in this Act may be deviated from within the limits of the provisions of this Title.

(2) Emergency measures on a structure or land, including, as the case may be, the structure implementation, landscaping or building removal, which shall prevent the imminent consequences of an emergency, counteract its effects and prevent danger to the life or health of persons or other damage, may be initiated without prior authorisation pursuant to this Act.

(3) The builder shall immediately notify the building authority that he is implementing an emergency measure.

(4) Where it is necessary to carry out building removal or landscaping in order to mitigate the consequences or prevent the effects of an emergency, the building authority may, on the basis of the notification pursuant to Subsection (3), decide that it

- a) waives the issuance of a building or facility permit, a land use change permit or a building removal permit,
- b) limits the contents of the building or facility permit application, a change of structure use permit or a building removal permit and their annexes to the minimum necessary for the permit,
- c) allows for certain documents for the issuance of a building or facility permit, a change of land use permit or a building removal permit may be submitted retrospectively within a time limit set by the building authority.

(5) The decision pursuant to Subsection (4) may be issued by the building authority as the first act of the building authority in the proceedings. An appeal against this decision shall not have a suspensive effect.

Section 264

Restoration

(1) A structure or landscaping destroyed or damaged by an emergency may be restored in accordance with the original permit and the documentation under which it was implemented, upon notification by the builder or upon a permit to restore the structure or landscaping. If the builder or owner of structure or land so requests, the building authority shall promptly provide a copy of the original permit and documentation if available.

(2) The builder shall notify the building authority of the restoration of the structure or landscaping in accordance with the original permit and documentation under which it was implemented within 6 months of the date on which the structure or landscaping was destroyed or damaged. In the notification, the builder shall provide details of the structure or landscaping to be restored, a simple technical description of the work and the person who will perform the work. Following the notification of the restoration of the structure or landscaping, the builder may commence work to restore the structure or landscaping.

(3) The building authority shall notify the builder within 15 days from the date of notification that the restoration requires a permit if the restoration of the structure or landscaping requires setting conditions to protect public interests. In such case, the notification shall be deemed to be a restoration permit application. The building authority shall issue a restoration permit for the structure or facility within 30 days of the builder's notification; otherwise, restoration may be performed on the basis of the notification if it is commenced within 2 years of the date of the notification; restoration must be performed within 10 years of the date of notification to the building authority. An appeal against a permit shall not have a suspensive effect.

(4) The building authority shall prohibit the builder from performing the restoration if the restoration is in contradiction to the requirements of other legal regulations.

(5) A restoration permit of a structure or landscaping is valid for 2 years from the date of its entry into legal force. If the restoration of the structure or landscaping was commenced during the period of validity of the permit for the restoration of the structure or landscaping, the period of validity of the permit shall be extended to 10 years from the date of legal force of the permit or the decision on the extension of the validity of the permit, if the period of validity of the permit was extended. Section 198(3) shall apply by analogy to the extension of the validity of the restoration permit.

Section 265

Common Provisions

(1) The provisions of the exceptional procedures shall not be followed where the emergency originates from the culpable act or omission of the builder or owner of land or structure.

(2) The completion of structures, landscaping and works performed pursuant to this Title shall be promptly notified by the builder to the building authority; the provisions relating to the structure use shall not be affected thereby.

TITLE IX

FINDINGS

Section 266

(1) The builder is obliged to immediately notify the building authority of an unforeseen archaeological or palaeontological finding or the finding of a culturally valuable object, a detail of a structure or a protected part of nature, and at the same time to take the necessary measures to provide that the finding is not damaged or destroyed, to suspend work at the finding site and to record in the construction site diary the time and circumstances of the discovery, the date of notification of the building authority and a description of the measures taken.

(2) The building authority shall, within 30 days of the notification of the finding and in agreement with the respective authority, by a decision issued on site or by a decision issued as a first step in the proceedings, determine the conditions for the protection of the finding. At the same time, the building authority may carry out an on-site inspection.

(3) The building authority may, in cooperation with the respective authority, carry out a new procedure

in the public interest and issue a new building permit on the basis of the notification of the finding.

(4) The Ministry of Culture may, on the initiative of the state conservation respective authority, decide that the discovery is of exceptional significance and declare it a cultural monument ex officio. The Ministry of Culture shall, within 30 days of the submission of the initiative, inform the building authority of its action and, if necessary, set out the requirements for amending or repealing the issued building permit.

(5) The builder may claim reimbursement for costs incurred as a result of the procedure pursuant to Subsection (3) from the respective authority or as a result of the procedure pursuant to Subsection (4) from the Ministry of Culture within 6 months of the date of entry into force of the permit on the basis of which the costs were incurred; otherwise the claim for reimbursement shall expire.

PART SEVEN

PUBLIC ADMINISTRATION INFORMATION SYSTEMS

Section 267

Basic Provisions

(1) The Ministry shall be the administrator of public administration information systems⁵⁵⁾ that allow remote access and are used to provide digital services⁵⁶⁾ pursuant to this Act.

(2) Public administration information systems in matters of spatial planning and building regulations (hereinafter referred to as "building administration information system") are

- a) the Builder Portal,
- b) the National Geoportal of Spatial Planning,
- c) the Construction Procedures Register,
- d) the Electronic Documentation Register,
- e) the Building Identification Number Information System and
- f) the Building Procedure Information System.

(3) The building administration information systems do not serve for the performance of the competence of other building authorities, except for the competence of the Ministry of Defence and the Ministry of the Interior as respective authorities. The respective authorities shall not use the building administration information systems for the exercise of their competence in the case of projects within the competence of other construction authorities. With the exception of the National Geoportal of Spatial Planning, data on structures on the premises of a nuclear facility and on projects under the jurisdiction of other building authorities and the procedures related thereto are not recorded in the building administration information systems.

(4) The data referred to in Subsection (3) shall be maintained and displayed to the extent of the data provided by the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice, the intelligence services of the Czech Republic, the Police of the Czech Republic, the Fire and Rescue Service of the Czech Republic, the National Security Authority, the National Office for Cyber Security and the General Inspectorate of Security Forces On the National Geoportal of Spatial Planning with regard to providing the defence, security and confidentiality of their activities.

(5) The building administration information systems shall provide that the parties to the proceedings pursuant to Part Six and the persons concerned in the issuance of measures of a general nature pursuant to this Act are informed of changes in the data recorded therein. The method and conditions for informing the parties to proceedings and the persons concerned when issuing measures of a general nature pursuant to this Act shall be determined by implementing legislation.

Section 268

Builder Portal

(1) The Builder Portal shall allow in particular to

- a) perform digital acts in relation to the building authority and the respective authority, which performs acts pursuant to other legal regulations serving as a basis for the issuance of a decision in proceedings pursuant to this Act,

b) submit requests to the owner of public transport or technical infrastructure and provide statements from the owner of public transport or technical infrastructure,

c) enter data and documents into the National Geoportal of Spatial Planning, into the Construction Procedures Register, into the Electronic Documentation Register and into the digital map of public administration⁵⁷⁾, provide them and refer to them.

(2) The Ministry shall provide the owner of public transport and technical infrastructure with access to the data interface of the Builder Portal upon his/her request.

(3) The details of the operation and data interface of the Builder Portal shall be determined by the implementing legislation.

Section 269

National Geoportal of Spatial Planning

(1) The National Geoportal of Spatial Planning, which is an agenda information system, shall be used for

a) publication of outputs from spatial planning activities,

b) providing access to records of spatial planning activities,

c) monitoring the progress of spatial planning documentation development,

d) providing spatial data on the planned use of the territory,

e) making available and providing other data related to spatial planning and spatial development as determined by the Ministry; and

f) performing other activities pursuant to this Act or its implementing legislation.

(2) When performing spatial planning activities, an electronic document maintained on the National Geoportal of Spatial Planning may be referred to instead of attaching it.

(3) Selected parts of spatial planning documentation and the delimitation of the built-up area, or other spatial planning tools, shall be published on the National Geoportal of Spatial Planning in uniform standard.

(4) The Ministry of Defence shall enter data related to its competence into the National Geoportal of Spatial Planning in electronic form and in a machine-readable format.

(5) The Spatial Planning Authority shall register individual acts on the National Geoportal of Spatial Planning and enter all documents into it. It shall enter data from its own spatial planning activities in electronic form and in machine-readable format, including spatial data in vector form, all without delay after their development.

(6) Access to data published on the National Geoportal of Spatial Planning may be restricted or denied in the interest of public security, providing the defence of the State or the protection of international relations, or if their disclosure would violate the protection of the rights of third parties arising from other legal regulations; Section 11(d) of Act No. 123/1998 Coll., on the right to information on the environment, as amended, shall apply by analogy to restricting or denying access to data published on the National Geoportal of Spatial Planning.

(7) The contents of the National Geoportal of Spatial Planning, details of the form and method of entering and providing the data contained therein shall be determined by the implementing legislation.

Section 270

Construction Procedures Register

(1) The Construction Procedures Register shall serve the building authority and the respective authority, which performs acts pursuant to other legal regulations serving as a basis for the issuance of a decision in proceedings pursuant to this Act, to record

a) submissions and other documents,

b) decisions and other acts of the building authority or the respective authority,

c) information on the beneficiary or beneficiaries.

(2) The Construction Procedures Register shall also be used for the owner of transport or technical

infrastructure to deliver statements regarding the possibility and method of project connection or the conditions of the affected protection and safety zones.

(3) The implementing legislation shall determine

- a) the data to be entered in the Construction Procedures Register,
- b) the method of recording the acts and entering documents, including the permissible formats,
- c) the metadata relating to the act or document; and
- d) the period of keeping the data in the Construction Procedures Register.

Section 271

Electronic Documentation Register

(1) The Electronic Documentation Register shall contain the documentation for the building permit, the project documentation, with the exception of the project documentation for the building implementation, and the results of land surveying activities, including related information for the purpose of fulfilling the obligations pursuant to this Act.

(2) The applicant shall enter the project documentation or building permit documentation into the Electronic Documentation Register through the Builder Portal. If the electronic submission, the attachment of which is building permit documentation which does not have to be developed by the designer, is not made through the Builder Portal, the building permit documentation shall be entered into the Electronic Documentation Register by the building authority or the respective authority to which the submission was made.

(3) The building authority shall furthermore enter the project documentation or the building permit documentation approved by the building authority into the Electronic Documentation Register after the decision has become legally binding.

(4) The details of the form and method of entering the project documentation and building permit documentation, the operation of the Electronic Documentation Register, the data structure, the required formats of the project documentation, the forms and conditions for providing data from the Electronic Documentation Register, the period for keeping the data in the Electronic Documentation Register and the data interface for access to it shall be determined by the implementing legal regulation.

Section 272

Access to Register

(1) The right to access the data and electronic documents in the Construction Procedures Register and in the Electronic Documentation Register shall be granted to those who have the right to consult the documents pursuant to the Administrative Procedure Code.

(2) The right to access the project documentation shall also be available to those who shall comment on it pursuant to this Act or other legal regulation and to the designer.

(3) The right to access the project documentation in a machine-readable format shall be granted to the person who submits the consent of the builder or owner of structure to which the documentation relates.

(4) The right to access the statement of the owner of public transport or technical infrastructure in the Construction Procedures Register shall also be granted to the person who has requested access through the Builder Portal.

(5) A person authorised to access the records has the right to remote access, including machine searches of information, and to make excerpts and copies.

Section 273

Building Identification Number Information System

(1) The Building Identification Number Information System is used to record descriptive data on structures and facilities and to assign a unique identifier to a structure or a facility, which enables a structure or a facility to be identified in the building administration information systems.

(2) The building authority shall, without undue delay after the commencement of proceedings, assign

a building identification number to a structure or a facility and enter the data on a structure or a facility into the Building Identification Number Information System; after the decision on the case has been issued, the building authority shall, without undue delay, update the data recorded on a structure or a facility in the Building Identification Number Information System.

(3) The method of subdivision of structures and facilities for the purpose of their registration in the Building Identification Number Information System, the data recorded about them and the method of assigning the structure or the facility identification number shall be determined by the implementing legal regulation.

Section 274

Building Procedure Information System

The Building Procedure Information System is an agenda-based information system used to perform the competencies of the

- a) building authorities,
- b) respective authorities, when they perform acts pursuant to other legal regulations serving as a basis for the issuance of a decision in proceedings pursuant to this Act,
- c) central administrative authorities when exercising supervision over the competence of building administration authorities.

Section 275

File Service and Access to Files

(1) Spatial planning and building administration authorities shall perform the file service in electronic form in electronic file service systems. When performing the file service, they may refer to data and documents kept on the National Geoportals of Spatial Planning, the Construction Procedures Register and the Electronic Documentation Register.

(2) In the case of structures pursuant to the jurisdiction of other building authorities, access to the part of the file, which contains the project documentation and building permit documentation, may be denied for reasons of protection of interests pursuant to other legal regulations.

(3) The building administration information system is an independent record of documents. The obligation to perform the file service shall be deemed to be fulfilled in relation to the documents kept in the building administration information system.

PART EIGHT

PERFORMANCE OF TASKS OF AUTHORISED INSPECTORS

Section 276

(1) The authorised inspector shall issue expert opinions for the purpose of the occupancy permit proceedings.

(2) At the request of the builder, the authorised inspector shall issue an opinion for the purpose of assessing the compliance of the project documentation for the building implementation with the building permit documentation and with its amendments and with the requirements for construction or with technical regulations and technical standards.

Section 277

Conditions for Performance of Tasks

(1) The Ministry shall grant authorisation to perform the tasks of an authorised inspector to a natural person who

- a) is fully legally capable,
- b) holds master's degree in architecture or construction fields,
- c) is an authorised person,
- d) has at least 15 years of experience in design activities or in the professional management of the

implementation of constructions or at the building authority, if he/she has a certificate of special professional competence pursuant to other legal regulation⁵⁸),

e) is of personal integrity,

f) has demonstrated the professional knowledge and experience necessary for the performance of the function in an examination in front of a professional committee, the members of which are appointed and dismissed by the Ministry.

(2) Provided that the conditions set out in Subsection (1)(a), (b), (c), (e) and (f) are met, and following the opinion of the Czech Chamber of Architects or the Czech Chamber of Chartered Engineers and Technicians Engaged in Construction (hereinafter referred to as "the Chamber"), an expert from a university, research institute or scientific institute may also be granted authorisation to perform tasks of an authorised inspector, even if he/she does not meet the specified work experience.

Section 278

Authorisation Application

Application for granting an authorisation to perform tasks of an authorised inspector shall contain, in addition to the general requirements pursuant to the Administrative Procedure Code, the data and documents certifying that the conditions for performing tasks of an authorised inspector have been met. The details of the application shall be determined by the implementing legal regulation.

Section 279

Personal Integrity

(1) A person shall not be deemed to be of personal integrity for the purposes of the authorisation to perform tasks of an authorised inspector if

a) he/she has been legally convicted of an offence committed intentionally unless he/she is treated as if he/she had not been convicted, and

b) who has had a disciplinary measure of suspension or revocation of authorisation imposed by the Chamber unless it has been repealed on the proposal of the authorised person.

(2) Section 51(2) and (3) shall apply by analogy.

(3) The Chamber shall promptly notify the Ministry of the final imposition of a disciplinary measure consisting of suspension or revocation of authorisation on an authorised inspector.

Section 280

Duration and Termination of Authorisation

(1) The authorization to perform the tasks of an authorised inspector is granted for the entire territory of the Czech Republic for a period of 10 years. This period shall be extended upon request without passing an examination for a maximum of 10 years, even repeatedly, if the authorised inspector has consistently performed his activity.

(2) The authorisation to perform tasks of an authorised inspector shall cease

a) on the date of delivery of a written statement by the authorised inspector that he/she has ceased to be an authorised inspector to the Ministry,

b) on the expiry of the period referred to in Subsection (1),

c) the date on which a court decision restricting his/her full legal capacity was issued; or

d) on loss of personal integrity.

Section 281

Authorisation Revocation

(1) The Ministry shall decide to revoke the authorisation to perform the tasks of an authorised inspector if the person

a) in the course of his/her activities has repeatedly or seriously violated the public interests which he/she was

supposed to protect; or

b) has committed an act incompatible with the status of authorised inspector.

(2) The Ministry may also decide to revoke the authorisation to perform tasks of an authorised inspector for inactivity lasting more than 3 years.

Performance of Tasks of Authorised Inspector

Section 282

(1) A legal person may, with the consent of the Ministry, perform tasks of an authorised inspector if it is of integrity and provides that the performance of tasks of an authorised inspector; the provisions of Section 51(2) and (3) shall apply by analogy. A public business company whose partners are exclusively authorised inspectors may perform the tasks of an authorised inspector without the consent of the Ministry.

(2) If the authorised inspectors perform tasks in a company, they shall regulate their mutual relations by means of a written contract. Only authorised inspectors may be partners of the company. The partners of the company shall be obliged to perform their tasks at the common place of business.

Section 283

(1) An authorised inspector shall perform his/her tasks for a fee to be agreed in a written contract.

(2) An authorised inspector shall be liable for damage caused by the performance of his tasks. He shall be insured against liability for damage before commencing his activity and throughout the entire duration of his activity. The insurance shall cover damage which may be caused by the performance of the tasks of the authorised inspector. At the request of the person with whom the authorised inspector enters into a contract pursuant to Subsection (1), he shall disclose the amount of the sum he is insured for.

(3) An authorised inspector shall keep a record of his/her tasks and shall keep it for at least 5 years.

(4) An authorised inspector may not perform his/her tasks in respect of structures on which he/she or a person close to him is or shall be involved in the development or implementation of the work, which pursuant to this Act means

- a) a relative in the direct line, sibling, spouse or partner,
- b) a company in which he is a partner,
- c) a cooperative of which he is a member,
- d) a person with whom he is in an employment or service relationship.

Section 284

Rights and Obligations of Authorised Inspector

(1) An authorised inspector is authorised to issue expert opinions of an authorised inspector within the scope of his/her field or specialisation of authorisation. The expert opinion of the authorised inspector for the purpose of occupancy permit decision shall contain at least

- a) identification data of the builder,
- b) the type, purpose of the structure, house number or registration number of the completed structure,
- c) details of the authorisation to implement a structure,
- d) details of trial operation, if any, or preliminary use of the structure,
- e) the date of verification of compliance with the conditions for issuing the expert opinion,
- f) the result of the verification of compliance with the conditions for issuing the expert opinion,
- g) the name and surname, signature, stamp of the authorised inspector and date of issuance of the expert opinion.

(2) The expert opinion of the authorised inspector for the purpose of occupancy permit decision shall prove that the actual design of the structure or its part, which can be used independently, is in accordance with the approved documentation or its approved changes, allows the approved purpose of use and meets the requirements for construction.

(3) The authorised inspector shall be authorised to issue an expert opinion for the purpose of

occupancy permit decision only if he has verified that the conditions referred to in Subsection (2) have been met.

(4) The expert opinion of the authorised inspector on the construction implementation documentation shall prove that the documentation for the building implementation is in accordance with the approved building permit documentation or with its approved changes and with the requirements for construction, or with the technical regulations and technical standards.

(5) The authorised inspector is entitled to issue an expert opinion on the construction implementation documentation only if he has verified that the conditions referred to in Subsection (4) have been met.

(6) An expert opinion of an authorised inspector may not be issued for structures serving the preparation, opening and extraction of deposits, as well as the treatment and refinement of minerals carried out in connection with their extraction, structures serving as explosives storage facilities and for constructions of waterworks.

(7) An authorised inspector is obliged to provide expert assistance within the scope of his/her professional qualifications at the request of the building authority and at its expense.

Section 285

Training and Taking Examination

(1) Carrying out the training and examination of candidates, keeping of records of authorised inspectors and other related tasks shall be organised by the Chamber. In order to provide a uniform procedure pursuant to the first sentence, the Chambers shall establish a joint coordinating authority approved by the Ministry on their proposal. The costs of training and for taking the examination shall be borne by the candidate.

(2) The coordinating authority shall, on the basis of a mandate from the Chamber, provide the coordination in organisational and administrative matters and the professional training necessary for the uniform procedure in the performance of the tasks of authorised inspectors.

(3) The Chamber shall collect, record, update and provide the information necessary for the tasks of an authorised inspector. The authorised inspector shall contribute annually to the costs associated with this activity by making a contribution to the Chamber. The amount of the contribution shall be the same as that of the members of the Chamber.

(4) The procedure for the appointment of the members of the coordinating authority, its activities, training, conduct and contents of examinations and the details and method of keeping records of authorised inspectors shall be determined by the implementing legislation.

Section 286

Competence of Ministry

The Ministry supervises the training for the examination, the curriculum and the procedure for conducting the examination, consisting of the verification of the professional knowledge of the authorised inspector, the background materials for the appointment and revocation of authorised inspectors, the activities of the Chamber and the performance of the related agenda. It also supervises the performance of tasks of authorised inspectors in cooperation with the building authorities.

PART NINE

SUPERVISION AND REMEDIAL MEASURES

TITLE I

SUPERVISION IN PLANNING MEASURES

Section 287

Scope

(1) The Ministry and the regional authorities perform supervision in spatial planning matters.

(2) The Ministry performs supervision of the

- a) regional authorities,
- b) authorities of the Capital City of Prague and
- c) representatives of the procurer.

(3) The regional authority performs supervision of the

- a) municipal authorities and
- b) representatives of the procurer.

(4) Supervision in matters of spatial planning includes supervision over the performance of delegated and independent powers in the case of authorities of municipalities, the Capital City of Prague and the regions.

Section 288

Subject of Supervision

(1) When providing supervision in spatial planning matters, the Ministry and the regional authority supervise compliance with this Act, legal regulations issued for its implementation, measures of a general nature and decisions issued pursuant to this Act, as well as compliance with government resolutions, directives of central administrative authorities, as well as measures of the public administration respective authorities adopted during the supervision of the performance of the delegated authority.

(2) The supervision also applies to resolutions, decisions and other measures adopted by independent or delegated powers.

(3) The supervision may also be carried out during the spatial planning documentation development.

Section 289

Remedial Measures

(1) If deficiencies were detected during the inspection, the ministry or the regional authority, taking into account their character and consequences, or possible consequences, shall call for remedial action within a reasonable period of time; at the same time, it can completely or partially suspend the performance of the tasks during which the obligations are violated until the remedy is taken.

(2) If the development of spatial planning documentation is suspended pursuant to Subsection (1), the region or municipality for which the spatial planning documentation is being developed may also object to the supervision findings.

(3) If the development of the spatial planning documentation has been suspended, the development may be resumed only after the supervising authority has confirmed that the remedy has been implemented.

(4) If the procurer is inactive, the supervisory authority shall set him/her a reasonable time limit to take action.

Section 290

Supervision of Independent Competence Performance

The provisions of Title Six and Title Seven Part I of the Act on Municipalities, Title Ten and Title Eleven Part I of the Act on the Capital City of Prague and Title Six and Title Seven of the Act on Regions shall apply by analogy when reviewing resolutions, decisions and other measures of municipal, Capital City of Prague and regional authorities in their independent competence in matters of spatial planning.

TITLE II

SUPERVISION IN BUILDING REGULATIONS MATTERS

Chapter 1

Building Inspection

Section 291

General Provisions

Building authorities supervise the fulfilment of obligations resulting from this Act, other legal regulations within the limits of their scope and decisions and measures of a general nature issued pursuant to this Act.

Section 292

Inspection

(1) The building authority shall perform an inspection in order to provide the protection of public interests protected by this Act. At the initiative of the respective authority, the building authority shall always initiate an inspection. If the building permit contains conditions for the protection of public interests established on the basis of a statement or a binding opinion of the respective authority, the respective authority shall be responsible for supervising their compliance; the building authority shall provide the necessary cooperation to check these conditions.

(2) If an administrative proceeding is initiated on the basis of an inspection, a copy of the protocol shall be delivered to the parties in the proceeding and the respective authorities, together with the notice of initiation of the proceeding or the decision, which is the first act of the building authority in the proceeding.

(3) The builder and if necessary, also the owner of structure, the chief designer, the designer, the building contractor, the construction manager and the person performing construction supervision are obliged to participate in the inspection at the invitation of the building authority. The invitation must be in writing and delivered into the hands of the addressee at least five days in advance. The invitation must state who, when, where, in what matter and for what reason shall participate, and what are the legal consequences in case of not taking part in it.

(4) As part of the inspection, the building authority may orally invite the inspected person to remove the identified deficiencies and set a reasonable time limit for this, which he/she shall record in the protocol. If the deficiencies are not removed within the specified period, the building authority shall proceed according to Sections 294 or 295. The invitation shall contain instructions on the consequences of not removing the identified deficiencies.

(5) Authorization for inspection pursuant to this Act can also be issued in the form of a certificate, the example of which shall be determined by the implementing legal regulation.

Section 293

Entrance to Land and Building Site

(1) When carrying out the inspection, the inspector may enter the land, the building site and the structure to the extent necessary only with the knowledge of their owners; the notice of the owner does not require a written form.

(2) The inspector may enter the land or building site even without the knowledge of their owner in case of reasonable suspicion of

- a) immediate threat to the life or health of persons or animals, or
- b) breach of obligations arising from the legislation, on the condition that the inspector failed to notify the owner of land or structure.

(3) The inspector has to inform the owner in writing, without undue delay, about the entry and its reasons pursuant to Subsection (2).

(4) The inspector may enter the dwelling without the consent of the owner or user, only if it is necessary to protect the life, health or safety of persons. If the dwelling is also used for business or other economic

activity, the inspector may always enter the dwelling for the purpose of inspection pursuant to this Act. In the cases stated above, the owner and user of the dwelling are obliged to allow the inspector to enter the dwelling. The owner is obliged to allow the necessary tests and measurements to be carried out using the necessary technical equipment or means. If necessary, the inspector shall also invite other persons, the procedure according to Subsection (3) shall apply *mutatis mutandis*.

(5) If there is a risk of delay and if one of the reasons according to Subsections (2) or (4) is involved, the building authority can request access to the land or the building site. The Police of the Czech Republic shall, at its request, provide the building authority with protection and cooperation pursuant to the Act on the Police of the Czech Republic.

(6) If the owner of the land or building site prevents the entry of the inspector or a person invited by him, the building authority may, by a decision which is the first act of the building authority in the proceedings, order to allow entry. An appeal against a decision has no suspensory effect.

Section 294

Prohibitory Measures

(1) The building authority even without an inspection performed may prohibit

- a) construction or council activity, if it is carried out in breach with this Act or other legal regulations,
- b) removal of the project, if it is removed in breach with this Act or other legal regulations,
- c) use of the project, if it is used in breach with this Act or other legal regulations.

(2) The building authority may proceed with the procedure on site. Issuance of a decision may be the first act of the building authority in the proceedings; an appeal against a decision has no suspensory effect.

(3) The building authority may impose additional measures to the decision on the prohibitory measure if this is necessary due to the character and consequences of the prohibited activity, and set a time limit for their implementation.

Section 295

Remedial Measures

(1) If it is necessary to protect the public interest protected by legislation, the building authority may, even without an inspection, order remedial measures, which consists of the obligation to

- a) carry out maintenance work, especially in case of insufficient structure maintenance,
- b) make the necessary modifications to the structure, in particular
 - 1 if the hygienic, safety, fire, operational or other defects, including failure to meet accessibility requirements, are present
 - 2 if the structure or its use endangers the environment,
 - 3 for the protection of cultural, historical, archaeological, architectural and urban values,
 - 4 in the interest of safety and smooth traffic on the roads,
 - 5 in order to comply with the defence and security requirements of the State applied by the Ministry of Defence or the Ministry of the Interior,
 - 6 for connecting the structure to the technical infrastructure, or equipping it with social or other hygienic facilities,
 - 7 to provide effective removal and disposal of wastewater in accordance with legal regulations, to facilitate the flow of flash flood water, to prevent the entry of surface water into structures and adjacent land,
 - 8 conservations of a building under construction, the implementation of which has been interrupted,
- c) carry out the necessary security work, especially if the lives or health of persons or animals are threatened by the project,
- d) to immediately remove the project, especially if the lives or health of people or animals are threatened by the project, and the project threatens to collapse or slide, or
- e) evacuate the structure in the case that the lives or health of persons or animals are threatened by defects in the structure or remedial measures shall be ordered pursuant to (c) or (d).

(2) Remedial measures according to Subsection (1) shall be ordered to the owner of structure or land on which the project is located. Remedial measures according to Subsection (1)(e) shall also be ordered to all persons who use the structure or stay in the structure.

(3) The building authority shall determine in the decision on ordering remedial measures in particular the scope, method and conditions of their implementation and the time limit for their implementation.

(4) If the implementation of remedial measures requires project documentation or other documents, the building authority shall order their development to the owner of the project or the land on which the project is located and shall determine a time limit for their submission. If the owner fails to comply with the ordered obligation, the building authority shall procure these documents, which will subsequently impose a decision on the owner to pay the costs of their procurement; The building authority shall notify the owner in writing in advance of this obligation.

(5) When ordering remedial measures pursuant to Subsection (1)(c), (d) and (e), the building authority can proceed with the procedure on the site. Issuance of a decision may be the first act of the building authority in the proceedings; an appeal against a decision has no suspensory effect. In the case of an oral announcement of the decision, the written confirmation shall be included as part of the inspection report. Written confirmation shall contain details of the decision pursuant to Section 68 of the Administrative Procedure Code; the provisions of Section 67(3) of the Administrative Procedure Code shall not apply.

(6) Decision on ordering remedial measures pursuant to Subsection (1)(e) shall be delivered by the building authority to the evacuated persons, the building owner, the evacuating person and the municipality; in the case of a verbal announcement of the decision, the building authority shall deliver written confirmation of the issuance of this decision to the evacuated persons, the building owner, the evacuating person and the municipal authority without undue delay. Persons who are staying at the building site and are not known to the building authority shall be notified of the issued decision by means of information placed at the building site before the evacuation is performed.

(7) The tenants of flats and non-residential premises shall be parties to the proceedings if their rights arising from the lease may be directly affected by the fulfilment of obligations by the building authority ordering the remedial measures pursuant to Subsection (1)(a) to (d).

Section 296

Remedial Measures Implementation

(1) If there is a risk of delay in the implementation of remedial measures pursuant to Section 295(1)(c), (d) or (e), the building authority shall arrange for the implementation of the ordered remedial measures through a person who is authorised to perform the ordered works according to other legal regulations; the Public Procurement Act does not apply when establishing this person. The building authority can order this person to implement remedial measures by means of a decision, which can be issued as the first act of the building authority in the proceedings.

(2) The owner of structure or a land plot on which the project is located is obliged to reimburse the costs of implementing remedial measures. If there is no agreement on payment between the person through whom the building authority provides the implementation of the ordered remedial measure and the owner, the building authority shall reimburse the costs of implementing the remedial measure and, by decision, imposed on the owner the obligation to reimburse the costs to the building authority.

Section 297

Measures on Neighbouring Land Plot or Structure

(1) If it is necessary for the implementation of the ordered remedial measures that the owner of a neighbouring land plot or structure, or a person who has another right in rem to the neighbouring land plot or structure, suffer the necessary restrictions, and if there is no agreement between the persons concerned, the building authority may, ex officio or at the request of the owner of structure or land plot on which the project is located, impose measures on the neighbouring land plot or structure appropriate to the circumstances.

(2) The building authority shall in the decision on measures on neighbouring land plots or a structure specify

- a) the purpose of the imposed measure,
- b) which land plot or structure or part thereof is affected by the measure,
- c) delimitation of the activity performed on the neighbouring land plot or a structure, and

d) conditions of limitation, in particular the time frame of the performance of the activity.

(3) The parties to the proceedings for implementing measures on the neighbouring land plot or structure are the person on whose obligation the proceedings are carried out, and the person whose right shall be established by the measures on the neighbouring land plot or structure, or whose action or omission was the reason for initiating the proceedings for ordering remedial measures.

(4) Unless the building authority decides otherwise, an appeal against a decision on measures on a neighbouring land plot or a structure does not have a suspensive effect.

(5) When following the procedure according to the imposed measure on a neighbouring land plot or a structure, everyone shall be obliged to disturb the use of the neighbouring land plot or structure as little as possible and the work carried out shall not cause damage that can be prevented.

(6) The person whose right was established by the measure on the neighbouring land plot or a structure is obliged to restore the neighbouring land plot or structure to its previous state after the completion of the works.

Chapter 2

Supervision of Exercising Authority of Building Authorities

Section 298

Scope of Authority

(1) Supervision of exercising authority

a) the Ministry of Transport shall exercise authority over the Transport and Energy Building Authority in matters of construction of highways, roads, local roads and publicly accessible special-purpose roads, construction of railways and civil aviation structures and related structures,

b) the Ministry of Industry and Trade shall exercise authority over the Transport and Energy Building Authority in matters of reserved structures, for which the Ministry of Industry and Trade shall exercise authority of the superior administrative authority and structures of technical infrastructure for energy and electronic communications, renewable energy sources production plants and related structures,

c) the Transport and Energy Building Authority shall exercise authority over regional building authorities in matters of road construction, local roads and publicly accessible special-purpose roads, buildings of technical infrastructure for energy and electronic communications, and renewable energy sources production,

d) the Ministry shall exercise authority over regional building authorities, with the exception of buildings listed in Subsection (c) and municipal building authorities,

e) the regional building authority shall exercise authority over municipal building authorities.

(2) The Ministry, the Ministry of Transport, the Ministry of Industry and Trade, the Transport and Energy Building Authority and the regional building authority shall supervise compliance with this Act, legal regulations issued for its implementation and decisions and measures of the general nature issued pursuant to this Act, as well as compliance with Government resolutions and directives of central administrative authorities.

Section 299

Remedial Measures

The Ministry, the Ministry of Transport, the Ministry of Industry and Trade, the Transport and Energy Building Authority and the regional building authority may impose measures during the inspection to eliminate or prevent detected deficiencies within a reasonable time limit; they can suspend or limit the performance of the activity in which the legal obligation is being violated until the remedy is taken.

TITLE III

SUPERVISION OF DELEGATED POWER PERFORMANCE WHEN ISSUING AN IMPLEMENTING LEGAL REGULATION

Section 300

When inspecting the issuance and contents of an implementing legal regulation issued by a local self-

governing unit, the provisions of Title Six Part One of the Act on Municipalities shall apply by analogy, under the condition that the inspection is carried out by the Ministry instead of the regional office.

PART TEN

OFFENCES

Section 301

Offences of Persons

(1) An offence is committed by the person who

- a) implements the project without the permit pursuant to this Act,
- b) implements the project in breach of the permit pursuant to this Act,
- c) uses a project requiring a permit without this permit,
- d) uses the structure without an occupancy permit decision in breach of Section 230(1),
- e) uses an unfinished structure in breach of Section 230(3),
- f) uses a simple structure without an occupancy permit decision in breach of Section 230(2),
- g) uses the structure in breach of an occupancy permit decision,
- h) uses a simple structure in breach of the building authority permission or uses a simple structure in breach of the change of use decision pursuant to Section 244,
- i) uses the structure in breach with the preliminary use permission pursuant to Section 236,
- j) performs a trial operation without a decision pursuant to Section 237,
- k) performs a trial operation in breach of the decision pursuant to Section 237,
- l) removes a structure that is subject to a building removal permit, without a building removal permit in breach of Section 247(1),
- m) removes a structure that contains asbestos without a building removal permit in breach of Section 247(1)
- n) removes a structure in breach of a building removal permit or the building removal order decision.

(2) An offence is committed by the person who is in breach of the prohibitory measures pursuant to Section 294 or fails to comply with the remedial measures imposed pursuant to Section 295.

(3) A penalty may be imposed for an offence

- a) up to CZK 400,000, if it is an offence pursuant to Subsection (1)(c) or (d),
- b) up to CZK 1,000,000, if it is an offence pursuant to Subsection (1)(f), (g), (h), (i), (j), (k),(l) or(n), Subsection (2),
- c) up to CZK 2,000,000, if it is an offence pursuant to Subsection (1)(a),(b), (e) or (m), or
- d) up to CZK 4,000,000, if it is an offence pursuant to Subsection (1)(a) or (b), if it is a project in a specially protected area according to the Act on Nature and Landscape Protection, in a protection zone, on non-buildable land, in a non-developed area, an EIA project or a project requiring the issuance of a joint permit.

Section 302

Offences of Selected Persons

(1) A builder shall commit an offence by

- a) breaching any of the obligations pursuant to Section 160(1) and (2) or pursuant to Section 161(1 to 3),
- b) breaching any of the obligations in connection with the finding pursuant to Section 266(1) or (2), or
- c) failing to comply with the notification obligation pursuant to Section 263(3).

(2) A building contractor shall commit an offence by

- a) implementing or removing a structure in breach of Section 163(2)(a)

b) being in breach of any of the obligations pursuant to Section 163(1) or Section 163(2)(b) or (c), or
c) being in breach of Section 163(2)(d) and does not keep a construction site diary or a simplified construction record.

(3) The owner of structure or facility shall commit an offence by breaching any of the obligations pursuant to Section 167(a) or (f).

(4) The owner of technical or transport infrastructure or the operator of structures and facilities, the operation of which results in restrictions in the territory pursuant to other legal regulation, shall commit an offence by failing to fulfil the obligation pursuant to Section 63(2)(b) or (c).

(5) The owner of technical infrastructure shall commit an offence by failing to fulfil any of the obligations pursuant to Section 168(a) or (b) or Section 181(1).

(6) A building contractor, construction manager, the person performing building supervision, designer supervision, or technical supervision of a builder, a builder, an authorised inspector or a structure owner shall commit an offence by breaching the notification obligation pursuant to Section 169.

(7) A penalty may be imposed for an offence

a) up to CZK 400,000, if it is an offence pursuant to Subsection (1)(a) or (c), or Subsection (2)(c) or Subsection (3) to (6),

b) up to CZK 1,000,000, if it is an offence pursuant to Subsection (2)(b),

c) up to CZK 2,000,000, if it is an offence pursuant to Subsection (1)(b) or Subsection (2)(a), or

d) up to CZK 4,000,000, if it is an offence pursuant to Subsection (2)(a), if it is a project in a protected area according to special legal regulations, in a protected zone, on non-buildable land, in a non-developed area, an EIA project or a project requiring the issuance of a joint permit.

Section 303

Offences of Natural Persons

(1) A natural person commits an offense if he/she performs selected building activities without authorization pursuant to the Authorization Act in breach of Section 155.

(2) A natural person commits an offence as a construction manager by breaching any of the obligations pursuant to Section 164.

(3) A natural person performing construction supervision commits an offence by not properly performing professional supervision over the structure implementation by self-help by breaching any of the obligations pursuant to Section 165.

(4) A natural person commits an offence as a designer of spatial planning documentation by not submitting spatial planning documentation in a uniform standard pursuant to Section 162(6).

(5) A penalty of up to CZK 400,000 can be imposed for an offence pursuant to Subsections (1) to (4).

Section 304

Common Provisions

(1) Offences pursuant to this Act shall be dealt with by the respective authority pursuant to Sections 32 to 35; offences pursuant to Section 302(4) and Section 303(4) shall be dealt with by the regional authority.

(2) Breach of such conditions of the decision, which the building authority adopted in its decision on the basis of a unified environmental opinion, shall not be considered an offence pursuant to this Act.

(3) Landscaping shall be understood as a structure for the purposes of this Part.

PART ELEVEN

JUDICIAL REVIEW

Section 305

The Position of Builder and Building Owner

If the builder or the owner of structure is not an appellant in the proceedings on the legal action against the building authority decision, he/she shall be the party to the proceedings.

Section 306

Time Limit for Taking a Legal Action

(1) A legal action against the building authority decision, except a decision on an offence, may be taken within 1 month after the appellant has been notified about the decision.

(2) The appellant may extend the legal action to include statements which have not yet been challenged or to include further points of appeal only within a period of 2 months after he/she has been notified about the decision.

Section 307

Inadmissibility

(1) A legal action against the building authority decision shall be inadmissible if it merely raises factual and legal reasons which the appellant did not raise in the remedy proceedings, although he/she could have done so; this shall not apply if the legal action is taken against a decision which was issued in proceedings initiated ex officio or by which a structure subject to an environmental impact assessment was permitted.

(2) An application for the annulment of a measure of a general nature or a part thereof shall also be inadmissible if it merely raises reasons that the appellant did not raise in the proceedings for issuing the measure of a general nature, although he/she could have done so; this shall not apply if the measure of a general nature is subject to an environmental impact assessment.

Section 308

Suspensive Effect

If the court grants suspensive effect to the legal action, it shall hear and decide the legal action as a matter of priority with the utmost expediency.

Section 309

Legal Action Decision

(1) The court shall examine all the admissible points of appeal unless the deficiencies in the challenged decision or proceedings have preceded its adoption prevent it.

(2) If the legal action is well grounded and if it is clear without further evidence how the building authority should have to decide if the decision was repealed and returned to the building authority for further proceedings and if the appellant or a party to the proceedings has proposed such a course of action, the court may, by judgment, amend the challenged decision.

(3) Part of the building authority decision which has been amended by the judgment shall not be subject to review proceedings pursuant to the Administrative Procedure Code. A retrial pursuant to the Administrative Procedure Code is admissible only if the building authority decision resulted from a criminal offence.

Section 310

Spatial Development Plan Review

The Supreme Administrative Court has jurisdiction over proceedings for the revocation of a spatial development plan or part thereof.

PART TWELVE
COMMON, TRANSITIONAL AND FINAL PROVISIONS

TITLE I
COMMON PROVISIONS

Section 311

Relation to Administrative Procedure Code

(1) The regional respective authority shall be competent, pursuant to the Administrative Procedure Code, to review a measure of a general nature issued by municipal authorities. The respective Ministry shall be competent, pursuant to the Administrative Procedure Code, to review a measure of a general nature issued by the regional authorities.

(2) Spatial planning documentation cannot be amended by a decision pursuant to Section 97(3) of the Administrative Procedure Code.

(3) A spatial development plan cannot be reviewed in a review procedure pursuant to the Administrative Procedure Code.

TITLE II
TRANSITIONAL PROVISIONS

Chapter 1

Transitional Provisions for Authorities and Officials

Section 312

(1) The exercise of rights and obligations arising from the service relationship and from the employment relationship of civil servants and employees in employment relationships, assigned or appointed to a service or employment position in ministries and other administrative authorities and providing, according to previous legal regulations, the performance of tasks and activities falling under the competence of the Transport and Energy Building Authority pursuant to this or other Act shall be transferred to the Transport and Energy Building Authority. The transfer of civil servants into indefinite service pursuant to this Subsection shall be subject to the assumption that they have successfully passed the civil service examination for the corresponding field of civil service in which they shall perform tasks and activities in the Transport and Energy Building Authority.

(2) However, Subsection (1) shall not apply if the employees concerned are predominantly engaged in the performance of tasks and activities in ministries and other administrative authorities which do not fall within the competence of the Transport and Energy Building Authority pursuant to this or another Act.

(3) The rights and obligations under the employment relationship of regional employees assigned to perform work in regional offices shall be transferred from those regions to the state in cases when the activities performed by those employees fall within the scope of the Transport and Energy Building Authority pursuant to this or another Act. A procedure shall apply by analogy to the employees of the Prague City Hall.

(4) The transfer of the rights and obligations of the employment of employees pursuant to Subsection (3) to the state is subject to a prior written agreement between the Transport and Energy Building Authority, the employee and the local self-governing unit.

(5) Existing employees of the regions referred to in Subsection (3) shall become employees of the state assigned to work for the Transport and Energy Building Authority.

(6) Existing employees of the Prague City Hall referred to in Subsection (3) shall become employees of the State assigned to work for the Transport and Energy Building Authority.

(7) The first systematisation of service positions and the first systematisation of work positions in the Transport and Energy Building Authority shall be established with effect from 1 July 2023.

Section 313

(1) The service authority shall announce a selection procedure no later than 18 months from the effective date of the systemization pursuant to Section 312(7) for the position of a director of a section occupied by an employee pursuant to Section 312(5) and (6). The service authority shall announce the selection procedure no later than 24 months after the systemization pursuant to Section 312(7) for the position of department director and head of department occupied by employees pursuant to Section 312(5) and (6). The selection procedure shall be open to civil servants with an indefinite service contract who perform civil service in a post in the same branch of the civil service as the post of director to be filled. A person who has been appointed to a fixed-term post of chief executive shall, for a period of 3 years from the expiry of that period, be deemed to be eligible to participate in a competition for a post of chief executive at the same or a lower level of management.

(2) Section 312(5) and (6) shall apply, Section 190 to 197, with exception of Section 190(1)(d), Section 191, 195a196 of the and further Section 200 and 201 of the Civil Service Act shall apply by analogy to the commencement of the service of employees, except that the time limits and periods provided for therein shall be calculated from the date on which the systemization pursuant to Section 312(7) takes effect. On the date of entry into service, the competent service authority shall decide the amount of salary in accordance with Part 9 of the Civil Service Act. On the date of entry into service, such staff members shall be deemed to have passed the civil service examination; the service authority shall issue them with a certificate to that effect.

(3) If an employee pursuant to Subsection (1) and Section 312(5) and (6) loses his position as a managerial employee by transition, he shall be entitled to be paid reimbursement at the rate of the management allowance last determined for him as a managerial employee at regular payment dates for a period of 12 months from the commencement of his service. However, if the employee concerned has been appointed to a senior post following a competitive selection procedure and has resumed receiving the management allowance before the expiry of the 12-month period following the date of entry into service, he shall be paid reimbursement less the part of the management allowance to which he is now entitled.

(4) The qualification requirements for the performance of the activities of a building authority in the field of building regulations pursuant to Section 30a shall be met by an official who, on the date of the coming into force of this Act, is performing the activities of a general or special building authority and meets the qualification requirements for the performance of the activities of a general or special building authority pursuant to the previous legal regulation.

Section 314

When carrying out file separation in connection with activities that are transferred to the state building administration authorities pursuant to this or another Act, it shall by analogy to Section 68(a) of Act No. 499/2004 Coll., on Archives and File Service and on Amendments to Certain Acts, as amended. The pending documents and unfinished files shall be handed over by the administrative authorities which have exercised competence pursuant to the previous regulations for the reserved structures listed in Annex No. 3 to this Act, structures related to them and structures forming a set of structures with them by 1 February 2024, in other cases by 1 August 2024. The provisions of this Subchapter shall not be applied to other building authorities.

Section 315

(1) Jurisdiction for the management of state property used by organisational units of the state shall be transferred to the Transport and Energy Building Authority on the date of entry into force of this Act if such property was used exclusively for the provision of tasks and activities which are transferred to the Transport and Energy Building Authority pursuant to this or another Act.

(2) The budgeted funds in the budgets of the organizational units that are related to the exercise of competencies that, on the date of the entry into force of this Act, shall be transferred to the Transport and Energy Building Authority shall be transferred to the Transportation and Energy Building Authority on the effective date of this Act.

(3) Claims for unencumbered expenditures incurred for years prior to the year this Act takes effect that are related to the exercise of authority that shall be transferred to the Transport and Energy Building Authority on the effective date of this Act shall become claims for unencumbered expenditures of the Transport and Energy Building Authority on the effective date of this Act.

Chapter 2

Transitional Measures for Spatial Planning

Section 316

General Provisions

(1) The Institute for Spatial Development established pursuant to Act No. 183/2006 Coll. shall be deemed to be the Institute for Spatial Development established pursuant to this Act.

(2) If, prior to the date of entry into force of this Act, a decision was made to develop a spatial plan, a regulatory plan, or an amendment thereto, or to delimit the built-up area or the spatial planning study development was initiated, and the procurer is a municipal authority pursuant to Section 6(2) of Act No. 183/2006 Coll. on the basis of a contractual relationship with a person meeting the qualification requirements for the performance of spatial planning activities pursuant to previous legal regulations, that person shall be deemed as a representative of the procurer until the time of the issuance of such spatial planning documentation or delimitation of the built-up area. In the case of a spatial planning study, the decisive moment shall be deemed to be the moment of entering the data on it into the Spatial Planning Activity Register.

(3) An exemption from the qualification requirements of education granted pursuant to previous legislation shall be deemed to be an exemption from the qualification requirements of education granted pursuant to this Act.

(4) The qualification requirements for the performance of spatial planning activities shall be met by a civil servant or official who, on the effective date of this Act, performs spatial planning activities in the Ministry, regional authority or the Spatial Planning Authority or a municipal authority pursuant to Section 6(2) of Act No. 183/2006 Coll. and holds a certificate of special professional competence pursuant to a special legal regulation issued before January 1, 2007.

(5) The list of authorised investors maintained by the corresponding regional authority pursuant to Section 23(a) of Act No. 183/2006 Coll. shall be deemed to be the list of authorised investors pursuant to this Act. The Ministry, in cooperation with the corresponding regional authority and the Prague City Hall, shall arrange for the publication of the list of authorised investors on the National Geoportal of Spatial Planning within 6 months from the date of entry into force of this Act.

Section 317

Spatial Planning Documents

(1) Spatial analytical documents developed before the date of entry into force of this Act shall be deemed as spatial analytical documents pursuant to this Act.

(2) Territories delimited by the Ministry of Defence or the Ministry of the Interior pursuant to earlier legal regulations in order to provide defence and security of the State before the date of entry into force of this Act shall be deemed to be delimited territories pursuant to this Act until they are newly delimited in accordance with the procedure pursuant to Section 36.

(3) The data on urban studies, spatial comprehensive set of measures and spatial prognosis, which on the date of the entry into force of this Act are included in the Spatial Planning Activity Register, shall be deleted from this register by the Ministry or an organisational unit of the State authorised by it within 3 months after the entry into force of this Act.

(4) Spatial planning studies and data on them contained in the Spatial Planning Activity Register on the date of entry into force of this Act, shall be deemed as spatial planning studies pursuant to this Act.

(5) The period for checking the timeliness of the design of the spatial planning studies and data on them contained in the Spatial Planning Activity Register shall start on the date of entry into force of this Act and shall last 4 years.

(6) Activities in the development of spatial planning documents completed before the date of entry into force of this Act shall be assessed in accordance with the existing legal regulations.

Section 318

Spatial Development Policy and Architecture and Building Culture of the Czech Republic

(1) The spatial development policy approved before the date of entry into force of this Act shall be

deemed to be a spatial development policy pursuant to this Act.

(2) Parts of the spatial development policy approved pursuant to the Act No. 183/2006 Coll. which cannot form its part pursuant to this Act, shall not apply and shall be repealed from the spatial development policy at the next amendment; such repeal shall not be subject to the assessment of impacts on sustainable development. The assessment of the impact on sustainable development of the territory, which relates to the original spatial development policy, shall not be mended.

(3) If the development of the report on the spatial development policy implementation was initiated before the date of entry into force of this Act and if the draft report on the implementation has not been submitted to the Government for approval pursuant to Section 35(4) of Act No. 183/2006 Coll., the development and submission to the Government shall be completed pursuant to the existing legal regulations. The implementation report approved by the Government pursuant to Section 35(4) of Act No. 183/2006 Coll. shall be deemed to be the implementation report pursuant to this Act and shall further proceed pursuant to this Act.

(4) If the development of the spatial development policy update has been initiated before the date of entry into force of this Act and if the draft has not been submitted to the Government for approval pursuant to Section 34 of Act No. 183/2006 Coll., the Ministry shall arrange for the updated draft to be brought into compliance with this Act. The procedure pursuant to Section 71b and 71c and Section 71d(1) shall be further followed within the extent of the modifications made.

(5) An Architecture and Building Culture Policy approved before the date of entry into force of this Act shall be deemed to be an Architecture and Building Culture Policy pursuant to this Act.

Section 319

Spatial Development Plan

(1) The Ministry shall develop the first spatial development plan which shall only contain the supra-regional spatial system of ecological stability delimited in the spatial development principles, for which the time limit for review pursuant to the Administrative Procedure Code and the Rules for Administrative Procedure has expired in vain, and transport and technical infrastructure projects delimited in the spatial development principles and contained in the spatial development policy, which have not yet been completed and for which the time limit for review pursuant to the Administrative Procedure Code and the Rules for Administrative Procedure has expired in vain.

(2) The Ministry shall take over the delimitation of the projects pursuant to Subsection (1) from the spatial development principles so that the text part of the delimitation of the project shall only contain the list of municipalities affected by the project without specifying the conditions for the decision-making process in the territory, the order of changes in the territory and compensatory measures pursuant to Section 100(4) of this Act.

(3) Projects taken over into the first spatial development plan pursuant to Subsection (1) shall not be subject to discussion and assessment of the impacts on sustainable development pursuant to Section 40 of this Act. Compliance with the spatial development policy shall not be assessed.

(4) The respective authorities in the development of a spatial development plan pursuant to these transitional provisions shall only be the Ministry of Transport, the Ministry of Industry and Trade and the Ministry of Agriculture, which may exclude projects pursuant to Subsection (1).

(5) Section 73(2) and (3) of this Act shall not apply to the first spatial development plan until an amendment is developed to bring it into compliance with the requirements pursuant to this Act.

Section 320

Spatial Development Principles

(1) Spatial development principles issued pursuant to previous legal regulations shall be deemed as spatial development principles pursuant to this Act. At the next amendment which development shall be initiated after the date of entry into force of this Act, the spatial development principles shall be brought into compliance with the provisions of this Act on the contents of the spatial development principles.

(2) Until the time of bringing the spatial development principles into compliance with the provisions of this Act on the contents of the spatial development principles, the projects for changes in the territory contained in the spatial development principles, which are in contradiction to the spatial development plan, are not binding for the development of spatial planning documentation of the municipalities and for the decision-making

process in the territory.

Section 321

Spatial Plan and Regulatory Plan

(1) Spatial plans issued pursuant to previous legal provisions shall be deemed to be spatial plans pursuant to this Act.

(2) Regulatory plans issued from 1 January 2007 to the date of entry into force of this Act shall be deemed to be regulatory plans issued pursuant to this Act.

(3) The next amendment to regulatory plans which development shall be commenced after the date of entry into force of this Act, shall bring those regulatory plans into compliance with the provisions of this Act on the contents of regulatory plans.

(4) A regulatory plan developed on request before the date of entry into force of this Act shall, for so long as it remains in force but not later than 31 December 2025, be deemed to be a regulatory plan developed pursuant to this Act. Amendments thereto may be developed only at the initiative of the person who is authorised to exercise the rights arising therefrom.

Section 322

Spatial Planning Documentations Approved before 1 January 2007

(1) The spatial planning documentation of a settlement unit or zone, the spatial plan of the municipality and the regulatory plan approved before 1 January 2007 shall expire on the date of entry into force of the new spatial planning documentation that replaces them, but no later than 31 December 2028. The generally binding decrees that delimit the binding part of this spatial planning documentation shall be considered as measures of a general nature that are binding for subsequent spatial planning documentation and for the decision-making process in the territory. Parts of the spatial planning documentation approved before 1 January 2007, which cannot form its part pursuant to this Act, shall not be applied.

(2) The municipal council may, by a measure of a general nature, terminate the validity of the spatial planning documentation of the settlement unit or zone, the municipal spatial plan and the regulatory plan approved before 1 January 2007. Sections 113(2) to (6) shall apply by analogy to the issuance of a measure of a general nature pursuant to the first sentence.

(3) In the case of the spatial planning documentation of a settlement unit or zone, a spatial plan of the municipality and a regulatory plan, if approved before 1 January 2007, an amendment may be issued until 31 December 2028, otherwise the proceedings shall be suspended.

(4) If the municipal council decides, before the date of entry into force of this Act, to develop an amendment to the spatial planning documentation of the settlement unit or zone, the spatial plan of the municipality and the regulatory plan, if they were approved before 1 January 2007, and at the same time the municipal council has already decided to develop a new spatial plan or regulatory plan, the development of this amendment shall be completed pursuant to the existing legal regulations. The requirements for a uniform standard pursuant to Section 20a of Act No. 183/2006 Coll. shall not apply.

(5) The spatial planning documentation of a settlement unit or zone, a spatial plan of the municipality and a regulatory plan, if approved before 1 January 2007, may not be modified pursuant to Section 188(1) of Act No.183/2006 Coll. and, to the extent of such modifications, discussed and issued, unless a joint hearing has been commenced before the date of entry into force of this Act; if a joint hearing has been commenced before the date of entry into force of this Act in the course of the development of the modification pursuant to Section 188(1) of Act No.183/2006 Coll., the acquisition shall be completed pursuant to the existing legal regulations. Such modified documentation may be issued until 31 December 2025, otherwise the procedure shall be suspended.

Section 323

Spatial Planning Documentation Development

(1) Activities in the development of spatial planning documentation completed before the date of entry into force of this Act shall be assessed pursuant to the existing legal regulations.

(2) If, on the date of entry into force of this Act, the discussion of the spatial development principles implementation report or the spatial plan has been initiated, its discussion and approval shall be completed

pursuant to existing legal regulations. If the report contains instructions for the new spatial planning documentation development or its update or amendment, such instructions shall be deemed to be the specification of the amendment pursuant to this Act; requirements contained in the instructions which are in contradiction to this Act shall not apply.

(3) If, on the date of entry into force of this Act, the discussion on the assignment of the spatial plan, regulatory plan or amendment thereto has been commenced, the discussion and assignment approval shall be completed pursuant to the existing legal regulation and the assignment shall be deemed to be the assignment of the spatial plan, regulatory plan or amendment pursuant to this Act; requirements which are in contradiction to this Act shall not apply.

(4) A spatial planning documentation assignment or amendment thereto approved before the date of entry into force of this Act shall be deemed to be a spatial planning documentation assignment or amendment thereto pursuant to this Act; requirements which are in contradiction to this Act shall not apply.

(5) Contents of the amendment of the spatial planning documentation of a municipality approved by the municipality council at the same time as the decision of the amendment thereto by the simplified procedure shall be deemed to be an amendment assignment pursuant to this Act; requirements which are in contradiction to this Act shall not apply.

(6) The procurer shall arrange for the modification of the spatial planning documentation draft, for which the discussion has not been initiated to the date of entry into force of this Act, in order to be in compliance with this Act.

(7) If, before the date of entry into force of this Act, the discussion of the spatial development plan draft, its update or the spatial development principles update has been initiated, it shall be completed pursuant to the existing legal regulations.

(8) If a joint hearing of a spatial development plan draft or its amendment or a regulatory plan or its amendment was initiated before the date of entry into force of this Act, the activities resulting in the modification of the draft after the joint hearing shall be completed pursuant to the existing legal regulations. The modification shall arrange for the compliance of the spatial planning documentation contents with this Act. The public hearing shall be held without a new impact assessment to the extent required by this Act. The respective authorities shall submit their opinions on the parts that have been amended since the joint hearing.

(9) If a public hearing or a repeated public hearing on a spatial plan draft or its amendment or a regulatory plan or its amendment was initiated before the date of entry into force of this Act, it shall be completed pursuant to the existing legal regulations.

(10) If it concerns a new spatial plan draft and if the procedure under Subsection (9) is followed, it is possible to delimit an area or a corridor in this draft in which the decision-making process in the territory is conditioned by the planning agreement conclusion under Section 130. Section 81(3) shall apply *mutatis mutandis*. In such a case, this is considered a substantial modification to which Section 53(2) of Act No 183/2006 Coll. applies *mutatis mutandis*.

Section 324

Nonapplication of Some Parts of Spatial Planning Documentation

Parts of the spatial planning documentation issued pursuant to Act No. 183/2006 Coll., which cannot form a part of the documentation pursuant to this Act, shall not apply and shall be repealed from the documentation at the next amendment; such repeal shall not be subject to an assessment of the impacts on sustainable development. The impact assessment relating to the original spatial planning documentation shall not be modified.

Section 325

Built-up Area

(1) The Spatial Planning Authority shall develop and issue a built-up area delimitation in accordance with the procedure pursuant to this Act for a municipality that does not have a spatial plan or a delimited built-up area within 2 years of the date of entry into force of this Act. The first sentence shall not apply in the case of municipalities in which, before the entry into force of this Act, the municipal council decided to develop a spatial plan.

(2) Until the built-up area has been delimited by a spatial plan or by the procedure pursuant to this Act, the built-up area of a municipality which does not have a spatial plan or a delimited built-up area shall be

considered to be the municipality built-up area set in 1966.

(3) The built-up area delimited by a spatial plan shall be modified in compliance with this Act at the next amendment to the spatial plan, the development of which is commenced after the date of entry into force of this Act; until such amendment takes effect, the built-up area defined in the spatial plan shall be deemed to be the built-up area delimited pursuant to this Act.

(4) A built-up area delimited in the territory of a municipality that does not have a spatial plan shall be assessed by the Spatial Planning Authority and, if necessary, an amendment thereto shall be developed and issued pursuant to Section 121 no later than 2 years after the date of entry into force of this Act. Until then, the built-up area delimited pursuant to the existing legal regulations shall be deemed to be the built-up area pursuant to this Act.

(5) If the spatial planning documentation of a settlement unit or zone, a municipal spatial plan or a regulatory plan ceases to be effective by the vain expiration of the time limit pursuant to Section 322(1), the built-up area of the municipality or the built-up area of the municipality delimited by that spatial planning documentation of the settlement unit or zone, the municipal spatial plan or the regulatory plan shall at the same time be deemed to be the built-up area of the municipality delimited pursuant to this Act. Within a period of 3 months, the Spatial Planning Authority shall assess the timeliness of the delimitation of the built-up area and, if necessary, arrange for its updating in accordance with the procedure pursuant to this Act.

Section 326

Planning Measure

(1) Building closures issued pursuant to Act No. 50/1976 Coll. for the purpose of preventing the possibility of restricting or preventing the future use of the territory in accordance with the forthcoming spatial planning documentation shall cease to be valid on the date of the entry into force of this legal provision.

(2) Building closures issued before the date of entry into force of this Act, if they are not building closures pursuant to Subsection (1), shall be examined by the respective Spatial Planning Authority in terms of their timeliness and compliance with the requirements of this Act within 1 year from the date of entry into force of this Act at the latest and information on the examination shall be entered into the National Geoportals of Spatial Planning, otherwise they shall expire; if the requirements for timelines and compliance with this Act are not met and if the period of 1 year has not expired, the procedure shall be carried out pursuant to Section 123(4). The provisions of Section 123(3) shall apply by analogy to building closures issued before the date of entry into force of this Act.

(3) If the planning measure on construction ban contains restrictions which contradict the requirements of this Act, such restrictions shall not be taken into account in the decision-making process from the date of entry into force of this Act.

(4) An exception to the restriction or prohibition of construction activity pursuant to Section 99(3) of Act No. 183/2006 Coll. shall be granted after the date of entry into force of this Act by the municipal board, and in municipalities where the council is not elected, by the municipal council or the regional council in accordance with the procedure pursuant to Section 129.

(5) If, before the date of entry into force of this Act, the development of a planning measure on construction ban or a planning measure on land clearance has been initiated, it shall be completed in accordance with the existing legal regulations. Section 123(3) shall apply by analogy.

Section 327

Regulation of Relations to the Territory

(1) Planning contracts concluded pursuant to Act No. 183/2006 Coll. shall be assessed in accordance with the existing legal regulations.

(2) The pre-emption right defined in the spatial planning documentation according to the previous legal regulations shall expire with the effect of the spatial plan amendment, by which its definition has been repealed or replaced by the definition of a publicly beneficial structure or a publicly beneficial measure for which the rights to land may be expropriated, but no later than 4 years from the date of entry into force of this Act. After the expiration of the pre-emption right, the person entitled to the pre-emption right shall arrange for its deletion from the Cadastre de Real Estate. The document on the basis of which the pre-emption right shall be deleted from the Cadastre de Real Estate is a certificate of the pre-emption right expiration according to the Cadastre Ordinance.

(3) Land plot delimitation agreements concluded pursuant to the existing legal regulations shall remain in force and may be amended or repealed only with the consent of all those entitled to exercise the rights and obligations arising from the agreement.

Section 328

Proceedings on Proposal to Repeal a Measure of a General Nature or Part Thereof

Proceedings on a proposal to repeal a measure of a general nature or a part thereof initiated before the date of entry into force of this Act shall be completed pursuant to the existing legal regulations.

Chapter 3

Transitional Measures for Documentation and Project Documentation

Section 329

(1) Documentation developed pursuant to the existing legal regulations may be submitted instead of project documentation developed pursuant to this Act as a part of a building permit application or outline permit submitted by 30 June 2027, if it is

- a) project documentation or structure notification documentation,
- b) documentation for the issue of location of structure decision, supplemented by an architectural and building design and a structural design developed pursuant to the implementing legislation to this Act,
- c) documentation for the issuance of a decision on the location of a set of structures on the nuclear facility site,
- d) project documentation for the issuance of a building permit or documentation for the issuance of a joint permit; or
- e) documentation for the issuance of a joint permit for the location and approval of a transport infrastructure structure pursuant to the Infrastructure Act, developed on a limited scale.

(2) Documentation for the issuance of a change in land use permit developed pursuant to existing legal regulations may also be submitted as a part of a change in land use permit application by June 30, 2027 instead of project documentation developed pursuant to this Act.

(3) If the implementation of constructions is commenced before 30 June 2027, the construction implementation documentation developed pursuant to the previous legal regulations may be used as the construction implementation documentation pursuant to this Act.

(4) Building removal documentation developed pursuant to existing legal regulations may also be submitted as a part of the building removal permit application by 30 June 2027, instead of project documentation developed pursuant to this Act.

(5) In proceedings pursuant to this Act, the Building Authority shall review the documentation referred to in Subsections (1) to (4) pursuant to the existing legal regulations.

Chapter 4

Transitional Measures for Building Regulations

Section 330

(1) Proceedings and procedures commenced before the date of entry into force of this Act shall be completed pursuant to existing legal regulations.

(2) Proceedings and procedures commenced before the date of entry into force of this Act, which relate to projects for which no building permit, other decision or action is required pursuant to this Act, shall be suspended by the resolution of the building authority; no appeal may be submitted against this resolution.

(3) Proceedings and procedures commenced before the date of entry into force of this Act shall be completed by the building authority which has become competent to conduct the proceedings or carry out the procedure in the matter pursuant to this Act. Spatial proceedings initiated before the date of entry into force of this Act concerning a reserved structure listed in Annex No. 3 to this Act or a building related thereto shall be completed by the building authority which conducted such proceedings before the date of entry into force of this Act. Building proceedings commenced before the date of entry into force of this Act concerning a building

related to a reserved structure listed in Annex No. 3 to this Act shall be completed by the building authority which conducted the proceedings before the date of entry into force of this Act. Joint planning and building proceedings initiated before the date of entry into force of this Act concerning a building related to a reserved structure listed in Annex No. 3 to this Act shall be completed by the building authority which became competent pursuant to this Act to conduct the proceedings for the approval of a reserved structure listed in Annex No. 3 to this Act, if the reserved structure is the main structure, otherwise the proceedings shall be completed by the building authority which conducted the proceedings before the date of entry into force of this Act.

(4) The change of the project before completion shall be permitted and the occupancy permit proceedings shall be performed for projects permitted before the date of entry into force of this Act by the building authority to which the competence to issue a building permit pursuant to this Act has been transferred. In the case of a building related to a reserved structure listed in Annex No. 3 to this Act, the change of the project before completion shall be approved and the occupancy permit proceedings approval procedure shall be performed by the building authority which granted the building permit to this structure.

(5) The time limits for the issuance of a decision pursuant to this Act shall be doubled for the proceedings initiated pursuant to this Act before the end of the calendar year in which this Act came into force.

(6) A valid planning decision on the location of structure issued in a spatial planning procedure, in a spatial planning procedure with an environmental impact assessment or in a simplified planning procedure, an effective planning consent, an effective public legislation contract and an issued regulatory plan replacing a planning decision on the location of structure shall be considered a decision in a part of the case in the procedure for the building permit approval pursuant to this Act, if the project requiring approval pursuant to this Act has been placed by it. A valid planning decision on the location of structure issued in a planning procedure or in a simplified planning procedure, and an effective planning consent and an effective public legislation contract replacing the planning decision on the location of structure shall be deemed to be a permit pursuant to this Act, provided that such projects did not require a building permit or notification pursuant to existing legal regulations.

(7) An effective joint planning consent, a consent to carry out a notified building project, an effective building permit, a joint permit, a joint permit with environmental impact assessment, a notice with a certificate of the building project inspector and an effective public legislation contract replacing a building permit and an effective public legislation contract replacing a building planning decision and building permit shall be deemed to be a permit for a project pursuant to this Act.

(8) A final planning decision on a change in land use shall be deemed to be a decision in a part of the case in building permit proceedings pursuant to this Act if it has located a project requiring a permit pursuant to this Act; otherwise, it shall be considered a permit pursuant to this Act. A planning decision on the division or consolidation of land or a planning decision on a protection zone shall be deemed to be a permit decision for a nonapplication of the project pursuant to this Act.

(9) Binding opinions, statements, consents, or decisions of the respective authorities, opinions of owners of public transport or technical infrastructure and other statements issued before the date of entry into force of this Act shall be considered documents for issuing decisions in proceedings pursuant to this Act. These documents shall not be reviewed by the building authority and the public interests protected by them shall not be reassessed. In remedy proceedings, as well as in other procedures related to the review of the correctness and legality or change of the binding opinion of the Spatial Planning Authority pursuant to Section 96(b) of Act No. 183/2006 Coll., the existing legal regulations shall be followed.

(10) The occupancy permit consent shall be deemed to be the occupancy permit decision pursuant to this Act.

(11) A person who was performing the tasks of an authorised inspector on 31 December 2023 is entitled to perform these activities pursuant to this Act for a period ending on the expiry of 10 years from the date of his/her appointment by the Minister of Regional Development, or an extended period.

Section 331

Legal Proceedings

Legal proceedings commenced before the date of entry into force of this Act shall be completed pursuant to the existing legal regulations.

Chapter 5

Transitional Measures for Municipal Building Authorities

Section 332

(1) Municipal authorities that shall not exercise the competence of a municipal building authority pursuant to this Act are obliged to hand over all documents relating to pending administrative proceedings and other procedures conducted pursuant to Act No. 183/2006 Coll, on spatial planning and building regulations, as amended to the building authorities to which competence has been transferred pursuant to this Act and to draw up a report on the handover within 30 days of the termination of the activities of the building authority.

(2) When performing file separation in connection with the termination of the activity of a building authority, the procedure shall apply by analogy pursuant to Section 68(a) of Act No. 499/2004 Coll, on Archives and File Service and on Amendments to Certain Acts, as amended.

Chapter 6

Transitional Measures for Implementing Legal Regulations

Section 332a

Until the issuance of implementing legal regulations pursuant to Section 152 of this Act, but no later than 1 July 2027, the implementing legal regulations to implement Section 194 of Act No. Coll, as in force on the day preceding their repeal by this Act, shall be followed. Parts of the implementing legal regulations referred to in the first sentence which are in contradiction to this Act shall not apply.

TITLE III

AUTHORISATION PROVISIONS

Section 333

(1) The Ministry shall issue decrees to implement Section 18(4), Section 30(3) and (4), Section 59(4), Section 62(3), Section 64(1), Section 66(3), Section 87(4), Section 109(4), Section 152(1), Section 154(2), Section 158(5), Section 161(4), Section 166(4), Section 169(2), Section 172(2), Section 227(5), Section 267(5), Section 268(3), Section 269(7), Section 270(3), Section 271(4), Section 273(3), Section 278, Section 285(4) and Section 292(5).

(2) The Ministry of Transport shall issue a decree to implement Section 17(3), Section 152(1) and Section 158(5) setting out the technical requirements for the construction of highways, roads, local roads and publicly accessible special-purpose roads, railway constructions and civil aviation constructions and the scope and contents of the project documentation for such constructions.

(3) The Capital City of Prague, the Statutory City of Brno and the Statutory City of Ostrava may, in their delegated competence, issue regulations to implement Section 152(2).

TITLE IV

FINAL PROVISIONS

Section 334

The following are repealed:

1. Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act).
2. Act No. 68/2007 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act).
3. Act No. 191/2008 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended by of Act No. 68/2007 Coll.
4. Part thirty-four of Act No. 223/2009 Coll., amending certain legislations in connection with the adoption of the Act on the Free Movement of Services.
5. Act No. 345/2009 Coll., amending Act No. 72/1994 Coll., regulating certain co-ownership relations to buildings and certain ownership relations to flats and non-residential premises and amending certain acts (Act

on Ownership of Flats), as amended, and Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended.

6. Act No. 379/2009 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended.

7. Part one hundred and eighty of Act No. 227/2009 Coll., amending certain legislations in connection with the adoption of Act on Basic Registers.

8. Part seventeen of Act No. 424/2010 Coll., amending Act No. 111/2009 Coll., on Basic Registers, as amended by of Act No. 100/2010 Coll. and other related legislations.

9. Part one hundred seventy-two of Act No. 281/2009 Coll., amending certain legislations in connection with the adoption of Tax Code.

10. Part forty-one of Act No. 420/2011 Coll., amending certain acts in connection with the adoption of the Act on Criminal Liability of Legal Persons and Proceedings against them.

11. Part twenty-seven of Act No. 142/2012 Coll., amending certain acts in connection with the introduction of basic registers.

12. Part thirty-two of Act No. 167/2012 Coll., amending Act No. 499/2004 Coll., on archiving and filing services and on amendments to certain acts, as amended by Act No. 227/2000 Coll., on electronic signature and amending certain other acts (Act on Electronic Signature), as amended, and other related acts.

13. Part one of Act No. 350/2012 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended and other related acts.

14. Part six of Act No. 257/2013 Coll., amending certain legislations in connection with the adoption of Act on Cadastre of Real Estate.

15. Part four of Act No. 39/2015 Coll., amending Act No. 100/2001 Coll., on environmental impact assessment and on amendments to certain related acts (Act on Environmental Impact Assessment), as amended and other related acts.

16. Part four of Act No. 91/2016 Coll., amending Act No. 22/1997 Coll., on technical requirements for products and amending and supplementing certain acts, as amended and other related acts.

17. Part forty-nine of Act No. 298/2016 Coll., amending certain legislations in connection with the adoption of Act on trust services for electronic transactions, Act No. 106/1999 Coll., on free access to information, as amended, and Act No. 121/2000 Coll., on copyright, on rights related to copyright and on amendments to certain acts (Copyright Act), as amended.

18. Part nine of Act No. 264/2016 Coll., amending certain legislations in connection with the adoption of the Atomic Act.

19. Part one hundred seventy-five of Act No. 183/2017 Coll., amending certain legislations in connection with the adoption of the Act on Liability for Offences and Proceedings in Respect Thereof and the Act on Certain Offences.

20. Part four of Act No. 194/2017 Coll., on measures to reduce the costs of deploying high-speed electronic communications networks and amending certain related acts.

21. Part nine of Act No. 205/2017 Coll., amending Act No. 181/2014 Coll., on Cybersecurity and on Amendments to Related Acts (Cybersecurity Act), as amended by the Act No. 104/2017 Coll., and some other acts.

22. Part nine of Act No. 193/2017 Coll., amending Act No. 256/2001 Coll., on Funerals and on Amendments to Certain Acts, as amended by later regulations.

23. Part one of Act No. 225/2017 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended and other related acts.

24. Part five of Act No. 169/2018 Coll., amending Act No. 416/2009 Coll., on Accelerating the Construction of Transport, Water, Energy and Electronic Communications Infrastructure, as amended and other related legislations.

25. Part fifty-four of Act No. 277/2019 Coll., amending certain legislations in connection with the adoption of the Act on the Collection of Legislations and International Treaties.

26. Part one of Act No. 312/2019 Coll., amending Act No. 183/2006 Coll., on Spatial Planning and Building

Regulations (Building Act), as amended, and Act No. 254/2001 Coll., on water and amending certain acts (Water Act), as amended.

27. Part two of Act No. 47/2020 Coll., amending Act No. 200/1994 Coll., on land surveying and on amendment and supplementation of certain acts related to its introduction, as amended, Act No. 183/2006 Coll., on Spatial Planning and Building Regulations (Building Act), as amended, and other related acts.

28. Part twenty-one of Act No. 403/2020 Coll., amending Act No. 416/2009 Coll., on Accelerating the Construction of Transport, Water, Energy and Electronic Communications Infrastructure, as amended and other related legislations, and other related acts.

29. Part one hundred and twenty-six of Act No. 261/2021 Coll., amending certain legislations in connection with further digitalisation of procedures of public authorities.

30. Part two of Act No. 19/2023 Coll., amending Act No. 458/2000 Coll., on Business Conditions and the Exercise of State Administration in the Energy Sectors and on amendments to certain acts (Energy Act), as amended, and other related acts.

31. Decree No. 590/2002 Coll., on Technical Requirements for Waterworks.

32. Decree No. 367/2005 Coll., amending Decree No. 590/2002 Coll., on Technical Requirements for Waterworks.

33. Decree No. 498/2006 Coll., on Authorised Inspectors.

34. Decree No. 499/2006 Coll., on Building Documentation.

35. Decree No. 62/2013 Coll., amending Decree No. 499/2006 Coll., on Building Documentation.

36. Part one of Decree No. 405/2017 Coll., amending Decree No. 499/2006 Coll., on Building Documentation, as amended by Decree No. 62/2013 Coll., and Decree No. 169/2016 Coll., on Determining the Scope of the Documentation for the Public Works Contract and the List of Works, Supplies and Services with a Schedule of Dimensions.

37. Decree No. 500/2006 Coll., on Spatial Analytical Documents, Spatial Planning Documentation and on the Method of Registration of Spatial Planning Activities.

38. Decree No. 458/2012 Coll., amending Decree No. 500/2006 Coll., on Spatial Analytical Documents, Spatial Planning Documentation and on the Method of Registration of Spatial Planning Activities.

39. Decree No. 13/2018 Coll., amending Decree No. 500/2006 Coll., on Spatial Analytical Documents, Spatial Planning Documentation and on the Method of Registration of Spatial Planning Activities as amended by Decree No. 458/2012 Coll.

40. Decree No. 501/2006 Coll., on General Requirements for Land Use.

41. Decree No. 269/2009 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use.

42. Decree No. 22/2010 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended by Decree No. 269/2009 Coll.

43. Decree No. 20/2011 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended.

44. Decree No. 431/2012 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended.

45. Decree No. 360/2021 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended.

46. Decree No. 164/2022 Coll., amending Decree No. 360/2021 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use as amended.

47. Decree No. 503/2006 Coll., on More Detailed Regulation of Spatial Decision-Making, Spatial Measures and Building Regulations.

48. Decree No. 63/2013 Coll., amending Decree No. 503/2006 Coll., on More Detailed Regulation of Spatial Decision-Making, Spatial Measures and Building Regulations.

49. Decree No. 66/2018 Coll., amending Decree No. 503/2006 Coll., on More Detailed Regulation of Spatial Decision-Making, Spatial Measures and Building Regulations as amended by Decree No. 63/2013 Coll.

50. Decree No. 146/2008 Coll., on the Scope and Content of Project Documentation for Transport Constructions.
41. Decree No. 251/2018 Coll., amending Decree No. 146/2008 Coll., on the Scope and Content of Project Documentation for Transport Constructions.
52. Decree No. 268/2009 Coll., on Technical Requirements for Buildings.
53. Decree No. 20/2012 Coll., amending Decree No. 268/2009 Coll., on Technical Requirements for Buildings.
54. Decree No. 323/2017 Coll., amending Decree No. 268/2009 Coll., on Technical Requirements for Buildings as amended by Decree No. 20/2012 Coll.
55. Decree No. 398/2009 Coll., on General Technical Requirements Providing Barrier-free Use of Buildings.
56. Decree No. 239/2017 Coll., on Technical Requirements for Buildings for the Performance of Forest Functions.
57. Decree No. 418/2022 Coll., amending Decree No. 500/2006 Coll., on Spatial Analytical Documents, Spatial Planning Documentation and on the Method of Registration of Spatial Planning Activities as amended by Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended by Decree No. 360/2021 Coll., amending Decree No. 501/2006 Coll., on General Requirements for Land Use, as amended by Decree No. 164/2022 Coll.
58. Regulation of the Capital City of Prague No. 10/2016 Coll. C.C. Prague, laying down the General Requirements for Land Use and Technical Requirements for Structures in Prague Capital City (Prague Building Regulations).
59. Regulation of the Capital City of Prague No. 14/2018 Coll. C.C. Prague, amending Regulation of the Capital City of Prague No. 10/2016 Coll. C. C. Prague, laying down the General Requirements for Land Use and Technical Requirements for Structures in the Prague Capital City (Prague Building Regulations).

TITLE V

SPECIAL PROVISIONS ON THE LEGISLATION APPLICABILITY IN THE TRANSITIONAL PERIOD

Section 334a

(1) The transitional period shall be understood for the purposes of Subsections (2) and (3), as the period from 1 January 2024 to 30 June 2024 and, for the purposes of Subsection (4), the period from 1 July 2022 to 30 June 2023.

(2) In matters relating to spatial planning, the transitional period shall be dealt with pursuant to the existing legal regulations, except for planning proceedings relating to a reserved structure listed in Annex No. 3 to this Act or a building related thereto which cannot be commenced during the transitional period. The date of entry into force of this Act shall be 1 July 2024 for the purposes of the transitional provisions in Part Twelve, Title II, Part 2.

(3) In matters relating to projects pursuant to this Act, the existing legal regulations shall apply during the transitional period, except for matters relating to the reserved structures listed in Annex No. 3 to this Act, structures related to them and structures forming a set of structures with them. The date of entry into force of this Act shall be deemed to be 1 July 2024 for the purposes of the transitional provisions in Part Twelve, Title II, Part 4. In matters relating to the reserved structures listed in Annex No. 3 to this Act, structures related to them and structures forming a set of structures with them, this Act shall apply, with the exception of Sections 172, 173, Section 185(3)(c) and Part Seven.

(4) During the transitional period, the powers of the Supreme Building Authority as a service authority shall be exercised by the Ministry of Regional Development and the powers imposed on the Head of the Supreme Building Authority as a service authority shall be exercised by the Secretary of State in the Ministry of Regional Development.

PART THIRTEEN
ENTRY INTO FORCE

Section 335

This Act shall enter into force on January 1, 2024, except as provided in

- a) Sections 36, 319, Section 322(1) and (3), Sections 324 and Section 326(1), which shall enter into force on the day following that of its promulgation,
- b) Sections 15 to 18, Section 312(1) and (7), Section 313(1) and (2) and Section 315(1), which shall enter into force on 1 January 2022,
- c) Section 312(4), which shall enter into force on 1 January 2023.

Vondráček m. p.

Zeman m. p.

Babiš m. p.

Annex No. 1

Small Structures

(1) Small structures shall be

a) structures or facilities and their maintenance, namely

1. a structure up to 40 m² of built-up area and up to 5 m in height with no more than one storey above ground, with a basement up to a maximum depth of 3 m, on the plot of a house or a structure for family recreation, which is related to the dwelling or family recreation, and is not a structure for business activity, which is placed at a distance of at least 2 m from the boundaries of the land plot and the area of the part of the land plot capable of absorbing rainwater after its location shall be at least 50% of the total area of the plot of the house or structure for family recreation,
2. a greenhouse of up to 40 m² of built-up area and up to 5 m in height without a basement or a swimming pool of up to 40 m² of built-up area on a built-up structure plot of a house or a structure for family recreation at a distance of at least 2 m from the boundary of the land plot,
3. a structure up to 40 m² of built-up area and up to 5 m in height with no more than one storey above ground, with a basement up to a maximum depth of 3 m, on a land plot designated by a project planning decision, a spatial plan with elements of a regulatory plan or a regulatory plan for use as an allotment garden, and it is not a structure for dwelling, family recreation or business activity, which is placed at a distance from the boundaries of the land of at least 2 m and the area of the part of the land plot capable of absorbing rainwater after its location shall be at least 50% of the total area of the land plot,
4. a structure, including the foundation structure, up to 55 m² of built-up area and up to 4 m in height on a land plot that is determined by a building permit decision, a spatial plan with elements of a regulatory plan or a regulatory plan for the use as a recreation area, which is placed at a distance from the boundaries of the land plot of at least 2 m and the area of the part of land plot capable of absorbing rainwater after its placement will be at least 50% of the total area of the land plot,
5. retaining walls up to a height of 1 m or fencing up to a height of 2 m between plots located within a built-up area or within a buildable area,
6. temporary structures without a basement or facilities that serve cultural, social or sporting purposes, portable sales facilities or stands whose facility does not exceed 30 consecutive days,
7. advertising facility with a total area of up to 0.6 m²; the area of double-sided panels shall be counted only once,
8. fencing of forest nurseries and game preserves⁵⁹⁾, fencing established to protect forest stands from game on forest land and fencing of trees planted for the purpose of establishing a territorial system of ecological stability, which are without a foundation wall, while there must be no restriction of traffic on the road or disruption of a marked tourist route,
9. structures for forest management and structures for the exercise of hunting rights up to 30 m² of built-up area and up to 5 m in height without basement,
10. extension of own telecommunication network⁶⁰⁾ for control, measuring, securing and automation of the power system operation and for information transmission for the operation of computer technology and information systems, to the existing power technical infrastructure network, if the boundary of the existing protection or safety zone is not exceeded,
11. replacement of lines and networks of technical infrastructure provided that the boundaries of the existing protection or safety zone are not exceeded,
12. replacement of lines and networks of technical infrastructure, if the boundary of the existing protection or safety zone is exceeded, without extending its existing scope, replacement of lines and change of the boundary of the existing protection and safety zone affects only the land affected by the existing lines and the existing protection or safety zone, and for the location of the replacement of lines outside the existing route, a contract on the establishment of an easement or a contract on a future contract on the establishment of an easement shall be concluded with the owner,
13. surface water distribution or drainage on agricultural land or on land intended for the performance of forest functions, unless it is a waterworks,
14. shelters of one storey serving public transport and other publicly accessible shelters up to 40 m² of built-up area and up to 4 m in height,

15. support structures for traffic signs and traffic information devices on roads unless they are gantry structures,
 16. exits and entrances to roads serving to connect neighbouring immovable property⁶¹⁾,
 17. public transport boarding islands and footpath crossings,
 18. culverts on non-public special-purpose roads,
 19. weighbridge structures,
 20. signal towers, signals and pyramids for surveying purposes and seismic monitoring network points,
 21. flagpoles up to a height of 8 m,
 22. antennas, including their supporting structures and related electronic communication equipment up to a total height of 8 m, placed separately on land plots or structures,
 23. a standard charging point⁶²⁾,
 24. facilities used for draining surface or groundwater in cases where life, health or property is threatened by such waters,
 25. structures for the production of energy from renewable sources with a total installed capacity of up to 50 kW, with the exception of a waterwork structure, a cultural monument and a structure in a specially protected area, a conservation reserve or a conservation zone, or in an area delimited by the Ministry of Defence or the Ministry of the Interior as stated in a government regulation,
 26. an extra installation⁶³⁾ to an existing transport or technical infrastructure structure,
 27. facilities of a forest kindergarten and forest kindergarten serving hatch with a total built-up area of all structures up to 55 m², excluding sanitary facilities, without basement, with no more than one storey above ground,
 28. connection to the distribution system by means of an electrical connection or loop, all at a low voltage level and within a maximum length of 25 m from the lines and equipment of the existing distribution system, established by a distribution system operator whose distribution system is connected to the transmission system and to whose system more than 90,000 points of consumption are connected,
 29. gas pipeline connections with a pressure level of up to 4 bars within a maximum length of 25 m from the lines of the existing distribution system, with which the distribution system operator whose system is connected to more than 90,000 points of consumption, has granted consent.
 30. water or sewer connections within 25 m of an existing water main or existing sewerage system approved by the owner of the land plot concerned and the owner of the water main or sewerage system, or its operator if authorised by the owner,
 31. parking area for motor homes and trailers,
 32. public technical infrastructure structures and shelters, always with one storey up to 40 m² of built-up area and up to 5 m in height, not having a basement, if they do not contain living or residence rooms or sanitary facilities, and which do not serve for the dwelling or keeping of animals and do not serve for the production or storage of flammable liquids or flammable gases, and if they are located in the built-up area outside public spaces,
- b) parts and facilities of small structures, provided that they do not exceed the parameters of the structures referred to in (a),
 - c) changes to the small structures referred to in (a) which do not exceed the above-sated parameters,
 - d) maintenance work, the performance of which cannot adversely affect the health of persons, fire safety, stability, design of the structure, the environment or safety in use and is not maintenance work on a structure which is a cultural monument,
 - e) structure modifications provided that they do not interfere with the load-bearing structures of the structure, do not change the design of the structure or the way of using the structure, their implementation cannot affect the fire safety of the structure and are not structure modifications to a structure that is a cultural monument,
 - f) construction modifications for an facility using a renewable energy source with a total installed capacity of up to 50 kW, provided that they do not interfere with the load-bearing structures of the structure, do not change the way the structure is used, do not require an environmental impact assessment, and meet the conditions, in particular fire safety, pursuant to the legal regulation governing requirements for the safe facility of electricity

generating plants, and are not construction modifications to a structure that is a cultural monument,

g) maintenance work or modifications to roads, namely

1. a facility to prevent wildlife from entering a highway or Class I road,
2. replacement of bridge closures or isolation systems on bridges,
3. technical devices and their components intended for the imposition, collection and control of the payment of toll for the use of the road outside portal structures,
4. the establishment of curbs to the roadway,
5. raising or reinforcing the pavement with curb height adjustment,
6. establishing additional median dividing strip crossings,
7. construction modifications to highways, roads and local roads, where the change in the original level does not exceed 3 cm for roads with directly adjacent structures or directly adjacent pavements, at level crossings, bridges, underpasses and where utilities and other lines are located, or 10 cm for other roads, or 6 cm in the case of short transverse thresholds installed in the form of construction modifications,
8. structural modifications of roadways and verges within the scope of routine and continuous maintenance⁶⁴,

h) maintenance work or construction modifications of the railway structures, namely

1. drainage of platforms, level crossings or tunnels,
2. structural modifications to the superstructure of railway and tramway lines,
3. replacement of tracks, track fields, sleepers and switches and their components,
4. replacement of non-load-bearing parts of bridges,
5. equipment for protection of persons against dangerous touch voltage,
6. equipment for protection against the effects of stray currents of electric traction,
7. equipment for remote control of electric power equipment,
8. equipment for corrosion protection, equipment for protection against interference to telecommunication systems and equipment to avoid the effects of high voltage,
9. remote control, regulation and measurement equipment,
10. communication and information equipment for railways,
11. electrical fire alarm equipment.

(2) Small structures shall not be considered to be

- a) structures for dwelling,
- b) structures for family recreation with the exception of the structure referred to in Subsection (1)(a)(4),
- c) garage structures,
- d) transformer station,
- e) structures for the storage of flammable substances, pyrotechnic products, ammunition, munitions and explosives,
- f) structures for civil defence and fire protection,
- g) structures for the uranium industry and structures on the site of a nuclear facility,
- h) warehouses and landfills for hazardous waste,
- i) waterworks structures, with the exception of the structures referred to in Subsection (1)(a)(11) and (12),
- j) replacement of technical infrastructure lines and networks, unless the replacement of technical infrastructure networks referred to in Subsection (1)(a)(11) and (12),
- k) mining works and underground mining structures, if they are subject to approval and supervision by the State Mining Administration pursuant to the mining regulations,
- l) EIA projects.

Annex No. 2

Simple Structures

(1) Simple structures shall be structures or facilities and landscaping, namely

- a) structures for dwelling and family recreation, having not more than two storeys above ground and one underground storey and an attic or a recessed storey,
- b) underground structures up to 300 m² of built-up area and up to 3 m depth, unless they are technical infrastructure structures,
- c) garage structures up to 5 m in height with one storey above ground, with a basement up to a maximum depth of 3 m,
- d) advertising installations and structures for advertising,
- e) retaining walls or fencing, unless they are small structures,
- f) structures for agriculture up to 60 m² of built-up area and up to 5 m in height with one storey above ground, without a basement, unless they are structures for livestock or structures intended for storage and processing of flammable substances such as dryers, warehouses of flammable liquids, warehouses of chemical fertilizers, etc,
- g) structures for agriculture over 60 m² of built-up area or over 5 m in height up to 300 m² of built-up area and up to 7 m in height, with one storey above ground, without basement, unless they are structures for livestock or structures intended for the storage and processing of flammable substances such as dryers, warehouses for flammable liquids, warehouses for chemical fertilisers, etc.
- h) structures for livestock up to 60 m² of built-up area and up to 5 m in height, with a basement up to a maximum depth of 3 m,
- i) connections to technical infrastructure networks, unless they are small structures,
- j) products fulfilling the function of a structure, including the foundation structures for them, unless it is a small structure,
- k) storage tanks for liquefied hydrocarbon gases up to a total volume of 5 m³ intended exclusively for the withdrawal of the gaseous phase,
- l) recharging stations, unless they are small structures,
- m) structures for the production of energy from renewable sources with a total installed capacity of up to 100 kW,
- n) structures for parking, handling, sales, storage or exhibition areas of 300 m² to 1,000 m² which do not serve for the storage or handling of flammable substances or substances likely to cause environmental pollution,
- o) building site facilities,
- p) a structure for dwelling up to 80 m² of built-up area and up to 5 m in height with no more than one storey above ground, without a basement, on the plot of a house, which is functionally connected to the structure of the house and is placed at a distance from the boundaries of the land of at least 2 m, unless it is a structure for business activity and the area of the part of the land plot is capable of absorbing rainwater after its placement will be at least 50% of the total area of the land plot of the house; the requirements of the spatial plan for the roof slope of the structure shall not apply.

(2) In addition, for the purposes of this Act, simple structures shall mean

- a) parts and facilities of simple structures, provided that they do not exceed the parameters of the structures referred to in Subsection (1),
- b) modifications of simple structures referred to in Subsection (1), which do not exceed the parameters referred to,
- c) maintenance work not listed in Annex No. 1,
- d) construction modifications for changes in the use of parts of the structure, which do not interfere with the load-bearing structures of the structure and do not change its design,
- e) major alterations to a completed structure pursuant to other legal regulations with a total energy reference area greater than 350 m²,

- f) landscaping up to 1.5 m in height or depth with an area of more than 300 m² but not more than 1,000 m² on land plots that do not border public roads or public space, provided that no waste management is involved,
- g) landscaping serving to retain water in the landscape up to 1.5 m in depth over an area of 300 m² but not more than 20,000 m² in non-developed areas which do not share a boundary with a public road,
- h) changes in the type of land plot and the land use with an area of more than 300 m² but not more than 1,000 m².

(3) Simple structures shall not be considered to be

- a) structures for the storage of flammable substances, pyrotechnic products, ammunition, munitions and explosives,
- b) structures for civil defence and fire protection,
- c) structures for the uranium industry and nuclear facilities,
- d) structures important for the defence and security of the State,
- e) waterworks structures not listed in Subsections (1) and (2) or in Annex No. 1,
- f) EIA projects.

Annex No. 3

Reserved Structures

The reserved structures are

- a) highway construction,
- b) railway construction,
- c) civil aviation structures,
- d) strategic investment constructions according to the Act on Accelerating Strategically Important Infrastructure Construction
- e) transmission system structures and facilities,
- f) electricity generation plants with a total installed capacity of 100 MW or more,
- g) structures and facilities of the transmission system,
- h) gas production plants over 1 MW connected to the gas distribution system, including production pipelines and gas storage facilities,
- i) structures and facilities of product pipelines⁶⁵⁾, including storage facilities, which form part of the technical infrastructure of product pipelines,
- j) structures for the purpose of extraction, processing, transport and storage of radioactive raw materials in the area delimited for these purposes,
- k) structures related to nuclear waste repositories containing only natural radionuclides,
- l) structures of nuclear facilities and related facilities located inside and outside the nuclear facility area,
- m) structures intended for the handling of explosives,
- n) structures intended to serve the opening, preparation and extraction of deposits, as well as the treatment and refinement of minerals carried out in connection with their extraction and storage sites for mining waste,
- o) renewable energy production facilities, excluding hydroelectric waterworks, namely
 1. an electricity generation plant using solar energy with a total installed electrical capacity of the electricity generation plant exceeding 5 MW,
 2. an electricity generation plant with a total installed electrical capacity exceeding 1 MW, unless it is an electricity generation plant referred to in Subsection (1),
 3. a heat production plant from renewable energy sources with a total installed thermal input of the heat production plant exceeding 10 MW,
 4. a facility for the energy utilisation of waste,
- p) structures and facilities of heat distribution equipment with a pipe dimension of DN 300 or more,
- q) structures and facilities intended for the storage of carbon dioxide in natural rock structures or for the capture of carbon dioxide, and structures of a transport network intended for the transport of carbon dioxide to a carbon dioxide storage site.

Annex No. 4

I. Contents and Structure of the Expected Impact Assessment of Spatial Development Policy and Spatial Planning Documentation on Sustainable Development

Impacts that can be reasonably anticipated shall be assessed to the extent, detail and degree of specificity of the spatial development policy or spatial planning documentation being developed. Impacts shall be determined by expert estimation.

1. An assessment of the environmental impacts of the spatial development policy, the spatial development plan or the spatial development principles, developed pursuant to Part II of this Annex, or if the respective authority has submitted a requirement for such an assessment in the case of the spatial development policy amendment or the spatial development plan amendment, the spatial development principles amendment or the spatial plan amendment.
2. Impact assessment of the spatial development policy or the assessed spatial planning documentation on the European Special Areas of Conservation or Special Protection Areas unless the nature protection authority has ruled out a significant effect on the object of protection or the integrity of sites of European Special Areas of Conservation or Special Protection Areas⁶⁶).
3. Impact assessment of the spatial development policy or the assessed spatial planning documentation on the economic development and community cohesion of the territory.
4. Impact assessment of the spatial development policy or the assessed spatial planning documentation on sustainable development, which consists of the assessment of the relationship and improvement of conditions for a favourable environment, economic development and cohesion of the community of inhabitants of the territory and the assessment of the fulfilment of the spatial planning priorities.
5. Proposal of requirements for a decision-making process in delimited areas and corridors in terms of balancing the impacts on the environment, economic development and cohesion of the community of inhabitants of the territory (sustainable development).

II. Contents and Structure of the Expected Environmental Impact Assessment of Spatial Development Policy, Spatial Development Plan, Spatial Development Principles and Spatial Plan

1. Brief summary of the content and main objectives of the assessed spatial development policy or spatial planning documentation, relationship to other concepts.
2. Assessment of the relationship of the assessed spatial development policy or spatial planning documentation to environmental protection objectives adopted at the state, EU and national levels.
3. Data on the current state of the environment in the assessed area and its expected development if the assessed spatial development policy or spatial planning documentation were not applied.
4. Environmental characteristics that could be significantly affected by the assessed spatial development policy or spatial planning documentation implementation.
5. Current environmental problems and phenomena that could be significantly affected by the assessed spatial development policy or spatial planning documentation implementation, especially with regard to specially protected areas and their protection zones, European Special Areas of Conservation or Special Protection Areas.
6. Assessment of the existing and expected impacts of the designed variants of the assessed spatial development policy or spatial planning documentation or its invariant draft, including secondary, synergistic, cumulative, short-term, medium- and long-term, permanent and temporary, positive and negative impacts; impacts on the population, human health, biodiversity, fauna, flora, soil, agricultural land and land intended for forest functions, the rock environment, water, air, climate, material assets, cultural heritage, including architectural and archaeological heritage, and impacts on the landscape, including the relationships between the above-listed areas of assessment.
7. Comparison of the identified or predicted positive and negative impacts under the individual design variants or under the invariant design compared to the current state and their assessment. A clear description of the assessment methods used, including their limitations.
8. A description of the measures proposed to avoid, reduce or compensate for any significant adverse environmental impacts identified or predicted.
9. Assessment of the way of incorporation of the environmental protection objectives adopted at the international, EU or national level into the assessed spatial development policy or spatial planning

documentation and their consideration in the selection of the solution, including the selection of the most appropriate option, if any.

10. Assessment of possible transboundary environmental impacts of the spatial development policy or spatial planning documentation.

11. Summary settlement of the requirements submitted in the opinion of the respective authority on the specification draft or on the specification draft of the spatial planning documentation amendment or the opinion pursuant to Section 71(a)(2), Section 71(d)(4)(c) or Section 71(e)(5)(e).

12. Proposal of indicators for monitoring the environmental impact of the assessed spatial development policy or spatial planning documentation.

13. Proposal for requirements for the decision-making process in the delimited areas and corridors in terms of minimising negative environmental impacts.

14. Non-technical summary of the above-stated data.

Annex No. 5

Contents and Structure of Spatial Development Policy

(1) Spatial Development Policy shall contain

- a) national spatial planning priorities for providing sustainable development,
- b) the concept of the settlement structure of the Czech Republic,
- c) the delimitation of the development areas and development axes,
- d) the delimitation of specific areas,
- e) the delimitation of transport infrastructure projects,
- f) the delimitation of technical infrastructure projects,
- g) other tasks for ministries and other central administrative authorities, and
- h) tasks for spatial planning.

(2) The spatial development policy shall be supplemented by diagrams, in particular the following

- a) the settlement structure of the Czech Republic,
- b) development areas and development axes,
- c) specific areas,
- d) transport infrastructure projects,
- e) technical infrastructure projects, and
- f) the relationship between the settlement structure, development areas, development axes and specific areas.

(3) Where appropriate, the diagrams of transport infrastructure projects and the diagrams of technical infrastructure projects may be divided into separate diagrams.

(4) The spatial development policy draft shall be accompanied by

- a) a report on the discussion of the spatial development policy draft, including an assessment of comments from the ministries, other central administrative authorities, regions, municipalities and the public, any comments of neighbouring states and the results of discussions, with a justification of how they have been implemented,
- b) the result of the impact assessment on sustainable development,
- c) the opinion of the Ministry of the Environment on the environmental impact assessment with a statement of how it has been taken into account, stating serious reasons if any requirements or conditions have not been taken into account, and any other parts of the statement pursuant to Section 10(g)(5) of the Environmental Impact Assessment Act; and
- d) a statement of how the impact assessment on sustainable development has been taken into account, indicating the reasons for the choice of the solution variant adopted.

Annex No. 6

Contents and Structure of Spatial Development Plan

I. Spatial development plan

(1) The statement part of the spatial development plan shall contain

- a) delimitation of buildable areas, transformation areas and corridors and the determination of the purpose and requirements for their use, or conditions for a decision-making process in them,
- b) delimitation of areas and corridors of the supra-regional territorial system of ecological stability,
- c) delimitation of publicly beneficial structures, publicly beneficial measures, buildings and measures to provide the defence and security of the State and areas for land clearance,
- d) compensatory measures pursuant to the Act on Nature and Landscape Protection, if determined.

(2) Where appropriate, the statement part of the spatial development plan shall furthermore contain

- a) the delimitation of spatial reserves,
- b) the delimitation of areas and corridors in which the examination of changes in their use by a spatial study is required,
- c) the determination of the order of implementation of changes in the territory; and
- d) the definition of the concepts whose definitions are not defined in this Act or in other legal regulations.

(3) The graphic part of the spatial development plan shall contain

- a) drawing of areas and corridors, including the territorial system of ecological stability of supra-regional importance,
- b) drawing of publicly beneficial structures, measures and land clearance,
- c) where appropriate, a drawing of the delimitation of areas and corridors in which changes in their use are required to be examined by a spatial study, and
- d) where appropriate, a drawing of the order of implementation of changes in the territory.

(4) The graphic part drawings shall be issued at a scale of 1:200,000 or 1:100,000 and shall contain phenomena displayable at that scale. Graphic part may be supplemented by diagrams. Where appropriate, the drawing of areas and corridors may be subdivided into separate drawings.

II. Justification of the spatial development plan

(1) The statement part of the justification of the spatial development plan shall contain in particular

- a) a brief description of the procedure of the spatial development plan development,
- b) an assessment of the compliance with the objectives and tasks of spatial planning and with the requirements of this Act,
- c) an assessment of the compliance with the spatial development policy,
- d) an assessment of the compliance with the requirements of other legal regulations and the opinions of the respective authorities, or the result of the resolution of contradictions,
- e) an assessment of the compliance with the assignment, implementation report or amendment assignment or requirement pursuant to Section 71(1)(h),
- f) basic information on the results of the impact assessment on sustainable development, including the environmental impact assessment results and the impact assessment on the object of protection and the integrity of the European Special Areas of Conservation or Special Protection Areas,
- g) a statement of how the impact assessment on sustainable development has been taken into account,
- h) the opinion of the respective authority on the environmental impact assessment with a statement of how it has been taken into account, giving serious reasons if any requirements or conditions have not been taken into account, and other parts of the statement pursuant to Section 10(g)(5) of the Environmental Impact Assessment Act,
- i) a comprehensive justification of the solution adopted, including a justification of the selected variant,

- j) a qualified estimate of the land take for the designed development areas and corridors; and
- k) an evaluation of the comments, including their justification.

(2) The statement part of the justification shall also include an assessment of the compliance of the spatial development plan with the uniform standard.

(3) In the case of the spatial development plan amendment, the text indicating the changes shall form part of the justification.

(4) The graphic part of the justification of the spatial development plan shall contain, in particular

- a) a location plan at a scale of 1:200,000 or 1:100,000; and
- b) where appropriate, a diagram of wider relations documenting the links with the territory of neighbouring countries.

Annex No. 7

Contents and Structure of Spatial Development Principles

I. Spatial development principles

(1) Statement part of the spatial development principles shall contain

- a) the concept of the spatial development of the region and the development and protection of its values, including the concept of the settlement structure,
- b) refinement of the delimitation of development areas and development axes delimited in the spatial development policy and the delimitation of supra-local development areas and supra-local development axes,
- c) refinement of the delimitation of specific areas delimited in the spatial development policy and the delimitation of specific areas of supra-local importance,
- d) the substantive solutions of the spatial development plan to be taken over, in particular the buildable areas, transformation areas and corridors and, where appropriate, their refinement,
- e) the delimitation of buildable areas, transformation areas and corridors of supra-local importance, including the determination of their purpose and where appropriate, requirements for their use,
- f) the delimitation of areas and corridors of the regional territorial system of ecological stability and, where appropriate, the refinement of the delimitation of areas and corridors of the supra-regional territorial system of ecological stability,
- g) delimitation of areas for mineral extraction,
- h) the definition of target landscape qualities, including spatial conditions for their preservation or achievement,
- i) the transfer of the delimitation of areas and corridors for publicly beneficial structures, publicly beneficial measures, buildings and measures to provide the defence and security of the State and areas for land clearance from the spatial development plan and, where appropriate, their refinement,
- j) delimitation of publicly beneficial structures, publicly beneficial measures, structures and measures to provide defence and security of the State and areas for land clearance,
- k) determination of requirements for coordination of municipal spatial planning activities and for the design in the municipal spatial planning documentation, taking into account the established settlement structure; and
- l) compensatory measures pursuant to the Act on Nature and Landscape Protection, if determined.

(2) Where appropriate, the statement part of the spatial development principles shall further contain

- a) the delimitation of areas and corridors of spatial reserves,
- b) the delimitation of areas and corridors in which the examination of changes in their use by a spatial study is required,
- c) where appropriate, the determination of the order of implementation of changes in the territory; and
- d) the definition of the concepts whose definitions are not defined in this Act or other legal regulations.

(3) The graphic part of the spatial development principles shall contain

- a) a drawing of the spatial organisation of the region containing, in particular development areas and development axes, specific areas and settlement structure
- b) a drawing of areas and corridors, including the territorial system of ecological stability of supra-regional and regional importance,
- c) a drawing of landscapes for which target qualities are set,
- d) a drawing of publicly beneficial structures, measures and land clearance,
- e) where appropriate, a drawing of the regions, areas and corridors in which the examination of changes in their use by a spatial study is required; and
- f) where appropriate, a drawing of the order of implementation of changes in the territory.

(4) The drawings shall be issued at a scale of 1:50,000 or, where justified, 1:100,000. The drawings shall contain the phenomena depicted at that scale. The drawings shall indicate the boundaries of the assessed area. If necessary, the drawings referred to in Subsection 3(a) and (b) may be subdivided into

separate drawings or the selected issue may be dealt with in a separate drawing at a scale of 1:25 000. The statement part may be supplemented by diagrams.

II. Justification of the spatial development principles

(1) The statement part of the justification of the spatial development principles shall contain in particular

- a) a brief description of the procedure of the spatial development principles development,
- b) an assessment of compliance with the objectives and tasks of spatial planning and with the requirements of this Act,
- c) an assessment of compliance with the requirements of other legal regulations and with the opinions of the respective authorities, or with the result of the resolution of contradictions,
- d) an assessment of compliance with the spatial development policy and the spatial development plan,
- e) an assessment of compliance with the assignment, the implementation report or the amendment assignment,
- f) basic information on the results of the impact assessment on sustainable development, including the results of the environmental impact assessment and the impact assessment on the object of protection and the integrity of the European Special Areas of Conservation or Special Protection Areas,
- g) a statement of how the impact assessment on sustainable development has been taken into account,
- h) the opinion of the respective authority on the environmental impact assessment with a statement of how it has been taken into account, giving serious reasons if any requirements or conditions have not been taken into account, and other parts of the statements pursuant to Section 10(g)(5) of the Environmental Impact Assessment Act,
- i) a comprehensive justification of the solution adopted, including a justification of the selected variant,
- j) a list of matters relating to the national territory development which are not included in the spatial development policy or the spatial development plan, with a justification of the need for their determination,
- k) a qualified estimate of the land take for the proposed areas and corridors; and
- l) an evaluation of the comments, including the justification thereof.

(2) The statement part of the justification shall include an assessment of the compliance of the spatial development principles with the uniform standard.

(3) In the case of the spatial development principles amendment, the text indicating the changes shall form part of the justification.

(4) The graphic part of the justification of the spatial development principles shall contain, in particular

- a) a location plan at a scale of 1:50,000 or 1:100,000; and
- b) a broader relation drawing at a scale of 1:500,000.

Annex No. 8

Contents and Structure of Spatial Plan

I. Spatial plan

(1) The statement part of the spatial plan shall contain

- a) the delimitation of the built-up area,
- b) the basic concept of the development of the municipality,
- c) the urban planning concept,
- d) the public infrastructure concept,
- e) the landscape layout concept,
- f) the conditions for the use and spatial arrangement of the delimited areas with a different use,
- g) the delimitation of publicly beneficial structures, publicly beneficial measures, structures and measures to provide the defence and security of the State and areas for land clearance,
- h) compensatory measures pursuant to the Act on Nature and Landscape Protection, if determined, and
- i) in the case of a spatial plan for the part of the territory of the Capital City of Prague, the delimitation of the area to be addressed.

(2) Where appropriate, the statement part of the spatial plan shall further contain

- a) a subdivision of the area according to its predominant character into localities,
- b) the delimitation of the developable area,
- c) the delimitation of areas and corridors of spatial reserves,
- d) the delimitation of areas and corridors in which the decision-making process on changes in the territory is conditioned by the planning contract,
- e) the delimitation of areas and corridors in which the decision-making process on changes in the territory is conditioned by the spatial study development,
- f) the delimitation of areas and corridors in which the decision-making process on changes in the territory is conditioned by the regulatory plan issuance,
- g) the delimitation of areas and corridors in which the decision-making process in the territory is conditioned by the architectural or urban planning competition organisation,
- h) the delimitation of architecturally significant buildings or urbanistically significant units,
- i) the determination of the order of implementation of changes in the territory,
- j) the determination of requirements for construction deviating from the implementing legal regulation for the part of the territory of the municipality for which the spatial plan contains components of the regulatory plan, and
- k) the definitions of concepts which are not defined in this Act or other legal regulations.

(3) The graphic part of the spatial plan shall contain

- a) a drawing of the basic subdivision of the area, which shall contain the delimitation of
 1. the boundaries of the area addressed,
 2. the boundaries of the built-up area,
 3. the buildable areas, transformation areas and areas of changes in the landscape,
 4. the corridors of transport and technical infrastructure,
 5. the areas and corridors of spatial reserves,
 6. the areas and corridors in which the decision-making process on changes in the territory is conditioned by the conclusion of a planning contract, the spatial planning study development, the regulatory plan issuance or the architectural or urban planning competition organisation,

7. the parts of the territory of the municipality for which the spatial plan contains the components of the regulatory plan,

b) the main drawing, which shall contain

1. the marking the boundaries of the built-up area,

2. the basic concept of the development of the municipality,

3. the urban planning concept, including the delimitation of buildable areas and transformation areas,

4. the landscape layout concept, including the delimitation of green infrastructure and the territorial system of ecological stability and the delimitation of the areas of changes in the landscape,

5. the concept of public infrastructure, including the delimitation of areas and corridors for transport and technical infrastructure,

6. the delimitation of areas with different types of use,

7. where appropriate, the delimitation of areas and corridors for spatial reserves,

8. where appropriate, the boundaries of the localities and the boundaries of the buildable area; and

9. where appropriate, the delimitation of the localities and the buildable area,

c) a drawing of publicly beneficial structures, measures and land clearance,

d) where appropriate, a separate drawing of the spatial plan with the components of the regulatory plan and

e) where appropriate, a drawing of the order of the implementation of changes in the territory.

(4) Where appropriate, the urban planning concept, the landscape layout concept and the public infrastructure concept may be developed in separate drawings.

(5) The drawings, which form a part of the graphic part of the spatial plan, shall be developed on top of the map base at the scale of the cadastral map or at the scale of 1:5,000 and shall be issued at the scale of 1:5,000 or 1:10,000. For particularly large areas, the basic spatial division drawing and separate drawings of the landscape layout concept and the public infrastructure concept may be issued at a scale of 1:25,000. The drawings shall include the phenomena that can be depicted at that scale. The graphic part may be supplemented by diagrams.

(6) If a spatial plan with the components of a regulatory plan is developed for a delimited part of the territory of the municipality, this part of the spatial plan may be issued as a separate drawing at the scale of the cadastral map or at the scale of 1:1,000 or 1:500.

(7) Drawings of the military training area spatial plan shall be developed over the state map at a scale of 1:5,000 and shall be issued at the scale specified by the Ministry of Defence in the spatial plan assignment.

II. Justification of the spatial plan

(1) The statement part of the justification of the spatial plan shall contain in particular

a) a brief description of the procedure for the spatial plan development,

b) an assessment of compliance with the objectives and tasks of spatial planning and the requirements of this Act,

c) an assessment of compliance with the requirements of other legal regulations and with the opinions of the respective authorities, or with the result of the resolution of contradictions,

d) an assessment of compliance with the spatial development policy and the superior spatial planning documentation,

e) an assessment of compliance with the assignment, implementation report or amendment assignment,

f) basic information on the results of the impact assessment on sustainable development, including the results of the environmental impact assessment and the impact assessment on the object of protection and the integrity of the European Special Areas of Conservation or Special Protection Areas,

g) a statement of how the impact assessment on sustainable development has been taken into account,

h) the opinion of the respective authority on the environmental impact assessment, stating how it has been taken into account and giving serious reasons if any requirements or conditions have not been taken into account, and any other part of the statement pursuant to Section 10(g)(5) of the Environmental Impact

Assessment Act,

- i) a comprehensive justification of the solution adopted, including the justification of the selected variant and the exclusion of projects pursuant to Section 122(3),
- j) a list of matters of supra-local significance which are not included in the spatial development principles, with a justification of the need for their delimitation,
- k) an assessment of the efficient use of the built-up area and an assessment of the need to delimit buildable areas,
- l) a list of components of the regulatory plan, with deviating requirements for construction, with justification for their delimitation,
- m) an assessment of the expected consequences of the proposed solution on the agricultural land fund and land plots intended for the fulfilment of the forest function; and
- n) an assessment of the comments, including their justification.

(2) The statement part of the justification shall include an assessment of the compliance of the spatial plan with the uniform standard.

(3) In the case of the spatial plan amendment, the text indicating the changes shall form part of the justification.

(4) The graphic part of the justification of the spatial plan shall contain, in particular

- a) a location plan at a scale of 1:5,000 or 1:10,000,
- b) a broader relation drawing at a scale of 1:50,000 or 1:100,000; and
- c) a drawing of planned land take at a scale of 1:5,000 or 1:10,000.

Annex No. 9

Contents and Structure of Regulatory Plan

I. Regulatory plan

(1) The statement part of the regulatory plan shall contain

- a) the delimitation of the area to be regulated,
- b) the detailed conditions for the delimitation and use of land plots,
- c) the detailed conditions for the location and spatial arrangement of structures,
- d) the detailed conditions for the location and spatial arrangement of public infrastructure buildings,
- e) the detailed conditions for the protection of the values, character of the territory and landscape character.

(2) Where appropriate, the statement part of the regulatory plan shall also contain

- a) the conditions for a favourable environment and green infrastructure, including the delimitation and land use of the territorial system of ecological stability,
- b) the delimitation of publicly beneficial structures, publicly beneficial measures, buildings and measures to provide the defence and security of the State and the delimitation of land for land clearance, for which the rights to land and buildings can be expropriated,
- c) the determination of the order of changes in the territory (phasing),
- d) the conditions for fire protection,
- e) the conditions for public health protection,
- f) the determination of requirements for construction deviating from the implementing legal regulation,
- g) the delimitation of architecturally significant buildings or urbanistically significant units,
- h) the delimitation of projects for which the planning contract conclusion shall be a condition for decision-making,
- i) the delimitation of projects for which the architectural or urban planning competition organisation shall be a condition for decision-making;
- j) the delimitation of the construction of affordable rental housing; and
- k) the definitions of concepts which are not defined in this Act or in other legal regulations.

(3) The graphic part of the regulatory plan shall contain

- a) main drawing containing the boundary of the area to be regulated, the delimitation and land use and graphically expressible conditions for the location and spatial arrangement of buildings,
- b) drawing of publicly beneficial structures, measures and land clearance; and
- c) where appropriate, a drawing of the order of changes in the territory (phasing).

(4) Where appropriate, graphically expressible conditions for the location and spatial arrangement of buildings, including their connection to public transport and technical infrastructure, may be developed in separate drawings.

(5) Drawings that form part of the graphic part of the regulatory plan shall be developed and published at a scale of 1:1,000, or 1:2,000 or 1:500, with the exception of the drawing of publicly beneficial structures, measures and land clearance, which shall be developed and published at the scale of the cadastral map. The drawing of broader relations shall be developed and published at the scale of the main drawing of the spatial plan. The drawings shall contain phenomena that can be depicted at the given scale. The graphic part may be supplemented by diagrams.

II. Justification of the regulatory plan

(1) The statement part of the justification of the regulatory plan shall contain in particular

- a) a brief description of the procedure of the regulatory plan development,
- b) an assessment of compliance with the objectives and tasks of spatial planning and the requirements of this Act,

- c) an assessment of compliance with the requirements of other legal regulations and the opinions of the respective authorities, or with the result of the resolution of contradictions,
- d) an assessment of compliance with the spatial development policy and the superior spatial planning documentation,
- e) an assessment of compliance with the assignment or the amendment assignment,
- f) a comprehensive justification of the adopted solution, including the selected variant,
- g) a justification of the determination of requirements for construction in deviation from the implementing legal regulation,
- h) a qualified estimate of land take for the designed areas and corridors; and
- i) an assessment of the comments, including their justification.

(2) The statement part of the justification shall include an assessment of the compliance of the regulatory plan with the uniform standard.

(3) In the case of the regulatory plan amendment, the text indicating the changes shall form part of the justification.

(4) The graphic part of the regulatory plan justification shall contain in particular

- a) a location plan at a scale of 1:1,000 or 1:2,000,
- b) a broader relation drawing at a scale of 1:5,000 or 1:10,000; and
- c) a drawing of planned land take at a scale of 1:1,000 or 1:2,000.

Selected Provisions of Amendments

Article II of Act No. 152/2023 Coll.

Transitional Provisions

1. The Supreme Building Authority, Specialized and Appellate Building Authority and the regional building authorities cease to exist on 30 June 2023.

2. Jurisdiction to manage the property which the Supreme Building Authority and regional building authorities were responsible for managing until 30 June 2023 shall be transferred to the Ministry of Regional Development on the date of entry into force of this Act. Jurisdiction to manage the property that was under the jurisdiction of the Specialized and Appellate Building Authority until June 30, 2023, shall be transferred to the Transport and Energy Building Authority on the date of entry into force of this Act.

3. The exercise of rights and obligations arising from the service relationship and from the employment relationships of civil servants and employees in an employment relationship assigned or appointed to a service position or to perform work in the Supreme Building Authority and regional building authorities shall be transferred to the Ministry of Regional Development.

4. The former Director of the Specialized and Appellate Building Authority shall be the Director of the Transport and Energy Building Authority on the effective date of this Act. The period of appointment to the post of Head of the Civil Service Authority under section 54(1) of the Civil Service Act shall commence on the date of appointment of the former Director of the Specialised and Appellate Building Authority to the post of Director of the Specialised and Appellate Building Authority.

Notes

- 1) Section 34 of Act No. 128/2000 Coll., on Municipalities (Municipal Establishment), as amended.
Section 14b of Act No. 131/2000 Coll., on the Capital City of Prague, as amended.
- 2) Section 3(1)(a) of Act No. 114/1992 Coll., on Nature and Landscape Protection, as amended.
- 3) Articles 15 and 16 of the Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the Promotion of the Use of Energy from Renewable Sources, as amended.
- 5) Section 29 of Act No. 222/1999 Coll., on Ensuring the Defence of the Czech Republic, as amended.
- 6) Section 2(4) of Act No. 312/2002 Coll., on Officials of Local Self-Government Units and on Amendments to Certain Acts, as amended
- 7) Act No. 312/2002 Coll., on Officials of Local Self-Government Units and on Amendments to Certain Acts, as amended.
- 8) Section 34(1) of Act No. 312/2002 Coll.
- 9) Act No. 262/2006 Coll., Labour Code, as amended.
- 10) Section 3(7) of Act No. 106/1999 Coll., on Free Access to Information, as amended.
- 11) Section 2(e) of Act No. 123/1998 Coll., on Free Access to Environmental Information, as amended.
- 14) Section 4(b) to 4(d) of Act No. 200/1994 Coll., on Surveying and on Amendments and Additions to Certain Acts Related to its Introduction, as amended.
- 15) For example Act No. 61/1988 Coll., on Mining, Explosives and State Mining Administration, as amended.
- 16) Section 4(b)(7) and (8) of Act No. 200/1994 Coll.
- 17) Act No. 111/2009 Coll., on Basic Registers, as amended.
- 18) European Landscape Convention, issued under No. 12/2017 Coll. m. s.
- 19) Section 17(d) and Section 18(a) and (b) of Act No. 360/1992 Coll., on Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Construction
- 20) Section 3(f) of Act No. 100/2001 Coll., on Environmental Impact Assessment and on Amendments to Certain Related Acts (Environmental Impact Assessment Act), as amended.
- 21) Section 10(i) of Act No. 100/2001 Coll.
- 22) Act No. 100/2001 Coll., as amended.
- 23) Act No. 13/1997 Coll., on Roads, as amended.
- 24) Act No. 541/2020 Coll., on Waste, in the wording of the Act No. 261/2021 Coll.
Act No. 254/2001 Coll., on Water and on Amendments to Certain Acts (Water Act), as amended.
- 25) Act No. 12/1997 Coll., on Act on the Safety and Continuity of Traffic on Roads, as amended.
- 26) Act No. 133/1985 Coll., on Fire Protection, as amended.
Decree No. 23/2008 Coll., on Technical Conditions for Fire Protection of Buildings, in wording of Decree No. 268/2011 Coll.
- 27) Act No. 258/2000 Coll., on the Protection of Public Health and Amending Certain Related Acts, as amended.
Government Regulation No. 272/2011 Coll., on the Protection of Health against the Adverse Effects of Noise and Vibration, as amended.
- 28) For example Act No. 114/1992 Coll., Act No. 334/1992 Coll., on the Protection of the Agricultural Land Fund, as amended, Act No. 201/2012 Coll., on Air Protection, as amended.
- 29) Act No. 406/2000 Coll., on Energy Management, as amended.
Decree No. 264/2020 Coll., on Energy Performance of Buildings.

- 30) Act No. 541/2020 Coll.
Decree No. 273/2021 Coll., on Details of Waste Management.
- 31) Section 3(2)(e) of Act No. 263/2016 Coll., Atomic Act, as amended.
- 32) Act No. 128/2000 Coll.
- 33) Annex No. I to the Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down Harmonised Conditions for the Marketing of Construction Products and Repealing Council Directive 89/106/EHS, as amended.
- 34) Act No. 22/1997 Coll., on Technical Requirements for Products and on Amendments and Additions to Certain Acts, as amended,
Government Regulation No. 163/2002 Coll., Laying Down Technical Requirements for Selected Construction Products, as amended.
- 35) Act No. 360/1992 Coll., on Professional Practice of Certified Architects and on the Professional Practice of Certified Engineers and Technicians Active in Construction, as amended.
Act No. 200/1994 Coll., on Land Surveying and on Amendments and Additions to Certain Acts Related to its Introduction, as amended.
- 36) Act No. 200/1994 Coll. on Land Surveying and on Amendments and Additions to Certain Acts Related to its Introduction, as amended.
- 37) Act No. 406/2000 Coll.
- 38) For example Act No. 200/1994 Coll., Act No. 44/1988 Coll., Act on the Protection and Use of Mineral Resources (Mining Act).
- 39) For example Act No. 360/1992 Coll., Act No. 200/1994 Coll.
- 40) Act No. 309/2006 Coll., which regulates additional requirements for occupational safety and health in employment relationships and on ensuring safety and health in activities or services outside employment relationships (Act on Ensuring Additional Conditions for Occupational Safety and Health), as amended.
- 41) Section 1194 of Act No. 89/2012 Coll., Civil Code, as amended.
- 42) Section 7 of Act No. 100/2001 Coll.
Section 45(h) to 45(i) of the Act No. 114/1992 Coll.
- 43) Directive 2011/92/EU 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/EU 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
- 48) Act No. 256/2013 Coll., on the Land Registry (Cadastral Legislation), as amended.
- 49) Ordinance No. 357/2013 Coll., on the Cadastre of Real Estate (Cadastre Ordinance), as amended.
- 50) Section 4(b) of Act No. 200/1994 Coll.
- 51) Section 3(1)(a)(1) of Act No. 151/1997 Coll., on Valuation of Property and on the Amendment of Certain Acts (Property Valuation Act), as amended.
- 52) Section 2 of Act No. 458/2000 Coll., on the Conditions of Business and the Exercise of State Administration in the Energy Sectors and on Amendments to Certain Acts (Energy Act), as amended.
- 54) Section 31 of Act No. 128/2000 Coll.
- 55) Act No. 365/2000 Coll., on Public Administration Information Systems and on Amendments to Certain Acts, as amended.
- 56) Act No. 12/2020 Coll., on the Right to Digital Services and on Amendments to Certain Acts
- 57) Section 4(d) of Act No. 200/1994 Coll.
- 58) Sections 21 to 26 of Act No. 312/2002 Coll.
- 59) Section 2 of Act No. 449/2001 Coll., on Hunting, as amended.

- 60) Act No. 458/2000 Coll., on the Conditions of Business and the Exercise of State Administration in the Energy Sectors and on Amendments to Certain Acts, as amended.
- 61) Section 10 of Act No. 13/1997 Coll.
- 62) Section 2 of Act No. 311/2006 Coll., on Fuel and Fuel Stations and on Amendments to Certain Related Acts (Fuel Act), as amended.
- 63) Section 1(6) of Act No. 416/2009 Coll., on Accelerating the Construction of Transport, Water, Energy and Electronic Communication Infrastructure (Liner Civil Works Act)
- 64) Decree No. 104/1997 Coll., implementing Act on Roads, as amended.
- 65) Act No. 189/1999 Coll., Act on Emergency Oil Stocks, Oil Emergency Management and Amendments to Certain Related Acts (Act on Emergency Oil Stocks), as amended.
- 66) Decree No. 142/2018 Coll., on the Requirements for the Assessment of the Project Impact and Concept on European Special Areas of Conservation and Special Protection Areas and on the Requirements for the Impact Assessment of a Major Intervention on the Interests of Nature and Landscape Protection.
- 67) Section (3) and (4) of Act No. 406/2000 Coll., on Energy Management, as amended.
- 67) Decree No. 38/2022 Coll., on the Inspection of the Operating Heating System and Combined Heating and Ventilation System.

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