

## ***PARTICIPATION OF THE PUBLIC IN ENVIRONMENTAL PROTECTION***

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### **Who is „the public“?**

- a natural or legal person (anybody),
- groups of these persons (one or more persons),
- non-governmental organizations (civic associations and similar common welfare organizations with the interest in environmental protection) as a special legal person with special rights set forth by certain acts.

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### **INTERNATIONAL LAW**

- 1991 Convention on Environmental Impact Assessment in a Transboundary Context (Espoo)
- Protocol 2003 on Strategic Environmental Impact Assessment (Kiev)

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**INTERNATIONAL LAW**

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- 1998 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus)
- Protocol 2003 on Pollutant Release and Transfer Register (Kiev)

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**EC LAW**

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- Council Directive 90/313/EEC on the freedom of access to information on the environment
- Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC
- EC Regulation 166/2006 on establishment of European Pollution Release and Transfer Register

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**EC LAW**

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- Council Directive 85/337/EEC on the assessment of the certain public and private projects on the environment, as amended
- Directive 2001/42 on the assessment of certain plans and programmes on the environment
- Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC

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**THE RIGHT TO ENVIRONMENTAL INFORMATION**

- Charter of basic human rights (Art. 17 and 35)
- Act No. 123/1998 Coll., on the right to environmental information
- Act. No 106/1999 Coll., on free access to information

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**THE RIGHT TO ENVIRONMENTAL INFORMATION**

- Environmental information
- Active and pasive approach
- Applicants
- Forms of a request
- Forms and time period for access to environmental information
- No fee
- Reasons for denial set by the law
- Appeal
- Judicial review

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**PARTICIPATION OF THE PUBLIC IN ENVIRONMENTAL PROTECTION**

- the right to gather
- the right to associate
- the right to participate in administration of public matters including the right to vote
- the right to petition
- the right to environmental information
- the right to complain
- the right to participate in procedures that do not have a character of administrative procedure (the result is not an administrative decision)
- the right to participate in the administrative proceedings
- participation in civil proceedings before court
- participation in criminal proceedings
- administrative agreements
- participation in the state institutions.

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**The right to participate in procedures that do not have a character of administrative procedure**

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- Land use planning
- Environmental impact assessment

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**The right to participate in the administrative proceedings**

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- Environmental Impact Assessment Act No. 100/2001 Coll.
- Nature Protection Act No. 114/1992 Coll.
- Water Act No. 254/2001 Coll.
- Integrated Prevention and Pollution Control Act No. 76/2002 Coll.
- Construction Act No. 183/2006 Coll.
- Prevention of significant Accidents Act No. 59/2006 Coll. (emergency planning)

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**The right to participate in civil proceedings**

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- Action to protect the owner's rights against his neighbours' nuisance
- Compensation for damage

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