

New amendment aims to accelerate the development of strategically important infrastructure

The Czech Parliament approved an amendment to the so-called Linear Act, which was originally intended to transpose Directive (EU) 2021/1187 (on the trans-European transport network) only, but during the course of the legislative process it became a complex amendment that now aims to accelerate the authorisation procedures for strategic infrastructure

The objectives

In general, big infrastructure projects take too long in the Czech Republic due to construction approval procedures. The Linear Act aims to accelerate the development of transport and energy infrastructure, but in any case, it is much less effective than the legislator originally intended.

The initial aim of the amendment was solely to transpose a directive that was supposed to improve the international transport network. However, this has changed during the course of the legislative process. Now, the amendment is attempting to further speed up administrative processes and widen the types of structure covered by the act, resulting in the act being renamed the Act on Accelerating the Development of Strategically Important Infrastructure ("**the Act**").

Extension of the scope of strategic infrastructure

The Act now also applies to infrastructure related to nuclear power plants, including radioactive

waste disposal sites, referred to in the Act as energy security infrastructure. It also applies to mining and extraction infrastructure for strategic resources such as radioactive minerals, oil, natural gas or stone used in the construction industry. The development of EV charging stations, hydrogen and LNG stations should also be accelerated. The Act introduces the concept of strategic investment construction and issues a list of industrial parks where such constructions are under the Act's jurisdiction.

Modification of the strategic infrastructure authorisation procedure

For all proceedings under the Act, it will be impossible to appeal without grounds (giving reasons), or rather, no additional period of time will be given for setting out the reasons for the appeal.. The aim is to prevent the practice of interested groups who can appeal without giving reasons, which means the relevant appeal construction office must then review the procedure as a whole.

In the case of energy security infrastructure, appeals are completely excluded from the authorisation process, with an additional significant shortening of the periods for potential court proceedings.

To accelerate the development of nationally or internationally important transport infrastructure, the Ministry of Transport may issue a partial state zoning plan, which will then be incorporated into the original one. This procedure has the advantage of shortening the periods for administrative processes and its separation in the process of adopting the other changes to the plan.

Legislative process

It should be mentioned that a large part of the amendment was adopted later in the legislative pro-



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cess, and some academics and practitioners believe this was unconstitutional. However, as all political parties represented in the Parliament have given their support to the amendment, it is likely that it will successfully pass through the legislative process and become effective on 1 January 2024.

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