

Environmental Law update – National Report Czechia

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In 2024 and 2025, Czech environmental law developed mainly through (i) the full entry into force of the new building and permitting framework, including the Unified Environmental Opinion, (ii) further amendments and implementing measures under the Energy Act to support renewables and community energy, and (iii) climate-related case law, especially the 2024 judgment in the first Czech climate lawsuit. Horizontal changes also appeared in corporate reporting and access-to-justice practice, but without adopting a dedicated national climate act.

Unified Environmental Opinion, Building Act and Permitting Practice

On 1 July 2024, Act No. 283/2021 Coll., Building Act, and Act No. 148/2023 Coll., on the Unified Environmental Opinion (jednotné environmentální stanovisko – UEO), became fully effective, completing the recodification of public construction law and embedding the UEO into everyday permitting practice.¹ The UEO is now required in a broad range of joint permitting procedures and replaces multiple individual environmental decisions under various sectoral acts, which was already described in your 2023 overview.²

Practice in 2024–2025 has shown both the streamlining effect and the anticipated risks. On the one hand, the UEO reduces procedural fragmentation and can shorten the timeline for large infrastructure and energy projects.³ On the other hand, the concentration of many specialised environmental assessments (water, air, nature protection, waste, etc.) into a single instrument has made coordination between authorities more complex and increased the importance of the internal reasoning and justification of the UEO itself. Environmental NGOs and some commentators have highlighted the danger that certain aspects (for example, nature and landscape protection) may in practice receive less attention than before, particularly where the UEO is prepared under strong time pressure.

The incumbent government (elected in fall 2025) pledged to revise the building act (yet again). The revision repeals the UEO and changes binding opinions of relevant authorities to “mere” opinions. The construction authorities will have more power in construction proceedings.

Energy Act, Renewables and Community Energy

The 2023 amendments to Act No. 458/2000 Coll., Energy Act (Act No. 19/2023 Coll. and Act No. 469/2023 Coll.), began to be implemented in practice in 2024.⁴ From 1 July 2024, electricity sharing and energy communities started operating under an amended set of electricity-market

¹ Act No. 283/2021 Coll., Building Act, as amended; Act No. 148/2023 Coll., on the Unified Environmental Opinion

² See Section 9 et seq. of Act No. 148/2023 Coll.; for the list of replaced acts, see your note on Act No. 148/2023 Coll. in the 2023 section

³ Chambers, Environmental Law 2025 – Czech Republic (practice guide), section on permitting and large infrastructure. <https://practiceguides.chambers.com/practice-guides/environmental-law-2025/czech-republic>

⁴ Act No. 19/2023 Coll., amending Act No. 458/2000 Coll., Energy Act, and Act No. 469/2023 Coll., amending the Energy Act and related acts (energy communities, electricity sharing).

rules, while further secondary legislation and technical systems (notably the Energetické datové centrum – EDC) have been prepared for full deployment by 2026.⁵

Under the current regime, members of an energy community or a sharing group can share electricity from one or more generation sources, subject to quantitative and territorial limits. Until mid-2026, the number of metering points in a sharing group is capped and all members must be located within the territory of three neighbouring municipalities with extended competence or within Prague; these territorial limits are designed to fall away in the next phase.⁶ Public entities, including municipalities and contributory organisations such as schools or social-care facilities, have been expressly allowed to participate, which has led to the first municipal energy-community projects.⁷

Technical constraints remain a significant theme in 2024–2025 debates. A single generating plant typically cannot supply more than one sharing group, and one metering point cannot be involved in multiple schemes, which restricts aggregation and makes optimisation of local energy use more difficult.⁸ Distribution tariffs have not yet been systematically adjusted to reflect local sharing, so the environmental benefit of local renewable production is not fully reflected in network-fee structures.⁹

Further amendments to the Energy Act and related decrees are being prepared to address flexibility services, storage and aggregation of small-scale sources; these have an implicit environmental dimension but are framed primarily as market and grid-stability measures.¹⁰

Climate Litigation¹¹

Following up on report from 2023. The first climate litigation has evolved and reached its end.

After the Supreme Administrative Court (SAC) reached its decision, the case returned to the Municipal Court in Prague and thus the second review round began. The Municipal Court followed the reasoning of the SAC and dismissed the action on several points¹²:

- The right to a favourable environment under Article 35 of the Charter of Fundamental Rights and Freedoms¹³ does not impose an obligation on the state to reduce GHG emissions by 55% by 2030 compared to 1990 levels. Moreover, international human rights obligations do not

⁵ Energy Regulatory Office, Combined Publication 2024 (rules of the electricity market and data flows), and secondary legislation on the Energetický datový centrum. <https://eru.gov.cz/sites/default/files/obsah/prilohy/sp2024en.pdf>

⁶ Section 20b of Act No. 458/2000 Coll.

⁷ What does the Czech Energy Communities Act bring to the table? The Community Energy Union. <https://www.uken.cz/articles/what-does-the-amendment-to-the-energy-act-known-as-energy-communities-act-bring-to-the-table>

⁸ Ibid.

⁹ Flexibility and Community Energy: A New Direction for the Czech Electricity Market. Frank Bold. <https://en.frankbold.org/news/flexibility-and-community-energy-a-new-direction-for-the-czech-electricity-market>

¹⁰ 2025 Czech legal landscape: key trends and must-know insights. DLA Piper. <https://www.dlapiper.com/en/insights/publications/2025/01/2025-czech-legal-landscape>

¹¹ Author's detailed case note will follow in Review of European, Comparative & International Environmental Law. The following text is only a summary of the proceedings.

¹² Decision of Municipal Court in Prague of 25 October 2023, case no. 14 A 101/2021-445, ECLI:CZ:MSPH:2023:14.A.101.2021.445.

¹³ Act No. 2/1993 Coll.

encompass a specific right to a favourable environment, climate stability, the maintenance of particular GHG concentration levels, or freedom from adverse climate change.

- EU's NDC is a joint obligation and not individual one and there is no obligation stemming out of international or EU Law that would mandate Czechia to reduce emissions of GHG in line with carbon budget.
- Courts cannot impose obligations on the state that go beyond the EU's nationally determined contribution (as requested in one of the claims). Since the EU's NDC is a collective target and not an individual one.
- The plaintiffs did not sufficiently demonstrate how their subjective public rights had been infringed by the inadequate implementation of EU sectoral legislation or Czech sectoral legislation.

The plaintiffs subsequently filed another cassation complaint with the SAC against the dismissive decision of the Municipal Court in Prague. The SAC reviewed this decision again and uphold it.

The (SAC) delivered its second judgment in November 2024¹⁴, following *Verein KlimaSeniorinnen* case. It reaffirmed that although Czechia's climate obligations are significant, the EU's 55% emissions reduction target for 2030 constitutes a collective EU obligation rather than an individual duty of each Member State.

Applying the *Verein KlimaSeniorinnen* test, the SAC held that Czechia has two additional general obligations under Article 8 ECHR: first, to address national specificities in mitigation and adaptation (such as the planned coal phase-out by 2033), and second, to make all reasonable efforts to reduce emissions beyond EU law in line with national capacities. At the same time, the Court stressed that Czechia's position differs from Switzerland's due to its binding obligations under EU law, and it treated the ECHR judgment as a complementary interpretative source.

The SAC found that all elements of the *Verein KlimaSeniorinnen* test were satisfied. It considered that the EU climate framework effectively provides a carbon budget and timeline for achieving climate neutrality, as well as intermediate reduction targets under the European Climate Law. Compliance is monitored through EU mechanisms and the Paris Agreement's global stocktake, which revealed no deficiencies. Updating of targets is ensured through EU processes, and implementation is supported by EU legislative procedures and enforcement tools, including infringement proceedings. Overall, the Court concluded that Czech climate policy, as embedded in the EU framework, meets the required standard.

The plaintiffs challenged the SAC's ruling before the Czech Constitutional Court. The Court delivered its judgement in November 2025.¹⁵

¹⁴ Judgment of the Supreme Administrative Court of 26 November 2024, case no. 9 As 264/2023-128, ECLI:CZ:NSS:2024:9.As.264.2023.128.

¹⁵ Judgment of the Constitutional Court of 5 November 2025, case no. Pl. US 6/25, ECLI:CZ:US:2025:Pl.US.6.25.1. All decisions are available here <https://www.usoud.cz/vyhledavani-rozhodnuti-us>

The official press release states the following¹⁶:

The complainants then turned to the Constitutional Court, challenging both decisions of the Supreme Administrative Court and the second judgment of the Municipal Court (insofar as it related to the ministries and mitigation measures). They argued that the administrative courts had failed to examine the autonomous normative content of the State's positive obligations in the area of climate protection, arising from the Charter of Fundamental Rights and Freedoms and the Convention for the Protection of Human Rights and Fundamental Freedoms. According to the complainants, the ministries' duty to take the specific steps defined in the complaint derives directly from the constitutional order, and in particular from the fundamental right to a favourable environment.

The Plenum of the Constitutional Court (Justice Rapporteur Veronika Křesťanová) rejected the complaint.

The complainants sought a declaration from the courts that the respondent ministries had interfered unlawfully by failing to determine for themselves specific mitigation measures that would lead to a reduction in greenhouse gas emissions. The individual claims differed only in the degree of specificity or the method of determining the extent of the required reductions. At the same time, the complainants requested that the courts prohibit the respondent ministries from continuing to violate their right to a favourable environment.

The key question in the case was thus whether the respondent ministries themselves bore the duty (or obligation) arising from the complainants' fundamental right to a favourable environment. The Constitutional Court concluded that the respondent ministries could not be the originators of the unlawful interference as defined by the complainants in their action. Since the ministries were not the source of such interference (and therefore had not caused the contested interference), they could not desist from it, nor could they provide the complainants with the relief sought in the action under the Code of Administrative Justice. The administrative courts therefore did not err in refusing the complainants' claims.

At present, there is no statutory framework in the Czech Republic implementing the right to a favourable environment that would impose on ministries the duty to determine specific mitigation measures to reduce emissions. This absence of a “climate law” or comparable legislative framework was, in fact, one of the complainants' arguments. However, the ministries themselves lack the authority to enact such legislation – that power belongs to the legislature. Nor does the constitutional order establish an obligation requiring the ministries to take the measures sought in the complaint, and neither does EU law. Were an administrative court to uphold the complaint, it would in effect be creating a new duty for the ministries, which is incompatible with the nature of an action against unlawful interference, a remedy designed to address the breach of an existing obligation.

Unlike the European Court of Human Rights, which in the context of climate change assessed the fulfilment of the State's duties as a whole, the Constitutional Court (in line with the procedural

¹⁶ Climate Case Rejected before Constitutional Court – Yet Door Remains Open for Others, press release 05 November 2025, <https://www.usoud.cz/en/current-affairs/climate-case-rejected-before-constitutional-court-yet-door-remains-open-for-others>

strategy chosen by the complainants) considered only the contested acts of the ministries. The ministries, however, cannot be held responsible for failing to adopt mitigation measures when they have no legal basis (or constitutionally imposed duty) to do so.

The Constitutional Court does not dispute the existence of anthropogenic climate change, nor the urgency of the need to respond to it – and neither did the courts below. The Plenum of the Constitutional Court could, however, consider only those issues that were admissible in proceedings before the administrative courts, within the confines of the procedural framework chosen by the complainants. Given the nature of administrative proceedings and the complainants' litigation strategy, the judgment of the Constitutional Court does not address broader questions, such as whether the Czech Republic as a whole is taking sufficient measures to combat climate change and its effects. Nonetheless, achieving a substantial reduction in greenhouse gas emissions and attaining climate neutrality within approximately three decades will require that obligations be imposed on individuals – and such obligations may only be imposed by law.