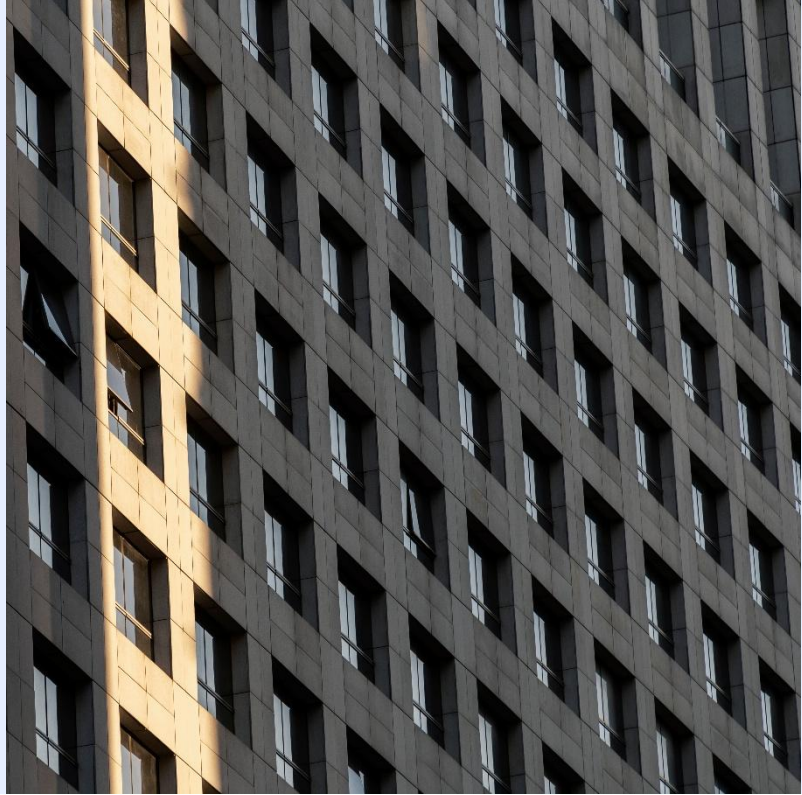


Amendment to the Building Act: Key changes to the Czech construction permitting framework



The Amendment to the Building Act (in Czech *novela stavebního zákona*, the **Amendment**) is aimed at **significantly improving the speed and efficiency of build-up** in the Czech Republic. Following several previous attempts, the question remains as to whether this new legislative framework will actually result in a more streamlined and simpler permitting process, bringing Czech construction law closer to the standards seen in other EU countries. In addition to the process the Amendment also alters the surrounding architecture: the new system of building authorities, the upgraded regime for planning contracts, the digitalisation of proceedings and the transitional rules governing when the new law kicks in – including what happens to proceedings already underway on 1 January 2027.

Key points

- 1 Public-interest review concentrated in the zoning phase.
- 2 New rebuttable presumption of admissibility.
- 3 30-day deemed consent from concerned authorities.
- 4 Many binding opinions reclassified as non-binding statements.
- 5 Tighter end-of-review and reopening deadlines.
- 6 Longer permit validity for reserved constructions (*vyhrazené stavby* in Czech).
- 7 New system led by the Office of Territorial Development (*Úřad rozvoje území* in Czech).
- 8 Courts can substitute missing municipal consent with planning contracts (*plánovací smlouva* in Czech).
- 9 Planning contracts as a coordination tool.
- 10 Fast-tracked procedures for changes to spatial planning documents.
- 11 Digital-first proceedings (transition until 2030).
- 12 Two-wave institutional transition: 2027 and 2028.

A new system of building authorities

Some of the most important changes within this Amendment are systematic — not only the process is changing but also the offices responsible for the decision making. Before this Amendment the system of building offices consisted of over 600 different building offices connected to the municipal offices. The Amendment introduces a **new system of offices led by the Office of Regional Development of the Czech Republic** as the central administrative authority. It will have 14 subordinate offices of regional development of regions which will then have territorial workplaces in municipalities with extended jurisdiction. This reorganisation is aiming to create a more traditional pyramid of subordinate and superior offices. The reorganisation applies to building authorities only. Concerned authorities under specialised statutes like fire brigades, public-health authorities, heritage offices and environmental bodies remain in their existing institutional homes; only the addressee of their acts changes.

The creation of a new centralised system should facilitate the integration of some of the specialised competent authorities into the building authorities and also finally resolve the long-standing issue of 'systemic bias' (*systémová podjatost* in Czech), which in the past has derailed many permitting procedures, particularly for more controversial projects.

Public-interest review moves upstream

An important move to **slim down the approval process for a building permit** is that most of the third-party and public-interest issues are supposed to now be decided when creating the spatial planning documents (*územně plánovací dokumentace* in Czech), meaning there will be only one time to present any objections – before the spatial planning documents are approved. This also limits the involvement of the public in such process – they may not object later during the approval process for a building permit. Public and various third parties will find it significantly harder to challenge decisions once they are final. Any effective action needs to happen at the zoning-plan stage.

Rebuttable presumption of admissibility and deemed consent

If the building plans coincide with the requirements set out by the planning documents, there is a new **rebuttable presumption of approval**. However, this only applies to plans in buildable territories. This presumption has six instances where it does not apply – in the matters of the EIA (Act No. 100/2001 Coll.) and five specifically mentioned parts of the Nature and Landscape Protection Act (Act No. 114/1992 Coll.) – bird protection, European habitats, bird areas, specially protected EU species and sites of European importance. Surprisingly this fiction does not apply in other areas of nature protection – e.g. air or water pollution, heritage, public safety etc.

However, the presumption is not automatic – several statutory criteria (planned character of the area, customary surrounding development, customary use of the surrounding area) are left undefined and will need to be tested in practice. Also note that the exemptions from further review of compatibility with landscape character and general agricultural-land protection only apply where the underlying zoning plan was issued after specific historical cut-off dates. For older zoning plans, the standard review still applies.

To further strengthen the position of the developer, the Amendment introduces also some partial changes in relation to technical requirements for constructions. Those include the requirement that the application of technical requirements for buildings is appropriate, taking into account their functional, technical, and economic feasibility. Choice of a specific technical solution is left to the builder/developer. At the same time, the Amendment stipulates that, in built-up areas, the mere approval of a new building may not serve as grounds for restricting or tightening the operating conditions of existing buildings. Technical requirements for buildings are now to be reviewed by the designer, rather than the building authority.

Integration of certain public interests into the building proceedings

The building authorities will replace concerned authorities in protecting public interests in eleven areas (e. g. health and safety, the environment, public infrastructure, heritage preservation). Building permit will newly substitute for decisions, statements and/or binding opinions of concerned authorities under various special laws. It will also define conditions preserving public these public interests.

Stricter deadline for concern-authority acts

The state administration bodies participating in this process have a **fixed 30-day window** for concerned-authority acts, meaning statements (*vyjádření* in Czech) or binding opinions (*závazné stanovisko* in Czech). Previously, the concerned authority had the ability to extend said deadline indefinitely but now it will not be able to extend it at all. Additionally, the concerned-authority act **may not be repealed nor changed** during the review proceedings once the decision based on that concerned-authority act reached legal force.

Reclassification of concerned-authority acts

Not only are the offices being changed but also the statements and binding opinions that they will be issuing and requiring for the building permit. These changes are driven by the **agenda of one office – one process – one stamp**, even if it isn't exactly what is achieved. To provide few examples, the table below shows the different categories of statements that may or no longer will need to be issued to get a building permit.

Concerned interest	Status after the Amendment	What it means in practice
EIA; five nature-protection acts under EU law (bird protection, European habitats, bird areas, EU-protected species, sites of European importance).	Binding opinion preserved and expressly exempt from deemed consent.	Full protection retained; driven by EU directives.
Air, water, public health, fire safety, heritage, transport, energy, electronic	Binding opinion preserved, but a strict 30-day deadline applies with no extension.	Silence from the authority counts as unconditional consent.

communications, forests,
defence, mining.

Interests where the
underlying law does not
require a binding
opinion; owners of public
transport and technical
infrastructure

Reclassified as a
"statement".

No separate
administrative appeal, no
direct judicial review –
challengeable only
through the final permit.

Landscape character and
general protection of
agricultural land in
developable territory.

No longer reviewed at
the permit stage.

Rests on the earlier
zoning-plan assessment
– in practice often only a
general-level review.

26 environmental permits
merged into the Unified
Environmental Statement.

Consolidated outside the
Building Act under a
standalone 2023 statute.

To be cancelled as of 1
January 2028. After
cancellation parts of it
will be transferred under
the EIA and other
integrated into the
building permit
procedure.

Tighter deadlines for review and reopening

Deadlines are cut even after the approval is given — there is a **new deadline introduced for any review proceedings** (*přezkumné řízení* in Czech). Firstly, any statement or binding opinion may not be challenged after a follow-up decision has gone into effect. Secondly, review or reopening must be initiated within 3 months of the underlying decision coming into legal force, and the first-instance decision in the review must be issued within 6 months of that same date — not 6 months from when the review started. Many decisions are also reclassified from binding opinion to statement, and statements may not be directly subject to judicial review — they can only be reviewed incidentally, in a challenge against the final permit. This means that **all parties involved must be much more active** within these time periods since the deadlines may not be extended as much as before. It also **strengthens the position of the builder/developer** against the neighbours or any other involved parties.

To help parties navigate the tighter timeline, the Amendment also introduces pre-application consultations under § 174 of the Building Act — before an application is filed, the developer, the building authority, concerned authorities, municipalities and the planning authority may exchange information about the intended project. The Amendment also extends the scope of preliminary information as well as number of entities obliged to issue such preliminary information.

Longer permit validity and reserved constructions

There is a significant change in how building permits work for reserved constructions or buildings with public benefits. Once construction on such a project has actually started within the validity period, the permit no longer lapses. The permit may also be extended for up to five years and this may be done repeatedly.

There is also a new type of building now recognised by the Building Act — the **"Building for mass housing"** (*stavba pro hromadné bydlení* in Czech), which is a building whose primary function is to be lived in, and which has a floor area of at least 10,000 m². This type of building automatically falls under the reserved buildings category. The building permit for such a building will newly be issued by the Office of Territorial Development of the Czech Republic.

Planning contracts strengthened

Similarly to the new Metropolitan Plan of Prague, the Amendment **aims to increase the usage of planning contracts** to motivate the builder/developer and the city/municipality to collaborate on the issues facing construction in the Czech Republic rather than fighting and creating more problems. Planning contracts do not replace the zoning plan itself. Instead, they can substitute for the municipal decision to initiate a zoning-plan change, and for reserved constructions in developable territory they can support a departure from the current zoning plan, provided the developer commits to file a change request and cover the drafting costs. The planning contracts may even include decisions that contradict the contents of the zoning/regulatory plans if they are not against public interest. The speed at which the planning contracts are being approved was also deemed a problem, so the Amendment gives the city council the ability to transfer the approval authority for planning contracts to the municipal board (*rada obce* in Czech). And lastly, the Amendment brings forth an effective **remedy against municipal inactivity** if a planning contract is required by the zoning plan. This is the direct legislative answer to the concern raised in our earlier Metropolitan Plan briefing — a court can now substitute for a missing municipal consent to a planning contract, but it cannot force the municipality to negotiate. The proposed amendment also disallows organising a local plebiscite on the subject matter of the planning contract once the contract is executed and newly allows the power to negotiate planning contracts to be delegated from the municipal council (*obecní zastupitelstvo* in Czech) to the municipal board.

Faster spatial planning changes

The **spatial planning documents** are also changing in this Amendment. If the municipality does not have the capacity or the will to create their own spatial planning documents it may enter into a contract with another municipality to create them for them, or they may be created upon request by the Office of Territorial Development of the region in which the municipality is located.

The approval process for spatial planning documents should also be faster, since the structure of said process has been slimmed down. The phase of collective discussion (*společné jednání* in Czech) has been removed. Similarly, the council member responsible for the spatial planning documents in question was obligated to show the documents to the entire municipal council and bring their remarks to the creator of those documents to implement — this obligation no longer exists. Non-major changes will be fast-tracked and the criteria for a change to be considered major have also been loosened to allow bigger changes to be made without having to call for a new session around the planning documents (up to 25% of certain values such as height, volume or capacity can change in some cases).

Digital-first proceedings

Digitalisation of the building permit proceedings has been a huge topic for a long time and not even this Amendment will entirely finalise it. The system is lacking mainly on the implementation IT front and because of that the transitional period has been extended until 31 December 2030. This means that until that date, not only the systems outlined in the Building Act, but also other methods of communication based on the Administrative Procedure Code may be used. The digitalisation brings forth important instruments that will however be available for limited use before the 2030 deadline (afterwards they will be mandatory with no alternative). The "Builder's portal" (*Portál stavebníka*) will be used to send submissions to the Office of Territorial Development online and will work in tandem with the new online record of construction procedures. And also, the digital technical map (DTM) which will be the referential point for all related data — any utility network not displayed on the DTM after a 3-year deadline will be deemed as non-existent and any consequences will be borne by the utility network providers.

Transitional provisions and key dates

The Amendment comes into effect in three parts — firstly, the transitional provisions with the addition of some cherry-picked paragraphs (e.g. changes in terminology or changes in the review of binding opinions) come into effect on the first day of the next month after the Amendment is published. The main part of the Amendment comes into effect on 1 January 2027, and the last part of the Amendment will come into effect on 1 January 2028 – f. e. the provisions establishing the regional Offices of Territorial development. This distinction will be helpful in preparing the administrative personnel and everybody else for the changes that will come.

However, this two-pronged approach does not mean that the transition will be that simple. For example, the change in the structure of building offices would not be possible within a span of just a couple of months. That's why there are a few other important dates highlighted in the table below.

Date	What happens
First day of the month following publication of the Amendment	Transitional provisions and limiter number of other provisions come into force (changes in the review of binding opinions).
Within 30 days of publication	First systemisation of the Office of Territorial Development is submitted by the state secretary at the Ministry for Regional Development.
Within 30 days of the effective date	New deadlines for review and reopening proceedings under § 179(2), § 179a, § 195a and § 195b of the amended Act begin to apply.
31 December 2026	The Transport and Energy Building Authority (DESÚ) and the Institute for Spatial Development (ÚÚR) are dissolved; the last day for existing bodies to resolve conflicts under prior rules.

1 January 2027	The Office of Territorial Development of the Czech Republic is established and assumes the competencies of the Ministry for Regional Development, the Ministry of Transport and the Ministry of Industry and Trade; the Unified Environmental Statement Act does not apply to matters handled by the new Office.
30 June 2027	Existing preparers hand over territorial analytical data to the Office of Territorial Development.
31 December 2027	Regional and municipal building authorities are dissolved; all spatial planning instruments must be migrated to the unified standard; territorial analytical data must be uploaded to the national planning geoportal; last day to issue a Unified Environmental Statement; latest effective date for new implementing regulations.
1 January 2028	Regional offices of regional development and their local branches are established; employees of regions, municipalities, the Ministry of Defence and Prague city districts are transferred to the state.
Three years after the effective date	End of the transitional regime for documentation prepared under previous rules; the rebuttable presumption that networks not registered in the digital technical map do not exist becomes live.

What happens to ongoing proceedings

As of 1 January 2027, all the **unresolved proceedings will be finished according to the wording of the Building Act after the Amendment**. The transitional year is going to be 2027, because the proceedings will be decided according to the new wording of the Building Act, while the new offices based on the new wording won't be ready. That means the old structure of building offices will be deciding based on the new law. In practice this could mean that in one long proceeding the procedural law guiding that proceeding will change, and then a year later the competent office will change. Additionally, in proceedings already underway on the effective date, the builder/developer may elect to have compliance assessed under the previous rules where the earlier regime is more favourable. For proceedings already partly through, concerned-authority acts issued under the old rules retain their effects and count as inputs for the new decision. The new authority does not reopen the public interests those acts have already covered.



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