

Developers gain stronger standing in court

New legislation strengthens developers' procedural rights



Amendment to the Czech Administrative Procedure Code, effective as of 1 January 2026, brings a significantly strengthened position for developers in building permit disputes, aligning their position with that of the formal participants in the proceedings and formally recognizing their interest in such cases.

Key changes

- 1 Strengthened procedural position of developers
- 2 Active participation in proceedings
- 3 Right to reimbursement of costs
- 4 Direct challenge of negative binding opinions
- 5 Strict deadlines for submitting evidence

Strengthened position of developers

In the past, there have been usually only two formal participants to a building permit dispute – the person dissatisfied with the said permit and the building authority. Despite being the holders of the challenged permit, developers were not recognized as participants in such proceedings and were neither informed of their initiation nor invited to take part. If the developer wanted to participate in the proceedings in any way, the only available avenue was to prove his legal interest in the matter to become a party to the proceedings, a position that came with very limited rights.

Two years prior, the new Czech Building Code partially addressed this longstanding issue by establishing developers as parties to the proceedings

The positive changes for developers brought by the new Building Code are now extended by the Administrative Procedure Code update.

What can developers do now?

- Request court hearings
- Submit evidence
- Appear in court
- Make statements
- Request costs reimbursement

Changes to the Building Code and the Administrative Procedure Code make the developer automatically a party to the proceedings with significantly increased rights in comparison to the past.

by default, i.e. without the need to demonstrate a legal interest. Courts are required to notify developers of any proceedings initiated against their permits and of any submissions of other participants. This legislative change however did not extend to granting developers a position equal to other participants or providing them with further important procedural rights.

Active participation in proceedings

Starting this year, the amendments to the Czech Administrative Procedure Code bring further positive adjustments to the position of the developers. They are now entitled to actively participate in the proceedings; the court must ask for their statements and provide them with a reasonable period to submit them. The developers may also submit evidence or ask for expert opinions to be made.

Developers finally gained legal tools to defend their rights and interests in an effective manner.

Right to reimbursement of costs

Developers are now also eligible for reimbursement of costs related to the proceedings (e.g. lawyer fees, expert opinion costs etc.). This change contributes to a more balanced position, as they were previously required to cover all such expenses regardless of the result of the proceedings.

This change may also deter certain interest groups and individuals from filing frivolous lawsuits against building permits as they will now risk bearing the costs of the successful party.

Immediate challenge of negative binding opinions

In Czech building permit process, binding opinions to a large degree define the content of a building permit. Until now, the applicable regulation provided only very limited remedies against negative binding opinions that effectively prevented developers from proceeding with their projects. In practice, developers could only challenge the final permit, which required them to undergo the entire permitting process despite already anticipating an adverse outcome.

The newly adopted legislation allows, for the first time, to file an administrative lawsuit against a negative binding opinion. This will save significant amount of time and resources in proceedings where developers encounter procedural obstacles.

Strict deadlines for submitting evidence

Courts may now impose strict deadlines for submitting evidence, especially expert opinions and counter-opinions. Previously, parties often abused this by filing large volumes of new evidence quite late in the proceedings, causing delays and using it as a stalling tactic.

This development is expected to contribute to the streamlining of building permit proceedings, as opportunities for procedural delays have been reduced.



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