



Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Czechia

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Executive summary

This report scrutinises relevant administrative permission procedures for renewable electricity generating plants. Since the Czech Government plans the strongest growth especially in onshore wind and solar PV sector until 2030, the report puts a particular emphasis on these technologies.

In order to implement a RES-E project in Czechia, a RES investor must conclude a few administrative processes. First of all, a project intention must be in line with applicable land-use planning documentation. If it is so, the EIA process precedes the acquisition of a zoning and construction permit. Neither a building permit nor a building notice for small-scale RES-E of up to and including 20 kW of installed capacity is required. The remaining plants must obtain both permits, which may be also done under a joint permit procedure. With regard to an electricity production license, it is needed for all plants exceeding 10 kW. Moreover, a large-scale RES-E project of 1 MW and more must receive the State Authorisation. RES-E plants are subject to so-called priority connection. Finally, there are two key tax measures, in the form of an exemption from electricity and real estate tax.

Currently, restrictive planning documents of regions, and strict restrictions in historical and landscape areas belong among considerable barriers hindering further RES-E deployment. Also, owners of small-scale RES-E of only over 10 kW are obliged to be registered as entrepreneurs, which is considered too burdensome by stakeholders. The most severe barriers stem from administrative authorisation proceedings. Especially the building permitting process is regarded as too complex, lengthy and as a result, also costly. Additionally, the Building Law tends to be misinterpreted by civil servants frequently. No one-stop-shop easing such processes has been implemented yet, too. Finally, DSOs' decisions on grid connection are untransparent and sometimes lengthy as there is no deadline for connection statutory defined.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of solar PV (rooftop and ground-mounted) and onshore wind power plants in Czechia.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorisation	Grid connection permit	Corporate legal-fiscal	Other
PV ground-mounted	Yellow	Yellow	White	Red	Yellow	Green	White
PV rooftop	Yellow	Yellow	White	Yellow	Yellow	Green	White
Onshore wind	Yellow	Yellow	White	Red	Yellow	Green	White

■ No barriers identified	■ Moderate barriers identified
■ Minor barriers identified	■ Not relevant for target country
■ Severe barriers identified	■ No projects implemented

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1. National RES targets and relevant RES technologies

Czechia is planning to increase the overall share of renewable energy in its gross final energy consumption from 15.6% in 2020 to 22.0% in 2030 according to the National Energy and Climate Plan (NECP). In the electricity sector (RES-E), the share is to be increased from 13.4% in 2020 to 16.9% in 2030. In line with the figures provided in the Czech NECP, the country aims at an increase of 10 percentage points in the heating and cooling sector (RES-H&C) totalling a 30.7% share in 2030 (NECP, 2019).

As far as RES-E deployment is concerned, Czechia expects the most significant increase in its onshore wind and solar power production sector. In the case of wind power, an increase of approx. 166% of electricity produced is foreseen in the 2020/2030 comparison. In the latter case, the country plans to nearly double its solar power production (+87.3%) by the end of the decade (NECP, 2019).

Czechia slightly surpassed its overall 2020 RES target of 13% by almost 1% already in 2013 (Eurostat, 2021). In this context, especially worth noting is a still persistent abolishment of operational support for renewable energy. In August 2013, the Czech Parliament approved its cancellation either in the form of a feed-in tariff (FiT) or a so-called Green Bonus for new RES-E plants, taking effect on 1 January 2014. Although there are some exemptions given by the Transitional Provisions of the RES Act, this policy development halted further large-scale RES-E deployment dramatically. According to some stakeholders, it may, or it has already, resulted in the outflow of qualified experts, manufacturing companies operating in the RES sector, and also related know-how from the country. Although a major reform of the RES Act is being discussed in the Czech Parliament in early 2021 and also investment support from the Modernisation Fund should be provided for RES projects, it must be noted that Czechia is currently the only country without market-oriented RES support in the Visegrad Four (V4) Region (apart from Slovakia, which has not implemented capacity auctions yet) (Valach, 2020; Polanecký, 2021; Sedlák, 2021).

As a result, and in line with the aforementioned information, the report scrutinises relevant permission procedures in the RES-E sector, with a particular focus on onshore wind power, and ground-mounted as well as rooftop solar PV technologies.

Figure 1 displays the annual deployment of PV and onshore wind between 2010 and 2019. It can be observed that there was a peak in installed solar PV in 2010 and since then hardly any new capacities of solar PV or onshore wind have been added between until 2019.

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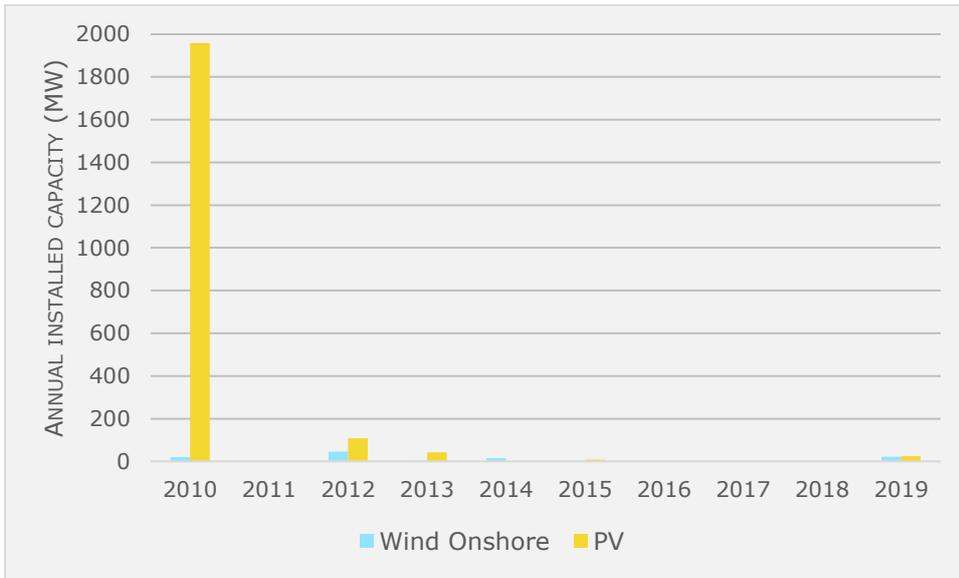


Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

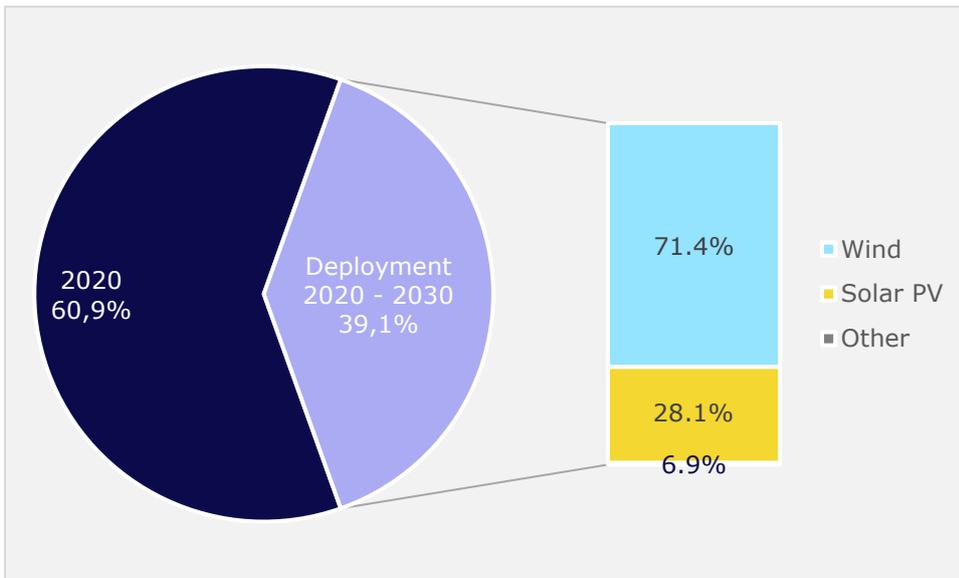


Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

2. Administrative and grid connection procedures

2.1. Relevant process steps

The first step towards the realisation of a renewable energy project is choosing a suitable site. Therefore, if an investor applies for a zoning decision, it should inform beforehand, e.g., through a preliminary spatial planning information, whether an envisaged activity is following the existing land-use planning documentation. When identifying suitable sites for solar PV and onshore wind power plants, it may utilise the Ministry of Environment's Updated Methodological Instructions (2018), which differentiates between *unsuitable*, *rather unsuitable* and *generally suitable* areas in the country.

With regard to an electricity production license, it is required for all electricity producing facilities over 10 kW of installed capacity. Moreover, for RES-E plants over 1 MW, the State Authorisation issued by the Ministry of Industry and Trade (MPO) is needed.

Most permitting and spatial planning work is undergone in the administrative authorisation part. Processes governed by the EIA Act and Building Act are relevant and are commonly the most time-consuming ones out of all processes. In general, the environmental impact assessment (EIA) applies solely for solar PV plants of over 50 MW, which must go through a screening procedure. Concerning onshore wind power plants, they are a subject of the screening procedure only if their mast is 50 and more metres high. Therefore, neither solar PV nor wind plants are obligatory assessed (i.e., a full EIA is required directly). When it comes to relevant zoning and construction proceedings, in general terms, neither building permit nor building notice is requested for small-scale RES-E of up to and including 20 kW. The remaining plants must obtain a zoning as well as a building permit. This may be, however, done in a single step under a so-called joint permit procedure. Besides, certain wind plant projects must be approved by the Civil Aviation Authority (CAA) and the Ministry of Defence (MoD).

Once all the necessary permits have been obtained, a RES project will proceed to the grid connection permit stage. RES-E plants are subject to so-called priority connection in Czechia. Nonetheless, if there is a demonstrable lack of capacity or threat to safe and reliable operation of the electricity system, they should be rejected. Furthermore, in some cases, the grid operator may request the project developer to elaborate a connectivity study. So-called Micro Sources of up to and including 10 kW of installed capacity undergo a simplified grid connection.

Finally, there are two major tax measures promoting RES-E production in place at the moment. Firstly, operators of such plants of up to and including 30 kW are directly exempted from electricity tax. Secondly, properties used for wind harvesting are also exempted from real estate tax. Since ground-mounted and solar rooftop PV systems are standardly not considered buildings under the Building Act, they are not subject of the tax, too.

2.1.1. Site selection

Process flow

In September 2018, the Ministry of Environment (MoE) issued the Update of the Methodological Instructions of the Department of General Nature and Landscape Protection for the Evaluation of Possibility of Locating Wind and Photovoltaic Power Plants

in Terms of Nature and Landscape Protection (MZP, 2018a). In the form of a negative delimitation, it defines areas in which the construction of onshore wind power and solar PV plants is *unsuitable*, *rather unsuitable* and *generally suitable* under subsequently clearly formulated conditions. The differentiation of areas only gives a broad overview on the expected complexity of follow-up processes, and is also not legally binding for state authorities. Therefore, if an investor plans to implement a wind or PV power plant, it still must be decided on a case-to-case basis (mainly with regard to the Building and EIA Law) irrespective of the areas defined by the MoE. As stated by the MZP (2018), it should, however, serve as a guidance for spatial planning documents, especially for the principles of spatial development, spatial plans, and spatial studies.

As explained by Kuk (2020), there are four levels of spatial planning documentation in Czechia. It is a regulatory plan (a part of municipality), spatial plan (municipality), principles of territorial development (region)¹, and the territorial development policy (MoRD). These documents must be consistent and they cannot contradict each other.

According to § 90 of the Building Act, the basic prerequisite for the placement of onshore wind and solar PV power plants is their compliance with land-use planning documentation², with the objectives and tasks of land-use planning, especially with the character of the area and with the requirements for the protection of architectural and urban values in the area. Therefore, in order to be able to realise such construction, it is first necessary that its placement is allowed by a spatial plan. The spatial plan in the context and details of the municipality specifies and develops the objectives and tasks of spatial planning in accordance with the principles of territorial development, spatial development policy and spatial development plan (§ 43 par. 4 Building Act).

Regarding the applicable spatial plan, an applicant may ask the competent authority for (preliminary) spatial planning information³ and must state in the application the specific information requirements in connection with its planned project to change the designated land use and specific information about it (§ 21 par. 2 Building Act). The applicant shall attach to the application for spatial planning information the overall situation in the scale of the cadastral map with an indication of the required plan and its links to the surroundings (§ 2 Decree on Territorial Decision-making).

In line with § 44 of the Building Act, the municipal council decides on the acquisition of the spatial plan. It does so on its own initiative, but also on the one of a natural or legal person who has ownership or similar rights to land or construction in the municipality. With regard to the costs incurred, if the respective amendment in the spatial plan results from the sole need of the applicant (e.g., a renewable energy developer), the municipality may make the preparation of a new spatial plan conditional on partial or full

¹ The Czech regional offices establish the Principles of Territorial Development, which are strategic planning documents adopted at regional level. The principles set out in particular the basic requirements for efficient and economical organisation of the region, define areas or corridors of local significance and set requirements for their use (§ 36 par. 1 Building Act). In Czechia, there is also a Territorial Energy Concept which sets out the goals and principles of energy management in regions, cities, and city districts. The concept is developed for a period of 25 years and is based on the State Energy Concept. They are obligatory adopted by regions and the capital city of Prague. It is very important to mention that the Territorial Energy Concept is the basis for the elaboration of the Principles of Territorial Development or a spatial plan (§ 4 Energy Management Act).

² The strategic environmental assessment (SEA) process assesses concepts at the national level (development concepts and programmes), regional (territorial plans of large territorial units) and local (spatial plans of municipalities) (EIA Act).

³ Anyone may request the administrative authority competent to issue a decision or a conditional act to provide him in writing with preliminary information on whether an intention can be achieved only if a decision or a conditional act is issued; and according to which conditions the relevant authority considers the request for a decision or a conditional action, or the conditions under which the request may be granted. In the same case, preliminary information can be requested only once (§ 139 Administrative Code).

reimbursement of some of the costs (e.g., costs for the elaboration of an amendment, etc.) (§ 45 par. 4 in conjunction with § 55a par. 2 Letter f Building Act). In this context, Průša (n.d.) highlights that an amendment of a spatial plan is driven by the needs of private individuals in most cases.

A request for the adoption of a spatial plan or its amendment is submitted to the relevant municipality and contains:

- data enabling the identification of the applicant;
- data on the redesignation of land use in the municipality;
- data on the current land use affected by the applicant's request;
- the reasons for the adoption of the spatial plan or its amendments;
- a proposal for the reimbursement of costs (§ 46 par. 1 Building Act).

After accepting the request for the adoption of a spatial plan or its amendment, the acquirer of a spatial plan (i.e., most commonly relevant municipal office, an employee of the so-called spatial planning office respectively, § 24 Building Act) shall assess its completeness and also its compliance with legal regulations. If it meets all the specified requirements, the acquirer concerned shall assess it and immediately submit its opinion to the municipal council responsible for issuing the plan for a decision. The acquirer shall inform the investor and the spatial planning office about the result of the council meeting (§ 46 par. 3 Building Act).

Afterwards, the acquirer in cooperation with the designated representative⁴ processes the request for a spatial plan preparation. Its draft is then discussed with the authorities concerned, the regional authority, neighbouring municipalities and the public. The acquirer, in cooperation with the designated representative, evaluates the results of the discussion, on the basis of which it modifies a spatial plan preparation and submits it to the council for approval. It is then approved by the council of the municipality (§ 47 par. 5 Building Act).

As a next step, a draft spatial planning documentation is publicly consulted. The owners of land and buildings affected by the proposed solution, and a representative of the public may object to the draft spatial plan (§ 52 par. 2 Building Act). The acquirer, in cooperation with the designated representative, evaluates the results of the public consultation (§ 53 par. 1 Building Act). They shall also prepare a draft decision on the objections and a draft evaluation of the comments. An important situation also arises at this stage; in the event that the request is modified on the basis of a public consultation, it is necessary for the acquirer to assess whether the modification in question is substantial or not. If it is significant, the acquirer secures the opinion of the nature and landscape protection authority and the opinion of the relevant SEA authority. Then, according to § 53 par. 2, the acquirer shall order a repeated public consultation, which has a similar procedure as the previous one (Průša, n.d.)

Finally, the acquirer submits to the relevant municipality council a proposal for the adoption of a spatial plan. If a new spatial plan or its amendment is approved by the

⁴ As noted by Průša (n.d.), in the next stages of the process, the term designated representative is often used. This is one member of the municipal council, who is designated by the council to cooperate with the acquirer. He adds that it can be said that this representative is an information link between the acquirer and the rest of the municipal council.

council, it must be announced through a public decree (§ 173 par. 1 Administrative Code). No appeal may be brought against it (§ 173 par. 2 Administrative Code).⁵

Deadlines

The provided spatial planning information is valid for 1 year from the date of its issue if the conditions do not change meanwhile (§ 21 par. 3 Building Act).

After accepting the request for the acquisition of the spatial plan or its amendment, in the event of deficiencies, its acquirer shall invite the proposer to eliminate them within a reasonable time. If an investor does not eliminate the deficiencies in the required manner and within the set time limit, the acquirer shall reject the request, notify the investor of this fact and submit information to the municipal council responsible for adopting the plan (§ 46 par. 2 Building Act). There is no deadline for the acquirer's assessment of a spatial plan defined in the law.

If the request meets all the specified requirements, the acquirer concerned shall assess it and immediately (i.e., without undue delay, as soon as possible; it is usually a period of several days, a maximum of weeks) submit its opinion to the municipal council responsible for adopting the spatial plan for a decision. The acquirer shall immediately inform the investor and the spatial planning office about the result of the council meeting (§ 46 par. 3 Building Act).

Afterwards, the acquirer in cooperation with the designated representative processes the request for the assignment of a spatial plan. The draft assignment is then discussed with the authorities concerned, the regional authority, neighbouring municipalities and the public. Within 15 days from the date of its delivery, anyone can submit written comments to the acquirer. Within 30 days of receiving the draft assignment, the authorities concerned and the regional authority, as the superior authority, may file a statement with the acquirer indicating requirements for the content of the plan arising from legal regulations and spatial planning documents. Comments, observations and suggestions made after the above-mentioned deadlines are not taken into account (§ 47 par. 2 Building Act).

The amended and assessed draft of the spatial plan, the assessment of the effects on the sustainable development of the territory, if it is being prepared, and the notice of the public consultation shall be announced by the acquirer through a public decree. The public discussion on the request and evaluation takes place no earlier than 15 days from the date of delivery to the relevant municipality. Anyone can submit their comments no later than 7 days from the date of the public consultation. The acquirer, in cooperation with the designated representative, evaluates the results of the public consultation (§ 53 par. 1 Building Act). There is no deadline given by the law.

Finally, the acquirer submits to the relevant municipality council a proposal for the adoption of a spatial plan. If a new spatial plan or its amendment is approved by the council, it must be announced by a public decree, which takes effect after 15 days of its posting (§ 173 par. 1 Administrative Code). No appeal may be brought against it (§ 173 par. 2 Administrative Code).

⁵ The full graphic overview of the relevant process steps is available (in Czech) on the following link: https://www.trebic.cz/assets/File.ashx?id_orq=16973&id_dokumenty=37478

Detected barriers

Restrictive planning documents of Regions. Strategic planning documents adopted at regional level are assumed to be too restrictive to the development of onshore wind power plants and ground-mounted solar PV. Several regions of Czechia (e.g., The Vysočina, The Ústí) limit the construction of plants in their territory through planning documents called the Principles of Territorial Development (*Zásady územního rozvoje*; so-called ZÚR) even though some of these regions are considered to have an excellent potential for wind or solar harvesting. These strategic documents lay down general rules for the development of the territory and also set development intentions of overriding importance. In some cases, the Territorial Energy Concepts are assumed to limit further RES potential in the country, too (Valach, 2020; ECORYS et al., 2010).

Strict restrictions in historical and landscape areas. The installation of PV facilities on historical buildings or in historical areas is too demanding. Taking into account the decision of the National Heritage Institute (*Národní památkový ústav*), it is normally not possible to construct rooftop PV installations on any preserved historic buildings. According to the Building Act, the binding opinions on the issuance of building permits are provided by the protected landscape areas (*CHKO*) and the relevant Monument Care Authorities. One of the respondents highlighted that even small-scale rooftop solar PV installations should not be seen from, e.g., castles. Since such buildings (i.e., national cultural monuments with high level of protection) are normally located at elevated areas, the discussed requirement may be a significant barrier for more rooftop PV in Czech cities. Issues of similar nature may pop up also in case of onshore wind projects when it comes to their visibility. Concerning further barriers relevant for onshore wind energy deployment in Czechia, there is a problem of limited national potential for wind harvesting, since places with favourable wind conditions often lie in national parks or protected landscape areas with strict prohibitions. An exemplary case is the Krkonoše National Park where there is no expert consensus on whether wind projects could be developed there and, if so, under which conditions. Another issue relates to the establishment of a strict boundary where the protected natural area ends and therefore where renewable energy projects (especially onshore wind) might be realised (Valach, 2020; Čech, 2021).

Identified good practice

No good practice related to this process step was identified.

2.1.2. Electricity production licence

Process flow

License to Conduct Business in the Energy Sector

In Czechia, persons in the energy sector may conduct business only on the basis of a license granted by the Energy Regulatory Office (ERO). It is required for the operation of electricity generating facilities with over 10 kW of installed capacity used for self-consumption if it is also connected to transmission or distribution network.⁶ The License to Conduct Business in the Energy Sector is issued for the period of maximum 25 years (§ 4 par. 1 Letter a Energy Act).

⁶ Moreover, it is obligatory for the production of electricity produced in plants with an installed capacity of up to and including 10 kW, intended for the customer's own consumption, if another electricity generation of the licensee is connected at the same offtake point (§ 3 par. 3 Energy Act).

Concerning Micro Sources, no license is needed for individual RES-E facilities up to 10 kW since 1 January 2016. In such cases, an operator of RES-E plant may implement it solely on the basis of a concluded grid connection contract, which also entails its connection (§ 28 par. 5 Energy Act). In the case of electricity production from renewable energy sources up to 20 kW, there is no obligation to prove professional competence (§ 5 par. 5 Letter Energy Act). Also, an applicant is not required to prove financial preconditions for the license for electricity generation if the installed electrical power is lower than 200 kW (§ 5 par. 3 Energy Act).

The following process steps apply:

1. **License application:** it is granted upon a written or electronic request. Further documents should be annexed (§ 7 Energy Act).⁷
2. **Granting of a license:** the ERO shall decide on the granting of a license on the basis of compliance with the conditions (§ 8 Energy Act).
3. **Amendments to the decision to grant a license:** a licensee is obliged to notify the ERO of any changes (§ 9 Energy Act).
4. **Termination of a license:** the ERO shall revoke the license if its holder ceased to meet the conditions for granting it, endangers the life, health or property of persons, seriously violates the legislation related to this activity when performing the licensed activity, or applied for its cancellation in writing (§ 10 Energy Act).

Deadlines

License to Conduct Business in the Energy Sector

The ERO should issue a decision immediately (i.e., without undue delay, as soon as possible; it is usually a period of several days, a maximum of weeks), within 30 days at the latest. In complicated cases, the period for its decision may be doubled. It then takes another 15 days for the decision to come into force.

As far as legal entities with a registered office outside Czechia are concerned, they must have an organisational unit established in the country. If it is not the case, the ERO still decides on the granting of a license, but the applicant must submit a request within 90 days for entry in the Commercial Register, otherwise the validity of the license expires (§ 8 par. 5 and 7 Energy Act; ERO, n.d.).

Detected barriers

Owners of PV rooftop installations over 10 kW are obliged to be registered as entrepreneurs. Installation of small-scale solar PV systems is hampered by several administrative barriers. According to the Czech Energy Law, owners of installations of more than 10 kW must obtain a License to Conduct Business in the Energy Sector. However, when applying for the license, a proof of assigned ID number is one of the

⁷ If an applicant intends to operate an electricity producing plant (apart from individual small-scale RES-E up to 10 kW as provided above), it should provide the ERO with the following documents: 1. License application form; 2. Proof of assigned ID number (therefore, RES-E operators of over 10 kW must be registered as entrepreneurs usually either in the Commercial or the Trade Register); 3. Data form for information from the Criminal Register; 4. Appointment of the responsible representative and its declaration (if needed); 5. Proof of applicant's professional competence (not required for RES-E up to and including 20 kW of capacity); 6. Form called List of Individual Establishments for electricity generation; 7. Ownership of the construction part of energy facility (i.e., extract from real estate register, etc.); 8. Ownership of equipment; 9. Cadastral map at a suitable scale indicating the location of the establishment; 10. Consent of possible co-owners - original or certified copy; 11. In the case of the right of use (tenancy, loan, sale, other title of use) consent of the owner of the energy equipment with its use for licensed purposes; 12. Demonstration of technical prerequisites (ERO, 2020a).

documents to be submitted to the ERO. Therefore, RES-E operators of over 10 kW must be registered as entrepreneurs usually either in the Commercial or the Trade Register. According to stakeholders, it represents a serious barrier hindering the deployment of RES prosumers, which discourages potential medium-scale prosumers to install PV systems to cover their energy needs. In their view, this limit should be increased to at least 30 kW or even to 100 kW. Building on the information from April 2020, this should be implemented within a major amendment to the Energy Act (Valach, 2020; Polanecký, 2021; ERO, 2020a).

Burden of bureaucracy in license obtainment. In order to obtain a License to Conduct Business in the Energy Sector in Czechia, numerous documents are required by the ERO. For instance, a record from the Business Register, an authorised copy of property record from the Land Register, a VAT registration, an extract from the Trade Register, a copy of the contract with the distributor an extract from the Criminal Register, etc. (§ 5 and § 7 Energy Act; ERO, 2020a). This represents a huge administrative burden for RES investors. An exception applies solely to individual small-scale renewable energy installations (so-called Micro Sources) producing electricity up to 10 kW of installed capacity, intended for self-consumption. No license is required also in the case that a plant is used only for self-consumption which is not connected to the transmission or distribution system (Valach, 2020).

Energy Regulatory Office's delays not penalised. An application for the License to Conduct Business in the Energy Sector is usually submitted by a PV system installer. Natural persons have to pay the administration fee of CZK 1,000 (EUR 38.20)⁸ for installations of 10 kW up to and including 1 MW of installed capacity. The ERO should issue a decision immediately, within 30 days at the latest. In complicated cases, the period for its decision may be doubled. It then takes another 15 days for the decision to come into force. However, there are no penalties, if the Energy Regulator issues a decision with a delay. In Czechia, it is common practice that the ERO postpones its decisions. This used to happen also in crucial cases, e.g., when the amount of a grant is subject to the ERO's decision (Valach, 2020).

Identified good practice

No good practice related to this process step was identified.

2.1.3. Administrative authorisation

Process flow

Environmental Impact Assessment (EIA)

The EIA process precedes the acquisition of zoning and construction permits.⁹

When it comes to solar PV plants, they fit into the definition of Item No. 7 of the Annex No. 1 of the EIA Act since they are defined as industrial installations for the production of electricity. If an investor intends to implement such a plant, it must go through a screening procedure (i.e., not directly through a mandatory environmental impact assessment process, so-called full EIA) under the EIA Act only if the capacity of the

⁸ Exchange rate from 27.02.2021: EUR 1 = ~ CZK 26.17 (www.xe.com).

⁹ As clarified by Kuk (2011), individual permitting processes may be also merged into one procedure in order to eliminate duplicate procedures. Therefore, it possible to combine the EIA process with zoning procedures. The other option is a joint zoning and construction also associated with the EIA. Kuk (2011) reminds that the use of the mentioned joint procedures is not obligatory and each investor chooses whether it prefers either joint procedures or separate ones. In order to maintain the overview of all relevant process steps in the report, the individual procedures are described.

intended plant equals or is higher than 50 MW. As the MoE (2018) itself states, because of the relatively high defined electrical output, it should be done so only in exceptional cases (there has been no solar PV plant of such capacity built in Czechia yet).

Onshore wind power plants with a mast height of 50 m and more are also subject to a screening procedure led within the EIA process (Annex No. 1 Item No. 7 EIA Act). Although the definition of the industrial installations for the electricity production fits wind plants well, the aforementioned limit of 50 MW does not apply and only the mast height is relevant for their consideration in general terms (MZP, 2018b).

To sum up, neither solar PV nor onshore wind power plants are obligatory assessed (i.e., a full EIA is legally required), but only the projects over the aforementioned capacities must go through the so-called mandatory screening procedure. If it is decided under the screening procedure that a project should be assessed, the full EIA follows. As explained below, it may be, however, still decided that a certain renewable energy project under the above-defined capacities will be subject of the EIA procedure (§ 4 par. 1 Letter d EIA Act).

Costs related to the EIA, with the exception of costs for public consultation and publication, shall be borne by a RES investor.

The following process steps apply:

First of all, a RES investor shall submit a notification of the project to the competent authority. In the first instance, the competent regional authorities (i.e., regional office), in whose territorial administrative district the project is planned, ensure the assessment of planned projects. If it affects more regions, the MoE decides which one will assess it.

If a project intention does not exceed the aforementioned thresholds, a RES investor may still be obliged to submit the notification (there is a standard form)¹⁰ either in paper (one copy) or electronically (§ 6 EIA Act).¹¹ On the basis of the submitted notification, the competent authority notifies an investor whether the planned project will be subject to a screening procedure and publishes such notice online. When deciding upon it, the relevant regional office should take into account the criteria on the project characteristics, its location, and its expected impact on the population and the environment, given in the Annex No. 2 of the EIA Act on Criteria for a Screening Procedure.

In the case a project intention exceeds the above-provided limits (i.e., an obligatory screening procedure), a project intention submitted to the authority must entail information on a RES investor, planned project, data on the state of the environment in the territory concerned, data on possible significant effects on public health and the environment, etc. However, if a project intention is not subject to the EIA beyond the borders of Czechia, or no major environmental impact on sites of European importance or bird areas is envisaged, instead of the notification itself, an investor may directly submit a documentation of the project impacts on the environment (§ 6 par. 5 EIA Act).

The second step is a screening procedure. It is carried out by the competent regional office as defined by the EIA Act. In the end of the screening procedure, the authority

¹⁰

https://www.zakonyprolidi.cz/disk/cs/file/2001/2001c040z0100_2007c069z0216p001u001_2015c019z0039_2017c111z0326.pdf

¹¹ Only if a project intention reaches at least 25% of the relevant limit value (i.e., either 50 MW or 50 m), is located in a specially protected area or its protection zone pursuant to the Nature and Landscape Protection Act and the competent authority stipulates that it is subject to a screening procedure (§ 4 par. 1 Letter d EIA Act).

issues a decision whether the project will be subject of the EIA process. The RES investor and the public concerned shall have the right to appeal against the decision. The public concerned may challenge the substantive or procedural legality of this decision in court (§ 7 par. 9 EIA Act).

As a third step and if it has been decided that the project should be assessed, an investor should prepare the full project documentation in line with the Annex No. 4 of the EIA Act. The general public, the interested third parties¹², and the institutions and authorities concerned may comment on the project documentation in writing. The competent authority shall forward the comments received to the EIA processor (§ 8 par. 4 EIA Act).

As a next process step, the authority shall commission an authorised person to process an EIA assessment (i.e., an EIA processor), which content is defined in the Annex No. 5 of the EIA Act (§ 9 par. 1 and par. 2 EIA Act). The processor shall prepare the assessment based on the documentation and the statements submitted, taking into account the conclusions from the public consultation, if any. The RES investor is obliged to provide to the EIA processor with the documents that were used for processing the documentation and other data necessary for the elaboration of the EIA assessment (§ 9 par. 6 EIA Act).

Finally, a binding opinion on EIA of project implementation should be issued by the relevant authority. The opinion is the basis for issuing a decision in subsequent proceedings.

Zoning and construction proceedings

The result of the EIA procedure (if any) is the basis for issuing a decision in follow-up zoning and construction proceedings.

According to § 103 par. 1 Letter e No. 9 of the Building Act, neither a building permit nor a building notice (notification) is required for electricity producing installations with the total capacity of up to and including 20 kW. This applies to small-scale solar PV plants as well as onshore wind power plants.

As argued by Matajs (2020a), rooftop solar PV panels' placement intended for self-consumption is not considered an electricity producing facility, but only a technical equipment of the building. Therefore, none of the aforementioned authorisations is required for such building alterations, i.e., installations of small-scale rooftop PV panels on buildings (§ 79 par. 5 Building Act). This, however, applies only if the alterations are in line with § 103 par. 1 Letter d of the Building Act.¹³ Matajs (2020a) adds that in case that solar PV panels placed on a roof are higher than the building itself at any point, the construction procedure should (probably) take place.¹⁴ Also, another exception is installations implemented in some areas of interest, for instance, in a landscape monument zone or in a protected area when relevant authorities provide binding opinions on all construction activities (if the relevant authority has not taken a general opinion on a valid zoning plan yet) (§ 4 par. 2 Building Act). When it comes to rooftop solar PV systems of over 20 kW of installed capacity which are not considered a technical

¹² Defined either as a person who may be affected by a decision taken in subsequent proceedings in his rights or obligations, or a legal entity of private law whose subject is the protection of the environment or public health (§ 3 Letter i EIA Act).

¹³ The following conditions must be (and are almost always) also met: building modifications do not interfere with the load-bearing structures of the building, the appearance of the building and the way the building is used do not change, no EIA was required according to the EIA Act, the implementation cannot adversely affect the fire safety of the building, and the building is not a cultural monument.

¹⁴ Please see the barrier called Diverse interpretations of the Building Act and related regulations in section 2.1.3. for more information.

equipment of the building, a zoning permit as well as a building permit is required. As far as solar PV ground-mounted plants are concerned, analogous criteria apply (Matajs, 2020a).¹⁵ In the case of onshore wind power plants, the aforementioned conditions also apply.

Regarding RES-E plants which obligatory undergo zoning and construction proceedings, they may be also approved through a joint permit and must be in line with spatial planning documentation (MoRD, 2019).

Besides, the Civil Aviation Authority (CAA) and the Ministry of Defence (MoD) obligatory comment on buildings or facilities of 75 m and more height above the ground, and also buildings or facilities of height of 30 m or more located on natural or artificial ridges which protrude 75 m and above the surrounding landscape. It also gives a consent on equipment which may endanger the safety of air traffic or interfere with the operation of airborne instruments and air security devices (incl. wind plants which are explicitly mentioned) (§ 41 par. 1 Letter a-c Civil Aviation Act). Therefore, apart from protection zones, the approval of the CAA and the MoD is also required for placing onshore wind power plants which meet the above-mentioned criteria (§ 37 Civil Aviation Act).

The following process steps apply:

Zoning proceedings

Placing of constructions or facilities, their changes, changing the influence of their use in the territory, changing the use of the territory and the protection of important interests in the territory can only be based on a zoning decision (or a zoning consent) (§ 76 Building Act). By the zoning decision the competent building office approves the proposed project, defines the land for its realisation, eventually stipulates conditions for dividing or consolidating the land, and sets conditions for land use and protection, conditions for further preparation and realisation of the plan, especially for project preparation, etc. (§ 92). The zoning decision is issued by the competent building authority (i.e., a building office) on the basis of zoning proceedings (§ 84 par. 1 Building Act). Within them, the building authority assesses whether the applicant's project intention is in accordance with the requirements, especially with general requirements for the use of the territory concerned (§ 90 par. 1 Letter a Building Act). The basic prerequisite for the placement of buildings is the compliance with land-use planning documentation, with the objectives and tasks of land-use planning, especially with the character of the area and with the requirements for the protection of architectural and urban values in the area.

Apart from an application for a zoning decision¹⁶, an applicant must deliver further documents to the relevant building office. If the application does not contain the required details, the building authority shall invite the applicant to complete it and shall suspend the proceedings; it shall be notified only to the applicant. The proceedings are stopped due to failure to eliminate the defects of the application. If the application for the issuance of a zoning decision is not accompanied by the required documentation or if it is not processed by the designer, the building authority does not discuss such an application and stops the proceedings (§ 86 par. 4 Building Act).

¹⁵ In August 2019, the Department of Building Regulations of the Ministry of Regional Development (MoRD, 2019) issued a publication called PHOTOVOLTAICS: Methodological Tool for the Location, Permitting and Use of Photovoltaic Buildings and Equipment. The publication scrutinises relevant zoning and building procedures concerning various types of solar PV plants and their placing in the country in great detail.

¹⁶ The template for the application for a zoning decision, including the required annexes is provided in the Annex No. 1 of the Decree on Territorial Decision-making.

The relevant building authority shall announce the commencement of a zoning procedure and shall order an oral consultation to consider the application and, if appropriate, combine it with an on-site inspection. The building authority may refrain from the consultation if it is well aware of the conditions in the territory and the application provides a sufficient basis for the assessment of the plan (§ 87 par. 1 Building Act). In the case of projects located in an area in which a zoning plan has not been issued yet, the building authority always orders a public consultation.

Construction proceedings

Generally, building permits are required for constructions of all kinds regardless of their technical construction, purpose and duration (§ 108 par. 1 Building Act).

An application for a building permit shall contain information about the builder, the land, basic information on the desired project intention, its scope and purpose, method and time of execution, etc. The applicant shall attach to the application addressed to the relevant building office also the documents provided in § 110 par. 2 of the Building Act, e.g., a zoning decision (if required).¹⁷ The building authority examines the submitted application and the attached documents. If the application does not contain required details, the building authority requests the builder to complete it and suspends the proceedings (§ 111 par. 3 Building Act).

As a next step, the relevant building authority shall notify the parties known to it and the authorities concerned of the commencement of the construction proceedings before the oral consultation, which shall be combined with an on-site examination, if appropriate. At the same time, it shall draw the attention of the institutions and parties concerned to the fact that they may raise binding observations and objections or evidence at the latest at the consultation, otherwise they will not be taken into account (§ 112 par. 1 Building Act). The building authority may waive the on-site inspection, or even the oral consultation, if it is well aware of the conditions of the construction site and the application provides a sufficient basis for the assessment of the proposed construction and the determination of conditions for its implementation.

In the building permit, the building authority shall specify the conditions for the execution of the construction and, if necessary, for its use (§ 115 par. 1 Building Act). In the case of a building containing technological equipment for which it is necessary to verify the suitability for safe use, compliance with the conditions of the building permit or others, the building authority may impose a trial operation within the building permit. In this case, the building authority discusses the duration of the trial operation with a RES investor in advance (§ 115 par. 2 Building Act).

Finally, after the delivery of the investor's request to issue an occupancy permit¹⁸, the building authority shall set the deadline for the final inspection of the construction and at the same time state which documents it shall submit (§ 122 par. 2 Building Act). If the application is complete and the building is implemented in line with the documents provided and relevant regulations, the responsible building office issues the occupancy permit (§ 122 par. 3 of the Building Act). It serves as a proof of the right to use a building and is issued by the building authority that had issued the building permit.

State Authorisation for the Construction of Electricity Plant

From 1 January 2016, if an investor aims to construct an electricity producing facility of 1 MW and more of installed capacity, the State Authorisation for the Construction of

¹⁷ https://www.zakonyprolidi.cz/disk/cs/file/2006/2006c163z0503_2018c033z0066p009u001.pdf

¹⁸ https://www.zakonyprolidi.cz/disk/cs/file/2006/2006c163z0503_2018c033z0066p012u001.pdf

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Electricity Plant is required. Until the end of 2015, such authorisation used to be necessary for all electricity installations with 100 kW and more (MPO, 2020).

The Ministry of Industry and Trade (MPO) decides on the basis of a written application. In order to issue the authorisation, the MPO must ensure that the planned plant is in line with overarching strategic documents such as the State Energy Concept, the National Renewable Energy Action Plan, and the Raw Materials Policy of the State (§ 30a par. 3 Energy Act).

The following process steps apply:

1. Application: it must include details on the planned investment.¹⁹
2. Decision to grant authorisation issued by the MPO: it specifies some basic details (e.g., electricity generation, installed capacity, type of generation, information on location, data on energy sources used, etc.).
3. Termination: if an applicant does not request the issuance of a zoning decision in the given period, the authorisation terminates. The MPO cancels the authorisation in the case of serious non-compliance with the conditions set within the authorisation, or at the request of its holder.

The MPO keeps the database of the authorisations granted (§ 30c par. 5 Energy Act).²⁰ The authorisation can be transferred to another person only with the MPO's consent.

Regarding grid connection, it is worth noting that the obtaining of an authorisation does only mean that a RES investor can realise its project, but it still must obtain a consent to be connected to the grid from relevant DSO. It must be also highlighted that § 30a par. 5 of the Energy Act explicitly states that the authorisation is not the basis for issuing a zoning decision, building permit or other decision under the Building Act.

Deadlines

Environmental Impact Assessment (EIA)

On the basis of the submitted notification, the competent authority notifies an investor within 15 days whether the planned project will be subject to a screening procedure and publishes such notice online. The general public, the interested third parties, and the authorities concerned may send a written statement on project notifications to the respective regional office within 30 days of the date of publication of the information on the notification. If the project intention should not be assessed, an appeal may be submitted within 15 days. Observations sent after the deadline shall not be taken into account by the competent authority (§ 6 par. 8 EIA Act).

¹⁹ A written application must include the following details: 1. a schedule for the preparation of the construction, including the expected dates for issuing a decision on the location of the construction, building permit, connection to the transmission system or electricity distribution system, or commencement of trial operation and building approval; 2. basic data on the plant, including installed capacity, and type of generation; 3. the expected location of the plant; 4. data on fuel or other energy sources used; 5. statements of the TSO or DSO on the provision of system services and on the impact on the safety and reliability of the operation of the electricity system, including the date and conditions of connection; 6. data on the electricity plant and on the expected annual use of the installed capacity; 7. the statement of the market operator on the influence of electricity generation; 8. energy assessment pursuant to the Energy Management Act in the case of electricity generation with a total heat input of more than 20 MW, with the exception of electricity generation with an annual operation of less than 1500 hours per year and nuclear power plants (§ 30b par. 1 of the Energy Act). In the case of electricity producing plants with the capacity of 200 kW and more, also further documents are required (ERO, 2020b).

²⁰ <https://www.mpo.cz/cz/rozcestnik/ministerstvo/aplikace-zakona-c-106-1999-sb/informace-zverejnovane-podle-paragrafu-5-odstavce-3-zakona/seznam-vydanych-platnych-rozhodnuti-o-udeleni-statni-autorizace-na-vystavbu-vyroby-elektriny--253777/>

If the competent authority concludes that the project documentation does not contain the required details, it shall return it to the RES investor within 10 working days of the day on which it was received. The general public, the interested third parties, and the institutions and authorities concerned may comment on the project documentation in writing within 30 days of its publication. Comments sent after the deadline shall not be taken into account by the competent authority. Upon expiry of the period, it shall forward the comments received without delay to the EIA processor (§ 8 par. 4 EIA Act). The competent authority may, on the basis of the comments received or on the recommendation of the EIA processor, but no later than 40 days from the day when the project documentation was delivered to the EIA processor, return the documentation to the RES investor for its revision or supplementation. If the supplemented or revised documentation is not submitted within 3 years from the date of its return, the competent authority shall terminate the assessment (§ 8 par. 5 EIA Act).

In the end of the screening procedure, the authority issues a decision whether the project will be subject to the EIA process. The RES investor and the public concerned shall have the right to appeal against the decision. In such cases, the relevant court shall decide on an appeal against the decision issued in the screening procedure within 90 days after the appeal has been received by the court (§ 7 par. 10 EIA Act). The screening shall be completed by the competent authority no later than 45 days from the date of publication of the information on the notification. In justified, particularly complex cases, this period may be exceeded, but by no more than by another 25 days (§ 7 par. 4 EIA Act).

The RES investor is obliged to provide the EIA processor with the documents within 5 working days from the date of receipt of the request (§ 9 par. 6 EIA Act). The competent authority shall set a time period for the submission of the EIA, which may should be no longer than 60 days from the date on which the documentation, including all comments received, was delivered to its processor. This period may be extended by the competent authority at the EIA processor's request only in justified, particularly complex cases, but for a maximum of another 20 days (§ 9 par. 3 EIA Act). Also, there is another time limit for its commenting set at 30 days.

The authority should issue a binding opinion within 30 days from the date of receipt of the assessment (§ 9a par. 1 EIA Act). The binding opinion is valid for 7 years from the date of its issue. At the request of the investor, it shall extend the validity of the opinion by 5 years, even repeatedly (§ 9a par. 4 EIA Act). No later than 90 days before the request for a follow-up procedure is lodged, but no later than on the day the request for a follow-up procedure, the RES investor shall submit to the issuing competent authority the documentation for these procedures, including a full description of any changes from the project intention on which the binding opinion was issued (§ 9a par. 6 EIA Act).

Zoning and construction proceedings

Zoning proceedings

Notice of the oral consultation shall be given at least 15 days in advance. If the building authority refrains from the oral consultation, it shall set a time limit within which the parties to the proceedings may raise objections and the authorities concerned may make binding opinions; this period may not be less than 15 days (§ 87 par. 1 Building Act). The holding of a public consultation shall be announced to the public by a public decree, which must be posted at least 30 days in advance. During this time, the building authority must allow everyone to inspect the documents for issuing the decision (§ 87 par. 2 Building Act). Also, with regard to the public participation, its comments must be

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submitted at the latest at the consultation; otherwise, they are not taken into account. If the consultation is waived, the public's comments must be submitted within the prescribed period; otherwise, they are not taken into account (§ 89 Building Act).

In simple matters, in particular if a decision can be made on the basis of documents submitted by the applicant, the building authority shall decide without undue delay, but no later than within 60 days from the date of commencement of the zoning procedure; in particularly complex cases (incl. full EIA), the building authority shall take a decision within a maximum period of 90 days (§ 87 par. 4 Building Act).

The zoning decision on the location of the building, change of land use, etc., is valid for 2 years from the date since it has come into force (in special cases the period may be extended up to 5 years) (§ 93 par. 1 Building Act). The same deadlines apply for the joint permits (§ 94p par. 5 Building Act).

Construction proceedings

The relevant building authority shall notify the parties known to it and the authorities concerned of the commencement of the construction proceedings at least 10 days prior to the oral consultation, which shall be combined with an on-site examination, if appropriate. If the building authority withdraws from the oral procedure, it shall specify a period, which shall not be less than 10 days, within which the institutions concerned may submit binding observations and the parties to the proceedings may submit their objections or evidence. At the same time, a relevant building authority warns these subjects that subsequently submitted binding opinions, objections or evidence are not to be taken into account (§ 112 par. 2 Building Act).

With regard to the deadlines for issuing the decision, the ones relevant for the zoning proceedings also apply.

The building permit expires if the construction has not started within 2 years from the date on which it came into force. The period of validity of the building permit may be extended by the building authority at the reasoned request of the builder submitted before its expiration (§ 115 par. 4 Building Act).

Within 15 days from the date of delivery of the investor's request to issue an occupancy permit, the building authority shall set the deadline for the final inspection of the construction. The final inspection of the construction must be carried out within 45 days from the date of delivery of the application for the occupancy permit (§ 122 par. 2 Building Act). If the application is complete and the building is implemented in line with the documents provided and relevant regulations, the responsible building office issues an occupancy permit within 15 days from the date of the final inspection (§ 122 par. 3 Building Act).

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The authorisation terminates if an applicant does not request the issuance of a zoning decision within 3 years from the entry into force of the decision on granting authorisation for electricity generations with an installed capacity of up to 100 MW, or within 5 years from the decision on granting authorisation for plants with an installed capacity of 100 MW and more. An applicant may, however, apply for a zoning decision before the decision to grant the authorisation takes legal effect (§ 30d par. 3 Energy Act).

It also terminates in the event of termination of the zoning proceedings or rejection of the application for the issuance of a zoning decision on the day of the entry into force of such a decision. The MPO cancels the authorisation also in the case of serious non-

compliance with the conditions set within the authorisation, or at the request of its holder.

Detected barriers

Complexity of administrative procedures. When it comes to administrative procedures (i.e., mainly the ones governed by the EIA Act and Building Act), they are considered too complex, lengthy and as a final result, also costly. In January 2021, the RES Chamber, as the main RES umbrella association in the country, stressed that further deployment of RES capacities is conditional upon the simplification of permitting process under the Building Act (and its implementing regulations and related methodologies), which is believed to lead inevitably to the acceleration of RES development. Moreover, Valentová et al. (2020) assumes that the administrative complexity is one of the main obstacles to the development of RES projects (incl. solar PV and wind power plants) in Czechia. Actually, it is even assessed as one of the most complicated ones among developed countries. According to the authors of the report, this entails not only large, but also small decentralised projects. It must be noted that a new Building Act (in the first reading in the Czech Parliament in early 2021), which should simplify and accelerate the discussed procedures, is foreseen to come into force to full extent only in the middle of 2023 (Komora OZE, 2021; Sedlák, 2021; Valentová et al., 2021; MoRD, 2021).

Diverse interpretations of the Building Act and related regulations. There is no unified approach of building offices towards approving solar PV systems in Czechia. Despite a methodological recommendation of the Ministry of Regional Development (MoRD), the interpretation of land use planning and construction-related regulations by civil servants differ considerably. Therefore, it is quite difficult to predict what the requirements are and how much time is needed to comply with them. Matajs (2020) also points out that the interpretation of the Building Law may differ, meaning that the same issue can be assessed differently by two different building authorities. Furthermore, sometimes the interpretation of the law also varies between individual officials at one building authority. Therefore, in the case of RES investments, it is highly recommended to consult a project intention with the competent building office in writing (§ 139 Administrative Code). Since this barrier was already highlighted in the report developed by ECORYS, et al. (2010) in 2010, it seems that it has been persisting since then. In detail, it was noted that the lack of specific expertise in dealing with renewable energies is an important barrier for RES development since the civil servants responsible for the permitting procedures have not familiarised themselves with them sufficiently. As a result, confusion, delays or unmotivated denials of authorisations materialise frequently (Valach, 2020; Matajs, 2020; ECORYS et al., 2010; Polanecký, 2021; Hradecký, 2021, Sedlák, 2021).

Restrictive opinions on land-use planning. The Bodies of Protection of Agricultural Land Resources (*Orgány ochrany zemědělského půdního fondu*) provide very restrictive opinions on land-use planning for RES projects and on the proposed delimitation of a built-up area in terms of protection of agricultural land resources (according to § 5 par. 2 of the Act No. 334/1992 Coll. on the Protection of the Agricultural Land Fund). The opinions issued thus prevent further deployment of onshore wind and ground-mounted PV power plants in the country. For instance, a company has aimed to develop a PV plant in an industrial area and due to the negative decision of the Body of Protection of Agricultural Land Resources, this investment has been cancelled (Valach, 2020; Vojáček, 2021).

Lack of one-stop shop for administrative procedures causes delay. Once a renewable energy plant is constructed, all required administrative initiatives should be done in one step in order to enable full electricity production within a month, according to stakeholders. However, in Czechia, these procedures (i.e., issue of a license, of a building permit, etc.) depend on each other, which results in unreasonable time delays and slows down RES projects' realisation. This barrier was highlighted by the Guild of Accumulation and Photovoltaics (CAFT) as especially relevant for solar PV projects in February 2021 (Valach, 2020; Hradecký, 2021).

Identified good practice

No good practice related to this process step was identified.

2.1.4. Grid connection permit

Process flow

The Transmission System Operator (TSO) or a Distribution System Operator (DSO) is obliged to preferentially connect a system for the production of electricity from promoted energy sources (so-called priority connection), if the producer so requests and meets the connection conditions (given by the Decree on the Conditions for Connection to the Electricity Grid; § 7 par. 1 RES Act). However, an exemption applies when there is a demonstrable lack of capacity or in the event of a threat to the safe and reliable operation of the electricity system.

With regard to connection costs, the relevant DSO²¹ bears the costs of extending low-voltage lines in built-up areas and low-voltage lines of up to and including 50 m in non-built-up areas. As there is only one electricity TSO (ČEPS, a.s.) in Czechia, the costs of connection to a transmission grid are not subject to variation. In all other cases, i.e., non-built-up areas and the lines of over 50 m, the cost of grid expansion is borne by the person that derives a benefit from the expansion (§ 45 par. 2 Energy Act). The cost of the connection of a plant to the distribution or transmission grid is borne by the plant operator (§ 23 par. 3 Letter a Energy Act).

Lettner, et al. (2018) reminds that prosumers generating energy from Micro Sources do not need to pay for the access to the grid, given that as one of the conditions for this type of installation is zero reserved capacity on the grid, thus zero (or, at least, negligible) input into the low voltage distribution system (§ 16 par. 2 Decree on the Conditions for Connection to the Electricity Grid). The Micro Sources (with the total maximum installed power of up to and including 10 kW with the maximum altering current of 16 A per phase as defined by § 2 Letter e of the Decree on the Conditions for Connection to the Electricity Grid) are subject to simplified connection to the distribution system. There is also a separate form used for simplified requirements for the connection of Micro Sources (Annex No. 10 Decree on the Conditions for Connection to the Electricity Grid). If a Micro Source is not subject to the proceedings, more documents are required (Annexes of the Decree on the Conditions for Connection to the Electricity Grid).

The following process steps apply:

First of all, it must be noted that the application for connection is submitted before the construction or connection of an equipment (CZBA, 2010). Also, as a preliminary step, on

²¹ If a plant is connected to the distribution grid, the DSO its connection costs are the lowest is obliged to connect it.

request of the plant operator, the grid operator is obligated to submit information needed for the connection to the grid, the estimated connection costs, and define deadlines.

Then, a plant operator applies for a connection of the plant. It must comply with the connection requirements and the terms and conditions set out in the Decree on the Conditions for Connection to the Electricity Grid (§ 7 par. 1 RES Act in conjunction with § 24 par. 10 Letter a Energy Act). In the case of a production facility with an installed capacity of more than 0.5 MW, the application for connection of the production plant also includes a schedule for the construction of the production plant. It contains a list of decisions, opinions and statements of public administration bodies and expected dates of their issuance, especially as regards an EIA binding opinion, building permit and building approval, etc., which are necessary to implement the construction of electricity generation (§ 4 par. 2 Decree on the Conditions for Connection to the Electricity Grid).

Additionally, a relevant TSO or DSO may request the elaboration of a connectivity study from an applicant. Further details are given by the Decree on the Conditions for Connection to the Electricity Grid.

Finally, if the conditions for grid connection are fulfilled, the relevant DSO submits a draft grid connection contract (§ 8 par. 4 Decree on the Conditions for Connection to the Electricity Grid). If the applicant does not accept the draft contract within the given period, the power reservation expires (§ 9 par. 3 Decree on the Conditions for Connection to the Electricity Grid).

Deadlines

As already provided above, on request of the plant operator, the grid operator is obligated to submit information needed for the connection to the grid, the estimated connection costs, and specify the deadline for receiving and processing the connection request and estimating the time required to make the connection of the relevant plant.

If necessary, a relevant TSO or DSO shall invite the applicant no later than 15 days from the date of receipt of the application to supplement the data provided to the extent necessary and shall set a reasonable time limit. At the same time, it warns the applicant that in the event of failure to complete the data to the required extent within the specified period, the application will not be assessed (§ 8 par. 2 Decree on the Conditions for Connection to the Electricity Grid).

The relevant TSO or DSO may request the elaboration of a connectivity study from an applicant. It must do so no later than within 30 days after the receipt of the connection request (based on the documents provided by the TSO or DSO on request). If the documents are not asked by the applicant within 30 days from the receipt of such request, the application is not subject to further proceedings and the process ends. The applicant for connection of equipment to the distribution system shall submit the connectivity study to the DSO within 90 days from the day when the DSO submitted to the applicant the documents necessary for the elaboration of the study. In the case of TSO, the period is prolonged to 180 days (§ 6 Decree on the Conditions for Connection to the Electricity Grid).

Subsequently, if the conditions for a grid connection are fulfilled, the relevant DSO submits within 30 days or, in the case of equipment connected to a high or very high voltage level, within 60 days (extended to 90 days if a connection to the transmission grid is requested) from the submission of a complete connection request or from the date of submission of the connectivity study, if the connection study was requested, a draft grid connection contract (§ 8 par. 4 Decree on the Conditions for Connection to the

Electricity Grid). Although connection deadlines may be specified in the grid connection agreements, the statutory law does not provide any exact deadlines for connection to the grid (§ 7 par. 2 RES Act).

Finally, if the applicant does not accept the draft contract within 30 days for connection to the low voltage level or within 60 days for connection to the high voltage level and higher from the date of submission of the draft contract by the TSO or DSO, the power reservation expires (§ 9 par. 3 Decree on the Conditions for Connection to the Electricity Grid).

With regard to operators of so-called Micro Sources, the relevant DSO shall assess the completeness of the data specified in the application for a Micro Source no later than 15 days from its submission. If some pieces of data are missing or the conditions for its connection are not fulfilled, the DSO requests the applicant to complete it within 15 days from the application's receipt. The applicant should do so in a reasonable time period set by the DSO concerned. If an investor does not do so, the request is not considered anymore. However, if the complete application is received, the relevant DSO submits a draft connection agreement to the investor no later than 20 days from its receipt (§ 16 par. 5 Decree on the Conditions for Connection to the Electricity Grid).

Detected barriers

Unpredictability of a DSO's decision. It is almost impossible to predict whether a connection permit will be granted to certain onshore wind or solar PV project, as it is not clear how to fulfil the requirements of the distributors. List of common requirements, although published on the website of the distribution companies, can be in individual cases anytime extended. Even in the case of small-scale rooftop PV systems, there is a risk that the grid operator refuses the connection approval because of technical issues or a lack of grid capacity. It is often unclear what the true reasons are, although the operator usually argues that they are purely technical, and therefore, in line with the Energy Law. Allegedly, CEZ (Czech Energy Company) uses special software to decide whether a connection is feasible. However, it is unknown what its parameters are, or if the company always follows the results of the software. Usually, distributors argue that there is an insufficient grid capacity in the respective location, and thus another generation plant with a non-linear production could cause serious damage to it (i.e., in line with a legally allowed exemption applied to cases when a demonstrable lack of capacity or in the event of a threat to the safe and reliable operation of the electricity system may occur). Some cases revealed that a grid connection application was approved with a connection point 800 meters away (in this case it was 10 kW PV plant in the direct buy-up support scheme). In other cases, a connection is allowed in a locality where it is very harmful to the grid. As a result, there is a practice of non-harmonised approach towards applicants when different requirements without justification are applied (Valach, 2020; PV GRID et al., 2014).

Uncertainty in the commissioning of PV systems by DSOs. A ground-mounted as well as a rooftop solar PV system can begin to operate only after an electrometer installation has been put in place. However, before that, a set of control tests are performed by the grid operator. A protocol on compliance commissioning of a generation plant can then be issued, and the commissioning procedure is finalised. However, there are significant differences in implementing a DSO's connection rules. Sometimes it is necessary to follow them strictly and it may also happen that a RES operator is allowed to fix minor details later (Valach, 2020).

Delay in a DSO's connection decision results in no RES support. In general, installing a rooftop PV system of over 20 kW with all necessary authorisations takes approximately two or three months, which is considered too long. The PV system connection decision depends on the decision of the relevant DSO. It means that the PV installation can be connected just after its construction, but also much later at the end of the year, for instance (as there is no statutory deadline for connection). In the latter case, it can result in not receiving support under the current year's conditions. Whether a PV operator gets support depends on the ERO's decision. Depending on the connection date, support scheme conditions may change/vary (if a support scheme is active, which is not the case since 2014) (Valach, 2020).

Identified good practice

No good practice related to this process step was identified.

2.1.5. Corporate-legal fiscal

Process flow

In Czechia, there are two main tax measures incentivising RES-E generation in place at the moment.

Firstly, as of 1 January 2016, only operators of installations generating environmentally-friendly electricity (including solar PV and onshore wind power) with a maximum capacity up to and including 30 kW are directly exempted from electricity tax if the electricity produced is simultaneously consumed at the same offtake points (i.e., prosumers; 47th Part, § 8 par. 1 Letter a Act on Stabilisation of Public Budgets). Therefore, either RES-E operators of facilities over 30 kW using electricity for self-consumption or operators of RES-E plants which also deliver electricity to the final consumers are obliged to register and pay a tax for the electricity produced (47th Part, § 3 par. 1 Letter a Act on Stabilisation of Public Budgets). The following equation for its amount applies: CZK 28.30 (EUR 1.08) × amount of electricity in MWh (47th Part, § 6 and § 7 Act on Stabilisation of Public Budgets). These taxpayers submit requests for their tax registration. They are obliged to submit a tax return and pay the tax (§ 26 par. 1 Act on Stabilisation of Public Budgets). The tax administration is performed by a relevant customs office (i.e., the Customs Administration of the Czech Republic).

Secondly, properties used solely for the generation of electricity from wind are exempt from real estate tax (§ 9 par. 1 Letter m Real Estate Tax Act). In the case of PV plants placed on rooftops, the tax is applicable in line with the type of building and its use without any further exceptions. According to the explanatory opinion of the Financial Administration (2010), as far as ground-mounted PV plants are concerned, they are not considered constructions under the Building Act so they are not commonly subject of the property tax. However, in the case fixed constructions (e.g., a concrete structure) for the placement of solar PV panels are established, such plants should be considered constructions and the real estate tax applies accordingly. The tax benefit is an exemption from real estate tax, which can be claimed through a tax return at the relevant tax office (§ 9 par. 5 in conjunction with § 13a par. 1 Real Estate Tax Act). The tax return is not filed if the taxpayer filed it for one of the previous tax periods (i.e., years) and there has been no change in the circumstances decisive for determining the tax. Once a subject is registered, the Financial Administration (FA) sends a payment request every year (Financni sprava, 2020).

In addition, since 1 January 2011, investors which have commissioned PV plants with an installed capacity of over 30 kW in 2009 and 2010 must pay a levy on electricity from solar radiation (so-called Solar Tax). Initially, this levy varied from 26% of the revenues (feed-in tariff (FiT) for sold power to grid operators) to 28% (so-called Green Bonus payments for electricity produced and consumed in the consumption place) and was valid for three years (2011–2013). However, in August 2013, the Czech Parliament decided to extend the Solar Tax also to plants over 30 kW put into operation in the year 2010 (Valach, 2020). Therefore, as of 2014, the levy has been lowered to 10% of FiT or 11% in case of premium tariff (Green Bonus) for the 2010 PV plants larger than 30 kW (§ 17 and § 18 RES Act). These PV investors must pay the Solar Tax for the whole duration of their operational support (§ 14 RES Act). The basis of the levy is the amount without VAT reimbursed through the payer of the levy (either the mandatory buyer or the market operator).²² The levy is made by a so-called deduction and its administration is performed by the tax authorities (Madati, 2021). It must be, however, noted that as a compulsory payment the levy is considered neither a tax nor a fee.

Deadlines

Electricity Tax

The above-defined taxpayers submit requests for their tax registration no later than on the day of the obligation to declare and pay the tax. Taxpayers who are obliged to declare and pay the tax are obliged to submit a tax return and pay the tax by the 25th day after the end of the tax period in which this obligation arose (§ 26 par. 1 Act on Stabilisation of Public Budgets). The tax period is legally defined as a calendar month.

Real Estate Tax

The tax benefit is an exemption from real estate tax, which can be claimed through a tax return at the relevant tax office by 31 January annually (§ 9 par. 5 in conjunction with § 13a par. 1 Real Estate Tax Act). Real estate tax is payable in two equal instalments, no later than 31 May and 30 November of the tax period. If the annual real estate tax does not exceed CZK 5,000 (EUR 191), it is payable at once, no later than 31 May of the respective year. Real estate tax can be paid at once, even with a higher amount by the same date (§ 15 par. 1 and par. 2 Real Estate Tax). As soon as a subject is registered, the FA submits a payment request either in a physical form or an electronic one annually (Financni sprava, 2020).

Detected barriers

No barriers related to this process step were identified.

Identified good practice

No good practice related to this process step was identified.

3. Use of IT systems

Spatial planning. According to the CENIA (2021), which administers the EIA/SEA Information System²³, it is intended for the needs of authorities that organise the process. The system is used to keep records of assessed plans and to publish documents related to the EIA/SEA process as required by the EIA Act. It thus enables the public to

²² https://www.financnisprava.cz/assets/tiskopisy/5537_5.pdf?202102191305

²³ https://portal.cenia.cz/eiasea/view/eia100_cr and https://portal.cenia.cz/eiasea/view/SEA100_koncepce (in Czech)

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monitor the course of the process of assessing planned projects and concepts (CENIA, 2021).

Electricity production license. As far as the License to Conduct Business in the Energy Sector is concerned only electronic submissions are allowed. There is no digital platform. An applicant submits the application in writing or electronically (via a data box or an e-mail with an electronic signature) at the filing office of the ERO using the standard form. The forms²⁴ may be filled in manually or electronically.

Administrative authorisation process. In the case of the processes governed by the Building Act, digitisation works only in a very simple form when the forms provided by the Decree on Territorial Decision-making are not submitted physically, but electronically (with a verified electronic signature). It is possible to submit the notification by e-mail, but attachments are submitted physically to the relevant building office.

The MoRD (n.d.) states that completely new and real digitisation will be fully operational only in the middle of 2023 when a new Building Act (currently in the first reading in the Czech Parliament) will come into force to full extent (MoRD, 2021).²⁵

Grid connection permit. Applications for grid connection are submitted either in a physical form or via e-mail to on the template provided by each DSO. Besides, also an online system may be used in the case of one of the Czech DSOs, ČEZ Distribuce, a. s.²⁶, for example.

Corporate legal-fiscal process. It is possible to file an electricity tax online. Intelligent forms (so-called ZFO) allow direct filling in and sending of data to the tax administrator via a data box or e-filing. The use of intelligent forms is the preferred option for submitting tax forms.²⁷

Regarding real estate tax, it is also possible to fill in and send an electronic form of tax declaration on the Tax Portal website.²⁸

As of 28 February 2021, Czechia is launching the Online Tax Office portal²⁹, which should simplify, accelerate and provide higher comfort of electronic communication with financial authorities, and should serve as a one-stop-shop (MojeDane, 2021).

²⁴ Application for a business license in the energy sectors for physical persons (A1) (in Czech): <http://www.ero.cz/documents/10540/741510/A1.doc/40dc3907-c351-4e58-916c-30c21f27464f>;
Application for a business license in the energy sector for legal entities (A2) (in Czech): <http://www.ero.cz/documents/10540/741510/A2.doc/9fbc3aa2-e2ea-400d-8d7f-08bc1d01487e>;
Further forms (including cancellation, etc.) are available on the following link (in Czech): <http://www.ero.cz/cs/licence/informace-pro-zadatele>

²⁵ According to the current Minister of the MoRD (n.d.), perhaps none of the state's agendas have been so much trapped in the last century when it comes to their digitisation. The Minister's goal is that an investor will communicate with all entities within the construction procedure only electronically through the Builder's Portal.

²⁶ An online system may be used for grid connection of micro sources (in Czech): <https://dip.cezdistribuce.cz/irj/portal/anonymouz/zadost-o-pripojeni#/vyber-typu>

²⁷ https://forms.celnisprava.cz/aforms.php?action=fill&id_form=61 and <https://www.celnisprava.cz/cz/dane/tiskopisy/Stranky/danove-tiskopisy.aspx> (in Czech)

²⁸ https://adisepo.mfcr.cz/adistc/adis/idpr_epo/epo2/form/form_uvod.faces?CPodani=pGrLA4u9oQp2ITe-4LDqFPcT&nov=1 (in Czech)

²⁹ <https://www.mojedane21.cz/> (in Czech)

4. Complaint procedure

First of all, it is necessary to apply a special regulation (i.e., EIA Act, Building Act, Energy Act) and if an act does not regulate the given relationship or aspect of the proceedings, then the relevant provisions of the Administrative Code apply.

In general, it is possible to file an appeal against decisions issued under the Administrative Code. The classic way of defence against decisions issued is an appeal, which must be filed within 15 days of the date of delivery of the decision and is filed with the superior authority through the authority that issued it.

Regarding legal remedies, the Code of Administrative Justice regulates the courts' acting and deciding in the administrative judiciary (§ 1 Letter a Code of Administrative Justice). In the administrative judiciary, regional courts and the Supreme Administrative Court decide on actions against decisions taken in the field of public administration. They also decide upon their inactivity, unlawful interference, etc. (§ 4 Code of Administrative Justice). It must be stressed that it is possible to demand the protection of rights only upon request and only after exhaustion of proper remedies. The materially competent court, i.e., a regional court in which district the administrative body issued the decision at first instance, shall have jurisdiction over the proceedings (§ 7 par. 1 Code of Administrative Justice). It shall reject the application if it has already decided on the same matter or proceedings are already pending before the court (§ 46 par. 1 Letter a Code of Administrative Justice).

In general, an action may be brought within two months after the decision has been notified to the claimant by delivery of a written copy (§ 72 Code of Administrative Justice). The bringing of an action shall not have suspensory effect. The proceedings are initiated on the day when the application is received by the court (§ 32 Code of Administrative Justice). The defendant is the administrative body that decided at the last instance. If the action is well founded, the court annuls the contested decision for illegality or procedural defects. If the court annuls the decision, it shall at the same time declare that the case is being referred back. In a further proceeding, the administrative body is bound by the legal opinion expressed by the court (§ 78 Code of Administrative Justice).

A person who has exhausted the means provided by the procedural regulation valid for proceedings before an administrative body for the protection against its inactivity may bring an action to the relevant court no later than a year since the responsible body should have decided upon the matter (§ 79 par. 1 and § 80 par. 1 Code of Administrative Justice).

There is no appeal or other appropriate appeal that shall be admissible against the decision of courts in the administrative judiciary. In administrative justice, courts decide in a single instance. However, there is an appeal in cassation, which is an extraordinary appeal against the final decision of the regional court (NSS, 2020). An appeal in cassation is lodged with the Supreme Administrative Court. It is a widely open extraordinary remedy which can be used to seek redress in both substantive matters and a defective process. It must be filed within two weeks of receipt of the decision. If the Supreme Administrative Court finds that the appeal in cassation is justified, it shall annul the decision of the competent regional court by a judgment and return the case to it for further proceedings (NSS, 2020). Finally, there is a second extraordinary appeal possible. It is called renewal of proceedings. It shall begin at the request of a party if evidence or facts have come to light which, without its fault, were not or could not be relied on in the main proceedings (§ 111 Code of Administrative Justice). A deadline of 3 months is set

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for the submission of the request from the moment when the petitioner learnt of the reason for renewal, but no later than 3 years from the legal force of the original decision (NSS, 2020).

5. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in Czechia.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	yes	As clarified by Kuk (2011), individual permitting processes may be also merged into one procedure in order to eliminate duplicate procedures. For instance, it is possible to combine the EIA process with zoning procedures. The other option is a joint zoning and construction procedure also associated with the EIA.
National contact points and one-stop-shops	no	Lack of one-stop shop for administrative procedures causes delay. If a renewable energy plant is to be implemented, all required administrative initiatives should be done in one step in order to enable full electricity production within a month, according to stakeholders (Valach, 2020; Hradecký, 2021).
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	yes	According to § 103 par. 1 Letter e No. 9 of the Building Act, neither a building permit nor a building notice (notification) is required for electricity producing installations with the total capacity of up to and including 20 kW. This applies to small-scale solar PV plants as well as onshore wind power plants.
Pre-planning	yes	In September 2018, the MoE issued the Update of the Methodological Instructions for the Evaluation of Possibility of Locating Wind and Photovoltaic Power Plants in Terms of Nature and Landscape Protection (MZP, 2018a). In the form of a negative delimitation, it defines areas in which the construction of wind power and solar PV plants is <i>unsuitable, rather unsuitable</i> and <i>generally suitable</i> under subsequently clearly formulated conditions. Nevertheless, the areas' differentiation only gives a broad overview on the expected complexity of follow-up processes, and is also not legally binding for state authorities.
Pre-application consultation	yes	Wherever necessary, the EIA process precedes the acquisition of zoning and construction permits (EIA Act).
Project acceptance measures	no	
Measures to streamline litigation by third parties	no	

Other	no	
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6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Czechia.

Table 3: Performance indicators to assess administrative and grid connection processes

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	In general, installing a rooftop solar PV system over 20 kW with all necessary authorisations takes approximately two or three months, which is considered too long (please see the barrier called 'Delay in a DSO's connection decision results in no RES support' in section 2.1.4.).
Process duration	The operational support scheme has been halted as of 2014. It is one of the main reasons why up-to-date direct experience with medium and large-scale RES projects has been missing in the recent years (Polanecký, 2021; Sedlák, 2021). Most permitting and spatial planning work is undergone in the administrative authorisation part. Processes governed by the EIA Act and Building Act are relevant and are also commonly the most time-consuming ones out of all relevant processes, and are, therefore, most negatively perceived by stakeholders (please see the barrier called 'Complexity of administrative procedures' in section 2.1.3.).
Project approval rates	N.A.
Costs of administrative processes	Regarding rooftop PV installations, there are close to none application fees for prosumers in terms of acquiring an authorisation to operate them (Lettner et al., 2018).
Share of permits that are legally challenged	N.A.
Share of legal challenges that are overruled	N.A.
Stakeholder interests	Stakeholders assume that the public may participate at the procedure sufficiently without any significant barriers. For instance, the public may participate at the public consultation of a draft spatial planning documentation. However, only the owners of land and buildings affected by the proposed solution and a representative of the public may object to the draft spatial plan. The classic consultative form of public participation is, however, applied through comments. These can be submitted by anyone. A stronger form of participation is the filing of objections, to which only the aforementioned persons are entitled (Kuk, 2020). As Kuk (2020) clarifies, their principal difference is that the comments are only taken into account or assessed, but it must be decided upon the objections raised. In the latter case, either a review procedure may be initiated or an administrative action may be brought. On the other hand, there is no instrument to defend against the already assessed or decided comments (Kuk, 2020).

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	Concerning the EIA procedures, Kuk (2020) assumes that there is a relatively high level of transparency ensured within the EIA process thanks to the EIA Information System.
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