

## The Role, Powers and Challenges of the Environmental Inspectorate in the Czech Republic<sup>1</sup>

### Abstract

*This comprehensive analysis examines the Czech Environmental Inspectorate (CEI), established under Act No. 282/1991 Coll., as the primary regulatory authority responsible for environmental compliance monitoring in the Czech Republic. The article explores CEI's institutional framework, encompassing its organisational structure with ten territorial inspectorates and central headquarters, alongside its broad regulatory mandate covering nature protection, water and air quality, waste management, and chemical safety oversight. The analysis details CEI's enforcement mechanisms, including routine inspections, targeted investigations, and emergency response protocols, while examining the administrative procedures governing environmental offense adjudication. Key findings reveal both the strengths and limitations of the current system, highlighting CEI's crucial role in environmental protection along with significant operational challenges including resource constraints, staffing inadequacies, and jurisdictional complexities that impede optimal performance. The research identifies critical improvement opportunities through enhanced legal mandates, technological modernisation including artificial intelligence integration, and structural reforms to strengthen inter-agency coordination. The article concludes that strategic institutional development and technological advancement are essential for maintaining effective environmental governance and ensuring sustainable protection of natural resources in the Czech Republic.*

**Keywords:** Czech Environmental Inspectorate, environmental enforcement, administrative law, inspection powers, environmental protection

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# 1. Introduction and legal basis

## 1.1. Environmental inspection as a regulatory tool

The Czech Environmental Inspectorate (Česká inspekce životního prostředí, CEI) is a fundamental regulatory instrument with the task of verifying and ensuring compliance by individuals, legal entities, and public authorities with the applicable environmental legislation and standards. Within the legal framework of the Czech Republic, environmental inspection functions as a supervisory and enforcement tool aimed at monitoring, assessing, and guaranteeing the observance of statutory obligations in critical domains including nature, forest, air and water protection, waste management and chemical safety. This systematic and preventive oversight is essential for mitigating environmental risks, fostering sustainable development, and safeguarding public health interests.

## 1.2. Role and legal mandate of CEI

CEI is the central authority responsible for environmental inspection in the Czech Republic. Established by Act No. 282/1991 Coll.<sup>2</sup> the CEI operates as an independent professional body subordinate to the Ministry of the Environment. Its mandate covers:<sup>3</sup>

- | Supervision of Compliance: Overseeing adherence to environmental legislation and administrative decisions.
- | Inspection Activities: Conducting planned and ad hoc inspections, investigations, and audits in all environmental sectors.
- | Sanctions and Remedial Measures: Imposing fines and corrective actions for violations of environmental laws.
- | Specialised Supervision and Intervention: Supervising the handling and trade of endangered species, enforcing chemical safety and product safety standards, and restricting or halting operations that pose a serious risk to the environment.
- | Environmental Protection and Risk Management: Participating in addressing historic environmental burdens, responding to environmental accidents, and implementing remedial actions to mitigate environmental threats.
- | Public Engagement and Information Provision: Investigating reports and initiatives submitted by both individuals and legal entities, providing information

2 | Act No. 282/1991 Coll., on the Czech Environmental Inspectorate and its competencies in forestry protection.

3 | Česká inspekce životního prostředí 2025a.

pursuant to relevant legal provisions, and communicating environmental data to the public, media, and state administration.<sup>4</sup>

- | Expert Consultation and Cooperation: Issuing expert opinions for other administrative authorities and cooperating with domestic and international inspection bodies,<sup>5</sup> particularly within the network of EU inspection authorities (IMPEL), to enhance the effectiveness of environmental protection.<sup>6</sup>

The CEI's legal authority is defined by Act No. 282/1991 Coll., as well as sector-specific laws such as the Waste Act (Act No. 541/2020 Coll.), the Water Act (Act No. 254/2001 Coll.), the Air Protection Act (Act No. 201/2012 Coll.), the Nature and Landscape Protection Act (Act No. 114/1992 Coll.), the Act on Prevention and Remedying of Environmental Damage (Act No. 167/2008 Coll.) etc.

### **1.3. Importance of environmental supervision in Czech regulatory enforcement**

Environmental supervision plays a pivotal role in the effective enforcement of environmental regulations within the Czech Republic. Through systematic and regular inspections, alongside continuous monitoring, environmental authorities (notably CEI) are able to identify violations promptly, thereby deterring non-compliance and fostering adherence to established environmental standards. This oversight is fundamental not only for the protection of public health and the environment – by reducing pollution and preserving ecosystems – but also for preventing broader environmental degradation. Crucially, transparent and consistent supervision contributes to legal certainty by reinforcing the rule of law and cultivating trust among regulated entities and the general public. The capability to impose sanctions serves as an essential deterrent against potential violators, promoting a culture of responsibility and compliance. An even more significant instrument for the protection of the environment is the power to impose remedial measures, which may be ordered concurrently with fines without violating the principle of *non bis in idem*. These measures are conceptually distinct from punitive sanctions, as their purpose is the restoration or mitigation of damage in accordance with the 'polluter pays' principle, rather than the imposition of punishment as a primary objective.<sup>7</sup> Additionally, the information gathered through supervisory activities provides critical feedback to policymakers, facilitating ongoing refinement of environmental legislation and enforcement strategies. Consequently, environmental supervision is indispensable in bridging the gap between legislative

4 | Klemperová 2015, 29–30.

5 | Kremplová Mendrygalová 2018, 56–57.

6 | Benešová 2020, 29–30.

7 | Zdráhalová & Vomáčka 2025, 239.

intent and practical implementation, ensuring that environmental protection is actively realised rather than remaining a theoretical objective.<sup>8</sup>

## 2. Institutional structure

### 2.1. Legislative framework defining CEI's role and authority

CEI was established in 1991 by Act No. 282/1991 Coll. (forestry protection competences), as an independent organisation subordinate to the Ministry of the Environment<sup>9</sup> and funded from the state budget. The other environmental sectors – air and nature protection as well as waste management – were incorporated gradually in 1991–1992.<sup>10</sup> Since its inception, the CEI's competencies have been continuously adjusted and refined in response to evolving legislative frameworks, as set forth in various sectoral laws.<sup>11</sup> For example, certain competencies have been modified or discontinued over time, such as the termination of authority to provide statements within the Environmental Impact Assessment (EIA) process.<sup>12</sup> This gradual adaptation of competences reflects both legislative developments and policy shifts up to the present structure. In the various domains of environmental protection, the competencies of CEI are currently regulated by numerous legal instruments, including laws, decrees, and European Union regulations. These encompass: Nature, landscape, forest protection, and CITES – governed by 9 legal provisions; Air protection, ozone layer protection, and the Earth's climate system – covered by 16 legal provisions; Water protection – regulated by 3 legal provisions; Waste management – subject to 7 legal provisions; and integrated agendas – governed by 4 legal provisions.<sup>13</sup>

Among the general legal instruments relevant to the activities of the CEI is Act No. 500/2004 Coll., the Administrative Procedure Code, which establishes the general framework for administrative proceedings and constitutes a fundamental legal norm within administrative law in the Czech Republic. Another key general statute governing CEI operations is Act No. 255/2012 Coll., on Control Activities (the Control Code), which regulates the procedure for conducting inspections. Equally significant is Act No. 250/2016 Coll., on Liability for Offenses and Proceedings Thereon, which governs the adjudication of administrative offenses. The public's right to information, including environmental information, is primarily exercised through Act No. 123/1998 Coll., on the Right to Information on the Environment, and Act No. 106/1999

8 | Gunningham & Sinclair 1999, 8–16, 45–49, 55–58.

9 | Jelínková & Buchta 2020.

10 | Česká inspekce životního prostředí 2025b.

11 | Klemperová 2015, 22–23.

12 | Act No. 465/2023 Coll., which amended Act No. 100/2001 Coll., on Environmental Impact Assessment and removed CEI from the list of concerned authorities.

13 | CEI 2025a, 5, 11–12, 16, 21, 28.

Coll., on Free Access to Information. Given the role of CEI, *inter alia*, as a preventive authority in environmental protection, it is necessary to further include among the general legal instruments Act No. 224/2015 Coll., on the Prevention of Major Accidents Caused by Selected Hazardous Chemical Substances or Chemical Mixtures. Additionally, Act No. 167/2008 Coll., on the Prevention of Environmental Damage and its Remediation, constitutes another fundamental statute shaping the preventive and remedial functions of CEI. Moreover, this Act is the only statute that provides an explicit definition of a remedial measure and establishes specific procedural rules governing its imposition.<sup>14</sup> Together, these laws form an integral part of the CEI regulatory mandate in safeguarding the environment through proactive risk management and enforcement measures.<sup>15</sup>

## 2.2. Organisational structure

CEI is an institution with a nationwide scope operating as a single entity. Its organisational structure consists of ten territorial inspectorates, two branches and headquarters.<sup>16</sup> The territorial jurisdiction of the inspectorates and the competencies of the headquarters are defined internally; externally, CEI functions as one unified administrative authority without territorial distinctions.

CEI organises each of its territorial inspectorates into four distinct specialised departments: Air Protection, Water Protection, Waste Management, and Nature and Forest Protection. These inspectorates handle the majority of the operational agenda including inspections, investigation of reports, and conducting administrative proceedings. At the helm of the headquarters is the Director of CEI, who oversees a number of departments and units responsible both for the organisational management and operational functioning of the institution, as well as for providing methodological expertise and support to the territorial inspectorates. In exceptional cases involving the aforementioned environmental sectors, as well as in specific areas such as CITES<sup>17</sup> and fluorinated greenhouse gases, the inspections and administrative proceedings are conducted directly by the Headquarters itself.

The decentralised structure provides several operational advantages. Territorial inspectorates can respond more rapidly to environmental incidents and complaints within their territories, develop specialised knowledge of local environmental conditions and challenges, and maintain closer working relationships with regional and local authorities. The central office ensures consistency in inspection methodologies, legal interpretation, and enforcement standards across all regions, while also coordinating complex cases that may span multiple jurisdictions or require specialised technical expertise.

14 | Zdráhalová & Vomáčka 2025, 241.

15 | CEI 2025b.

16 | Section 1, para. 2 of Act No. 282/1991 Coll.

17 | The Convention on International Trade in Endangered Species of Wild Fauna and Flora.

This structure ensures coherent nationwide enforcement while maintaining specialised focus areas within each inspectorate.

### **2.3. Inter-agency relationships and cooperation mechanisms**

CEI operates under the authority of the Ministry of the Environment, which functions as its methodological body, supervises its activities, and serves primarily as the appellate body in administrative proceedings. In accordance with the principle of administrative cooperation,<sup>18</sup> CEI collaborates with other administrative authorities – including ministries, regional and municipal offices, and specialised institutions. This cooperation encompasses the coordination of inspections and mutual assistance in administrative affairs. CEI responds to requests for opinions from these authorities and, conversely, relies on them to obtain necessary factual information in the course of inspections or administrative proceedings, thereby ensuring an integrated and efficient enforcement of environmental regulations. CEI holds the authority, in certain areas of environmental protection, to oversee and verify compliance with legal provisions not only by regulated entities but also by the other cited state administration bodies (with the explicit exception of central government authorities).<sup>19</sup>

In the field of criminal law, CEI cooperates closely with both the Police and the Public Prosecutor's Office. CEI files criminal charges upon identifying the commission of a criminal offense – that is, when unlawful conduct exceeds the threshold of an administrative offense. It actively participates in criminal proceedings as a specialised expert institution by performing evidentiary and investigative acts, such as collecting samples, conducting measurements, capturing animals, producing drone recordings, etc. Furthermore, CEI provides expert opinions and positions relevant to the criminal investigations.

## **3. Scope of competencies and inspection powers**

### **3.1. Powers of individual environmental inspectors**

The primary function of CEI inspectors is to conduct inspections within the field of environmental protection. The Control Code (Act No. 255/2012 Coll.) provides the foundational procedural framework for all inspection activities conducted by public administration bodies. It confers relatively broad and robust powers upon inspectors, including the right to enter buildings, transport vehicles, land, and other premises (excluding residential dwellings unless used for business

18 | The principle of administrative cooperation is enshrined in sec. 8 of the Administrative Procedure Code (Act No. 500/2004 Coll.).

19 | Section 80, para. 1 of the Protection of Nature and Landscape Act (Act No. 114/1992 Coll.).

purposes) when necessary for inspection activities.<sup>20</sup> They can demand identity verification from individuals present at inspection sites, conduct sampling operations, perform measurements and examinations, and require the submission of documents and materials relevant to the inspection subject.<sup>21</sup> Inspected entities are obliged to comply with the inspector's requests<sup>22</sup> under the threat of a penalty for non-cooperation of up to 500,000 CZK.<sup>23</sup> Certain legal regulations confer additional inspection powers on the inspectors.<sup>24</sup> Inspectors are authorised to oversee compliance with environmental legal regulations by all natural persons, legal entities, entrepreneurs, and, in certain cases, administrative authorities. During inspections, CEI inspectors have competence to assess the environmental impacts of activities and to conduct monitoring of the quality of environmental components such as air, water, soil, and biodiversity.

At the site where CEI inspectors identify breaches of legal provisions, they may immediately undertake measures to halt, rectify, or sanction the offending activity. In so-called on-the-spot proceedings,<sup>25</sup> inspectors may impose provisional measures aimed at preventing further harmful conduct or order urgent interventions. They are also empowered to seize specimens of specially protected animals or plants to prevent the owner or possessor from handling them further.<sup>26</sup> In the context of environmental emergencies related to water protection, the CEI may issue immediate instructions for dealing with such incidents.<sup>27</sup> A frequently employed sanctioning tool for addressing less serious violations is the on-the-spot order, which allows for the imposition of a fine of up to 10,000 CZK. In cases of minor violations of environmental legislation that do not reach the threshold of an administrative offense, the situation may be resolved through an informal agreement.<sup>28</sup>

However, in the majority of cases, the matter cannot be concluded directly on site. Further inspection is either required – for example, to verify additional facts, await laboratory analysis results, or process collected data – or the findings necessitate the imposition of more complex remedial measures, a higher degree, or a different type of administrative sanction. In such instances, it is necessary to conduct standard or expedited administrative proceedings in a remote (non-presential) form.

20 | Section 7 of the Control Code.

21 | Section 8 of the Control Code.

22 | Kremplová Mendrygalová 2018, 21–22.

23 | Section 15, para. 1 of the Control Code.

24 | For example, section 17, para. 2 the Air Protection Act permits inspectors, under specific conditions, to enter the residences of natural persons directly.

25 | Section 143 of the Administrative Procedure Code.

26 | In the case of specimens protected under the CITES Convention, the measure constitutes detention pursuant to section 34 of the CITES Act (Act No. 100/2004 Coll.). For species protected by national legislation, the specimen may be confiscated pursuant to section 89 of the Act on the Protection of Nature and Landscape.

27 | Section 41, para. 2 of the Water Act.

28 | Section 91, para. 1 of the Act on Liability for Offenses and Proceedings Thereon.

### 3.2. Nature, time requirements, and types of inspections conducted by CEI

CEI operates a comprehensive system of environmental compliance monitoring through three distinct categories of inspections, each designed to address different aspects of environmental protection and enforcement needs: Routine monitoring inspections, Targeted enforcement inspections and Emergency response inspections. This systematic approach ensures thorough coverage of environmental regulations while maintaining efficient resource allocation and rapid response capabilities when environmental threats arise.<sup>29</sup>

Pursuant to the Administrative Procedure Code<sup>30</sup> and the applicable sectoral legislation, CEI accepts and processes environmental violation notices that must specify the nature, location, and timeframe of the suspected infringement along with, if known, the responsible party.<sup>31</sup> These reports can be submitted in various forms including written submissions, oral statements into the record, electronic communication, or anonymously. The CEI's investigative process involves gathering evidence, such as photographs or expert assessments, to verify non-compliance. Upon establishing a violation, CEI documents the findings and initiates administrative proceedings. Transparency and timeliness are ensured by CEI's statutory obligation to inform reporting parties on the outcome within a prescribed 30-day period.

The time required for individual inspections and the subsequent administrative proceedings varies significantly depending on the type of inspected entity (e.g. energy facilities, wastewater treatment plants, landfills, waste producers, etc.) and the applicable legislation.

The size of the entity and the scale of its operations also play a crucial role – for instance, in packaging waste: the import of a few hundred kilograms versus nationwide retail chains handling thousands of tons. Additional factors affecting inspection complexity include the level of cooperation from the entity (e.g. provision of documents, facilitation of the inspection) and legislative ambiguities in the relevant area.

Average inspection durations differ across environmental protection sectors. For example, at regional CEI inspectorates, waste management inspections typically last around 4.5 days; water protection divisions around 3 days; air protection approximately 2 days; and international biodiversity and CITES inspections range from one hour at the Václav Havel Airport branch to up to 3 days for inspections under the Act on the Protection of Nature and Landscape, and about 6.5 hours for forest protection inspections.<sup>32</sup>

29 | Beranová 2014, 37–38.

30 | Section 42 of the Administrative Procedure Code.

31 | Jemelka, Pondělíčková & Bohadlo 2016, 231.

32 | CEI 2025a, 3.

Generally, 40–45% of inspectors' available time is allocated for routine supervisory and inspection activities.<sup>33</sup> The remaining capacity is reserved for unforeseen tasks and mandatory duties arising throughout the year, including handling environmental damage reports, unplanned inspections (such as authorised emission measurements), and ad hoc thematic assignments requested by the Ministry of the Environment. Incident investigations – such as chemical industry accidents or waste landfill fires – are particularly time-intensive.

Routine monitoring inspections constitute the foundation of CEI's oversight activities, involving systematic verification of compliance with environmental regulations by public administration bodies, legal entities, and natural persons engaged in business activities in all environmental sectors. CEI develops annual inspection plans that coordinate these activities with other enforcement bodies to maximise effectiveness and prevent regulatory gaps. According to the 2025 activity plans,<sup>34</sup> the CEI conducts both scheduled and operational repeat on-site inspections, maintaining continuous surveillance of environmental compliance across various sectors. A special category is constituted by the inspection of facilities regulated by the Integrated Prevention Act,<sup>35</sup> under which the CEI is directly mandated by law to conduct regular inspections. For facilities presenting the highest environmental risk, the interval between regular inspections shall not exceed one year, whereas for facilities presenting the lowest risk, this interval shall not exceed three years.<sup>36</sup>

Targeted enforcement inspections represent focused interventions based on specific intelligence, complaints, risk assessments, or previously identified violations. These inspections concentrate CEI resources on entities or activities with elevated probability of non-compliance or potential for significant environmental impact. The targeted approach includes specialised oversight of hazardous waste property assessments, transboundary waste shipments, and complex environmental violations requiring thorough investigation. These inspections often involve cooperation with customs authorities, law enforcement agencies, and other specialised bodies to address sophisticated environmental crimes or cross-border environmental violations. The enforcement activities may include comprehensive evidence gathering, witness interviews, detailed technical assessments, and coordination with various specialists when investigating wildlife crimes or complex environmental damage cases. This category of inspections also encompasses follow-up checks of imposed remedial measures as well as specifically thematically targeted actions responding to deficiencies identified in other entities.<sup>37</sup>

33 | Ibid.

34 | CEI 2025a, 3–4.

35 | The Act on Integrated Prevention and Pollution Control, and on the Integrated Pollution Register (Act No. 76/2002 Coll.).

36 | Section 20b of the Integrated Prevention Act.

37 | Česká inspekce životního prostředí 2025c.

Emergency response inspections provide immediate intervention capabilities when environmental incidents pose imminent threats to ecological systems or public health. These inspections are triggered by environmental emergencies such as chemical spills, illegal waste disposal, industrial accidents, or natural disasters requiring immediate assessment and mitigation. Environmental inspectors possess the above-mentioned emergency powers to immediately restrict or completely halt harmful activities. Emergency inspections involve coordination with integrated rescue system components, including fire departments, the Police,<sup>38</sup> emergency medical services, and specialised hazardous materials response teams.

All inspection categories operate under the procedural framework established by the aforementioned Control Code. Following the completion of the inspection, detailed protocols must be prepared within 30 to 60 days from the date the last inspection action was carried out.<sup>39</sup> The protocol primarily contains the findings of the inspection, presenting the factual circumstances with identified deficiencies and references to the violated legal provisions, including the evidentiary basis for these findings, as well as instructions on the right to file objections against the inspection findings.<sup>40</sup> Objections must be submitted within 15 days unless a longer period is specified. Generally, objections are formally processed by the superior of the inspecting officer.<sup>41</sup>

CEI's inspection system reflects contemporary European Union standards emphasising risk-based approaches, systematic planning, and coordination between enforcement authorities to ensure consistent environmental law application. This comprehensive approach enables effective environmental protection through preventive monitoring, targeted enforcement of specific violations, and rapid emergency response capabilities essential for safeguarding Czech Republic's environmental resources.

## 4. Interaction with administrative sanctioning and compliance mechanisms

### 4.1. Identification and reporting violations

As previously noted, CEI detects violations of environmental regulations primarily through its own investigative activities, submissions from the public, and information received from other state authorities. Upon receiving a report or other relevant information, CEI typically undertakes preliminary actions preceding the

38 | For example – cooperation within the framework of addressing an emergency under the Water Act – Section 41, paras. 2 and 3 of the Water Act.

39 | Section 12, para. 2 of the Control Code.

40 | Kremplová Mendrygalová 2018, 39–40.

41 | Section 14, para. 1 of the Control Code.

formal inspection to verify the accuracy and relevance of the data provided<sup>42</sup> or initiates the inspection process in accordance with the Control Code. Although the Administrative Procedure Code allows for proceedings to be initiated without sufficient evidence and for evidence gathering to occur during the administrative process, CEI preferentially follows the Control Code procedures for practical reasons, as the inspection protocol prepared during the inspection often serves as the sole evidentiary basis for issuing administrative decisions.<sup>43</sup> In certain cases – such as when receiving a highly detailed and well-substantiated report, when another authority has already conducted an inspection, or following the transfer of a matter by bodies active in criminal proceedings – CEI may find the existing documentation sufficiently comprehensive to forego initiating a formal inspection and proceed directly to the commencement of administrative proceedings.

In certain instances, it may only become apparent during or at the conclusion of an inspection that CEI lacks the competence to conduct the subsequent administrative proceedings, such as administrative offense proceedings, proceedings aimed at restricting or discontinuing activities, or proceedings concerning remedial measures.<sup>44</sup> In such cases, if the established facts indicate the commission of a criminal offense, CEI transfers the matter to the bodies active in criminal proceedings. Alternatively, the case is referred to the authority competent under another legal provision for the adjudication of the offense or the conduct of other administrative proceedings. This procedural channel<sup>45</sup> ensures that matters are handled by the appropriate competent authorities in accordance with the applicable legal framework, preserving the legality and efficiency of enforcement processes within the environmental protection system.

In situations where it is established that no offense has been committed and there is no need to initiate other proceedings, a resolution to discontinue the case is issued. Discontinuation also occurs in various other circumstances, such as when it is found that the offender has died, has not reached the age of fifteen, lacked mental capacity, enjoys privileges or immunity, liability for the offense has expired, or if an obstacle such as *litispendence* (pending proceedings) or *res iudicata* (a matter already adjudicated) has been identified, among other reasons.

## 4.2. CEI's role in administrative offense proceedings

CEI is not only vested with inspection powers but also constitutes an autonomous administrative authority with nationwide jurisdiction, empowered to

42 | Section 3, para. 1 of the Control Code.

43 | Section 81 of the Act on Liability for Offenses and Proceedings Thereon.

44 | E.g. if it is determined that the violation was committed by a natural person not engaged in business; in cases involving criminal offenses; or in cases of offense related to forestry that fall outside section 4, para. 1 of Act No. 282/1991 Coll.

45 | Section 64, para. 1 of the Act on Liability for Offenses and Proceedings Thereon.

conduct various types of administrative proceedings, most notably administrative offense proceedings.<sup>46</sup> When a case subject to inspection is neither transferred to another authority nor discontinued, CEI is authorised to conduct administrative offense proceedings, which represent one of its most frequent formal activities. This dual role underscores CEI's comprehensive mandate that extends beyond mere supervisory functions, enabling it to impose sanctions, order remedial measures, and ensure compliance through legally binding administrative decisions at the national level.

In numerous sectoral laws,<sup>47</sup> CEI shares concurrent jurisdiction to conduct administrative offense proceedings with other administrative authorities, which include municipal authorities, military district authorities, regional authorities, national park administrations, and the Nature Conservation Agency of the Czech Republic. In such cases, the authority competent to conduct the proceedings is the one that first became aware of the violation of legal obligations. In practice, however, it is common for municipal authorities, for example, to forward reports of alleged offenses to CEI as a specialised and highly qualified authority for investigation and adjudication.

CEI may conduct several types of administrative offense proceedings depending on the type, severity, and circumstances of the offense, as well as the evidence gathered. These include abbreviated proceedings, standard proceedings, and joint proceedings:

- | Proceedings for issuing an on-the-spot order: This is the simplest form of formal resolution of an administrative offense. CEI may exercise it when the factual situation is sufficiently established, the accused agrees with the established facts, the legal qualification of the offense, the imposition of the fine, and its amount. An on-the-spot order may impose a fine up to 10,000 CZK (up to 2,500 CZK for juveniles under 18).<sup>48</sup> By signing the order block, the order becomes final and cannot be challenged by ordinary legal remedies.
- | Proceedings for issuing an order: This is another expedited form that completely bypasses the full administrative process, allowing CEI to issue the order as the first act in the administrative proceedings.<sup>49</sup> The order may be issued if the factual situation is properly established, typically after an inspection.<sup>50</sup> The order may impose an administrative sanction such as a reprimand, fine, prohibition of activity, or forfeiture of an item. An objection may be filed against the order within eight days, which automatically annuls the order by operation of law, and CEI then proceeds with the standard administrative offense

46 | Damohorský et al. 2010, 68.

47 | E.g. the Air Protection Act, the Water Act, the Act on the Protection of Nature and Landscape.

48 | Section 91, para. 1 of the Act on Liability for Offenses and Proceedings Thereon.

49 | Section 150, para. 1 of the Administrative Procedure Code.

50 | As noted previously, the inspection protocol could serve as the sole evidentiary basis for issuing an order.

proceeding. An order may not be used if the administrative sanction is to be imposed on a juvenile or if a decision is to be made regarding a claim for compensation for damages or a claim for the restitution of unjust enrichment etc.<sup>51</sup>

| Standard proceedings for issuing a decision on an administrative offense: This is the basic form of administrative offense proceedings, which allows for the accomplishment of all phases of the administrative process and guarantees the participants<sup>52</sup> the highest level of protection of their procedural rights. CEI may apply this procedure in all situations, but it is typically used when evidence needs to be gathered during the proceedings – such as oral hearings with the parties involved, witness interrogations, site or property inspections, or the preparation of expert opinions. Beyond the sanctions referred to in the previous paragraph, CEI may theoretically<sup>53</sup> also impose, by decision on the offense, the administrative penalty of publishing the decision on the offense.<sup>54</sup> The first act in standard proceedings is the notification of the initiation of proceedings delivered to the accused or by oral announcement of such notification.<sup>55</sup> During the proceedings, participants may exercise their procedural rights, such as proposing evidence, raising objections, requesting oral hearings, and so forth. Before issuing a decision, participants must be given the opportunity to review the materials on which the decision is based and to comment on them.<sup>56</sup> An appeal against a decision on an administrative offense issued by CEI may be filed within 15 days, with the Ministry of the Environment deciding on the appeal.

| Joint proceedings for issuing a decision on an administrative offense: This is the standard form of administrative offense proceedings used in cases where a single offender commits multiple offenses or when related offenses committed by several offenders are adjudicated together. CEI is obliged to conduct joint proceedings for reasons of efficiency as well as to safeguard the specific rights of the offender. Joint proceedings involving multiple offenses by one offender are governed by the so-called absorption principle,<sup>57</sup> which ensures that the offender receives a penalty for the most serious offense committed, taking into account that they have also committed other offenses. In cases involving multiple offenders, joint proceedings adjudicate offenses of co-offenders or

51 | Section 90, para. 2 of the Act on Liability for Offenses and Proceedings Thereon.

52 | Pursuant to section 68 of the Act on Liability for Offenses and Proceedings Thereon, the participants in the proceedings always include the accused, and additionally may include the injured party and the owner of the item which may be subject to seizure. Furthermore, other persons may be recognised as participants in the proceedings if sectoral legislation confers such status upon them.

53 | None of the current sectoral laws provide for the possibility of imposing a penalty of prohibition of activity or the administrative penalty of publishing the decision, which is a necessary condition for their use, so CEI will only be able to use these penalties in the event of future amendments.

54 | Section 50 of the Act on Liability for Offenses and Proceedings Thereon.

55 | Section 78, para. 2 of the Act on Liability for Offenses and Proceedings Thereon.

56 | Section 36, para. 3 of the Administrative Procedure Code.

57 | Section 41, para. 1 of the Act on Liability for Offenses and Proceedings Thereon.

offenses that are materially related. CEI must conduct joint proceedings only if it has jurisdiction over all offenses and all offenses are under the same sectoral law.<sup>58</sup> A standard decision is issued in joint proceedings, as in the previous paragraph.

Resolving an offense through agreement is entirely separate from the types of administrative offense proceedings mentioned above. An agreement is an entirely informal resolution of minor offenses that cause minimal social harm. The agreement takes place orally directly on site and does not constitute *res judicata*; in the case of new evidence, it allows CEI to initiate one of the aforementioned proceedings.

It is important to distinguish between administrative penalties imposed in administrative offense proceedings and special types of sanctions of a so-called non-punitive nature regulated by certain environmental protection laws.<sup>59</sup> These sanctions are *sui generis*, meaning they are unique in nature and therefore do not constitute administrative penalties subject to the Act on Liability for Offenses and Proceedings Thereon.

An example of a special type of sanction involving the possibility to suspend or prohibit certain activities can be found in the following laws: the Air Protection Act,<sup>60</sup> which grants CEI the authority to issue a decision to suspend the operation of a stationary source of air pollution operated without a permit; the Nature and Landscape Protection Act,<sup>61</sup> which authorises CEI to prohibit activities that could cause unauthorised changes to generally or specially protected natural areas; the Nature and Landscape Protection Act<sup>62</sup> again, which empowers CEI to order restrictions or suspension of harmful activities in cases of imminent damage; and Act No. 282/1991 Coll.<sup>63</sup> that allows the CEI to order restrictions or stoppages in production or other activities in the event of imminent damage to forests.

Another special sanction is the seizure of specimens pursuant to Section 34a of the CITES Act and the removal of individuals pursuant to Section 89 of the Nature and Landscape Protection Act. While these specimens may, under certain conditions, be confiscated in administrative offense proceedings, in practice it is usually more expedient to apply the special procedures prescribed by the relevant sectoral laws. Seizure or removal is subject to different conditions (e.g. it can be executed against mere possessors), does not require a finding of guilt for an offense (absence of fault, etc.), is not subject to limitation periods, and so forth.

58 | Section 88, para. 1 of the Act on Liability for Offenses and Proceedings Thereon.

59 | Damohorský et al. 2010, 37.

60 | Section 22, para. 2 of the Air Protection Act.

61 | Section 66 of the Nature and Landscape Protection Act.

62 | Section 80, para. 2 of the Nature and Landscape Protection Act.

63 | Section 3, para. 4 of Act No. 282/1991 Coll.

### **4.3. Cooperation with other administrative authorities and law enforcement authorities in criminal proceedings**

Regarding other administrative authorities conducting administrative offense proceedings, CEI holds no special procedural status, powers, or obligations in relation to them. Under the general principle of cooperation among administrative authorities,<sup>64</sup> CEI may be requested to provide its opinion on a particular matter. Additionally, if CEI encounters violations of legal regulations outside its jurisdiction during its activities, it is obliged to notify the competent administrative authority. CEI does not otherwise participate in administrative offense proceedings that it does not itself conduct.

CEI cooperates with law enforcement authorities in criminal proceedings through several key mechanisms established by the Criminal Procedure Code (Act No. 141/1961 Coll.). CEI operates as a specialised reporting entity that notifies police authorities of suspected environmental crimes, fulfilling its statutory notification obligation under criminal law provisions.<sup>65</sup> This cooperation encompasses the provision of expert testimony, technical evidence, and specialised knowledge during investigations of environmental offenses. A critical aspect of this collaboration involves the transfer of seized items when law enforcement authorities confiscate specimens of protected plant or animal species, regulated furs, or other items subject to endangered species legislation that are no longer required for evidentiary purposes, these materials are transferred to CEI custody for proper handling and disposal.<sup>66</sup> Additionally, CEI may participate in preliminary criminal proceedings to clarify facts suggesting potential criminal activity and can provide inter-agency support through coordination with customs authorities and criminal police units, strengthening the overall enforcement framework for environmental law violations. This cooperative structure ensures that environmental crimes are addressed through both administrative and criminal law mechanisms, with CEI serving as the bridge between technical environmental expertise and criminal justice procedures.

## **5. Challenges and shortcomings of the CEI**

### **5.1. Practical and technical limitations**

CEI faces significant practical limitations in the Czech Republic that impair their overall effectiveness. Limited financial resources constrain the capacity to maintain adequate inspection frequencies and to invest in advanced monitoring

64 | Section 8 of the Administrative Procedure Code.

65 | Section 158 of the Criminal Procedure Code.

66 | Section 81b, para. 2 of the Criminal Procedure Code.

technologies. Moreover, a persistent shortage of qualified personnel willing to work within the public administration, particularly under current salary conditions, exacerbates staffing challenges. This shortage undermines the ability to deploy sufficiently skilled inspectors who can effectively detect and assess environmental non-compliance and also draft legally complex acts in administrative proceedings.<sup>67</sup>

Technical resources are also highly limited. These include the availability of vehicles, a limited number of drones, measuring instruments, and a constrained budget for commissioning expert assessments, laboratory analyses, or even DNA testing.<sup>68</sup>

Current inspection methods and resource allocations are often insufficient for the comprehensive detection of violations. Risk-based inspection approaches are employed to prioritise scarce resources, but the complexity and diversity of environmental obligations frequently exceed existing capacities. Much of CEI's work is focused on responding to often trivial complaints from the public. Consequently, many offenses – especially those of a diffuse or technical nature – may remain undetected or inadequately addressed.

## 5.2. Legal and procedural barriers

Legal and procedural barriers further hinder enforcement efforts. Aforementioned overlapping competencies among multiple regulatory authorities create jurisdictional ambiguities and complicate coordinated enforcement. In other areas, CEI's competencies are insufficient. For example, limited CEI jurisdiction in the forest sector, due to a narrowly defined list of administrative offenses,<sup>69</sup> restricts its ability to fully address unlawful forestry activities. Additionally, the expansion of CEI's agenda to include non-environmental tasks, such as market surveillance under separate legislation,<sup>70</sup> stretches focus and strains resources essential for core environmental protection functions.

Additional legal barriers limiting the effectiveness of CEI include the complexity and fragmentation of the legal framework, which hampers consistent application and enforcement; prolonged durations of administrative proceedings,

67 | The majority of inspectors without legal education are also responsible for drafting all administrative decisions and procedural acts. Territorial inspectorates typically employ only one or two in-house lawyers.

68 | E.g. for the purpose of assessing the origins of specimens of animal species protected by the CITES Convention.

69 | Section 4 of Act No. 282/1991 Coll. comprises only five administrative offenses that CEI is authorised to address in the field of environmental forest protection.

70 | Pursuant to the Act on Market Surveillance of Products (Act. No. 87/2023 Coll.) CEI exercises market surveillance in a specific segment of the market, which by its nature corresponds to the supervisory activities of the Czech Trade Inspection Authority and differs significantly from all other inspection activities conducted by CEI.

delaying corrective action; inconsistent decision-making practices by the superior authority,<sup>71</sup> leading to legal uncertainty; insufficient upper limits for fines imposed for administrative offenses, that weaken the deterrent effect and the possibility of a just punishment; and challenges in enforcing decisions, which undermine overall regulatory effectiveness.

Together, these constraints accentuate the systemic challenges faced by environmental inspectors, calling for enhanced funding, clearer legislative mandates, and inter-agency cooperation to strengthen compliance assurance frameworks.

## 6. Future perspectives and conclusions

Modern trends, the continuously intensifying pressure to protect the environment, the increasingly complex legal framework both in the Czech Republic and the European Union, as well as the increasingly sophisticated legal defences employed by offenders, necessitate the enhancement of CEI activities and a continuous elevation of its operational standards. Achieving these improvements can be approached by various means, some of which are outlined below:

At the legislative level, the improved functioning of CEI could be supported by a clearer definition of its competencies for adjudicating administrative offenses, the elimination of dualities, and the expansion of certain powers – such as in the field of environmental forest protection. A certain effort to eliminate duality was made through Act No. 465/2023 Coll.; unfortunately, this amendment regrettably deprived CEI of all its competencies concerning non-entrepreneurial natural persons in the field of nature and landscape protection.<sup>72</sup> There are also considerations<sup>73</sup> regarding a change in CEI's organisational structure and status so that, following the model of other administrative authorities,<sup>74</sup> it could become a two-tier body. However, there is currently no political will from the Ministry of the Environment to implement changes whereby, for example, first-instance decisions by territorial inspectorates would be reviewed by CEI Headquarters. At present, CEI is at least making efforts to unify decision-making practices across its ten territorial inspectorates through methodological and legal guidance provided by CEI Headquarters. Furthermore, CEI's effectiveness would be enhanced by strengthening its powers during inspections, for instance by allowing the use of covert identities and the ability to demand compensation for purchased samples of goods. In some areas,<sup>75</sup> the statutory upper limits for fines imposed for administrative offenses

71 | The Ministry of the Environment, as the superior authority, has five territorial state administration departments that decide on appeals in similar cases, often in divergent ways.

72 | Jelínková 2024, 21–24.

73 | Klemperová 2015, 67–69.

74 | E.g. the Czech Trade Inspection Authority, the Czech Agriculture and Food Inspection Authority.

75 | Particularly in the area of nature and landscape protection.

are perceived as wholly insufficient and should be periodically increased, if only to keep pace with inflation.

Modern technologies and tools already assist CEI in enhancing its efficiency, but there remains ample room for even greater integration.<sup>76</sup> Currently, CEI employs artificial intelligence<sup>77</sup> for non-binding legal research and analyses; however, direct incorporation of AI into the decision-making process could further support regular inspectors, potentially enabling AI to issue decisions in straightforward cases, subject to human oversight of AI outputs. AI tools could be employed to analyse the entirety of existing judicial case law and legal doctrine, supporting CEI legal argumentation and helping to dismantle the sophisticated defences employed by offenders during administrative proceedings or litigation before courts.

Regarding technologies, CEI regularly utilises monitoring, photographic and video capture, as well as 3D modelling through drone technologies. Additionally, CEI participated in the launch of the TROLL satellite equipped with a hyperspectral camera, which can assist in detecting illegal waste sites, unauthorised constructions, deforestation, and water pollution.<sup>78</sup> The future use of this unique device, as well as potentially other similar technologies, is poised for continued development.

In conclusion, while CEI plays a vital role in the protection of the environment, many areas present opportunities for improvement. Enhanced legal mandates, technological modernisation, and institutional reforms collectively could substantially improve the effectiveness, fairness, and public trust in environmental inspections, ensuring better protection of natural resources for present and future generations.

## 7. Conclusion

CEI represents a cornerstone of environmental governance in the Czech Republic, serving as the primary enforcement mechanism for environmental legislation across multiple sectors. Despite its established legal framework and comprehensive competencies, CEI faces significant challenges that limit its operational effectiveness, including resource constraints, staffing shortages, and occasional jurisdictional overlaps with other regulatory bodies.

The path forward for CEI requires a multifaceted approach combining legislative refinements, technological advancement, and institutional strengthening. The integration of artificial intelligence and modern monitoring technologies

<sup>76</sup> | Benešová 2020, 69.

<sup>77</sup> | Czech start up project LawrenceAI.

<sup>78</sup> | Česká televize 2025.

presents particularly promising opportunities for enhancing inspection efficiency and decision-making processes.

Ultimately, the success of environmental protection in the Czech Republic depends on CEI's continued evolution and adaptation to emerging environmental challenges. By addressing current limitations through strategic reforms and embracing innovative approaches, CEI can strengthen its role as a guardian of environmental compliance and contribute meaningfully to sustainable development objectives.

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