

138/1973 Coll.
THE ACT
from the 31 October 1973
on the Water (the Water Act)

Amendment: 238/1993 Coll.
Amendment: 199/1995 Coll.
Amendment: 304/1995 Coll.

The Federal Assembly of the Czechoslovak socialist Republic resulted in this Act:

PART ONE
PRELIMINARY PROVISIONS

Article 1

The aim of the Act

Surface and ground water is one of the essential raw material sources, it creates important element of natural environment and serves the arrangements for industrial and other wholesociety needs. The aim of this Act is to widely preserve water for its notability to be replaced and wholesociety meaning, to plan its usage and other handling with it, so that the balance between usage of water and the capacity of water resources is achieved, to take care of its purity and the most effective usage, to arrange protection against flooding and at the same time to preserve the nature, recreation, shipping and other important interests of society.

Article 2

Surface and ground water

(1) Surface water is the water, naturally appearing on the ground surface, ground water is the water in the ground cavities and in surface watered layers. The rights for these water are being regulated by this Act.

(2) Neither natural medicinal water and naturally appearing mineral table water, 1), nor water, which are according to mining regulations 2) considered for exclusive minerals and mining water (hereafter “extraordinary water”) are not being considered for surface or ground water.

(3) This Act regulates extraordinary water, only if it is expressly determined.

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- 1) The Articles 47 and 49 of the Act No. 20/1996 Coll. on Human Health Care.
 - 2) The Act No. 41/1957 Coll. on Mineral Wealth Usage (Mining Act).

Article 3

Directive water management plan

Directive water management plan of the Republic is the essential base for water management regulations of all the sectors of national industry, for water management regulations in spatial planning, the base for water management decision making process and one of basis for managing the water and for elaborating long term objectives of the sectors, which have the requirements for water resources, or in any other way they influence managing with water, respectively its quality. State water management balance of the inventory of surface and ground water and its quality is part of directive water management plan.

PART TWO
HANDLING THE WATER

Subsection One
Basic obligations when handling the water

Article 4

(1) When handling surface and ground water, it is necessary to pay attention to its protection and to arrange its effective and nationindustrial reasonable usage and to arrange it so, that there is no infringement in water management, or in any other important interests of society.

(2) The organisations, which handle surface, respectively ground water, are obliged to conduct reasonable modifications in the production technologies, so that they achieve the most rational and repeated usage of the water and arrange recycling, respectively improving the quality of water and if they administer water management works or facilities, enabling such handling, they are obliged to correctly take care of them.

(3) If there is a construction of housing blocks, new factories and similar premises, respectively if they are being reconstructed, the investor organisations are obliged to arrange supplying with water and abstraction, cleaning, respectively other elimination of waste water from them, so that the quality of surface and ground water is not put in danger; fulfilling of this obligation is obligatory for investor organisations and planning bodies already when planning above mentioned investment activities. Without fulfilling of the obligations, listed in the first sentence, the construction or reconstruction can not be approved, admitted or realised.

Subsection Two
Handling the water without admittance
or approval

Article 5
General usage of surface water

(1) Everyone may, without admittance or approval from water management body, withdraw surface water for his own small need, or to use it in any other way, unless such a withdrawals, or usage is not tight up with necessary specific technical facility. Also, there is no need for admittance or approval from water management body for catching surface water by simple facilities (Article 38 par. 2) at individual immovable properties neither for change of its natural outflow, in order to protect mentioned immovable properties against harmful impacts of these water.

(2) When using water according to paragraph 1, banks, water management works and facilities, facilities for fish breeding can not be damaged, quality or health harmless quality of water can not be put in danger, natural environment can not be disturbed, outflow ratios can not be impaired, the rights and legally protected interests of others can not be infringed.

(3) Water management body may, without any compensation, usage of the water, according to par. 1, modify, limit, or prohibit, if this is required by water management or by any other important interests of society, security of persons or water management works, or by facilities, protection of fish industry, or if the provisions of par. 2 are being infringed.

Article 6
Using the surface water for shipping
and for floating the wood

(1) There is no need for admittance or approval from water management body for using the water for shipping and for floating the wood. The banks, water management works and facilities, facilities for breeding the fish can not be damaged, the rights and legally protected interests of others can not be infringed.

(2) To drain the water from ships to surface water can only be done, if they do fulfil the ratios of admitted degree of pollution (Art. 23 par. 2). Ship operator is obliged to avoid escape of the oil, fuels, ash

or any other harmful materials from this ship to surface water, to equip the ship with necessary facility for such purpose, and to keep it available for regular operations.

(3) Port administrators are obliged to arrange necessities, so that harmful materials, listed in par. 2, can be removed from ships, without penetration of such materials to surface water.

(4) Central Water Management Body of the Czech socialist Republic and Central Water Management Body of the Slovak socialist Republic (hereafter “central water management body of the republic”) may after the agreement with Federal Ministry of transport and with relevant central bodies of state administration of the republic, modify more in detail, limit or prohibit to use water for shipping and for floating the wood, if it is required by water management or by any other important interests of society, respectively more in detail modify the obligations, established in paragraphs 2 and 3.

(5) Care for the ability to ship water flows and for building water ways belongs to the central water management body of the republic. The matters, related to shipping operations and to operancy of state administration bodies, in the matters of shipping, are being regulated by specific provisions. 3)

3) The Act No. 26/1964 Coll. on internal shipping.

Article 7

Using the mining water

(1) Using the mining water for own need of mining organisations 4) does not require admittance or approval from water management body.

(2) As long as mining organisations do not need mining water for its own operations, they are obliged to enable for withdrawal or for any other usage others, who received admittance for it from water management body, to withdraw the amount of water, which is not necessary for them. [Article 8 par. 1 e)].

4) Article 37 par. 1 of the Act No. 41/1957 Coll. on Mineral Wealth Usage (Mining Act).

Subsection Three Admittance

Article 8

Admittance for handling the water

(1) The admittance of water management body is necessary:

- a) for withdrawal of surface water and using it, unless there is using for it according to Art. 5 to 7,
- b) for withdrawal of ground water and using it,
- c) for draining waste water into surface or ground water,
- d) for draining extraordinary water (Art. 2 par. 2), with an exemption of mining water, into surface or ground water; draining of mining water is being regulated by specific regulations, 5)
- e) for withdrawals or using the mining water, which the mining organisations do not need for their own operations (Art. 7 par. 2); admittance is being issued by water management body after agreement with relevant mining office.

(2) Admittance, according to par. 1 a) is not required if this is a single withdrawal of the water in the cases of general danger. The admittance is not necessary also for using surface water during the training of armed forces and armed security bodies; in such a cases, armed forces and armed security bodies follow the

agreement with District National Committee, similarly to the provisions on protection of the Czechoslovak socialist Republic. 6)

(3) Water management body in admittance establishes the purpose and the time, for which the admittance is issued, and its extent; according to the needs, it will establish the obligations, respectively conditions, according to which, the admittance is being conferred.

(4) If this was not enacted otherwise by water management body, the rights and obligations, resulting from admittance, which was conferred for the purpose, connected with using certain immovable property, are being overpassed onto another recipient, respectively user of such property, if this property will still serve the same purpose, as the admittance was conferred for. Another recipients, respectively users are obliged to report to water management bodies, that there has been a transfer of the property, which was connected with the admittance, and they have to do so within 2 months from the day of its transfer.

5) Art. 40 par. 1 c) of the Act No. 41/1957 Coll. on Mineral
Wealth Usage (Mining Act).

6) Article 23 of the Act No. 40/1961 Coll. on Protection of the
Czechoslovak socialist Republic.

Article 9

Admittance for water management works

(1) The admittance from water management body is required for establishing water management works (Art. 38), for its changes and extermination.

(2) Water management body, when issuing admittance for water management work, determines obligations, respectively conditions, based on which the admittance is being conferred. According to the needs, he will impose the applicant for admittance, with obligation to establish water mark, respectively to submit for his approval, the proposal for manipulation or operation guidelines of water management work.

(3) The admittance for water management work is, at the same time, the decision for admitting the building, according to the Act on Building Order. The Building Office issues for such a works approval, according to specific regulations 7) only from the point of view of arranging harmony with spatial plans and land decisions.

(4) As far as water management works, water management bodies have the operancy of Building Offices, according to the Building Order, with the exemption of the operancy in the matters of expropriation. Water management body, which is relevant for issuing the admittance for water management work, makes also the decisions on starting permanent operation (using) according to specific regulations. 8)

(5) If the admittance, conferred according to the Article 8 par. 1 expires, water management body will make decision on the conditions for further duration, respectively for cancelling water management work, which enabled admitted handling the water.

7) The Art. 25 par. 1 of the Act No. 87/1958 Coll. on the Building
Order.

8) Governmental Decree No. 8/1956 Coll. on submitting and overtaking
finished buildings or its parts and on admitting its launch for
permanent operations (using).

Article 10

Admittance for some activities

The admittance from water management body is necessary:

- a) for planting, cutting and removing the trees and bushes in flooding areas (Article 13 par. 2),
- b) for mining the sand, rubble, mud, with the exemption of medicinal mud, round stones e.t.a. (hereafter “river material”) from the channels of water flows,
- c) for geological and hydrogeological jobs in flooding areas and preserved belts (Article 19),

unless these activities are not being conducted by the organisation, regulating water flow, in the sense of its administration.

Article 11

Amendments and abrogation the admittance

Water management body, based on its own initiative, or based on the proposal after realised proceeding, may change, respectively abrogate. by him issued admittance,

- a) if it is required by water management or any other significant interests of society,
- b) if there is the change in actual facts, decisive for conferring admittance, mainly if the extent of the admittance permanently exceeds the need of authorised,
- c) if authorised repeatedly does not fulfil the conditions of admittance, respectively the obligations, set up in it, by water management body,
- d) if authorised does not use the admittance without any specific reason, for the time period exceeding 2 years,
- e) if there is infringement of the provisions of this Act or significant disturbance of other’s interests, when performing admitted activities.

Article 12

Extinction of the admittance

(1) The admittance of water management bodies, listed in the Article 8 par. 1, respectively in the Art. 10 b) extincts:

- a) after expiration of the period, for which it has been conferred,
- b) by extinction of water management work, which enables admitted handling the water, unless water management body within the period of one year after extinction of the work, determines the period for renewing the work; in such a case, the admittance extincts after prodigal expiration of this period,
- c) by extinction of the organisation, respectively by the death of the citizen for whom it was conferred, unless the rights and obligations, resulting from the admittance overpassed onto their legal descendants, according to the Art. 8 par. 4.

(2) The admittance for water management works (Art. 9) and for some activities (Art. 10) extincts, if authorised does not start to perform it within the period of two years after issuing the admittance, respectively in longer time period, which was determined by water management body in the admittance.

Subsection Four Approval

Article 13

(1) The approval from water management body is required for the buildings, facilities, or activities, which are not tight up with this approval, but though can influence water conditions, and it is:

- a) for buildings and facilities in water flows and in its channels and on nearby lands,
- b) for establishing remote tubes, warehouses, containers and landfills, endangering the quality of water, for buildings, which enable ground storing of materials in the ground cavities and for building the ground roads,
- c) for changes in the buildings and facilities listed under a) and b),
- d) for placing (anchoring e.t.a.) the facilities, not being used for shipping, nor for water flow administration at water flows, outside of districts of the ports,
- e) for buildings and for mining for minerals, as well as for ground jobs in flooding areas, in preserved areas of natural water accumulation (Art. 18) and in preserved belts (Art. 19).
- f) for backfilling detached shoulders of water flows and washouts,
- g) for buildings in the distance of 15 m from air foot of protective barrier of water flow.

Water management body may determine the conditions, upon which the approval is being conferred.

(2) Flooding areas and extent of lands, listed in par. 1 a) are being determined by water management body, based on proposal of flow administrator, and informs on it relevant Building Offices and local national Committee, of which it concerns.

(3) Bodies issuing, according to other regulations, admittance for buildings, facilities or activities, listed in par. 1, will not issue admittance, unless the applicant submits the approval from water management body.

(4) The approval, according to par. 1, is not required for temporary buildings, facilities, or for activities, which are necessary during training of armed forces and armed security bodies; in these cases armed forces and armed security bodies follow the agreement with District National Committee, similarly to the provisions on protection of the Czechoslovak socialist Republic.

(5) As far as extinction of validity of the approval for buildings or facilities Art. 12 par. 2 applies similarly. As far as extinction of validity of the approval for activities, listed in par. 1 d) and e), Art. 12 par. 2 applies similarly.

Subsection Five Comment

Article 14

(1) As far as the investment activity of any sector of national industry, the investor is already at the stage of processing the preparation documents or its amendment, obliged to apply with relevant water management body, for comment, whether the planned investment is possible from water management point of view, respectively under which conditions. The investor has to enclose comment from water management body, to his application for approving project task.

(2) The comment from water management body is also required for preparation of changes in production process, or in the extent of production and for change and modification of water management

works, even when these changes and modifications are not reflected in the investment sphere, but they do influence water management.

(3) The comment does not subsidise the admittance or approval, and it is not the decision, according to provisions on Administrative Proceedings.

Subsection Six Protection of fish management and recreation

Article 15

(1) It is necessary to take into consideration the needs and protection of fish management and recreation, when projecting, building, administering, operating and maintaining water management works, when handling surface water, and when mining the river material from the channels of water flows.

(2) The costs for facilities and for provisions for protection of fish management, near newly built water management works, are being covered by its investor. The costs for removing facilities, harmful for fish management, near built water management works, are being covered by that person, who is applying for its removal. Water management body may, while considering special circumstances, decide in any other way.

(3) Central water management body of republic may, after the agreement with relevant central bodies of state administration and with republic fish management union, establish the details on building the facilities, on other provisions for protection of fish management and on covering relevant costs, as well as realising the paragraph 1, by the Decree.

(4) Central water management body of republic may, after the negotiations with relevant central bodies of state administration, modify the usage of water flows for recreation, and at the same time determine authorisations and obligations of the bodies, organisations and citizens.

Subsection Seven Measures, realised in the case of lack of water

Article 16

(1) If it is required by essential interests of society, mainly if there is temporary lack of water, the water management body may, without any compensation, modify the handling with water, admitted according to Art. 8 par. 1, for necessary needed period of time, respectively bound this handling, or prohibit it. Such provision is applied after negotiating with relevant organisations, unless it is not possible under extraordinary situation.

(2) In case of extraordinary bounding or frustration of withdrawal of surface or ground water, admitted according to Article 8 par. 1 a) or b), which leads to serious endangering of important interests of the society, water management body is obliged to realise measure for improvement, after it is agreed with relevant bodies. At the same time, he can also decide on who, in which way, and in which extent, is obliged to realise the provision for mediating alternative withdrawal of water, respectively for its transport delivery. The person, who caused extraordinary bounding or frustration of withdrawals, can be asked to cover necessary costs, relating to imposed provisions, by water management body. The decision of water management body does not relate to the responsibility for compensation of loss for that person, who caused such bounding or frustration of withdrawals of water.

PART THREE PROTECTION OF WATER

Subsection One The protection of natural accumulation of water and water resources

Article 17

Improving water management relations

(1) Administrators (owners, users) of agriculture or forest lands and fish ponds are obliged to manage them in such a manner, that they not only keep water management suitable conditions from the point of view of quantity and quality of water, but also, so they help to improve water management relations. Mainly, they are obliged to avoid unfavourable draining relations, soil erosion and to care for keeping soil moisture and for improving retention capability of fish ponds.

(2) Water management body may, after negotiating with relevant bodies of administrator (owner, user) of agricultural and forest lands and fish ponds, impose, which measures, leading to fulfilling obligations listed in par. 1, are being taken.

Article 18

Preserved areas of natural accumulation of water

(1) The areas, which by its natural conditions create important natural accumulation of water, may be determined for preserved areas of natural accumulation of water (hereafter “preserved water management areas”), by the government of the Czech socialist Republic and by the government of the Slovak socialist Republic (hereafter “government of republic”).

(2) The government of republic modifies, respectively prohibits the activities, which put in the danger water management relations, when determining preserved water management areas.

Article 19

Preserved belts

(1) Water management body, according to the needs, determines by the decision preserved belts for the protection of the yield, quality or health harmless quality of water resources.

(2) Water management body, after negotiating with relevant bodies, may prohibit or limit previous using of immovable properties or the activities endangering yield, quality or health harmless quality of water resources in preserved belts.

(3) The costs, related to technical modifications in preserved belts, imposed by water management body for protection of water source, are being covered by the organisation, of which the protection of water source serves fulfilling the tasks.

Article 20

Supplying flows and their waterheds

(1) Supplying flows are the sections of water flows, specifically determined as a sources of the water for mass water supplying of citizens. Water management bodies are obliged, when deciding upon these flows, to take into consideration their determination and to pay attention to gradual reducing the level of their polluting.

(2) Supplying flows and their waterheds are determined in the form of Decree by Central Water Management Body of Republic, after negotiating with relevant central bodies of state administration. At the same time, it can determine, that the buildings or performing some activities in the waterheds of supplying flows require admittance, respectively approval from water management body.

Article 21

Covering the costs

If this is not enacted otherwise (Article 19 par. 3), covering the costs, related to measures, which were imposed according to Art. 17 to 20 for protection of quality and health harmless quality of surface or ground water, by specific provisions. 9) Water management body may provide contribution to the costs, related to the measures, which were imposed from other reasons, than for protection of quality or health harmless quality of surface or ground water, if covering such costs would present for the person, who is supposed to cover them, significantly high loss; water management body will not provide the contribution, if it relates also to measures for using agricultural lands, according to the provisions on protection of agriculture soil fund, 10), which are being covered solely by administrators (owners, users) of the lands on their own cost.

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- 9) Art. 4 and 79 of the Act No. 20/1966 Coll. on Care for Human Health, and Art. 11, 12 and 51 of the Decree of the Ministry of Health No. 45/1966 Coll. on Creating and Protecting of Healthy Living Conditions.
- 10) Art. 5 of the Act No. 53/1966 Coll. on Protection of agricultural soil fund.

Subsection Two Protection of the quality of surface and ground water

Article 22

Waste water

(1) The water used in housing estates, towns, houses, factories, medical premises and in any other premises or facilities, as well as other water draining from them, if they can endanger the quality of surface or ground water, are being considered for waste water, if their quality (composition or temperature) is changed after being used.

(2) Central water management body of republic may specify more in details, which water are being considered for waste water, according to par. 1.

Article 23

Draining waste and extraordinary water into surface and ground water

(1) Whoever drains waste or extraordinary water into surface or ground water, is obliged to care, so that the quality of surface or ground water is not endangered or impaired, for that purpose, he is obliged to arrange mainly disposing of drained water by the procedure, reflecting current statement of technical progress.

(2) When admitting the draining of waste and extraordinary water (Art. 8), water management body is binded by provisions of this Act, ratios of admitted degree of pollution of water and by provisions on human health. The ratios of admitted degree of pollution of water will be determined by the Government of republic.

(3) Water management body may in extraordinary cases, (Art. 16), after receiving application from the person, who drains waste or extraordinary water into surface water, modify draining of such water exceptionally over the frame of the ratios, listed in specific provision, for the time period determined in advance, but no longer than for 12 months.

(4) In extraordinary cases, if it is required by important interest of society, water management body may admit draining of waste and extraordinary water into ground water; drained water must be purified or modified, so that they do not put in danger, or impair the quality of ground water.

Article 24

Draining the water into public sewerage

(1) Public sewerage are determined for mass draining, respectively also for disposing waste and rain water, from towns and housing estates. Water management body decides, if there is the doubt, whether it is public sewerage.

(2) Operation of public sewerage is regulated by sewerage guideline. Sewerage guideline determines the highest admitted rate of pollution of water, drained into public sewerage, respectively the highest admitted quantity of such water and the list of materials, which are not waste water, and which penetration into public sewerage must be avoided, respectively other conditions of its operation. Sewerage guideline is being approved by water management body, after proposal from applicant.

(3) Water, which in order to fulfil the highest admitted rate of pollution require previous purifying, may only be drained into the public sewerage after admittance from water management body. Water management body may only confer the admittance, if there are the arrangements for purifying such water to the degree, acceptable by sewerage guideline. Provision of the Article 11 applies similarly for change, respectively for revoking this admittance.

(4) The organisation administering public sewerage may connect to it only immovable properties, respectively their parts and facilities, in which water, with the pollution not exceeding the highest admitted rate, determined by sewerage guideline, are being created, and immovable properties, their parts and facilities, which was the draining of waste water, according to par. 3, admitted from.

(5) In case of dispute on establishing the connection equipment, between administrator of public sewerage and the applicant for connecting to it, water management body will decide on the connection.

(6) Central water management body of republic may in the form of the Decree modify the administration and operation of public sewerage and set up general conditions for draining waste water by these sewerage and issue guidelines for elaborating the proposals for sewerage guidelines.

Article 25

Protection of surface and ground water against their depreciation

(1) Whoever handles the materials, which are not waste water and may endanger the quality or health harmless quality of surface or ground water, he is obliged to fulfil specific provisions, which determines, under which conditions, it is possible to handle such materials from point of view of protection of the quality of surface or ground water. If handling with mentioned materials is not regulated from this point of view by specific regulations, then everyone, who is handling such materials, is obliged to take such actions, so that they would not penetrate into surface or ground water, or so that they do not endanger their quality or health harmless quality.

(2) Water management body may in reasonable cases admit exemptions, from provision of the second sentence of par. 1.

(3) It is prohibited to wash motor vehicles and operation vehicles in water flows, or at the places, from which the fuels or oils could endanger the quality or health harmless quality of surface or ground water.

(4) Central water management body of republic may, after the agreement with relevant central state administration bodies, determine the protection of surface and ground water and conditions, under which it is

possible to handle the materials, listed in par. 1, and under which conditions it is possible to confer exemptions, according to par. 2.

Article 26

Emergency impairment of the quality of water

(1) Whoever causes or finds out extraordinary significant impairment, respectively endangering the quality of surface or ground water (hereafter “emergency”), is obliged, without any delay, to report to national committee, respectively to the Body of Public Security. The organisation, which in accordance with infringing sewerage guideline, endanger the quality of surface water, is obliged, without any delay, to report to the organisation, administering public sewerage.

(2) In the case of the emergency of extraordinary extent, which may in significant manner endanger lives or health of people, or may cause significant damages on the property, provision of Art. 42 par. 2 applies adequately, when avoiding harmful consequences of the emergency.

(3) Details on the emergencies report and on co-operation of individual bodies and organisations, when realising them and when removing their harmful results, will be determined by water management body of republic, after agreement with the Ministry of Interior of Republic and with the Ministry of Health of republic, in the form of Decree.

Article 27

Measures for correction

The person, who infringes the obligations, determined for protection of the quality of surface and ground water, will be imposed, by water management body, according to the need, to perform the measures for correction of incorrect statement, which resulted from infringing of the obligation, mainly in order to avoid further polluting, respectively endangering the quality of surface or ground water; he can also be imposed the measure for arranging alternative withdrawal of water. Neither additional responsibility for the loss, nor criminal responsibility are being touched by this.

PART FOUR GROUND WATER AND SUPPLYING CITIZENS WITH WATER

Article 28

Ground water

(1) Ground water are primary reserved for supplying citizens with drinking water and for the purposes, for which using of drinking water is determined by special purpose. 11) Water management body may admit other methods of using ground water, for other purposes, only if it does not reduce satisfying the mentioned needs.

(2) Central water management body of republic determines, in the form of Decree, in which cases, to whom and in which way are obliged:

- a) organisations, which during their investment or any other activity explore ground water, to report it,
- b) organisations using ground water, regularly report data on its withdrawals.

11) Art. 7 of the Decree of the Ministry of Health No. 45/1966 Coll.
on Creating and Protecting of Healthy Living Conditions.

Article 29

Compensation for the loss of ground water

(1) The organisation, which causes the loss of ground water or significant reduction of the yield of its source, respectively impairment of the quality of water in it, is obliged to compensate the loss, which arose for the person, who is admitted to withdraw the ground water [Art. 8 par. 1 b)]. The compensation represents arrangements for alternative source of water. If it is not available, or economically effective, it will be single compensation, representing reduced value of that immovable property, using of which is connected with the admittance, provided.

(2) Special provisions 12) apply for the losses caused by one socialist organisation to other socialist organisation.

(3) Provision of the par. 1 of the third sentence applies also in the cases, where the loss was caused by the activities listed in the Mining Act.

12) Article 4 of the Governmental Decree No. 46/1967 Coll. on settling the losses, resulted from operational economic activity of socialist organisations on tangible property of other socialist organisations and on compensations in investment building activities. The Art. 145 to 148 of the Economic Code.

Article 30

Supplying by water from public waterpipings

(1) Public waterpipings are determined for mass supplying of citizens with water and for covering the need for water for national industry. Water management body, after agreement with state administration body, in operancy of which the organisation, administering waterpiping, respectively preparing to establish it, is, will decide in the doubts, whether it is public waterpiping.

(2) Drinking water from public waterpiping is assigned primarily for supplying of citizens and for purposes, regulated by special provisions, related to usage of drinking water.

(3) Water management body is authorised to limit or otherwise modify supplying with drinking water, respectively its usage, in case of lack of drinking water, without any compensation. It also decides in the disputes, whether the connection to public waterpiping should be established or removed, and in the disputes, which will arise, when realising paragraph 2.

(4) Central water management body of republic may modify the administration and operation of public waterpipings in the form of the Order, and establish general conditions, under which the water is being supplied in the waterpipings.

PART FIVE WATER FLOWS AND THEIR ADMINISTRATION

Article 31

Water flows

(1) Water flows 13) are the water permanently flowing on ground surface, between banks, either in natural (respectively modified) channel, as a streams, creeks, rivers, or in manmade channel as a canals, water channels, ponds, e.t.a., or water in blind shoulders of water flows, including its channels.

(2) Concerning water flows, of which channels are not marked by own plot numbers, and are not like that listed in the evidence of immovable properties, according to special provisions, 14) the bottom and banks up to the bank line, which is determined by the level of water, flowing in-between the banks without spilling onto surrounding areas, are being considered for natural channel.

(3) The compensation for the lands, creating natural channel, according to previous paragraphs, is not being provided, similarly to the provisions on expropriation.

(4) The lands forming natural channel, which are not being marked by its own plot number, and are not like that listed in the evidence of immovable properties, according to special provisions, at the time of issuing this Act, will not be marked and filed under own plot number even after this, as long as it is not economically or otherwise explained. Water management bodies, together with the bodies of geodesy and cartography will negotiate on such cases of special characteristics.

(5) The administrator of water flow, respectively organisation, regulating water flow, may use the lands nearby water flow, if it is necessary needed for establishing, operating and maintaining water management works and facilities for performing water management jobs and for any other water management purposes. If there is no agreement on using lands and on the compensation, between administrator (owner, user) of these lands and administrator of water flow, respectively the organisation, regulating water flow, achieved, then it is decided by the water management body in co-operation with relevant bodies. When determining the amount of the compensation, the water management body will take into consideration the benefit, resulting for the administrator (owner, user) of the lands from realised modification.

(6) Water management body will decide, in the case of doubt, whether it is water flow, in the disputes related to the border of its channel, respectively in the disputes on the extent of authorisation of the administrator of water flow (par. 5).

(7) Central water management body of republic may, after the agreement with the Federal Ministry of Finance, central republic body for geodesy and cartography and with other relevant central state administration bodies, establish the details on realising previous paragraphs, modify the questions, relating the changes of water flow channels, formation of new islands and aggradations, respectively more narrowly specify the extent of water flows. Central water management body of republic, adequately may establish the details on determining the extent of lands, listed in par. 5.

13) Passage eight of the Constitution of the Czech and Slovak
Republic (Constitution Act No. 100/1960 Coll.).

14) The Act No. 22/1964 Coll. on Evidence of Immovable Properties.

Article 32

The administration of water flows

(1) Water flows, which are important from water management point of view, are administered by state water management organisations, lead by the central water management body of republic. The list of these water flows will be issued in the form of the Order, by central water management body of republic, after negotiating with relevant central water management bodies and with relevant regional national committees.

(2) Central water management body of republic will assign state organisations the function of administrators of remaining water flows, or in reasonable cases, administrators of water management unified sectors (hereafter “small water flows”), which mainly serve these organisations, or their activities are tight up with them, respectively will assign town national committees, through which areas these water flows flow. State organisation will be assigned for the administrator of water flow after negotiating with central body, operancy of which the organisation belongs to.

(3) If the lands, which form the channels of water flows, are national property in the administration of other than water flow administering organisation, then the administration overpasses, free of charge, onto state organisations, administering water flow.

(4) Central water management body of republic decides, in which cases, the administrator of water flow is obliged to submit to him for approval, the proposal for co-ordination of handling guidelines of water management works, forming the complex (hereafter “complex handling guideline of water management works complex”) on the water flow, administered by him, and also approves this guideline.

The obligations and authorisations
of administrators of water flows

Article 33

The administrator of water flow is obliged to take care of its regular administration. The details on the obligations and responsibilities of water flow administrators are being determined by central water management body of republic, after the agreement with the Federal Ministry of Finance and with other relevant central state administration bodies. At the same time he may determine special obligations, respectively rights for the administrators of significant water flows, from water management point of view, against the administrators of remaining water flows.

Article 34

(1) The administrator of water flow is authorised:

- a) to enter, in necessary extent, other's lands and other's objects, when realising the administration, unless such entering requires admittance, according to special provisions,
- b) to remove or newly plant trees and bushes on lands nearby the water flow in the interest of water flow administration,
- c) to mine river materials in the extent, which is being admitted by regular realisation of water flow administration, without approval from water management body, respectively enable such mining for those, who received admittance for it, according to Art. 10 b), for the compensation of the costs, resulting from it for flow administrator; special regulations, regulating exploring and mining the minerals, 15) are not being touched by this provision,
- d) to require submitting of admittance or approval, issued by water management bodies, relating water flow, from each user of the water and each operator of water management works and facilities, respectively for activities, requiring such admittance or approval,
- e) to provide instructions for handling water management works by their users in the frame of complex manipulation guideline of water management work complex on the water flow, if it is required by extraordinary situation.

(2) Central water management body of republic may, after the agreement with relevant central state administration bodies, modify the conditions for mining river materials.

15) The Act No. 41/1957 Coll. on Mineral Wealth Usage (Mining Act).

Article 35

Water management body will decide in case of doubt on the extent of obligations, respectively rights, of water flows administrators.

PART SIX
LIMITING OF THE RIGHTS FOR IMMOVABLE PROPERTIES

Article 36

(1) The administrators (owners, users) of immovable properties, nearby water flows, are obliged without any compensation:

- a) to enable administrator of water flow to realise their authorisations, according to Art. 34 par. 1 a) and b),
- b) to remove barriers in the water flow alongside their lands, if these are small water flows.

(2) Water management body decides in case of doubts on the extent of obligations, according to par. 1; if this is agricultural land, he does so after negotiating with relevant body of industrial agricultural managing.

(3) If the administrator of water flow causes the loss, when realising the authorisation according to the Article 34 par. 1 a) and b), then he is obliged to cover it. Otherwise, general regulations apply for covering the loss, and if there is no agreement between the organisations achieved, then relevant water management body decides upon it.

(4) Water management body may prohibit to cut the trees and bushes, protecting stability of water flow, respectively the quality of water in it, for administrators (owners, users) of the lands nearby water flows, and he can do so without any right for compensation.

(5) If any building, or other facility (including core of railway or road) in the water flow, or it is neighbouring with it, then its administrators (owners, users) are obliged to keep them in regular shape, so that they are secured against losses, which are being caused by the water and outflow of ices, and so that they do not endanger smooth flow of the water.

Article 37

(1) The administrators (owners, users) of immovable properties are obliged, without any compensation:

- a) to enable the persons, which will identify themselves with card appropriate for water management supervision, to enter immovable properties and objects, in order to realise this supervision, if it does not require admittance, according to special provisions,
- b) to allow placing and maintaining watergauges, water meters, water marks, marking the highest, respectively the lowest admitted levels of elevation of water, and other equipment, needed for purposes of water management, at their properties, under the conditions, determined by water management body.

Provision of the Article 36 par. 3 applies similarly.

(2) If it is necessary for realisation of the authorisation, resulting from the decision from water management body, mainly for upbuilding or operating water management works, also for exploring and other expert jobs, needed for the purposes of water management, for realisation of the administration of water flows, for seeking and arranging the supply of ground water, as well as for enabling the access to water with the purpose of its general using and for establishing waterpiping or sewerage connections, then necessary immovable properties or the rights, related to them, can be expropriated, if these can not be acquired by the agreement.

(3) Special provisions 16) apply to expropriation, to entering expropriating immovable property, and to using such property, before starting the expropriation proceeding.

(4) The rights and obligations, regulated by agreement, or by the decision from relevant body, according to paragraph 2, overpass onto legal descendants of the parties.

16) The Act No. 87/1958 Coll. on the Building Order and related execution provisions

Article 37a

(1) Waterpiping and sewerage lines, which are water management line buildings, and their construction is in the public interest, can be established and operated at other's immovable properties in the extent, resulting from the admittance for water management work, according to the Article 9.

(2) The authorisations for builder, according to par. 1, start on the day, when decision from water management body for establishing water management work, gains the validity.

(3) The obligations of the owner, according to par. 1, are material burden, according to special provisions. 15a)

(4) The compensation, similarly to provisions on expropriation, belongs for realisation of authorisations, according to par. 1. 16a) If there is no agreement between the builder and the owner (administrator, user) of immovable property achieved, then water management body, which is authorised for issuing the admittance for water management work, will decide on the compensation.

15a) the Article 151n and following of the Civil Code.

16a) the Order of the Federal Ministry of Finance No. 122/1984

Coll. on Compensations from Expropriation of Buildings, Lands, Undergrowth, and the Rights to them.

PART SEVEN WATER MANAGEMENT WORKS

Article 38

Water management works

(1) Water management works are the buildings, respectively their parts, determined for water management purposes, mainly:

- a) barrages, water ponds, wells and other buildings, needed for handling the water, admitted according to the Article 8 par. 1,
- b) buildings, for whom, the water flow is being modified,
- c) buildings of waterpiping lines and water management objects, including water treatment plants, sewerage and sewerage objects, including waste water treatment plants, as well as the buildings, (respectively their parts) determined for previous treatment the water, before being discharged into sewerage,
- d) buildings for protection against flooding,
- e) buildings for moisturising and dewatering the lands,
- f) buildings, which are being established for shipping purposes in the channels of water flows, or at their banks.

(2) Simple facilities at individual immovable properties for catching the water, and for protection of individual immovable properties against harmful impacts of surface water, as well as waterpiping and sewerage connections, with the exemption of those, which will be determined by the Order from central water management body of republic, after the agreement with central construction body of republic, are not being considered for water management works, according to this Act.

(3) Water management body, which is relevant for admitting the water management work admittance, will decide in cases of doubt, whether it is water management work or its part.

Article 39

Water management works of some organisations

If it is possible to arrange water management needs, or protection against the water by the construction, respectively by the operation of single water management work in more reasonable and effective way, than by water management works of individual organisations, then water management body will discuss with them the construction, respectively the operation of single water management work, and in the case, that this construction is reasonable, he may tight up his admittance with the agreement on construction and operation of such work.

Article 40

The protection of water management works and facilities, serving water management industry

(1) It is prohibited to damage water management works in any way. It is also prohibited:

- a) to place the items, which could endanger the smoothness of the water flows, and harmfulness of water from medicinal and security point of view, into water flows, fish ponds and into other water ponds, as well as to place such items at the places, from which these could be floated into the water,
- b) to mine the soils from protection dikes, to plant the trees on them, to feed and to lead the animals through them, as well as to drive the vehicles of any kind on them, with the exemption of the places, which are being determined for such purposes,
- c) to damage watergauges, water meters, water marks and other equipment serving water management.

(2) The person, who damages public sewerage or public waterpiping, respectively endangers their operations, may be imposed the action to remove incorrect statement, by water management body. Accidental responsibility for the loss or criminal responsibility are not being touched by this. It is prohibited to voluntarily establish waterpiping and sewerage connections to public waterpipings and sewerage.

(3) Water management body, authorised for issuing admittance for water management work may, in the case of need, and in the interest of protection of water work, determine the belts alongside of it, and according to its characteristics, he may prohibit some buildings or activities, respectively, to tight them up with special admittance. The provisions of the article 19 apply similarly.

(4) Water management body may decide, that he will overtake the administration, operation or maintaining of water management works, for the time of necessary need, if it is required by the interests of water management, or by any other important interests of society, and if the person, who is obliged for it, does not fulfil this task correctly, and if he does not take any actions for repair in determined period. Such administration, operation and maintaining is arranged by water management body, at the cost of obliged person.

Article 41

The obligations and rights of the administrators (owners, users) of water management works

(1) The administrator (owner, user) of water management work is obliged mainly:

- a) to fulfil the conditions, under which the water management work was admitted, mainly approved manipulation, respectively operation guideline, and to submit to water management body for approval the proposal for modification of these guidelines, so that they are in accordance with complex manipulation guideline of water management works complex,
- b) to keep the work in the correct shape, so that it does not endanger the security of persons, property and water management and other protected interests,
- c) to arrange professional technical-security supervision, including monitoring the work and measuring its deformations, at the work, according to special provisions, which are being issued by central water management body of republic, and the administrator has to do so through the organisation, authorised for performing such supervision by central water management body of republic,
- d) to take the actions, at own costs, which were imposed to him by water management body, to remove the faults, found at water management work, mainly by water management supervision,
- e) to fulfil the instructions from water flow administrator, according to the Article 34 par. 1 e),
- f) to keep in regular shape the bottom and the banks in the area of the elevation, and to take care about smooth flow of water flow at water management work, determined for elevating the water in the flow, and to do so at own costs, and mainly to remove agraddations and barriers.

(2) The employees of the organisations, administering public waterpipings and public sewerage, are authorised, when performing the tasks of the organisation, to enter connected immovable properties, unless there is the requirement for the admittance, according to special provisions.

(3) Central water management body of republic authorises the organisations for performing professional technical-security supervision and may, after the agreement with the Federal Ministry of Finance, specify more in detail the obligations of the administrators (owners, users) of water management works, mainly the obligation to elaborate the proposals for manipulation, respectively operation guidelines, to establish water marks and to maintain water management works, bottoms and the banks in the area of elevation. As far as more specific modification of the obligations of the administrators (owners, users) of water management works for moisturising and dewatering the lands, which are under the administration of agricultural organisations, he has to elaborate the proposals for manipulation, respectively operation guidelines, the modification will be agreed by the central water management body of republic and by the Ministry of Agriculture and Nourishment of the republic.

PART EIGHT THE PROTECTION AGAINST FLOODINGS

Article 42

(1) It is necessary to avoid the losses, resulting from flooding, to reduce their extent and impacts, and to influence the development of flooding. It is being achieved mainly by systematic prevention and by securing and saving jobs, realised, according to flooding plans and instructions from flooding bodies.

(2) For arranging the protection against floggings, the organisations and citizens are obliged to enable to enter their properties and their objects for realising the securing and saving jobs, after the instruction from flooding bodies to contribute their personal and material help for protection of human lives and properties against floggings, according to their possibilities and powers, and to co-operate during the protection against floggings and follow the instructions from relevant flooding bodies.

PART NINE

COMPENSATIONS IN THE WATER MANAGEMENT

Article 43

Compensations for covering the costs, related to the administration of water flows

(1) Those persons, who withdraw the water from water flows in the quantities, exceeding 15 000 m³ annually, or 1250 m³ per month, or use its power for producing the electric energy, are obliged to pay the compensations to administrator of water flow, respectively to the administrator of that part of water flow, at which the water is being withdrawn or used. The Government of the Czechoslovak socialist Republic will establish the scope of the compensations and the method of determining its amount.

(2) The obligation to pay the compensations, according to par. 1, does not apply to withdrawals of water for filling the fish ponds for breeding the fish and for filling the public swimming pools, to withdrawals of water for fire protection purposes and for ice skating rinks, as well as to the withdrawals of turbidity water for agricultural production, as well as to other withdrawals, which will be determined by the Government of the Czechoslovak socialist Republic.

(3) Central water management body of republic will modify the details on measuring the withdrawals, respectively on using the water, according to par. 1, and the method of reporting the withdrawals or usage of water and repaying for them.

Article 44

Compensations for draining waste water into surface or ground water

The persons, who drain waste water into surface or ground water, are obliged to pay compensations for it in the extent, which will be determined by the Government of the Czechoslovak socialist Republic.

Article 45

Compensations for withdrawals of ground water and other compensations

(1) The Government of the Czechoslovak socialist Republic may establish the obligations to pay compensations for withdrawal of ground water, also compensations for arranging navigability of water flows and for using water management works for shipping, as well as for other benefits, which are being provided by water management.

(2) The obligation to pay compensations for withdrawal of ground water will not be imposed by the Government, if these are the withdrawals for the purposes, of which the usage of drinking water is being regulated by special provisions, and in the cases, which will be determined specially by the Government.

Article 46

The payments for supplying water and draining the water

The amount of the compensations, related to supplying the water from public waterpipings and related also to draining waste water by public sewerage, including its accidental cleaning, is being determined in accordance with price regulations.

PART TEN FINES

Article 47

(1) The organisations, which infringe the obligations, established by this Act, respectively imposed by this Act, or those, which use the water in the way, which requires water management admittance, and they do so without such admittance, or those, which do not follow the conditions from conferred admittance, will be imposed the fines from water management bodies, in the extent, and under the conditions, determined by the Government of republic. 17) Water management bodies impose the fines, under the conditions, determined by the Government of republic, also for the employees of these organisations, who caused the infringement of the obligations of the organisation, unless it is criminal act or delinquency. The amount of the fine for the employee of the organisation can not exceed three times his average monthly income. 18)

(2) Criminal responsibility of its employees, as well as the responsibility of the organisation, according to the provisions on loss compensation, stay untouched by imposing the fine to organisation. If the fine was imposed to the employee of the organisation according to previous paragraph, he can not be imposed the fine according to other provisions.

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- 17) Until now, the Order of the Government No. 120/1966 Coll. on
Imposing the fines for infringing the obligations established for
protection of water against polluting.
- 18) The Article 275 of the Labour Code.

PART ELEVEN PRELIMINARY AND FINAL PROVISIONS

Article 48

(1) Handling the water, according to former provisions, which is not in accordance with this Act, has to be harmonised with it, within the period of one year from the day of its force, unless stated otherwise by the Acts of National Councils.

(2) The organisations, which administer small water flows, according to former provisions, as for the day of the force of this Act, are obliged to administer them in the extent, according to former provisions 19), until assigning the administrator of water flow, according to the Article 32.

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- 19) The Art. 22 of the Governmental Decree No. 14/1959 Coll., through
which the Act on Water Management is being realised.

Article 49

- 1 the Act No. 11/1955 Coll. on Water Management, in wording of the Act
No. 12/1959 Coll. (complete wording No. 13/1959 Coll.),
2 the Governmental Decree No. 14/1959 Coll., through which the Act on
Water Management is being realised,
3 the Order No. 222/1957 Coll. on Mining river materials from
channels of water flows.

are being abrogated

Article 50

This Act enters into force in individual republics on the day, when the Act of appropriate National Council, regulating the operancy and organisation of water management bodies, according to this Act, enters into force.

The Act No. 238/1993 Coll. from 24th September, 1993 enters into force on 1st November, 1993.

The Act No. 199/1995 Coll. enters into force on 1st October, 1995.

The Act No. 304/1995 Coll. enters into force on 1st January, 1996.

Svoboda sign manual
Indra sign manual
DR Štrougal sign manual