

**THE FULL TEXT  
OF ACT  
no. 477/2001 Coll.,  
on Packaging and on Amendments to Certain Other Acts  
(Act on Packaging)**

Parliament has passed the following Act of the Czech Republic:

**PART ONE**

**ACT ON PACKAGING**

**TITLE I**

**GENERAL PROVISIONS**

**Section 1**

**Purpose and Scope of the Act**

(1) The purpose of this Act is to protect the environment by preventing the generation of packaging waste, in particular, by reducing the weight, volume, and harmfulness for the environment of packaging and chemical substances <sup>1)</sup> (hereinafter referred to as “substances”) contained in the packaging in accordance with European Community law. <sup>2)</sup> This Act stipulates the rights and obligations of legal entities and natural persons carrying on business activities (hereinafter referred to as a “person”) and the competence of administrative authorities concerning packaging management, the placing of packaging and packaged products on the market or into circulation, and the take-back and recovery system; it also stipulates fees and protective measures, remedial measures, and penalties.

(2) This Act applies to the management of all packaging which is placed on the market or into circulation in the Czech Republic, with the exception of containers used in road, railway, or air transport or in sea or inland waterway transportation pursuant to international conventions which are binding upon the Czech Republic and which are published in the Collection of International Treaties or in the Collection of Laws. <sup>3)</sup>

(3) Unless stipulated otherwise by this Act, packaging waste management shall be governed by the legislative regulations in force for waste management. <sup>4)</sup>

4) Other requirements concerning packaging stipulated by separate legislative regulations shall not be affected by this Act. <sup>5)</sup>

**Section 2  
Basic Terms**

For the purposes of this Act

a) packaging shall mean a product made of any type of material and intended for the containment, protection, handling, delivery, or the presentation of a product or products on offer to consumers<sup>6)</sup> or another end users, provided it also

1. conceive a single sales unit for a consumer or another end user at the point of sale (hereinafter referred to as “sales packaging”),

2. conceive a group containing a certain number of sales units, whether this group is sold to a consumer or another end user, or whether it only serves to help placing products on shelves at the point of sale and may be removed from those products without thereby affecting any of their properties (hereinafter referred to as “grouped packaging”), or

3. facilitates the handling of a certain quantity of sales units or grouped packages and facilitates the transport thereof in order to prevent their physical damage during handling and transport (hereinafter referred to as “transport packaging”); the criteria defining the term “packaging”, along with some examples, are set forth in Annex No. 1 to this Act;

b) product shall mean any item manufactured, extracted, or acquired otherwise, irrespective of the level of its processing, which is intended to be placed on the market or into circulation;

c) packaging management shall mean packaging manufacturing, placing packaging or packaged products on the market or into circulation, and the use, adjustment and reuse of packaging;

d) placing packaging on the market shall mean the moment when the packaging, whether alone or together with a product, is delivered or offered for delivery, whether or not for consideration, in the Czech Republic for the first time for the purposes of distribution or use or when the ownership rights related to the packaging are transferred for the first time; the cross-border transport of packaging or packaged products from another European Union Member State to the Czech Republic or the import of packaging or packaged products shall also be considered to be marketing, with the exception of those released into the procedure of active enhancement or temporary admission<sup>7)</sup> provided that, on termination of this procedure, the packaging or packaged products shall be taken out of the Czech Republic in their entirety and sent abroad;

e) placing packaging into circulation shall mean the delivery to another person of packaging, whether or not for consideration, separately or together with a product, for the purposes of distribution or use, with the exception of cases of placing packaging on the market;

f) imports of packaging or packaged products shall mean their release from a state that is not a European Union Member State on the territory of the Czech Republic under customs procedures for free circulation, active enhancement, temporary admission or adjustment under customs supervision;<sup>7)</sup>

g) packaging reuse shall mean any operation whereby packaging which has been conceived and designed to accomplish a minimum number of trips or rotations within its life cycle (hereinafter referred to as “reusable packaging”) is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products enabling that the packaging be refilled, such as, in particular, replacement refills and means for their use;

h) returnable packaging shall mean packaging for which a method of returning used packaging to the person which places it into circulation exists which is conceived specifically for this packaging;

i) take-back shall mean the collection of used packaging from consumers in the territory of the Czech Republic for the purposes of the reuse of packaging or for the purposes of recovery <sup>4)</sup> or disposal <sup>4)</sup> of packaging waste,

j) another end user shall mean a legal entity or natural person authorised to conduct business, who purchases packaging or packaged products within the scope of his/her business activities and does not place them back into circulation,

k) industrial packaging shall mean packaging designed exclusively to package products exclusively designated for another end user,

l) packaging material shall mean the product from which sales packaging, grouped packaging or transport packaging are produced or which forms part of packaging that consists of several parts.

## **TITLE II**

### **BASIC OBLIGATIONS PERTAINING TO PACKAGING AND PACKAGING WASTE MANAGEMENT**

#### **Section 3 Prevention**

(1) A person who places packaging on the market shall ensure that the packaging volume and weight be limited to the minimum possible amount while respecting the requirements placed on a packaged product and while maintaining the product's acceptability for the consumer or another end user, in order to reduce the amount of packaging waste which is to be disposed of.

(2) If the packaging for a specific product has been produced in accordance with the harmonised Czech technical standards <sup>7a)</sup>, the requirements pursuant to paragraph 1 above are deemed to have been met.

#### **Section 4 Conditions for Placing Packaging on the Market**

(1) The person who places packaging, a packaged product or packaging material on the market shall be obliged to ensure that

a) the concentration levels of substances specified in the List of Classified Hazardous Chemical Substances <sup>8)</sup> as constituents of the packaging material shall comply with the limits for these substances stipulated by special legal regulations <sup>9)</sup>, with respect to the presence of these substances in emissions, ash or leachate in cases where packaging waste is incinerated or landfilled;

b) the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging material shall not exceed the limit of 100 micrograms/g (hereinafter referred to as the "limit value");

c) packaging or packaging material, after being used for the purpose for which it is designed and after the removal of the product or all its residues in a usual manner, shall be reusable, or that the packaging waste from the package or the packaging material shall be recoverable under usual conditions by at least one of the following methods:

1. a process where packaging waste, packaging material or their residues and other substances, if appropriate, are reprocessed into a product or raw material (hereinafter referred to as “recycling”),
2. direct incineration, with or without other waste, where energy is generated through combustion and the heat generated is used (hereinafter referred to as “energy recovery”),
3. aerobic or anaerobic treatment, under controlled conditions and using micro-organisms, of the biodegradable parts of packaging waste, which produces stabilized organic residues or methane (hereinafter referred to as “organic recycling”); landfill shall not be considered a form of organic recycling.

(2) The provisions of paragraph (1) (c) above shall not affect the provisions applicable to waste management pursuant to a special legal regulation. <sup>4)</sup>

(3) If the packaging or the packaging material has been produced in accordance with the harmonised Czech technical standards <sup>7a)</sup>, the requirements pursuant to paragraph 1 above are deemed to have been met.

(4) The limit value pursuant to paragraph 1(b) above shall not apply to packaging and packing materials produced exclusively from lead crystal glass <sup>9a)</sup>.

(5) The limit values pursuant to paragraph 1 (b) above may be exceeded for glass packaging and packaging materials provided

a) no lead, cadmium, mercury or hexavalent chromium have been intentionally introduced into the packaging or the packaging material during the production process; for the purposes of this Act and in accordance with European Communities legislation 9b) intentionally introduced means the process of deliberately introducing certain substances to create the packaging or packaging material to ensure the presence of this substance in the packaging or packaging material produced, thereby giving the packaging certain specific characteristics, appearance or quality; the recovery of recycled materials to produce packaging or packaging materials shall not be seen to comprise intentional introduction in cases where a certain proportion of the recycled materials may contain certain regulated quantities of heavy metals,

b) the value limits are only exceeded as a result of the addition of recycled materials, and

c) producers of packaging or packaging material take measurements of the concentrations of heavy metals present in production samples that are representative of normal and regular production activity once a month. These samples shall be taken from each individual melting aggregate. Excessive levels of heavy metal concentrations shall be recorded and notified in the manner specified in Annex no. 5 to this Act.

(6) The limit values pursuant to paragraph 1 (b) above may be exceeded for plastic crates and plastic pallets provided

a) no lead, cadmium, mercury or hexavalent chromium have been intentionally introduced into these crates or pallets during the production process or during distribution,

b) the value limits are only exceeded as a result of the addition of recycled materials,

c) the crates or pallets are produced through a recycling process using only recycling material produced from the recycling of other plastic crates or pallets, with the use of other material outside the recycling cycle restricted to the minimum permissible limit and in any case not exceeding 20 % of the weight of the material used for the production of such crates or pallets, and

d) the material from which the crates or pallets are produced is visibly identified on such crates or pallets, in accordance with European Communities legislation <sup>9c)</sup>.

## **Section 5**

heading omitted

(1) A person who places packaging on the market shall be obliged

a) to provide to the inspection authorities upon request all the technical documentation needed to prove that the requirements specified in Sections 3 and 4 have been met, where the information set forth in paragraph 2 (b) shall replace the documentation proving compliance with the obligations set forth in Section 4 for the purpose of this inspection,

b) to demonstrate to its customers that the packaging complies with the requirements laid down in Sections 3 and 4.

(2) A person who places packaging material on the market shall be obliged

a) to provide to the inspection authorities upon request all the technical documentation needed to prove compliance with the requirements specified in Section 4,

b) to demonstrate to its customers that the packaging material complies with the requirements laid down in Section 4.

## **Section 6 Labelling Packaging**

If the person who places packaging or packaged products onto the market or into circulation labels this packaging or packaged product describing the material from which the packaging is produced, it shall be obliged to carry out such labelling in accordance with European Communities legislation <sup>9c)</sup>.

## **Section 7 Reusable Packaging**

(1) A person who places on the market or into circulation products the packaging of which is reusable shall adopt organizational, technical, or financial measures complying with the criteria stipulated in Annex 2 to this Act and which enable the reuse of the packaging.

(2) The formalities of these measures and the method and procedure applied to the reuse of packaging are laid down in the relevant harmonised Czech technical standard <sup>7a)</sup>.

## **Section 8**

### **Returnable Packaging**

A person who places on the market or into circulation packaged products the packaging of which is returnable shall ensure the reuse of the packaging pursuant to item B.1 or B.2 of Annex no. 2 to this Act, or packaging waste recovery pursuant to Section 12.

## **Section 9**

### **Returnable Deposit Packaging**

(1) If the measure pursuant to Section 8 includes payment of a special financial deposit (hereinafter referred to as “deposit”) which is directly related to a returnable packaging used when selling a product and the refund of which on return of this packaging is guaranteed to the buyer on purchase of the product, this packaging shall be considered a returnable deposit packaging pursuant to this Act.

(2) Persons shall adhere to the deposit amount applicable to returnable deposit packaging specified in an implementing legal regulation.

(3) A person who places on the market products in returnable deposit packaging shall mark the packaging as returnable deposit packaging in the manner specified in an implementing legal regulation.

(4) A person who places on the market or into circulation products in returnable deposit packaging shall repurchase the returnable deposit packaging without any quantity limitation and without making the refund conditional on the purchase of goods.

(5) A person who places on the market or into circulation products in returnable deposit packaging by selling them to the consumer in an outlet shall ensure that the returnable deposit packaging is repurchased in this outlet at any time during its working hours.

(6) A person who places on the market or into circulation products in returnable deposit packaging in a manner other than by selling them to the consumer shall inform the persons who shall place products in this packaging on the market or into circulation by selling them to the consumer of any changes being prepared in the type of returnable deposit packaging or of the termination of refunds for the returnable deposit packaging at least 6 months prior to enforcing this change or terminating refunds; the refund of returnable deposit packaging may not be suspended during this period.

(7) Should a person who placed on the market or into circulation returnable deposit packaging announce that he is ceasing to use the hitherto returnable deposit packaging, he shall collect this returnable deposit packaging under the conditions valid for this hitherto returnable deposit packaging for a minimum period of 1 year as of the last placing of this packaging on the market or into circulation.

(8) The provisions of special legal regulations<sup>6)</sup> shall not be affected by the provisions of paragraphs 3 to 7.

(9) An implementing legal regulation shall stipulate the amount of the deposit for selected types of returnable deposit packaging or for returnable deposit packaging intended for selected types of products.

(10) A person who puts into circulation beverages <sup>12)</sup> in packaging which is not returnable deposit packaging shall offer identical beverages also in returnable deposit packaging, provided these beverages are placed on the market in such packaging. This obligation shall not apply to persons placing these beverages into circulation on retail premises of an area smaller than 200 m<sup>2</sup>.

## **Section 10 Take-back**

(1) Unless a person who places on the market or into circulation packaging or packaged products can demonstrate that this packaging did not become waste on the territory of the Czech Republic, it shall ensure the take-back of this packaging or this packaging waste. This person shall ensure take-back without making a charge for such collection. In particular this person shall ensure that there are a sufficient number of collection points and that they are accessible to consumers.

(2) Persons who place on the market or into circulation products by selling them to consumers and authorised packaging companies (Section 16) within the scope stipulated in a decision on authorisation (Section 17) shall inform customers and consumers of the manner in which they ensure take-back pursuant to paragraph 1.

## **Section 11 repealed**

## **Section 12 Recovery of Packaging Waste**

(1) Unless a person who places on the market or into circulation packaging or packaged products can demonstrate that this packaging did not become waste on the territory of the Czech Republic, it shall ensure that waste from packaging already placed by this person on the market or into circulation is recovered within the scope stipulated by Annex no. 3 of this Act.

(2) The obligation pursuant to paragraph 1 above shall apply to a person who places on the market or into circulation packaging filled with hazardous items, <sup>13)</sup> hazardous substances or hazardous preparations, <sup>1)</sup> at least to the extent stipulated in column B of Annex no. 3 to this Act.

## **Section 13**

(1) A person who places on the market or into circulation packaging shall comply with the obligations stipulated in Sections 10 and 12:

a) individually by organizational and technical measures at this person's account; or

b) by transferring these obligations to a third person together with the transferral of the ownership rights to the packaging to which the obligations are related for the purposes of the repeated placing of the packaging into circulation, where the agreement on transferring the ownership rights explicitly stipulates; or

c) by concluding an agreement with an authorised packaging company (Section 16) on providing the performance of obligations concerning the take-back and recovery of packaging waste pursuant to this Act (hereinafter referred to as “agreement on associated performance”).

(2) Should reusable packaging be placed on the market or into circulation whereby the organizational aspect of reuse is implemented in the manner under item B.1 or B.2 of Annex no. 2 to this Act, take-back and recovery shall be deemed to have been provided for this packaging if at least 55 % of the weight of packaging newly placed on the market or into circulation is reused.

## **Section 14**

### **List of Persons**

(1) A person who places on the market or into circulation packaging or packaged products shall apply for registration in the List of Persons who are bound by the obligation relating to the take-back and recovery of packaging waste (hereinafter referred to as the “List”) in the scope pursuant to paragraph 3.

(2) An application for entry in the List shall be submitted to the Ministry of the Environment within 60 days of the emergence of the obligation pursuant to paragraph 1.

a) in two hard copies and at the same time in electronic form on a technical data carrier, or

b) in electronic form with an electronic tag based on an approved system certificate issued by an accredited provider of certification services or signed by a recognised electronic signature pursuant to a special legal regulation <sup>13a)</sup>.

(3) An application for entry in the List shall contain

a) the first name and surname, permanent registered address, location of business activity, personal identification number (hereinafter referred to as the “identification number” if one has been assigned, and verified copy of a trade licence in the case of a natural person; should the natural person be listed in the Commercial Register, and extract from the Commercial Register issued no more than 3 months prior to the date of application shall also be attached,

b) ) the commercial company or name, legal form, registered office, registration number if one has been assigned, and an extract from the Commercial Register issued no more than 3 months prior to the date of application in the case of a legal entity, provided it is entered in this Register,

c) ) a description of how the take-back pursuant to Section 10 paragraph 1 is to be ensured,

d) the method of providing information to consumers pursuant to Section 10 paragraph 2,

e) a description of how the recovery of returned packaging waste pursuant to Section 12 is to be ensured,

f) a receipt confirming payment of the registration fee (Section 30 paragraph 1),

g) the material the packaging that is placed on the market or into circulation is made from and whether it is intended for sale to consumers.

(4) If the applicant is a natural person residing outside the territory of the Czech Republic or a legal person with a registered office outside the territory of the Czech Republic, the application pursuant to paragraph 1 may be submitted in the English language.

(5) If the application that fails to contain the particulars pursuant to paragraphs 2 and 3 or the information pursuant to paragraph 3 (c), (d), (e) and (g) is not sufficient for an assessment of whether the applicant has fully complied with the obligations stipulated in this Act, the Ministry of the Environment shall invite the applicant to complete or elaborate the application by a deadline which it shall also give and which may not be less than 30 days. It will also inform him/her of how to achieve this. If the applicant fails to complete or elaborate the application within the set time, the Ministry of the Environment shall make an entry in the List on the basis of the available information and, in the event of any doubt as to whether the applicant has ensured performance of the obligations stipulated in this Act, the Ministry of the Environment shall instruct the competent inspection body to perform an inspection.

(6) The Ministry of the Environment shall enter an applicant in the List within 30 days of receiving an application containing all the particulars pursuant to paragraphs 2 and 3 and which contains sufficient information for an assessment of whether the applicant can ensure performance of the obligations stipulated in this Act, and shall inform the applicant thereof within at the latest 14 days of making the entry.

(7) A person entered in the List shall notify the Ministry of the Environment of any changes in the particulars submitted pursuant to paragraph 3 within 14 days of their effectiveness. This person shall notify the Ministry of the Environment within the same time period that legal grounds for this person being entered in the List have ceased to exist.

(8) On the basis of a notification pursuant to paragraph 7 or on the basis of its own investigation, the Ministry of the Environment shall make a change to an entry in the List or shall delete from the List a person whose legal grounds for being entered therein cease to exist.

(9) The List is a public list. Anyone has the right to inspect it or make copies or excerpts therefrom.

(10) The obligation pursuant to paragraph 1 shall not apply to a person who  
a) has concluded an agreement on associated performance for all the packaging it places on the market or into circulation; or

b) has placed packaging on the market or into circulation for sale to consumers, provided it can be shown that another person complies with the obligations pursuant to Section 10 and 12 in relation to all packaging placed by this person on the market or into circulation.

## **Section 15 Records**

(1) A person obliged to apply for registration in the List pursuant to Section 14 shall:

- a) maintain ongoing records of packaging and packaging waste and of methods of managing packaging and packaging waste,
- b) provide data from these records concerning the previous year to the Ministry of the Environment by 15 February of the following year via the integrated system of compliance with reporting duty in environmental areas pursuant to the Act on the Integrated Environmental Pollution Register and the Integrated System of Compliance with Reporting Duty in Environmental Areas and on amendments to certain Acts,
- c) demonstrate the accuracy of the data provided and reported pursuant to sub-paragraphs (a) and (b) at the request of the Ministry of the Environment or the Czech Environmental Inspection Agency,
- d) file documents with the data contained in these records and reported from these records for a minimum period of 5 years.

(2) The Ministry of the Environment shall keep summary records of the data collected pursuant to sub-paragraph 1 (b). These summary records shall be open to the public; anyone has the right to inspect the records and to make copies and/or excerpts therefrom.

(3) The scope and manner of keeping records and reporting data from these records, as well as the simplified method of keeping records and reporting data from these records for those persons specified in Section 30 paragraph 3 shall be stipulated in an implementing legal regulation.

### **Section 15a**

(1) Persons who place packaging on the market or into circulation may be exempt from the obligations laid down in Sections 10 to 15, provided they meet the following conditions

- a) the total volume of packaging they place on the market or into circulation in a calendar does not exceed 300 kg and, at the same time,
- b) their annual turnover does not exceed 4,500,000 CZK.

(2) A person who uses the exemption set forth in paragraph 1 above, shall be obliged to comply with the obligations laid down in Sections 10 to 15 immediately after it becomes clear that the conditions set forth in paragraph 1 above will not be met in a given calendar year.

(3) A person who uses the exemption set forth in paragraph 1 above shall be obliged upon request to demonstrate compliance with the conditions set forth in paragraph 1 above to the inspection bodies specified in Section 31.

(4) A person who fails to demonstrate compliance with the conditions set forth in paragraph 1 above shall be regarded as a person who was liable for all the obligations laid down in Sections 10 to 15 during that period.

### **TITLE III**

## **AUTHORISED PACKAGING COMPANY**

### **Section 16**

#### **Authorised Packaging Company**

(1) An authorised packaging company (hereinafter referred to as “authorised company”) shall be a legal entity established in the form of a public limited liability company which has been awarded a decision on authorisation pursuant to Section 17. For the purposes of this Act, authorisation shall mean the competence to provide associated performance of the obligation to guarantee the take-back and recovery of packaging waste and to conclude agreements of associated performance for this purpose pursuant to Section 13 paragraph 1 (c).

(2) Unless stipulated otherwise by this Act, the provisions of the Commercial Code <sup>14)</sup> shall apply to an authorised company.

### **Section 17**

#### **Authorisation to Provide Associated Performance**

(1) A decision on authorisation shall be issued by the Ministry of the Environment on the basis of an application submitted by a public limited liability company and after discussion of the issue with the Ministry of Industry and Trade and the Ministry of Agriculture.

(2) An application for the issue of an authorisation decision shall be submitted to the Ministry of the Environment in 4 hard copies in the Czech language and at the same time on a technical data carrier. If the application is being submitted on behalf of an established company which has not yet been entered in the Commercial Register, the application shall be submitted by the founders thereof.

(3) An application for the issue of an authorisation decision shall include the commercial name and head office of the public limited liability company which is applying for the issue of an authorisation decision (hereinafter referred to as the “applicant”) and a complete list of the applicant’s shareholders, including their share in the registered capital; the following documents shall be attached to the application:

a) the articles of association of the public limited liability company;

b) a statement from the Commercial Register issued no earlier than 7 days prior to the date the application is submitted, provided the company is already entered therein;

c) the applicant's declaration that it meets the conditions stipulated in Section 20 paragraphs 4 and 9;

d) the latest annual report, or the founder's deed or partnership agreement, if no annual report exists and detailed information concerning the activities of the founders since its establishment;

e) a project on associated performance which shall include, in particular, the following

1. a description of technical, organizational and financial measures which shall guarantee the associated performance, including details of whether cooperation with municipalities shall be used to provide associated performance,
2. a specification of the varieties or types of packaging the applicant intends to provide associated performance for in the individual years the authorisation decision is in force
3. the estimated number of concluded agreements on associated performance and the estimated quantity of packaging for which associated performance shall be ensured in the individual years the authorisation decision is in force,
4. the estimated quantity of packaging waste for which recycling, energy recovery, organic recycling and/or disposal shall be ensured in the individual years the authorisation decision is in force,
5. the proposed structure of packaging records and records of packaging waste,
6. a detailed description of the estimated financial security for associated performance over the first year the authorisation decision is in force and documents proving the authenticity of the financial security, in particular financial statements and a credit agreement where it is anticipated that credit shall be drawn on.

(4) An authorisation decision shall be issued by the Ministry of the Environment on the basis of an assessment of the data provided in the application and the documents attached thereto. An application for the issue of an authorisation decision shall be rejected if any of the applicant's shareholders fails to meet the requirements stipulated in Section 18 paragraphs 1, 3 and/or 4 or if the applicant fails to meet the requirements stipulated in Section 20 paragraphs 1, 4 and/or 9 or if the project on associated performance fails to provide adequate guarantees that the association will be operated in due manner and for a sufficiently long period of time, that the project on associated performance has adequate financial support and that the performance of the take-back and recovery obligations performed by other persons pursuant to Section 13 paragraph 1 is not thereby placed at risk.

(5) An authorisation decision shall be granted for a fixed period up to a maximum of ten years, and shall not be transferable to another legal or natural person.

(6) An authorisation decision shall include the following

a) the commercial name, registration number if one has been assigned, and head office of the public limited liability company for which the authorisation decision is being issued,

b) the period for which the authorisation decision shall remain in force,

c) the varieties or types of packaging for which the authorised company shall be entitled to provide associated performance,

d) the required proportion of recovery and recycling, or energy recovery and organic recycling of waste out of the total amount of packaging placed on the market or into

circulation by persons who have concluded an agreement on associated performance with the authorised company; these requirements may be specified differently for the individual years the authorisation decision is in force; the basis for the specification of these requirements shall be the waste management plan pursuant to a separate legal regulation,<sup>4)</sup>

e) requirements concerning the manner in which the records pursuant to Section 23 are to be kept and reported,

f) requirements concerning the reporting of information to consumers on their role in contributing to the take-back and recovery of packaging waste.

(7) The force of an authorisation decision may be renewed provided the authorised company applies for renewal at least 1 year prior to the expiry of the force of the authorisation decision. The provisions of paragraphs 1 to 6 shall apply *mutatis mutandis* to the proceedings for the renewal of the force of an authorisation decision. Should the authorised company prove that it meets the requirements prescribed by law and it manages its operations in due manner, this person shall be entitled to have the force of its authorisation decision renewed.

## **Section 18**

### **Obligations of Shareholders of an Authorised Company**

(1) Only persons who place packaging on the market or into circulation may become shareholders of an authorised company.

(2) A shareholder of an authorised company shall conclude an agreement on associated performance with the authorised company of which he/she is the shareholder.

(3) The share of an individual shareholder or shareholders who are acting in concert in the registered capital of an authorised company may not exceed 33 %. Should this share be exceeded, the respective shareholder or shareholders shall report this fact immediately to the Ministry of the Environment and reduce his/her or their share to a maximum of 33 % within 1 year of exceeding this limit.

(4) A shareholder of an authorised company may not carry on a business activity in the waste management sector.<sup>4)</sup>

(5) In the event of a breach of the conditions stipulated in paragraphs 1 to 4 above, the Ministry of the Environment may decide to suspend the exercise of a shareholder's right to attend and cast votes at the general meeting or exercise of the right to demand the convening of the extraordinary general meeting.

## **Section 19**

### **Conflict of Interests**

(1) An executive officer employed by an authorised company and appointed to the position by a statutory body of the authorised company may not be a statutory body or member of a statutory body of another legal person, which is an entrepreneur as set forth in the Commercial Code.

(2) Shareholders, members of the bodies of an authorised company and employees of an authorised company may not act on behalf of other persons whose scope of business activity is waste management, in particular, packaging waste, or persons whose activity is directly related to waste management.

## **Section 20**

### **Some Restrictions on an Authorised Company**

(1) An authorised company may issue only common shares, these being exclusively in the form of uncertificated registered shares. The shares may be subscribed exclusively on the basis of a financial contribution. An authorised company may not request that its shares be listed on the public market.

(2) The profit of an authorised company may not be distributed among its shareholders.

(3) An authorised company must not reduce its registered capital for any other purpose other than to cover a loss or to fulfil the obligations stipulated by law and it must not increase its registered capital in a contingent manner.

(4) An authorised company must not participate in the bodies or business activities of another legal entity, with the exception of a legal entity grouping together subjects with a similar business activity.

(5) An authorised company must not hold a general meeting without submitting to the Ministry of the Environment a statement from the register of the issuer of unregistered shares. This statement, which shall be issued 7 days prior to the date of the general meeting, shall be submitted to the Ministry of the Environment on the date of its issue. The Ministry of the Environment shall indicate in the excerpt those shareholders whose shareholders rights are suspended pursuant to Section 18 paragraph 5 and shall return the statement to the authorised company within 6 days of delivery thereof. Should the Ministry of the Environment fail to return the statement within the stipulated time limit, it shall be deemed that the Ministry does not have any objections to the exercise of the rights, listed in the statement, to participate and vote at the general meeting of shareholders. An authorised company shall submit to the Ministry of the Environment the resolutions of each general meeting within thirty days of the day the general meeting is held.

(6) An authorised company may not permit the participation at the general meeting of a person whose shareholder rights are suspended by the Ministry of the Environment pursuant to Section 18 paragraph 5, or to a person not listed in the statement from the issuer's register.

(7) An authorised company must not conclude with a legal or natural person, which has a specific relation to the company (see paragraph 8), an agreement which, by its nature, purpose or risk, would not be concluded with all due care for the authorised company's assets with another legal or natural person; an authorised company must not secure the liabilities of such legal or natural person or transfer assets without consideration to this legal or natural person. Agreements concluded in contradiction with this provision shall not be considered invalid if the second contracting party acted in good will. The person who concluded such an agreement on behalf of an authorised company shall be liable for the damage thereby caused

and cannot be relieved of this liability. This person's responsibility shall be governed by the Commercial Code in other cases.

(8) The following persons shall be considered legal or natural persons who have a specific relation to an authorised company

a) members of the board of directors, members of the supervisory board and employees of the authorised company appointed to their position by a statutory body of the authorised company,

b) shareholders of the authorised company who are natural persons entitled to conduct business and members of statutory bodies of legal entities which are shareholders of the authorised company,

c) persons close <sup>15)</sup> to the persons specified under sub-paragraphs (a) or (b),

d) legal entities in which any of the persons specified under sub-paragraphs (a) or (b) has a share in the registered capital exceeding 33 %,

e) shareholders of the authorised company that are legal entities and other legal entities controlled by them,

f) employees of the Ministry of the Environment, Ministry of Agriculture, or Ministry of Industry and Trade or employees of organisational units established by these ministries. <sup>16)</sup>

(9) An authorised company must not conclude any agreement with a shareholder of the authorised company, a legal person controlled by this shareholder or a person controlling any of the shareholders of the authorised company other than an agreement on associated performance or an agreement pursuant to Section 22.

(10) A resolution of the general meeting approving the winding-up of an authorised company during the period the authorisation decision is valid, on the merger of the authorised company by acquisition with another legal person, or on the division of the authorised company, or on a change in the scope of activity of the authorised company shall be possible only with the prior consent of the Ministry of the Environment, which shall be issued pursuant to discussion with the Ministry of Industry and Trade.

(11) The Ministry of the Environment may petition a court within 60 days as of the date of the general meeting of an authorised company and to decide on the invalidity of a resolution of the general meeting if it is deemed that this resolution contradicts the legal regulations or articles of association of the authorised company.

## **Section 21**

### **Conditions for Ensuring Associated Performance**

(1) The authorised company shall

a) specify the terms for concluding an agreement on associated performance in a uniform manner for all persons and in such a way that no type of packaging shall be unreasonably disadvantaged in economic competition,

b) conclude an agreement on associated performance with any person who expresses an interest in concluding such an agreement and who does not have any outstanding liabilities due to the authorised company,

c) conclude an agreement on associated performance for all types of packaging placed on the market or into circulation by a person pursuant to sub-paragraph (b) provided the authorised company is entitled to provide associated performance for this packaging under its authorisation decision,

d) provide, in accordance with the authorisation decision, the take-back and recovery of packaging to which agreements on associated performance concluded by the authorised company relate in accordance with the conditions stipulated by this Act and by the authorisation decision.

(2) An authorised company may not disclose to third persons information on the amount of packaging placed on the market or into circulation by individual persons with whom the authorised company has concluded an agreement on associated performance, with the exception of information disclosed to a competent administrative authority.

(3) Should an authorised company provide associated performance in cooperation with municipalities on the basis of agreements concluded therewith, the authorised company shall conclude the agreement with any municipality that will express an interest therein under terms similar to terms with other municipalities.

## **Section 22**

### **Additional Activity of an Authorised Company**

Apart from activities related to the provision of associated performance, the authorised company must not carry on any other activity, except for consulting activities aimed at preventing the production of packaging waste and packaging labelling, or research, publicity and promotional activities in the field of the take-back and recovery of packaging. An authorised company may carry on research, publicity and promotional activities exclusively in the form of a subsidiary activity.

## **Section 23**

### **Recording and Reporting Obligations**

(1) An authorised company shall keep and report the following particulars to the Ministry of the Environment in the manner stipulated in the authorisation decision

a) records of persons with whom the authorised company has concluded an agreement on associated performance,

b) records of the quantity of packaging and the quantity of packaging waste to which agreements on associated performance concluded by the authorised company are related, and of the manner of their use within the scope stipulated in Annex no. 4 to this Act, and it shall ensure, by means of an auditor<sup>17)</sup>, verification of the records and the production of an auditor's report; a person having a specific relation to the authorised company pursuant to Section 20 paragraph 8 may not be the auditor

(2) The Ministry of the Environment shall ensure that summary records are kept of the data collected pursuant to paragraph 1 (a) and (b) from all authorised companies. A special part of these records is a list of persons with whom the individual authorised companies have concluded agreements on associated performance. These summary records are open to the public; anyone has the right to inspect them or to make copies or excerpts therefrom.

(3) An authorised company shall also publish its abridged financial statements for the previous calendar year in the Commercial Journal at the latest by 30 June of that calendar year.

## **Section 24**

### **Supervision of the Activities of an Authorised Company**

(1) The Ministry of the Environment shall supervise the activities of authorised companies, the Ministry shall be governed by Act on State Control. <sup>18)</sup>

(2) Should the Ministry of the Environment find any deficiencies in the activity of an authorised company, depending on the significance and character of the defect it discovers, the Ministry may

a) order that the authorised company redress the deficiency within a stipulated time period; an appeal against this resolution shall not have suspensory effect,

b) file a motion to the Czech Environmental Inspection Agency to commence proceedings to levy a penalty on the authorised company,

c) decide, after discussion with the Ministry of Industry and Trade and Ministry of Agriculture, on a change in or on the revocation of the authorisation decision.

(3) A deficiency in the activity of an authorised company shall mean any breach of an obligation of the authorised company stipulated by this Act or a breach of an obligation of a public limited liability company stipulated by other legal regulations <sup>19)</sup> such as the Commercial Code, or a breach of the terms stipulated in the authorisation decision.

## **Section 25**

### **Change in an Authorisation Decision**

The Ministry of the Environment may also change an authorisation decision

a) at the request of an authorised company, or

b) on the basis of changes in liabilities relating to the amount of proportion of the recovery and recycling of packaging waste if they ensue from European Community law. <sup>2)</sup>

## **Section 26**

### **Revocation of an Authorisation Decision**

(1) The Ministry of the Environment, after discussion with the Ministry of Industry and Trade and Ministry of Agriculture, shall revoke an authorisation decision, if

a) an authorised company fails to conclude any agreement on associated performance, with the exception of agreements concluded pursuant to Section 18 paragraph 2, within 3 months of the date the authorisation decision enters into force,

b) an authorised company has been granted an authorisation decision on the basis of false information stated in the application or in documents attached thereto,

c) an authorised company fails to make redress ordered pursuant to Section 24 paragraph 2 (a) even during an extended time period; or

d) an authorised company is declared bankrupt in accordance with a special legal regulation.<sup>20)</sup>

(2) The Ministry of the Environment, after discussion with the Ministry of Industry and Trade and the Ministry of Agriculture, may revoke an authorisation decision, if

a) an authorised company fails to attain at least 15 % recovery of packaging waste for which the company has concluded agreements on associated performance within 1 year as of the date the authorisation decision enters into force,

b) an authorised company fails to attain the recovery of packaging waste in the scope of at least two thirds of the quantity stipulated in the authorisation decision during the first year of its activity, or

c) after one year as of the date the authorisation decision enters into force, the total amount of packaging for which the company has concluded agreements on associated performance does not constitute at least 10 % of all packaging placed on the market or into circulation in the Czech Republic to which the authorisation decision applies.

(3) If the general meeting of an authorised company decides that the authorised company shall no longer carry on the activities for which the authorisation decision was issued, the authorised company shall notify the Ministry of the Environment thereof without delay; the Ministry shall revoke the authorisation within 30 days of delivery of this notification.

## **Section 27**

Only the applicant shall be a party to the proceedings under Sections 25 and 26.

## **Section 28**

### **Extinction of an Authorisation Decision**

(1) An authorisation decision shall become extinct

a) by revocation,

b) on expiry of the period of its validity,

c) on the winding-up of an authorised company without liquidation or winding-up with liquidation.

(2) The extinction of an authorisation decision pursuant to paragraph 1 (a) above shall not affect the entitlement of persons who have an agreement on associated performance with the authorised company at the date the authorisation decision becomes extinct regarding the settlement of rights and obligations with the authorised company.

**Section 29**  
**Publication of an Authorisation Decision**

A list of authorisation decisions that have been issued, decisions on changes thereto or the revocation thereof, and the content of these resolutions, with the exception of the particulars which are subject to trade secrecy or personal data protection, shall be published by the Ministry of the Environment in its Journal.

**TITLE IV**

**REGISTRATION AND RECORD FEES**

**Section 30**

(1) A registration fee in the amount of 800 CZK shall be paid for an entry in the List (Section 14) and a record fee for keeping records therein in the same amount shall be paid in all subsequent calendar years, always for the previous calendar year by 15 February of the following year.

(2) An applicant shall pay a registration fee in the amount of 2,000 CZK for the issue of an authorisation decision pursuant to Section 17. An authorised company shall pay a record fee of 800 CZK each subsequent year per person with whom the authorised company has concluded an agreement on associated performance for at least part of that calendar year, for the previous calendar at the latest by 15 February of the following year.

(3) An authorised company shall not be obliged to pay a record fee pursuant to paragraph 2 above for a person with whom it had concluded an agreement on associated performance for only part of a calendar year provided this person had placed on the market or into circulation less than 300 kg of packaging during this part of the calendar year.

(4) Should a person default in a fee or part thereof pursuant to paragraph 1 or 2 above, this person shall pay a penalty in the amount of 0.1 % of the outstanding sum per day of default.

(5) Registration fees and record fees pursuant to paragraphs 1 and 2 above, and penalties pursuant to paragraph 3 shall be paid to the account of the State Environmental Fund<sup>21)</sup> whose income they constitute.

(6) Unpaid fees shall be recovered by the State Environmental Fund in accordance with special legal regulations.<sup>22)</sup>

## TITLE V

### DUTIES OF THE PUBLIC ADMINISTRATION IN THE PACKAGING AND PACKAGING WASTE MANAGEMENT SECTOR

#### Section 31

#### Public Administration Authorities within the Packaging and Packaging Waste Management Sector

The following bodies provide public administration in the packaging and packaging waste management sector

- a) the Ministry of the Environment,
- b) the Ministry of Industry and Trade,
- c) the Ministry of Agriculture,
- d) the Regional Hygiene Station (Hygiene Station for the Capital City of Prague),
- e) the Czech Trade Inspectorate,
- f) the Czech Agricultural and Food Inspection Authority,
- g) the Czech Environmental Inspectorate,
- h) the State Institute for Drug Control,
- i) the Institute for State Control of Veterinary Biologicals and Medicines,
- j) the Customs Authorities.

#### Section 31a

(1) The Ministry of the Interior or the Czech Police Force shall provide public administrative authorities in the packaging and packaging waste management sector

- a) reference data from the basic register of residents,
- b) data from the agenda information system on records of residents,
- c) data from the agenda information system on foreigners.

(2) The data provided pursuant to paragraph 1 (a) are

- a) name, or names, surname,
- b) date, place and district of birth; in the case of data subjects who were born abroad, the date, place and country where they were born,

c) date and place of death; in the case of the death of data subjects outside the territory of the Czech Republic, the date of death, the place and country on whose territory the death occurred; if a court ruling was issued on the pronouncement of death, the day given in the ruling as the day of decease or the day on which the data subject declared deceased did not survive and the day on which this ruling became valid,

d) residence,

e) nationality, or more than one nationality.

(3) The data provided pursuant to paragraph 1 (b) are

a) name, or names, surname, maiden name,

b) date, place and district of birth; in the case of data subjects who were born abroad, the date, place and country where they were born,

c) birth number,

d) permanent residence,

e) nationality, or more than one nationality.

(4) The data provided pursuant to paragraph 1 (c) are

a) name, or names, surname, maiden name,

b) ) date, place and district of birth; in the case of data subjects who were born abroad, the date, place and country where they were born,

c) nationality, or more than one nationality,

d) type and address of residence,

e) commencement of stay, or the date the stay ended.

(5) Data that are kept as reference data in the basic register of residents are only used in the agenda information system of records on foreigners if they are in a form that predates the current situation.

(6) In any specific case, only data that are essential for the performance of a given task may ever be used.

## **Section 32** **Ministry of the Environment**

As the central public administration authority in the packaging and packaging waste management sector, the Ministry of the Environment

a) shall manage the List pursuant to Section 14,

- b) shall issue authorisation decisions after discussion with the Ministry of Industry and Trade and the Ministry of Agriculture pursuant to Section 17 paragraph 1 and shall decide on renewing the validity of authorisation decisions pursuant to Section 17 paragraph 7,
- c) shall keep a list of authorisation decisions granted, decisions on a change to or the revocation of an authorisation decision and shall publish this list in the Journal of the Ministry of the Environment pursuant to Section 29,
- d) shall indicate in the register of the issuer those shareholders whose shareholders' rights are suspended pursuant to Section 20 paragraph 5,
- e) shall decide, after discussion with the Ministry of Industry and Trade and the Ministry of Agriculture, on a preliminary consent to the winding-up of an authorised company during the period of validity of an authorisation decision, to a merger of an authorised company with another legal person, or to the division of an authorised company pursuant to Section 20 paragraph 10,
- f) shall petition a court for a ruling on the invalidity of a resolution of the general meeting of an authorised company pursuant to Section 20 paragraph 11,
- g) shall draw up and keep summary records pursuant to Section 15 paragraph 2 and Section 23 paragraph 2,
- h) shall supervise the activities of authorised companies pursuant to Section 24 paragraph 1,
- i) shall impose measures on an authorised company to make redress pursuant to Section 24 paragraph 2 (a),
- j) shall file a motion with the Czech Environmental Inspection Agency to commence proceedings regarding the levying of a penalty on an authorised company pursuant to Section 24 paragraph 2 (b),
- k) shall make decisions on changes to authorisation decisions pursuant to Section 24 paragraph 2 (c) and Section 25,
- l) shall make decisions on the revocation of authorisation decisions pursuant to Section 24 paragraph 2 (c) and Section 26,
- m) shall issue a statement to the Ministry of Industry and Trade when the latter is making decisions, in cases of doubt, as to whether or not a product is packaging,
- n) shall make decisions on appeals against rulings of the Czech Environmental Inspection Agency,
- o) shall provide the European Commission with data on packaging management and packaging waste management in the Czech Republic in the required scope and in the required manner,
- p) shall ensure that the total amount of recovered packaging waste complies with international obligations by which the Czech Republic is bound,<sup>23)</sup>

q) shall appoint, after discussion with the Ministry of Industry and Trade, representatives of the Czech Republic to committees, commissions, professional and working groups and other bodies established in accordance with European Community law in the field of packaging and packaging waste management, <sup>2)</sup>

r) shall ensure, in cooperation with the Ministry of Industry and Trade, that the public is kept informed in an appropriate manner of the role of consumers in contributing to the reuse, recovery and recycling of packaging and packaging waste,

s) shall file a motion on the Czech Trade Inspectorate to make inspections in the packaging management sector.

### **Section 33**

#### **The Ministry of Industry and Trade**

The Ministry of Industry and Trade shall issue statements to the Ministry of the Environment regarding applications for the issue of an authorisation decision pursuant to Section 17 paragraph 1, regarding applications to renew the period of validity of an authorisation decision pursuant to Section 17 paragraph 7, regarding applications for preliminary permission pursuant to Section 20 paragraph 10, regarding changes to an authorisation decision pursuant to Section 24 paragraph 2 (c) and Section 25, and regarding the revocation of an authorisation decision pursuant to Section 24 paragraph 2 (c) and Section 26 paragraphs 1 and 2.

### **Section 34**

#### **The Ministry of Agriculture**

The Ministry of Agriculture shall issue statements to the Ministry of the Environment regarding applications for the issue of an authorisation decision pursuant to Section 17 paragraph 1, regarding applications to renew the force of an authorisation decision pursuant to Section 17 paragraph 7, regarding applications for preliminary permission pursuant to Section 20 paragraph 10, regarding changes to an authorisation decision pursuant to Section 24 paragraph 2 (c) and Section 25 and regarding the revocation of an authorisation decision pursuant to Section 24 paragraph 2 (c) and Section 26 paragraphs 1 and 2.

### **Section 35**

#### **Regional Hygiene Stations**

Regional Hygiene Stations (the Hygiene Station of the Capital City of Prague) supervise compliance with obligations relating to prevention, the placing of packaging on the market or into circulation, packaging labelling and reuse in the case of cosmetic product packaging; <sup>24)</sup> on discovering a breach of these obligations, they shall impose protective measures, remedial measures and penalties. During inspections, they shall proceed in accordance with special legal regulations. <sup>25)</sup>

### **Section 36**

#### **The Czech Trade Inspectorate**

The Czech Trade Inspectorate

- a) shall supervise compliance with obligations related to prevention, the placing of packaging on the market or into circulation, and packaging labelling and reuse, with the exception of cosmetic product packaging,<sup>24)</sup> packaging which comes into direct contact with food products, pharmaceutical packaging<sup>10)</sup>, and the packaging of raw materials for the preparation of human pharmaceuticals<sup>10)</sup>;
- b) shall supervise the implementation of packaging take-back by persons who place packaging or packaged products on the market or into circulation by selling them to consumers; these persons shall demonstrate, on request, how they ensure the take-back of packaging;
- c) shall supervise the sale of beverages in returnable deposit packaging in the case of legal entities and natural persons authorised to conduct business who place packaged beverages on the market or into circulation by sale to consumers;
- d) on ascertaining a breach of these obligations in inspections under letter (a), (b), or (c), the Czech Trade Inspectorate shall impose protective measures, remedial measures and penalties. During inspections the Czech Trade Inspectorate shall proceed in accordance with special legal regulations.<sup>26)</sup>

### **Section 37**

#### **Czech Agricultural and Food Inspection Authority**

The Czech Agricultural and Food Inspectorate shall supervise compliance with obligations related to prevention, the placing of packaging on the market or into circulation, packaging labelling and reuse in the case of packaging which comes into direct contact with food products; on ascertaining a breach of these obligations, the Czech Agricultural and Food Inspectorate shall impose protective measures, remedial measures and penalties. During inspections the Czech Agricultural and Food Inspectorate shall proceed in accordance with special legal regulations.<sup>27)</sup>

### **Section 38**

#### **The State Institute for Drug Control**

The State Institute for Drug Control shall supervise compliance with obligations related to prevention, the placing of packaging on the market or into circulation, packaging labelling and reuse in the case of the packaging of human pharmaceuticals and the packaging of raw materials used for the preparation of human pharmaceuticals; on ascertaining a breach of these obligations, the State Institute for Drug Control shall impose protective measures, remedy measures and penalties. During inspections the State Institute for Drug Control shall proceed in accordance with special legal regulations.<sup>10)</sup>

### **Section 39**

#### **The Institute for State Control of Veterinary Biologicals and Medicines**

The Institute for the State Control of Veterinary Biologicals and Medicaments shall supervise compliance with obligations related to prevention, the placing of packaging on the market or into circulation, packaging labelling and reuse in the case of the packaging of veterinary pharmaceuticals and the packaging of raw materials used for the preparation of veterinary pharmaceuticals; on ascertaining a breach of these obligations, the Institute for the State Control of Veterinary Biologicals and Medicaments shall impose protective measures, remedial measures and penalties. During inspections the Institute for the State Control of

Veterinary Biologicals and Medicaments shall proceed in accordance with special legal regulations.<sup>10)</sup>

#### **Section 40**

### **The Czech Environmental Inspectorate**

The Czech Environmental Inspection Agency<sup>28)</sup> shall supervise compliance with the obligation to take back packaging, with the exception of the obligation to take back packaging stipulated in Section 36(b), and the obligation to recover packaging waste and other obligations related thereto; on ascertaining a breach of these obligations, the Czech Environmental Inspection Agency shall impose protective measures, remedial measures and penalties. Persons subject to these obligations shall demonstrate, on request, that they are fulfilling the obligation to take back and recover packaging waste.

#### **Section 41**

### **Customs Authorities**

Customs authorities shall be authorised to inspect whether packaging or packaged products imported into the Czech Republic or transported from other European Union Member States into the Czech Republic meet the requirements stipulated by this Act. In cases of doubt as to whether the conditions pursuant to this Act are met, customs authorities shall release the controlled goods into the appropriate customs regime or for additional transport or handling, shall call upon the competent inspection body to perform an inspection and, at the same time, shall inform the Ministry of the Environment of this request. During inspections they shall proceed in accordance with special legal regulations.<sup>7)</sup>

#### **Section 42**

### **Rights and Obligations of Inspectors and Authorised Employees of Administrative Authorities**

(1) Unless stipulated otherwise in a special legal regulation, inspectors and authorised employees of administrative authorities performing activities in the sector of packaging and packaging waste management pursuant to this Act shall be entitled in the performance of their inspection activity within the scope of their assigned authority

a) to have pedestrian or vehicular access where this is essential to private land or private structures used for business activity or the operation of other economic activity,

b) to verify the identity of natural persons, if they are persons subject to inspection, or, if appropriate, the identity of natural persons representing inspected persons during an inspection, and the authorisation of these persons act as representatives,

c) to demand the necessary documents, information, or written or verbal explanations related to the subject of inspection,

d) to perform a local inspection, take samples, and acquire photographic documentation.

(2) Unless stipulated otherwise in a special legal regulation, inspectors and authorised employees of the Ministry of the Environment and other administrative authorities performing activities in the sector of packaging management pursuant to this Act shall, in the performance of their inspection activity

- a) prove their identity by producing a certificate from the competent inspection authority,
- b) keep confidential facts which are subject to trade or professional secrecy, of which they learn in connection with the performance of their inspection activity,
- c) respect operational, safety and other regulations which regulate activities on the premises under inspection,
- d) draw up a report on inspections performed, including photographic documentation,
- e) be considerate to the property of the entity being inspected.

## **TITLE VI**

### **PROTECTIVE MEASURES, REMEDIAL MEASURES AND PENALTIES**

#### **Section 43**

##### **Protective Measures and Remedial Measures**

(1) Unless stipulated otherwise in a separate legal regulation, the competent administrative authority may, on ascertaining a breach of obligations pursuant to this Act and depending on the significance and character of the breach

- a) prohibit the placing on the market or into circulation of packaging or products in packaging which fail to comply with the requirements stipulated under Section 4 paragraph 1 (a), (b) or (c), Section 6 or Section 10 paragraph 1 or suspend the placing of such packaging or products on the market or into circulation, until such time as redress is made,
- b) impose the obligation to inform forthwith the persons who may be exposed to danger ensuing from failure to meet the requirements specified under sub-paragraph (a) of this danger.

(2) An appeal against prohibition or suspension pursuant to subsection (1) does not have a suspensory effect.

(3) The Czech Environmental Inspectorate shall impose, under the conditions stipulated in this Act, remedial measures on a person who fails to comply with an obligation pursuant to Section 10 or 11.

(4) The competent administrative authority pursuant to paragraphs 1 to 3 shall mean the body authorised to impose a protective measure or a remedial measure in accordance with Sections 35 to 40.

(5) The imposition of a measure pursuant to paragraph 1 or 3 shall not affect the provisions of Section 44.

Administrative torts perpetrated by legal entities and natural persons engaged in business

#### **Section 44**

heading omitted

(1) A legal entity or natural person engaged in business shall perpetrate an administrative delict if it carries out an activity requiring authorisation pursuant to Section 17 without such authorisation, or by offering to conclude agreements with third parties, the content of which is an activity requiring authorisation for its performance.

(2) A legal entity or natural person engaged in business shall perpetrate an administrative delict if

a) as a person who places on the market packaging, it breaches the obligation set forth in Section 3,

b) as a person who places on the market packaging, packaged products or packaging material, it fails to ensure certain of the conditions for placing packaging, packaged products or packaging material on the market pursuant to Section 4,

c) as a person who places on the market packaging, it fails to submit technical documentation pursuant to Section 5 paragraph 1 (a) at the request of an inspection body, or fails to demonstrate that it has informed its customers pursuant to Section 5 paragraph 1 (b),

d) as a person who places on the market packaging materials, it fails to submit technical documentation pursuant to Section 5 paragraph 1 (a) at the request of an inspection body, or fails to demonstrate that it has informed its customers pursuant to Section 5 paragraph 1 (b),

e) as a person who places on the market or into circulation products whose packaging is reusable or returnable, it fails to adopt those measures that enable the reuse of reusable packaging pursuant to Section 7, or fails to ensure the reuse of returnable packaging or the recovery of waste from this packaging pursuant to Section 8,

f) as a person specified in Section 9, it breaches any of the obligations relating to returnable deposit packaging pursuant to Section 9,

g) as a person who places on the market or into circulation packaging or packaged products, it fails to ensure the take-back of this packaging or packaging waste pursuant to Section 10 paragraph 1,

h) as a person who places on the market or into circulation packaging or packaged products, it fails to ensure the recovery of packaging waste pursuant to Section 12,

i) as a person who places on the market or into circulation packaging or packaged products, it breaches the obligation to submit an application for entry into the List pursuant to Section 14 paragraph 1,

j) as a person entered in the List, it fails to comply with the obligation to provide notification of changes in the particulars submitted pursuant to Section 14 paragraph 7, or

k) as a person subject to the obligation to apply for entry in the List, breaches any of the recording obligations pursuant to Section 15.

(3) An authorised company shall perpetrate an administrative delict if

- a) it fails to comply with any of the conditions for authorisation specified in the authorisation decision on the basis of Section 17 paragraph 6 (c) to (f),
- b) it violates the restrictions on handling shares pursuant to Section 20 paragraph 1,
- c) it violates the prohibition on distributing profits amongst shareholders pursuant to Section 20 paragraph 2,
- d) it violates the prohibition on reducing or increasing its registered capital pursuant to Section 20 paragraph 3,
- e) it violates the prohibition on participating in the bodies or business activities of another legal entity pursuant to Section 20 paragraph 4,
- f) it violates the prohibition on holding a general meeting without submitting a statement from the register of the issuer of unregistered shares pursuant to Section 20 paragraph 5,
- g) it permits the participation at a general meeting of a person whose shareholder rights were suspended by the Ministry of the Environment, or a person not listed in the statement from the issuer's register, in breach of Section 20 paragraph 6,
- h) it violates the prohibition on concluding an agreement, securing liabilities or transferring assets without consideration pursuant to Section 20 paragraph 7,
- i) it violates the prohibition on concluding an agreement pursuant to Section 20 paragraph 9,
- j) it fails to request the consent of the Ministry of the Environment to the release of a resolution of a general meeting in the cases specified in Section 20 paragraph 10,
- k) it specifies the terms for concluding an agreement on associated performance in breach of the provisions of Section 21 paragraph 1 (a),
- l) it breaches the obligation to conclude an agreement in accordance with the terms of Section 21 paragraph 1 (b) or (c),
- m) it violates the prohibition on disclosure to third persons pursuant to Section 21 paragraph 2,
- n) it concludes an agreement with a municipality in breach of the provisions of Section 21 paragraph 3, or refuses to conclude an agreement with a municipality in breach of Section 21 paragraph 3,
- o) it violates the prohibition on carrying out other activities pursuant to Section 22,
- p) it breaches the obligation to keep and to report records of persons with whom it has concluded an agreement on associated performance or records of quantities of packaging and packaging waste and the manner of their use, or the obligation to ensure verification by an auditor of these records of quantities of packaging and packaging waste and the manner of their use pursuant to Section 23 paragraph 1, or

q) it fails to publish its financial statements pursuant to Section 23 paragraph 3.

(4) An authorised company or a legal entity or a natural person engaged in business shall perpetrate an administrative delict as a person who places on the market or into circulation products by selling them to consumers if they fail to comply with the obligation to inform customers and consumers pursuant to Section 10 paragraph 2.

### **Section 45**

For an administrative delict pursuant to Section 44 the penalty levied shall be

a) up to 500,000 CZK in the case of an administrative delict pursuant to paragraph 2 (a), (c) to (f) and (i) and (j) or pursuant to paragraph 4,

b) up to 1,000,000 CZK in the case of an administrative delict pursuant to paragraph 2 (k),

c) up to 10,000,000 CZK in the case of an administrative delict pursuant to paragraph 1, paragraph 2 (b), (g) or (h), or paragraph 3 (a) to (q).

### **Section 46**

(1) A legal entity shall not be liable for an administrative delict if it can prove that it exerted all possible efforts that could be required to prevent the breach of its legal obligation. In the case of an administrative delict pursuant to Section 44 paragraph 2 (g) and (h), the legal entity shall be relieved of this liability if the breach of obligation occurred within 3 months of the day when the authorised company, with which the legal entity or natural person engaged in business concluded an agreement for associated performance of the obligations imposed on a legal entity or natural person engaged in business in Section 10 paragraph 1 or in Section 12 relinquished its right to operate.

(2) When determining the amount of the penalty for a legal entity, the significance of the administrative delict, and in particular the manner in which it was perpetrated, its consequences and the surrounding circumstances shall be taken into consideration.

(3) A legal entity's liability for an administrative delict terminates if the legal authority fails to commence proceedings within one year of the day on which it learned of the breach, and at the latest within 3 years of the day on which it was perpetrated.

(4) Administrative delicts pursuant to this Act shall be heard in the first instance by the Regional Hygiene Station, the Czech Trade Inspectorate, the State Agricultural and Food Inspectorate, the State Institute for Drug Control, the Institute for State Control of Veterinary Biologicals and Medicines or the Czech Environmental Inspectorate, within the scope of its competence and under the restrictions stipulated in Sections 35 to 40. Should more than one administrative authority have the competence to hear an administrative delict through the scope of its authority, the administrative delict will be heard by the competent administrative authority that first commenced proceedings. The administrative authority that commences proceedings shall inform all those administrative authorities that are competent to hear administrative delicts pursuant to this Act.

(5) The provisions of this Act relating to the liability and recourse of a legal entity shall apply to liability for actions that occurred during the course of business engaged in by a natural person or in direct relation thereto.

(6) A penalty is payable within 30 days of the date the decision on the levying of the penalty enters into force.

(7) Penalties shall be collected by the authority that levied it.

(8) Income from the penalty shall be income to the budget that finances the activities of the authority which levied the penalty, with the exception of penalties levied by the Czech Environmental Inspectorate, which constitute income for the State Environmental Fund.

## **TITLE VII**

### **JOINT, AUTHORISATION AND TRANSITIONAL PROVISIONS**

#### **Section 47 repealed**

#### **Section 48**

For the purposes of compliance with the obligations to recover packaging waste under Section 12 and to keep records under Section 15, packaging where a certain material constitutes at least 70 % of the packaging by weight shall be deemed to be packaging made from a single material.

#### **Section 49 Relation to the Administrative Procedure Act**

The proceedings pursuant to this Act shall be governed by the Administrative Procedure Act <sup>32)</sup>, with the exception of the provisions of Section 14 and Section 32 (m) of this Act.

#### **Section 50 Authorisation Provisions**

(1) The Government shall issue a Decree to implement Section 9 paragraph 9.

(2) The Ministry of the Environment shall issue a regulation to enforce Section 15 paragraph 3.

(3) The Ministry of Industry and Trade shall issue a decree to implement Section 9 paragraph 3.

#### **Section 51 Transitional Provisions**

(1) Persons who place packaging or packaged products on the market or into circulation shall comply with the obligations stipulated in Section 3, Section 4 paragraph 1 (a)

and (c), Section 5, Section 10 and Section 14 within 6 months as of the date this Act enters into force.

(2) Proceedings commenced pursuant to Sections 18 and 19 of Act no. 125/1997 Coll., on Waste, as amended, before this Act entered into force shall be completed in accordance with the previous legal regulations.

(3) Requirements concerning the placing on the market or into circulation of packaging produced before this Act entered into force, shall be assessed in accordance with the previous legal regulations.

### **Section 51a**

(1) Decisions issued by the Ministry of Industry and Trade pursuant to Section 47 above shall take effect on the day this Act enters into force.

(2) Proceedings commenced pursuant to Section 47 above, which were not completed prior to the day on which this Act entered into force shall be suspended on the day this Act enters into force.

## **PART TWO**

### **Amendment of the Consumer Protection Act**

#### **Section 52**

Act no. 634/1992 Coll., on consumer protection, as amended by Act no. 217/1993 Coll., Act no. 40/1995 Coll., Act no. 104/1995 Coll., Act no. 110/1997 Coll., Act no. 356/1999 Coll., Act no. 64/2000 Coll., Act no. 145/2000 Coll., Act no. 258/2000 Coll., Act no. 102/2001 Coll. and Act no. 452/2001 Coll., shall be amended as follows:

Paragraphs 1, 2, 3, 5, 6 and 8 of Section 18 shall be repealed.

The previous paragraphs 4 and 7 shall be numbered paragraphs 1 and 2.

## **PART THREE**

### **Amendment to the Trades Licence Act**

#### **Section 53**

In Act no. 455/1991 Coll., on trades licensing (the Trades Licensing Act), as amended by Act no. 231/1992 Coll., Act no. 591/1992 Coll., Act no. 600/1992 Coll., Act no. 273/1993 Coll., Act no. 303/1993 Coll., Act no. 38/1994 Coll., Act no. 42/1994 Coll., Act no. 136/1994 Coll., Act no. 200/1994 Coll., Act no. 237/1995 Coll., Act no. 286/1995 Coll., Act no. 94/1996 Coll., Act no. 95/1996 Coll., Act no. 147/1996 Coll., Act no. 19/1997 Coll., Act no. 49/1997 Coll., Act no. 61/1997 Coll., Act no. 79/1997 Coll., Act no. 217/1997 Coll., Act no. 280/1997 Coll., Act no. 15/1998 Coll., Act no. 83/1998 Coll., Act no. 157/1998 Coll., Act no. 167/1998 Coll., Act no. 159/1999 Coll., Act no. 356/1999 Coll., Act no. 358/1999 Coll., Act no. 360/1999 Coll., Act no. 363/1999 Coll., Act no. 27/2000 Coll., Act no. 29/2000 Coll., Act

no. 121/2000 Coll., Act no. 122/2000 Coll., Act no. 123/2000 Coll., Act no. 124/2000 Coll., Act no. 149/2000 Coll., Act no. 151/2000 Coll., Act no. 158/2000 Coll., Act no. 247/2000 Coll., Act no. 249/2000 Coll., Act no. 258/2000 Coll., Act no. 309/2000 Coll., Act no. 362/2000 Coll., Act no. 409/2000 Coll., Act no. 458/2000 Coll., Act no. 61/2001 Coll., Act no. 100/2001 Coll., Act no. 120/2001 Coll., Act no. 164/2001 Coll., Act no. 256/2001 Coll. and Act no. 274/2001 Coll., in Section 3 paragraph 3 as the end of sub-paragraph ad) the full stop shall be replaced by a comma and a new sub-paragraph ae) shall be added which, together with footnote no. 23l, shall read as follows:

“ae) the activity of authorised packaging companies pursuant to a special legal regulation.<sup>23l)</sup>  
23l) Act no. 477/2001 Coll., on packaging and on amendments to certain Acts (Act on Packaging).”.

## **PART FOUR**

### **Amendment to the Waste Act**

#### **Section 54**

Act no. 185/2001 Coll., on waste and amendments to certain other Acts shall be amended as follows:

1. In Section 3 paragraph 3 (b) the words “without the immediate arise of some other purpose of use” are repealed.

2. In Section 38 paragraph 7 (a) the words “individually i.e.” are replaced by the word “thereby”.

3. In Section 42 paragraph 1 the words “approved by the Government” are replaced by the words “declared by Government Decree”.

4. In Section 42 paragraphs 5, 6 and 7 are repealed.

The previous paragraph 8 will be renumbered as paragraph 5.

5. In Section 43 paragraph 6 the words “of publication of the binding part of the Czech Republic’s waste management plan or changes thereto in the Collection of Laws” are replaced by the words “from the date the Government regulation promulgating the Czech Republic’s waste management plan or changes thereto enters into force”.

6. In Section 72 paragraph 1 sub-paragraph m) is repealed.

The previous sub-paragraphs n) to r) will be renamed sub-paragraphs m) to p).

7. In Section 89 the words “on 1 January 2003” are replaced by the words “on 23 February 2002”.

8. In Section 89 the following sentence is inserted:

“The provisions of Section 38 paragraph 1 (f) shall come into force on 1 January 2003”.

**PART FIVE**

**repealed**

**Section 55**

**repealed**

**PART SIX**

**ENTRY INTO FORCE**

**Section 56**

This Act shall enter into force on 1 January 2002.

*Klaus in his hand*

*Havel in his hand*

*Zeman in his hand*

## **Criteria and examples defining the term “packaging”**

### **Criterion 1**

A product that corresponds to the definition of packaging set forth in Section 2 (a) which at the same time may also serve a different function to that of packaging shall only be deemed to be packaging if

- a) it is not an inseparable part of another product,
- b) it is not essential for closing, carrying or protecting this product during its lifetime and
- c) not all its parts are designed to be used, consumed or removed together.

### **Illustrative examples of the application of criterion 1**

#### *Packaging*

Box for confectionery  
Plastic wrapping around a CD case

#### *Products that are not packaging*

A flower pot designed to be used during the lifetime of a plant  
Covers, cases and cartridges for instruments and tools  
Teabags  
Wax coatings around cheeses  
Sausage skins

### **Criterion 2**

Objects designed and intended to be filled at the place of sale shall be deemed to be packaging provided they serve the function of packaging.

### **Illustrative examples of the application of criterion 2**

#### *Packaging*

Carry bags and sacks of paper or plastic  
Disposable plates and cups  
Cling film  
Sandwich bags  
Aluminium foil

#### *Products that are not packaging*

Stirrers  
Disposable cutlery

### **Criterion 3**

Accessories that are suspended directly from the product or attached thereto and that fulfil the function of packaging shall only be deemed to be packaging if

- a) they are not an inseparable part of this product and
- b) not all the parts are intended to be consumed or removed together.

### **Illustrative examples of the application of criterion 3**

#### *Packaging*

Labels, cards and tags which are directly suspended from the product or attached thereto

*Part of the packaging and accessories incorporated into the packaging, which are deemed to form part of the packaging in which they are incorporated*

A mascara brush, which forms part of the lid to the container

Self-adhesive labels, which are attached to different parts of the packaging

Pins, slides, clips

Shrink-wrap plastic labels

A dispenser, which forms part of the lid of a container for cleaning products.

## **Systems to ensure packaging reuse**

### **A. Systems to ensure the reuse of packaging are:**

1. **Closed system** – a system in which reused packaging is placed into circulation by a person or organised group of persons;

2. **Open system** – a system in which reused packaging is placed into circulation among non-specified persons;

3. **Mixed system** – a system consisting of two parts:

a) reused packaging which remains with the end user and for which there is no system of repeat distribution which would lead to commercial refilling,

b) one-way packaging which shall be used as an auxiliary product for the transportation of the contents to refill the packaging.

### **B. Criteria to ensure the system of reused packaging**

The requirements for reused packaging are set as a combination of requirements regarding the packaging itself and regarding the system of reuse of the packaging in which it operates.

#### **1. Criteria for a closed system:**

a) reusable packaging is constantly in the ownership of a person or organised group of persons;

b) the packaging is repeatedly placed on the market by a person or group of persons which owns it;

c) a construction type of packaging is defined in terms of specifications approved by the participants in this system and is used in accordance with these specifications;

d) the systems for the collection and redistribution of the packaging are in a suitable collection place;

e) the persons or organised groups of persons are obliged to take receipt of reusable packaging used in accordance with the agreed specifications;

f) all persons placing a packaged product on the market shall provide information on use of the packaging and places where the packaging may be left for the purposes of reuse;

g) a control system based on the agreed specification approved by the participants in the system is used.

#### **2. Criteria for an open system:**

a) the user of the packaging may decide by himself whether the packaging will be reused;

- b) reusable packaging is in the ownership of the person who is currently using it;
- c) a construction type of packaging is defined by generally adopted specifications;
- d) the renewal of the packaging for reuse may be provided by the user of the packaging or is available on the market;
- e) the systems of collection and redistribution of the packaging may be in a suitable collection place;
- f) a control system based on generally adopted specifications is used.

### **3. Criteria for a mixed system:**

- a) reusable packaging always remains with the end user, it is in his ownership and is refilled by him  
by using an auxiliary product (refills);
- b) auxiliary products are available on the market (refills);
- c) all persons placing a packaged product on the market shall provide information on how to use a  
reusable packaging (refill).

**Required scope of recycling and recovery of packaging waste****A: recycling****B: general recovery**

Material	to 31.12.2006		to 31.12. 2007		to 31.12. 2008		to 31.12. 2009		to 31.12. 2010		to 31.12. 2011		to 31.12. 2012	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Paper and cardboard	60		63		65		67		69		70		70	
Glass	65		66		67		68		69		70		70	
Plastics	24		25		25		26		26		27		27	
Metals	33		36		39		41		44		47		50	
Wood	4		6		8		9		11		13		15	
Total	47	50	49	50	50	52	52	54	53	56	54	58	55	60

Packaging where a certain material constitutes at least 70 % of the packaging by weight shall be deemed to be packaging made from a single material.

Recycling is included in percentage recovery rates as one of the forms thereof.



Table No. 2 (Specimen)

## Quantity of Packaging Waste and Packaging Waste management (in tonnes)

Authorized company:

Identification number:

Material	Packaging waste recovered or incinerated in waste incinerators with energy recovery in the way as follows:											
	Material recycling from one-way packaging	Material recycling from reusable packaging*	Other ways of recycling from one-way packaging	Other ways of recycling from reusable packaging *	Recycling in total	Energy recovery from one-way packaging	Energy recovery from reusable packaging *	Other ways of recovery from one-way packaging	Other ways of recovery from reusable packaging*	Incineration in waste incinerators with energy recovery of one-way packaging	Incineration in waste incinerators with energy recovery from reusable packaging *	Total recovery and incineration in waste incinerators with energy recovery
	11	12	13	14	15	16	17	18	19	20	21	22
Glass												
Plastics	PET											
	PE											
	PVC											
	PP											
	PS											
	Other plastics											
	Plastics in total											
Paper and cardboard												
Metals	Al											
	Fe											
	Metals in total											
Composite materials												
Wood												
Others												
Total												

\* estimate on the basis of empirical experience and statistical methods  
disposable – packaging that does not comply with criteria in Section 13 par. 2  
reusable - packaging that complies with the criteria in Section 13 par. 2

**Total from the columns**

$$8 = 2 + 4 - 6$$

$$9 = 3 + 5 - 7$$

$$10 = 8 + 9$$

$$15 = 11 + 12 + 13 + 14$$

$$22 = 15 + 16 + 17 + 18 + 19 + 20 + 21$$

**MEASURED CONCENTRATIONS OF HEAVY METALS**

Table No.1 Measured concentrations of heavy metals individual molten glass aggregates in micrograms per gram

	Aggregate No.	1	2	3	4	...	x
Month							
January							
February							
BMarch							
April							
May							
June							
July							
August							
September							
October							
November							
December							

If the concentrations of heavy metals measured in certain aggregates exceed 200 micrograms per gram in certain months, the values measured after a period of a further 12 months are entered into Table no. 2

Table No. 2 Measured concentrations of heavy metals in individual molten glass aggregates No. \_ in micrograms per gram for the purpose of reporting to the Ministry of the Environment

Melting Aggregate No. _		
Month	Date of measure	Measured value
January		
February		
BMarch		
April		
May		
June		
July		
August		
September		
October		
November		
December		
Total	xxx	
Annual average value P	xxx	
P - 200	xxx	

If the P - 200 total for certain molten aggregates is above zero, a report should be submitted to the Ministry of the Environment for this aggregate.

The report shall include:

1. the value measured
  2. a description of the measurement methods used
  3. suspected source of the heavy metal concentrations found
  4. detailed description of the measures adopted to reduce concentrations of heavy metals
- Selected legislative provisions

## SELECTED PROVISIONS OF AMENDMENTS

Article II of Act no. 66/2006 Coll.

### **Transitional provisions**

1. Proceedings on administrative delicts commenced and not concluded prior to the date of entry into force of this Act shall be concluded in accordance with the existing legal regulations.

2. Requirements for placing on the market or into circulation packaging produced prior to the date of entry into force of this Act shall be assessed in accordance with the existing legal regulations.

§ 20 Act no. 25/2008 Coll.

### **Transitional provisions**

A person who is under the obligation to register in the List those persons who are bound by the obligation relating to the take-back and recovery of packaging waste pursuant to Section 14 of Act no. 477/2001 Coll., on packaging and on amendments to certain Acts (Act on Packaging), in the wording effective from the day of entry into force of this Act, shall comply with the first reporting obligation through the Integrated System of Compliance with Reporting Duty in Environmental Areas for 2011. When reporting the mandatory information for 2008 to 2010, the existing legal regulations shall apply.

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1) Act No. 157/1998 Coll., on Chemicals and Chemical Substances, as amended.

2) Directive of the European Parliament and of the Council 94/62/EC of 20 December 1994 on packaging and packaging waste.

Directive of the European Parliament and of the Council 2004/12/EC of 11 February 2004, amending Directive 94/62/EC on packaging and packaging waste.

3) Convention on international railway transport (COTIF), published in the Collection of Laws under No. 8/1985 Coll., as amended

Convention on International Civil Aviation, published in the Collection of Laws under No. 147/1947 Coll.

European Convention on International Road Transport of Dangerous Substances, published in the Collection of Laws under No. 64/1987 Coll., as amended

4) Act No. 185/2001 Coll., on Waste and on amendments to certain Acts.

5) E.g. Act No. 22/1997 Coll., on Technical Requirements on Products and changes and amendments of some

related acts, as amended, Act No. 157/1998 Coll., on Chemicals and Chemical Agents, as amended, Act No. 79/1997 Coll., on Pharmaceuticals and changes and amendments to some related Acts, as amended, Act No. 167/1998 Coll., on Addictive Substances, as amended, Act no. 258/2000 Coll. On the protection of public health and on amendments to certain related Acts, as amended, Act no. 18/1997 Coll. On the peaceful use of nuclear energy and ionising radiation (the Atomic Act) and on amendments and additions to certain Acts, as amended

6) Act no. 634/1992 Coll., on consumer protection, as amended.

7) Act no. 13/1993 Coll., the Customs Act, as amended.

7a) Section 4a of Act no. 22/1997 Coll., on technical requirements for products and on amendments and supplements to certain Acts, as amended.

8) Act no. 157/1998 Coll., as amended.

Government Order no. 25/1999 Coll., which defines the procedure for evaluating the danger of chemicals and chemical agents, the method of their classification and labelling and publishing the List of Existing Classified Dangerous Chemicals, as amended by Government Order no. 258/2001 Coll.

9) e.g. Act no. 309/1991 Coll., on air pollution control (the Clean Air Act), as amended, Act no. 254/2001 Coll., on waters and on amendments to certain Acts (the Water Act), Act no. 185/2001 Coll., as amended by Act no. 477/2001 Coll.

9a) Decree no. 379/2000 Coll., laying down conditions for the identification of individual types of crystal glass, their characteristics and methods of marking crystal glass products.

9b) Commission Decision 2001/171/EC of 19 February 2001, establishing the conditions for a derogation for glass packaging in relation to the heavy metal concentration levels established in Directive 94/62/EC on packaging and packaging waste.

9c) Annexes no. I to VII of Commission Decision 97/129/EC of 28 January 1997, establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste.

10) Act no. 79/1997 Coll., as amended.

11) Section 17 paragraph 1 of Act no. 455/1991 Coll., on trades licenses (the Trades Licences Act), as amended.

12) Section 23 paragraph 2 of Act no. 258/2000 Coll.

13) Decree no. 64/1987 Coll., on the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), as amended.

13a) Act no. 227/2000 Coll., on electronic signatures, as amended.

14) The Commercial Code.

15) Section 116 of the Civil Code.

16) Act no. 219/2000 Coll., on the property of the Czech Republic and its representation in legal relations, as amended.

17) Act no. 254/2000 Coll., on auditors and on amendments to Act no. 165/1998 Coll.

18) Act no. 552/1991 Coll., on state control, as amended.

20) Act no. 182/2006 Coll., on insolvency and its resolution (the Insolvency Act), as amended.

21) Act no. 388/1991 Coll., on the State Environmental Fund of the Czech Republic, as amended.

22) Act no. 99/1963 Coll., the Civil Procedure Act, as amended.

23) Article 6 paragraph 1 of Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste.

24) Act no. 258/2000 Coll., as amended.

25) Act no. 258/2000 Coll., as amended. Act no. 552/1991 Coll., as amended.

26) Act no. 64/1986 Coll., on the Czech Trade Inspectorate, as amended.  
Act no. 552/1991 Coll., as amended.

27) Act no. 63/1986 Coll., on the Czech Agricultural and Food Inspectorate, as amended.  
Act no. 552/1991 Coll., as amended.

28) Act no. 282/1991 Coll., on the Czech Environmental Inspectorate and its powers in forest protection.

29) Section 2 paragraph 2 of the Commercial Code.

31) Part Six of Act no. 337/1992 Coll., as amended.

32) Act no. 71/1967 Coll., on Administrative Procedure (the Administrative Procedures Code), as amended.