

185
ACT

On 15 May 2001

on Waste and Amendment of Some Other Acts

Parliament has adopted the following Czech Republic Act:

PART ONE

BASIC PROVISIONS

Section 1

Subject of the Regulation

This act regulates, in accordance with the law of the European Community¹⁾

- a) the rules on the prevention of waste production and on the waste management in compliance with environmental protection, human health protection and sustainable development aspects,^{1a}
- b) rights and obligations of persons in the waste management sector, and
- c) competence of public administration authorities.

Section 2

Scope of Effect

(1) The Act shall apply to the management of any wastes, except for:

- a) waste water,²⁾
- b) waste generated from mining activities and activities performed using mining methods, which is stored in spoil banks, waste dumps and sludge beds,³⁾

¹ The Council Directive on waste dated 15th July 1975 (75/442/EEC).

The Council Directive dated 18th March which amends Council Directive 75/442/EEC on waste (91/156/EEC).

The Council Directive dated 16th June 1975 on the disposal of waste oils (75/439/EEC).

The Council Directive dated 22nd November 1986 which amends Directive 75/439/EEC on the disposal of waste oils (87/101/EEC).

The Council Directive dated 20th February 1978 on waste from the titanium dioxide industry (78/176/EEC).

Article 11 of the Council Directive dated 17th November 1979 on the protection of groundwater from pollution by certain hazardous substances (80/68/EEC).

The Council Directive dated 12th June 1986 on the protection of the environment and in particular of the soil when sewerage sludge is used in agriculture (86/278/EEC).

The Council Guideline dated 19th March 1987 on the prevention and reduction of environmental pollution by asbestos (82/217/EEC).

The Council Directive dated 18th March 1991 on batteries and accumulators containing certain hazardous substances (91/157/EEC).

Commission Directive 98/101/EC dated 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain hazardous substances.

The Council Directive dated 12th December on hazardous waste (91/689/EEC).

The Council Directive dated 23rd December 1991 on standardizing and rationalizing reports on the implementation of certain directives relating to the environment (91/692/EEC).

Council Directive 96/59/EC dated 16th September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCBs/PCTs).

Council Directive 1999/31/EC dated 26th April

1999 on the landfill of waste.

Directive 2000/53/EC of the European Parliament and of the Council dated 18th September 2000 on end-of-life vehicles.

^{1a} The Environmental Act No. 17/1992 Coll. as amended.

²⁾ Act No. 138/1973 Coll., on waters (Water Act), as amended.

³⁾ Act No. 44/1988 Coll., on the protection and use of minerals (the Mining Act) as amended

- c) precious metal waste, ⁴⁾
 - d) radioactive waste, ⁵⁾
 - e) human corpses, including stillborn bodies and abortions, body parts, including amputated limbs and organs and remains, ⁶⁾
 - f) confiscated property of animal origin, ⁷⁾
 - g) non-captured air-polluting emissions, ⁸⁾
 - h) waste from explosive agents, explosives and ammunition. ⁹⁾
 - i) excavated soils and debris, including sediments from river beds and water reservoirs, which satisfy the pollution limits for their use on the agricultural land fund in the filling of underground spaces and for the modification of the terrain surface (landscaping) as set out in the statutory instruments.
- (2) Unless stipulated otherwise by a special legal regulation, this Act also regulates the storage of waste not generated from mining activities, in underground spaces and sludgebeds³⁾ and management of unusable habitual substances, preparations and precursors and unusable medications.¹⁰⁾
- (3) The Ministry of Health and the Ministry of Agriculture will issue a decree setting the details of the use and the limit values for the concentrations of toxic substances in the excavated soil and debris, including the sediment from river beds and water reservoirs, which are not subject to the Waste Act.

Section 3

Definition of Waste

- (1) Waste shall be any movable thing that a person discards or intends to discard or is obliged to discard and that is specified in some of the waste categories stipulated in Annex 1 to this Act.
- (2) Discarding waste occurs whenever a person transfers movable thing classified in some of the waste categories as classified in Annex 1 to this Act for recovery or disposal pursuant to this Act or if such thing is transferred to a person authorized to collect or purchase waste under this Act irrespective of whether the transfer is for or without consideration. Waste discarding also occurs if a movable thing classified in some of the waste categories as specified in Annex 1 to this Act is disposed by the holder him (her) self.
- (3) Unless the owner demonstrates otherwise under the procedure on clearing up doubts in

⁴⁾ Act No. 539/1992 Coll., on hallmarking and precious metal testing (Hallmarking Act) in the wording of Act 19/1993 Coll.

⁵⁾ Act No. 18/1997 Coll., on peaceful use of nuclear energy and ionizing radiation (the Nuclear Act) and change and supplements to some acts, as amended.

⁶⁾ Human Healthcare Act no 20/1966 Coll., as amended.

Act no. 256/2001 Coll. governing funeral parlours and amendments to some other Acts, as amended.

Act no. 285/2002 Coll. governing the donation, collection and transplantation of tissues and organs and amendments to some other Acts..

⁷⁾ Act No. 166/1999 Coll., on veterinary care and change to some related regulations (Veterinary Act).

⁸⁾ Act No. 309/1991 Coll., on the air protection against polluting substances (the Clean Air Act), as amended.

Act No. 389/1991 Coll., on the state administration of air protection and fees in respect of air pollution, as amended.

⁹⁾ Act 61/1998 Coll., on mining activities, explosives and state mining administration as amended

¹⁰⁾ Act 167/1998 Coll., on habitual substances and change to some other acts, as amended.

Act 79/1997 Coll., on medications and changes to amendment of some related legislation, as amended.

accordance with Section 79 para 1 letter a), the intention to discard a movable thing classified in some of the waste categories as specified in Annex 1 to this Act shall be presumed:

- a) As a by-product in the energy generation or conversion of energy, in the production or management of substances or products or in the use thereof or in the provision of services, or
 - b) whose original purpose of use has ended or has ceased without immediate arise of other purpose of use.
- (4) A person is obliged to discard a movable thing classified in some of the waste categories stipulated in Annex 1 to this Act if it is not used for its' original purpose and such thing endangers the environment or has been removed from use pursuant to a special legal regulation.¹¹⁾

Section 4

Additional Key Definitions

For the purposes of this Act

- a) hazardous waste means waste on the List of hazardous waste which is stipulated in the special legal regulation and any other waste displaying one or more hazardous properties stipulated in Annex 2 to this Act,
- b) municipal waste means all waste generated in the territory of a municipality in connection with activities of legal entities or natural persons and which is stipulated as municipal waste in the statutory instrument, with except of waste produced by legal entities or natural persons authorized,
- c) waste management sector means activities aimed at the prevention of waste production, waste management and the after-care for sites where waste was permanently stored, and supervision of these activities,
- d) waste management means waste gathering, concentration, collection, purchase, sorting, transport, storage, treatment, recovery and disposal,
- e) facility means technological equipment, location, construction or part thereof,
- f) waste gathering means short-term concentration of waste in waste gathering equipment in the location where waste was produced before it's' further management,
- g) waste storage means temporary storage of the concentrated waste (gathered, collected, purchased) in a facility designed for such purpose and retaining waste in such facility,
- h) landfill means a facility designed for waste disposal by the means of its permanent and controlled deposit onto or into land,
- i) waste collection means concentration of waste from third parties by a legal entity or natural person authorized to do business for the purpose of its delivery for further recovery or disposal,
- j) waste purchase means purchasing waste for an agreed price by a legal entity or a natural person authorized to do business,
- k) waste treatment means any activity resulting into a change of the waste's chemical, biological or physical characteristics (including their sorting) in order to allow or facilitate their transport, recovery, disposal or in order to reduce their volume or their hazardous properties,
- l) waste recovery means activities pursuant to Annex 3 to this Act,

¹¹⁾ For example Act 258/2000 Coll., on the protection of public health and changes to some related legislation, Act 634/1992 Coll., on consumer protection, as amended.

- m) material recovery means replacement of primary raw materials by substances generated from waste which may be considered as secondary raw materials or using the waste material attributes for their original purpose or other purposes, except for energy production,
- n) energy recovery means using waste primarily as fuel⁸⁾ for the purpose of exploiting their content of energy or using waste in another manner for energy production,
- o) waste disposal means activities pursuant to Annex 4 to this Act,
- p) waste producer - legal entity producing waste in connection with its operation or natural person authorized to do business producing waste in connection with his/her business activity. Municipal waste produced in the territory of a municipality by activities of natural persons not subject to the obligations of a waste producer, is considered as waste produced by the municipality. A municipality becomes the waste producer after a natural person deposits waste in a designated location; at the same time the municipality acquires ownership of the waste,
- r) licensed person means each person licensed to manage waste either by law or under special legal regulations,¹²⁾
- s) introducing a product into circulation means product submission, with or without consideration, to another person for the purpose of distribution or use. Product import is also considered as its introduction into circulation.

PART TWO

WASTE CLASSIFICATION AND EVALUATION OF THE HAZARDOUS WASTES PROPERTIES

TITLE I WASTE CLASSIFICATION

Section 5

Waste Classification under the Waste Catalogue

(1) For the purpose of waste management, the waste producer and the licensed person are obliged to classify waste under the Waste Catalogue issued by the Ministry of Environment (hereafter "the Ministry") in a special legal regulation.

(2) If an unambiguous classification pursuant to the Waste Catalogue is impossible, the Ministry will classify waste based on a proposal submitted by the competent district office. This procedure is not governed by the Rules of Administration.¹³⁾

(3) The Ministry will issue a decree regulating the following:

- a) Waste Catalogue,
- b) procedure for waste classification under the Waste Catalogue, and
- c) pertinences of the district office's proposal for waste classification under the Waste

¹²⁾ E.g. Act No. 455/1991 Coll., on Trade Licencing (Trade Licencing Act) as amended, Act No. 513/1991 Coll., the Business Code, as amended, Act No. 138/1973 Coll. as amended, Act No. 309/1991 Coll. as amended.

¹³⁾ Act No. 71/1967 Coll., on administrative procedures (Administrative Act) as amended

Catalogue.

Section 6

Waste Classification by Categories

(1) For the purpose of waste management, the waste producer and the licensed person are obliged to classify waste into the hazardous waste category, if:

- a) the waste is listed in the Hazardous waste list included in a providing legal regulation, or
- b) the waste is mixed with or contaminated by any of the components listed in the List of constituents rendering waste hazardous, included in Annex 5 to this Act, or
- c) the waste is mixed with or contaminated by any of the waste listed in the Hazardous waste list included in a providing legal regulation.

(2) Should waste display one ore more hazardous properties specified in Annex 2 to this Act, the waste producer and the licensed person managing the waste shall be obliged to classify such waste as hazardous and manage it to this effect even if it does not meet conditions specified under par. 1 .

(3) Mixed municipal waste is not classified in the hazardous waste category and the waste producer and the licensed person are not obliged to manage the waste as hazardous even if it meets conditions specified under par. 1 or 2.

(4) Should the waste producer or the licensed person prove by a certificate of elimination of hazardous waste properties that waste specified under par. 1 letters b) or c) does not have any properties of hazardous waste, they will not be obliged to observe regulations prescribed for hazardous waste; however, they will be obliged to verify whether such properties are actually missing. The method and frequency of such verification shall be determined by the authorized person in a certificate of elimination of hazardous properties of waste.

(5) The Ministry shall issue a decree specifying the Hazardous waste list.

TITLE II EVALUATION OF HAZARDOUS PROPERTIES OF WASTE

Section 7

Authorization to the Evaluation of Hazardous Properties of Waste

(1) Should the waste producer or the licensed person managing the waste presume that waste which meets conditions specified under Section 6 par. 1 letter b) or c) has none of the hazardous properties, they may request an evaluation of hazardous properties of waste.

(2) Hazardous properties of waste stipulated in Annex 2 to this Act and marked by the following codes: H1, H2, H3-A, H3-B, H12, H13 and H14, shall be evaluated by a legal entity or a natural person authorized to do so by the Ministry; other hazardous properties stipulated in Annex 2 to this Act shall be assessed by a legal entity or a natural person authorized to do so by the Ministry of Health (hereinafter "the authorized person").

(3) Authorization for evaluating hazardous properties of waste is granted for an indefinite period of time not exceeding 5 years. The validity of the authorization for the evaluation of hazardous properties of waste shall be extended by the Ministry or the Ministry of Health based on a proposal of the authorized person for a maximum of another 5 years provided conditions for its extension under this Act have been met.

(4) Should the authorized person's proposal for an extension of the validity of the authorization for the evaluation of hazardous properties of waste be submitted by the latest 6 month before the expiration of the original duration period thereof, such authorization for the assessment of hazardous properties of waste shall continue in force until a legally effective decision is adopted.

(5) An authorization once issued cannot be transferred to another legal entity or natural person.

(6) The Ministry shall grant an authorization or extend the validity of an authorization to a legal entity or physical person who has demonstrated his/her qualification or whose qualification was recognised according to a special legal regulation ^{13a)} Qualification for the evaluation of hazardous properties of waste specified in Annex 2 to this Act under codes H1, H2, H3-A, H3-B, H12 and H14 shall be demonstrated by the following documents:

- a) university graduation certificate with major in a technology or natural science,
- b) minimum of 10 years of experience in chemistry or waste management sector, and
- c) certificate confirming that within last 6 months before filing the application for the authorization or the application for an extension of authorization's validity, the applicant completed a training on evaluation of hazardous properties of waste the content of which was approved by the Ministry.

(7) The Ministry of Health shall grant an authorization or extend the validity of an authorization to a legal entity or natural person who has demonstrated his/her qualification or whose qualification was recognised according to a special legal regulation^{13a)}. Qualification is demonstrated as follows:

- a) for evaluation hazardous properties of waste specified in Annex 2 to this Act under codes H4 through H8, H10 and H11, by the submission of a university graduation certificate with major in medicine, veterinary medicine or pharmacy or another major at another university, provided such natural person completed post-graduate studies, major industrial toxicology and in case of other professional staff in healthcare, provided such person completed special training in toxicology pursuant to special legal regulations;¹⁴⁾ for evaluation of hazardous properties of waste specified in Annex 2 to this Act under code H9, by the submission of a university graduation certificate with major in medicine or veterinary medicine,
- b) document proving a minimum of 10 years of experience in the branch, and
- c) certificate confirming that within the last 6 months before filing the application for the authorization or the application for an extension of an authorization's validity, the applicant completed a training on evaluation of hazardous properties of waste the content of which was approved by the Ministry of Health.

^{13a)} Act no. 18/2004 Coll., on recognising the qualification or other competence of the nationals of European Union member states and on changing certain acts (the Act on Recognising Qualification), as amended.

¹⁴⁾ Section 45 of Decree No. 77/1981 Coll., on medical staff and other professional staff in health care, in the wording of Act No. 425/1990 Coll.

(8) In case of a legal entity or a natural person authorized to do business, requirements under par. 6 and 7 must be met by a person responsible for organisation of proper evaluation of hazardous properties of waste (hereinafter "professional representative").

(9) Should a professional representative leave the authorized person, the authorized person is obliged to appoint a new professional representative and to announce this appointment to the Ministry issued the authorization, by the latest within 15 days of the professional representative's termination date. At the same time, the authorized person is obliged to submit documentation to the Ministry demonstrating qualification of its new professional representative.

(10) The authorisation pursuant to paragraph 2 shall not be required from persons resident in another European Union member state, who is intending to perform the activities specified in paragraph 2 in the Czech Republic on a temporary or occasional basis, provided he/she demonstrates that

- a) he/she is a citizen of an European Union Member state and
- b) he/she is authorised to carry out the activities specified in paragraph 2 under the legal regulations of another European Union member state.

(11) That person shall present the documents showing compliance with the conditions under paragraph 10 lit. a) and b) to the ministry or the Ministry of Health prior to commencing the activities specified in par. 2. Section 9 shall apply according to the activities of that person.

(12) The Ministry and the Ministry of Health shall issue a decree stipulating the content of an application for authorization for hazardous properties of waste; the content of an application for extension of such authorization and the content of the training on evaluation hazardous properties of waste.

Section 8

Withdrawal and Termination of an Authorization for Evaluation of Hazardous Properties of Waste

(1) The Ministry or the Ministry of Health within its scope of competence shall decide on a withdrawal of an authorization for evaluation of hazardous properties of waste from an authorized person if such person does not comply with the procedures stipulated for the of hazardous properties of waste or fails to meet conditions under which such authorization was granted or issues a certificate for waste showing some of the hazardous properties.

(2) The validity of the authorization for evaluation of hazardous properties of waste expires:

- a) in case of the natural person's death,
- b) in case of termination of a legal entity,
- c) by declaring a bankruptcy on the assets of the authorized person,
- d) by the expiration of its duration period, provided an extension to the authorisation has not been applied for in accordance with section 7, paragraph 4, or
- e) on the day of delivery of an authorized person's notification of termination of its activity as person authorized for evaluation of hazardous properties of waste to the authorising Ministry.

Section 9

Certificate on the Elimination of Hazardous Properties of Waste

(1) Hazardous properties of waste shall be evaluated by an authorized person on basis of an application of the waste producer or the licensed person. Should the authorized person establish that the waste displays none of hazardous properties he/she/it shall issue a certificate of elimination of hazardous properties of waste (hereinafter the "certificate"). Otherwise, the authorized person will notify the applicant in writing along with an explanation that the waste has one or more hazardous properties (hereinafter "notification"). The waste producer or the licensed person shall send a copy of the certificate or notification undue delay to the Czech Environmental Inspection (hereinafter "the Inspection") and the district office appropriate to the waste management location. The certificate does neither relieve the waste producer and the licensed person from the obligation to manage waste in a manner ensuring environmental protection nor from liability for damages caused by improper waste management. Issuing the certificate/notification is not governed by the Rules of Administration.

(2) The authorized person shall specify the following in the certificate: the type and origin of the waste covered by the certificate, evaluation of the hazardous properties of waste and certificate conditions and a period of validity; the period of validity may not exceed 4 years. The certificate shall be rendered invalid with immediate effect provided the waste producer or the licensed person changed technology or input raw materials thus affecting the composition or characteristics of waste.

(3) The Inspection or a district office appropriate to the waste management location may suspend the validity of a certificate issued by an authorized person for a maximum period of 60 days in case of doubt regarding compliance with the proper methods or procedures regulating the assessment of hazardous properties of waste or the method and frequency of hazardous properties controls or in case of doubt in respect of the hazardous properties of waste results. An appeal against a decision on suspension a certificate's validity does not have a suspensor effect.

(4) The Inspection or a district office appropriate to the waste management location may withdraw a certificate in case of non-compliance with methods or procedures regulating the evaluation of hazardous properties of waste or in case that hazardous properties were assessed incorrectly. An appeal against a decision on a certificate withdrawal does not have a suspensor effect.

(5) The authorized person must not issue a certificate in respect of waste for which he/she/it bears responsibility as waste producer or licensed person. It must not evaluate hazardous properties for the evaluation of which he/she/it has not been authorized.

(6) The Ministry and the Ministry of Health shall issue a decree stipulating the following:

- a) the content of an application for the evaluation of hazardous properties of waste,
- b) the content of a certificate,
- c) the criteria, methods and procedures involved in the evaluation of hazardous properties of waste.

PART THREE

OBLIGATIONS PERTAINING TO WASTE MANAGEMENT

TITLE I

GENERAL OBLIGATIONS

Section 10 **Prevention of Waste Production**

(1) Everyone is obliged in connection with his/her activities or within the scope of his/her competence to prevent production of waste, to reduce the amount of waste and its hazardous properties of waste, the production of which cannot be prevented, must be recovered or disposed of in a manner which is not endangering human health and environment and which is in compliance with this Act and special regulations.¹⁵⁾

(2) A legal entity and a natural person authorized to do business which produces products is obliged to produce the products in a manner reducing the generation of unrecoverable waste from these products, particularly of hazardous waste.

(3) A legal entity and a natural person authorized to do business and engaged in product production, import or introduction to the market, is obliged to provide the information on the manner of the unused product parts recovery or disposal in the product-accompanying documents, on product packaging, in user guide or in another appropriate manner.

Section 11 **Waste Recovery Priority**

(1) Under this Act, everyone is obliged in connection with his/her activities or within the scope of his/her competence to ensure waste recovery prior to its disposal. Material recovery has priority to any other recovery.

(2) Compliance with the obligations stipulated under par. 1 shall not be requested if the technical or economic preconditions of compliance are missing in the given time and location and if compliance with the waste management plans under part seven of this Act is ensured.

(3) In considering the appropriateness of waste disposal methods, a method ensuring higher protection of human health and more friendly to the environment shall always be given priority. Only such waste may be land filled for which there is no other disposal method available or which would represent higher environmental or human health hazard, if landfilling the waste does not breach this Act or the executive legal regulations.

Section 12 **General Obligations**

(1) Everyone is obliged to manage waste and discard it only in a manner specified by this Act and other legal regulations issued for environmental protection. Hazardous waste management is also regulated by special legal regulations¹⁶⁾ valid for products, substances and preparations with the same hazardous properties, unless specified otherwise by this Act or the respective executive legal regulations.

(2) Unless specified otherwise, waste under this Act may only be managed in facilities designed

¹⁵⁾ E.g. Act No. 114/1992 Coll., on the protection of nature and landscape, as amended, Act No. 289/1995 Coll. on forests and change to and amendment of some acts (the Forest Act) as amended.

¹⁶⁾ E.g. Act No. 138/1973 Coll. as amended, Act No. 133/1985 Coll., on fire prevention as amended, Act No. 258/2000 Coll. on public health protection.

for waste management pursuant to this Act. Waste management must not endanger human health nor endanger or damage the environment and pollution limits stipulated by special legal regulations¹⁷⁾ must not be exceeded.

(3) Only a legal entity or a natural person authorized to do business, operating a facility for the recovery or disposal or collection or purchase of a certain type of waste or a person operating a facility under Section 14 para 2 or, under conditions stipulated in Section 17, a municipality, shall be entitled to take-over waste proprietorship.

(4) When transferring waste, everyone is obliged to ascertain whether the person to whom the waste is being transferred is entitled under this Act to assume the waste. If such person fails to furnish such competence, the waste must not be transferred.

(5) Diluting or mixing waste for the purpose of compliance with criteria for its acceptance in a landfill and mixing hazardous waste with other hazardous waste or other waste is prohibited. In exceptional cases, mixing hazardous waste with other hazardous waste or other waste is allowed subject to an approval of a regional authority in delegated competence appropriate to the waste management location. The regional authority within its delegated competence shall only issue its approval if hazardous waste mixing does not endanger human health and/or environment and provided the purpose of the hazardous waste mixing is the compliance with technological requirements for waste recovery or disposal and increasing safety of waste management.

(6) If hazardous waste has already been mixed with other hazardous waste or other waste, waste must be sorted if such sorting is technically or economically practicable and if required for ensuring the protection of environment and human health. This obligation does not apply to hazardous waste mixing being performed based on an approval of a regional authority within its delegated competence under par. 5.

(7) The obligations of waste producers and licensed persons do not apply to fire service and other legal entities and natural persons authorized to do business which are existing for the purpose of intervening in emergency situations and fire-fighting, pursuant to special legal regulations¹⁸⁾, during their duty performance.

Section 13 Packaging and Labelling Hazardous Waste

(1) Hazardous waste packaging is regulated *mutatis mutandis* by special legal regulations.¹⁹⁾

(2) Waste producer and licensed person managing hazardous waste are obliged to ensure that hazardous waste be labelled as follows:

- a) waste with any of the hazardous properties specified in Annex 2 to this Act under codes H1, H2, H3, H6, H8, H9 and H14 shall bear a graphic symbol regulated by a special legal regulation,¹⁹⁾

¹⁷⁾ E.g. Act No. 309/1991 Coll. as amended, Act No. 138/1973 Coll., as amended

¹⁸⁾ E.g. Act No. 133/1985 Coll. as amended

¹⁹⁾ Section 1 and 12 of Act No. 157/1998 Coll., on chemical substances and chemical preparations as amended

European agreement on international road transport of hazardous materials - ADR (Geneva 1957) published in the Collection of Laws under No. 64/1987 Coll.

The rules of the international railroad transport of hazardous materials

b) hazardous waste other than waste specified under letter a) shall bear a "hazardous waste" sign.

(3) Waste producer and licensed person managing hazardous waste are obliged to prepare a hazardous waste identification form and display the aforesaid in hazardous waste management locations.

(4) The Ministry shall issue a decree stipulating the content of the hazardous waste identification form.

Section 14

Approval to Operate a Facility for Waste Recovery, Disposal, Collection and/or Purchase

(1) A waste recovery, disposal, collection and/or purchase facility may only be operated based on a decision issued by a regional authority within its delegated competence approving the operation of such facility and its rules of operation (hereinafter "approval to operate a facility"). In a procedure preceding taking such decision, the regional authority must evaluate all equipment related to this activity. The approval to operate a hazardous waste landfill is issued for a stipulated period of up to a maximum of 4 years. The Regional Court may extend the period of the validity of the approval upon the basis of an application received from the operator of the hazardous waste landfill and this extension may be for a maximum of a further 4 years, provided the conditions and the responsibilities set out in this Act and in the statutory instrument have been fulfilled.

(2) Facilities not designed for waste management under this Act may recover only waste meeting the conditions stipulated for input raw materials. Special legal regulations pursuant to which the facility operates must be met when managing waste, as well as legal regulations protecting human health and environment.²⁰⁾ An approval to operate a facility under par. 1 is not required for the operation of such facilities.

(3) If another facility operator applies with the regional authority within its delegated competence for a new approval to operate a facility by the latest within 30 days of the day of a transfer of ownership or the right to use the facility, the existing approval to operate a facility remains in force for the new operator until a legally effective decision is made in respect of this operator's application.

(4) A building inspection certificate issued pursuant to a special legal regulation,²¹⁾ for constructions designed for waste recovery, disposal, collection and/or purchase, may not be issued before a decision is available granting approval to operate a facility under par. 1.

(5) The Ministry will issue a decree regulating the following:

- a) particulars of an application for approval to operate a facility,
- b) the content of the rules of operation of a facility for waste recovery, disposal collection and/or purchase, and
- c) technical requirements for such facilities, and
- d) the contents of the plan for the modification of the landfill.

²⁰⁾ E.g. Act No. 138/1973 Coll. as amended, Act No. 309/1991 Coll., as amended, Act No. 258/2000 Coll.

²¹⁾ Act No. 50/1976 Coll., on zoning and construction order (Construction Code) as amended

Section 15 **The Waste Manager**

(1) Waste producer and licensed person who in the last two years managed hazardous waste in quantity exceeding 100 tons of hazardous waste per year and the operator of a landfill for hazardous waste or for municipal waste are obliged to ensure professional waste management through a qualified person (hereinafter the "waste manager").

(2) If an individual separate establishment meets the conditions specified under par. 1, the waste producer or licensed person are obliged to appoint a waste manager for such individual separate establishment.

(3) The waste manager is responsible to the waste producer or the licensed person who appointed him/her as waste manager, for ensuring professional waste management. The waste manager represents the waste producer or the licensed person in negotiations with the public administration authorities in the area of waste management, in particular, in performance of their control activities.

(4) A waste manager may act in this capacity for a maximum of five waste producers and licensed persons or five individual separate establishments.

(5) The obligation to appoint a waste manager does not apply to freight carriers even if they meet conditions specified under par. 1.

(6) Only a natural person who completed university education and has a minimum of three years of experience in the waste management sector within the last 10 years or is a high school graduate with high school graduation certificate and has a minimum of 5 years of experience in the waste management sector within the last 10 years, may be appointed a waste manager.

(7) If the waste producer or the licensed person meet conditions stipulated under par. 1, the appointment of a waste manager pursuant to this Act constitutes a precondition for granting approvals under Section 14 and Section 16 par. 3.

(8) If the waste manager terminates his/her engagement within the waste producer or the licensed person and the conditions under par. 1 remain in force, the waste producer or the licensed person are obliged to appoint a new waste manager and to notify of such appointment the administrative authority that has issued the approval to operate a facility or an approval for hazardous waste management, within 30 days of the day of the waste manager's activity termination. At the same time, the waste producer or the licensed person must submit to this administrative authority documents showing compliance with the requirements stipulated in par. 6.

(9) The provisions of par. 8 also apply to cases when the waste producer or the licensed person initially meets conditions under par. 1.

TITLE II OBLIGATIONS PERTAINING TO INDIVIDUAL WASTE MANAGEMENT PHASES

Division 1
Waste Producers

Section 16
Waste Producer's Obligations

(1) A waste producer shall be obliged to:

- a) classify waste by types and categories pursuant to Sections 5 and 6,
- b) ensure waste recovery priority pursuant to Section 11,
- c) transfer the ownership of waste which he/she himself/herself cannot recover or dispose of pursuant to this Act and the executing legal regulations, only to a person entitled to assume waste under Section 12 par. 3, either directly or through a legal entity established for this purpose,²²⁾⁹
- d) verify hazardous properties of waste under section 6 par. 4 and manage waste in compliance with its real properties,
- e) gather waste sorted by types and categories,
- f) safeguard waste and protect it against harmful impairment, misappropriation or leak,
- g) keep operating records of waste and the waste management methods, file waste reports and furnish to the competent administrative authority further information within the scope specified by this Act and the executing legal regulation, including record-keeping and reporting of PCB and equipment containing PCB and subject to registration as specified under Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- h) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,
- i) prepare a waste management plan pursuant to this Act and the executing legal regulation and ensure its fulfilment,
- j) perform checks of waste management impact on human health and environment pursuant to special legal regulations and the waste management plan,
- k) appoint a waste manager pursuant to conditions stipulated by Section 15 of this Act,
- l) pay the waste landfill-related fees in a manner and scope stipulated by this Act.

(2) If waste sorting or separate storage is not required, taking into account the future method of waste recovery or disposal, the waste producer may relinquish it with the agreement of the locally appropriate state administration body with the associated changes in jurisdiction.

(3) The waste producer may manage hazardous waste only based on an approval by the competent district office, unless he/she has this activity covered by an approval consent to operate a facility pursuant to Section 14, if it does not already have approval for the operation of the facility for this activity in accordance with section 14. The transportation of hazardous waste is not subject to agreement.

²²⁾ E.g. Act No. 229/1992 Coll., on commodity exchanges, as amended

(4) The waste producer is responsible for waste management until the final recovery or disposal, if the waste management is ensured by himself/herself as a licensed person, or until the ownership of waste is transferred to a person entitled to assume waste ownership pursuant to Section 12 par. 3. Freight carrier is responsible for waste transport.²³⁾ Each licensed person assuming waste ownership from the waste producer simultaneously assumes the waste producer's obligations under par. 1, except letters i) and j).

(5) The Ministry shall issue a decree stipulating the details of an application for approval of hazardous waste management.

Section 17

Rights and Obligations of Municipalities and Natural Persons Managing Municipal Waste

(1) The waste producer's obligations under Section 16 also apply to municipalities, unless specified otherwise by this Act.

(2) Within its independent competence, a municipality may stipulate, in a generally binding municipal decree, the system of gathering, collection, transport, sorting, recovery and disposal of municipal waste produced within its cadastre territory, including the system of construction debris management.

(3) In compliance with special legal regulations²⁴⁾, a municipality is obliged to specify locations where natural persons may discard waste produced by them and to provide locations for natural persons for the disposal of hazardous elements of municipal waste, such as dies and consumer chemical product left-overs, fluorescent lights and solvents. The obligation to provide locations for the disposal of hazardous municipal waste elements shall be fulfilled by the municipality by the specification of a location for hazardous municipal waste element concentration including the dates of collection, which must be at least twice a year, and further by ensuring waste carting off by a licensed person. If needed, the municipality may supplement such system by organising regular mobile waste collection (using a vehicle) by a licensed person.

(4) Natural persons are obliged to discard municipal waste in specified locations and to gather, sort and submit for recovery and disposal municipal waste, starting from the date stipulated by the municipality in a generally binding decree, in compliance with a system designed by the municipality, unless they recover waste themselves pursuant to this Act and special legal regulations.²⁵⁾

(5) A municipality may collect payments from natural persons for the gathering, collection, transport, sorting, recovery and disposal of municipal waste, on the basis of a contract. The contract must be made in writing, and must specify the payment amount. If a municipality is collects this payment, it cannot set a fee for municipal waste pursuant to Section 17 a, nor a local fee for the operation of a system of gathering, collection, transport, sorting, recovery and disposal of municipal waste pursuant to a special act.^{25a)}

(6) Producers of waste producing waste classified by the Waste Catalogue as waste similar to municipal waste from the activity of legal entities and natural persons authorized to do business, may,

²³⁾ Act No. 111/1994 Coll., on road transport as amended

²⁴⁾ Act No. 50/1976 Coll. as amended

²⁵⁾ E.g. Act No. 309/1991 Coll. as amended, Act No. 389/1991 Coll. as amended

^{25a)} Sec. 10 b of Act no. 565/1990 Coll., on local fees, as amended.

based on a contract with the municipality, utilise the municipality-implemented system of municipal waste management. The contract must be in writing and must include the price agreed for such services.

Section 17 a

Fee for Municipal Waste

(1) A municipality may stipulate, in a generally binding municipal decree (Section 17 (2)) and collect a fee for municipal waste (hereinafter referred to as the “fee”) produced within its territory. The fee cannot be imposed simultaneously with the fee for the operation of a system of gathering, collection, transport, sorting, recovery and disposal of municipal waste pursuant to a special act.^{25a)}

(2) Subject to the fee shall be every natural person producing municipal waste during its activity. The fee payee shall be the owner of real property where municipal waste is produced. In the case of a building in which a condominium of owners has been set up, pursuant to a special act, the condominium shall be the payee. The payee shall be divide the fee among individual fee payers.

(3) The fee shall be administered by the municipality which introduced it in its territory.

(4) If the fee payer fails to pay the fee to the payee in a timely fashion or in the correct amount, the payee shall inform the municipality of that fact, which shall then assess the fee in the form of a fee assessment.

(5) The maximum fee amount shall be set on the basis of the expected justified costs of the municipality arising from the handling of municipal waste, distributed among the various fee payers based on the number and volume of containers designated for the depositing of waste attributable to individual real property, or based on the number of persons using an apartment, and with a view to the level of the sorting of that waste. The fee may also reflect the costs related to the lease of the containers designated for the depositing of waste. The fee constitutes income of the municipality.

(6) The proceedings concerning the fees for municipal waste are subject to the special legal regulations^{25b}.

^{25b} Act no. 337/1992 Coll. governing the administration of taxes and surcharges, as amended.

Division 2

Waste Collection and Purchase

Section 18

Obligations Pertaining to Waste Collection and Purchase

(1) The operator of a facility for waste collection and/or purchase shall be obliged to do the following:

- a) classify waste by types and categories pursuant to Sections 5 and 6,
- b) ensure waste recovery priority pursuant to Section 11,

^{25b} Act no. 337/1992 Coll. governing the administration of taxes and surcharges, as amended

- c) appoint a waste manager pursuant to conditions stipulated by Section 15 of this Act,
- d) transfer ownership rights to the collected or purchased waste only to a person entitled to assume ownership under Section 12, par. 3,
- e) operate a facility for waste collection and/or purchase in compliance with its approved rules of operation,
- f) publish the information on types of waste collected and/or purchased and conditions for waste collection and purchase, and collect or purchase the published types of collected or purchased waste under the specified conditions,
- g) verify hazardous waste properties under section 6 par. 4 and manage waste in compliance with its real properties,
- h) concentrate the collected or purchased waste sorted by types and categories,
- i) safeguard waste and protect it against harmful impairment, misappropriation or leak,
- j) keep operating records of waste and the waste management methods, file waste reports and furnish to the competent administrative authority further information within the scope specified by this Act and the executing legal regulation, including record-keeping and reporting of PCB and equipment containing PCB and subject to registration as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- k) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management.

(2) If waste sorting or separate storage is not required, taking into account the future method of waste recovery or disposal, the operator of the facility for waste collection and/or purchase may refrain from it based on an approval of the competent district office.

(3) The operator of a facility for waste collection and/or purchase performing the collection or purchase of waste pursuant to a special executive legal regulation shall be obliged, with respect to collection and purchase of this waste, to keep records of persons delivering or selling the waste; in order to fulfil this obligation, he/she is entitled to request their personal IDs for inspection. Without ID verification he/she will not collect/purchase such waste. Personal data of natural persons shall be treated pursuant to a special legal regulation.²⁶⁾

(4) In a decree the Ministry shall stipulate a list of waste subject to record-keeping by the licensed person of persons delivering or selling the waste.

Division 3 Waste Recovery

Section 19

Obligations Pertaining to Waste Recovery

- (1) The operator of a facility for waste recovery shall be obliged to do the following:
- a) appoint a waste manager pursuant to the conditions stipulated by Section 15 of this Act,
 - b) publish a list of waste for the recovery of which he/she has been authorized,
 - c) operate a waste recovery facility in compliance with its approved rules of operation,
 - d) safeguard waste and protect it against harmful impairment, misappropriation or leak,

²⁶⁾ Act No. 101/2000 Coll., on the protection of personal information in the wording of Act 227/2000 Coll.

- e) keep operating records of waste and the waste management methods, file waste reports and furnish to the competent administrative authority further information within the scope specified by this Act and the executing legal regulation including record-keeping and reporting of PCB and equipment containing PCB and subject to registration as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- f) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,
- g) verify hazardous properties of waste under section 6 par. 4 and manage waste in compliance with its real properties,
- h) inform the district office without undue delay of any harmful impacts of waste management on human health or environment which are in contradiction to impacts expected or described in the facility's rules of operation or impacts exceeding the stipulated limit values.

(2) Obligations stipulated under par. 1 letters e) and f) apply to the operator of a facility under Section 14, par. 2.

(3) The Ministry shall stipulate, in an implementation legal regulation, the technical requirements and conditions for the use of waste on surface terrain (such landscaping, re-cultivation).

Division 4
Waste Disposal
Section 20
Joint Provisions

The operator of a facility for waste disposal shall be obliged to do the following:

- a) appoint a waste manager pursuant to the conditions stipulated by Section 15 of this Act,
- b) publish a list of waste for the disposal of which he/she has been authorized,
- c) operate a facility for waste disposal in compliance with its approved rules of operation,
- d) safeguard waste and protect it against harmful impairment, misappropriation or leak,
- e) keep operating records of waste and the waste management methods, file waste report and furnish to the competent administrative authority further information within the scope specified by this Act and the executing legal regulation including record-keeping and reporting of PCB and equipment containing PCB and subject to registration as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- f) dispose waste in extraordinary cases based on a district office decision, if required in the sake of environmental protection and if technically possible; expenses incurred in connection with such decision shall be born by the district office that issued the decision; person responsible for the waste shall be responsible for reimbursement to the district office of expenses thus incurred,
- g) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,
- h) verify hazardous properties of waste under section 6 par. 4 and manage waste in compliance with its real properties,
- i) inform the district office without undue delay of any harmful impacts of waste management on human health or environment which are in contradiction to impacts

expected or described in the facility's rules of operation or impacts exceeding the stipulated limit values.

Section 21 Special Provisions Regulating Landfilling

- (1) A landfill operator is further obliged to do the following:
- a) prove prior to the commencement of the operation of the landfill that said entity does not have any arrears owed to the locally appropriate Inland Revenue Department and that the entity has established a special account according to section 50 create and maintain a financial reserve for the landfill re-cultivation, ensuring due care and a sanitation after the termination of the landfill's operation within the scope specified by this Act and the executive legal regulations,
 - b) ensure landfill sanitation, re-cultivation and due after-care thus eliminating the landfill's negative effects on the environment; these activities must be funded from the operator's own resources and the financial reserve over a period of a minimum of 30 years,
 - c) collect fees for waste landfilling, transfer the money to the fee recipient and inform the fee recipient of any outstanding fees,
 - d) archive records of waste deposited over the entire period of the landfill's operation and the period of the after-care under letter b).

(2) Landfill location and technical conditions must ensure environmental protection over the entire period of the landfill operation and after its termination, as well as conditions for the landfill site re-cultivation and the subsequent use of the site in compliance with the approved zoning plans.²⁷⁾

(3) Waste may only be deposited in landfills the technical conditions of which meet the requirements for waste deposition. The decisive factor for waste deposition in landfills is the composition of waste, its ability to mix, hazardous properties and the contents of harmful substances in water extract.

(4) The following waste must not be accepted in landfills: waste stipulated in an executive legal regulation, waste that may have harmful effects on the environment when mixed, and waste that has not been subject to treatment, except for waste stipulated in an executive legal regulation and waste the volume of which or reduction or elimination of the hazardous properties of which may not be achieved by treatment.

- (5) The Ministry will issue a decree regulating the following:
- a) list of waste that must not be accepted in landfills or that may only be landfilled under certain conditions,
 - b) landfill technical requirements and conditions for their operation,
 - c) method of waste valuation using its extraction and mixing abilities.

Special Provisions Regulating Waste Incineration

Section 22

- (1) Waste may be incinerated only provided conditions stipulated by legal regulations on air

²⁷⁾ Section 8 and the following of Act No. 50/1976 Coll. as amended

protection²⁸⁾ and energy management are met.²⁹⁾

(2) The Ministry shall issue a decree specifying the technical requirements for management of wastes generated from incineration of hazardous waste in incineration plants.

Section 23

(1) Incineration of waste is considered as energy recovery of waste only if the following conditions are met:

- a) after ignition the waste does not need any auxiliary fuel to burn and the generated heat is utilised for own needs or for the needs of third persons, or
- b) waste is used as a fuel or additive fuel in energy-generating or material-producing equipment under the conditions stipulated by legal regulations on air protection.

(2) Waste incineration plants that do not meet the incineration conditions specified under par. 1 are considered as waste-disposal facilities.

Division 5

Waste Transport

Section 24

Obligations Pertaining to Waste Transport

(1) Legal entities and natural persons authorized to do business who are engaged in waste transport, shall be obliged to do the following:

- a) ensure that waste transport meets the requirements stipulated by special legal regulations,³⁰⁾
- b) if requested by controlling authorities, submit documentation and provide true and complete information relevant to waste transport,
- c) keep records of hazardous waste transport and report hazardous waste transports within the scope specified by this Act and an executive legal regulation.

(2) Freight carrier who is not simultaneously a person entitled to assume the ownership of waste under Section 12, par. 3, may not assume waste proprietorship.

PART FOUR

OBLIGATIONS PERTAINING TO SELECTED PRODUCTS, SELECTED WASTES AND SELECTED EQUIPMENT

TITLE I

JOINT PROVISIONS

Section 25

(1) For the purposes of this Act, selected products, selected wastes and selected equipment shall have the following meaning:

²⁸⁾ Act No. 309/1991 Coll. as amended, Act No. 389/1991 Coll. as amended

²⁹⁾ Act No. 406/2000 Coll., on energy management

³⁰⁾ E.g. Act No. 111/1994 Coll. as amended, European agreement on international road transport of hazardous materials - ADR (Geneva 1957) published in the Collection of Laws under No. 64/1987 Coll.

The rules of the international railroad transport of hazardous materials (RID)

- a) PCBs defined under Section 26 and equipment containing PCBs,
- b) waste oils,
- c) batteries and accumulators,
- d) sludge from waste water treatment plants
- e) waste from the titanium dioxide production,
- f) asbestos waste,
- g) end-of life vehicles,
- h) electric and electronic equipment.

(2) The obligations of the producers of waste and licensed persons shall also apply to the producers of selected waste and licensed persons managing selected wastes, unless stipulated otherwise below.

(3) Legal entities and natural persons authorized to do business who manage selected products or wastes or operate selected facilities, shall be obliged to provide to the administrative authorities with competence in waste management sector pursuant to part eleven, if requested, any and true information relevant to the management of selected products and selected wastes and information relating to the selected facilities operation.

TITLE II SPECIAL PROVISIONS FOR SELECTED PRODUCTS, WASTES AND EQUIPMENT

Division 1 PCBs

Section 26

For the purposes of this Part of the Act

- a) PCBs mean polychlorinated biphenyls, polychlorinated terphenyls, Monomethyl-tetrachlorodiphenyl methane, Monomethyl-dichloro-diphenyl methane, Monomethyl-dibromo-diphenyl methane and any mixture containing one or more of the aforementioned substances in a total concentration of said substances higher than 50 mg/kg,
- b) equipment containing PCBs means any equipment containing PCBs or having contained PCBs which has not been decontaminated,
- c) equipment containing PCB and subject to registration – equipment containing PCB [letter b)] with a total PCB content of more than 5 litres,
- d) equipment which may contain PCB and subject to registration – oil transformers, condensers with a liquid dielectric, resistors, induction coils and other electronic equipment filled with electroinsulating liquids, hydraulic mining equipment, vacuum pumps, industrial equipment with the warming of a heat-bearing liquid (duplicators, road grit mixing plants and so on) or the parts of this equipment containing more than 5 litres of liquid,.
- e) equipment without PCB – equipment according to letter b) which has been successfully decontaminated and equipment according to letter d) in which the absence of PCB has been proven according to section 27, par. 8, letter c).
- f) decontamination – all of the procedures which enable equipment, buildings and materials containing PCB to be reused, recycled or eliminated after being shown to be free of PCB

using the method set out in the statutory instrument. Decontamination may also involve the replacement of the PCB with other suitable substances not containing PCB.

g) the elimination of the PCB – the methods of eliminating the waste contained under the codes D8, D9, D10, D12 and D15 in Annex no. 4 to this Act.

Section 27

Obligations Pertaining to the Management of PCBs and PCB Waste and Equipment

(1) The owners of PCB waste are obliged to eliminate it and the owners or the operators of equipment containing PCB and subject to registration, and equipment which may contain PCB and subject to registration, are obliged to decontaminate or eliminate this equipment in accordance with this Act in the shortest possible time, but at the latest by the end of 2010, unless they prove that the equipment does not contain PCB. The owners or operators of transformers which have an operating fluid containing 50 – 500 mg/kg of PCB may decontaminate or eliminate said transformers at the end of their service lives.

(2) The separation of PCBs from other substances for the purpose of re-using the PCBs is forbidden.

(3) Disposal of the PCBs is possible only in facilities designed for such purpose.

(4) The operators of equipment containing PCBs and being subject to record keeping are obliged to label such equipment and objects where the equipment is located in a manner stipulated by an executive legal regulation. The operators of decontaminated equipment are obliged to label such equipment in a manner stipulated by an executive legal regulation.

(5) The operators of equipments containing PCBs and being subject to record keeping must not top up fill PCB into such equipments. Until such equipment is taken out of service, it must be maintained in a manner ensuring that PCBs contained in this equipment comply with the technical standards, that the equipment is in good working order and that there is no leak of the filling.

(6) Equipment containing PCBs which is not subject to record keeping and which constitutes a part of another equipment that is being taken out of service, must be removed from this equipment, if practicable, and disposed of in compliance with the Act and the executive legal regulation.

(7) Should an operator or owner of an equipment which contains PCB [section 26, letter d)] and being subject to record keeping, demonstrate to the Ministry in a specified manner that the equipment does not contain PCBs, he/she does not have to fulfil the obligations specified under par. 1,4 and 5. The demonstration method shall be stipulated in an executive legal regulation.

(8) The Ministry, in an agreement with the Ministry of Health, shall issue a decree stipulating the following:

- a) the conditions for decontamination, technical requirements regarding the PCBs management and technical requirements for equipments containing PCBs, including measures aimed at the protection of human health and environment,
- b) methods of determining the total PCBs concentration in PCB-containing substances,

- c) details of the method proving absence of PCBs, and
- d) the labelling method for the equipment containing PCBs and being subject to record keeping and the method of labelling of decontaminated equipment.

Division 2
Waste Oils
Section 28

For the purposes of this Part of the Act.

- a) waste oils mean any mineral-based lubrication or industrial oils which have become unfit for the use for which they were originally intended, and in particular used combustion engine oils and gearbox oils, and also mineral lubricating oils, oils for turbines and hydraulic oils,
- b) waste oils processing means operations designed to permit the recovery of waste oils, i.e. its regeneration or combustion,
- c) waste oils regeneration means any process whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, oxidation products and additives contained in such oils,
- d) waste oils combustion means the energy recovery of waste oils as a fuel pursuant to a special legal regulation.

Section 29
Obligations Pertaining to Waste Oil Management

(1) The producer of waste oils and the licensed person, which manages waste oils, shall have the following obligations:

- a) to ensure priority for waste oil regeneration,
- b) to ensure waste oils combustion in compliance with the requirements of Section 22 and 23 provided regeneration is impracticable,
- c) to ensure waste oils storage or disposal in compliance with the provisions of this Act and other legal regulations, if regeneration and combustion is technically impracticable,
- d) to ensure that mixing waste oils with other waste oils, PCB-containing substances or other hazardous waste be avoided in the process of waste oil management.

(2) In order to meet the obligations specified under par. 1 letters a) to c), the waste oils producer or the licensed person may utilise the take-back system specified in part five.

(3) The Ministry shall issue a decree stipulating the technological requirements for waste oils management.

Division 3
Batteries and Accumulators

Section 30

For the purposes of this Part of the Act

- a) batteries or accumulators mean sources of electrical energy generated by direct conversion of chemical energy, consisting of one or more batteries or cells,

- b) spent batteries and accumulators mean batteries or accumulators that are not re-usable and are intended for regeneration or disposal.

Section 31

Obligations Pertaining to the Batteries and Accumulators Management

(1) Legal entities and natural persons authorized to do business who manage with alkaline manganese batteries containing more than 0.025 % of mercury by weight or batteries or accumulators containing:

- a) more than 0.0005 % of mercury by weight except for alkaline manganese batteries, or
- b) more than 25 mg of mercury per cell except for alkaline manganese batteries, or
- c) more than 0.025 % of cadmium by weight, or
- d) more than 0.4 % of lead by weight,

are obliged to ensure separate gathering, concentration, recovery and disposal thereof.

(2) Manufacturers and importers are obliged to label batteries, accumulators and appliances into which batteries and accumulators are incorporated with information about their take-back possibilities and about the heavy-metal content.

(3) Manufacturers and importers of appliances into which batteries and accumulators are incorporated or appliances requiring incorporation thereof, are obliged to ensure that the consumer can easily remove batteries or accumulators after they have been spent. If an easy removal of batteries or accumulators from the appliance is not possible, a user guide must be supplied with the description of their safe removal.

(4) Manufacturers and importers of batteries or accumulators or equipment containing batteries or accumulators are obliged to inform the consumers about dangers connected with an illegal disposal of spent batteries and accumulators.

(5) It is forbidden to manufacture and import batteries and accumulators containing more than 0.0005 % of mercury by weight including batteries and accumulators which are incorporated into appliances.

(6) The ban under par. 5 does not apply to button cells and batteries consisting of button cells with a mercury content not exceeding 2 % by weight.

(7) The importer is obliged to prove the facts set out in paragraphs 5 and 6 to the Customs Authority by means of the submission of the document according to paragraph 8.

(8) The Ministry shall issue a decree stipulating technical requirements for the management of batteries and accumulators and the form and content of the document which certifies the fulfilment of the conditions and the criteria set out in paragraphs 5 and 6.

Division 4

Sludge from waste water treatment plants

Section 30

For the purposes of this Part of the Act

- a) sludge means

1. sludge from wastewater treatment plants treating urban or domestic waste waters and from other waste water treatment plants treating waste waters of a composition similar to domestic and urban waste waters , 2. sludge from septic tanks and other similar installations ,

3. sludge from sewage plants other than those referred to in 1. or 2.,

b) treated sludge means sludge which has undergone biological, chemical or heat treatment, long-term storage or any other appropriate process so as significantly to reduce its pathogen organisms content and the health hazards resulting from its use,

c) sludge use means sludge application in the soil,

d) sludge use programme means documentation prepared in a scope specified by an executive legal regulation.

Section 33

Obligations Pertaining to Use of Sludge

(1) A legal entity and a natural person using soil shall be obliged to use only treated sludge taking into account the plants nutritious requirements under the conditions stipulated in this Act and an executive legal regulation in a manner not impairing the quality of soil and surface or ground waters.

(2) The producer of sludge shall be obliged to prepare a sludge use programme which demonstrates the compliance with conditions for use of sludge stipulated by this Act and an executive legal regulation.

(3) The use of sludge is forbidden:

- a) on agricultural soil which is part of especially protected areas pursuant to a special legal regulation,³¹⁾
- b) on forest soil normally used for classical forest growing,
- c) within the water source protection areas, on wet soil and in areas exposed to flooding,
- d) on permanent grasslands and on grass grown on arable land during the vegetation season until after the last mowing,
- e) in intensive fruit-producing orchards,
- f) on soil used for growing field vegetables in the year when vegetables are grown and the preceding year,
- g) during the vegetation on fodder crops, corn and sugar beet if the leaves are used as feed-stuffs,
- h) if a soil analysis shows that the risk substance content in an average sample exceeds one of the values stipulated in an executive legal regulation,
- i) on soils having the exchange soil reaction value below pH 5,6,
- j) on surfaces used for recreation and sports and in publicly accessible areas, or
- k) if sludge does not meet the microbiological criteria stipulated by an executive legal regulation. Microbiologically contaminated sludge may only be used after the sludge had been supportably hygienically amended.

(4) The Ministry, in co-operation with the Ministry of Agriculture and the Ministry of Health, shall issue a decree stipulating the following:

- a) technical conditions of the treated sludge application on agricultural soil,
- b) limit values of selected risk substances concentration in soil,

³¹⁾ Act No. 114/1992 Coll. as amended

- c) limit values for concentration of heavy metals which may be added in agricultural soil within a period of 10 years,
- d) limit values of the concentration of selected risk substances in sludge to be applied on agricultural soil,
- e) microbiological criteria for use of sludge,
- f) procedures of sludge and soil analysis including the sampling method,
- g) content of the sludge use programme.

Division 5

Waste from the Titanium Dioxide Production

Section 34

Obligations Pertaining to the Management of Waste from the Titanium Dioxide Production

(1) The producer of waste from the titanium dioxide production drawing up a waste management plan is obliged to include in such plan the method of reducing the emissions of harmful substances into the air,⁸⁾ the method of reducing the pollution of waste waters including the method of an effective waste water purification and the method of environmental sector monitoring.

(2) The appropriate public administration body will not issue its approval of the disposal of the hazardous waste from the production of titanium dioxide, if the environmental impact assessment^{8a} shows direct or presupposes subsequent harmful effects on the environment. If the production of titanium dioxide increases by more than 15 thousand tons per year, the producer of the production waste is obliged to draw up a new waste management plan and request a new authorization to be issued by the competent administrative authority for management waste from the titanium dioxide production, or a new approval to operate a facility for the recovery or disposal of waste from the titanium dioxide production.

(3) A titanium dioxide manufacturer is obliged to monitor the specified indicators for waste water emissions and indicators for polluting substances emissions into the air in a manner and within a scope specified by a special legal regulation and the waste management plan and to report this information to the competent district office with frequency specified by a special legal regulation.

(4) The Ministry will issue a decree stipulating the requirements for managing waste from the titanium dioxide production and the requirements for the monitoring of the environmental components.

Division 6

Asbestos Waste

Section 35

Obligations Pertaining to Asbestos Waste Management

(1) The producer of waste containing asbestos and the licensed person managing the asbestos-containing waste are obliged to ensure that asbestos fibres or dust are not released

^{8a} Act no. 100/2001 Coll. governing environmental impact assessments and the amendments to some associated Acts (the Environmental Impact Assessment Act).

into the air when managing such waste and that liquids containing asbestos fibres are not spilled.

(2) Asbestos fibres or dust-containing waste may only be deposited in landfills designed for this purpose. Waste must be treated, packed, or, after depositing on the landfill, immediately covered. The operator of the landfill is obliged to ensure that asbestos particles are not released into the air.

(3) The Ministry will issue a statutory instrument which sets out the requirements for the storage of asbestos waste at landfills.

Division 7
End-of life vehicles
Section 36

For the purposes of this Act, the following definitions are understood to apply:

- a) a wrecked automobile is any complete or incomplete motor vehicle which is designated for operation on public roads for the transportation of individuals, animals or items (hereafter simply referred to as a “vehicle”) which has become waste in accordance with section 3,
- b) a selected wrecked automobile is any complete or incomplete motor vehicle defined by the special legal regulation ^{31a} as a category M₁ or N₁ vehicle or any three-wheeled motor vehicle with the exception of motorised tricycles ^{31b} (hereafter simply referred to as a “selected vehicle”) which has become waste in accordance with section 3,
- c) the manufacturer is the end manufacturer of the vehicle which has introduced said vehicle onto the market in the Czech Republic or said manufacturer’s legal successor,
- d) an individual importer is the importer of a vehicle who is not an accredited importer,
- e) repeated use is the use of the parts of a wrecked automobile without reworking for the same purpose as they were originally used for.
- f) Processing involves the operations undertaken after the receipt of the wrecked automobile for the purposes of eliminating any dangerous components in the wrecked automobile, disassembly, cutting up, crushing (shredding), preparation for the elimination or use of the waste from the crushing and the realisation of all other operations necessary for the use or elimination of a wrecked automobile and its parts,

the processor of a wrecked automobile is a legal or physical entity authorised to undertake commercial activities which realises one or more operations according to letter f) upon the basis of the approval according to section 14, paragraph 1.

^{31a} Annex A to Act no. 56/2001 governing the conditions for operating vehicles on public roads and the amendments to Act no 168/1999 Coll.

^{31b} Annex no. 1 to Decree no. 341/2002 Coll. governing the approval of the technical roadworthiness and the technical conditions for the operation of vehicles on public roads, as amended by Decree no. 100/2003 Coll.

Section 37

The responsibilities when handling wrecked automobiles

(1) Whoever disposes of a wrecked automobile may only submit said wrecked automobile to entities who are the operators of facilities for the collection, purchase, processing, use or elimination of wrecked automobiles.

(2) Prior to submitting the vehicle in accordance with paragraph 1, the vehicle owner is obliged to place said vehicle in a location where it will not damage or threaten the environment or disturb the aesthetic appearance of the municipality, nature or the landscape^{31c}.

(3) The Municipal Authority will remove any vehicle located at odds with paragraph 2 (hereafter simply referred to as an “abandoned vehicle”) to a selected car park after 2 months have passed from the date on which it learned about this fact, and will do so at the expense of the vehicle’s owner. The Municipal Authority will publish the information concerning the location of the abandoned vehicle at the selected car park on its official notice board. The Municipal Authority will also inform the vehicle’s owner of its location in writing, provided said owner can be identified.

(4) If the owner does not retrieve the vehicle from the selected car park after the passing of a 2 month period from when the owner was informed of the vehicle’s location or if the owner has not been able to be identified in the period that the information was published according to paragraph 3, this will be taken to mean that the vehicle is a wrecked automobile. The Municipal Authority will then dispose of the wrecked automobile in accordance with paragraph 1.

(5) The last owner of the abandoned vehicle in the motor vehicle register is obliged to compensate the municipality for the costs associated with the procedures according to paragraphs 3 and 4.

(6) In cases where an abandoned vehicle is located on a public road, the procedure will be subject to the special legal regulation^{31d}.

(7) The entities authorised to collect, purchase, process, use or eliminate wrecked automobiles are obliged to:

- a) implement a system for the collection of the selected wrecked automobiles and their parts with an adequate density of collection sites,
- b) dispose of the selected automobiles and their parts in such a way so that the following is achieved:
 1. at the latest by 1st January 2006, the selected wrecked automobiles will be reused and utilised to the extent of at least 85% of the average weight of all of the selected vehicles received in a calendar year and they will be reused and materially utilised to

^{31c} Section 14 of Landscape and Nature Protection Act no. 114/1992 Coll.

^{31d} Sections 2, 19 and 40 of Public Road Act no. 13/1997 Coll., as amended.

the extent of at least 80% of the average weight of all of the selected vehicles received in a calendar year with the exception of selected vehicles manufactured prior to 1st January 1980 for which the extent of reuse and utilisation has been set at 75% and the extent of the reuse and the material use has been set at 70%.

2. at the latest by 1st January 2015, the selected wrecked automobiles will be reused and utilised at the extent of at least 95% of the average weight of all of the selected vehicles received in a calendar year and they will be reused and materially utilised to the extent of at least 85% of the average weight of all of the selected vehicles received in a calendar year,
- c) conclude a written contract with the accredited importers and the manufacturers of the selected vehicles in order to fulfil the obligations set out under letters a) and b).
- (8) The obligations according to paragraph 7, letter b) do not apply to motorised tricycles and to specially designated vehicles ^{31b}.
- (9) The ministry will issue a statutory instrument setting out the technical requirements for disposing of wrecked automobiles.

Section 37a

The responsibilities of manufacturers and importers when using the waste from selected wrecked automobiles

- (1) Accredited importers^{31e} ^{31e} or their legal successors (hereafter simply referred to as “accredited importers”) and manufacturers are obliged to:
- a) provide the processors with all the information which is necessary for the materially correct and ecologically friendly processing of the selected wrecked automobiles in the form of manuals or on technical data media within a deadline of six months of the introduction of the given vehicles onto the market,
 - b) secure at their own expense the collection, processing, use and elimination of the selected wrecked automobiles effective as of the day that this Act comes into effect for new selected vehicles introduced onto the market in the Czech Republic from 1st July 2002 and from 1st January 2007 for new selected vehicles introduced onto the market in the Czech Republic prior to 1st July 2002.
 - c) ensure the fulfilment of the requirements set out in section 37, paragraph 7, letter b).
- (2) Each manufacturer and accredited importer is obliged to collect the selected vehicles of their own brand first introduced onto the market in the Czech Republic after 1st July 2002 and to also collect the selected vehicles introduced onto the market in the Czech Republic prior to 1st July 2002 from 1st January 2007, provided these selected vehicles have been consigned to a collection point designated by the manufacturer or the accredited importer.

^{31e} Section 2 paragraph 10 of Act no. 56/2001 Coll., on the conditions of operating vehicles on roads and on changing act no. 168/1999 Coll., as amended by Act no. 103/2004 Coll.

(3) The obligations according to paragraph 1, letter b) do not apply to specially designated vehicles^{31b}.

(4) The manufacturer and the accredited importer are obliged to:

- a) conclude a written contract with entities which are authorised to collect, purchase, process or use and dispose of selected wrecked automobiles in order to fulfil the obligations set out in paragraph 1, letter b), provided they are not such an entity themselves,
- b) compile an annual report on the fulfilment of the targets set out in section 37, paragraph 7, letter b) for the previous calendar year to the extent set out in the statutory instrument and to send this report to the ministry every year by 31st March.

Section 37b

The responsibilities of the operators of the facilities for the collection of wrecked automobiles

(1) The operator of the facility for the collection of wrecked automobiles is obliged to:

- a) fulfil the responsibilities according to section 14, paragraph 1 and section 18,
- b) accept all wrecked automobiles or parts thereof and to accept all used parts removed during the repair of vehicles in accordance with the operating regulations,
- c) accept without charge the selected wrecked automobiles consisting of vehicles first introduced onto the market after 1st July 2002, provided they contain the essential parts of the vehicle, especially the drive and gear units, the body, the catalytic converter according to the homologation and the bumpers and provided they do not contain parts which have not been approved by the manufacturer and waste which does not originate from the selected vehicle. This responsibility applies from 1st January 2007 for vehicles introduced onto the market in the Czech Republic prior to 1st July 2002,
- d) issue without charge confirmation of the receipt of a wrecked automobile upon receiving said wrecked automobile. The prerequisites for the aforementioned confirmation are set out in the statutory instrument,
- e) arrange the submission of the wrecked automobile for processing exclusively to an authorised wreck processor, provided they are not one themselves,
- f) store the wrecked automobiles in accordance with the conditions designated in the statutory instrument,
- g) keep records of the received wrecked automobiles and the wrecked automobiles sent for processing and to send the information to the appropriate administrative authority to the extent and in the manner set out in the statutory instrument.

(2) The ministry will issue the statutory instrument setting out the prerequisites for the confirmation of the receipt of a wrecked automobile into a facility for the collection of

wrecked automobiles, the conditions for storing the wrecked automobiles and the extent and manner of keeping the records of the received wrecked automobiles.

Section 37c

The responsibilities of the wrecked automobile processors

(1) The wrecked automobile processor is obliged to:

- a) fulfil the responsibilities according to section 14, paragraph 1 and section 19,
- b) ensure the emptying and separate collection of the operating fluids prior to commencing the processing operations on the wrecked automobile,
- c) disassemble the parts of the wrecked automobile set out in the statutory instrument prior to the further processing of the wrecked automobiles so as to limit any negative environmental impact,
- d) destroy the identification number of the selected wrecked automobile (VIN) in a manner which rules out its reuse in any way,
- e) remove and separate from the wrecked automobile the parts and materials containing lead, mercury, cadmium and hexavalent chromium designated in the statutory instrument and to use or eliminate them separately,
- f) store and dismantle the wrecked automobiles in such a way so that it is possible to reuse or materially use the parts,
- g) reuse or use the material and parts of the wrecked automobile to the maximum degree or to eliminate them or submit them to another entity for this purpose,
- h) keep records of the received wrecked automobiles and the manner of their processing and to send the information to the appropriate administrative authority to the extent and in the manner set out in the statutory instrument,
- i) dispose of the materials and parts removed from the wrecked automobiles in accordance with section 37, paragraph 7, letter b).

(2) The processor may offer the parts from the wrecked automobiles to the manufacturer, the importer or to another qualified party for reuse. A qualified party is considered to be a legal or physical entity authorised to undertake commercial activities in the field of the repair and servicing of motor vehicles according to the special legal regulation ¹².

Section 37d

paragraph (deleted)

Section 37e

The surcharges for the support of the collection, processing, use and elimination of selected wrecked automobiles

(1) The accredited importers and the individual importers are obliged to pay a surcharge amounting to 5000 CZK for the imported used selected vehicles in order to support the collection, processing, use and elimination of the selected wrecked automobiles. If an accredited importer or an individual importer proves that the imported used selected vehicle fulfils the technical conditions for the emissions limits in the exhaust gases which are in accordance with the valid regulations of the European Community 31g required for the manufacture of the same category of new vehicles, said importer will be exempt from the payment of this surcharge. The degree of the fulfilment of the emissions level is ascertained upon the basis of a technical protocol on the emissions test issued by an authorised inspection station according to the EEC emissions regulations.

31g For example, Commission Directive 98/77/EC of 2nd October 1998 adapting to technical progress Council Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles: Directive 2001/1/EC of the European Parliament and of the Council of 22nd January 2001 amending Council Directive 70/220/EEC concerning measures to be taken against air pollution by emissions from motor vehicles.

^{31h} Sections 34 and 35 of Act no. 56/2001 Coll. governing the conditions for the operation of vehicles on public roads and governing the amendments to Act no. 168/1999 Coll.

³¹ⁱ Sections 3 and 7 of Directive no. 243/2001 Coll. governing the registration of vehicles, as amended.

^{31j} Act no. 388/1991 Coll. governing the State Environmental Fund of the Czech Republic, as amended

^{31k} Sections 73 and 74 of Act no. 56/2001 Coll.

^{31l} Section 4 of Directive no. 243/2001 Coll. as amended.

(2) The surcharge according to paragraph 1 is paid as follows:

- a) in the case of used selected vehicles which fulfil the conditions for the approval of the technical roadworthiness of a vehicle for operations on public roads according to the special legal regulation ^{31h}) the surcharge is paid upon the basis of the technical protocol on the fulfilment of the EEC emissions text level issued by an authorised inspection station prior to the issue of certificate of a registration^{31g} for the selected vehicle,
- b) in the case of used selected vehicles which do not fulfil the conditions for the approval of the technical roadworthiness of a vehicle for operations on public roads according to the special legal regulation^{31h}) which are destined for rebuilding,^{31k}) the surcharge is paid prior to the entry of the alterations into the certificate of registration for the selected vehicle^{31l}),

^{31g} Sections 3 and 7 of Directive no. 243/2001 Coll. governing the registration of vehicles, as amended.

- c) in the case of used selected vehicles which do not fulfil the conditions for the approval of the technical roadworthiness of a vehicle for operations on public roads according to the special legal regulation ^{31h)} ^{31f)} and which are imported as wrecked automobiles for the purpose of being dismantled for spare parts, the surcharge is paid prior to the issuance of the Ministry's approval to import the waste according to the legal regulations of the European Community regulating the supervision of the transportation of waste within the framework of the European Community, into it and from it and the inspection thereof ³⁹.
- (3) The surcharge according to paragraph 1 is paid to a special account of the State Environmental Fund of the Czech Republic ^{31j)} designated for the disposal of wrecked automobiles. The funds from the special account must be used exclusively for the support of the collection, processing, use and elimination of selected wrecked automobiles and their parts.
- (4) The Ministry will issue a statutory instrument setting out the details of the payment of the surcharges according to paragraph 1.

Division 8

Electric and Electronic Equipment

Section 37f

(1) The provisions of this Division of the Act, in line with European Communities law^{31m)}, stipulate the obligations of producers, ultimate sellers, and distributors of electric and electronic equipment falling into groups specified in Annex no. 7 to this Act, unless they constitute a part of another type of equipment, to which this Division of the Act does not apply, and the obligations of the processors of such electric and electronic equipment which have become waste.

(2) The ministry shall stipulate, in an implementation regulation, a list of products which fall into the group of electric and electronic equipment specified in Annex no. 7 to this Act.

Section 37g

Basic Terms

For the purpose of this Division of the Act, the following terms shall have the following meaning:

- a) electric or electronic equipment (hereinafter referred to as "electric equipment) – equipment whose functioning depends on electric current or electro-magnetic field or equipment for the generation, transmission, or measuring of electric current or electromagnetic field, which falls into one of the groups specified in Annex no. 7 to this Act, and which is designated for use with voltage not exceeding 1000 V in the case of alternating current, or 1500 V in the case of continuous current, with the exception of equipment designated exclusively for the purpose of defending the state,
- b) electric waste – electrical equipment which has become waste, including components, construction parts and consumer parts, which at that time constitute a part of the equipment,

- c) repeated use (re-use) – use of a taken back or separately gathered electrical equipment or components of such equipment, without their further re-working, for the same purpose for which they were originally designated,
- d) processing of electric waste – any operation performed after the acceptance of electric waste into a facility for the processing of electric waste for the purpose of its de-contamination, de-assembly, shredding, use or preparation for removal, or any other activity performed with the aim of using or removing electric waste,
- e) producer – a natural person or legal entity authorised to engage in business, which, regardless of the manner of sale, including long-distance means of communication³¹ⁿ⁾
 - 1. makes and sells electric equipment under its own brand, or
 - 2. sells under its own brand electric equipment produced by other suppliers, provided that the brand mark of the persons under point 1 does not appear of the equipment, or
 - 3. as part of its business activity, imports electric equipment into the Czech Republic or introduces such equipment on the market in the Czech Republic,
- f) electric equipment originating from households – used electric equipment originating from households or electric waste similar to it by its nature and volume, originating from legal entities or natural persons authorised to engage in business,
- g) taking back of electric equipment – taking back of used electric equipment originating from households, from consumers, without a right to a payment, at the place designated by the producer,
- h) separate gathering of electric waste – the taking back of used electric equipment not originating from households from end users at a place designated by the producer.

Section 37h

Basic Obligations of the Producers of Electric Equipment

(1) A producer shall comply with the obligations stipulated for separate gathering, taking back, processing, use, and removal of electric equipment and electric waste

- a) independently, organisationally and technically, at its own cost,
- b) jointly with another producer or producers, on the basis of a written contract; the contractual parties are jointly liable for compliance with the obligations stipulated in this Division of the Act,
- c) by transferring these obligations to another legal entity which provides for the joint compliance of the obligations of producers under this division of the Act; the liability of the producers for meeting the obligations stipulated in this Division of the Act shall not cease even if that legal entity fails to perform its obligations.

(2) The producer shall be obliged to elaborate an annual report on its compliance with the duties under paragraph 1 for the past calendar year (hereinafter referred to as the “Annual Report”), and to send it to the ministry by 31 March every year. If the producer meets the obligations specified in paragraph 1 jointly with another producer, they may elaborate a joint annual report. In cases pursuant to par. 1 (c), the annual report is elaborated by the relevant legal entity. This annual report shall stand in the place of the annual report pursuant to Section 38 (10).

(3) By an implementation regulation, the ministry shall specify detailed conditions for the various manners of complying with the obligations of producers under paragraph 1, and the contents of the annual report under paragraph 2.

Section 37i

List of Producers of Electric Equipment

(1) The producer of electric equipment subject to obligations under this Division of the Act shall submit a proposal for registration in the List of the Producers of Electric Equipment (hereinafter referred to as the "List"), within the scope specified by par. 3.

(2) The proposal for registration in the List shall be submitted by the producer to the Ministry for decision, in two copies, and on a technical data carrier, within 60 days of its obligation under par. 1 having arisen.

(3) The proposal for registration in the List shall contain

- a) the name and surname or company name, address of permanent residence, place of business, identification number, if assigned, and an officially verified copy of an entrepreneurial licence, such as a trades licence, in the case of a natural person; if a natural person is incorporated in the Commercial Registry, then also an excerpt from the Commercial Registry, not older than 3 months,
- b) the company name, legal form, address of registered seat, identification number, if it has been assigned, and an excerpt from the Commercial Registry, not older than 3 months, in the case of a legal entity, provided it is incorporated in that Registry,
- c) list and description of electric equipment,
- d) manner of complying with obligations stipulated in this Division of the Act,
- e) the manner of securing financing under Sec. 37n and 37o, and documents of financing.

(4) A person registered in the List shall inform the ministry of any change in the information presented under par. 3 within 14 days of its occurrence. Within the same time-period, it shall inform the ministry that the reasons for its being on the List have ceased.

(5) On the basis of a notice or its own finding, the Ministry shall make a change in the List by means of a decision, or shall delete from the list a person with respect to whom the statutory reasons for being registered in the List have ceased.

(6) The List is public. The ministry shall make the List available on the Public Administration Portal.

(7) For the purpose of registration in the List, the ministry shall stipulate, by an implementation regulation, detailed conditions for the manner of compliance with obligations, and for securing the financing under par. 3 letters d) and e).

Section 37j

Introducing Electric Equipment on the Market

(1) The producer of electric equipment shall ensure that electric equipment is designed and produced in a way as to make easier its disassembly and use, primarily the re-use of the electric equipment and the material use of electric waste, its components and materials in line with environmental legal regulations and legal regulations protecting public health.^{31o)}

(2) The producer of electric equipment introduced to the market^{31p)} after 13 August 2005 shall ensure that the marking of the electric equipment clearly shows that it was introduced to the market after that date, and to make it possible to find out the identity of the producer subject to obligations under this Division of this Act.

(3) The producer of electric equipment belonging into groups 1 to 7 or 10 of Annex no. 7 to this Act, including electric equipment designated exclusively for the purposes of the country's defence, and the producer of electric bulbs or lighting

fixtures for household use, shall ensure that electric equipment introduced to the market after 30 June 2006 not contain lead, mercury, cadmium, hexabasic chrome, polybromid biphenyls (PBB) and polybromid diphenylethers (PBDE), unless it constitutes

- a) the use of substances based on a lists specified in an implementation regulation, or
- b) spare parts for repairing or re-using electric equipment introduced to the market prior to 1 July 2006.

(4) A person selling electric equipment within the scope of its business activity, which does not come from producers registered on the List under Section 37i, shall be liable as the producer for the meeting of its obligations stipulated in this Division of the Act.

(5) The ministry shall stipulate, in an implementation regulation, the manner of marking electric equipment under par. 2 and a list of substances to which Sec. 37j par. 3 does not apply, under the conditions specified in the regulation.

Section 37k

Taking back Electric Equipment and Separate Gathering of Electric Waste

(1) A producer of electric equipment shall ensure the taking back of electric equipment originating from households. For electric waste not originating from households, the producer of electric equipment shall ensure separate gathering.

(2) The producer of electric equipment shall, for the purpose of taking back electric equipment and for the separate gathering of electric waste, mark electric equipment with a graphic symbol. If it is not possible to mark the electric equipment in this manner due to its size or function, it shall include that graphic symbol on the packaging, instructions for use or on the warranty certificate of the electric equipment.

(3) Through distributors ^{31p}), the producer shall ensure that the end user is informed about the manner of separate gathering. The distributor shall inform the end user, in the sale of electric equipment, about the manner in which separate gathering is ensured.

(4) The ultimate seller shall ensure that the consumer ^{31r}) would have, when purchasing electric equipment, the opportunity to return used electric equipment for taking back at the place of the sale or supply of new electric equipment, in the same number of items as the sold electric equipment of a similar type and use.

(5) The owner of electric waste or electric equipment originating form households may dispose of it only by hading it over to a processing agent pursuant to Section 37l, or at a place for taking back or for separate gathering. Electric equipment from points of taking back and electric waste from points of separate gathering may only be handed to a processing agent pursuant to Section 37l, unless the electric equipment is re-used as a whole.

(6) The manner of taking back of electric equipment and of separate gathering of electric waste, and their hading over to a processing agent, must not make more difficult the re-use or material use of electric equipment or its components, or material use of electric waste.

(7) The ministry shall stipulate, in an implementation regulation, the model graphic symbol for marking electric equipment for the purpose of the taking back of electric equipment and separate gathering of electric waste.

Section 37l

Processing of electric waste

(1) A producer of electric equipment shall create a system for the processing of electric waste, using the best techniques available ^{31s}), its processing, use, and material use.

(2) A producer of electric equipment shall provide to electric waste processing agents any and all information required for its processing, especially information about any dangerous substances contained therein, the possibilities of any further use of electric equipment and the material use of electric waste, or about the manner of their removal. The producer of electric equipment shall provide this information for each type of new electric equipment within one year of having introduced the product to the market. It shall provide that information in instructions for use or on a technical data carrier, or through long-distance communication means.

(3) The electric waste processing agent shall

- a) operate a facility for the processing of electric waste in line with its operating rules and comply with other obligations of the authorised person,
- b) as a priority, remove from the electric waste any and all substances and parts stipulated by the implementation legal regulation,
- c) store and process electric waste in line with the technical requirements stipulated in an implementation legal regulation,
- d) ensure the use of electric waste in line with Section 37m,
- e) maintain a records, to the extent specified in the implementation regulation, of any electric waste accepted, and on the manner of its processing, and submit to the relevant administrative authority information about the equipment.

(4) The decision in which approval for the operation of a facility for the processing of electric waste is granted, and its operating rules approved (Section 14 par. 1), must specify the conditions necessary to meet the conditions of par. 3 letters b) and c) and Section 37m.

(5) Electric waste may be transported abroad for processing in line with European Communities' regulations governing supervision of the transport of waste in the European Communities ³⁹), and in line with Division nine. The processing of electric waste in a country which is not an European Union member state, can be included as the performance of duties specified in Section 37m, if the exporter documents that the use, re-use or material use took place under conditions comparable to those stipulated by this Act.

(6) This provision shall not prejudice the obligations of the processor stipulated in a special legal regulation ^{31t}) concerning the treatment of regulated substances.

(7) The ministry shall stipulate, in an implementation regulation, the technical requirements for the priority removal of substances and parts of electric waste, storage and processing of electric waste, the scope and manner of keeping records of any electric waste accepted, and on the manner of its processing and use, and the manner of reporting facilities for the gathering, processing, and use of electric waste.

Section 37m Use of electric waste

(1) The producer of electric equipment shall create a system in which the use of electric waste shall be ensured, tying into the taking back of electric equipment or the separate gathering of electric waste.

(2) As a priority, electric equipment taken back and separately gathered shall be, prior to their handing over to a processor, re-used as a whole. Only electric equipment

or their components which comply with the requirements of the relevant legal regulations may be re-used.³¹⁰⁾

(3) The producer of electric equipment shall ensure at least the following use of electric waste handed over to processing agents in line with Section 37k par. 5

- a) electric equipment specified in groups 1 and 10 of Annex no. 7 to this Act - 80 % of its average weight, and re-use and material use of components, materials, and substances in the amount of 75 % of its average weight,
- b) electric equipment specified in groups 3 and 4 of Annex no. 7 to this Act - 75 % of its average weight, and re-use and material use of components, materials, and substances in the amount of 65 % of its average weight,
- c) electric equipment specified in groups 2, 5, 6, 7, and 9 of Annex no. 7 to this Act - 70 % of its average weight, and re-use and material use of components, materials, and substances in the amount of 50 % of its average weight,
- d) discharge and fluorescent bulbs – the re-use and material use of components, materials, and substances in the amount of 80 % of their average weight.

Section 37n

The financing of the handling of electric waste originating from households

(1) If electric equipment is introduced to the market after 13 August 2005, the producer of the electric equipment shall finance the taking back, processing, use, and removal of electric equipment originating from households, which was taken back pursuant to Sections 37k and 38, provided that it is electric equipment of which it is the producer according to this Act. The costs expended according to this paragraph shall not be specified separately at the time of the sale of new electric equipment.

(2) Before introducing electric equipment pursuant to paragraph to the market, the producer shall give a guarantee showing that the handling of all electric waste shall be taken care of from the financial point of view. The guarantee must be sufficient to cover the taking back, processing, use, and removal of electric waste originating from households handed over in the system of taking back, set up and operated in line with Sections 37k and 38. The producer, who ensures the meeting of obligations under Section 37h par. 1 letter a), shall provide a guarantee in the form of a purpose-bound bank account or insurance, under conditions stipulated by an implementation regulation. Information about the status and the drawing down of the purpose-bound account or the amount of insurance benefits paid in the previous year shall be provided in the annual report. Funds deposited in the purpose-bound bank account may only be used with the consent of the Ministry, to ensure the financing of the taking back, processing, use, and removal of electric waste originating from households; these funds cannot be subject to an order and execution of a judgement or execution, nor can they be included in the bankrupt assets of the producer. The producer who ensures the performance of duties pursuant to Section 37h paragraph 1 letters b) or c) does not need to provide a guarantee.

(3) If electric equipment was introduced to the market prior to 13 August 2005, producers shall set up a system to ensure the taking back, processing, use, and removal of electric equipment originating from households, which was taken back pursuant to Sections 37k and 38, to which all persons doing business at the time when the relevant costs arise shall contribute proportionately, especially on the basis of their market share. For eight years from the effective date of this Act, and for ten years from the effective date of the Act in the case of electric equipment specified in group 1 of Annex no. 7 to this Act, these persons may state separately, during the sale of new

electric equipment, the cost of the taking back, processing, and removal of electric equipment introduced to the market before 13 August 2005. If the producer states the costs separately within the meaning of this provision, every seller shall do so in sales performed within the framework of its business activities. The costs thus specified shall not exceed the actual costs.

(4) The obligations under paragraphs 1 and 2 shall be met even by producers who trade using long-distance communication means in the case of electric equipment supplied to a European Union member state, in which the buyer has its residence or registered seat.

(5) The ministry shall stipulated in an implementation regulation, upon consultation with the Ministry of Finance, detailed financing conditions, especially the manner of calculation of the minimum amount of funds deposited in a purpose-bound bank account, and the minimum insurance benefits.

Section 37o

Financing of the Handling of Electric Waste

(1) The producer of electric equipment shall ensure the financing of the collected gathering, processing, use, and removal of electric waste, as follows:

- a) if the electric equipment is introduced to the market after 13 August 2005, it shall provide for its financing by itself,
- b) if the electric equipment was introduced to the market prior to 13 August 2005, and if it is replaced with products of the same type or products which perform the same function, financing shall be provided for by the producer of such a new product at the time of its supply, but only up to the number of the electric equipment items supplied,
- c) if the electric equipment was introduced to the market prior to 13 August 2005, but it is not being replaced with products of the same type or products which perform the same function, financing shall be arranged for by the ultimate users, who are not consumers.

(2) The ministry shall, after consultation with the Ministry of Finance, stipulate detailed conditions for financing, pursuant to paragraph 1, by means of an implementation regulation.

^{31m)} European Parliament and Council Directive 2002/96/EC dated 27 January 2003, on waste electric and electronic equipment, as amended by European Parliament and Council Directive 2003/108/EC.

European Parliament and Council Directive 2002/95/ES of 27 January 2003 on limiting the use of certain dangerous substances in electric and electronic equipment.

³¹ⁿ⁾ Section 53 of Act no. 40/1964 Coll., the Civil Code, as amended.

^{31o)} E.g., Act no. 102/2001 Coll., on the general safety of products, as amended, Act no. 258/2000 Coll., on the protection of public health, as amended, Act no. 634/1992 Coll., on Consumer Protection, as amended, Act no. 22/1997 Coll., on technical requirements for products and on changing and amending certain acts, as amended.

^{31p)} Sec. 2 of Act no. 22/1997 Coll., on technical requirements for products and on changing and amending certain acts, as amended.

^{31r)} Section 2 of Act no. 634/1992 Coll., on Consumer Protection, as amended.

^{31s}) Act no. 76/2002 Coll., on integrated prevention and limiting pollution, on an integrated registry of pollution and on changing certain acts (act on integrated prevention), as amended by Act no. 521/2002 Coll.

^{31t}) Act no. 86/2002 Coll., on the protection of the air, and on changing certain other acts (the Air Protection Act), as amended.

European Parliament and Council Regulation (EC) no. 2037/2000, of 29 June 2000, on substance harmful to the ozone layer, as amended.

PART FIVE
TAKING BACK OF CERTAIN PRODUCTS
Section 38

(1) The take-back duty applies to the following:

- a) oils other than raw mineral oils and raw oils from bituminous minerals and preparations including 70% of oil by weight which are not stated or included elsewhere, provided these oils are an essential component of these preparations,
- b) electric accumulators,
- c) galvanic cells and batteries,
- d) discharge and fluorescent tubes,
- e) tires,
- f) electro-equipment originating from households [Section 37 g letter f].

(2) Within the limits of the respective European Union legal regulations, the government may identify additional products other than those specified under par. 1 that will be liable to the take-back duty.

(3) Legal entity or natural person authorized to do business, manufacturing products specified under par. 1 or introducing to the market in the Czech Republic products of a foreign producer (hereinafter the "obliged person") has the obligation to ensure the take-back duty of used products offered for recollection, regardless of the production brand and up to the volume produced or imported by it during the reporting period under paragraph 10. Section 37n shall apply to the taking back of electric equipment originating from households.

(4) The obliged person must ensure through a legal entity or natural person authorized to do business, who sells products specified under par. 1 to the consumer (hereinafter "the ultimate seller") that the consumer obtains information on the manner of the used products take-back. The producer of electric equipment shall also ensure that consumers are informed about

- a) the requirement for electrical equipment not to be removed with mixed municipal waste, but deposited by natural persons at places designated for that purpose, or at places of their taking back,
 - b) their role in the re-use of electric equipment and material or other use of electric waste,
- c) the possible adverse effects of the dangerous substance contained in electric equipment on the environment and human health.

(5) When selling products liable to the take-back duty, the ultimate seller must inform the consumer about the method of their taking back. If he/she fails to do so, he/she shall be obliged to take back used products directly in his/her facility free of charge for the consumer during his/her regular business hours and without any obligation for the consumer to buy any merchandise in relation to the take-back.

(6) The obliged person may, based on a written agreement with the municipality, utilise the system of the municipal waste collection and sorting as specified by the municipality, to comply with his/her obligation of the take-back duty.

(7) The taking back of used products specified under par. 1 must be free of charge for the consumer and the municipality in case specified under par. 6. The locations for used-products taking back must be as easily accessible to the consumer as are the locations where products liable to the used-product take-back duty are sold. The obliged person must ensure used-product taking back in a manner commensurate with the consumer's ordinary possibilities without an excessive burden being placed on the consumer. The taking back of a used product can be refused if the used products engenders the health of the persons performing the taking back, due to its contamination.^{31u)}

^{31u)} For example regulation no. 184/1999 Coll., setting the process for the evaluation of the risk of dangerous chemical substances to human health, regulation no. 89/2001 Coll., setting the conditions for classification of work based on categories, the limit values of biological exposure test indicators, and the requisite details of reports of work with asbestos and biological agents.

(8) A recollected product will become waste as of the moment when it is transferred to the entity authorised to use or eliminate it.

(9) The obliged person must ensure the recovery or disposal of the used products taken back pursuant to this Act and the executive legal regulations and will do so until the end of the calendar year following after the calendar year in which they were collected.

(10) The obliged person must prepare an annual report on the compliance with the take-back duty for the previous calendar year within the scope stipulated by an executive legal regulation. This report must be sent to the Ministry each year by 31 March.

(11) The Ministry will issue a decree stipulating the details of the used product taking back procedure and the content of the annual report on the compliance with the take-back duty for the previous calendar year.

PART SIX RECORD-KEEPING AND REPORTING DUTY IN RESPECT OF WASTE AND FACILITIES

Section 39

Record-keeping and Reporting in Respect of Waste, Waste Management Facilities, Gathering And Collection Locations, Waste Storages and PCB, equipment containing PCB and PCB waste

(1) Producers of waste and licensed persons managing waste are obliged to keep operational records of waste and methods of waste management. Records must be kept separately for each individual establishment and each type of waste. The record-keeping method for each individual type of waste shall be stipulated in an executive legal regulation.

(2) Producers of waste and licensed persons producing or managing more than 50 kg of hazardous waste or more than 50 tons of other waste in one calendar year, are obliged to submit, by 15 February of the following year, an annual report listing truly and correctly the type and quantity of

waste, the waste management methods and information about the producers of waste, to the district office appropriate to the establishment location. Report on the production and management of waste produced within the Ministry of Defence sector is submitted to the Ministry directly by the Ministry of Defence. The reporting method shall be stipulated in an executive legal regulation.

(3) The operators of the facilities for the elimination or use of waste, the operators of facilities for the gathering and processing of wrecked automobiles, the operators of facilities for the gathering, processing, use and removal of electric waste (Section 37g), the operators of the facilities set out in section 14, paragraph 2 and waste carriers who are not at the same time entities authorised to receive waste into their ownership according to section 12, paragraph 3 are obliged to send information about the facility or the transport company to the Municipal Authority of the appropriate municipality with expanded jurisdiction according to the site of the facility. In the case of mobile facilities and carriers, this information should be submitted according to the location of the registered office or residence of the operator. Said information must be sent within 2 months of the commencement or completion of the operations of the facility or the transport company or by those facilities which have already been in operation for up to 6 months as of the day of this Act coming into effect. The method of submitting said information will be set out in the statutory instrument.

(4) Operators of landfills are obliged to send annually, by 15 February of the following year, to the district office appropriate to the landfill location, the information on the balance of the created financial reserve at 31 December of the previous year. A bank statement from the landfill operator's account must support this information.

(5) The operators of facilities for the collection and processing of wrecked automobiles are obliged to keep records and to send the information about the number and state of the received wrecked automobiles and the method of their processing and the operators of facilities for separate gathering, processing, use and removal of electric waste shall maintain records and submit information about the type, volume, and the manner of processing, use, or removal of electric waste to an extent stipulated in the implementation regulation, to the Municipal Authority of the municipality with expanded jurisdiction which is appropriate to the site of the facility and to do so by the 15th of February of the following year.

(6) Municipalities and persons authorized to collect or purchase waste are obliged to send the information regarding the places of gathering of hazardous waste and the waste collection and storage locations used by them to the district office appropriate to the gathering or collection location or to the waste storage location, within two months of the beginning or termination of operation of the place of gathering, collection or storage of waste, or with respect to places of gathering, collection and storage of waste already in operation as of the effective date of this Act, within six months of the day when this Act became legally effective. The scope and details of the information shall be stipulated in an executive legal regulation.

(7) Based on reports prepared under par. 2 through 6, the district office shall keep records of waste and waste management methods, waste management facilities, facilities specified under Section 14, par. 2, places of hazardous waste gathering, waste collection and storage locations, received wrecked automobiles and the method of their processing, type, volume, and method of processing, use, or removal of electric waste, and the waste carriers within the scope stipulated in an executive legal regulation. These records are sent each year by 30 April of the following year to the Ministry and to the appropriate Regional Authority, using data transfer equipment or a technical data carrier.

(8) The legal entities and physical entities which are authorised to carry out commercial activities and which operate equipment containing PCB and subject to registration according to section 26, letter

c), or operate equipment which may contain PCB and are subject to registration based on Section 26 letter d), or which own or hold the PCB defined in section 26, letter a), are obliged to maintain independent records of this equipment and the PCB to the extent set out in the statutory instrument and report this fact to the ministry by 31 December 2004, provided they have not yet done so. These entities are obliged to inform the ministry of any changes to the recorded facts without any undue delay after the change has occurred. The method of submitting said information will be set out in the statutory instrument. This obligation shall not apply to laboratory standards .

(9) The Ministry of Defence, in co-operation with the Ministry, is responsible for keeping records of waste, waste management facilities, places of hazardous waste gathering, waste collection locations, and locations for the storage of waste, PCB, PCB waste, and equipment containing PCB in respect of the above, that was generated within the sector of the Ministry of Defence.

(10) District office and regional authority within their delegated competence are obliged to keep records of approvals and other decisions issued pursuant to this Act. The district office and the regional authority within its delegated competence will send these records each year by 30 April of the following year to the Ministry, using data transfer equipment or a technical data carrier. The scope and method of the reporting duty shall be stipulated in an executive legal regulation. The Municipal Authority of the municipality with expanded jurisdiction and the Regional Authority will publish the current list of the facilities operated according to section 14, paragraph 1 and section 14, paragraph 2 on the public administration portal or in another suitable manner.

(11) Unless stipulated otherwise by this Act or an executive legal regulation, legal entities, natural persons authorized to do business and administrative offices obliged to keep records under par. 1 through 10, must archive such records for a period of at least 5 years.

(12) The Ministry will issue a decree regulating the following:

- a) the method of keeping operational records of waste and the period over which records of some types of waste must be archived,
- b) the reporting method in respect of waste, waste management facilities, hazardous waste gathering places, waste collection locations, waste storage, waste carriers, and of PCB, PCB waste and equipment containing PCB, the number and state of the received wrecked automobiles and the methods of their processing, of the type, volume of electric waste, and the method of its processing, use or removal., and
- c) the method of keeping records of approvals and other decisions issued pursuant to this Act.

Section 40

Hazardous Waste Transport Records

(1) The sender and the receiver of hazardous waste must fill-in a hazardous waste identification form within the scope specified by this Act and an executive legal regulation. Records of the hazardous waste transport are not kept for intracompany transports using the company's own vehicles and not exceeding the area of company's facility.

(2) The sender of waste is obliged to:

- a) attach a filled-in hazardous waste identification form with the shipment,
- b) send the identification form to the district office appropriate to the location from which the transport left within 10 days of the transport starting date,
- c) inform the district office appropriate to the transport starting location and inspection if he/she does not receive within 20 days of the transport starting date the confirmed hazardous waste identification form back from the receiver including a confirmation of

receipt.

(3) The waste receiver is obliged to send the hazardous waste identification form back to the sender and the district offices appropriate to the transport starting and destination points with a confirmation of the receipt of hazardous waste, within 10 days of its receipt.

(4) Both the waste sender and receiver are obliged to archive records under par. 1 through 3 for a period of a minimum of 5 years.

(5) The Ministry will issue a decree stipulating the record-keeping method for waste transport.

PART SEVEN WASTE MANAGEMENT PLANS

Section 41

Joint Provisions

(1) The Ministry, regions within their independent competence and the producers of waste shall draw up waste management plans within the scope stipulated by this Act.

(2) Waste management plans are drawn up in order to create preconditions for prevention of waste production and for waste management under this Act.

(3) The drawing up, discussion and approval of draft waste management plans are not governed by the Rules of Administration.

(4) The Waste Management plan of the Czech Republic and regional waste management plans are public documents available for inspection and for taking excerpts, transcripts or copies thereof.

Section 42

The Waste Management Plan of the Czech Republic

(1) The Waste Management Plan of the Czech Republic is drawn up by the Ministry. The Waste Management Plan of the Czech Republic is discussed between the Ministry and the regions within their independent competence.

(2) The Waste Management Plan of the Czech Republic consists of an evaluation of the state of the waste management, a binding part, and a guideline.

(3) The government will promulgate the binding section of the waste management plan for the Czech Republic in a government decree

(4) The binding section of the waste management plan for the Czech Republic sets out the general targets and the general measures for their achievement and regulates the system of target evaluation indicators for:

a) the prevention of the occurrence of waste and the limitation of the amounts of waste and the hazardous characteristics thereof,

b) the disposal of selected types of waste according to Part Four of this Act

- c) the disposal of certain other types of waste, especially hazardous waste,
- d) the disposal of waste from packing,
- e) the utilisation of waste,
- f) the reduction of the share of waste dumped in landfills and the share of the biodegradable components contained within them,

the creation of an integrated system for the disposal of waste.

(5) The Waste Management Plan of the Czech Republic is drawn up for a minimum period of 10 years and must be adjusted immediately after each significant change of conditions on the basis of which it was drawn up.

(6) The binding section of the waste management plan for the Czech Republic, including any changes to it, is the binding basis for the compilation of the waste management plans of the regions and for the decision-making and other activities of the appropriate administrative authorities, the regions and the municipalities in the area of waste management.

(7) The evaluation of the fulfilment of the waste management plan for the Czech Republic will be undertaken annually by the ministry using the system of indicators and this will occur by 31st December of the following year.

(8) The ministry will publish the waste management plan for the Czech Republic and any changes to it on the public administration portal or in any other suitable manner.

Section 43

The Regional Waste Management Plan

(1) Within its independent competence, a region authority shall draw up a regional waste management plan for areas within its competence, including the changes thereto.

(2) The regional waste management plan must be in compliance with the binding part of the Waste Management Plan of the Czech Republic and changes thereto.

(3) The regional waste management plan consists of a binding part and a guideline.

(4) The binding section of the waste management plan sets out the specific targets and the specific measures for achieving them for:

- a) the prevention of the occurrence of waste and the limitation of the amounts of waste and the hazardous characteristics thereof,
- b) the disposal of municipal waste,
- c) the disposal of selected types of waste according to Part Four of this Act
- d) the disposal of some other types of waste, especially hazardous waste,

- e) the disposal of waste from packing,
- f) the utilisation of waste,
- g) the reduction of the share of waste dumped in landfills and the share of biodegradable components contained within it,
- h)
the creation of an integrated system for the disposal of waste.

(5) In case of a need to establish a waste management facility or to solve waste movements exceeding the region's boundaries, regions within their independent competence are obliged to work together on the drawing up of regional waste management plans and changes thereto.

(6) Within their independent competence, regions are obliged to draw up and approve a draft regional waste management plan and changes thereto within 18 months of publication of the binding section of the waste management plan for the Czech Republic in the Collection of Laws.

(7) The regional waste management plan is drawn up for a minimum period of 10 years and must be adjusted immediately after each significant change of conditions on the basis of which it was drawn up.

(8) Within its independent competence, the region is obliged to publish in a locally customary manner, within 10 days of completion of the draft waste management plan or changes thereto, the information about when and where the draft plan will be available for inspection and for taking excerpts, transcripts and copies. The term over which the draft regional waste management plan and changes thereto are available to the public must last at least 30 calendar dates after the publication of the information on its availability for public inspection; within this deadline written comments may be filed concerning the draft regional waste management plan or changes thereto.

(9) The Region in its independent jurisdiction is obliged to send a copy of the Region's waste management plan or any changes to it to the ministry within 1 month of its being approved.

(10) The Region will promulgate the binding section of its waste management plan by means of a bylaw³². The binding section of the Region's waste management plan is the binding basis for the compilation of the waste management plans for waste originators and for the decision-making and conceptual activities of the appropriate administrative authorities, the regions and the municipalities in the area of waste management.

(11) The Region will send the evaluation of the fulfilment of the waste management plan for the given Region to the ministry every year by the 15th of November of the following year. The evaluation will be undertaken using the system of indicators designated in the binding section of the waste management plan for the Czech Republic.

(12) The Region will publish the waste management plan for the Region and any changes to it on the public administration portal or in any other suitable manner.

Section 44

The Waste Management Plan of Waste Producers

(1) Each producer of waste producing more than 10 tons of hazardous waste or more than 1,000 tons of other waste shall draw up a waste producer's waste management plan.

(2) The waste producer's waste management plan must comply with the binding part of the regional waste management plan and changes thereto.

(3) The waste producer's waste management plan shall be drawn up for a minimum period of 5 years and must be adjusted immediately after each significant change of the conditions on the basis of which it was drawn up, by the latest within three months of such change.

(4) Waste producer who, as of the publication date of the binding part of the regional waste management plan or changes hereto, produces waste in excess of the limit stipulated under par. 1, shall be obliged to draw up a draft waste management plan within one year of the publication date of the binding part of the regional waste management plan or changes thereto. Other waste producers are obliged to draw up a draft waste management plan within one year of the day when their waste production exceeded the limit specified in par. 1.

(5) The waste producer is obliged to send a copy of his/her draft waste management plan or changes thereto to the Regional Authority appropriate to the site of the operated facility of the waste producer, by the latest within three months of its preparation. Should the draft waste producer's waste management plan fail to comprise details specified by this Act and an executive legal regulation or fail to comply with the binding part of the regional waste management plan or changes thereto, the competent Regional Authority will notify the waste producer of its comments within three months of the draft waste producer's waste management plan receipt.

(6) The waste originator is obliged to send the modified waste management plan with the comments incorporated into it to the appropriate Regional Authority within 3 months of the receipt of said comments..

(7) The waste producer's waste management plan constitutes a binding base for his/her activity.

(8) Municipalities that had joint into a voluntary union of municipalities,³⁴⁾ in order to fulfil their municipal waste management-related obligations, may, on a basis of a written agreement, draw up a joint waste producer's waste management plan stipulating the scope and method of the municipal waste management.

(9) The ministry will issue a statutory instrument setting out the contents of the waste management plan for the waste originator.

³⁴⁾ Act No. 128/2000 Coll., on municipalities (municipal order).

PART EIGHT ECONOMIC TOOLS

TITLE I WASTE DEPOSITION-RELATED FEES Section 45

- (1) Waste producer is liable to a waste deposition fee in relation to depositing waste in landfills.
- (2) The fee is also due by a waste producer who himself/herself operates a landfill located on his/her own land.
- (3) No fees are due for depositing waste as technological materials for securing the landfill's technological characteristics in compliance with the approved project and the landfill's rules of operation. Waste deposited in excess of a quantity stipulated by the project as necessary does not constitute technological material. The ministry will issue a statutory instrument setting out the requirements for the storage of waste as technological material and for the securing of landfills.

Section 46

- (1) The landfill waste deposition fee comprises of two components: The basic fee component is payable for waste deposition. A risk component is payable for the deposition of hazardous waste.
- (2) The landfill operator shall collect the fee from the waste producer at the time of waste deposition to the landfill. The landfill operator shall confirm the collection of the fee to the waste producer. The landfill operator shall transfer the collected fees to the fee receiver as of the last day of the following calendar month. At the same time, he/she will provide information on any outstanding fees. Should the waste producer not pay the fee at a stipulated amount, the regional authority that had issued the permit for landfill operation, within its delegated competence, shall impose the obligation to pay such fee by issuing a decision based on a proposal submitted by the fee receiver.
- (3) In the scope stipulated by this Act, the fee constitutes income of the municipality in the cadaster area of which the landfill is located and of the State Environmental Fund of the Czech Republic.³⁵⁾

(4) The basic fee component is not collected from a municipality acting in its capacity of waste producer, if waste is deposited in a landfill located in the municipality's cadastre area.

(5) The municipality and the Regional Authority in whose cadastre area the landfill is located shall be responsible for supervision over the fee collection by the landfill operator.

Section 47

(1) If a landfill operator has failed to transfer the collected fee to the municipality or to the State Environmental Fund within the stipulated deadline, the obligation to pay the fee shall be imposed on it by the Regional Authority which issued consent with the operation of the landfill, by a decision issued at the suggestion of the fee recipient. A penalty of 0.5 per mille of the outstanding amount per day shall be paid for the unpaid fee. The penalty shall constitute income of the municipality.

³⁵⁾ Act No. 388/1991 Coll., on the State Environmental Fund of the Czech Republic in the wording of Act No. 334/1992 Coll.

(2) Fees and penalties are levied by the revenue authorities appropriate to the landfill cadastre area location; they proceed in compliance with special legal regulations³⁶⁾, unless specified otherwise by this Act.

Section 48

(1) The basic fee component constitutes income of the municipality in whose cadastre area the landfill is located. If the landfill is located in cadastre areas of several municipalities, the income shall be divided proportionally according to the size of the landfill area located in individual cadastre areas.

(2) The rate of the basic fee component is stipulated in Annex 6 to this Act.

(3) The risk component of the fee constitutes income of the State Environmental Fund.

(4) The rate of the risk fee component is stipulated in Annex 6 to this Act.

(5) Asbestos waste is charged at the amount of the rate for the storage of other waste.

TITLE II

FINANCIAL RESERVE FOR LANDFILL RE-CULTIVATION AND SANITATION

Section 49

(1) The landfill operator is obliged to create a financial reserve for the landfill re-cultivation, ensuring due care and sanitation after the termination of the landfill's operation (hereinafter "financial reserve").

(2) For the landfill operator, the creation of the financial reserve constitutes an expense incurred to achieve, assure and maintain income.³⁷⁾ The interest from the funds in the financial guarantee constitutes a part thereof.

(3) The monies in this reserve are deposited in a special account at the bank. The monies in the financial reserve may not be the subject of an order or the realisation of the performance of a decision and they may not be included in the assets in bankruptcy of the landfill operator, the landfill owner or their legal successors.

Section 50

(1) The landfill operator is obliged to establish a special purpose-tied bank account for the deposition of funds allocated to the financial reserve as of the effective date of this Act. An independent purpose-tied account must be established for each landfill operated under a separate decision pursuant to a special legal regulation.²⁴⁾

(2) A bank contract regarding the establishment of a special purpose-tied account must include the information as to which landfill the financial reserve concerns and a provision describing the account as a special purpose-tied account which is administered by the bank in accordance with sections 49 to 51. Any use of funds deposited in such account is possible only subject to an approval of the district office appropriate to the landfill location.

³⁶⁾ Act No. 337/1992 Coll., on the administration of fees and taxes, as amended

³⁷⁾ Act No. 586/1992 Coll., the income taxes act, as amended

(3) The financial reserve funds shall be transferred by the landfill operator to the special purpose-tied account established pursuant to par. 1 as of the last day of each following calendar month.

(4) An agreement on the transfer of the financial reserve to a new landfill operator constitutes a key particular of a contract on the transfer of the rights to use a waste landfill to a new landfill operator. A contract on the transfer of the rights to use a waste landfill to a new landfill operator is not valid, unless it contains the agreement on the financial reserve transfer.

Section 51

(1) Any use of the financial reserve funds is subject to an approval by the competent district office. Funds can be used for work related to the landfill re-cultivation, ensuring due care and sanitation after the termination of the landfill's operation. The district office will issue its approval based on the decision on starting re-cultivation work issued pursuant to special legal regulations.³⁸⁾

(2) If the landfill operator is wound up prior to the conclusion of the care for the landfill and if its legal successor is unknown or non-existent, the bank will pay the unused amount of the financial guarantee into the State Environment Fund of the Czech Republic and will inform the Regional Authority, which is appropriate according to the location of the landfill, of having done so. The State Environment Fund will deposit these monies into a specially bound account of the entity which secures the re-cultivation care of the landfill and the redevelopment after the completion of the landfill's operations in accordance with this Act. The method of utilising the funds from the financial guarantee and the financial reserve in this account will be realised according to paragraph 1.

(3) After the termination of the period of due care for the landfill, the unused part of the financial reserve shall be credited to the landfill operator or his/her legal successor; if the legal successor is unknown or does not exist, the amount shall be transferred into the budget of the municipality in the territory of which the landfill is located. If the landfill is located in cadastre areas of several municipalities, the income shall be divided proportionally according to the size of landfill area located in individual cadastre areas.

(4) The financial reserve amount is as follows:

- a) CZK 100 per 1 ton of the deposited hazardous waste and municipal waste, with the exception of asbestos waste,
- b) CZK 35 per 1 ton of other deposited waste, waste deposited as technological material for securing the landfill, and asbestos waste.

(5) In a decree the Ministry shall stipulate the method of the financial reserve creation and use.

Section 52

The duration period and conditions of the due care for a closed landfill, its re-cultivation and sanitation shall be stipulated individually for each individual landfill by the competent regional authority within its delegated competence and included in the rules of operation. The period must not be shorter than 30 years.

PART NINE

³⁸⁾ E.g. Section 76 and the following of Act No. 50/1976 Coll. as amended, Act No. 44/1998 Coll. as amended

CROSS-BORDER WASTE TRANSPORTATION

Section 53

The cross-border waste transportation to the Czech Republic, from the Czech Republic and via the Czech Republic (hereafter simply referred to as “cross-border waste transportation”) is regulated by the legal regulations of the European Community which regulate the supervision of the transportation of waste within, into and out of the European Community and the inspection thereof³⁹⁾. This Act contains the provisions which are essential for their implementation

(2) The ministry is the appropriate administrative authority for cross-border waste transportation and the contact organisation for the Czech Republic.

Section 54

(1) Waste arising within the Czech Republic is preferentially eliminated within the Czech Republic.

(2) Cross-border waste transport to the Czech Republic for the purpose of the elimination thereof is forbidden with the exception of:

waste which has arisen in neighbouring states as a consequence of natural disasters or states of emergency.

(3) Waste produced in the Czech Republic shall be used, as a priority, in the Czech Republic, unless it is to be used in other European Union member states.

³⁹⁾ Council Regulation (EEC) no. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community as amended by Council Regulation (EC) no. 120/97 amending Regulation (EC) No. 259/93 as amended by Commission Decision 1999/816/EC of 24th November 1999 adapting, pursuant to Articles 16(1) and 42(3), Annexes II, III, IV and V to Council Regulation (EEC) no. 259/93 and amended by Commission Regulation (EC) No. 2557/2001 of 28th December 2001 amending Annex V of Council Regulation (EEC) No. 259/93.

Council Directive (EEC) no. 1420/1999 which designates the common rules and procedures for the transportation of some types of waste to some OECD non-member states, as amended by Commission Regulation (EC) no. 1208/2000 of 8th June 2000 amending Council Regulation (EC) No. 1420/1999 and Council Regulation (EC) no. 1547/1999 as amended by Commission Regulation no. 2630/2000 amending Council Directive (EC) no. 1420/1999 as amended by Commission Regulation (EC) no. 77/2001 amending Council Directive (EC) no. 1420/1999 and Council Directive (EC) no. 1547/1999 as amended by Commission Regulation (ES) no. 1800/2001 amending Council Directive (ES) no. 1420/1999 and Council Directive (EC) no. 1547/1999 and as amended by Commission Regulation (EC) no. 2243/2001 amending Council Directive (EC) no. 1420/1999 and Council Decision (EC) no. 1547/1999.

Commission Regulation (EC) no. 1547/1999 determining the control procedures under Council Regulation (EEC) No. 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply as amended by Commission Regulation (EC) no. 334/2000 amending Council Directive (EC) no. 1547/1999 as amended by Commission Directive (EC) no. 354/2000 amending Council Directive (EC) no. 1547/1999 as amended by Commission Directive (EC) no. 1208/2000 amending Council Regulation (EC) no. 1420/1999 and Council Directive (EC) no. 1547/1999 as amended by Commission Directive (EC) no. 1552/2000 amending Council Directive (EC) no. 1547/1999 as amended by Commission Directive (EC) no. 77/2001 amending Council Directive (EC) no. 1420/1999 and Council Directive (EC) no. 1547/1999 as amended by Commission Directive (EC) no. 1800/2001 amending Council Directive (EC) no. 1420/1999 and Council Directive (EC) no. 1547/1999 and as amended by Commission Directive (EC) no. 2243/2001 amending Council Directive (EC) no. 1420/1999 and Council Directive (EC) no. 1547/1999.

Commission Decision 94/774/EC concerning the standard consignment note referred to in Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community and the inspection thereof.

Commission Decision 199/412/EC concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No. 259/93.

Section 55
Notification of cross-border waste transportation

(1) The notifying party will provide notification of any cross-border waste transportation according to the legal regulations of the European Community regulating the supervision of waste transportation within, into and out of the European Community and the inspection thereof ³⁹. The notifying party is the only participant in the proceedings commenced upon the basis of the notification according to this paragraph

(2) The procedure designated by the legal regulations of the European Community regulating the supervisions of waste transportation within, into and out of the European Community and the inspection thereof ³⁹ and by this Act for the waste set out in Annexes II and IV of Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ also apply accordingly to the waste set out in the statutory instrument according to paragraph 6. The notification of the cross-border transportation of this waste to the Czech Republic is submitted by the recipient. The recipient is the only participant in the proceedings commenced upon the basis of the notification according to this paragraph.

(3) Apart from the prerequisites set out in the legal regulations of the European Community regulating the supervision of waste transportation within, into and out of the European Community and the inspection thereof ³⁹, the notifying party will also provide the ministry with the following:

- a) the contract governing the environmentally friendly use or the elimination of the waste. In the case of cross-border waste transportation from a country which is not a member state of the European Union, the contract must include the pledge of the notifying party to take the waste back, if the cross-border transportation is unable to be carried out or completed in the expected manner,
- b) the permit to operate the facility for the elimination or use of the waste, in the case of cross-border waste transportation to a country which is not a member state of the European Union,
- c) the essential addresses of the appropriate administrative authorities.

(4) The notification and all its prerequisites will be submitted to the ministry in Czech, Slovak or English or with an officially verified translation into any of these languages.

(5) In the case of cross-border waste transportation from the Czech Republic, the ministry will advance the notification to the appropriate receiving administrative authority with a copy to the appropriate transit administrative authority or authorities. The ministry will not advance the notification, if it encounters a reason for issuing an objection against the cross-border waste transportation from the Czech Republic for the purpose of its elimination according to Article 4(3) of Council Directive (EEC) no. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹.

(6) The ministry will issue a decree setting out the details with regard to the notification, its prerequisites and the documents accompanying the cross-border waste transportation. The ministry may issue a decree designating the types of waste contained in Annex no. II to Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ which are subject to the procedures according to paragraph 2 when transported across the border to and from the Czech Republic due to the protection of the environment.

Section 56

Bans and objections

(1) If the notifying party or the recipient has been convicted of a criminal offence committed in association with the disposal of hazardous waste ⁴¹, the ministry may ban all cross-border waste transportation involving said individuals.

(2) Any appeal against the decision of the ministry concerning objections against the cross-border waste transportation will not have any suspensive effect.

Section 57

The financial guarantee and insurance

(1) According to Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹, the financial guarantee must be deposited or corresponding insurance according to these regulations must be substantiated prior to the commencement of any cross-border waste transportation.

(2) If the ministry has any justified doubts as to whether the provided financial guarantee or the insurance is sufficient in accordance with the legal regulations of the European Community which regulate the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹, the ministry will designate the amount and type of the financial guarantee or will designate the type of insurance and the amount of the insurance cover for this purpose,

Section 58

The responsibility to return waste

(1) If the notifying party is obliged according to Article 25 of Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ to return the waste to the Czech Republic, the ministry will issue a decision imposing a deadline for the fulfilment of this obligation and will designate the place in the Czech Republic where the waste is to be returned to. Any remedial measures against this decision will not have a suspensive effect.

⁴¹ Section 181e, paragraph 2 of Act no. 140/1961 Coll. (the Penal Code), as amended.

(2) If the notifying party is responsible for the unauthorised transportation of waste from the Czech Republic in accordance with Article 26(1) of Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹, the ministry will issue a decision imposing a deadline for the fulfilment of the obligation to return the waste to the Czech Republic and will designate the place in the Czech Republic where the waste is to be returned to. Any remedial measures against this decision will not have a suspensive effect.

(3) If the recipient is responsible for the unauthorised transportation of waste to the Czech Republic in accordance with Article 26(1) of Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹, the ministry will issue a decision imposing a deadline for the fulfilment of the obligation to eliminate or use the transported waste in accordance with this Act. Any remedial measures against this decision will not have a suspensive effect.

(4) If the responsible entities stated in paragraphs 1, 2 and 3 do not fulfil their obligations within the deadlines imposed by the ministry, the ministry will arrange for the fulfilment of said responsibilities. The ministry may use the funds in the financial guarantee or the insurance according to section 57 of this Act to secure the fulfilment of the aforementioned responsibilities. If no financial guarantee has been deposited, no insurance has been concluded or the amount of the financial guarantee or the insurance is insufficient, the ministry will issue a decision stating that the responsible entity is obliged to defray the costs prior to the commencement of the fulfilment of the obligations by the ministry.

(5) No ministerial approval is required for the return of the waste according to paragraphs 1 and 2 according to the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹.

Section 59

Commencing cross-border waste transportation

The notifying party waives its right to appeal against the ministry's approval as of the moment when the ministry receives a copy of the dispatch waybill with the filled in transportation date and the other appropriate data in accordance with the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹ prior to the expiry of the deadline for the lodging of an appeal against the ministry's decision.

Section 60

Cross-border waste transportation to and from states which are not members of the European Union

The Ministry of Finance may issue a decree designating the Customs Authorities appropriate for the cross-border waste transportation to and from states which are not members of the European Union.

Section 61

(Deleted)

Section 62

(deleted)

Section 63

(deleted)

Section 64

(deleted)

Section 65

(deleted)

PART TEN SANCTIONS

TITLE I

FINES IMPOSED ON NATURAL PERSONS AUTHORIZED TO DO BUSINESS AND LEGAL ENTITIES

Section 66

(1) A fee up to CZK 300,000 shall be imposed by the municipal authority within its delegated competence upon a natural person authorized to do business or legal entity which uses the municipality-implemented system for municipal waste management without a written agreement with this municipality or which does not ensure waste recovery or disposal in compliance with this Act.

(2) A fee up to CZK 300,000 shall be imposed by the inspection or the appropriate Municipal Authority of a municipality with expanded jurisdiction on a natural person authorized to do business or legal entity which:

- a) fails to maintain the waste and equipment records to the extent and in the manner set out in Part Six of this Act or fails to fulfil the notification obligations to the designated extent or does not send the information concerning the facilities for the disposal of waste to the appropriate administrative authority within the designated deadline or to the designated extent or fails to archive the records for the set period of time,,
- b) fails to safeguard waste against harmful impairment, misappropriation or leak,
- c) fails to enable control bodies to perform their control activities or does not provide correct and complete information in relation to waste management, or
- d) fails to prepare a hazardous waste identification form or does not provide such sheet to places where hazardous waste is managed.

(3) A fee up to CZK 1,000,000 shall be imposed by the inspection on a natural person authorized to do business or legal entity which:

- a) fails to classify waste by the Waste Catalogue,
- b) transfers waste to a person which is not entitled to assume waste pursuant to this Act,
- c) operates a facility for waste recovery or disposal without a approval issued by the competent administrative authority or in breach thereof or operates a facility for waste recovery or disposal in breach of the approved rules of operation of this facility,
- d) operates a facility for waste collection or purchase without an approval issued by the competent administrative authority or in breach thereof or operates a facility for waste collection or purchase in breach of the approved rules of operation of this facility,
- e) fails to maintain the records of the PCB, the PCB waste and the equipment containing PCB and the associated records at the designated extent,
- f) fails to ensure the take-back of used products that are liable to the used product take-back duty or fails to comply with another obligation in relation to the take-back duty,
- g) fails to appoint a waste manager under conditions stipulated by this Act, or
- h) issues the certificate on the exclusion of any hazardous waste properties for the waste for which it is responsible as the originator or the authorised entity or evaluates the hazardous properties which it has not been commissioned to evaluate,
- i) shall not classify as waste or use as waste any excavated soils, debris, or sediments from river beds and water reservoirs, which do not satisfy the pollution limits for their use in the filling of underground spaces and for the modification of the terrain surface (landscaping) as set out in the implementing statutory instrument.

(4) A fine of up to CZK 10,000,000 shall be imposed by the inspection on a natural person authorized to do business or legal entity which:

- a) classifies waste stipulated under Section 6, par. 1 letters a), b) or c) as other waste or manages such waste as other waste without having a certificate from an authorized person under Section 9 that the waste does not have hazardous properties,
- b) manages waste in facilities in which waste management is forbidden or is not allowed,
- c) dilutes or mixes waste for the purpose of compliance with criteria for its acceptance to landfill or mixes hazardous waste with other hazardous waste or other waste without an approval of the competent administrative authority,
- d) manages hazardous waste without having an approval of the competent administrative authority or in breach thereof,
- e) deposits to a landfill waste which is banned from depositing in landfills by this Act or an executive legal regulation or fails to comply with conditions stipulated by an executive legal regulation when depositing waste in landfill,
- f) fails to comply with the obligations stipulated by this Act for managing selected products or waste or equipment under part four, or
- g) breaches the obligations designated by the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ and this Act with regard to cross-border waste transportation, fails to fulfil the conditions designated by the ministry in the decision concerning the cross-border waste transportation or fails to fulfil the obligations set out in a decision according to section 58..

(5) A fee of up to CZK 1,000,000 shall be imposed by the competent district office or inspection to a natural person authorized to do business or a legal entity in breach of an other obligation stipulated by this Act or an obligation imposed by a decision made based on this Act.

Section 67

- (1) A procedure for fine imposition may be instituted by the latest within one year of the day

when the competent administrative authority learnt of non-compliance with the obligation; however, a fine may be imposed by the latest within three years of the day of breach.

(2) The level of environmental hazard or damage to the environment shall be particularly considered when determining the amount of fine.

(3) If a legal entity or a natural person authorized to do business breaches the same obligation for which a fine has been imposed within one year of the effective day of the decision on imposition of a fine under this Act, the administrative authority will impose an additional fine of up to a double of the upper limit amount.

(4) The period of criminal proceedings conducted under special regulations in respect of the same subject matter, shall not be counted as part of the deadline under par. 1.

Section 68

(1) The administrative office that has instituted the fine imposition procedures shall be responsible for the fine imposition, collection and levying; fines imposed by the inspection are collected by the competent revenue authority. Should a fine imposition procedure have been instituted by the inspection and the district office on the same day, the procedure will be completed by the inspection. The inspection and the district office provide each other information on the institution of a fine imposition procedure. A special legal regulation applies for the payment and levying of the imposed fines.⁴³⁾

(2) Appeals against the inspection's decisions on the imposition of fines shall be decided by the Ministry. Appeals against the district office's decisions shall be decided by a regional authority within its delegated competence. Appeals against the decisions of a municipal authority within its delegated competence shall be decided by the district office.

(3) 50 % of the fines imposed by the inspection constitute the income of the municipality in the cadastre area of which legal regulations were breached. 50 % of the fines constitute an income of the State Environmental Fund.⁴⁴⁾ Any fine imposed on a municipality by the inspection constitutes income for the State Environmental Fund.

(4) Fines imposed by a Municipal Authority with expanded jurisdiction are allocated in the following manner: 50% of the amount of any fine constitutes income for the municipality within whose cadastral territory the breach of responsibility occurs, while the remaining 50% of the amount of the fine constitutes income for the municipality with expanded jurisdiction which imposed the fine. Fines imposed by a Municipal Authority with expanded jurisdiction on a municipality are allocated in the following manner: 50% of the amount of any fine constitutes income for the State Environmental Fund, while the remaining 50% of the amount of the fine constitutes income for the municipality with expanded jurisdiction.

(5) Fines imposed by a municipal authority within its delegated competence constitute income of the municipality in the cadastre area of which obligations were breached.

(6) The respective provisions of the Criminal Code are not affected by the imposition of a fine for the breach of obligations pursuant to this Act.

⁴³⁾ Part six of Act No. 337/1992 Coll. as amended

⁴⁴⁾ Section 2 of Act No. 388/1991 Coll. in the wording of Act 334/1992 Coll.

TITLE II
MISDEMEANOURS
Section 69

The municipal authority within its delegated competence shall impose a fine of up to the amount of CZK 20,000 to a natural person who is not a businessman and commits a misdemeanour by discarding an end-of life vehicle or places the vehicle which has been deleted from the register of vehicles in a manner which is in breach of this Act.

Section 70

(1) Fines imposed by a municipal authority within its delegated competence constitute income of the municipality in the cadastre area of which obligations were breached.

(2) Unless stipulated otherwise by this Act, misdemeanours are regulated by general legal regulations on misdemeanours.⁴⁵⁾

PART ELEVEN
EXECUTING OF PUBLIC ADMINISTRATION IN THE WASTE MANAGEMENT
SECTOR
Section 71

Public Administration Authorities in the Waste Management Sector

Public administration in the waste management sector is executed by:

- a) the Ministry,
- b) the Ministry of Health,
- c) the Ministry of Agriculture,
- d) the Inspection,
- e) customs offices,
- f) public health protection authorities,
- g) regions,
- h) district offices,
- i) the Municipal Authority and the Military Area Authority..

Section 72
The Ministry

(1) The Ministry

- a) is the central public administration authority in the waste management sector,
- b) executes supreme state supervision in the waste management sector except for public health protection in waste management,
- c) executes the function of a Basel Convention focal point,

⁴⁵⁾ Act No. 200/1990 Coll., on misdemeanours, as amended.

- d) performs the function of the appropriate administrative authority and contact subject for the cross-border waste transportation,

⁴⁵⁾ Act No. 200/1990, on Misdemeanours as amended

- e) decides on the imposition of the obligation to return the waste to the Czech Republic, on the obligation to secure the environmentally friendly elimination or use of the waste according to section 58 and on the obligation to pay the costs for the return and environmentally friendly elimination or use of the waste,
- f) authorizes legal entities or natural persons for the assessment of hazardous properties of waste , extends the validity of such authorization and withdraws such authorization under Sections 7 and 8,
- g) approves the content of a training regarding the assessment of hazardous properties of waste ,
- h) in cases when an unambiguous classification pursuant to the Waste Catalogue under Section 5, par. 2, is impracticable, performs waste classification,
- i) keeps and processes summary records of waste types and quantity, methods of waste management, waste management facilities, equipment stipulated under Section 14, par. 2, places of hazardous waste gathering, waste collection locations, storage of waste, the received wrecked automobiles and the methods of their processing, type, volume, and method of processing, use, or removal of electric waste, waste carriers and PCB, PCB waste and equipment containing PCB and subject to registration, approvals and other decisions issued pursuant to this Act and makes these records available to public,
- j) works together with the Ministry of Defence on ensuring that records be kept of waste, waste management facilities, places of hazardous waste gathering, waste collection and storage locations, and locations for the storage of PCB, PCB waste and equipment containing PCB and subject to registration in respect of the above generated within the Ministry of Defence's sector.
- k) draws up the z Waste Management Plan of the Czech Republic within the scope stipulated by this Act and processes changes thereto under compliance with conditions stipulated by this Act,
- l) submits to the government for approval the draft of the binding section of the Waste Management Plan of the Czech Republic and changes thereto,
- m) informs the competent region within its independent competence about comments regarding the draft regional waste management plan and regarding changes thereto,
- n) provides information on the Waste Management Plan of the Czech Republic to the competent European Commission bodies and authorities responsible for international treaties and protocols in the area of waste management accessed by the Czech Republic, within the requested scope and format and with the specified frequency,
- o) appoints Czech Republic's representatives in committees, commissions, professional and task teams and other bodies established based on the provisions of EU legal regulations in the waste management sector or as part of international treaties regulating this area and accessed by the Czech Republic,
- ro) decides on appeals against the decisions of the inspection and the regional authority within their delegated competence,
- p) maintains a List pursuant to Division 8, Part four.

(2) The supreme state supervision in waste management sector consists of supervision of the administrative offices which execute state administration in the waste management sector area compliance with legal regulations valid for this area and supervision of the compliance with the provisions of legal regulations and the decisions of the competent administrative authorities in the waste management area.

The Ministry of Agriculture performs control of compliance with obligations related to the application of sludge from waste water treatment plants treating waste water and sediments from rivers and water reservoirs in agriculture.

Section 74
The Ministry of Health

The Ministry of Health

- a) executes supreme state supervision and manages the execution of the state administration in the public health protection area in respect of waste management,
- b) authorizes legal entities or natural persons for the assessment of hazardous properties of waste, extends the validity of such authorization and withdraws such authorization under Sections 7 and 8.

Section 75
Authorities in Public Health Protection

Authorities in Public Health Protection

- a) constitute the concerned administrative authority in decision making in matters relating to the interests protected under this Act in the area of human health protection,
- b) evaluate and manage health risks, issue expert opinions with respect to waste management, in particular its recovery, treatment and disposal, taking into account the interests of human health protection,
- c) work together with other administrative bodies in the area of human health protection in the waste management,
- d) provide opinions with regard to the rules of operation of facilities for waste recovery, disposal, collection and purchase.

Section 76
The Inspection

(1) The Inspection

- a) controls the compliance by legal entities, natural persons authorized to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative authorities in the waste management sector, as well as the compliance with the specified procedures of the evaluation of hazardous properties of waste,
- b) at least once a year controls how the producer of waste from the titanium dioxide production complies with the provisions of legal regulations and the decisions of the Ministry and other administrative authorities in waste management sector,
- c) under Section 66, par. 2 through 5 imposes fines to legal entities and natural persons authorized to do business for breaching the obligations; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
- d) may suspend the validity of the certificate of elimination of hazardous properties of waste issued by an authorized person or withdraw such certificate under Section 9, par. 3 and 4.
- e) initiates the execution of the supreme state supervision by the Ministry,
- f) initiates the banning of operation of a waste disposal facility by the district office if the operator of such facility fails to comply with legal regulation in the area of waste management and if a serious ecological hazard exists in respect thereof,
- g) checks whether the persons using excavated soils, debris, or sediments from river beds and

water reservoirs, as material for the filling of underground spaces and for the modification of the terrain surface have documents which, according to the implementation statutory regulation certify that the excavated soils, debris, or sediments from river beds and water reservoirs satisfy the pollution limits for their use in the filling of underground spaces and for the modification of the terrain surface (landscaping); may take their samples and check the actual concentration of pollutants whose pollution limits are stipulated by the implementation statutory regulation.

(2) In cross-border waste transportation, the inspection is entitled to perform controls in the location where waste was produced, at the notifier and the consignee and on border crossings. It is also entitled to control documentation under the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹ and under this Act, physically control the waste and take and analyse samples.

(3) The inspection works together with the district offices, public health protection authorities, customs offices, Fire rescue squad, the Czech police and territorial revenue authorities or other administrative authorities, regions and municipalities and provides them professional assistance.

(4) The tasks of the inspection are carried out by inspectors. When performing control activity, the inspectors identify themselves with inspection IDs.

Section 77 **The customs bodies**

(1) The Customs Authorities⁴⁶:

- a) inspect the inland and cross-border waste transportation,
- b) inspect the importation of batteries and accumulators from states which are not member states of the European Union,
- c) submit proposals to the ministry for the exercising of supreme state supervision,
- d) impose the corrective measures in the case of breaches in the responsibilities related to the transportation of waste.

(2) In the case of the importation of batteries or accumulators, the Customs Authorities inspect that the ban set out in section 31, paragraph 5 has not been breached and that the goods have been labelled according to section 31, paragraph 2.

(3) In the case of the inland transportation of hazardous waste, the Customs Authorities inspect that the waste has been equipped with the appropriate documents according to this Act and the statutory instruments and that the waste corresponds to the information set out in said documents.

(4) In the case of the cross-border transportation of waste, the Customs Authorities further inspect,

⁴⁶ Act no. 185/2004 Coll. governing the Customs Administration of the Czech Republic.

- a) that the waste has been equipped with the appropriate documents according to the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹, this Act and the statutory instruments,
- b) that the waste corresponds to the information set out in the accompanying documents according to the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹, this Act and the statutory instruments,
- c) that any transported goods, which have not been equipped with the documents required for the transportation of waste, are not waste,
- d) that the cross-border transportation of waste is not at odds with the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ and this Act.

(5) When undertaking the inspections according to paragraphs 3 and 4, the Customs Authorities are authorised to stop the vehicle, to order that the vehicle be parked at a suitable site, to inspect the documents accompanying the waste and the goods and the documents substantiating the identity of the individual transporting the waste, to undertake a physical inspection of the waste and the goods, to collect and analyse samples and to create photographic documentation.

(6) If the Customs Authorities discover a breach according to the legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ or this Act during the inspection of the transportation of the waste, they are also authorised to undertake an inspection at the site of the generation of the waste at the originator's, the bearer's or the notifying party's facility and at the place of delivery at the end recipient's facility.

(7) If the Customs Authority discovers that the cross-border transportation is unauthorised transport of waste according to Article 26 of Council Directive (EEC) no. 259/93 on the supervision of shipments of waste within, into and out of the European Community and the inspection thereof ³⁹ or that the cross-border transportation of waste has been undertaken in a manner contradictory to the permit, it may order the transportation to be discontinued and the vehicle to be parked at an especially designated site.

(8) If the legal regulations specified in paragraph 7 were breached, the Customs Authority may impose a bond ranging from CZK 10,000 to CZK 50,000..

(9) If the driver, who is always considered the carrier's representative for the purpose of bond collection,⁴⁸) fails to put down the requested bond, the Customs Authorities are entitled to order the driver to drive to the closest, from the point of view of the safety and continuity of road traffic, suitable place for stopping the vehicle, withhold the driver's documents pertaining to the vehicle and to the load, and to prohibit him from carrying on the drive. The costs of the drive of the vehicle to the point of stopping shall be borne by the carrier. The carrier's liability for the vehicle, load, and the persons being transported shall not be prejudiced.

(18) The Customs Authorities may request the specialist assistance of the inspectorate during the inspections undertaken according to the previous paragraphs.

(19) In the case of any doubts as to whether the transported goods are waste, the Customs Authorities will request a decision from the Regional Authority which is locally appropriate to the site of the undertaken inspection.

(20) If the Customs Authority decides not to release the waste into the proposed customs procedure according to paragraph 13, the legal and physical entities are obliged to immediately return the waste back to the state which is not a member state of the European Union. The Customs Authority will immediately inform the ministry of the non-release of the goods into the proposed customs procedure according to paragraph 13.

(21) The Ministry of Finance will provide the ministry with information from its records and information systems about the waste which has been exported from the Czech Republic to the states which are not member states of the European Union or which have been imported into the Czech Republic from these states and about the batteries and accumulators which have been imported into the Czech Republic from states which are not member states of the European Union.

(22) The ministry will provide the General Customs Directorate with the instigation for the realisation of inspections according to the special legal regulations.

(23) Fines imposed by the inspectorate and forfeit bonds shall constitute income of the State Environmental Fund.

Section 78 **Regions**

(1) A region within its independent competence shall

- a) draw up a regional waste management plan for areas within its competence within the scope stipulated by this Act and perform changes thereof,
- b) send a copy of the approved waste management plan to the Ministry, and inform the Ministry about the implementation of the Ministry's comments in the regional waste management plan,
- c) publish the binding part of the regional waste management plan in the form of a binding decree
- d) communicate comments regarding the draft Waste management plan of the Czech Republic.

(2) A regional authority within its delegated competence shall

- a) approve the operation of facilities and the plan for the modification of the landfill; such approval may be subject to conditions,
- b) control the compliance by legal entities, natural persons authorized to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative authorities in the waste management sector,
- c) approve mixing of hazardous waste with other hazardous waste or other waste; such approval may be subject to conditions,
- d) oblige the waste producer by a decision to pay a fee for waste deposition in the landfill in

- cases when the waste producer failed to pay this fee at a specified amount,
- e) stipulate the duration and conditions of care for a landfill site after the termination of its operation, landfill re-cultivation and sanitation under Section 52,
 - f) draw up and keep on an on-going basis records of the issued approvals and other decisions issued pursuant to this Act,
 - g) decide appeals against the district office decisions.
- j) issues approval for the waiver of the classification or the separate collection of waste according to section 16, paragraph 2 for an originator who handles waste in amounts greater than 100 tons of hazardous waste a year. The issuance of the approval may be subject to conditions,”
- k) issues approval for the waiver of the classification or the separate collection of waste according to section 18, paragraph 2. The issuance of the approval may be subject to conditions,
- n) may limit or ban the operation of a facility for the disposal of waste from the titanium dioxide industry, provided the monitoring of the environmental components shows acute toxicity exceeding the threshold limits designated in the statutory instrument or any other worsening of the state of the environment which is just as serious,
- p) keeps, regularly updates and publishes the list of entities authorised to process wrecked automobiles,
- r) issues its comments concerning the originator’s waste management plan proposal.
- s) inspects the payment of the surcharges for the storage of waste at a landfill at the landfill operators’ facilities,
- t) imposes by virtue of a decision an obligation on a landfill operator to pay the collected fee for the depositing of waste in the landfill, provided that it had not paid that fee to the recipient within the time-period specified.

(3) When considering an application for granting approvals under par. 2 letter a) and c), the regional authority within its delegated competence will evaluate, in particular, the compliance with obligations under this Act and the executive legal regulations and the compliance with the binding parts of the regional waste management plan and the Waste Management Plan of the Czech Republic.

(4) The regional authority within its delegated competence will cancel or change its approval, which falls under its jurisdiction according to this Act, if:

- a) the conditions decisive for the approval decision issuance have changed,
- b) the operator of the facility for waste recovery, disposal, collection or purchase is not capable of ensuring environmental protection conditions stipulated in legal regulations or the landfill operator has not created the financial reserve according to sections 49 to 51 and remedy is not achieved within a stipulated deadline, or
- c) the legal entity or natural person authorized to do business who had received the approval, repeatedly breaches conditions stipulated by this Act or repeatedly fails to meet conditions underlying the approval.

(5) Regional authority within its delegated competence may repeal its decision on granting approval, which falls under its jurisdiction according to this Act, , if a new waste manager is not appointed within 30 days of the termination of waste manager's activity and the appointment is not communicated to the regional authority within its delegated competence, or if the appointed waste manager fails to comply with the professional qualification conditions.

(6) Unless stipulated otherwise by this Act or a special legal regulation, the regional authority within its delegated competence in whose district the facility affected by the decision is located or the activity affected by the decision is operated, shall have the territorial competence for decisions under par. 2.

(7) Employees of the competent regional authority may perform activities stipulated under par. 2 through 5 after having proven their professional qualification.⁴⁸⁾

Section 79 **District Offices**

(1) A district office

- a) decides in case of doubt whether a movable thing classified under some of the waste categories stipulated in Annex 1 of this Act is considered as waste, based on a proposal by the owner of such movable thing or an administrative office carrying out the procedure in which such question arose or being in need of a decision regarding this issue for its further activity,
- b) files with the Ministry a proposal for waste classification by the Waste Catalogue under Section 5, par. 2,
- c) issues approval for the waiver of the classification or the separate collection of waste according to section 16, paragraph 2, provided this does not involve a case according to section 78, paragraph 2, letter j). The issuance of the approval may be subject to conditions.
- d) approves hazardous waste management; such approval may be subject to conditions,
- e) approves abstaining from sorting or separated gathering and collection of waste; such approval may be subject to conditions,
- f) approves the use of funds in a special purpose-tied account and the financial reserve under section 50, par. 2 and Section 51 par. 1; such approval may be subject to conditions,
- g) keeps and processes records of waste, the methods of waste management, wrecked automobiles and the method of their processing, type, volume, and manner of the processing, use, or removal of electric waste, waste management facilities, equipment stipulated under Section 14, par. 2, places of hazardous waste gathering, waste collection locations, storages of waste, its approvals and other decisions issued pursuant to this Act and if requested, provides information to applicants on the location of facilities appropriate for the disposal or recovery of waste produced by them,
- h) controls the compliance by legal entities, natural persons authorized to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative bodies in the waste management sector, as well as the compliance with the specified procedures of the evaluation of hazardous properties of waste by authorized persons,
- i) in case of endangering human health or environment or if human health or environment has already been damaged, it may ensure the human health and environmental protection at the expense of the responsible person,
- i) imposes the obligation to dispose a waste upon the operator of the facility for waste disposal in exceptional cases, if necessary for the sake of environmental protection and if technically practicable by the operator. Expenses incurred in connection with this decision shall be born by the district office issuing the decision; the person responsible for the waste pursuant to this Act shall be obliged to reimburse to the district office the costs incurred,

⁴⁸⁾ Section 72 of Act No. 129/2000 Coll.

- j) imposes fines to legal entities and natural persons authorized to do business for breaching the obligations under Section 66, par. 2 and 5; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
- k) may ban the waste producer from performing waste-producing activity provided the waste recovery or disposal is not ensured and if the waste produced through continued operation of such activity may damage the environment,
- l) may ban the operation of a facility for waste disposal if the operator of such facility fails to comply with legal regulations in the area of waste management and if a serious ecological hazard exists in respect thereof,

⁴⁸⁾ Section 72 of Act No. 72/129 Coll.

- m) may suspend the validity of the certificate of elimination of hazardous properties of waste issued by an authorized person or withdraw such certificate under Section 9, par. 3 and 4.
- n) decides appeals against the decisions of a municipal authority within its delegated competence.

(2) The Municipal Authority of the municipality with expanded jurisdiction will cancel the decision concerning the issuance of approval which falls under its jurisdiction according to paragraph 1, letter b), if the entity for which the approval has been issued repeatedly breaches the responsibilities set out in this Act or repeatedly fails to fulfil the conditions to which the approval is subject.

(3) When considering applications for granting approvals under par. 1 letters c), d) and e), the district office will evaluate, in particular, the compliance with obligations under this Act and the executive legal regulations and the compliance with the binding parts of the regional waste management plan and the Waste Management Plan of the Czech Republic .

(4) The district office will cancel an approval issued to a legal entity or natural person authorized to do business if the legal entity or natural person authorized to do business repeatedly breaches obligations stipulated by this Act or repeatedly fails to meet conditions underlying the approval.

(5) Unless stipulated otherwise by this Act or a special legal regulation, the district office in whose district the activity affected by the decision is operated or the object affected by the decision is located, shall have the territorial competence for decisions under par. 1.

(6) District office will issue opinions , in particular, in the following matters:

- a) business activities in the area of waste management for the needs of the Trades Licensing Office,
- b) establishing a facility for waste disposal,
- c) zoning and construction procedures in the area of waste management,
- d) planned changes of production processes or production that will affect waste management,
- e) implementation or expansion of titanium dioxide production.

(7) Opinions under Section 4 shall include the evaluation of the application from the perspective of its compliance with obligations pursuant to this Act and the executive legal regulations. An opinion does not substitute approvals issued pursuant to this Act.

(8) Opinions under Section 4 letters b) through e) shall be issued by the district office in the

territorial scope of which the facility for waste management is located. Opinions under Section 5 letter a) shall be issued by the district office appropriate to the seat of the legal entity or residence of the natural person authorized to do business.

() District office employees may perform activities stipulated under par. 1 through 4 after having proven their professional qualification⁴⁹⁾.

Section 80 **Municipalities and the Military Area Authority**

(1) A municipal authority within its delegated competence and the Military Area Authority

a) controls whether legal entities and natural persons authorized to do business utilise the municipality-implemented municipal waste management system only based on a written contract with the municipality and whether natural persons not engaged in business discard their waste in compliance with this Act,

⁴⁹⁾ Section 20 of Act No. 147/2000 Coll., on district offices.

b) imposes fines to legal entities and natural persons authorized to do business for breaching obligations under Section 66, par. 1; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,

c) imposes fines to natural persons for misdemeanours stipulated under Section 69; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,

d) controls whether legal entities and natural persons authorized to do business have ensured waste recovery or disposal in compliance with this Act,

e) inspects the payment of the surcharges for the storage of waste at a landfill at the landfill operators' facilities.

(2) The public administration activities to the extent of section 78, paragraph 2, letters a) to f), section 78, paragraphs 3, 4, 5 and 6, section 79, paragraph 1, letters a) to e), g) to i) and k) to n), section 79, paragraphs 2 to 7 and section 80, paragraph 1 for the purposes of securing the defence of the state and the training of the armed forces within the territory of a military area⁴⁹⁾ are undertaken by the Military Area Authority. The provisions of sections 17 and 17a do not apply to the military area and its inhabitants.

⁴⁹⁾ Act no. 222/1999 Coll. governing the securing of the defence of the Czech Republic as amended by Act no. 320/2002 Coll.”

Section 81 **Rights and Obligations of Inspectors and Delegated Employees of the Ministry and Other Administrative Authorities**

(1) During the performance of their control activity, the inspectors and delegated employees of the Ministry and other administrative authorities and employees of regions and municipalities which

are part of regional and district offices executing competence in the waste management sector, are entitled to the following:

- a) to enter in a necessarily required scope another person's property or facilities used for business or operation of another economic activity, unless a permit is required under special regulations. Objects important for state defense⁵⁰⁾ may only be entered with the consent of a state authority or the manager of a state's organisational branch or duly authorized persons within the competence of which the object important for the defence of the state is located. The state shall be responsible for any damage incurred during the execution of this control activity; this responsibility cannot be relieved,
- b) to request necessary documents, information and explanation in writing or orally regarding the subject of control,
- c) to take samples and pictures.

(2) During the performance of their control activity, the inspectors and delegated employees of the Ministry and other administrative authorities and employees of regions and municipalities, which are part of regional and district offices executing competence in the waste management sector, are obliged:

- a) to prove their identity with an ID,
- b) to keep confidential any and all facts constituting business and service secret that came to their attention in connection with the performance of their control activity,
- c) before entering third party's objects, to inform the operator,
- d) to honour the operational, safety and other regulations regulating the operator's activity,
- e) to prepare a protocol of the control performed,
- f) to preserve the property of the controlled subject.

(3) Upon invitation by customs authorities and accompanied by such authorities, the inspectors may enter places in which they perform control, and perform their professional control activity aimed at the fulfilment of obligations in the area of cross-border waste transportation pursuant to legal regulations of the European Community regulating the supervision of shipments of waste within, into and out of the European Community and the inspection thereof³⁹⁾, this Act, and legal regulations issued for its execution.

PART TWELVE JOINT AND INTERIM PROVISIONS

Section 82 Joint Provision

Unless this Act stipulates otherwise, the procedures under this Act shall be governed by the Rules of Administration¹³⁾.

Section 83 Interim Provisions

(1) The validity of the existing decisions issued under Section 5 par. 2 and 5, Section 6 par. 1, letter f) and par. 2, Section 7 par. 1, Section 11 par. 3 and 4, Section 15 par. 1 and Section 34 par. 1 of Act No. 125/1997 Coll., the Waste Act, as amended, shall be limited for a period of two years after the effective date of this Act.

⁵⁰⁾ Section 29 par. 3 of Act No. 222/1999 Coll., on ensuring the Czech Republic's defense

(2) A certificate on waste properties issued under the existing legal regulations shall be considered as a certificate of elimination of hazardous properties of waste issued under this Act.

(3) Persons who as of the effective date of this Act operate a facility for waste disposal or recovery for the operation of which an approval by the competent state administration authority was not required under act No. 125/1997 Coll., on waste, as amended, may continue to operate such facilities after the expiration of one year after the effective date of this Act only subject to an approval to operate a facility pursuant to this Act.

(4) Persons performing waste collection or purchase as of the effective date of this Act who intend to continue this activity, shall be obliged to acquire an approval to operate a facility for waste collection or purchase under this Act, by the latest within one year of the effective date of this Act.

(5) The obligation to appoint a waste manager under Section 15 of this Act shall also apply to the waste producers and licensed persons who managed hazardous waste in excess of 100 tons per year during the last two years, irrespective whether fully or partially before the effective date of this Act. Waste producers and licensed persons who in the last two years before the effective date of this Act managed hazardous waste in a quantity exceeding 100 tons of hazardous waste per year, are obliged to appoint a waste manager within three months of the effective date of this Act.

(6) Reporting the type, quantity and methods of waste management for the year 2001 shall proceed in compliance with the existing legal regulations.

(7) The financial reserve for re-cultivation, ensuring due care for the landfill and sanitation after the termination of the landfill's operation created by the landfill operator pursuant to the existing legal regulations shall be considered as a financial reserve created pursuant to this Act. A purpose-tied account established for the purpose of depositing financial reserve funds and created by a landfill operator pursuant to Section 32 of Act No. 125/1997 Coll., on waste, as amended, shall be considered as a special purpose-tied account created pursuant to this Act.

(8) Fine imposition procedures instituted before the effective date of this Act shall be completed pursuant to the existing legal regulations. Other instituted procedures shall be completed pursuant to this Act.

(9) The Ministry will submit to the government for approval the draft of the Waste management plan of the Czech Republic within one year of the effective date of this Act.

(10) Management of packaging and packaging waste shall be regulated by the existing legal regulations, including Section 18, 19, Section 39, par. 1 letters g), h), l) and m) and Section 39 par. 3 letter i) of Act No. 125/1997 Coll. on waste, as amended, until the new legislation regarding management of packaging and packaging waste becomes effective.

(11) Procedures regarding an obligation to pay a fee in relation to municipal waste that arose before the effective date of this Act shall be completed pursuant to the existing legal regulations. A municipal waste-related fee shall be paid (assessed) in a proportional amount relating to the period until 31 December 2001. If the municipal waste-related fee was paid before the effective date of this Act covering a period after the effective date of this Act, the amount in excess of the proportional amount relating to the period until 31 December 2001 shall be considered as an advance payment on the outstanding fee obligation for the respective local fee. If this procedure is impracticable, this part of the fee shall be considered as an overpayment.

(12) The provisions of this Act govern also the legal relations established prior to its effective date, if they concern the gathering, collection, transport, sorting, recovery, and disposal of municipal waste from natural persons; the establishment of these legal relations and rights arising therefrom shall be construed according to existing legal regulations.

PART THIRTEEN CHANGE TO ACT ON LOCAL FEES

Section 84

Act No. 565/1990 Coll., on local fees in the wording of Act No. 184/1991 Coll., Act No. 338/1992 Coll., Act No. 48/1994 Coll., Act No. 305/1997 Coll. and Act No. 149/1998 Coll., shall be amended as follows:

1. The full point at the end of letter g) in Section 1 shall be replaced by a comma and a new letter h) shall be added as follows:

"h) fee for the operation of a system of gathering, collection, transport, sorting, recovery and disposal of municipal waste."

2. A new Section 10b shall be inserted after Section 10a as follows:

"Section10b

(1) Fee for the operation of a system of gathering, collection, transport, sorting, recovery and disposal of municipal waste shall be paid by:

- a) a natural person with permanent residence in the municipality; a joint representative may pay the fee for a household, the owner or manager may pay the fee for a family or apartment house; these persons are obliged to inform the municipality about the names and dates of birth of persons in respect of which the fee is paid,
- b) a natural person who is the owner of a building designed or used for individual recreation in which no natural person has a permanent residence; if the ownership rights to such building are shared by more persons, the joint owners are responsible jointly and severally in the proportionate amount per one natural person.

(2) The fee is payable to the municipality in the territory of which the natural person has a permanent residence or where the building designed or used for individual recreation is located.

(3) The fee comprises:

- a) an amount of up to CZK 250 per person specified under par. 1 and calendar year, and
- b) an amount stipulated based on the actual costs incurred by the municipality in the previous year for the collection and transport of unsorted municipal waste, up to CZK 250 per person stipulated under par. 1 and calendar year; in a generally binding decree the municipality will stipulate the break down of costs incurred for the collection and transport of unsorted municipal waste per person.

(4) In case of a permanent residence change or change in ownership of the building designed or used for individual recreation during the calendar year, the fee will be payable in a proportionate amount according to the number of calendar months of permanent residence or building ownership in

the respective calendar month. If a change occurs in a calendar month, the balance at the end of this month shall be decisive for the stipulation of the number of months."

PART FOURTEEN
AMENDMENTS TO ACT AMENDING ACT NO. 157/1998 COLL., ON CHEMICAL
SUBSTANCES AND CHEMICAL PREPARATIONS AND AMENDMENT TO SOME
OTHER ACTS AND SOME OTHER ACTS

Section 85

Act No. 352/1999 Coll., amending act No. 157/1998 Coll., on chemical substances and chemical preparations and amendment to some other acts and some other acts, shall be amended as follows:

1. The text "and 12" in part 1, point 2, Section 1, par. 5 shall be deleted.

2. Part three shall be deleted.

PART FIFTEEN
AMENDMENT TO ACT NO. 167/1998 COLL. ON HABITUAL SUBSTANCES AND
AMENDMENT TO SOME OTHER ACTS, AS AMENDED

Section 86

Part six of Act No. 167/1998 Coll., on habitual substances and amendment to some other acts, in the wording of Act No. 354/1999 Coll., Act No. 117/2000 Coll. and Act No. 132/2000 Coll., shall be cancelled.

PART SIXTEEN
AMENDMENT TO ACT NO. 130/1974 COLL., ON STATE ADMINISTRATION IN
THE WATER MANAGEMENT SECTOR, AS AMENDED

Section 87

The last sentence in Section 24i of Act No. 130/1974 Coll. on state administration in the water management sector in the wording of Act No. 425/1990 Coll., Act No. 23/1992 Coll., Act No. 114/1995 Coll., Act No. 238/1999 Coll., Act No. 132/2000 Coll. and Act No. 240/2000 Coll., shall be cancelled.

PART SEVENTEEN
REPEALING PROVISIONS

Section 88

The following is hereby repealed:

1. Act No. 125/1997 Coll., on waste, as amended.
2. Act No. 37/2000 Coll. amending Act No. 125/1997 Coll., on waste, in the wording of Act No. 167/1998 Coll.

**PART EIGHTEEN
EFFECTIVE DATE**

Section 89

This Act becomes effective on 1 January 2002, except for Section 31 par. 5 and Section 38 par. 3,4,5,6,7,8 and 9, which become effective on 1 January 2003 and part sixteen, which becomes effective on the day of publication.

Klaus by own hand

Havel by own hand

Zeman by own hand

CATEGORIES OF WASTE

Code	Waste category
Q1	Production and consumption residues not otherwise specified below
Q2	Off-specification products
Q3	Products whose date for appropriate use has expired
Q4	Products spilled, lost or having undergone other mishap including any materials, equipment parts, etc. which were contaminated as a result of a mishap
Q5	Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packaging materials, containers, etc.)
Q6	Unusable parts (e.g. reject batteries, catalysts, etc.)
Q7	Substances, which no longer perform satisfactorily (e.g. contaminated acids, solvents, tempering salts, etc.)
Q8	Residues of industrial processes (e.g. slags, still bottoms, etc.)
Q9	Residues from pollution abatement processes (e.g. scrubber sledges, backhouse dusts, spent filters, etc.)
Q10	Machining/ finishing residues (e.g. lathe turnings, mill scales, etc.)
Q11	Residues from raw materials transport and processing (e.g. from mining, oil transport, etc.)
Q12	Adulterated materials (e.g. PCB-contaminated oils, etc.)
Q13	Any materials, substances or products whose use has been banned by law
Q14	Products for which the holder has no further use (e.g. agricultural, household, office, commercial and workshop discards, etc.)
Q15	Contaminated materials, substances or products resulting from remedial action with respect to land
Q16	Any materials, substances or products which are not contained in the above categories

LIST OF HAZARDOUS PROPERTIES OF WASTES

Code	Hazardous property of waste
H1	Explosiveness
H2	Oxidative ability
H3-A	High inflammability
H3-B	Inflammability
H4	Irritability
H5	Harmfulness to human health
H6	Toxicity
H7	Carcinogenicity
H8	Corrosiveness
H9	Infectiousity
H10	Teratogenity
H11	Mutagenity
H12	Ability to release very toxic or toxic gases in contact with water, air, or acids
H13	Ability to release hazardous substances in the environment during or after disposal
H14	Ecotoxicity

WASTE RECOVERY OPERATIONS

Code	Waste recovery operation
R1	Waste recovery in a manner similar to fuel use or in another manner for energy generation
R2	Solvent acquisition/regeneration
R3	Acquisition/regeneration of organic substances not used as solvents (including composting and other biological processes)
R4	Recycling/reclamation of metals and metal compounds
R5	Recycling/reclamation of other inorganic materials
R6	Regeneration of acids or bases
R7	Regeneration of substances used for pollution abatement
R8	Generating catalyst components
R9	Oil re-finishing or other re-uses of oil
R10	Application into land that is beneficial for the agriculture or improves environment
R11	Use of wastes obtained through the application of one of the procedures stipulated under R1 through R10
R12	Pre-treatment of waste for the application of one of the procedures stipulated under R1 through R11
R13	Storage of materials prior to the application of one of the procedures stipulated under R1 through R12, (except for temporary storage in the location where the waste was produce prior to its collection)

WASTE DISPOSAL OPERATIONS

Code	Waste disposal operation
D1	Depositing on or below the terrain surface (e.g. depositing in dump, etc.)
D2	Land treatment (e.g. biological degradation of liquid or sludge discards in soils, etc.)
D3	Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4	Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
D5	Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D6	Release into a water body, except seas/oceans
D7	Release into seas/oceans including seabed insertion
D8	Biological treatment not specified elsewhere in this Annex, which results in final compounds or mixtures that are disposed of by means of the procedures specified under D1 through D12
D9	Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures that are disposed of by means of the procedures specified under D1 through D12 (e.g. evaporation, drying, calcination)
D10	Incineration on land
D11	Incineration at sea
D12	Ultimate or permanent storage (e.g. emplacement of containers in a mine)
D13	Composition amendment or mixture prior to waste disposal using one of the procedures specified under D1 through D12
D14	Treatment of other waste attributes (except for treatment under D13) prior to their disposal using one of the procedures specified under D1 through D13
D15	Waste storage prior to its disposal through the application of one of the procedures stipulated under D1 through D14, (except for a temporary storage in the location where the waste was produced prior to the collection of a sufficient quantity)

LIST OF COMPONENTS RENDERING WASTE HAZARDOUS PURSUANT TO THIS ACT

Code	Component rendering waste hazardous pursuant to this Act
C1	beryllium; beryllium compounds
C2	vanadium compounds
C3	hexavalent chromium compounds (VI)
C4	cobalt compounds
C5	nickel compounds
C6	copper compounds
C7	zinc compounds
C8	arsenic; arsenic compounds
C9	selenium; selenium compounds
C10	silver compounds
C11	cadmium; cadmium compounds
C12	tin compounds
C13	antimony; antimony compounds
C14	tellurium; tellurium compounds
C15	barium compounds, except for barium sulphate
C16	mercury; mercury compounds
C17	thallium; thallium compounds
C18	lead; lead compounds
C19	inorganic sulphides
C20	inorganic fluorine compounds, except for calcium fluoride
C21	inorganic cyanides
C22	the following alkaline metals and alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form
C23	acidic solutions or acids in solid form
C24	basic solutions or bases in solid form
C25	asbestos (dust and fibres)
C26	phosphorus; phosphorus compounds, except for mineral phosphates
C27	metal carbonyls
C28	Peroxides
C29	Chlorates
C30	Perchlorates
C31	Azides
C32	PCBs and/or PCTs
C33	pharmaceutical or veterinary preparations
C34	biocides and phyto-pharmaceutical preparations (e.g. pesticides, etc.)
C35	infectious substances
C36	Creosotes
C37	isocyanates; thiocyanates
C38	organic cyanides (e.g. nitriles, etc.)
C39	phenols; phenol compounds
C40	halogenated solvents
C41	organic solvents, except for halogenated solvents

C42	organohalogen compounds, except for inert polymerized materials and other substances included in this Annex
C43	aromatic compounds; polycyclic and heterocyclic organic compounds
C44	aliphatic amines
C45	aromatic amines
C46	Ethers
C47	substances of explosive nature, except for substances included elsewhere in this Annex
C48	organic sulphur compounds
C49	any polychlorinated dibenzo-furan congener
C50	any polychlorinated dibenzo-p-dioxine congener
C51	hydrocarbons and their compounds with oxygen, nitrogen and/or sulphur, unless specified elsewhere in this Annex

Annex No. 6 to Act No. 185/2001 Coll.

**Basic Fee Rate for Depositing Waste in Landfill
CZK/ton
(Calendar Year)**

Waste category	2002 through 2004	2005 through 2006	2007 through 2008	2009 and on
Hazardous	1100	1200	1400	1700
Municipal and other	200	300	400	500

**Risk Fee Rate for Depositing Hazardous Waste
CZK/ton
(Calendar Year)**

Waste category	2002 through 2004	2005 through 2006	2007 through 2008	2009 and on
Hazardous	2000	2500	3300	4500

Annex no. 7 to Act no. 185/2001 Coll.

Groups of Electrical Equipment

1. Large household appliances
2. Small household appliances
3. Information technology equipment and telecommunication equipment
4. Consumer equipment
5. Lighting equipment
6. Electric and electronic tools (with the exception of large stationary industrial tools)
7. Toys, leisure-time equipment and sports equipment
8. Medical device (with the exception of all implanted and infected products)
9. Device for monitoring and control
10. Vending machines