

**THE PRIME MINISTER**

**promulgates**

**full wording of Act No. 185/2001 Coll., on waste and amending some other laws,  
as follows from amendments introduced by Act No. 477/2001 Coll., Act No. 76/2002 Coll.,  
Act No. 275/2002 Coll., Act No. 320/2002 Coll., Act No. 167/2004 Coll.,  
Act No. 188/2002 Coll., Act No. 317/2004 Coll. and Act No. 7/2005 Coll.**

**ACT**

**on waste**

The Parliament has passed the following Act of the Czech Republic:

**PART ONE**

**BASIC PROVISIONS**

**Section 1**

**Subject of the Act**

In accordance with the law of the European Communities<sup>1)</sup>, this Act stipulates

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<sup>1)</sup> Council Directive of 15 July 1975 on waste (75/442/EEC).  
Council Directive of 18 March 1991 amending Directive 75/442/EEC on waste (91/156/EEC).  
Council Directive of 16 July 1975 on the disposal of waste oils (75/439/EEC).  
Council Directive of 22 November 1986 amending Directive 75/439/EEC on the disposal of waste oils (87/101/EEC).  
Council Directive of 20 February 1978 on waste from the titanium dioxide industry (78/176/EEC).  
Art. 11 of Council Directive of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (80/68/EEC).  
Council Directive of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (86/278/EEC).  
Council Directive of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (87/217/EEC).  
Council Directive of 18 March 1991 on batteries and accumulators containing certain dangerous substances (91/157/EEC).  
Commission Directive 98/101/EEC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances.  
Council Directive of 12 December 1991 on hazardous waste (91/689/EEC ).  
Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (91/692/EEC).  
Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT).  
Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.  
Council Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles.

- a) the rules for the prevention of waste production and for waste management in compliance with protection of the environment and human health, and sustainable development,<sup>1a)</sup>
- b) the rights and duties of persons in the waste management sector, and
- c) the competence of public administrative bodies.

## Section 2 Scope of the Act

(1) The Act applies to the management of all wastes, except for:

- a) waste water,<sup>2)</sup>
- b) waste generated from mining activities and activities performed by mining methods, deposited in tips, waste dumps and sludge beds,<sup>3)</sup>
- c) waste from precious metals,<sup>4)</sup>
- d) radioactive waste,<sup>5)</sup>
- e) dead human bodies including dead-born and aborted babies, parts of bodies including amputated limbs and organs, and remains,<sup>6)</sup>
- f) confiscated materials of animal origin,<sup>7)</sup>
- g) uncaptured air-polluting emissions,<sup>8)</sup>
- h) waste from explosive agents, explosives and ammunition,<sup>9)</sup>
- i) excavated soil and gangue, including sediments from river courses and water reservoirs complying with the pollution limits for their use within the agricultural land fund, for filling underground areas and land surface modifications (terrain modifications), stipulated by an implementing regulation.

(2) Unless stipulated otherwise by a special legal regulation, this Act also applies to depositing of wastes not generated in mining activities in underground spaces and in sludge beds<sup>3)</sup>, and management of unusable dependency-producing substances, preparations and precursors and unusable pharmaceuticals.<sup>10)</sup>

(3) The Ministry of the Environment and the Ministry of Agriculture shall stipulate in a decree the details of management and the limit values for concentration of harmful substances in excavated soil and excavated gangue, including sediments from river courses and water reservoirs that are not subject to the Act on Waste.

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<sup>1a)</sup> Act No. 17/1992 Coll., on the environment, as amended.

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

<sup>3)</sup> Act No. 44/1988 Coll., on the protection and utilization of mineral resources (the Mining Act), as amended.

<sup>4)</sup> Act No. 539/1992 Coll., on hallmarking and precious metals testing (the Hallmarking Act), as amended by Act No. 19/1993 Coll.

<sup>5)</sup> Act No. 18/1997 Coll., on peaceful use of nuclear energy and ionizing radiation (the Atomic Act) and amending and supplementing some Acts, as amended.

<sup>6)</sup> Act No. 20/1966 Coll., on care for the health of the population, as amended.

Act No. 256/2001 Coll., on funeral service on amendment to some laws, as amended.

Act No. 285/2002 Coll., on donation, withdrawal and transplantation of tissues and organs and on amendment to certain laws.

<sup>7)</sup> Act No. 166/1999 Coll., on veterinary care and amending some related laws (the Veterinary Act), as amended.

<sup>8)</sup> Act No. 309/1991 Coll., on protection of the air and amending some other laws (the Clean Air Act), as amended.  
Act No. 389/1991 Coll., on state administration in air protection and fees for pollution thereof, as amended.

<sup>9)</sup> Act No. 61/1998 Coll., on mining activities, explosives and the state mining administration, as amended.

<sup>10)</sup> Act No. 167/1998 Coll., on dependency producing substances and on amendment to some other laws, as amended.  
Act No. 79/1997 Coll., on pharmaceuticals and amending and supplementing some related laws, as amended.

### Section 3 Definition of Waste

(1) Waste shall be every movable thing that a person discards or intends to discard or is obliged to discard and that is assigned to any of the waste categories stipulated in Annex No. 1 to this Act.

(2) Waste is discarded whenever a person submits a movable thing classified in any of the waste categories stipulated in Annex No. 1 to this Act for recovery or disposal in the sense of this Act or if (s)he submits it to a person licensed to collect or purchase waste under this Act irrespective of whether the transfer is effected without consideration or for consideration. Waste is also discarded when a movable thing classified in any of the waste categories set forth in Annex No. 1 to this Act is disposed of by the relevant person him(her)self.

(3) Unless the owner demonstrates otherwise in a procedure to remove doubt pursuant to Section 78 (2) (h), the intention shall be presumed to discard a movable thing classified in any of the waste categories stipulated in Annex No. 1 to this Act

- a) that is generated by legal persons or natural persons authorized to operate a business as a by-product in the production 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 ceased.

(4) A person shall be obliged to discard a movable thing classified in any of the waste categories stipulated in Annex No. 1 to this Act if (s)he does not use the thing for its original purpose and the thing endangers the environment or has been removed from use pursuant to a special legal regulation.<sup>11)</sup>

### Section 4 Other Basic Terms

For the purposes of this Act:

- a) hazardous waste means waste included in the List of Hazardous Waste stipulated in an implementing regulation and any other waste exhibiting one or more of the hazardous properties set forth in Annex No. 2 to this Act,
- b) municipal waste means all waste generated in the territory of a municipality in connection with activities of natural persons that is referred to as municipal waste in an implementing regulation<sup>11a)</sup>, with the exception of waste generated by legal persons or natural persons authorized to operate a business,
- c) waste management sector includes activities aimed at waste prevention, waste management and follow-up care for sites where waste is permanently deposited, and control of these activities,
- d) waste management means the accumulation, concentration, collection, purchase, separation, shipment and transport, storage, treatment, recovery and disposal of waste,
- e) facility means technological equipment, a site, structure or part of a structure,
- f) accumulation of waste means short-term concentration of waste in waste-accumulation equipment at the place of its generation prior to further management of the waste,

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<sup>11)</sup> E.g. Act No. 258/2000 Coll., Act No. 634/1992 Coll., on the protection of consumers, as amended.

<sup>11a)</sup> Decree of the Ministry of the Environment No. 381/2001 Coll., laying down the Catalogue of Waste, List of Hazardous Waste and List of Waste for the purposes of export, import and transit of wastes and the procedure in granting consent to the export, import and transit of wastes (Catalogue of Waste).

- g) waste storage means temporary storage of concentrated waste (accumulated, collected, purchased) in a facility designed for such purpose and retaining waste in that facility,
- h) waste landfill means a technological facility designed for disposal of waste by means of its permanent and controlled deposit onto or into land,
- i) waste collection means the concentration of waste by a legal person or natural person authorized to operate a business from other entities for the purpose of its submission for further recovery or disposal,
- j) purchase of waste means the collection of waste in case where the waste is purchased for an agreed price by a legal person or a natural person authorized to operate a business,
- k) waste treatment means every activity resulting in a change in the chemical, biological or physical properties of waste (including separation) for the purpose of enabling or facilitating the transport, recovery or disposal thereof, or for the purpose of reducing the volume thereof, or reducing the hazardous properties thereof, if appropriate,
- l) waste recovery means activities set forth in Annex No. 3 to this Act,
- m) material recovery of waste means the replacement of primary raw materials by substances obtained from waste which may be considered to be secondary raw materials, or utilization of the material properties of the waste for their original purpose or other purposes, except for immediate obtaining of energy,
- n) energy recovery of waste means the use of waste primarily in a manner similar to fuels<sup>8)</sup> for the purpose of obtaining their energy content or in some other manner for energy production,
- o) waste disposal means activities set forth in Annex No. 4 to this Act,
- p) waste generator means a legal person in whose activities waste is generated or a natural person authorized to operate a business in whose business activities waste is generated. A municipality shall be considered to be the waste generator in relation to municipal waste that is generated in the territory of a municipality and that originates in the activities of natural persons who are not subject to the duties of a waste generator. A municipality becomes the municipal waste generator when a natural person discards waste at the place designated therefor; the municipality simultaneously becomes the owner of such waste,
- r) licensed person means every person licensed to manage waste pursuant to this Act or pursuant to special legal regulations,<sup>12)</sup>
- s) putting a product into circulation means submission of a product to some other person, for consideration or without consideration, for the purpose of its distribution or use. Import of a product shall also be considered to be putting into circulation.

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<sup>12)</sup> E.g. Act No. 455/1991 Coll., on business in trade (the Trade Act), as amended, Act No. 513/1991 Coll., the Commercial Code, as amended, Act No. 138/1973 Coll., as amended, and Act No. 309/1991 Coll., as amended.

## **PART TWO**

### **CLASSIFICATION OF WASTE AND EVALUATION OF HAZARDOUS PROPERTIES OF WASTE**

#### **TITLE I**

#### **CLASSIFICATION OF WASTE**

##### **Section 5**

##### **Classification of Waste Pursuant to the Catalogue of Waste**

(1) For the purposes of waste management, the waste generator and the licensed person shall be obliged to classify waste pursuant to the Catalogue of Waste issued by the Ministry of the Environment (hereinafter the “Ministry”) in an implementing regulation.

(2) In cases where waste cannot be unambiguously classified pursuant to the Catalogue of Waste, the waste shall be classified by the Ministry on the basis of a proposal by the competent municipal authority of a municipality with extended competence. The Code of Administrative Procedure shall not apply to this procedure.<sup>13)</sup>

(3) The Ministry shall stipulate in a decree

- a) the Catalogue of Waste,
- b) the procedure for classification of waste pursuant to the Catalogue of Waste, and
- c) the requisites of a proposal by the municipal authority of a municipality with extended competence for classification of waste pursuant to the Catalogue of Waste.

##### **Section 6**

##### **Classification of Waste in Categories**

(1) For the purpose of waste management, a waste generator and a licensed person shall be obliged to classify waste in the hazardous waste category if it is

- a) included in the List of Hazardous Waste stipulated in an implementing regulation, or
- b) mixed with or contaminated by any of the components referred to in the List of Components Rendering Waste Hazardous, as set forth in Annex No. 6 to this Act, or
- c) mixed with or contaminated by any of the wastes included in the List of Hazardous Waste stipulated in an implementing regulation.

(2) If waste has one or more hazardous properties set forth in Annex No. 2 to this Act, the waste generator and the licensed person who manages the waste shall be obliged to classify such waste as hazardous and manage it as hazardous waste, even if it does not meet the conditions set forth in paragraph 1 above.

(3) Mixed municipal waste shall not be classified in the hazardous waste category and the waste generator and the licensed person shall not be obliged to manage the waste as hazardous even if it meets conditions set forth in paragraph 1 or 2 above.

(4) If the waste generator or the licensed person demonstrates through a certificate of absence of hazardous properties of waste that the waste referred to in paragraph 1 (b) or (c) above does not

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<sup>13)</sup> Act No. 71/1967 Coll., on administrative proceedings (the Code of Administrative Procedure), as amended.

have any of the hazardous properties, then (s)he shall not be obliged to comply with the regime stipulated for hazardous waste; however, (s)he shall be obliged to verify from time to time that the waste does not have such hazardous properties. The authorized person shall stipulate the manner and frequency of verification in the certificate of absence of hazardous properties of waste.

(5) The Ministry shall stipulate in a decree the List of Hazardous Waste.

## TITLE II

### EVALUATION OF HAZARDOUS PROPERTIES OF WASTE

#### Section 7

#### Authorization for Evaluation of Hazardous Properties of Waste

(1) If a waste generator or a licensed person who manages waste is of the opinion that waste that meets the conditions set forth in Section 6 (1) (b) or (c) has no hazardous properties, (s)he may request evaluation of the hazardous properties of this waste.

(2) The hazardous properties of wastes set forth in Annex No. 2 to this Act under designations H1, H2, H3-A, H3-B, H12, H13 and H14 shall be evaluated by a legal person or natural person authorized by the Ministry; other hazardous properties set forth in Annex No. 2 to this Act shall be evaluated by a legal person or natural person authorized by the Ministry of Health (hereinafter the “authorized person”).

(3) Authorization for evaluation of the hazardous properties of waste shall be granted for a fixed term not exceeding 5 years. The term of the authorization for evaluation of the hazardous properties of waste shall be prolonged by the Ministry or the Ministry of Health on the basis of a proposal of the authorized person for another term not exceeding 5 years if the conditions for prolonging the term of authorization stipulated by this Act are met.

(4) If the authorized person submits a proposal for prolonging the term of authorization for evaluation of the hazardous properties of waste at the latest 6 month before expiry of the original term, for which the authorization was granted, the authorization for evaluation of the hazardous properties of waste shall not expire, until a final decision is made on the proposal.

(5) A granted authorization shall not pass to any other legal person or natural person.

(6) The Ministry shall grant authorization to or prolong the term of authorization of a legal person or natural person who demonstrates his/her professional qualification or whose professional qualification has been recognized pursuant to the special legal regulation.<sup>13a)</sup> Professional qualification for evaluation of the hazardous properties of wastes set forth in Annex No. 2 to this Act under designations H1, H2, H3-A, H3-B, H12, H13 and H14 shall be demonstrated a document

- a) of university education in a technical field or in natural science,
- b) of at least 10 years of experience in chemistry or in the waste management sector; and
- c) of the fact that, during the last 6 months prior to submission of an application for authorization or a proposal for prolonging the term of authorization, the applicant has undergone training in evaluation of the hazardous properties of waste, whose curriculum was approved by the Ministry.

(7) The Ministry of Health shall grant authorization to or prolong the term of authorization of a legal person or a natural person who demonstrates his/her professional qualification or whose

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<sup>13a)</sup> Act No. 18/2004 Coll., on recognizing professional qualification and other qualifications of citizens of the Member States of the European Union and on amendment to some laws (Act on Recognizing Professional Qualification), as amended.

professional qualification has been recognized pursuant to the special legal regulation.<sup>13a)</sup> Professional qualification shall be demonstrated

- a) for evaluation of the hazardous properties of wastes set forth in Annex No. 2 to this Act under designations H4 to H8, H10 and H11, by submitting a document of completion of university study in the study field of medicine, veterinary medicine or pharmacy, or in some other field of study at a different university if the natural person has completed post-graduate study with the specialization of industrial toxicology and, if other professional workers in health care are involved, a special preparation whose subject matter includes toxicology, pursuant to the special regulations;<sup>14)</sup> for evaluation of the hazardous properties of wastes set forth in Annex No. 2 to this Act under designation H9, by submitting a document of completion of university study in the study field of medicine or veterinary medicine,
- b) by a document of at least 10 years of experience in the given field, and
- c) by a document of the fact that, during the last 6 months prior to submission of an application for authorization or a proposal for prolonging the term of authorization, the applicant has undergone training in evaluation of the hazardous properties of waste, whose curriculum was approved by the Ministry of Health.

(8) For a legal person or natural person authorized to operate a business, the requirements set forth in paragraphs 6 and 7 above must be met by the person who is responsible for proper evaluation of the hazardous properties of waste (hereinafter the “professional representative”).

(9) In case of cessation of activities of the professional representative for the authorized person, the authorized person shall be obliged to appoint a new professional representative and notify his/her appointment to the ministry that granted its authorization, at the latest within 15 days of cessation of activities of the professional representative. Simultaneously, the authorized person shall be obliged to submit to this ministry documents indicating the professional qualification of the new professional representative.

(10) Authorization pursuant to paragraph 2 above shall not be required for a person who is established in some other Member State of the European Union and intends to temporarily or occasionally pursue activities set forth in paragraph 2 above, if (s)he demonstrates that

- a) (s)he is a citizen of a Member State of the European Union; and
- b) (s)he is authorized to pursue the activities set forth in paragraph 2 above pursuant to the legal regulations of another Member State of the European Union.

(11) This person shall be obliged to submit the documents on meeting the conditions pursuant to paragraph 10 (a) and (b) above to the Ministry or to the Ministry of Health prior to commencing activities listed in paragraph 2 above. Section 9 shall apply to activities of this person *mutatis mutandis*.

(12) The Ministry and the Ministry of Health shall stipulate in a decree the contents of an application for authorization for evaluation of the hazardous properties of waste, the contents of a proposal for prolonging the term of authorization and the curriculum of training in evaluation the hazardous properties of waste.

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<sup>14)</sup> Section 45 of Act No. 77/1981 Coll., on health-care workers and other professional workers in health care, as amended by Act No. 425/1990 Coll.

## Section 8

### **Withdrawal and Expiry of Authorization for Evaluation of Hazardous Properties of Waste**

(1) In a decision, the Ministry or the Ministry of Health, within its respective competence, shall withdraw an authorization for evaluation of the hazardous properties of waste from an authorized person if the authorized person fails to follow the procedures stipulated for evaluation of hazardous properties of waste or fails to meet the conditions under which the authorization was granted or issues a certificate for waste that has any of the hazardous properties.

(2) A decision on authorization for evaluation of the hazardous properties of waste shall expire

- a) upon the death of a natural person;
- b) upon termination of a legal person,
- c) by declaring of bankruptcy in relation to the assets of the authorized person,
- d) upon expiry of the term, for which it was issued, unless a request has been lodged for prolonging the term of the authorization in the sense of Section 7 (4), or
- e) on the date of delivery of notification by the authorized person of cessation of his/her activities as a person authorized to evaluate the hazardous properties of wastes to the ministry that authorized the given person.

## Section 9

### **Certificate of Absence of Hazardous Properties of Waste**

(1) The authorized person shall evaluate the hazardous properties of waste on the basis of an application by the waste generator or licensed person. If the authorized person ascertains that the waste does not have any hazardous properties, (s)he shall issue to the applicant a certificate on absence of the hazardous properties of waste (hereinafter a “certificate”). Otherwise, the authorized person shall notify the applicant in writing that the waste has one or more hazardous properties (hereinafter “notification”), and state the reasons for this finding. The waste generator or the licensed person shall send a copy of the certificate or notification forthwith to the Czech Environment Inspection (hereinafter “the Inspection”) and the regional authority that competent pursuant to the place of waste management. The certificate shall not relieve the waste generator and the licensed person from the duty to manage the waste in a manner preventing damage to the environment or from liability for damage caused by inappropriate waste management. The Code of Administrative Procedure shall not apply to issuance of a certificate and notification.

(2) In the certificate, the authorized person shall always specify the type and origin of waste covered by the certificate and include evaluation of the hazardous properties of the waste, and stipulate the conditions and term of the certificate; this term may not exceed 4 years. The certificate shall expire immediately in case of a change in technology or input raw materials at the premises of the waste generator or licensed person that affects the composition of the waste or its properties.

(3) The Inspection or the regional authority competent pursuant to the place of waste management may suspend the validity of a certificate issued by an authorized person for a period not exceeding 60 days if doubts arise with respect to compliance with the proper methods or procedure set for evaluation of the hazardous properties of waste or the manner and frequency of control of the hazardous properties, or if doubts arise with respect to the result of evaluation of the hazardous properties of waste. An appeal against a decision on suspending the validity of a certificate shall not have suspensory effect.

(4) The Inspection or the regional authority competent pursuant to the place of waste management may withdraw a certificate if the methods or procedure set for evaluation of the hazardous properties of waste have not been maintained or the hazardous properties of waste have

not been evaluated correctly. An appeal against a decision on withdrawal of a certificate shall not have suspensory effect.

(5) An authorized person may not issue a certificate with respect to waste, for which (s)he is responsible as the generator or licensed person and may not evaluate hazardous properties, for the evaluation of which (s)he is not authorized.

(6) The Ministry and the Ministry of Health shall stipulate in a decree

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

## **PART THREE**

### **DUTIES IN WASTE MANAGEMENT**

#### **TITLE I**

#### **GENERAL DUTIES**

##### **Section 10**

##### **Prevention of Waste Generation**

(1) Every person shall be obliged, within his/her activities or within his/her competence, to prevent waste generation and to limit the quantity and hazardous properties thereof; waste whose generation cannot be avoided must be recovered or disposed of, as appropriate, in a manner that does not endanger human health and the environment and that is in accordance with this Act and with the special legal regulations.<sup>15)</sup>

(2) A legal person and a natural person authorized to operate a business, who manufactures products, shall be obliged to manufacture the products in a manner limiting the generation of unrecoverable waste from these products, particularly of hazardous waste.

(3) A legal person and a natural person authorized to operate a business, who manufactures or imports products or places products on the market, shall be obliged to provide, in the accompanying documentation of the product, on the packaging, in the instructions for use or in some other appropriate manner, information on the manner of recovery or disposal of unused parts of the products.

##### **Section 11**

##### **Priority of Waste Recovery**

(1) Every person shall be obliged, within his/her activities or within his/her competence, within the limits stipulated by this Act, to ensure that recovery of waste has priority over its disposal. Material recovery of waste shall have priority over any other recovery of waste.

(2) The duty stipulated in paragraph 1 above need not be fulfilled if technical or economic preconditions are lacking at the given time and location for its fulfillment and if waste management plans pursuant to Part Seven of this Act are complied with.

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<sup>15)</sup> E.g. Act No. 114/1992 Coll., on nature conservation and landscape protection, as amended, Act No. 289/1995 Coll., on forests and amending and supplementing some laws (the Forest Act), as amended.

(3) When assessing the suitability of the manners of waste disposal, priority shall always be given to the manner that ensures greater protection of human health and is environmentally sounder. Only wastes, for which no other manner of disposal is available or which would entail a greater risk for the environment or risk for human health, may be deposited in a landfill provided that landfilling of the waste is not contrary to this Act or implementing regulations.

## Section 12 General Duties

(1) Every person shall be obliged to manage waste and discard it only in a manner stipulated by this Act and other legal regulations issued for environmental protection. Management of hazardous waste management is also governed by special legal regulations<sup>16)</sup> valid for products, substances and preparations with the same hazardous properties, unless specified otherwise by this Act or regulations for its implementation.

(2) Unless hereinafter stipulated otherwise, waste pursuant this Act may only be managed in facilities designed for waste management pursuant to this Act. Such waste management must not endanger human health or endanger or damage the environment, and the pollution limits stipulated by special legal regulations<sup>17)</sup> must not be exceeded.

(3) Only a legal person or a natural person authorized to operate a business, who operates a facility for recovery or disposal or for collection or purchase of a certain type of waste, or a person, who is the operator of a facility pursuant Section 14 (2), or, under the conditions stipulated in Section 17, also a municipality, shall be authorized to accept waste to his/her ownership.

(4) Every person shall be obliged to ascertain whether the person, to whom (s)he submits waste, is authorized to accept the waste pursuant to this Act. If that person fails to demonstrate such authorization, the waste may not be submitted to him/her.

(5) Diluting or mixing of wastes aimed at meeting the criteria for their acceptance to a landfill and mixing hazardous wastes with other hazardous wastes or with other wastes shall be prohibited. In exceptional cases, mixing hazardous wastes with other hazardous wastes or other wastes shall be permissible only with the consent of the regional authority competent pursuant to the place of waste management. The regional authority shall grant this consent only if the mixing of the hazardous wastes will not result in endangering of human health or the environment and if the purpose of mixing hazardous wastes is to meet the requirements of the technology of recovery or disposal of wastes and increasing safety in management thereof.

(6) If hazardous wastes have already been mixed with other hazardous wastes or other wastes, these wastes must be separated provided that this is technically or economically feasible and required to ensure protection of the environment and human health. This duty does not apply to mixing of hazardous wastes, for which the consent has been granted by the regional authority pursuant to paragraph 5 above.

(7) The duties of waste generators and licensed persons do not apply to fire-protection units and other legal persons and natural persons authorized to operate a business that are designated by special legal regulations<sup>18)</sup> for dealing with accidents and extinguishing fire, within the scope of these activities.

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<sup>16)</sup> E.g. Act No. 138/1973 Coll., as amended, Act No. 133/1985 Coll., of fire protection, as amended, and Act No. 258/2000 Coll.

<sup>17)</sup> E.g. Act No. 309/1971 Coll., as amended, Act No. 138/1973 Coll., as amended.

<sup>18)</sup> E.g. Act No. 133/1985 Coll., as amended.

### Section 13

#### **Packaging and Labeling of Hazardous Waste**

(1) Packaging of hazardous waste shall be governed by special legal regulations *mutatis mutandis*.<sup>19)</sup>

(2) A waste generator and a licensed person who manages hazardous waste shall be obliged to ensure that hazardous wastes are labeled as follows:

- a) wastes with a hazardous property set forth in Annex No. 2 to this Act under designations H1, H2, H3, H6, H8, H9 and H14, with a graphic symbol pursuant to the special legal regulation,<sup>19)</sup>
- b) hazardous waste other than set forth in subparagraph a) above, with the sign “hazardous waste”.

(3) A waste generator and a licensed person who manages hazardous waste shall be obliged to draw up an identification sheet for hazardous waste and display this sheet at the place of management of the hazardous waste.

(4) The Ministry shall stipulate in a decree the contents of the identification sheet for hazardous waste.

### Section 14

#### **Consent to Operation of a Facility for Waste Recovery, Disposal, Collection or Purchase**

(1) A facility for waste recovery, disposal, collection or purchase may be operated only on the basis of a decision issued by a regional authority, through which the consent is granted to operate such a facility and for its rules of operation (hereinafter the “consent to operate a facility”). In the proceedings preceding issuance of this decision, the regional authority must assess all facilities related to this activity. The consent to operate landfills for hazardous waste shall be granted for a fixed term not exceeding 4 years. The regional authority shall prolong the term of the consent on the basis of an application of the operator of a landfill for hazardous waste always by an additional term not exceeding 4 years if all the conditions are met and the duties are fulfilled in operation of the landfill, as stipulated by this Act and the implementing regulation.

(2) Facilities that are not designed for waste management pursuant this Act may recover only waste that meets the conditions stipulated for input raw materials and the management of this waste must not be contrary to the special legal regulations, in accordance with which the facility is operated, and the legal regulations for the protection of human health and the environment.<sup>20)</sup> The consent to operate a facility pursuant to paragraph 1 above shall not be required for the operation of such facilities.

(3) If the new operator of a facility applies to the regional authority for a new consent to operate the facility at the latest within 30 calendar days of the date of transfer or passage of the right to use the facility, the existing consent to operate the facility shall also apply to the new operator until a final decision is issued on the application of this operator.

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<sup>19)</sup> Sections 11 and 12 of Act No. 157/1998 Coll., on chemical substances and chemical preparations, as amended.

The European Agreement Concerning the International Carriage of Dangerous Goods by Road - ADR (Geneva 1957), promulgated in the Collection of Laws under No. 64/1987 Coll.

Rules for International Carriage of Dangerous Goods by Rail (RID).

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

(4) A construction-approval decision issued pursuant to the special legal regulation<sup>21)</sup> for structures designed for waste recovery, disposal, collection or purchase may not be issued without a decision on granting the consent to operate a facility under paragraph 1 above.

(5) The Ministry shall stipulate in a decree

- a) the requisites of an application for the consent to operate a facility,
- b) the contents of the rules of operation of a facility for waste recovery, disposal, collection or purchase,
- c) the technical requirements for these facilities,
- d) the contents of the plan of modification of a landfill.

## Section 15 Waste Manager

(1) A waste generator and a licensed person, who have managed hazardous waste in a quantity exceeding 100 t of hazardous waste annually during the last 2 years, and the operator of a landfill for hazardous waste or municipal waste, shall be obliged to provide for professional management of waste through a professionally qualified person (hereinafter a “waste manager”).

(2) If an independent establishment meets the conditions set forth in paragraph 1 above, the waste generator or the licensed person shall be obliged to appoint a waste manager also for this independent establishment.

(3) The waste manager shall be responsible to the waste generator or the licensed person, who appointed him/her as the waste manager, for ensuring professional waste management. The waste manager shall represent the waste generator or the licensed person in negotiations with the public administrative bodies in the area of waste management, particularly in the performance of their control activities.

(4) A waste manager may act in this capacity for no more than five waste generators and licensed persons or five independent establishments.

(5) The duty to appoint a waste manager does not apply to carriers even if they meet the conditions set forth in paragraph 1 above.

(6) Only a natural person who has completed university education and has at least 3 years of experience in the waste management sector obtained during the last 10 years or has secondary education completed by a graduation examination and has at least 5 years of experience in the waste management sector obtained during the last 10 years, may be appointed as a waste manager.

(7) If the waste generator or the licensed person meets the conditions set forth in paragraph 1 above, the appointment of a waste manager in accordance with this Act shall be a precondition for granting the consents pursuant to Sections 14 and 16 (3).

(8) If activities of a waste manager for the waste generator or the licensed person are ceased and the conditions set forth in paragraph 1 above continue to exist, the waste generator or the licensed person shall be obliged to appoint a new waste manager and to notify his/her appointment to the administrative authority that issued the consent to operate the facility or the consent to manage hazardous waste, within 30 days of the date of cessation of activities of the waste manager. Simultaneously, the waste generator or the licensed person shall be obliged to submit to this administrative authority documents indicating compliance with the requirements set forth in paragraph 6 above.

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<sup>21)</sup> Act No. 50/1976 Coll., on land-use planning and the construction procedure (the Construction Code), as amended.

(9) The provisions of paragraph 8 above shall also apply when the conditions pursuant to paragraph 1 above are met for the waste generator or the licensed person.

## TITLE II

### DUTIES IN THE INDIVIDUAL PHASES OF WASTE MANAGEMENT

#### *Chapter 1*

#### *Waste Generators*

#### Section 16

#### **Duties of Waste Generators**

(1) A waste generator shall be obliged to:

- a) classify waste according to the types and categories pursuant to Sections 5 and 6,
- b) provide for the priority of recovery of waste in accordance with Section 11,
- c) transfer the ownership title to waste that (s)he cannot recover or dispose of him/herself in accordance with this Act and the implementing regulations only to a person authorized to accept the waste pursuant to Section 12 (3), either directly or through a legal person established to this end,<sup>22)</sup>
- d) verify the hazardous properties of waste pursuant to Section 6 (4) and manage waste according to its actual properties,
- e) accumulate waste separated according to the individual types and categories,
- f) safeguard waste against undesirable devaluation, theft or escape,
- g) keep continuous records of waste and the manner of its management, report waste and send to the competent authority other data within the scope stipulated by this Act and an implementing regulation, including keeping records of and reporting PCBs and equipment containing PCBs subject to inventory as defined in Section 26. These records must be filed for a period stipulated by this Act or an implementing regulation,
- h) allow the control bodies to enter buildings, premises and facilities and, on request, submit documents and provide truthful and complete information related to waste management,
- i) draw up a waste management plan in accordance with this Act and an implementing regulation and ensure its implementation,
- j) perform control of the impact of waste management on human health and the environment in accordance with the special legal regulations and the waste management plan,
- k) appoint a waste manager under the conditions stipulated by this Act pursuant to Section 15,
- l) pay fees for depositing waste on landfills in the manner and within the scope stipulated by this Act.

(2) If separation or separate accumulation is not necessary with respect to the subsequent manner of recovery or disposal of the waste, the waste generator may refrain from separation or separate accumulation with the consent of the locally competent state administrative body, subject to subsequent changes in competence.

(3) The waste generator may manage hazardous waste only on the basis of the consent of the competent state administrative body, subject to subsequent changes in competence, unless the

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

consent for operation of a facility pursuant to Section 14 already covers this activity. Shipment of hazardous waste shall be subject to consent.

(4) The waste generator shall be responsible for management of waste until its recovery or disposal if (s)he provides for recovery or disposal him(her)self as a licensed person, or until the ownership title to the waste is transferred to a person authorized to accept the waste pursuant to Section 12 (3). The carrier shall be responsible for transport of waste.<sup>23)</sup> The duties of the generator pursuant to paragraph 1 above, except for subparagraphs i) and j), shall pass to each licensed person who accepts waste from the waste generator into his/her ownership.

(5) The Ministry shall stipulate in a decree the requisites of an application for the consent to manage hazardous waste.

## Section 17

### **Rights and Duties of Municipalities and Natural Persons in Managing Municipal Waste**

(1) The duties of waste generators pursuant to Section 16 apply to municipalities, unless the Act hereafter stipulates otherwise.

(2) Within its independent competence, a municipality may stipulate, in a generally binding edict of the municipality, the system of accumulation, collection, shipment, separation, recovery and disposal of municipal waste generated within its cadastral territory, including the system of management of construction waste.

(3) In accordance with the special legal regulations<sup>24)</sup>, a municipality shall be obliged to designate places where natural persons may discard municipal waste generated by them and provide for places where natural persons may discard hazardous components of municipal waste (e.g. residues of paints and consumer chemicals, discharge lamps, solvents). A municipality shall fulfill the duty to provide for places for discarding hazardous components of municipal waste by designating a place for accumulation of hazardous components of municipal waste at the set dates, however, at least twice a year, and by providing for transport of this waste by a licensed person. If required, a municipality may supplement this system by regular mobile waste collection ensured by a licensed person.

(4) Natural persons shall be obliged to discard municipal waste at places designated therefor and, from the date when the municipality so stipulates in a generally binding edict, to separately accumulate and separate municipal waste and submit municipal waste for recovery and disposal according to the system stipulated by the municipality, unless they recover the waste themselves in accordance with this Act and special legal regulations.<sup>25)</sup>

(5) A municipality may collect a fee for accumulation, collection, transport, separation, recovery and disposal of municipal wastes from natural persons on the basis of an agreement. The agreement must be executed in writing and must specify the amount of the fee. If a municipality collects such a fee, it may not stipulate a fee for municipal waste pursuant to Section 17a or a local fee for operation of a system of accumulation, collection, shipment, separation, recovery and disposal of municipal waste pursuant to the special law.<sup>25a)</sup>

(6) Waste generators who generate waste classified according to the Catalogue of Waste as waste similar to municipal waste generated in activities of legal persons and natural persons authorized to operate a business may, on the basis of an agreement with the municipality, utilize the

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<sup>23)</sup> Act No. 111/1994 Coll., on highway transport, as amended.

<sup>24)</sup> Act No. 50/1976 Coll., as amended.

<sup>25)</sup> E.g. Act No. 309/1991 Coll., as amended, Act No. 389/1973 Coll., as amended.

<sup>25a)</sup> Section 10b of Act No 565/1990 Coll., on local fees, as amended.

system established by the municipality for management of municipal waste The agreement must be executed in writing and must always specify the amount of the agreed price for this service.

Section 17a  
**Fee for Municipal Waste**

(1) A municipality may stipulate, in a generally binding edict (Section 17 (2)), and collect a fee for municipal waste (hereinafter the “fee”) generated within its jurisdiction. The fee may not be stipulated simultaneously with a local fee for operation of a system of accumulation, collection, shipment, separation, recovery and disposal of municipal waste pursuant to the special law.<sup>25a)</sup>

(2) The contributor of the fee shall be every natural person who generates municipal waste in his/her activities. The payer of the fee shall be the owner of the real estate where municipal waste is generated. With respect to a building where an association of owners of units has been established pursuant to the special law the payer of the fee shall be this association. The payer of the fee shall charge the fee to the individual contributors *pro rata*.

(3) The fee shall be administered by the municipality that established the fee within its jurisdiction.

(4) If the contributor fails to reimburse the fee to the payer in time or in the correct amount, the payer of the fee shall notify this fact to the municipality, which shall consequently charge the fee by means of a payment order.

(5) The maximum amount of the fee shall be set according to the expected justified costs of the municipality following from the regime of management of municipal wastes, allocated to the individual contributors according to the number and volume of containers designed for discarding waste per individual piece of real estate or according to the number of persons using an apartment and in relation to the degree of separation of this waste. The fee may also reflect the costs related to lease of containers intended for discarding the waste. The fee shall be an income for the municipality.

(6) Special legal regulations shall apply to the proceedings concerned with fees for municipal waste.<sup>25b)</sup>

*Chapter 2*  
*Collection and Purchase of Waste*

Section 18  
**Duties in Collection and Purchase of Waste**

- (1) The operator of a facility for the collection or purchase of waste shall be obliged to
- a) classify waste according to the types and categories pursuant to Sections 5 and 6,
  - b) provide for the priority of recovery of waste in accordance with Section 11,
  - c) appoint a waste manager under the conditions stipulated by this Act pursuant to Section 15,
  - d) transfer the ownership title to the collected or purchased waste only to a person authorized to accept the waste pursuant to Section 12 (3),
  - e) operate the facility for collection or purchase of waste in accordance with its approved rules of operation,

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<sup>25b)</sup> Act No. 337/1992 Coll., on administration of taxes and fees, as amended.

- f) publish the collected or purchased types of waste and the conditions for their collection or purchase, and collect or purchase the published types of collected or purchased waste under the set conditions,
- g) verify the hazardous properties of waste pursuant to Section 6 (4) and manage waste according to its actual properties,
- h) accumulate the collected or purchased waste separated according to the individual types and categories,
- i) safeguard waste against undesirable devaluation, theft or escape,
- j) keep continuous records of waste and the manner of its management, report waste and send to the competent authority other data within the scope stipulated by this Act and an implementing regulation, including keeping records of and reporting PCBs and equipment containing PCBs subject to inventory as defined in Section 26. These records must be filed for a period stipulated by this Act or an implementing regulation,
- k) allow the control bodies to enter buildings, premises and facilities and, on request, submit documents and provide truthful and complete information related to waste management.

(2) If separation or separate accumulation is not necessary with respect to the subsequent manner of recovery or disposal of the waste, the operator of a facility for collection or purchase of waste may refrain from separation or separate accumulation with the consent of the competent state regional authority.

(3) The operator of a facility for collection or purchase of waste carrying out the collection or purchase of waste stipulated by an implementing regulation shall be obliged, in acceptance or purchase of this waste, to keep records of persons from whom (s)he accepted or purchased the waste; in order to fulfill this obligation, (s)he shall be entitled to request their personal identification cards for inspection. Without verifying their identity, the operator shall not accept or purchase the waste. In management of personal data of natural persons, the operator shall proceed pursuant to the special law.<sup>26)</sup>

(4) The Ministry shall stipulate in a decree the list of wastes with respect to which a licensed person shall be obliged, upon their acceptance or purchase, to keep records of the persons from whom the waste was accepted or purchased.

### *Chapter 3*

#### *Waste Recovery*

#### Section 19

#### **Duties in Waste Recovery**

(1) The operator of a facility for waste recovery shall be obliged to

- a) appoint a waste manager under the conditions stipulated by this Act pursuant to Section 15,
- b) publish a list of wastes for the recovery of which (s)he is licensed,
- c) operate the facility for waste recovery in accordance with its approved rules of operation,
- d) safeguard waste against undesirable devaluation, theft or escape,
- e) keep continuous records of waste and the manner of its management, report waste and send to the competent authority other data within the scope stipulated by this Act and an implementing regulation, including keeping records of and reporting PCBs and equipment containing PCBs subject to inventory as defined in Section 26. These records must be filed for a period stipulated by this Act or an implementing regulation,

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<sup>26)</sup> Act No. 101/2000 Coll., on personal data protection, as amended.

- f) allow the control bodies to enter buildings, premises and facilities and, on request, submit documents and provide truthful and complete information related to waste management,
- g) verify the hazardous properties of waste pursuant to Section 6 (4) and manage waste according to its actual properties,
- h) notify the competent municipal authority of a municipality with extended competence, without undue delay, of the unfavorable effects of waste management on human health or the environment that are contrary to those expected or described in the rules or operation of the facility or that exceed the set limit values.

(2) The operator of a facility pursuant to Section 14 (2) shall be subject to the duties set forth in paragraph 1 (e) and (f).

(3) The Ministry shall stipulate in an implementing regulation the technical requirements and conditions for the recovery of waste on the land surface (e.g. for terrain modifications, reclaiming).

#### *Chapter 4*

#### *Waste Disposal*

#### Section 20

#### **Joint provisions**

The operator of a facility for waste disposal shall be obliged to

- a) appoint a waste manager under the conditions stipulated by this Act pursuant to Section 15,
- b) publish a list of wastes for the disposal of which (s)he is licensed,
- c) operate the facility for waste disposal in accordance with its approved rules of operation,
- d) safeguard waste against undesirable devaluation, theft or escape,
- e) keep continuous records of waste and the manner of its management, report waste and send to the competent authority other data within the scope stipulated by this Act and an implementing regulation, including keeping records of and reporting PCBs and equipment containing PCBs subject to inventory as defined in Section 26. These records must be filed for a period stipulated by this Act or an implementing regulation,
- f) dispose of waste in extraordinary cases on the basis of a decision of the municipal authority of a municipality with extended competence if this is necessary from the viewpoint of protection of the environment and if this is technically feasible for the operator; any expenses incurred through this decision shall be paid by the municipal authority of the municipality with extended competence that issued the decision; the person responsible for the waste shall be obliged to reimburse the costs thus expended to the municipal authority of the municipality with extended competence,
- g) allow the control bodies to enter buildings, premises and facilities and, on request, submit documents and provide truthful and complete information related to waste management,
- h) verify hazardous properties of waste pursuant to Section 6 (4) and manage waste according to its actual properties,
- i) notify the competent municipal authority of a municipality with extended competence, without undue delay, of the unfavorable effects of waste management on human health or the environment that are contrary to those expected or described in the rules or operation of the facility or that exceed the set limit values.

Section 21  
**Special Provisions on Landfilling of Waste**

(1) A landfill operator shall also be obliged to:

- a) demonstrate, prior to commencement of operation of the landfill, that (s)he has no outstanding debts towards the locally competent financial authority and that (s)he has established a special account pursuant to Section 50 and, in operation of the landfill, create and maintain a financial reserve for reclamation, maintenance of the landfill and decontamination after cessation of its operation, within the scope stipulated by this Act and implementing regulations,
- b) after cessation of operation of the landfill, provide for its decontamination, reclaiming and subsequent care and prevent the detrimental impact of the landfill on the environment; (s)he shall provide for these activities from his (her) own means and the means of the financial reserve for a period of at least 30 years,
- c) collect fees for waste landfilling, transfer the fees to the recipient of the fee and inform the recipient of any outstanding fees,
- d) file the records of deposited waste over the entire period of operation of the landfill and the subsequent maintenance of the landfill pursuant to subparagraph b) above.

(2) The location and technical design of the landfill must ensure protection of the environment over the entire period of operation of the landfill and also after cessation thereof and conditions for reclaiming of the landfill and subsequent utilization of the landfill area in accord with the approved land-use planning documents.<sup>27)</sup>

(3) Waste may be deposited only in landfills whose technical design complies with the requirements for landfilling such waste. The decisive factor in landfilling wastes shall be their chemical composition, their mixability, hazardous properties and the content of harmful substances in an aqueous extract.

(4) It shall be prohibited to landfill waste stipulated in an implementing regulation, waste that could have a detrimental impact on the environment when mixed, and untreated waste, except for waste stipulated in an implementing regulation, and also waste, the treatment of which cannot ensure reduction of its volume or reduction or elimination of its hazardous properties.

(5) The Ministry shall stipulate in a decree

- a) a list of wastes that may not be deposited in landfills or that may be landfilled only under certain conditions,
- b) the technical requirements for landfills and the conditions for their operation,
- c) the manner of evaluation of wastes according to their extractability and mixability.

**Special Provisions on Waste Incineration**

Section 22

(1) Waste may be incinerated only if the conditions stipulated by legal regulations on air protection<sup>28)</sup> and on energy management<sup>29)</sup> are met.

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<sup>27)</sup> Section 8 of Act No. 50/1976 Coll., as amended.

<sup>28)</sup> Act No. 309/1991 Coll., as amended.

Act No. 389/1991 Coll., as amended.

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

(2) The Ministry shall stipulate in a decree the technical requirements for management of wastes generated in incineration of hazardous waste in incinerators.

#### Section 23

(1) Incineration of waste shall be considered to constitute energy recovery of waste only if

- a) the utilized waste does not require for its incineration, after ignition, any auxiliary fuels and the generated heat is utilized for own needs or for the needs of third persons, or
- b) the waste is used as a fuel or as an additive fuel in facilities for production of energy or materials under the conditions stipulated by the legal regulations on air protection.

(2) Waste incinerators that do not meet the conditions of incineration set forth in paragraph 1 above are waste disposal facilities.

#### *Chapter 5*

#### *Shipment of Waste*

#### Section 24

#### **Duties in Waste Shipment**

(1) Legal persons and natural persons authorized to operate a business involved in waste shipment shall be obliged to

- a) provide for shipment of waste in accordance with the requirements stipulated in the special legal regulations,<sup>30)</sup>
- b) at request of control bodies, submit documentation and provide truthful and comprehensive information related to the shipment of waste,
- c) in the shipment of hazardous waste, keep records and report the shipped hazardous waste within the scope stipulated by this Act and an implementing regulation.

(2) A carrier who is not simultaneously a person licensed to accept waste pursuant to Section 12 (3) may not accept waste to his/her ownership.

### **PART FOUR**

#### **DUTIES IN MANAGEMENT OF SELECTED PRODUCTS, SELECTED WASTES AND SELECTED FACILITIES**

#### TITLE I

#### JOINT PROVISIONS

#### Section 25

(1) For the purposes of this Act, selected products, selected wastes and selected equipment mean

- a) PCBs defined in Section 26 and equipment containing PCBs,
- b) waste oils,
- c) batteries and accumulators,

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<sup>30)</sup> E.g. Act No. 111/1994 Coll., as amended, the European Agreement Concerning the International Carriage of Dangerous Goods by Road - ADR (Geneva 1957), promulgated in the Collection of Laws under No. 64/1987 Coll., the Rules for International Carriage of Dangerous Goods by Rail (RID).

- d) sludge from waste water treatment plants,
- e) waste from the production of titanium dioxide,
- f) waste asbestos,
- g) end-of life vehicles,
- h) electrical and electronic equipment.

(2) The duties of generators and licensed persons shall apply to generators of selected waste and the licensed persons who manage selected waste, unless hereinafter stipulated otherwise.

(3) Legal persons and natural persons authorized to operate a business, who manage selected products or waste or operate selected facilities, shall be obliged to provide the administrative authorities performing competence in the waste management sector pursuant to Part Eleven, at their request, with comprehensive and truthful information concerning management of selected products and selected wastes and information concerning operation of selected facilities.

## TITLE II

### SPECIAL PROVISIONS ON SELECTED PRODUCTS, SELECTED WASTE AND SELECTED FACILITIES

#### *Chapter 1*

#### *PCBs*

#### Section 26

For the purposes of this Part of the Act

- a) PCBs means polychlorinated biphenyls, polychlorinated terphenyls, monomethyl-tetrachlorodiphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromo-diphenyl methane and any mixture containing any of the above substances with a concentration exceeding 50 mg/kg,
- b) equipment containing PCBs means any equipment containing PCBs or having contained PCBs which has not been decontaminated,
- c) equipment containing PCBs subject to inventory means equipment containing PCBs (subparagraph b) above) with an overall content of PCBs exceeding 5 liters,
- d) equipment that may contain PCBs and is subject to inventory means oil transformers, capacitors with fluid dielectric, resistors, induction coils and other electrotechnical equipment filled with electrical insulation fluid, hydraulic mining equipment, vacuum pumps, industrial equipment using heat-conducting fluids (duplicators, road gravel pre-coating facilities, etc.) or parts of such equipment containing more than 5 liters of fluids,
- e) equipment without PCBs means equipment pursuant to subparagraph b) above that has been successfully decontaminated and equipment pursuant to subparagraph d) above, for which absence of PCBs has been demonstrated pursuant to Section 27 (8) (c),
- f) decontamination means all operations which enable equipment, objects and materials containing PCBs to be reused, recycled or disposed of in a manner stipulated in an implementing regulation, after the absence of PCBs is demonstrated. Decontamination may also include replacement of PCBs by suitable fluids not containing PCBs,
- g) disposal of PCBs means the manners of disposal of wastes designated D 8, D 9, D 10, D 12 and D 15 of Annex No. 4 to this Act.

## Section 27

### **Duties in Management of PCBs, PCB Wastes and Equipment Containing PCBs**

(1) The owners of PCB waste shall be obliged to dispose of this waste and the owners or operators of equipment containing PCBs subject to inventory and equipment that may contain PCBs and is subject to inventory shall be obliged to decontaminate this equipment or dispose of it in accordance with this Act as soon as possible, but not later than by the end of 2010, unless they demonstrate that the equipment does not contain PCBs. The owners or operators of transformers whose operational fluid contains 50 to 500 mg/kg of PCBs may decontaminate these transformers or dispose of them at the end of their lifetime.

(2) Separation of PCBs from other substances for the purpose of reusing the PCBs shall be prohibited.

(3) Disposal of PCBs shall be permissible only in facilities designed therefor.

(4) The operators of equipment containing PCBs subject to inventory shall be obliged to designate such equipment, including the premises where this equipment is located, in a manner stipulated in an implementing regulation. The operators of decontaminated equipment shall be obliged to designate such equipment in a manner stipulated in an implementing regulation.

(5) The operators of equipment containing PCBs subject to inventory may not supplement PCBs to this equipment. Until it is taken out of service, they may only maintain such equipment so that the PCBs they contain comply with technical standards, that the equipment is in good working order and that their filling does not leak.

(6) Equipment containing PCBs that is not subject to inventory and that is part of some other equipment that is taken out of service must be, if feasible, removed from such equipment and disposed of in accordance with the Act and an implementing regulation.

(7) If the operators or owners of equipment that may contain PCBs (Section 26 (d)) demonstrate in the set manner to the Ministry that their equipment does not contain PCBs, they need not fulfill the duties set forth in paragraphs 1, 4 and 5 above. The manner of demonstrating this fact shall be stipulated in an implementing regulation.

(8) The Ministry, in agreement with the Ministry of Health, shall stipulate in a decree

- a) the conditions for decontamination, technical requirements for management of PCBs and technical requirements for equipment containing PCBs including measures for the protection of human health and the environment,
- b) the decisive methods for determining the overall concentration of PCBs in substances containing PCBs,
- c) the details of the manner of demonstrating the absence of PCBs, and
- d) the manner of designation of equipment containing PCBs subject to inventory and the manner of designation of decontaminated equipment.

## *Chapter 2*

### *Waste oils*

## Section 28

For the purposes of this Part of the Act

- a) waste oils means any mineral-based or synthetic 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 or synthetic lubricating oils, oils for turbines and hydraulic oils,
- b) processing of waste oils means operations designed to permit the re-use of waste oils, i.e. their regeneration or combustion,
  - c) regeneration of waste oils 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) combustion of waste oils means only their energy recovery as fuel pursuant to the special regulation.

#### Section 29

#### **Duties in Management of Waste Oils**

(1) A generator of waste oils and a licensed person who manages waste oils shall be obliged to

- a) provide for the priority of regeneration of waste oils,
- b) provide for combustion of waste oils in accordance with the requirements of Sections 22 and 23 if regeneration is not possible,
- c) provide for storage or disposal of waste oils in accordance with the requirements of this Act and other legal regulations if regeneration or combustion is not possible for technical reasons,
- d) ensure that, during management of waste oils, these oils are not mixed with other waste oils or with substances containing PCBs or with other hazardous wastes.

(2) In order to fulfill the duties set forth in paragraph 1 (a) to (c) above, the generator or licensed person may utilize the take-back system pursuant to Part Five.

(3) The Ministry shall stipulate in a decree the technical requirements for management of waste oils.

#### *Chapter 3*

#### *Batteries and Accumulators*

#### Section 30

For the purposes of this Part of the Act

- a) batteries or accumulators means sources of electrical energy generated by direct conversion of chemical energy and consisting of one or more batteries or cells,
- b) spent batteries or accumulators means batteries or accumulators which are not re-usable and are intended for recovery or disposal.

#### Section 31

#### **Duties in Management of Batteries and Accumulators**

(1) Legal persons and natural persons authorized to operate a business who manage 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,

shall be obliged to provide for their separate accumulation, concentration, recovery and disposal.

(2) The manufacturers and importers shall be obliged to label batteries, accumulators and appliances into which batteries and accumulators are incorporated with information concerning the possibility of taking back thereof and concerning the content of heavy metals.

(3) The manufacturers and importers of appliances into which batteries and accumulators are incorporated or appliances requiring incorporation thereof shall be obliged to ensure that the batteries or accumulators can be readily removed, when spent, by the consumer. If the appliance does not permit ready removal of batteries or accumulators, an instruction for the consumer concerning their safe removal must be attached to the appliance.

(4) The manufacturers and importers of batteries or accumulators or appliances containing batteries or accumulators shall be obliged to inform the consumer of the dangers connected with illegal disposal of spent batteries and accumulators.

(5) It shall be prohibited to manufacture and import batteries and accumulators containing more than 0.0005 % of mercury by weight, including those cases where these batteries and accumulators are incorporated into appliances.

(6) The prohibition set forth in paragraph 5 above shall not apply to button cells and batteries composed of button cells with a mercury content of no more than 2 % by weight.

(7) The importers shall be obliged to demonstrate the facts set forth in paragraphs 5 and 6 above to the customs authority by submitting a document pursuant to paragraph 8 hereof.

(8) The Ministry shall stipulate in a decree the technical requirements for the management of batteries and accumulators and the form and contents of the document demonstrating compliance with the conditions and criteria set forth in paragraphs 5 and 6 above.

#### *Chapter 4*

#### *Sludge from Waste Water Treatment Plants*

#### Section 32

For the purposes of this Part of the Act:

- a) sludge means
  1. sludge from waste water treatment plants treating urban waste waters or domestic waste waters and from other waste water treatment plants treating waste waters of the same composition as urban waste waters and domestic waste waters,
  2. sludge from septic tanks and other similar installations,
  3. sludge from waste water treatment plants other than those set forth above,
- b) treated sludge means sludge which has undergone biological, chemical or heat treatment, long-term storage or any other appropriate process so as to significantly reduce its pathogen organisms content and the health hazards resulting from its use,
- c) use of sludge means land treatment with sludge,
- d) sludge use program means the documentation drawn up within the scope stipulated by an implementing regulation.

#### Section 33

#### **Duties in the 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 nutritional requirements of plants, under the conditions stipulated in this Act

and an implementing regulation and in accordance with the sludge use program stipulated by the producer of sludge so that the quality of soil and the quality of surface waters and groundwater is not impaired.

(2) The producer of sludge shall be obliged to stipulate a sludge use program and, within this program, to demonstrate compliance with the conditions for use of sludge stipulated by this Act and an implementing regulation. The producer of sludge shall be obliged to submit the sludge use program to the person set forth in paragraph 1 above.

(3) The use of sludge shall be prohibited

- a) on agricultural land which is part of protected areas of nature and the landscape pursuant to the special legal regulation,<sup>31)</sup>
- b) on forest land normally used for classical forest-growing activities,
- c) within the protection zone of water sources, 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 properties used for growing field vegetables during the year when vegetables are grown and during the preceding year,
- g) during the vegetation of fodder crops, corn and sugar beet if the leaves are used as feedstuffs,
- h) if soil analyses indicate that the risk substance content in an average sample exceeds one of the values stipulated in an implementing 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 the sludge does not meet the microbiological criteria stipulated by an implementing regulation. Microbiologically contaminated sludge may only be used after the sludge has been demonstrably hygienically modified.

(4) The Ministry, in cooperation with the Ministry of Agriculture and the Ministry of Health, shall stipulate in a decree

- a) the technical conditions for use of treated sludge on agricultural soil,
- b) the limit values for concentration of selected risk substances in soil,
- c) the limit values for concentration of heavy metals that may be added to agricultural soil over a period of 10 years,
- d) the limit values for concentration of selected risk substances in sludge to be applied on agricultural soil,
- e) the microbiological criteria for use of sludge,
- f) the procedures for analysis of sludge and soil including the sampling methods,
- g) the contents of the sludge use program.

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<sup>31)</sup> Act No. 114/1992 Coll., as amended.

## *Chapter 5*

### *Wastes from Production of Titanium Dioxide*

#### Section 34

#### **Duties in Management of Waste from Production of Titanium Dioxide**

(1) The generator of waste from the production of titanium dioxide who draws up a waste management plan shall be obliged to include in this plan the manner of reducing emissions of harmful substances into the air,<sup>8a)</sup> the manner of reducing pollution of discharged waste waters including the manner of an effective waste water treatment, and the manner of monitoring of environmental components.

(2) The competent public administrative body shall not grant the consent to manage hazardous waste from the production of titanium dioxide if environmental impact assessment<sup>8a)</sup> demonstrates direct or anticipates future harmful impact of the production on the environment. If the production of titanium dioxide increases by more than 15 thousand tons per year, the generator of waste from such production shall be obliged to draw up a new waste management plan and apply to the competent authority for new consent to manage waste from the production of titanium dioxide or for new consent to operate a facility for the recovery or disposal of waste from the production of titanium dioxide, as appropriate.

(3) A manufacturer of titanium dioxide shall be obliged to monitor the set indicators for the discharged waste water and indicators for emissions of pollutants into the air in the manner and within the scope stipulated by the special legal regulation and the waste management plan, and to report this information to the competent regional authority with the frequency stipulated in an implementing regulation.

(4) The Ministry shall stipulate in a decree the requirements for management of waste from the production of titanium dioxide and the requirements for monitoring of the environmental components.

## *Chapter 6*

### *Waste Asbestos*

#### Section 35

#### **Obligations in Management of Waste Asbestos**

(1) The generator of waste containing asbestos and a licensed person who manages waste containing asbestos shall be obliged to ensure that asbestos fibres or asbestos dust is not released into the air in management of such waste and that liquids containing asbestos fibres are not spilled.

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

(3) The Ministry shall stipulate in an implementing regulation the requirements for landfilling asbestos waste.

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<sup>8a)</sup> Act No. 100/2001 Coll., on environmental impact assessment and on amendment to some related laws (the Act on Environmental Impact Assessment), as amended.

*Chapter 7*  
*End-of Life Vehicles*

Section 36

For the purposes of this Act

- a) end-of life vehicle means a motor vehicle, or part thereof, that was used for operation on roadways for transport of persons, animals or things (hereinafter a “vehicle”) and has become waste pursuant to Section 3,
- b) selected end-of life vehicle means each motor vehicle, or part thereof, designated in a special regulation<sup>31a)</sup> as category M1 or N1 or three wheel motor vehicle<sup>31b)</sup>, excluding motor tricycles<sup>31b)</sup> (hereinafter a “selected vehicle”) that has become waste pursuant to Section 3;
- c) producer means the final vehicle manufacturer who introduced the vehicle to the market in the Czech Republic or his legal successor;
- d) individual importer means an importer of a vehicle who is not a registered importer,
- e) reuse means the use of components of end-of life vehicles, without modification, for the same purpose for which they were originally conceived,
- f) treatment means operations carried out after the end-of life vehicle has been handed over for depollution, dismantling, shearing, shredding, preparation for disposal or recovery of the shredder wastes, and all other operations carried out for the recovery or disposal of the end-of life vehicle and its components;
- g) person treating end-of life vehicles means a legal or natural person authorized to operate a business who carries out one or more operations pursuant to subparagraph g) above on the basis of authorization pursuant to Section 14 (1).

Section 37

**Obligations in Management of End-of Life Vehicles**

(1) Every person who discards an end-of life vehicle shall be obliged to hand over the end-of life vehicle exclusively to persons who are operators of a facility for collection, purchase, treatment, recovery or disposal of end-of life vehicles.

(2) Prior to handing over of a vehicle pursuant to paragraph 1 above, the owner of the vehicle shall be obliged to place the vehicle on a site where it will not damage or endanger the environment or interfere with the esthetic appearance of the municipality or nature or the landscape.<sup>31c)</sup>

(3) A vehicle that is placed at variance with paragraph 2 above (hereinafter an “abandoned vehicle”) shall be transported by the municipal authority, after expiry of 2 months from the date when it learnt of this fact, to a selected parking lot at the expense of its owner. The municipal authority shall publish information on location of an abandoned vehicle on its official board. The municipal authority shall notify the owner of the vehicle, if the owner can be identified, of the location of the vehicle.

(4) If the owner fails to remove the vehicle from the selected parking lot within a deadline of 2 months from notifying the owner and, if identification of the owner is not possible, from publishing

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<sup>31a)</sup> Annex A to Act No. 56/2001 Coll., on the conditions for operation of vehicles on roadways and on amendment to Act No. 168/1999 Coll.

<sup>31b)</sup> Annex No. 1 to Decree No. 341/2002 Coll., on approval of the road worthiness and on technical conditions for operation of vehicles on roadways, as amended by Decree No. 100/2003 Coll.

<sup>31c)</sup> Section 14 of Act No. 114/1992 Coll., on nature conservation and landscape protection.

information pursuant to paragraph 3 above, it shall hold that the vehicle is an end-of life vehicle. The municipal authority shall manage the end-of life vehicle pursuant to paragraph 1 above.

(5) The last owner of the abandoned vehicle, as specified in the register of motor vehicles, shall be obliged to reimburse the municipality for any and all costs connected with the procedure pursuant to paragraphs 3 and 4 above.

(6) A procedure pursuant to a special regulation<sup>31d)</sup> shall apply in cases where an abandoned vehicle is located on a roadway.

(7) Persons entitled to collect, purchase, treat, recover and dispose of end-of life vehicles shall be obliged to

- a) introduce a collection system for selected end-of life vehicles and their components with an appropriate density of collection sites,
- b) manage selected end-of life vehicles and their components in order to ensure that
  1. no later than January 1, 2006, selected end-of life vehicles are reused and recovered in a rate of at least 85 % of the average weight of all end-of life vehicles accepted during a calendar year, and reused and subjected to material recovery in a rate of at least 80 % of the average weight of all end-of life vehicles accepted during a calendar year, except for selected vehicles manufactured before January 1, 1980, where the rate of reuse and recovery has been set at 75 % and the rate of reuse and material recovery at 70 %,
  2. no later than January 1, 2015, selected end-of life vehicles are reused and recovered in a rate of at least 95 % of the average weight of all end-of life vehicles accepted during a calendar year, and reused and subjected to material recovery in a rate of at least 85 % of the average weight of all end-of life vehicles accepted during a calendar year,
- c) conclude a written contract with registered importers and manufacturers of selected vehicles for the purpose of fulfillment of the duties set forth in subparagraphs a) and b) above.

(8) The obligations pursuant to paragraph 7 (b) above do not apply to three wheel motor vehicles and special-purpose vehicles.<sup>31b)</sup>

(9) The Ministry shall stipulate in an implementing regulation the technical requirements for management of end-of life vehicles.

#### Section 37a

#### **Obligations of Producers and Importers in Recovery of Waste from Selected End-of Life Vehicles**

(1) Registered importers<sup>31e)</sup>, or their legal successors, as appropriate (hereinafter “registered importers”) and producers shall be obliged to

- a) provide persons treating end-of life vehicles with all information that is required for substantively correct and environmentally sound treatment of a selected end-of life vehicle in the form of manuals or on technical data carriers within six months of introducing the relevant vehicle to the market;
- b) provide, at their own expense, for collection, treatment, recovery and disposal of selected end-of life vehicles with effect as of the date of legal force of this Act for new selected vehicles introduced to the market in the Czech Republic after July 1, 2002, inclusive, and, as

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<sup>31d)</sup> Sections 2, 19 and 40 of Act No. 13/1997 Coll., on roadways, as amended.

<sup>31e)</sup> Section 2 (10) of Act No. 56/2001 Coll., on the conditions for operation of vehicles on roadways and on amendment to Act No. 168/1999 Coll., as amended by Act No. 103/20001 Coll.

of January 1, 2007, for new selected vehicles introduced to the market in the Czech Republic prior to July 1, 2002,

c) provide for fulfillment of the requirements stipulated in Section 37 (7) (b).

(2) Each producer and registered importer shall be obliged to accept selected vehicles of his own make that were introduced to the market in the Czech Republic for the first time after July 1, 2002, inclusive, and, as of January 1, 2007, also selected vehicles introduced to the market in the Czech Republic prior to July 1, 2002, provided that such vehicles are handed over to a collection site stipulated by the producer or registered importer.

(3) The obligations pursuant to paragraph 1 (b) do not apply to special-purpose vehicles.31b)

(4) The manufacturer and certified importer shall be obliged

- a) to comply with obligations laid down in paragraph 1 (b), to conclude a written agreement with persons authorized for collection, purchase, treatment and, as appropriate, also recovery and disposal of selected end-of life vehicles, if he is not himself such person,
- b) to prepare an annual report on meeting the targets laid down in Section 37 (7) (b) for the previous calendar year in the extent laid down by the implementing regulation and to send this report to the Ministry by March 31.

#### Section 37b

#### **Obligations of Operators of Collection Facilities for End-of Life Vehicles**

(1) Operators of collection facilities for end-of life vehicles shall be obliged to

- a) fulfill the obligations pursuant to Section 14 (1) and Section 18,
- b) accept all end-of life vehicles or parts thereof in accordance with the operational rules and accept all used components removed during repairs of vehicles,
- c) accept, without consideration, selected end-of life vehicles that were introduced to the market after July 1, 2002, provided that they contain the necessary components of a vehicle, particularly the driving generators and gear-boxes, body, catalyst according to the homologization, and bumpers, and unless they contain components that were not approved by the producer and waste whose origin is other than the selected vehicle; for selected end-of life vehicles introduced to the market before July 1, 2002, this obligation shall apply as of January 1, 2007,
- d) upon acceptance of an end-of life vehicle, issue a certificate of acceptance, whose requisites are stipulated in an implementing regulation,
- e) provide for delivery of the end-of life vehicle for treatment exclusively to persons treating end-of life vehicles, unless the operator is himself such a person,
- f) store end-of life vehicles in accordance with the conditions stipulated in an implementing regulation,
- g) keep records of accepted end-of life vehicles and end-of life vehicles dispatched for treatment and send the information to the competent authority within the scope and in the manner stipulated in an implementing regulation.

(2) The Ministry shall stipulate in an implementing regulation the requisites for a certificate of acceptance of an end-of life vehicle to a collection facility for end-of life vehicles, the conditions for storage of end-of life vehicles, and the scope and manner of keeping records of accepted end-of life vehicles.

#### Section 37c

### **Obligations of Persons Treating End-of Life Vehicles**

(1) Persons treating end-of life vehicles shall be obliged to

- a) fulfill the obligations pursuant to Section 14 (1) and Section 19,
- b) prior to commencement of treatment operations related to an end-of life vehicle, provide for removing and separate collection of operational fluids,
- c) dismantle components of end-of life vehicles stipulated by an implementing regulation prior to further treatment to ensure limitation of unfavorable environmental impact,
- d) destroy the identification number of the selected end-of life vehicle (VIN) in a manner excluding any repeated use thereof,
- e) d) remove and separate from end-of life vehicles components and materials containing lead, mercury, cadmium and hexavalent chromium stipulated in an implementing regulation, and recover or dispose of these parts and materials separately,
- f) store and dismantle end-of life vehicles so that the individual components can be reused or subjected to material recovery,
- g) reuse or recover materials and components of end-of life vehicles to a maximum possible extent, or dispose of these materials and components, if appropriate, or hand them over to some other person to this end,
- h) keep records of accepted end-of life vehicles and on the manners of their treatment and send the information to the competent authority within the scope and in the manner stipulated in an implementing regulation,
- i) manage materials and components of selected end-of life vehicles in accordance with Section 37 (7) (b).

(2) A person treating end-of life vehicles may offer components of end-of life vehicles to the producer, importer or some other qualified interested person, as appropriate, for reuse. A qualified interested person shall be a legal or natural person authorized to operate a business in the sector of repairs and service of motor vehicles pursuant to the special regulation.<sup>12)</sup>

#### Section 37d

**repealed**

#### Section 37e

### **Fees to Support Collection, Treatment, Recovery and Disposal of Selected End-of Life Vehicles**

(1) Registered importers and individual importers shall be obliged to pay a fee of 5,000 CZK for the import of selected vehicles to promote the collection, treatment, recovery and disposal of selected end-of life vehicles. If a registered importer or individual importer demonstrates that the imported used selected vehicle complies with the technical conditions for the emission limits in exhaust gases that are in accordance with the valid regulations of the European Communities<sup>31g)</sup> required for the manufacture of the same category of vehicle, he shall be exempt from payment of this fee. The level of compliance with emission limits shall be determined on the basis of a

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<sup>31g)</sup> E.g. Commission Directive 98/77/EC of 2 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 22 January 2001 amending Council Directive 70/220/EEC concerning measures to be taken against air pollution by emissions from motor vehicles.

technical protocol on an emission test pursuant to the ECE emission regulations issued by an authorized testing facility.

(2) A fee pursuant to paragraph 1 above

- a) shall be paid, for selected second-hand vehicles that meet the conditions for approval of roadworthiness of the vehicle pursuant to the special legal regulation,<sup>31h)</sup> on the basis of the technical protocol on compliance with the emission level according to the ECE emission test issued by the authorized testing facility prior to issuance of a certificate of registration<sup>31i)</sup> of the selected vehicle,
- b) shall be paid, for selected second-hand vehicles that do not meet the conditions for approval of roadworthiness of the vehicle pursuant to the special legal regulation,<sup>31h)</sup> intended for reconstruction,<sup>31k)</sup> prior to marking the change in the certificate of registration of the selected vehicle,<sup>31l)</sup>
- c) shall be paid, for selected second-hand vehicles that do not meet the conditions for approval of roadworthiness of the vehicle pursuant to the special legal regulation,<sup>31h)</sup> even after their reconstruction,<sup>31k)</sup> imported as end-of life vehicles for the purpose of their dismantling to spare parts, prior to issuance of the consent of the Ministry to import waste pursuant to the legislation of the European Communities concerning supervision of shipments of waste within, into and out of the European Community.<sup>39)</sup>

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<sup>31h)</sup> Sections 34 and 35 of Act No. 56/2001 Coll., on the conditions for operation of vehicles on roadways and on amendment to Act No. 168/1999 Coll.

<sup>31i)</sup> Section 3 and Section 7 of Act No. 243/2001 Coll., on registration of vehicles, as amended.

<sup>31k)</sup> Section 73 and Section 74 of Act No. 56/2001 Coll.

<sup>31l)</sup> Section 4 of Decree No. 243/2001, as amended.

<sup>39)</sup> Council Regulation (EEC) No 259/93 of 1 February 1993 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 Council Regulation (EEC) No 259/93, as amended by Commission Decision 1999/816/EC adapting, pursuant to Articles 16(1) and 42(3), Annexes II, III, IV and V to Council Regulation (EEC) No 259/93, as amended by Commission Regulation (EC) No. 2557/2001 amending Annex V to Council Regulation (EEC) No 259/93.

Council Regulation (EC) No 1420/1999 of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste, as amended by Commission Regulation (EC) No 1208/2000 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 2630/2000 amending Council Regulation (EC) No 1420/1999, as amended by Commission Regulation (EC) No 77/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 1800/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, and as amended by Commission Regulation (EC) No 2243/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999.

Commission Regulation (EC) No 1547/1999 of 12 July 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 Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 354/2000 amending Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 1208/2000 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 1552/2000 amending Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 77/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, as amended by Commission Regulation (EC) No 1800/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (EC) No 1547/1999, and as amended by Commission Regulation (EC) No 2243/2001 amending Council Regulation (EC) No 1420/1999 and Council Regulation (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.

(3) The fee pursuant to paragraph 1 above shall be paid into a special account of the State Environmental Fund of the Czech Republic<sup>31j)</sup> intended for management of selected end-of life vehicles. The funds in the special account must be used exclusively to support collection, treatment, recovery and disposal of selected end-of life vehicles and components thereof.

(4) The Ministry shall lay down details of payment of fees pursuant to paragraph 1 above in an implementing regulation.

## *Chapter 8*

### *Electrical and Electronic Equipment*

#### Section 37f

(1) In accordance with the law of the European Communities<sup>31m)</sup>, the provisions of this Chapter of the Act stipulate the duties of producers, ultimate sellers and distributors of electrical and electronic equipment falling under the categories set forth in Annex No. 7 to this Act, unless they are part of a different type of equipment that is not subject to this Chapter of the Act, and the duties of the treatment operators for such electrical and electronic equipment that has become waste.

(2) The Ministry shall stipulate in an implementing regulation a list of products that fall under the categories of electrical and electronic equipment set forth in Annex No. 7 to this Act.

#### Section 37g

#### **Basic Terms**

For the purposes of this Act:

- a) electrical or electronic equipment (EEE) means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the categories set out in Annex No. 7 to this Act and designed for use with a voltage rating not exceeding 1 000 Volt for alternating current and 1 500 Volt for direct current, except for equipment intended exclusively for the purposes of state defense,
- b) waste electrical and electronic equipment (WEEE) means electrical and electronic equipment which has become waste, including all components, subassemblies and consumables, which are part of the product at the time of discarding,
- c) reuse means the use of returned or separately collected electrical and electronic equipment or components of such electrical and electronic equipment without their further reworking for the same purpose as they were originally intended,
- d) treatment of waste electrical and electronic equipment means any activity after waste electrical and electronic equipment has been handed over to a facility for depollution disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery or disposal of waste electrical and electronic equipment;

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Commission Decision of 3 June 1999 concerning a questionnaire for the reporting obligation of Member States pursuant to Article 41(2) of Council Regulation (EEC) No 259/93.

<sup>31j)</sup> Act No. 388/1991 Coll., on the State Environmental Fund of the Czech Republic, as amended.

<sup>31m)</sup> Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment, as amended by Directive 2003/108/EC of the European Parliament and of the Council. Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment.

- e) producer means any natural or legal person authorized to operate a business who, irrespective of the selling technique used, including by means of distance communication<sup>31n)</sup>
  - 1. manufactures and sells electrical and electronic equipment under his own brand, or
  - 2. resells under his own brand electrical and electronic equipment produced by other suppliers, unless the brand of the person pursuant to point 1 appears on the equipment, or
  - 3. imports electrical and electronic equipment to the Czech Republic or puts such electrical and electronic equipment on the market in the Czech Republic within his/her business activities,
- f) electrical and electronic equipment from private households means used electrical and electronic equipment which comes from private households or waste electrical and electronic equipment of a similar character and amount which comes from legal persons and natural persons authorized to operate a business,
- g) take-back of electrical and electronic equipment means the withdrawal of used electrical and electronic equipment which comes from private households from consumers without the right to consideration at a point designated for this purpose by the producer,
- h) separate collection of waste electrical and electronic equipment means the withdrawal of used electrical and electronic equipment which does not come from private households from end users at a point designated for this purpose by the producer.

#### Section 37h

#### **Basic Duties of Producers of Electrical and Electronic Equipment**

(1) The producer shall fulfill the duties stipulated for separate collection, taking-back, treatment, recovery and disposal of electrical and electronic equipment and waste electrical and electronic equipment

- a) independently, at his own expense from organizational and technical viewpoints,
- b) together with some other producer or producers on the basis of a written agreement; the parties shall be responsible for the performance of the duties stipulated in this Chapter of the Act jointly and severally,
- c) by means of assignment of these duties to some other legal person providing for joint performance of the duties of producers pursuant to this Chapter of the Act; the responsibility of producers for performance of the duties stipulated in this Chapter of the Act shall not expire if the legal person fails to perform the duties.

(2) The producer shall be obliged to draw up annual reports on the performance of the duties pursuant to paragraph 1 above for the previous calendar year (hereinafter the “annual report”) and send it to the Ministry by March 31 of each year. If the producer performs the duties set forth in paragraph 1 above together with another producer, he may draw up a joint annual report with the other producer. In the case specified in paragraph 1 (c), the annual report shall be drawn up by the relevant legal person. This annual report shall not replace the annual report pursuant to Section 38 (10).

(3) The Ministry shall stipulate in an implementing regulation more detailed conditions of individual manners of performance of the duties of producers pursuant to paragraph 1 above and the contents of the annual report pursuant to paragraph 2 above.

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<sup>31n)</sup> Section 53 of Act No 40/1964 Coll., the Civil Code, as amended.

## Section 37i

### **List of Producers of Electrical and Electronic Equipment**

(1) A producer of electrical and electronic equipment who is subject to the duties pursuant to this Chapter of the Act, shall be obliged to submit a proposal for registration in the List of Producers of Electrical and Electronic Equipment (hereinafter the “List”) within the scope pursuant to paragraph 3 hereof.

(2) The producer shall submit a proposal for registration in the List to the Ministry in two counterparts and on a technical data carrier, at the latest within 60 days of incurring the duty pursuant to paragraph 1 above.

(3) A proposal for registration in the List shall include

- a) the name and surname, or business name, address of the place of residence, place of business, identification number, if assigned, and officially authenticated copy of the business license, e.g. the trade license, for a natural person; if the natural person is registered in the Commercial Register, also an extract from the Commercial Register which may not be older than 3 months,
- b) the business name, legal form, address of the registered office, identification number, if assigned, and an extract from the Commercial Register which may not be older than 3 months, for a legal person, provided that it is registered in that register,
- c) a list and description of the electrical and electronic equipment,
- d) the manner of performance of the duties set forth in this Chapter of the Act,
- e) the manner of providing financing pursuant to Sections 37n and 37o and documents thereon.

(4) A person registered in the List shall be obliged to notify the Ministry of any changes in the information submitted pursuant to paragraph 3 above within 14 days of the date of effecting the change. Within the same deadline, this person shall be obliged to notify the Ministry of cessation of the reasons for registration thereof in the List.

(5) On the basis of a notice or its own finding, the Ministry shall make a change in the entry in the List through a decision or shall delete a person, with respect to whom the legal reasons for registration in the List have ceased to exist.

(6) The List shall be publicly accessible. The Ministry shall make the List available on the public administration website.

(7) For the purposes of registration in the List, the Ministry shall stipulate in an implementing regulation more detailed conditions of the manner of performance of the duties and provision of financing pursuant to paragraph 3 (d) and (e) above.

## Section 37j

### **Placement of Electrical and Electronic Equipment on the Market**

(1) Producers of electrical and electronic equipment shall ensure that electrical and electronic equipment is designed and produced so that its dismantling and recovery, in particular the reuse of electrical and electronic equipment and recycling of waste electrical and electronic equipment, its components and materials in accordance with the regulations for environmental protection and the regulations for the protection of public health,<sup>31o)</sup> is facilitated.

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<sup>31o)</sup> E.g. Act No. 102/2001 Coll., on general safety of products, as amended, Act No. 258/2000 Coll., on protection of public health, as amended, Act No. 634/1992 Coll., on protection of consumers, as amended, Act No. 22/1997 Coll., on technical requirements for products and amending and supplementing some laws, as amended.

(2) Producers of electrical and electronic equipment that is placed on the market<sup>31p)</sup> later than August 13, 2005 shall ensure that it clearly follows from the labeling of the electrical and electronic equipment that it was placed on the market after this date and that it is possible to ascertain the producer, to whom the duties pursuant to this Chapter of the Act apply.

(3) The producer of electrical and electronic equipment that falls under categories 1 to 7 or 10 pursuant to Annex No. 7 to this Act, including electrical and electronic equipment intended exclusively for the purposes of state defense, and the producer of electrical light bulbs or lighting equipment intended for use in private households shall ensure that electrical and electronic equipment, which is placed on the market after June 30, 2006, does not contain lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) and polybrominated diphenyl ethers (PBDE), unless this includes

- a) use of substances pursuant to the list set forth in an implementing regulation, or
- b) spare parts intended for repair or reuse of electrical and electronic equipment placed on the market prior to July 1, 2006.

(4) Any person who, in the framework of his/her business activities, sells electrical and electronic equipment that does not originate from producers registered in the List pursuant to Section 37i shall bear the responsibility of a producer for performance of his/her duties set forth in this Chapter of the Act.

(5) The Ministry shall stipulate in an implementing regulation the manner of labeling electrical and electronic equipment pursuant to paragraph 2 above and the list of substances that are not subject to the provision of Section 37j (3) under the conditions stipulated in a decree.

#### Section 37k

### **Taking-Back of Electrical and Electronic Equipment and Separate Collection of Waste Electrical and Electronic Equipment**

(1) Producers of electrical and electronic equipment shall provide for taking-back of electrical and electronic equipment that comes from private households. For waste electrical and electronic equipment that does not come from private households, the producer of electrical and electronic equipment shall provide for separate collection thereof.

(2) Producers of electrical and electronic equipment shall label electrical and electronic equipment with a graphic symbol for the purposes of taking-back electrical and electronic equipment and separate collection of waste electrical and electronic equipment. Where it is not possible to label electrical and electronic equipment in the above manner due to its size or function, the graphic symbol shall be placed on the packaging or the instructions for use or the warranty certificate of electrical and electronic equipment.

(3) Through the distributors<sup>31p)</sup>, producers shall ensure that the end users are informed of the manner of separate collection. Upon sale of electrical and electronic equipment, the distributor shall inform the end users of the manner of separate collection.

(4) The ultimate sellers shall ensure that the consumers<sup>31r)</sup> are able, upon their purchase of electrical and electronic equipment, to return used electrical and electronic equipment at the point of sale or supply of new electrical and electronic equipment, on a one-to-one basis as long as the equipment is of a similar type and has fulfilled similar functions as the supplied equipment.

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<sup>31p)</sup> Section 2 of Act No. 22/1997 Coll., on technical requirements on products and amending and supplementing some laws, as amended.

<sup>31r)</sup> Section 2 of Act No. 634/1992 Coll., on the protection of consumers, as amended.

(5) Waste electrical and electronic equipment or electrical and electronic equipment that comes from private households may be discarded by its holder only by means of its submission to a treatment operator pursuant to Section 371 or to a take-back point or point of separate collection. Electrical and electronic equipment from take-back points and waste electrical and electronic equipment from the points of separate collection must be submitted only to a treatment operator pursuant to Section 371, unless the electrical and electronic equipment is reused as a whole.

(6) The manner of taking-back electrical and electronic equipment and of separate collection of waste electrical and electronic equipment and its submission to the treatment operator may not hinder the reuse or recycling of the electrical and electronic equipment or its components or recycling recovery of the waste electrical and electronic equipment.

(7) The Ministry shall stipulate in an implementing regulation the graphic symbol for labeling electrical and electronic equipment for the purposes of taking-back of electrical and electronic equipment and separate collection of waste electrical and electronic equipment.

### Section 371

#### **Treatment of Waste Electrical and Electronic Equipment**

(1) Producers of electrical and electronic equipment shall set up a system for treatment of waste electrical and electronic equipment with the use of the best available techniques<sup>31s</sup>) of its treatment, recovery and recycling.

(2) Producers of electrical and electronic equipment shall provide operators carrying out treatment of waste electrical and electronic equipment with all information that is required for its treatment, particularly information on dangerous substances contained in the equipment, the possibilities of reuse of electrical and electronic equipment and recycling of waste electrical and electronic equipment, or the manner of disposal thereof. Producers of electrical and electronic equipment shall provide this information for each type of new electrical and electronic equipment within one year of the date when the product is placed on the market. Producers shall provide information within instructions for use or on a technical data carrier or by means of distance communication.

(3) Operators carrying out treatment of waste electrical and electronic equipment shall be obliged to

- a) operate the facility for treatment of waste electrical and electronic equipment in accordance with its operational rules and perform other duties of an authorized person,
- b) preferentially remove from waste electrical all substances and parts stipulated in an implementing regulation,
- c) store and treat waste electrical and electronic equipment in accordance with the technical requirements stipulated in an implementing regulation,
- d) provide for recovery of waste electrical and electronic equipment in accordance with Section 37m,
- e) keep, within the scope stipulated in an implementing regulation, records of accepted waste electrical and electronic equipment and the manner of treatment thereof and send to the competent authority information on the equipment.

(4) The decision on granting the consent to operation of a facility for treatment of waste electrical and electronic equipment and its operational rules (Section 14 (1)) must include the

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<sup>31s</sup>) Act No. 76/2002 Coll., on integrated pollution prevention and control, the integrated pollution register and amending some laws (Act on Integrated Prevention), as amended by Act No. 521/2002 Coll.

conditions required for compliance with the requirements pursuant to paragraph 3 (b) and (c) above and Section 37m.

(5) Waste electrical and electronic equipment may be transported across the border for treatment in accordance with the regulations of the European Communities providing for supervision of the transport of waste in the framework of the European Communities<sup>39)</sup> and in accordance with Part Nine hereof. Treatment of waste electrical and electronic equipment in a country that is not a Member State of the European Union may be taken into account for the purposes of compliance with the requirements stipulated in Section 37m provided that the producer demonstrates that recovery, reuse or recycling has taken place under conditions comparable to the conditions stipulated by this Act.

(6) This provision shall in no way prejudice the duties of the treatment operator stipulated by the special regulation<sup>31t)</sup> for handling of controlled substances.

(7) The Ministry shall stipulate in an implementing regulation the technical requirements for preferential removal of substances and parts from waste electrical and electronic equipment, storage and treatment of waste electrical and electronic equipment, the scope and manner of keeping records of accepted waste electrical and electronic equipment and the manners of its treatment and recovery, and the manner of notifying facilities for collection, treatment and recovery of waste electrical and electronic equipment.

#### Section 37m

#### **Recovery of Waste Electrical and Electronic Equipment**

(1) Producers of electrical and electronic equipment shall set up a system to provide for recovery of waste electrical and electronic equipment related to taking-back electrical and electronic equipment or separate collection of waste electrical and electronic equipment.

(2) Prior to handing over to the treatment operator, the returned and separately collected electrical and electronic equipment shall be preferentially reused as a whole. Only electrical and electronic equipment or its components that comply with the requirements of the relevant regulations<sup>31o)</sup> may be reused.

(3) Producers of electrical and electronic equipment shall be obliged to provide for recovery of waste electrical and electronic equipment handed over to treatment operators in accordance with Section 37k (5), at least at the following rate:

- a) for waste electrical and electronic equipment falling under categories 1 and 10 of Annex No. 7 to this Act, at the rate of 80 % of its average weight and, for the reuse and recycling of components, materials and substances, at the rate of 75 % of its average weight,
- b) for waste electrical and electronic equipment falling under categories 3 and 4 of Annex No. 7 to this Act, at the rate of 75 % of its average weight and, for the reuse and recycling of components, materials and substances, at the rate of 65 % of its average weight,
- c) for waste electrical and electronic equipment falling under categories 2, 5, 6, 7 and 9 of Annex No. 7 to this Act, at the rate of 70 % of its average weight and, for the reuse and recycling of components, materials and substances, at the rate of 50 % of their average weight,
- d) for gas discharge lamps and fluorescent lamps, for the reuse and recycling of components, materials and substances, at the rate of 80 % of their average weight.

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<sup>31t)</sup> Act No. 86/2002 Coll., on protection of the air and amending some other laws (the Clean Air Act), as amended.

Regulation (EC) No. 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer, as amended by subsequent regulations.

## Section 37n

### **Financing of Management of Electrical and Electronic Equipment from Private Households**

(1) Where electrical and electronic equipment is placed on the market later than August 13, 2005, the producer of electrical and electronic equipment shall be obliged to finance the collection, treatment, recovery and disposal of electrical and electronic equipment from private households that has been taken back pursuant to Sections 37k and 38, with respect to electrical and electronic equipment of which (s)he is the producer pursuant to this Act. The costs expended pursuant to this paragraph shall not be stated separately within the sale of new electrical and electronic equipment.

(2) Prior to placing electrical and electronic equipment pursuant to paragraph 1 above on the market, the producer shall be obliged to provide a guarantee showing that the management of all waste electrical and electronic equipment will be financed. This guarantee must be sufficient to cover financing of collection, treatment, recovery and disposal of electrical and electronic equipment from private households that has been handed over within a take-back system set up and operated pursuant to Sections 37k and 38. Producers who provide for performance of the duties pursuant to Section 37h (1) (a) shall provide the guarantee in the form of a blocked bank account or insurance under the terms stipulated by the special regulation. The producers shall provide information on the balance of and withdrawals from the blocked account or the amount of the insurance benefits for the previous year in an annual report. The funds deposited in the blocked account may be used only with the consent of the Ministry to provide for financing of collection, treatment, recovery and disposal of electrical and electronic equipment from private households; these funds may not be subject to an order for and implementation of enforcement of a decision or execution, and may not be included in the bankruptcy assets of the producer. Producers who provide for the performance of the duties pursuant to Section 37h (1) (b) or (c) shall not provide a guarantee.

(3) Where electrical and electronic equipment is placed on the market by August 13, 2005, the producers shall be obliged to set up a system to provide for collection, treatment, recovery and disposal of electrical and electronic equipment from private households that has been taken back pursuant to Sections 37k and 38, to which contributions shall be provided, within an appropriate scope, particularly according to the market share, by all persons who operate a business at the instant of incurring the relevant costs. For a period of eight years from the date of effect of this Act and, for electrical and electronic equipment falling under category 1 of Annex No. 7 to this Act, for a period of ten years from the date of effect of this Act, these persons may separately state the costs of collection, treatment and disposal of electrical and electronic equipment placed on the market by August 13, 2005 upon sale of new electrical and electronic equipment. If a producer states the costs separately in the sense of this provision, these costs shall be stated in this manner by each seller upon sale within his/her business activities. The stated costs may not exceed the actually incurred costs.

(4) The duties pursuant to paragraphs 1 and 2 above shall also be performed by producers pursuing trade by means of distance communication for electrical and electronic equipment supplied to a Member State of the European Union, where the purchaser has his place of residence or registered office.

(5) After consultation with the Ministry of Finance, the Ministry shall stipulate in an implementing regulation the terms of financing, particularly the manner of calculating the minimum amount of deposited funds in a blocked bank account and the minimum amount of an insurance benefit.

Section 37o

**Financing of Management of Waste Electrical and Electronic Equipment**

(1) Producers of electrical and electronic equipment shall provide for financing of separate collection, treatment, recovery and disposal of electrical and electronic equipment as follows:

- a) where electrical and electronic equipment is placed on the market later than August 13, 2005, they shall provide for its financing themselves,
- b) where electrical and electronic equipment is placed on the market by August 13, 2005 and if it is being replaced by products of an equivalent type or products that fulfill the same functions, the financing shall be ensured by the producer of the new product upon its supply, however, not exceeding a one-to-one basis,
- c) where electrical and electronic equipment is placed on the market by August 13, 2005 and is not being replaced by products of an equivalent type or products that fulfill the same functions, the financing shall be ensured by the end users who are not consumers.

(2) After consultation with the Ministry of Finance, the Ministry shall stipulate in an implementing regulation more detailed conditions of financing pursuant to paragraph 1 above.

**PART FIVE**

**TAKING BACK OF CERTAIN PRODUCTS**

Section 38

(1) The take-back duty applies to

- a) oils other than raw mineral oils and raw oils produced from bituminous minerals, preparations not specified or included elsewhere containing a minimum of 70 % of oils by weight if these oils represent a significant component of such preparations,
- b) electrical accumulators,
- c) galvanic cells and batteries,
- d) discharge and fluorescent lamps,
- e) tires,
- f) electrical and electronic equipment from private households (Section 37g (f)).

(2) Within the limits of the applicable regulations of the European Communities, the Government may stipulate in a regulation additional products to those set forth in paragraph 1 above that are subject to the take-back duty after their use.

(3) The duty to provide for taking back of used products, offered for taking back, shall be borne by the legal person or natural person authorized to operate a business who manufactures the products set forth in paragraph 1 above or places on the market in the Czech Republic products of a foreign manufacturer (hereinafter the "obliged person"), without respect to the product brand and up to the quantity manufactured or imported by that person during the relevant period set pursuant to paragraph 10 hereof. Section 37n shall apply to taking back of electrical and electronic equipment from private households.

(4) Through a legal person or natural person authorized to operate a business who sells products set forth in paragraph 1 above to the consumers (hereinafter the "ultimate seller"), the obliged person must ensure that the consumers are informed of the manner of taking back these used products. Furthermore, the manufacturer of electrical and electronic equipment shall provide for informing the consumers of

- a) the requirement that electrical and electronic equipment not be disposed of together with mixed municipal waste, but rather that it be discarded by natural persons at places intended therefor or at take-back sites,
- b) their role in contributing to reuse of electrical and electronic equipment and recycling and other forms of recovery of waste electrical and electronic equipment,
- c) the potential harmful effects of dangerous substances contained in electrical and electronic equipment on the environment and human health.

(5) In the sale of products that are subject to the take-back duty, the ultimate seller shall inform the consumers of the manner of ensuring the taking back of these used products. If (s)he fails to do so, (s)he shall be obliged to accept such used products directly on the business premises, without the right to consideration from the consumers, throughout the hours of operation and without binding the acceptance of used products intended for take-back on purchase of goods.

(6) On the basis of a written agreement with the municipality, the obliged person may use for fulfillment of its duty the system of collection and separation of municipal waste established by the municipality.

(7) Taking back of used products set forth in paragraph 1 above must be carried out without the right to consideration for acceptance of these products from the consumers and, in the case set forth in paragraph 6 above, also from the municipality. The take-back sites must be as accessible for the consumers as the sites of the sale of the products that are subject to the take-back duty. The obliged person shall be obliged to provide for the taking back in a manner corresponding to the normal capabilities of the consumers, without their excessive burdening. Used products may be refused if they endanger health of persons who provide for the taking-back due to their contamination.<sup>31u)</sup>

(8) A product that is taken back becomes waste upon its submission to the person licensed to recover or dispose of this product.

(9) The obliged person must provide for recovery or disposal of used products that have been taken back in accordance with this Act and implementing regulations, by the end of the calendar year following after the calendar year, during which they were accepted.

(10) The obliged person shall be obliged to draw up an annual report on fulfillment of the take-back duty for the previous calendar year within the scope stipulated in an implementing regulation and to send this report to the Ministry by March 31.

(11) The Ministry shall stipulate in a decree the details of the manner of taking back products and the contents of the annual report on fulfillment of the take-back duty for the previous calendar year.

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<sup>31u)</sup> E.g. Decree No. 184/1999 Coll., laying down the procedure for evaluation of the risk of dangerous chemical substances for human health, Decree No. 89/2001 Coll., laying down the conditions for classification of works in categories, limit values of indicators of biological exposure tests and requisites for reporting work with asbestos and biological agents.

## **PART SIX**

### **KEEPING RECORDS AND REPORTING OF WASTE AND FACILITIES**

#### **Section 39**

#### **Keeping Records and Reporting of Waste, Waste Management Facilities, Accumulation and Collection Sites, Waste Storage Areas, PCBs, Equipment Containing PCBs and PCB Wastes**

(1) Waste generators and licensed persons managing waste shall be obliged to keep continuous records of waste and the manners of waste management. The records shall be kept for each independent establishment and for each type of waste separately. The manner of keeping records for individual types of waste shall be stipulated in an implementing regulation.

(2) The waste generators and licensed persons, if they generate or manage more than 50 kg of hazardous waste during a calendar year or more than 50 tons of other waste during a calendar year, shall be obliged to send annually, by February 15 of the following year, a true and comprehensive report on the types, quantity and manners of management of waste and the waste generators to the municipal authority of the municipality with extended competence competent pursuant to the place of the establishment. Reports on generation and management of waste generated within the activities of the Ministry of Defense shall be submitted by the Ministry of Defense directly to the Ministry. The manner of reporting shall be stipulated in an implementing regulation.

(3) The operators of facilities for disposal and recovery of waste, the operators of facilities for collection and treatment of end-of life vehicles, the operators of facilities for collection, treatment, recovery and disposal of waste electrical and electronic equipment (Section 37g) and the operators of facilities set forth in Section 14 (2), and carriers of waste, who are not a person authorized to accept waste pursuant to Section 12 (3), shall be obliged to send information on their facility or transport company to the municipal authority of the municipality with extended competence competent pursuant to the location of the facility or, for mobile facilities and carriers, pursuant to the registered office or place of residence of the operator, within 2 months of commencement or cessation of operation of the facility or transport company or, for facilities that are in operation on the date of effect of this Act, within 6 months of the date of effect of this Act. The manner of reporting shall be stipulated in an implementing regulation.

(4) The operators of landfills shall be obliged to send annually, by February 15 of the following year, information on the balance of the created financial reserve as of December 31 of the previous year, to the municipal authority of the municipality with extended competence competent pursuant to the location of the landfill. This information must be documented by a statement of the bank account of the operator of the landfill.

(5) The operators of facilities for collection and treatment of end-of life vehicles shall be obliged to keep records of and send information on the number and state of accepted end-of life vehicles and the manners of their treatment, and the operators of facilities for separate collection, treatment, recovery and disposal of waste electrical and electronic equipment shall be obliged to keep records of and send information on the type, quantity and the manners of treatment, recovery or disposal of waste electrical and electronic equipment within the scope stipulated in an implementing regulation annually by February 15 of the following year to the municipal authority of the municipality with extended competence competent pursuant to the location of the establishment.

(6) Municipalities and persons licensed to collect or purchase waste shall be obliged to send information on the accumulation sites for hazardous waste and the waste collection sites and waste storage areas used by them to the municipal authority of the municipality with extended competence competent pursuant to the location of the accumulation or collection site or the waste

storage area, within 2 months of commencement or cessation of operation of the accumulation or collection site or waste storage areas or, for accumulation or collection sites or storage areas that are already in operation on the date of effect of this Act, within 6 months of the date of effect of this Act. The scope and requisites of the information shall be stipulated in an implementing regulation.

(7) On the basis of reports pursuant to paragraphs 2 to 6 above, the municipal authority of a municipality with extended competence shall keep records of waste and the manners of its management, waste management facilities, facilities set forth in Section 14 (2), accumulation sites for hazardous waste, waste collection sites and waste storage areas, accepted end-of life vehicles and the manners of their treatment, the type, quantity and manners of treatment, recovery or disposal of waste electrical and electronic equipment, and carriers of waste within the scope stipulated in an implementing regulation. The municipal authority shall send these records annually, by April 30 of the following year, to the Ministry and the competent regional authority through data transfer equipment or on a technical data carrier.

(8) Legal persons and natural persons authorized to operate a business who operate equipment containing PCBs subject to inventory pursuant to Section 26 (c) or operate equipment that may contain PCBs and is subject to inventory pursuant to Section 26 (d), or own or hold PCBs defined in Section 26 (a) shall be obliged to keep separate records of this equipment and PCBs within the scope stipulated in an implementing regulation and notify this fact to the Ministry by December 31, 2004, unless they have already done so. These persons shall be obliged to notify the Ministry of any changes in the recorded facts promptly after the change occurs. The manner of reporting changes in the recorded facts shall be stipulated in an implementing regulation. This duty shall not apply to laboratory standards.

(9) The Ministry of Defense, in cooperation with the Ministry, shall provide for keeping records of waste, waste management facilities, accumulation sites for hazardous waste, waste collection sites, waste storage areas and PCBs, PCB wastes and equipment containing PCBs subject to inventory generated within activities of the Ministry of Defense.

(10) The municipal authority of a municipality with extended competence and a regional authority shall be obliged to keep records of consents granted by them and other decisions issued pursuant to this Act. The municipal authority of a municipality with extended competence and a regional authority shall send these records to the Ministry by April 30 of the following year through data transfer equipment or on a technical data carrier. The scope and requisites of reporting shall be stipulated in an implementing regulation. The municipal authority of a municipality with extended competence and a regional authority shall publish the current list of facilities operated pursuant to Section 14 (1) and pursuant to Section 14 (2) on the public administration website and also in some other suitable manner, if appropriate.

(11) Unless this Act or an implementing regulation stipulates otherwise, legal persons, natural persons authorized to operate a business and administrative authorities that are obliged to keep records pursuant to paragraphs 1 to 10 above shall be obliged to file these records for a period of at least 5 years.

(12) The Ministry shall stipulate in a decree

- a) the manner of keeping continuous records of waste and the period of filing these records for certain types of waste,
- b) the manner of reporting waste, waste management facilities, accumulation sites for hazardous waste, waste collection sites, waste storage areas, carriers of waste, PCBs, PCB wastes and equipment containing PCBs, the number and state of accepted end-of life

- vehicles and the manners of their treatment, and the type, quantity and manners of treatment, recovery or disposal of waste electrical and electronic equipment,
- c) the manner of keeping records of granted consents and other decisions issued pursuant to this Act.

#### Section 40

### **Keeping Records in Shipment of Hazardous Waste**

(1) In shipment of hazardous waste, the consignor and the consignee shall be obliged to complete a consignment note within the scope stipulated in an implementing regulation. Records of shipped hazardous waste shall not be kept in case of internal shipment carried out by own means of transport provided that the shipment is effected within the premises of an establishment.

(2) The consignor of the waste shall be obliged to:

- a) enclose with the consignment of hazardous waste a completed consignment note,
- b) send the consignment note to the municipal authority of the municipality with extended competence that is competent pursuant to the place of dispatch of the shipment, within 10 days of its commencement,
- c) notify the municipal authority of the municipality with extended competence that is competent pursuant to the place of dispatch of the shipment and the Inspection if (s)he does not receive from the consignee the confirmed consignment note on acceptance of the hazardous waste within 20 days of dispatch of the waste.

(3) The consignee of the shipment shall be obliged to send the consignment note concerning the shipment of hazardous waste with confirmation of acceptance of the waste to the consignor and the municipal authorities of municipalities with extended competence that are competent pursuant to the place of dispatch and place of destination of the shipment within 10 days of its acceptance.

(4) The consignor of the waste and the consignee of the waste shall be obliged to file the records pursuant to paragraphs 1 to 3 above for a period of at least 5 years.

(5) The Ministry shall stipulate in a decree the manner of keeping records of waste in shipment of waste.

## **PART SEVEN**

### **WASTE MANAGEMENT PLANS**

#### Section 41

### **Joint provisions**

(1) The Ministry, regions within independent competence and waste generators shall draw up a waste management plan.

(2) The waste management plan shall be drawn up for the purpose of creating preconditions for prevention of waste generation and management of waste pursuant to this Act.

(3) The Code of Administrative Procedure shall not apply to processing, discussion and approval of draft waste management plans.

(4) The Waste Management Plan of the Czech Republic and waste management plans of the regions shall be publicly available for inspection and for making excerpts or copies thereof.

## Section 42

### **Waste Management Plan of the Czech Republic**

(1) The Ministry shall draw up the draft Waste Management Plan of the Czech Republic. The Ministry shall discuss the Waste Management Plan of the Czech Republic with the regions within their independent competence.

(2) The Waste Management Plan of the Czech Republic shall contain evaluation of the state of the waste management sector, a binding part and a directive part.

(3) The Government shall promulgate the binding part of the Waste Management Plan of the Czech Republic in its regulation.

(4) The binding part of the Waste Management Plan of the Czech Republic shall stipulate the framework objectives and framework measures for achieving thereof, and a set of indicators for evaluation thereof with respect to

- a) prevention of waste generation, and reduction of the quantity and hazardous properties thereof,
- b) management of selected waste pursuant to Part Four of this Act,
- c) management of other waste, particularly hazardous waste,
- d) management of packaging waste,
- e) recovery of waste,
- f) reduction of the share of waste deposited in landfills and the share of the biologically degradable component thereof,
- g) establishment of an integrated waste management system.

(5) The Waste Management Plan of the Czech Republic shall be drawn up for a period of at least 10 years and must be amended immediately after each fundamental change in the conditions, on the basis of which it was drawn up.

(6) The binding part of the Waste Management Plan of the Czech Republic, including amendments thereto, shall be a binding basic document for drawing up waste management plans of the regions and for decision-making and other activities of the competent authorities, regions and municipalities in the waste management sector.

(7) The Ministry shall evaluate implementation of the Waste Management Plan of the Czech Republic on the basis of a set of indicators annually by December 31 of the following year.

(8) The Ministry shall publish the Waste Management Plan of the Czech Republic and amendments thereto on the public administration website or in some other suitable manner.

## Section 43

### **Waste Management Plan of a Region**

(1) Regions, within their independent competence, shall draw up a waste management plan of a region for their jurisdiction and make amendments thereto.

(2) The waste management plan of a region must be in accordance with the binding part of the Waste Management Plan of the Czech Republic and amendments thereto.

(3) The waste management plan of a region shall consist of a binding part and a directive part.

(4) The binding part of the waste management plan of a region shall stipulate the specific objectives and specific measures for achieving thereof, with respect to

- a) prevention of waste generation, and reduction of the quantity and hazardous properties thereof,
- b) municipal waste management,
- c) management of selected waste pursuant to Part Four of this Act,
- d) management of other waste, particularly hazardous waste,
- e) management of packaging waste,
- f) recovery of waste,
- g) reduction of the share of waste deposited in landfills and the share of the biologically degradable component thereof,
- h) establishment of an integrated waste management system.

(5) If it is necessary to establish a waste management facility or deal with movement of waste across boundaries of the regions, the regions, within their independent competence, shall be obliged to cooperate with one another in drawing up waste management plans of the regions and amendments thereto.

(6) Regions, within their independent competence, shall be obliged to draw up and approve the draft waste management plan of a region or amendments thereto within 18 months of the legal force of a Government regulation promulgating the binding part of the Waste Management Plan of the Czech Republic or amendment thereto in the Collection of Laws.

(7) The waste management plan of a region shall be drawn up for a period of at least 10 years and must be amended upon each fundamental change in the conditions, on the basis of which it was drawn up.

(8) Regions, within their independent competence, shall be obliged to notify, in a locally usual manner, within 10 days of the date of drawing up the draft waste management plan or amendment thereto, when and where this draft may be inspected and excerpts and copies thereof may be acquired. Public inspection of the draft waste management plan of a region or amendment thereto must be allowed for a period of at least 30 calendar days from the date of notification of the possibility of public inspection; written standpoints on the draft waste management plan of a region or amendment thereto may also be lodged within this deadline. The region shall be obliged to respond to the comments and publish the response.

(9) Regions, within their independent competence, shall be obliged to send a copy of the waste management plan of a region or amendment thereto to the Ministry within 1 month of approval thereof.

(10) Regions shall promulgate the binding part of the waste management plan of a region or amendment thereto in a generally binding edict.<sup>32)</sup> The binding part of the waste management plan of a region shall be a binding basic document for drawing up waste management plans of waste generators and for decision-making and strategic activities of the competent authorities, regions and municipalities in the waste management sector.

(11) Regions shall send an evaluation of implementation of the waste management plan of a region to the Ministry annually by November 15 of the following year. The evaluation shall be carried out on the basis of a set of indicators stipulated in the binding part of the Waste Management Plan of the Czech Republic.

(12) The regions shall publish the waste management plan of a region and amendments thereto on the public administration website or in some other suitable manner.

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<sup>32)</sup> Act No. 129/2000 Coll., on regions (the regional order).

## Section 44

### **Waste Management Plan of a Waste Generator**

(1) The waste management plan of a waste generator shall be drawn up by waste generators who generate more than 10 tons of hazardous waste or more than 1000 tons of other waste annually.

(2) The waste management plan of a waste generator must be in accordance with the binding part of the waste management plan of the region and amendments thereto.

(3) The waste management plan of a waste generator shall be drawn up for a period of at least 5 years and must be amended upon each fundamental change in the conditions, on the basis of which it was drawn up, at the latest within 3 months of the change in the conditions.

(4) A waste generator who generates waste in a quantity exceeding the limit value stipulated in paragraph 1 above on the date of promulgation of the binding part of the waste management plan of the region or amendment thereto shall be obliged to draw up a draft waste management plan within 1 year of promulgation of the binding part of the waste management plan of the region or amendment thereto. Other generators shall be obliged to draw up a draft waste management plan within 1 year of the date when the quantity of waste generated exceeds the limit stipulated in paragraph 1 above.

(5) A waste generator shall be obliged to send a copy of his/her draft waste management plan or draft amendment thereto to the regional authority competent pursuant to the address of the establishment of the waste generator within 3 months of drawing up thereof. If the draft waste management plan of the waste generator lacks the requisites stipulated by this Act and an implementing regulation or is at variance with the binding part of the waste management plan of the region or amendment thereto, the competent regional authority shall communicate to the waste generator its comments within 3 months of the date of receipt of the draft waste management plan of the waste generator.

(6) Within 3 months of the date of delivery of the comments of the competent regional authority, the waste generator shall be obliged to send to this regional authority a modified waste management plan with incorporated comments.

(7) The waste management plan of a waste generator shall be a binding basic document for activities of the waste generator.

(8) Municipalities that have established a voluntary association of municipalities for the purpose of fulfillment of their duties in management of municipal waste<sup>34</sup>) may, on the basis of a written agreement, draw up a common waste management plan of a waste generator, defining the scope and manner of management of the municipal waste.

(9) The Ministry shall stipulate in an implementing regulation the contents of the waste management plan of a waste generator.

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<sup>34</sup>) Act No. 128/2000 Coll., on municipalities (the Municipal Order).

## **PART EIGHT**

### **ECONOMIC INSTRUMENTS**

#### **TITLE I**

#### **FEES FOR DEPOSITING WASTE**

##### **Section 45**

(1) Waste generators shall be obliged to pay a fee for depositing waste in landfills.

(2) The fee shall also be paid by a waste generator who is the landfill operator and this landfill is located on his/her own property.

(3) Fees shall not be paid for depositing waste as technological materials for securing the landfill for the purpose of technical securing of the landfill in accordance with the approved project and rules of operation of the landfill. Waste that is deposited over and above the framework of the project specifying the required amount shall not be considered a technological material. The Ministry shall stipulate in an implementing regulation the requirements for depositing waste as a technological material for securing a landfill.

##### **Section 46**

(1) The fee for depositing waste in landfills shall consist of two components. The basic component of the fee shall be paid for depositing waste and an additional risk component shall be paid for depositing hazardous waste.

(2) The fee shall be collected from the waste generator by the landfill operator upon depositing the waste in the landfill. The landfill operator shall certify the collection of the fee to the waste generator. The landfill operator shall levy the collected fees to the recipient of the fee, always by the last day of the subsequent calendar month, and shall simultaneously inform the recipient of any outstanding fees. If the waste generator fails to pay the fee in the set amount, the duty to pay the fee shall be imposed thereon by the regional authority that granted the consent to operate the landfill, through a decision issued on the basis of a proposal of the recipient of the fee.

(3) Within the scope stipulated by this Act, the fee shall be an income for the municipality, within whose cadastral territory the landfill is located, and the State Environmental Fund of the Czech Republic.<sup>35)</sup>

(4) Where the generator is a municipality, which deposits the waste in a landfill that is located within its cadastral territory, the basic component of the fee shall not be collected from this municipality.

(5) Payment of fees by the landfill operator shall be controlled by the municipality and the regional authority, within whose cadastral territory the landfill is located.

##### **Section 47**

(1) If the landfill operator has failed to levy to the municipality or the State Environmental Fund the collected fee within the set deadline, the duty to pay the fee shall be imposed thereon by the regional authority that has issued the consent to operate the landfill, by means of a decision adopted on the basis of a proposal of the recipient of the fee. A fine of 0.5 % of the withheld

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<sup>35)</sup> Act No. 388/1991 Coll., on the State Environmental Fund of the Czech Republic, as amended by Act No. 334/1992 Coll.

amount per day shall be payable in case of failure to levy the fee. The fine shall be an income for the municipality.

(2) Fees and fines shall be exacted by the financial authorities that are locally competent for the cadastral territory, where the landfill is located; in this, they shall proceed pursuant to the special regulations,<sup>36)</sup> unless this Act stipulates otherwise.

#### Section 48

(1) The basic component of the fee shall be an income for the municipality, within whose cadastral territory the landfill is located. If the landfill is located in cadastral territories of several municipalities, this income shall be divided pro rata according to the size of the parts of the landfill located in the cadastral territories of these municipalities.

(2) The amount of the basic component of the fee is stipulated in Annex No. 6 to this Act.

(3) The risk component of the fee shall be an income for the State Environmental Fund.

(4) The amount of the risk component of the fee is stipulated in Annex No. 6 to this Act.

(5) Fees for asbestos waste shall be imposed in an amount applicable to depositing of other waste.

### TITLE II

#### FINANCIAL RESERVE FOR RECLAIMING AND DECONTAMINATION OF LANDFILLS

#### Section 49

(1) A landfill operator shall be obliged to create a financial reserve for recovery and maintenance of the landfill and for its decontamination after cessation of its operation (hereinafter the "financial reserve").

(2) Creation of the financial reserve shall be included in the costs of the landfill operator and creation of this reserve shall constitute an expenditure provided for obtaining, maintaining and securing income.<sup>37)</sup> Interest accrued on the financial reserve shall be part thereof.

(3) The funds constituting this reserve shall be deposited in a special bank account. The financial reserve may not be subject to an order for and implementation of enforcement of a decision or included in the bankruptcy assets of the landfill operator, landfill owner or their legal successors.

#### Section 50

(1) As of the date of effect of this Act, the landfill operator shall be obliged to create a special escrow account for the purposes of depositing funds for creation of the financial reserve. A separate special escrow account must be created for each landfill, for which a separate decision has been issued pursuant to the special regulation.<sup>24)</sup>

(2) The agreement with the bank on establishment of a special escrow account must indicate which landfill is covered by the financial reserve and must contain a provision that the relevant account is a special escrow account managed by the bank pursuant to Sections 49 to 51. This account may be disposed of, after the date of its establishment, only with the consent of the regional authority competent pursuant to the location of the landfill.

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

<sup>37)</sup> Act No. 586/1992 Coll., on income taxes, as amended.

(3) The landfill operator shall transfer the funds constituting the financial reserve to the special escrow account established pursuant to paragraph 1 above always by the last day of the subsequent calendar month.

(4) An agreement on transfer of the financial reserve to a new landfill operator shall be an essential requisite of a contract for the transfer of the right to use the waste landfill to the new landfill operator. Without such agreement on transfer of the financial reserve, the contract for the transfer of the right to use the waste landfill to the new landfill operator shall be void.

#### Section 51

(1) Funds may be drawn from the financial reserve only with the consent of the competent regional authority for work related to reclamation, maintenance of the landfill after cessation of its operation and decontamination. The regional authority shall grant the consent on the basis of a decision on commencement of reclamation work issued pursuant to the special legal regulations.<sup>38)</sup>

(2) If the landfill operator expires prior to termination of maintenance of the landfill and the legal successor of the operator is not known or does not exist, the bank shall transfer the unused part of the financial reserve to the State Environmental Fund of the Czech Republic and notify the regional authority that is locally competent pursuant to the location of the landfill of this fact. The State Environmental Fund shall assign these funds to a special escrow account pursuant to this Act in favor of the person who will provide for the mandatory reclamation, maintenance of the landfill and decontamination after cessation of its operation. The financial reserve shall be drawn from this account pursuant to paragraph 1 above.

(3) After termination of maintenance of the landfill, the unused part of the financial reserve shall be released in favor of the landfill operator or his/her legal successor; if the legal successor is not known or does not exist, this unused part shall be transferred to the budget of the municipality, within whose cadastral territory the landfill is located. If the landfill is located in cadastral territories of several municipalities, this income shall be divided pro rata according to the size of the parts of the landfill located in the cadastral territories of these municipalities.

(4) The amount of the financial reserve shall equal

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

(5) The Ministry shall stipulate in a decree the manner of creation and withdrawal of the financial reserve.

#### Section 52

The competent regional authority shall stipulate the period and conditions of maintenance of a landfill after cessation of its operation, reclamation and decontamination separately for each landfill within its rules of operation. This period may not be less than 30 years.

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<sup>38)</sup> E.g. Section 76 et seq. of Act No. 50/1971 Coll., as amended, Act No. 44/1988 Coll., as amended.

## PART NINE

### TRANSBORDER SHIPMENT OF WASTE

#### Section 53

(1) Transborder shipments of waste into, from and via the Czech Republic (hereinafter “transborder shipment of waste”) is regulated by the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community.<sup>39)</sup> This Act stipulates provisions required for its implementation.

(2) The Ministry shall be the competent authority for transborder shipments of waste and the focal point for the Czech Republic.

#### Section 54

(1) Waste generated in the Czech Republic shall be preferentially disposed of in the Czech Republic.

(2) Transborder shipments of waste to the Czech Republic for the purpose of disposal shall be prohibited, except for wastes generated in the neighboring countries as a consequence of natural disasters or state of emergency.

(3) Waste generated in the Czech Republic shall be preferentially recovered in the Czech Republic, unless it is recovered in other Member States of the European Union.

#### Section 55

### Notification of Transborder Shipment of Wastes

(1) A notification of transborder shipment of wastes shall be lodged by the notifier pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community.<sup>39)</sup> Only the notifier shall be a party to the proceedings initiated by a notification pursuant to this paragraph.

(2) The procedure stipulated by the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> and this Act for waste listed in Annexes III 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<sup>39)</sup> shall also apply to waste stipulated in an implementing regulation pursuant to paragraph 6 *mutatis mutandis*. The notification of transborder shipment of these wastes to the Czech Republic shall be submitted by the consignee. Only the consignee shall be a party to the proceedings initiated by notification pursuant to this paragraph.

(3) In addition to the requisites stipulated by the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup>, the notifier shall submit to the Ministry

- a) an agreement on environmentally sound recovery or disposal of waste; in case of transborder shipment of waste from a non-Member State of the European Union, the agreement must contain the obligation of the notifier to take the waste back if the transborder shipment cannot be carried out or completed in the anticipated manner,
- b) in case of transborder shipment of wastes to a non-Member State of the European Union, a license to operate a facility for disposal or recovery of wastes, and
- c) the required addresses of the competent authorities.

(4) The notification and its requisites shall be submitted to the Ministry in the Czech, Slovak or English language, or with an officially verified translation to one of the above languages.

(5) In case of transborder shipment of waste from the Czech Republic, the Ministry shall forward the notification to the competent authority of destination and send a copy thereof to the competent authority or authorities for transit. It shall not forward the notification if it ascertains a reason for raising an objection against the transborder shipment of waste from the Czech Republic for disposal pursuant to Article 4 (3) of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community.<sup>39)</sup>

(6) The Ministry shall stipulate in a decree the details of a notification, its requisites and accompanying documents in transborder shipment of waste. The Ministry may stipulate in a decree wastes listed in Annex II to Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community<sup>39)</sup> whose transborder shipment into the Czech Republic and from the Czech Republic shall be subject to the procedure pursuant to paragraph 2 above for the reason of environmental protection or protection of health.

#### Section 56 **Bans and Objections**

(1) If the notifier or consignee has been validly convicted of a criminal offense committed in relation to management of hazardous waste,<sup>41)</sup> the Ministry may ban all transborder shipments of waste concerning these persons.

(2) An appeal against a decision of the Ministry on objections against transborder shipment of waste shall not have suspensory effect.

#### Section 57 **Financial Guarantee and Insurance**

(1) A financial guarantee pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> must be provided or the corresponding insurance pursuant to that legislation must be documented prior to commencement of the transborder shipment of waste.

(2) If the Ministry has a justified doubt as to whether the provided financial guarantee or insurance is adequate in accordance with the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup>, it shall stipulate the amount and type of financial guarantee or specify the type of insurance and the insured amount for this purpose.

#### Section 58 **Duty to Return Waste**

(1) If the notifier is obliged pursuant to Article 25 of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community<sup>39)</sup> to return the waste to the Czech Republic, the Ministry shall stipulate in a decision a deadline for fulfillment of this duty and specify a place in the Czech Republic, to which the waste is to be returned. An appeal against the decision shall not have suspensory effect.

(2) If the notifier is responsible for illegal traffic of waste from the Czech Republic in the sense of Article 26 (1) of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community<sup>39)</sup>, the Ministry shall stipulate

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<sup>41)</sup> Section 181e (2) of Act No. 140/1961 Coll., the Criminal Code, as amended.

in a decision a deadline for fulfillment of the duty to return the waste to the Czech Republic and specify a place in the Czech Republic, to which the waste is to be returned. An appeal against the decision shall not have suspensory effect.

(3) If the consignee is responsible for illegal traffic of waste to the Czech Republic in the sense of Article 26 (1) of Council Regulation (EEC) No. 259/93 on the supervision and control of shipments of waste within, into and out of the European Community<sup>39)</sup>, the Ministry shall stipulate in a decision a deadline for fulfillment of the duty to dispose of or recover the shipped waste in accordance with this Act. An appeal against the decision shall not have suspensory effect.

(4) If the obliged persons set forth in paragraphs 1, 2 and 3 above fail to fulfill their duty within the deadline stipulated by the Ministry, the Ministry shall provide for fulfillment of these duties. To ensure fulfillment of the duties, the Ministry may use the financial guarantee or insurance pursuant to Section 57 of this Act. If the financial guarantee has not been provided or if an insurance has not been established, or if the amount of the financial guarantee or of the insurance benefit does not suffice, the Ministry shall impose on the obliged person, through a decision, the duty to pay the costs, before the duty is fulfilled by the Ministry.

(5) Returning of waste pursuant to paragraphs 1 and 2 above does not require the consent of the Ministry pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community.<sup>39)</sup>

#### Section 59

### **Commencement of Transborder Shipment of Waste**

Upon receipt by the Ministry of a copy of the consignment note with the stated date of shipment and other relevant data in accordance with the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> prior to expiry of the deadline for lodging an appeal, the notifier waives the right to appeal (lodge a remonstrance) against the consent granted by the Ministry.

#### Section 60

### **Transborder Shipment of Waste to and from Non-Member States of the European Union**

The Ministry may stipulate in a decree the competent customs authorities for transborder shipment of waste to and from non-Member States of the European Union.

#### Sections 61 to 65

**repealed**

### **PART TEN**

### **PENALTIES**

#### TITLE I

### **FINES FOR NATURAL PERSONS AUTHORIZED TO OPERATE A BUSINESS AND LEGAL PERSONS**

#### Section 66

(1) The municipal authority shall impose a fine of up to CZK 300,000 on a natural person authorized to operate a business or a legal person who utilizes the system established by the municipality for management of municipal waste without a written contract with the municipality or who has not provided for recovery and disposal of waste in accordance with this Act.

(2) The Inspection or the competent municipal authority of a municipality with extended competence shall impose a fine of up to CZK 300,000 on a natural person authorized to operate a business or a legal person who

- a) fails to keep records of waste and facilities within the scope and manner stipulated in Part Six of this Act or fails to fulfill the reporting duty within the set scope or fails to send to the competent authority information concerning the waste management facility within the set deadline or within the set scope, or fails to file the records for the set period of time,
- b) fails to safeguard waste against undesirable devaluation, theft or escape,
- c) fails to allow control bodies to perform control activities or fails to provide truthful or comprehensive information related to waste management, or
- d) fails to draw up an identification sheet for hazardous waste or display this sheet at the places of management of hazardous waste.

(3) The Inspection shall impose a fine of up to CZK 1,000,000 on a natural person authorized to operate a business or a legal person who

- a) fails to classify waste pursuant to the Catalogue of Waste,
- b) submits waste to a person who is not licensed to accept the submitted waste pursuant to this Act,
- c) operates a facility for recovery or disposal of waste without the required consent of the competent administrative authority or at variance with this consent or operates a facility for recovery or disposal of waste at variance with the approved rules of operation of the facility,
- d) operates a facility for collection or purchase of waste without the required consent of the competent administrative authority or at variance with this consent or operates a facility for collection or purchase of waste at variance with the approved rules of operation of the facility,
- e) fails to keep records of PCBs, PCB wastes and equipment containing PCBs subject to inventory within the set scope,
- f) fails to provide for taking back of used products intended for taking back or fails to fulfill some other duty related to taking back of products, or
- g) fails to appoint a waste manager under the conditions stipulated by this Act,
- h) issues a certificate of absence of the hazardous properties of waste, for which (s)he is responsible as the generator or licensed person, or evaluates hazardous properties, for the evaluation of which (s)he is not authorized,
- i) fails to classify as waste and manage as waste extracted soil, gangue or sediment from river courses or water reservoirs that does not comply with the pollution limit values set in an implementing regulation for its use for filling underground areas and land surface modifications (terrain modifications).

(4) The Inspection shall impose a fine of up to CZK 10,000,000 on a natural person authorized to operate a business or a legal person who

- a) classifies waste set forth in Section 6 (1) (a), (b) or (c) as other waste or manages such waste as other waste without having a certificate issued by an authorized person pursuant to Section 9 that the waste does not have hazardous properties,
- b) manages waste in facilities where management of waste is prohibited or is not permitted,
- c) dilutes or mixes wastes for the purpose of complying with the criteria for their acceptance to a landfill or mixes hazardous wastes with other hazardous wastes or other wastes without the consent of the competent authority,

- d) manages hazardous waste without the required consent of the competent authority or at variance therewith,
- e) deposits in a landfill wastes, the landfilling of which is prohibited by this Act or an implementing regulation, or fails to comply with the conditions stipulated in an implementing regulation in depositing waste in a landfill,
- f) fails to fulfill the duties stipulated by this Act in management of selected products or wastes or equipment pursuant to Part Four, or
- g) breaches the duties stipulated by the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> and by this Act for transborder shipment of wastes, fails to meet the conditions stipulated by the Ministry in a decision with respect to transborder shipment of wastes or fails to fulfill a duty imposed through a decision pursuant to Section 58.

(5) The competent municipal authority of a municipality with extended competence or the Inspection shall impose a fine of up to CZK 1,000,000 on a natural person authorized to operate a business or a legal person who breaches some other duty stipulated by this Act or a duty imposed through a decision on the basis of this Act.

#### Section 67

(1) A procedure on imposing a fine may be commenced at the latest within 1 year of the day when the competent authority learned of the breach of duties; however, a fine may be imposed at the latest within 3 years from the day when the breach of duties occurred.

(2) In determining the amount of the fine, account shall be taken of the seriousness of the danger for the environment or the degree of environmental damage, as appropriate.

(3) If a legal person or a natural person authorized to operate a business again breaches the same duty, for which a fine has been imposed, within 1 year from the legal force of the decision on imposing a fine pursuant to this Act, the competent authority shall impose another fine of up to two times the upper limit of the fine.

(4) The period pursuant to paragraph 1 above shall not include the period of the criminal proceedings held pursuant to the special legal regulation with respect to the same act.

#### Section 68

(1) Fines shall be imposed, collected and exacted by the administrative authority that commenced proceedings on imposing the fine first; fines imposed by the Inspection shall be exacted by the competent financial authority. If proceedings were commenced on the same day by the Inspection and a municipal authority of a municipality with extended competence, the proceedings on imposing of the fine shall be held by the Inspection. The Inspection and the municipal authority of a municipality with extended competence shall inform each other of commencement of proceedings on imposing a fine. The procedure pursuant to the special legal regulation<sup>43)</sup> shall apply to payment and exacting of imposed fines.

(2) The Ministry shall make decisions on appeals against decisions of the Inspection on imposing fines. The regional authority shall make decisions on appeals against decisions of municipal authorities of municipalities with extended competence.

(3) 50 % of fines imposed by the Inspection shall be an income for the municipality, within whose cadastral territory the legal regulations were breached, and 50 % of fines imposed by the

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<sup>43)</sup> Part Six of Act No. 337/1992 Coll., as amended.

Inspection shall be an income for the State Environmental Fund.<sup>44</sup> A fine imposed by the Inspection on a municipality shall be an income for the State Environmental Fund.

(4) 50 % of fines imposed by the municipal authority of a municipality with extended competence shall be an income for the municipality, within whose cadastral territory the legal regulations were breached, and 50 % of these fines shall be an income for the municipality with extended competence that imposed the fine. 50 % of fines imposed by the municipal authority of a municipality with extended competence on a municipality shall be an income for the State Environmental Fund and 50 % of these fines shall be an income for the municipality with extended competence.

(5) Imposing of a fine for breach of duties following from this Act shall in no way prejudice the applicable provisions of the Criminal Code.

## TITLE II

### MISDEMEANORS

#### Section 69

The municipal authority shall impose a fine of up to CZK 20,000 on a natural person who is not an entrepreneur and commits a misdemeanor in that (s)he discards an end-of life vehicle removed from the register of vehicles at variance with this Act.

#### Section 70

(1) A fine imposed by the municipal authority shall be an income for the municipality, within whose cadastral territory the duty was breached.

(2) Unless this Act stipulates otherwise, the legal regulations on misdemeanors shall apply to misdemeanors and discussion thereof.<sup>45)</sup>

## PART ELEVEN

### EXECUTION OF PUBLIC ADMINISTRATION IN THE WASTE MANAGEMENT SECTOR

#### Section 71

#### **Public Administrative Bodies in the Waste Management Sector**

Public administration in the waste management sector shall be executed by

- a) the Ministry,
- b) the Ministry of Health,
- c) the Ministry of Agriculture,
- d) the Inspection,
- e) the Central Agricultural Control and Testing Institute,
- f) customs authorities,
- g) bodies for protection of the public health,
- h) regional authorities,
- i) municipal authorities of municipalities with extended competence,

<sup>44)</sup> Section 2 of Act No. 388/1991 Coll., as amended by Act No. 334/1992 Coll.

<sup>45)</sup> Act No. 200/1990 Coll., on misdemeanors, as amended.

- j) municipal authorities and domain authorities.

Section 72  
**Ministry**

(1) The Ministry shall

- a) be the central public administrative body in the waste management sector,
- b) execute supreme state supervision in the waste management sector, with the exception of protection of the public health in waste management,
- c) perform the duties of a focal point for the Basel Convention,
- d) perform the duties of the competent authority and contact body for transborder shipment of waste,
- e) make decisions on imposing the duty to return wastes to the Czech Republic, on the duty to provide for environmentally sound disposal or recovery of waste pursuant to Section 58 and on the duty to pay the costs of returning and environmentally sound disposal or recovery of waste,
- f) authorize legal persons or natural persons to evaluate hazardous properties of waste, prolong the term of this authorization and withdraw this authorization pursuant to Sections 7 and 8,
- g) approve the curriculum of training in evaluation of hazardous properties of waste,
- h) classify waste in cases where waste cannot be unambiguously classified pursuant to the Catalogue of Waste pursuant to Section 5 (2),
- i) draw up and keep summary records of the types of waste, its quantity and the manners of its management, waste management facilities, facilities set forth in Section 14 (2), accumulation sites for hazardous waste and waste collection sites, waste storage areas, accepted end-of life vehicles and the manners of their treatment, the type, quantity and manners of treatment, recovery or disposal of waste electrical and electronic equipment, carriers of waste, PCBs, PCB wastes and equipment containing PCBs subject to inventory, and consents and other decisions issued pursuant to this Act and make these records available to the public,
- j) cooperate with the Ministry of Defense in keeping records of waste, waste management facilities, accumulation sites for hazardous waste and waste collection sites, waste storage areas and PCBs, PCB wastes and equipment containing PCBs subject to inventory generated within activities of the Ministry of Defense,
- k) draw up the Waste Management Plan of the Czech Republic within the scope stipulated by this Act and, where the conditions stipulated by this act are met, draw up amendments thereto,
- l) submit to the Government for approval the draft binding part of the Waste Management Plan of the Czech Republic and draft amendments thereto,
- m) provide to the relevant units of the European Commission and bodies of international treaties and protocols in the waste management sector, to which the Czech Republic has acceded, within the required scope and form, and with the required frequency, information on the state of the waste management sector in the Czech Republic,
- n) appoint representatives of the Czech Republic to committees, commissions, expert and working groups and other panels established on the basis of the legislation of the European Communities in the waste management sector or in the framework of international conventions in this area, to which the Czech Republic has acceded,
- o) make decisions on appeals against decisions of the Inspection and regional authorities,

p) keep the List pursuant to Chapter 8 of Part Four.

(2) Supreme state supervision in the waste management sector shall consist in supervision of how administrative authorities executing state administration in the waste management sector comply with the legal regulations in this area and also in supervision of compliance with the provisions of the legal regulations and decisions of the competent authorities in the area of waste management.

#### Section 73

### **Ministry of Agriculture**

The Ministry of Agriculture shall coordinate the performance of control of compliance with the duties in the use of treated sludge on agricultural soil.

#### Section 73a

### **Central Agricultural Control and Testing Institute**

The Central Agricultural Control and Testing Institute shall perform control of compliance with the duties in the use of treated sludge on agricultural soil and impose penalties for breach of these duties pursuant to Act No. 156/1998 Coll., on fertilizers, auxiliary soil substances, auxiliary plant preparations and substrates and on agro-chemical testing of agricultural land (Act on Fertilizers), as amended by Act No. 308/2000 Coll., Act No. 147/2002 Coll. and Act No. 317/2004 Coll.

#### Section 74

### **Ministry of Health**

The Ministry of Health shall

- a) execute supreme state supervision and direct the execution of state administration in the area of protection of public health in waste management,
- b) authorize legal persons or natural persons to evaluate the hazardous properties of waste, prolong the term of this authorization and withdraw this authorization pursuant to Sections 7 and 8.

#### Section 75

### **Bodies for Protection of Public Health**

The bodies for protection of public health shall

- a) be the affected administrative authority in decision-making on matters concerning the interests protected pursuant to this Act in the area of protection of human health,
- b) evaluate and control health risks and issue professional standpoints from the viewpoint of protection of human health on proposals related to waste management, particularly on recovery, treatment and disposal of waste,
- c) cooperate with other administrative authorities in the area of protection of human health in waste management,
- d) express their standpoint on operational rules for recovery, disposal, collection or purchase of waste.

#### Section 76

### **Inspection**

(1) The Inspection

- a) shall control how legal persons, natural persons authorized to operate a business and municipalities comply with the provisions of the legal regulations and decisions of the Ministry and other administrative authorities in the waste management sector and whether the authorized persons comply with the set manner of evaluation of the hazardous properties of wastes,
- b) at least once annually, shall control how the generator of waste from the production of titanium dioxide complies with the provisions of the legal regulations and decisions of the Ministry and other administrative authorities in the waste management sector,
- c) shall impose fines on legal persons and natural persons authorized to operate a business for breach of the set duties pursuant to Section 66 (2) to (5); simultaneously, in a separate decision, it may stipulate measures and deadlines for ensuring a remedy,
- d) ( may suspend the validity of a certificate of absence of hazardous properties of waste issued by an authorized person or withdraw the certificate pursuant to Section 9 (3) and (4),
- e) shall give instigations to the Ministry for execution of the supreme state supervision,
- f) shall give instigations to a regional authority to prohibit the operation of a facility for disposal of waste if the operator of the facility does not comply with the legal regulations concerning waste management and if this could result in serious environmental harm,
- g) shall control whether the persons using excavated soil, gangue or sediments from river courses or water reservoirs as a material for filling underground areas and land surface modifications have documents certifying, pursuant to the implementing regulation, that the excavated soil, gangue or sediment from river courses or water reservoirs complies with the pollution limit values for their use for filling underground areas and land surface modifications (terrain modifications); it may take samples thereof and control the actual concentrations of harmful substances, whose pollution limit values are stipulated in an implementing regulation.

(2) In the framework of transborder shipment of waste, the Inspection shall be authorized to perform control at the place of generation of the waste, at the notifier and the consignee and at border crossings. It shall also be authorized to perform control of documents pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> and pursuant to this Act and physical control of waste, and take and analyze samples.

(3) The Inspection shall cooperate with the municipal authorities, bodies for protection of the public health, customs authorities, the Fire Rescue Service, the Police of the Czech Republic and territorial financial bodies and other administrative authorities, regions and municipalities, and provide them with professional assistance.

(4) The tasks of the Inspection shall be carried out by inspectors. Inspectors shall prove their identity in control work using Inspection identity cards.

#### Section 77 **Customs Bodies**

(1) The customs authorities<sup>46)</sup> shall

- a) control domestic and transborder shipment of waste,
- b) control import of batteries or accumulators from non-Member States of the European Union,
- c) give instigations to the Ministry for execution of the supreme state supervision,

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<sup>46)</sup> Act No. 185/2004 Coll., on the Customs Administration of the Czech Republic.

d) impose remedial measures in cases of violation of obligations related to the transport of wastes.

(2) The customs authorities shall control whether the ban set forth in Section 31 (5) is not breached in import of batteries or accumulators and whether the imported goods are labeled pursuant to Section 31 (2).

(3) In domestic shipment of hazardous waste, the customs authorities shall control whether the waste is accompanied by documents pursuant to this Act and implementing regulations and whether the waste corresponds to the information stated in the documents.

(4) In transborder shipment of waste, the customs authorities shall also control

- a) whether the waste is accompanied by documents pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup>, this Act and implementing regulations,
- b) whether the waste corresponds to the data stated in the accompanying documents pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup>, this Act and implementing regulations,
- c) that the shipped goods that are not accompanied by documents required for shipment of goods are not waste,
- d) that the transborder shipment of waste is not at variance with the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> and this Act.

(5) In performing control pursuant to paragraphs 3 and 4 above, the customs authorities shall be authorized to stop vehicles, order that a vehicle is parked at a suitable place, control documents accompanying the waste and goods, documents proving the identity of the person shipping the waste, perform physical control of the waste and goods, take and analyze samples and draw up photographic documentation.

(6) If the customs authorities ascertain during control of shipment of waste that the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> or this Act has been violated, they shall be authorized, within the proceedings, to perform investigation also at the place of generation of the waste on the premises of the waste generator, holder or notifier and at the place of destination on the premises of the final consignee.

(7) If the customs office ascertains that the cross-border transportation is an illegal traffic of waste pursuant to Article 26 of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community<sup>39)</sup> or that the cross-border transportation of waste is implemented at variance with the permit, it may order that the transportation be interrupted and the vehicle placed on a site intended therefor.

(8) In case of breach of regulations specified in paragraph 7 above, the customs office may stipulate a deposit in an amount from CZK 10 000 to CZK 50 000.

(9) If the driver, who shall always represent the carrier for the purposes of collection of deposits during control,<sup>47)</sup> fails to provide the required deposit, the customs offices shall be authorized to order that the driver park the vehicle at the nearest place that is suitable from the viewpoint of safety and smoothness of traffic, seize the documents for the vehicle and the load from the driver and prohibit the driver from continuing his journey. The costs connected with

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<sup>47)</sup> Act No. 111/1994 Coll., on highway transport, as amended.

driving the vehicle to the parking place shall be borne by the carrier. This shall in no way prejudice the liability of the carrier for the vehicle, load and transported persons.

(10) The driver of the vehicle may continue his journey after paying the required deposit by the driver or carrier, or after payment of a fine to the Inspection. The seized documents shall be submitted to the driver at the place of payment of the deposit or fine.

(11) Upon collection of the deposit, the customs offices shall be obliged to submit to the driver a receipt of acceptance of the deposit, draw up four counterparts of a protocol on the ascertained breach and advise the carrier that (s)he is obliged to provide the Inspection with his/her standpoint in the Czech language on the relevant matter at the latest within two weeks. One counterpart of the protocol shall be submitted to the driver of the vehicle, the other shall be retained by the customs office and the remaining two counterparts, together with the deposit and the documents for the vehicle and the load, shall be delivered to the Inspection within the jurisdiction of the customs office at the latest on the following working day. In an implementing regulation, the Ministry shall stipulate the form of the receipt on acceptance of the deposit.

(12) The document on acceptance of the deposit shall be issued in the Czech language. The document on acceptance of the deposit must specify the place of the administrative proceedings on the fine.

(13) The vehicle that has been immobilized and parked by the customs offices on the designated parking lot shall be handed over to the carrier after payment of the required deposit or after payment of the fine imposed by the Inspection for the commitment of the administrative tort during control activities by the customs offices.

(14) The proceedings concerned with the deposit shall be held in the Czech language.

(15) The proceedings on imposing of a fine pursuant to paragraph 10 above may be commenced within one year of the day when the Inspection learnt of the breach of the relevant obligations, however, not later than three years of the day when the breach of obligations occurred.

(16) The customs authorities shall promptly notify the Ministry and the Inspection of the ascertained violation of the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> or this Act in shipment of wastes.

(17) The customs authorities shall not release the goods to the proposed procedure pursuant to the special legal regulation,<sup>48)</sup> if

- a) goods that are not declared as waste are waste,
- b) goods declared as waste are not accompanied by documents pursuant to the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community<sup>39)</sup> and pursuant to this Act and implementing regulations, or the waste does not correspond to the information stated in these documents,
- c) exportation of goods declared as waste to non-Member States of the European Union or importation of these goods from these States is prohibited, or
- d) importation of batteries or accumulators from non-Member States of the European Union breaches the ban stipulated in Section 31 (5) or batteries or accumulators are not labeled pursuant to Section 31 (2).

(18) In control pursuant to the previous paragraphs, customs authorities may request professional assistance from the Inspection.

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<sup>48)</sup> Act No 13/1993 Coll.

(19) In case of doubt as to whether or not the shipped goods are waste, the customs authority shall request that the decision be made by the regional authority that is locally competent pursuant to the place of the control.

(20) If the customs authority makes a decision on not releasing the goods to the proposed procedure pursuant to paragraph 13 above, the relevant natural and legal persons shall be obliged to promptly export the waste back to the non-Member State of the European Union. The customs authorities shall promptly notify the Ministry of not releasing the goods to the proposed procedure pursuant to paragraph 13 above.

(21) The Ministry of Finance shall provide the Ministry with information from its records and information systems concerning waste exported from the Czech Republic to non-Member States of the European Union or imported from these countries to the Czech Republic, and also concerning batteries or accumulators imported to the Czech Republic from non-Member States of the European Union.

(22) The Ministry shall give instructions to the General Directorate of Customs to perform controls pursuant to the special legal regulations.

(23) Fines imposed by the Inspection and forfeited deposits shall be an income for the State Environmental Fund.

## Section 78 **Regions**

(1) A region shall

- a) draw up a waste management plan of a region for its jurisdiction within the scope stipulated by this Act; make amendments to the plan,
- b) send a copy of the approved waste management plan of a region to the Ministry,
- c) promulgate in a generally binding edict of the region the binding part of the waste management plan of a region and amendments thereto,
- d) state its comments on the draft Waste Management Plan of the Czech Republic.

(2) The regional authority

- a) shall grant its consent to operate a facility and to the plan of modification of a landfill; it may bind the consent on certain conditions,
- b) shall control how legal persons, natural persons authorized to operate a business and municipalities comply with the provisions of the legal regulations and decisions of the Ministry and other administrative authorities in the waste management sector and whether the authorized persons comply with the set manner of evaluation of hazardous properties of wastes,
- c) shall grant the consent to mixing of hazardous wastes with other hazardous wastes or with other wastes; it may bind the consent on certain conditions,
- d) shall impose through a decision on the waste generator the duty to pay a fee for depositing waste in a landfill if the waste generator failed to pay this fee within the set deadline,
- e) shall stipulate the period and conditions of maintenance of a landfill after cessation of its operation, reclamation and decontamination pursuant to Section 52,
- f) shall draw up and continuously keep records of consents granted by it and other decisions issued pursuant to this Act,
- g) shall make decisions on appeals against decisions of municipal authorities of municipalities with extended competence,

- h) shall make decisions in case of doubt as to whether a movable thing belonging to a waste category stipulated in Annex No. 1 to this Act is considered to be waste, on the basis of a proposal of the owner of the movable thing or of the administrative authority that holds the proceedings during which this issue was raised or that requires a decision on this issue for its further activities,
- i) shall grant its consent to manage hazardous waste pursuant to Section 16 (3) in a quantity exceeding one hundred tons of hazardous waste per annum; it may bind the consent on certain conditions,
- j) shall grant its consent to waiver of separation or separate accumulation of waste pursuant to Section 16 (2) to the waste generator who manages waste in a quantity exceeding 100 tons of hazardous waste per annum. It may bind the consent on certain conditions,
- k) shall grant its consent to waiver of separation or separate accumulation of waste pursuant to Section 18 (2). It may bind the consent on certain conditions,
- l) shall grant its consent to disposal of a special escrow account and to withdrawal of the financial reserve pursuant to Section 50 (2) and Section 51 (1), (2) and (3). It may bind the consent on certain conditions,
- m) may prohibit the operation of a facility for disposal of waste if the operator of the facility does not comply with the conditions stipulated in the special legal regulations for waste management and if this could result in serious environmental harm,
- n) may limit or prohibit the operation of a facility for management of waste from the production of titanium dioxide if monitoring of environmental components shows acute toxicity exceeding the limit values stipulated in an implementing regulation or a different deterioration of the state of the environment, which is as serious as the aforementioned excess of the limit values,
- o) may suspend the validity of a certificate of absence of hazardous properties of waste issued by an authorized person or withdraw the certificate pursuant to Section 9 (3) and (4),
- p) shall keep, regularly update and publish the list of persons licensed to treat end-of life vehicles,
- r) shall state its comments on the draft waste management plan of a waste generator,
- s) shall control that the landfill operators pay fees for depositing waste in landfills,
- t) shall impose through a decision on the operator of a landfill the duty to pay the collected fee for depositing waste on the landfill, if (s)he has failed to levy this fee within the set deadline to the recipient.

(3) When assessing an application for granting a consent pursuant to paragraph 2 above, the regional authority shall evaluate particularly its compliance with the duties following from this Act and implementing regulations and compliance with the binding parts of the waste management plan of a region and the Waste Management Plan of the Czech Republic.

(4) A regional authority shall cancel or change a decision on granting the consent that falls within its competence pursuant to this Act if

- a) there is a change in the conditions decisive for issuance of a decision on granting the consent,
- b) the operator of a facility for recovery, disposal, collection or purchase of wastes is not able to ensure the conditions for environmental protection stipulated in the legal regulations or if the operator of a landfill has not created a financial reserve pursuant to Sections 49 to 51 and a remedy is not provided within the set deadline, or

- c) a legal regulation or a natural person authorized to operate a business, to whom the consent has been granted, repeatedly breaches the duties stipulated by this Act or repeatedly fails to fulfill the conditions, on which the consent is bound.

(5) A regional authority may cancel a decision on granting the consent that falls within its competence pursuant to this Act if a new waste manager is not appointed at the latest within 30 days of the date of cessation of activities of the waste manager and the appointment of the new waste manager is not notified to the regional authority or if the new waste manager does not meet the conditions for professional qualification.

(6) Unless this Act or a special legal regulation stipulates otherwise, a decision pursuant to paragraph 2 above shall be made by the regional authority, within whose jurisdiction the facility or activity, with which the decision is concerned, is operated or where the thing, with which the decision is concerned, is located.

(7) The activities set forth in paragraphs 2 to 5 above may be performed by employees of the competent regional authority after demonstrating their special professional qualification.<sup>48a)</sup>

## Section 79

### **Municipal Authorities of Municipalities with Extended Competence**

- (1) A municipal authority of a municipality with extended competence
  - a) shall submit to the Ministry a proposal for classification of waste pursuant to the Catalogue of Waste pursuant to Section 5 (2),
  - b) shall grant its consent to management of hazardous waste pursuant to Section 16 (3), except for cases set forth in Section 78 (2) (i); it may bind the consent on certain conditions,
  - c) shall grant its consent to waiver of separation or separate accumulation of waste pursuant to Section 16 (2), except for cases set forth in Section 78 (2) (j); it may bind the consent on certain conditions,
  - d) shall keep and process records of waste and the manners of its management, end-of life vehicles and the manners of their treatment, the type, quantity and manner of treatment, recovery or disposal of waste electrical and electronic equipment, equipment set forth in Section 14 (2), accumulation sites for hazardous waste and waste collection sites and waste storage areas, carriers of waste, consents issued by it and other decisions issued pursuant to this Act, and, at request, provide information to applicants concerning the location of facilities suitable for disposal or recovery of waste generated by the applicants,
  - e) shall control how legal persons, natural persons authorized to operate a business and municipalities comply with the provisions of the legal regulations and decisions of the Ministry and other administrative authorities in the waste management sector and whether the authorized persons comply with the set manner of evaluation of hazardous properties of wastes,
  - f) if there is a danger of harm to human health or the environment or if such harm has already occurred, may provide for protection of human health and the environment at the expense of the responsible person,
  - g) shall impose on the operator of a facility for waste disposal, in extraordinary cases, if this is required from the viewpoint of environmental protection and if this is technically feasible for the operator, the duty to dispose of waste. The costs incurred as a consequence of this decision shall be paid by the municipal authority of the municipality with extended competence that issued the decision; the person who is responsible for this waste pursuant to

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<sup>48a)</sup> Section 72 of Act No. 129/2000 Coll.

this Act shall be obliged to reimburse the thus expended costs to the municipal authority of the municipality with extended competence,

- h) shall impose fines on legal persons and natural persons authorized to operate a business for breach of the set duties pursuant to Section 66 (2) to (5); simultaneously, in a separate decision, it may stipulate measures and deadlines for ensuring a remedy,
- i) may prohibit the waste generators from performing activities causing generation of waste if the waste generator has not provided for recovery or disposal of waste and if the waste generated as a consequence of continuation of this activity could cause environmental damage.

(2) The municipal authority of a municipality with extended competence shall cancel a decision on granting the consent that falls within its competence pursuant to paragraph 1 (b) if the person to whom the consent was granted repeatedly breaches the duties stipulated by this Act or repeatedly fails to meet the conditions, on which the consent is bound.

(3) Unless this Act or a special legal regulation stipulates otherwise, a decision pursuant to paragraph 1 above shall be made by the locally competent municipal authority of the municipality with extended competence, within whose jurisdiction the activity, with which the decision is concerned, is performed or where the thing, with which the decision is concerned, is located.

(4) A municipal authority of a municipality with extended competence shall provide its standpoint particularly

- a) on the establishment of facilities for waste disposal,
- b) in land-use and construction proceedings from the viewpoint of waste management,
- c) on the prepared changes in the production process or production that have effect on waste management,
- d) on introduction or extension of production of titanium dioxide.

(5) The standpoint pursuant to paragraph 4 above shall include assessment of the application from the viewpoint of its compliance with the duties following from this Act and implementing regulations. A standpoint shall not replace consents granted pursuant to this Act.

(6) Standpoints pursuant to paragraph 4 (a) to (d) above shall be issued by the municipal authority of the municipality with extended competence, within whose jurisdiction a facility designed for waste management is located.

(7) The activities set forth in paragraphs 1 to 4 above may be performed by employees of the municipal authority of a municipality with extended competence after demonstrating their special professional qualification.

## Section 80

### **Municipal Authority and Domain Authority**

(1) A municipal authority and domain authority shall

- a) control whether legal persons and natural persons authorized to operate a business utilize the system established by a municipality for management of municipal waste only on the basis of a written contract with the municipality and whether natural persons who are not entrepreneurs discard waste only in accordance with this Act,
- b) impose fines on legal persons and natural persons authorized to operate a business for breach of the duties pursuant to Section 66 (1); simultaneously, in a separate decision, they may stipulate measures and deadlines for ensuring a remedy,

- c) impose on natural persons fines for misdemeanors set forth in Section 69; simultaneously, in a separate decision, they may stipulate measures and deadlines for ensuring a remedy,
- d) control whether legal persons and natural persons authorized to operate a business have provided for recovery or disposal of waste in accordance with this Act,
- e) control that the landfill operators pay fees for depositing waste in landfills.

(2) The domain authorities shall execute public administration within the scope of Section 78 (2) (a) to (f), Section 78 (3), (4), (5) and (6), Section 79 (1) (a) to (e), (g) to (i), (k) to (n), Section 79 (2) to (7), and Section 80 (1) for the purposes of providing for defense of the State and training of military forces in the territory of a military domain<sup>49</sup>). The provisions of Sections 17 and 17a shall not apply to domain authorities and inhabitants of a military domain.

## Section 81

### **Rights and Duties of Inspectors and Authorized Employees of the Ministry and other Administrative Authorities**

(1) Inspectors and authorized employees of the Ministry and other administrative authorities and employees of the regions and municipalities assigned to regional and municipal authorities executing competence in the waste management sector shall be authorized, within the performance of their control activities

- a) to the necessary extent, to enter or drive onto properties of other persons or enter buildings of other persons used for business activities or operation of other economic activities, unless this requires a permit pursuant to the special legal regulations.. Buildings important for state defense<sup>50</sup>) may be entered only with the consent of the statutory body or head of an organizational unit of the state or persons authorized by this body or head of a unit, within whose competence the building important for state defense falls. The State shall be liable for any damage caused in the performance of control activities; it cannot be relieved from this liability,
- b) to request the required documents, information and written or oral explanations concerning the subject of the control,
- c) to take samples and draw up photographic documentation.

(2) Inspectors and authorized employees of the Ministry and other administrative authorities and employees of the regions and municipalities assigned to regional and municipal authorities executing competence in waste management shall be obliged, within the performance of their control activities

- a) to prove their identity by means of an identity card,
- b) to maintain confidentiality of facts subject to commercial or service secrecy, of which they learned in relation to the performance of their control activities,
- c) to inform the relevant operator prior to entering his premises,
- d) to respect operational, safety and other regulations concerning the activities of the operator,
- e) to draw up a protocol of the performed control,
- f) to save the property of the controlled entity.

(3) At request of the customs authorities and in their presence, the inspectors may enter places where they perform control and carry out professional control activities aimed at fulfillment of

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<sup>49)</sup> Act No. 222/1999 Coll., on the provision for defense of the Czech Republic, as amended by Act No. 320/2002 Coll.

<sup>50)</sup> Section 29 (3) of Act No. 222/1999 Coll., on the provision of defense of the Czech Republic.

duties in the area of transborder shipment of waste following from the legislation of the European Communities on the supervision of shipments of waste within, into and out of the European Community,<sup>39)</sup> this Act and legal regulations issued for its implementation.

#### Section 81a

The competence of regional authorities, municipal authorities of municipalities with extended competence or municipal authorities pursuant to this Act shall constitute performance of delegated competence.

### **PART TWELVE**

#### **JOINT AND TRANSITORY PROVISIONS**

##### Section 82

##### **Joint provisions**

(1) Unless this Act stipulates otherwise, the Code of Administrative Procedure<sup>13)</sup> shall apply to the proceedings pursuant to this Act.

(2) The consent to operation of a facility pursuant to Section 14 (1) and Section 16 (3), and standpoints pursuant to Section 79 (4) (b) to (e) shall not be issued pursuant to this Act if the issuing thereof is replaced by a procedure in proceedings on issue of an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (Act on Integrated Prevention). This shall in no way prejudice other provisions of this Act.

##### Section 83

##### **Transitory Provisions**

(2) The term of decisions issued to date pursuant to Section 5 (2) and (5), Section 6 (1) (f) and (2), Section 7 (1), Section 11 (3) and (4), Section (15) (1) and Section 34 (1) of Act No. 125/1997 Coll., on waste, as amended, is limited to 2 years from the date of effect of this Act.

(2) A certificate of properties of waste issued pursuant to the former legal regulations shall be considered to be a certificate of absence of hazardous properties of waste pursuant to this Act.

(3) Persons who operate, as of the date of effect of this Act, a facility for disposal or recovery of waste, whose operation pursuant to Act No. 125/1997 Coll., on waste, as amended, did not require the consent of the competent state administrative body, may operate this facility after expiry of 1 year from the date of effect of this Act only with the consent to operate these facilities pursuant to this Act.

(4) Persons who pursue, as of the date of effect of this Act, collection or purchase of waste and intend to continue this activity shall be obliged to acquire the consent to operate a facility for collection or purchase of waste pursuant to this Act, at the latest within 1 year of the date of effect of this Act.

(5) The duty to appoint a waste manager pursuant to Section 15 of this Act shall also apply to the waste generator and licensed persons who have managed hazardous waste in a quantity exceeding 100 tons of hazardous waste annually during the last 2 years, also entirely or partly prior to the legal force of this Act. The waste generators and licensed persons who have managed hazardous waste in a quantity exceeding 100 tons of hazardous waste annually during the last 2 years before the legal force of this Act shall be obliged to appoint a waste manager within 3 months of the legal force of this Act.

(6) The types and quantity of waste and the manners of management thereof for the year 2001 shall be reported pursuant to the former regulations.

(7) A financial reserve for reclaiming, maintenance of a landfill and decontamination after cessation of its operation created by the landfill operator pursuant to the former legal regulations shall be considered to be a financial reserve created pursuant to this Act. An escrow account created for depositing funds within the financial reserve established by the landfill operator pursuant to Section 32 of Act No. 125/1997 Coll., on waste, as amended, shall be considered to be a special escrow account established pursuant to this Act.

(8) Proceedings on fines commenced before the date of effect of this Act shall be completed pursuant to the former regulations. Other commenced proceedings shall be completed pursuant to this Act.

(9) The Ministry shall submit to the Government for approval the draft Waste Management Plan within 1 year of the date of effect of this Act.

(10) The management of packages and packaging waste shall be governed by the former regulations, including Sections 18 and 19, Section 39 (1) (g) (h), (l) and (m) and Section 39 (3) (i) of Act No. 125/1997 Coll., on waste, as amended, until the legal force of the new statutory regulation of management of packages and packaging waste.

(11) If a duty is incurred to pay a fee for municipal waste prior to the legal force of this Act, the former legal regulations shall apply. The fee for municipal waste shall be paid (assessed) pro rata for the period until December 31, 2001. If the fee for municipal waste has been paid prior to the date of effect of this Act also for a period after the date of effect of this Act, the part exceeding the proportional part of the fee corresponding to the period until December 31, 2001 shall be considered to be an advance payment for the local fee that has not yet fallen due. If this procedure is not applicable, the relevant part of the fee shall be considered to be overpayment.

(12) The provisions of this Act shall also apply to legal relations arisen prior to the date of effect of the Act, whose subject consists in payment for accumulation, collection, shipment, separation, recovery and disposal of municipal waste from natural persons; the arising of such legal relations and the rights arising therefrom shall be governed by the former legal regulations.

## **PART SEVENTEEN**

### **REPEALING PROVISIONS**

#### Section 88

The following shall be 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, as amended by Act No. 167/1998 Coll.

## **PART EIGHTEEN**

### **LEGAL FORCE**

#### Section 89

This Act entered into effect on January 1, 2002, except for Section 31 (5) and Section 38 (3), (4), (5), (6), (7), (8) and (9) which enter into effect on January 1, 2003.

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Act No. 477/2001 Coll., on packaging and amending some laws (the Packaging Act), entered into effect on January 1, 2003.

Act No. 76/2002 Coll., on integrated pollution prevention and control, the integrated pollution register and amending some laws (Act on Integrated Prevention), entered into effect on January 1, 2003.

Act No. 275/2002 Coll., amending Act No. 185/2001 Coll., on wastes and amending some other laws, as amended, entered into effect on January 1, 2003.

Act No. 320/2002 Coll., on amending and repealing certain laws in connection with termination of the work of the district authorities, entered into effect on January 1, 2003.

Act No. 167/2004 Coll., amending Act No. 455/1991 Coll., on business in trade (the Trade Act), as amended, and certain related laws, entered into effect on the date of entry into force of the Agreement on Accession of the Czech Republic to the European Union (May 1, 2004).

Act No. 188/2004 Coll., amending Act No. 185/2001 Coll., on waste and amending some other laws, as amended, entered into effect on the date of its promulgation (April 23, 2004), except for Art. I (77) to (86) – Part Nine, which entered into effect on the date of entry into force of the Agreement on Accession of the Czech Republic to the European Union (May 1, 2004).

Act No. 317/2004 Coll., amending Act No. 156/1998 Coll., on fertilizers, auxiliary soil substances, auxiliary plant preparations and substrates and on agro-chemical testing of agricultural land (Act on Fertilizers), as amended, Act No. 185/2001 Coll., on waste and amending some other laws, as amended, Act No. 147/2002 Coll., on the Central Agricultural Control and Testing Institute and on amendment to some other laws (the Act on the Central Agricultural Control and Testing Institute), as amended, and Act No. 252/1997 Coll., on agriculture, as amended, entered into effect on the date of its promulgation (May 27, 2004).

Act No. 7/2005 Coll., amending Act No. 185/2001 Coll., on waste and amending some other laws, as amended, entered into effect on the date of its promulgation (May 6, 2005), except for Art. I (18), with respect to Sections 37i, 37k, 37n and 37o, and Art. I (19), (21) and (22), which enter into effect on August 13, 2005, and Art. I (18), with respect to Section 37m (3), which enters into effect on January 1, 2009.

Prime Minister:

JUDr. Gross, in his own hand



**WASTE CATEGORIES**

Code	Waste Category
Q1	Residues from production and consumption, further unspecified
Q2	Products that do not correspond to the required quality
Q3	Products with expired use-before date
Q4	Products that are used, lost or devalued by some other accidental event, including all materials, components of equipment, etc. that have been contaminated as a result of an accident
Q5	Materials contaminated or polluted as a consequence of normal activities (e.g. waste following from cleaning operations, packaging materials, containers, etc.)
Q6	Unusable components (e.g. spent batteries, used catalysts, etc.)
Q7	Substances that have lost the required properties (e.g. contaminated acids, solvents, tempering salts, etc.)
Q8	Waste from industrial processes (e.g. slag, distillation residues, etc.)
Q9	Waste from processes reducing pollution (e.g. sludge from gas scrubbers, dust from filters, used filters, etc.)
Q10	Residues from machine turning and surface treatment of materials (e.g. chips from lathes and milling, scale, etc.)
Q11	Waste from transportation and processing of raw materials (e.g. from mining, petroleum transportation, etc.)
Q12	Contaminated materials (e.g. oil contaminated with PCBs, etc.)
Q13	Any materials, substances or products whose use has been prohibited by law
Q14	Products that the owner does not use or will no longer use (e.g. in agriculture, in households, offices, sales outlets, workshops, etc.)
Q15	Contaminated materials, substances or products formed in decontamination of the soil
Q16	Any materials, substances or products that do not belong to the above categories

**LIST OF HAZARDOUS PROPERTIES OF WASTE**

Code	Hazardous Property of Waste
H1	Explosiveness
H2	Oxidation ability
H3-A	High flammability
H3-B	Flammability
H4	Irritation ability
H5	Detrimental to health
H6	Toxicity
H7	Carcinogenicity
H8	Causticity
H9	Infectiousness
H10	Teratogenicity
H11	Mutagenicity
H12	Ability to release highly toxic or toxic gases in contact with water, air or acids
H13	Ability to release dangerous substances into the environment during or after disposal
H14	Ecotoxicity

**MANNERS OF RECOVERY OF WASTE**

Code	Manner of Recovery of Waste
R1	Recovery of waste in a manner similar to fuels or in some other manner for energy production
R2	Recovery/regeneration of solvents
R3	Recovery/regeneration of organic substances that are not used as solvents (including composting and other biological processes)
R4	Recycling/recovery of metals and metal compounds
R5	Recycling/recovery of other inorganic materials
R6	Regeneration of acids or bases
R7	Recovery of components used for pollution abatement
R8	Recovery of components from catalysts
R9	Re-refining of used oil or some other manner of re-use of oils
R10	Land treatment resulting in agriculture or ecological improvement
R11	Recovery of waste generated by any of the operations numbered R1 to R 10
R12	Preliminary treatment of waste for any of the operations numbered R1 to R 11
R13	Storage of materials prior to any of the operations numbered R1 to R12 (except for temporary storage at the place of generation prior to collection)

**Annex No. 4 to Act No. 185/2001 Coll.**

**MANNERS OF DISPOSAL OF WASTE**

Code	Manner of Disposal of Waste
D1	Deposit into or onto land (e.g. landfill, etc.)
D2	Land treatment (e.g. biodegradation of liquid waste or sludge in soils, etc.)
D3	Deep injection (e.g. injection of pumpable liquid waste into wells, salt domes or natural occurring repositories, etc.)
D4	Surface impoundment (e.g. placement of liquid waste or sludge into pits, ponds or lagoons, etc.)
D5	Depositing in specially engineered landfills (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 and oceans
D7	Release into seas and oceans including sea-bed insertion
D8	Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D 12
D9	Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D1 to D 12 (e.g. evaporation, drying, calcination, etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Final or permanent storage (e.g. emplacement in containers in mines)
D13	Modification of the composition or mixing of waste prior to its disposal by any of the operations numbered D1 to D12
D14	Modification of other properties of waste (except for modification included in D13) prior to its disposal by any of the operations numbered D1 to D13
D15	Storage of waste pending its disposal by any of the operations numbered D1 to R14 (except for temporary storage at the place of generation prior to accumulation of the required quantity)

## LIST OF COMPONENTS RENDERING WASTE HAZARDOUS

Code	Component rendering waste hazardous pursuant to this Act
C1	beryllium, beryllium compounds
C2	vanadium compounds
C3	chromium (VI) compounds
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, with the exception of barium sulfate
C16	mercury; mercury compounds
C17	thallium; thallium compounds
C18	lead; lead compounds
C19	inorganic sulfides
C20	inorganic compounds of fluorine, with the exception of calcium fluoride
C21	inorganic cyanides
C22	the following alkaline metals and alkaline earth metals : lithium, sodium, potassium, calcium, unbonded magnesium
C23	acidic solutions of acids in solid form
C24	alkaline solutions of alkalis in solid form
C25	asbestos (dust and fibres (
C26	phosphorus, phosphorus acids, with the exception of mineral phosphates
C27	metal carbonyls
C28	peroxides
C29	chlorates
C30	perchlorates
C31	azides
C32	PCBs or PCTs
C33	pharmaceutical or veterinary preparations
C34	biocides and phytopharmaceutical 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 with the exception of halogenated solvents
C42	organohalogen compounds, with the exception of inert polymer materials and other substances referred to in this Annex
C43	aromatic compounds polycyclic and heterocyclic organic compounds
C44	aliphatic amines
C45	aromatic amines
C46	ethers
C47	substances of explosive nature, with the exception of substances referred to in this Annex
C48	organic compounds of sulfur
C49	any form of polychlorinated dibenzofuran
C50	any form of polychlorinated dibenzo-p-dioxine
C51	hydrocarbons and their compounds with oxygen, nitrogen or sulfur, if not referred to elsewhere in this Annex

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

**Rate of the Basic Fee for Depositing Waste**

**CZK/t**

**(calendar year)**

Waste Category	2002 to 2004	2005 to 2006	2007 to 2008	2009 and following years
Hazardous	1100	1200	1400	1700
Municipal and other	200	300	400	500

**Rate of the Risk Fee for Depositing Hazardous Waste**

**CZK/t**

**(calendar year)**

Waste Category	2002 to 2004	2005 to 2006	2007 to 2008	2009 and following years
Hazardous	2000	2500	3300	4500

**Categories of Electrical and Electronic Equipment**

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers