

ACT
of 15 May 2001
on waste and change to some other acts

Parliament has adopted the following Czech Republic Act:

PART ONE

BASIC PROVISIONS

Section 1

Subject of the Regulation

This act regulates

- a) the rules on the prevention of waste creation and waste management rules and the compliance with environmental protection, health protection and sustainable development aspects,¹⁾
- b) rights and obligations of persons active in waste management, and
- c) public administration bodies' jurisdiction.

Section 2

Scope of Effect

(1) The Act regulates the management of all waste, except for:

- a) waste water,²⁾
- b) waste generated from mining activities and activities performed using mining methods, which is stored in spoil banks, waste dumps and sludge beds,³⁾
- c) precious metal waste,⁴⁾
- d) radioactive waste,⁵⁾
- e) dead human bodies and remains,⁶⁾
- f) confiscated property of animal origin,⁷⁾
- g) non-captured air-polluting emissions,⁸⁾

¹⁾ The Environmental Act No. 17/1992 Coll. as amended.

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

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

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

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

⁶⁾ Act No. 258/2000 Coll. on the protection of public health

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

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

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

h) waste from explosive agents, explosives and ammunition.⁹⁾

(2) Unless stipulated otherwise by a special legal regulation, this Act also regulates the storage of waste not generated from mining activities, in underground spaces and sludgebeds³⁾ and management of unusable habitual substances, preparations and precursors and unusable medications.¹⁰⁾

Section 3

Definition of Waste

- (1) Waste is any movable asset that a person is disposing of or has the intent or obligation to dispose of, and that is classified in one of the waste categories stipulated in Attachment 1 to this Act.
- (2) Waste disposal occurs whenever a person transfers a movable asset classified in one of the waste categories as specified in Attachment 1 to this Act for use or liquidation pursuant to this Act or if such asset is transferred to a person authorised to collect or purchase waste under this Act irrespective of whether the transfer is for or without consideration. Waste disposal also occurs if such person itself removes the movable asset classified in one of the waste categories as specified in Attachment 1 to this Act.
- (3) Unless in a procedure on clearing up doubts under Section 79 para 1 letter a), the owner proves the contrary, the intention to dispose of the following movable assets classified in one of the waste categories as specified in Attachment 1 to this Act shall be presumed:
 - a) assets generated by natural persons or legal entities authorised to do business as a side-product of generation or amendment of energy, of production or management of substances/ products or of their use and in the provision of services, or
 - b) assets the original purpose of which was dropped or ceased to exist without being replaced.
- (4) A person is obliged to dispose of a movable asset classified in one of the asset categories stipulated in Attachment 1 to this Act if the asset is not used for its original purpose and such asset represents hazard for the environment or if such asset was excluded from operation pursuant to a special legal regulation.¹¹⁾

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

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

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

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

Section 4

Additional Key Definitions

For the purposes of this Act it is understood that the term

- a) hazardous waste means waste listed on the List of hazardous waste which is a part of an executive legal regulation and any other waste showing one or more hazardous attributes stipulated in Attachment 2 to this Act,
 - b) communal waste means all waste generated in the territory of a municipality in connection with activities of natural persons except for waste generated by legal persons or natural persons authorised to do business,
 - c) waste management industry means activities aimed at the prevention of waste creation, waste management and the subsequent care for locations where waste was permanently stored including control of these activities,
 - d) waste management means waste assembly, concentration, collection, purchasing, sorting, transport, storage, amendment, utilisation and removal,
 - e) facility means technological equipment, location, construction or part thereof,
 - f) waste assembly means short-term concentration of waste in waste assembly equipment in the location where waste was created before it is further handled,
 - g) waste storage means temporary storage of the concentrated waste (assembled, collected, purchased) in a facility designed for such purpose and retaining waste in such facility,
 - h) waste dump means a facility designed for waste liquidation by the means of its permanent and controlled disposal either on or below the ground level,
 - i) waste collection – concentration of waste from third parties by a legal entity or natural person authorised to do business for the purpose of its delivery for further utilisation or removal,
 - j) waste purchase means purchasing waste for an agreed price by a legal entity or a natural person authorised to do business,
 - k) waste modification – any and all activities resulting into a change of the waste's chemical, biological or physical attributes (including their sorting) for the purpose of allowing or facilitating their transport, utilisation, removal or for the purpose of reducing their volume or diminishing their hazardous attributes,
 - l) waste utilisation means activities pursuant to Attachment 3 to this Act,
 - m) using waste as a material - replacement of primary raw materials by substances generated from waste which may be considered as secondary raw materials or using the waste material attributes for their original purpose or other purposes, except for energy production,
 - n) using waste for energy - using waste primarily as fuel⁸⁾ for the purpose of exploiting their content of energy or using waste in another manner for energy production,
 - o) waste removal means activities pursuant to Attachment 4 to this Act,
 - p) waste producer - legal entity generating waste in connection with its operation or natural person authorised to do business generating waste in connection with his/her business activity. Communal waste generated in the territory of a municipality by activities of natural persons not subject to the obligations of a waste producer, is considered as waste generated by the municipality. A municipality becomes the waste producer after a natural person deposits waste in a designated location; at the same time the municipality acquires ownership of the waste,
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- q) licensed person - each person licensed to manage waste either by law or under special legal regulations,¹²⁾
- r) releasing a product into circulation - product submission, with or without consideration, to another person for the purpose of distribution or use. Product import is also considered as its release into circulation.

PART TWO

WASTE CLASSIFICATION AND EVALUATION OF THE WASTE'S HAZARDOUS ATTRIBUTES

CHAPTER I WASTE CLASSIFICATION

Section 5

Waste Classification under the Waste Catalogue

(1) For the purpose of waste management, the waste producer and the licensed person are obliged to classify waste under the Waste Catalogue issued by the Environmental Ministry (hereinafter "the Ministry") in an executive legal regulation.

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

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

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

Section 6

Waste Classification by Category

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

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

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

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

(2) Should waste show one or more hazardous attributes specified in Attachment 2 to this Act, the waste producer and the licensed person managing the waste shall be obliged to classify such waste as hazardous and handle it to this effect even if it does not meet conditions specified under par. 1 .

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

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

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

CHAPTER II EVALUATING THE WASTE'S HAZARDOUS ATTRIBUTES

Section 7

Commissioning the Evaluation of Hazardous Attributes of Waste

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

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

(3) A commission for evaluating hazardous waste attributes is granted for an indefinite period of time not exceeding 5 years. The duration of the commission for evaluating hazardous waste attributes shall be extended by the Ministry or the Ministry of Health based on a proposal by the authorised person for another 5 years provided conditions for its extension under this Act have been met.

(4) Should the authorised person submit a proposal for an extension of the duration of a commission for evaluating hazardous waste attributes be submitted by the latest 6 month before the expiration of the original duration period thereof, such commission for evaluating hazardous waste attributes shall continue in force until a legally effective decision is adopted.

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

(6) The Ministry shall grant a commission or extend the validity of a commission to a legal entity or physical person who has demonstrated his/her qualification. Qualification for the evaluation of hazardous attributes of waste specified in Attachment 2 to this Act under codes H1, H2, H3-A, H3-B, H12 and H14 shall be demonstrated by the following documents:

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

(7) The Ministry of Health shall grant a commission or extend the validity of a commission to a legal entity or natural person who has demonstrated his/her qualification. Qualification is demonstrated as follows:

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

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

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

(10) The Ministry and the Ministry of Health shall issue a decree stipulating the content of an application for commission for hazardous waste attributes evaluation; the content of an application for extension of such commission and the content of the course on hazardous waste attributes evaluation.

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

Section 8

Withdrawal and Termination of a Commission for Hazardous Waste Attributes Evaluation

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

(2) The validity of the commission for hazardous waste attributes evaluation expires:

- a) in case of the natural person's death,
- b) in case of termination of a legal entity,
- c) by declaring a bankruptcy on the assets of the authorised person,
- d) by the expiration of its duration period, or
- e) on the day of delivery of an authorised person's notification of termination of its activity as person authorised for hazardous waste attributes evaluation to the authorising Ministry.

Section 9

Certificate on the Elimination of Hazardous Waste Attributes

(1) Hazardous waste attributes shall be evaluated by an authorised person based on an application by the waste producer or the licensed person. After establishing that none of the hazardous attributes is present in the waste, the authorised person shall issue a certificate on the elimination of hazardous waste attributes (hereinafter the "certificate"). Should the authorised person establish otherwise, it will notify the applicant in writing along with an explanation that the waste has one or more hazardous attributes (hereinafter "notification"). The waste producer or the licensed person shall mail a copy of such certificate or notification without undue delay to the Czech Environmental Inspection (hereinafter "the Inspection") and the district office with the respective territorial jurisdiction for waste management. The certificate does neither relieve the waste producer and the licensed person from the obligation to handle waste in a manner ensuring environmental protection nor from liability for damages caused by improper waste management. Issuing the certification/notification is not governed by the Rules of Administration.

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

(3) The Inspection or a district office with the respective territorial jurisdiction for waste management may halt the validity of a certificate issued by an authorised person for a maximum period of 60 days in case of doubt regarding compliance with the proper methods or procedures regulating hazardous waste attributes evaluation or the method and frequency of hazardous attribute controls or in case of doubt in respect of hazardous waste attributes evaluation results. An appeal against a decision on halting a certificate's validity does not have a suspensory effect.

(4) The Inspection or a district office with the respective territorial jurisdiction for waste management may withdraw a certificate in case of non-compliance with methods or procedures

regulating the hazardous waste attributes evaluation or in case that hazardous attributes were evaluated incorrectly. An appeal against a decision on a certificate withdrawal does not have a suspensory effect.

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

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

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

PART THREE OBLIGATIONS PERTAINING TO WASTE MANAGEMENT

CHAPTER I GENERAL OBLIGATIONS

Section 10 Prevention of Waste Production

(1) Everyone is expected to prevent production of waste in connection with his/her business, or within the scope of his/her authority eliminate the amount of waste and its hazardous attributes; waste, the generation of which cannot be prevented, must be utilised or removed in a manner not jeopardising human health and environment in compliance with this Act and special regulations.¹⁵⁾

(2) A legal entity/natural person authorised to do business and engaged in product manufacturing, is obliged to manufacture products in a manner to reducing the amount of unusable waste generated during the production; this applies, in particular, to hazardous waste.

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

Section 11 Waste Utilisation Priority

(1) Under this Act, everyone is obliged in connection with his/her business or within the scope of his/her authority, to ensure waste utilisation prior to its removal. Utilising waste as material has priority before any other use.

(2) Compliance with the obligations stipulated under par. 1 shall not be requested if the technical or economic preconditions of compliance are missing in the given time and location and if compliance

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

with the waste management industry plans under part seven of this Act is ensured.

(3) In considering the appropriateness of waste removal methods, a method ensuring better protection of human health and the environment should always be given priority. Only such waste may be deposited in a dump for which there is no other removal method available or would represent more environmental or human health hazard, and if depositing waste in a dump does not breach this Act or the executive legal regulations.

Section 12 General Obligations

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

(2) Unless specified otherwise, under this Act, waste may only be managed in facilities designed for waste management pursuant to this Act. Waste management must not jeopardise human health and/or damage environment. Pollution limits stipulated by special legal regulations¹⁷⁾ must not be exceeded.

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

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

(5) Diluting or mixing waste for the purpose of compliance with criteria for its acceptance to dump and mixing hazardous waste with other hazardous or other waste is forbidden. In exceptional cases, mixing hazardous waste with other hazardous or other waste is allowed subject to an approval of a regional authority with delegated territorial jurisdiction over the waste management location. The regional authority with delegated jurisdiction shall only issue its approval if hazardous waste mixing does not jeopardise human health and/or environment and provided the purpose of the hazardous waste mixing is in compliance with the technological requirements for waste utilisation or removal and increasing safety of waste management.

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

(7) The obligations of waste producers and licensed persons do not relate to fire squads and other

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

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

legal entities/natural persons authorised to do business which are existing for the purpose of intervening in emergency situations and fire-fighting, pursuant to special legal regulations¹⁸⁾, during their duty performance.

Section 13 **Packaging and Labelling Hazardous Waste**

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

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

- a) waste with hazardous attributes specified in Attachment 2 to this Act under codes H1, H2, H3, H6, H8, H9 and H14 shall bear a graphic symbol regulated by a special legal regulation,¹⁹⁾
- b) hazardous waste other than waste specified under letter a) shall bear a "hazardous waste" sign.

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

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

Section 14 **Consent to Operate a Facility for Waste Utilisation, Removal, Collection and Purchase**

(1) A waste utilisation, removal, collection and purchase facility may only be operated based on a decision issued in delegated jurisdiction by a regional body consenting to the operation of such facility and its rules of operation (hereinafter "consent to operate a facility"). In a procedure preceding the issuance of such decision, the regional body must evaluate all equipment related to this activity.

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

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

¹⁹⁾ Section 1 and 12 of Act No. 157/1998 Coll. on chemical substances and chemical preparations as amended
European agreement on international road transport of hazardous materials - ADR (Geneva 1957) published in the Collection of Laws under No. 64/1987 Coll.

The rules of the international railroad transport of hazardous materials

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

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

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

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

- a) particulars of an application for consent to operate a facility,
- b) the content of the rules of operation of a facility for waste utilisation, removal collection and purchase, and
- c) technical requirements for such facility.

Section 15 The Waste Manager

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

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

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

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

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

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

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

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

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

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

CHAPTER II OBLIGATIONS PERTAINING TO INDIVIDUAL WASTE MANAGEMENT PHASES

Part 1 Waste Producers

Section 16 **Waste Producer's Obligations**

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

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

(2) If waste sorting or separate storage is not required, taking into account the future method of waste utilisation or removal, the waste producer may refrain from it.

(3) The waste producer may handle hazardous waste only based on an approval by the respective district office, unless he/she has consent to operate a facility pursuant to Section 14.

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

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

Section 17

Rights and Obligations of Municipalities and Natural Persons Handling Communal Waste

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

(2) In its independent jurisdiction, a municipality may stipulate, in a generally binding municipal decree, the system of assembly, collection, sorting, utilisation and removal of communal waste generated in its cadastre territory, including the system of construction debris management.

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

(4) Natural persons are obliged to dispose of communal waste in specified locations and to assemble, sort and submit for utilisation and removal communal waste, starting from the date stipulated by the municipality in a generally binding decree, in compliance with a system designed by the municipality, unless municipalities themselves utilise waste pursuant to this Act and special legal regulations.²⁵⁾

(5) Creators of waste generating waste classified by the Waste Catalogue as waste similar to communal waste generated by the activity of legal entities/natural persons authorised to do business, may, based on a contract with the municipality, utilise the municipality-implemented system of communal waste management. The contract must be in writing and must include the price agreed for

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

²⁴⁾ Act No. 50/1976 Coll. as amended

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

such services.

Part 2
Waste Collection and Purchase

Section 18
Obligations Pertaining to Waste Collection and Purchase

- (1) The operator of a facility for waste collection and purchase shall be obliged to do the following:
- a) classify waste by types and categories pursuant to Sections 5 and 6,
 - b) ensure waste utilisation priority pursuant to Section 11,
 - c) appoint a waste manager pursuant to conditions stipulated by Section 15 of this Act,
 - d) transfer ownership rights to the collected or purchased waste only to a person authorised to assume ownership under Section 12, par. 3,
 - e) operate a facility for waste collection and purchase in compliance with its approved rules of operation,
 - f) publish the information on types of waste collected and purchased and conditions for waste collection and purchase, and collect or purchase the published types of collected or purchased waste under the specified conditions,
 - g) verify hazardous waste attributes under section 6 par. 4 and manage waste in compliance with its real attributes,
 - h) concentrate the collected or purchased waste sorted by types and categories,
 - i) safeguard waste and protect it against harmful impairment, misappropriation or leak,
 - j) keep operating records of waste and the waste management methods, file waste reports and furnish to the respective administrative office further information within the scope specified by this Act and the executing legal regulation, including record-keeping and reporting of equipment and substances containing PCB as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
 - k) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,

(2) If waste sorting or separate storage is not required, taking into account the future method of waste utilisation or removal, the creator of waste may refrain from it based on an approval of the respective district office.

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

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

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

Part 3
Waste Utilisation

Section 19
Obligations Pertaining to Waste Utilisation

(1) The operator of a facility for waste utilisation shall be obliged to do the following:

- a) appoint a waste manager pursuant to the conditions stipulated by Section 15 of this Act,
- b) publish a list of waste for the utilisation of which he/she has been authorised,
- c) operate a waste utilisation facility in compliance with its approved rules of operation,
- d) safeguard waste and protect it against harmful impairment, misappropriation or leak,
- e) keep operating records of waste and the waste management methods, file waste reports and furnish to the respective administrative office further information within the scope specified by this Act and the executing legal regulation including record-keeping and reporting of equipment and substances containing PCB as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- f) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,
- g) verify hazardous attributes of waste under section 6 par. 4 and manage waste in compliance with its real attributes,
- h) inform the district office without undue delay of any harmful effects of waste management on human health or environment which are in contradiction to effects expected or described in the facility's rules of operation or effects in excess of the stipulated limit values.

(2) Obligations stipulated under par. 1 letters e) and f) do not relate to the facility's operator under Section 14, par. 2.

Part 4
Waste Removal
Section 20
Joint Provisions

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

- a) appoint a waste manager pursuant to the conditions stipulated by Section 15 of this Act,
- b) publish a list of waste for the removal of which he/she has been authorised,
- c) operate a facility for waste removal in compliance with its approved rules of operation,
- d) safeguard waste and protect it against harmful impairment, misappropriation or leak,
- e) keep operating records of waste and the waste management methods, file waste report and furnish to the respective administrative office further information within the scope specified by this Act and the executing legal regulation including record-keeping and reporting of equipment and substances containing PCB as specified in Section 26. These records must be archived over a period of time specified by this Act or an executing legal regulation,
- f) remove waste in extraordinary cases based on a district office decision, if required in the

sake of environmental protection and if technically possible; expenses incurred in connection with such decision shall be born by the district office that issued the decision; person responsible for the waste shall be responsible for reimbursement to the district office of expenses thus incurred,

- g) enable control bodies access in objects, spaces and facilities and if requested, submit documentation and provide correct and true information in relation to the waste management,
- h) verify hazardous attributes of waste under section 6 par. 4 and manage waste in compliance with its real attributes,
- i) inform the district office without undue delay of any harmful effects of waste management on human health or environment which are in contradiction to effects expected or described in the facility's rules of operation or effects in excess of the stipulated limit values.

Section 21

Special Provisions Regulating Waste Dumps

(1) A waste dump operator is further obliged to do the following:

- a) create and maintain a financial reserve for the dump re-cultivation, ensuring due care and an decontamination after the termination of the dump's operation within the scope specified by this Act and the executive legal regulations,
- b) ensure dump decontamination, re-cultivation and due follow-up care thus eliminating the dump's negative effects on the environment; these activities must be funded from the operator's own resources and the financial reserve over a period of a minimum of 30 years,
- c) collect dump disposal fees, transfer the money to the fee recipient and inform the fee recipient of any outstanding fees,
- d) archive records of waste deposited over the entire period of the dump's operation and the period of the follow-up care under letter b).

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

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

(4) The following waste must not be deposited in dumps: waste stipulated in an executive legal regulation, waste that may have harmful effects on the environment when mixed, and not amended waste, except for waste stipulated in an executive legal regulation and waste the volume of which or reduction or removal of the hazardous attributes of which may not be achieved by an amendment, .

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

- a) list of waste that must not be deposited in dumps or that may only be deposited under certain conditions,
- b) dump technical requirements and conditions for their operation,

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

- c) method of waste valuation using its extraction and mixing abilities.

Special Provisions Regulating Waste Burning

Section 22

(1) Waste may be burnt only provided conditions stipulated by legal regulations on air protection²⁸⁾ and energy management are met.²⁹⁾

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

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

(2) The Ministry shall issue a decree specifying the technical requirements for handling waste generated from burning of hazardous waste in incinerators.

Section 23

(1) Burning waste is considered as waste utilisation waste for energy purposes only if the following conditions are met:

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

(2) Waste incinerators that do not meet the burning conditions specified under par. 1 are considered as waste-removal facilities.

Part 5

Waste Transport

Section 24

Obligations Pertaining to Waste Transport

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

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

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

PART FOUR

OBLIGATIONS PERTAINING TO SELECTED PRODUCTS, SELECTED WASTE AND SELECTED EQUIPMENT

CHAPTER I

JOINT PROVISIONS

Section 25

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

- a) PCB defined under Section 26 and equipment containing PCB,
- b) waste oil,
- c) batteries and accumulators,
- d) Sludge generated by waste water purification stations,

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

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

- e) waste generated from the production of titanium oxide,
- f) asbestos waste,
- g) car wrecks

(2) The obligations of the creators of waste and licensed persons also relate to the creators of selected waste and licensed persons managing waste, unless stipulated otherwise below.

(3) Legal entities and natural persons authorised to do business who manage selected products or waste or operate selected facilities, shall be obliged to provide to the administrative authorities with jurisdiction over waste management pursuant to part eleven, if requested, any and all information relevant to the management of selected products and selected waste and information relating to the selected facility operation.

CHAPTER II SPECIAL PROVISIONS FOR SELECTED PRODUCTS, WASTE AND EQUIPMENT

Part 1 PCB

Section 26

For the purposes of this Act it is understood that the term

- a) PCB means polychlored biphenyls, polychlored terfenyls, monometyltetrachlordifenylmetan, monometyldichlordifenylmetan, monometyldichlordifenylmetan, monometyldibromdifenylmetan and any mixtures containing any of the above substances with a concentration in excess of 50 mg/kg.
- b) equipment containing PCB means any equipment that contains or used to contain PCB, such as transformers, condensers, tanks containing left-over filling, etc. and that was not decontaminated,
- c) decontamination - any and all procedures enabling that equipment, objects and substances contaminated with PCB may be re-used, re-cycled or removed. Such procedures may include PCB replacement with appropriate PCB-free substances,
- d) equipment containing PCB and subject to record-keeping - equipment that may contain substances with PCB content, in particular oil transformers, condensers with fluid dielectric, 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 litres of fluids.

Section 27

Obligations Pertaining to the Management of PCB and PCB-containing Waste and Equipment

(1) The owners (holders) of PCB and PCB-containing waste and equipment liable to record-keeping shall be obliged to ensure their liquidation in compliance with this Act and the executive legal regulation as soon as possible, however, no later than by the end of 2010.

(2) PCB acquisition from other substances for the purpose of their re-use is forbidden.

(3) PCB decontamination is possible only in facilities designed for such purpose.

(4) The operators of PCB-containing equipment that is liable to record keeping must mark such equipment and objects where the equipment is located in a manner stipulated by an executive legal regulation. The operators of decontaminated equipment are obliged to mark such equipment in a manner stipulated by an executive legal regulation.

(5) The operators of PCB-containing equipment that is liable to record keeping must not acquire additional supplies of such equipment. Until such equipment is removed from operation, it must be maintained in a manner ensuring that PCB contained in this equipment complies with the technological standards, that the equipment is in good operational condition and that there is no leak of the filling.

(6) PCB-containing equipment not liable to record keeping which constitutes a part of another equipment that is being removed from operation, must be removed from this equipment, if practicable, and liquidated in compliance with the Act and the executive legal regulation.

(7) Should an operator or owner of PCB-containing equipment that is liable to record keeping, demonstrate to the Ministry in a specified manner that the equipment does not contain PCB, he/she does not have to fulfil the obligations specified under par. 1,4 and 5. The demonstration method shall be stipulated in an executive legal regulation.

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

- a) technical requirements regarding the PCB management and technical requirements for PCB-containing equipment, including measures aimed at the protection of human health and environment,
- b) methods of determining the total PCB concentration in PCB-containing substances,
- c) details of the method proving non-existence of PCB, and
- d) the labelling method for the PCB-containing equipment that is liable to record keeping and the method of labelling decontaminated equipment.

Part 2
Waste Oil
Section 28

For the purposes of this Act. it is understood that the term

- a) waste oil means any mineral or synthetic lubricating or industrial oil which became unsuitable for its original purpose, in particular used combustion engine oil, transmission oil, mineral or synthetic lubricating oil, turbine and hydraulic oil,
- b) waste oil readjustment means activities aimed at enabling waste oil utilisation, i.e. its reconditioning or burning,
- c) waste oil reconditioning - any procedure enabling basic oil production through waste oil refinery, in particular, by removing the contaminating components, oxidation products and additives contained in waste oil,
- d) waste oil burning means the use of oil as fuel for energy production pursuant to a special legal regulation.

Section 29

Obligations Pertaining to Waste Oil Management

(1) The creator of waste oil and the person licensed to manage waste oil shall have the following obligations:

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

(2) In order to meet the obligations specified under par. 1 letters a) through c), the waste oil producer or the licensed person may utilise the system of used product collection specified in part five.

Section 30 The Ministry shall issue a decree stipulating the technological requirements for waste oil management.

Part 3

Batteries and Accumulators

Section 30

For the purposes of this Act, it is understood that the term

- a) batteries or accumulators means sources of electric energy generated through a direct transformation of chemical energy, consisting of one or several batteries or cells,
- b) used batteries and accumulators are batteries or accumulators that are not reusable and are designed for reconditioning or removal.

Section 31

Obligations Pertaining to the Batteries and Accumulators Management

(1) Legal entities/natural persons authorised to do business who handle alkaline manganese batteries containing more than 0.025 weight percentage of mercury or batteries / accumulators containing:

- a) more than 0.0005 weight percentage of mercury 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 weight percentage of cadmium, or
- d) more than 0.4 weight percentage of lead,

are obliged to ensure separate storage, concentration, utilisation and removal thereof.

(2) Manufacturers and importers are obliged to mark batteries, accumulators and equipment with built-in batteries and accumulators with information about used product collection and about the product heavy metal content.

(3) Manufacturers and importers of equipment with built-in batteries and accumulators or equipment requiring built-in batteries and equipment, are obliged to ensure

that the consumer can easily remove batteries or accumulators after they have been used. If an easy removal of batteries or accumulators from the equipment is not possible, a user guide must be supplied with the equipment describing the method of their safe removal.

Section 31 Manufacturers and importers of batteries or accumulators or equipment containing batteries or accumulators are obliged to inform the consumers about hazards connected with an illegal removal of used batteries and accumulators.

(5) It is forbidden to manufacture or import batteries and accumulators containing more than 0.0005 weight percentage of mercury including batteries and accumulators built-in in an equipment.

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

(7) The Ministry shall issue a decree stipulating technological requirements for the management of batteries and accumulators.

Part 4

Sludge Generated by Waste Water Purification Stations

Section 32

For the purposes of this Act, it is understood that the term

a) sludge

1. means sludge generated by waste water purification stations processing city and household waste water and other waste water purification stations processing waste water with the same composition as city and household waste water,
2. sludge from septic systems and similar establishments,
3. sludge generated by other waste water purification stations,

b) amended sludge means sludge that was amended through a biological, chemical or heat-based procedure, long-term storage or any other appropriate procedure aimed at a significant reduction of pathogen organisms in sludge thus reducing the health risks connected with its application,

c) sludge use - sludge application on soil,

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

Section 33

Obligations Pertaining to Sludge Use

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

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

(2) Using sludge is forbidden:

- a) on agricultural soil which is part of national parks pursuant to a special legal regulation,³¹⁾
- b) on forest soil normally used for classical forest growing,
- c) within the water source protection areas, on wet soil and in areas exposed to flooding,
- d) on permanent lawns and on grass grown on arable land during the vegetation season until after the last mowing,
- e) in intensive fruit-producing orchards,

- f) on soil used for growing field vegetables in the year when vegetables are grown and the preceding year.
- g) during the vegetation on fodder crops, corn and sugar beet if the leaves are used as feed-stuffs,
- h) if a soil analysis shows that the risk substance content in an average sample exceeds one of the values stipulated in an executive legal regulation,
- i) on soils having the exchange soil reaction value below pH 5,6,
- j) on surfaces used for recreation and sports and in publicly accessible areas, or
- k) if sludge does not meet the microbiological criteria stipulated by an executive legal regulation. Microbiologically contaminated sludge may only be used after the sludge had been supportably hygienically amended.

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

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

Part 5

Waste Generated from the Production of Titanium Oxide

Section 34

Obligations Pertaining to the Management of Waste Generated from the Production of Titanium Oxide

(1) The creator of waste generated from the production of titanium oxide who is responsible for the waste management plan is obliged to include in such plan the method of reducing the emissions of harmful substances in the air,⁸⁾ the method of reducing the pollution of waste water including the method of an effective waste water purification and the method of environmental component monitoring.

(2) If the production of titanium oxide increases by more than 15 thousand tons per year, the creator of the production waste is obliged to prepare a new waste management plan and request a new waste management authorisation to be issued by the respective administrative office for handling waste generated from the production of titanium oxide, or a

³¹⁾ Act No. 114/1992 Coll. as amended

new permit for the operation of equipment for the utilisation or removal of waste generated from the titanium oxide production.

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

(4) The Ministry will issue a decree stipulating the requirements for managing waste generated from the production of titanium oxide.

Part 6
Asbestos Waste
Section 35

Obligations Pertaining to Asbestos Waste Management

(1) The creator of waste containing asbestos and the person licensed to manage the asbestos-containing waste are obliged to ensure that asbestos fibre or dust are not released in the air when handling such waste and that liquids containing asbestos fibre are not spread.

(2) Asbestos fibre or dust-containing waste may only be deposited in dumps designed for this purpose. Waste must be amended, packed, or, after depositing on the dump, immediately covered. The dump operator is obliged to ensure that asbestos partitions may not be released in the air.

Part 7
Car Wrecks
Section 36

For the purpose of this Act, a car wreck means any complete or incomplete motor or other vehicle which was designed for ground operation for the purpose of the transport of persons, animals or objects and became waste under Section 3.

Section 37
Obligations Pertaining to Handling Car Wrecks

(1) Everybody disposing off a car wreck is obliged to deliver the wreck only to persons authorised to operate a facility for car wreck utilisation, removal collection or purchase.

(2) Before their utilisation or removal, car wrecks may be used for rescue training.

(3) Before the car wreck removal, all parts containing lead, mercury, cadmium and hexavalent chromium and parts containing operating fuel must be removed; these parts must be removed independently or utilised in compliance with the Act and the pertinent executive legal regulations. The mass resulting from the car wreck pressing must not show any hazardous attributes. The operator of the facility for car wreck removal is responsible for compliance with these obligations.

(4) The Ministry shall issue a decree stipulating the technological requirements for handling car wrecks.

PART FIVE
COLLECTION OF SOME USED PRODUCTS
Section 38

(1) The obligation to ensure collection of used products relates to the following:

- a) mineral oils and oils produced from bituminous minerals other than raw oils; preparations not specified elsewhere containing a minimum of 70 weight % of mineral oils or oils from bituminous minerals, provided such oils represent a significant component of such preparations,
- b) electric accumulators,
- c) galvanic cells and batteries,
- d) discharge and fluorescent tubes,
- e) tires,
- f) household refrigerators.

(2) Within the limits of the respective European Union legal regulations, the government may identify additional products other than those specified under par. 1 that will be liable to the obligation of used product collection.

(3) Legal entity/natural person authorised to do business, manufacturing or importing products specified under par. 1 (hereinafter the "obliged person") has the obligation to ensure the collection of used products.

(4) The obliged person must ensure through a legal entity/natural person authorised to do business, who sells products specified under par. 1 to the consumer (hereinafter "the ultimate seller") that the consumer obtains information on the manner of the used product collection.

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

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

(7) The collection of used products specified under par. 1 must be free of charge for the consumer and the municipality in case specified under par. 6. The locations for used-product collection must be as easily accessible to the consumer as are the locations where products liable to the used-product collection obligation are sold. The obliged person must ensure used-product collection in a manner commensurate with the consumer's ordinary possibilities without an excessive burden being placed on the consumer. He/she complies with this obligation:

- a) independently, i.e. he/she will ensure at his/her own account, the organisation and technicalities of the used-product collection with respect to products manufactured or

- imported by him/her, or
- b) by transferring this obligation to another legal entity/natural person authorised to do business who assumes the product for the purpose of its further introduction into circulation provided a contract on the transfer of proprietary or similar rights to this products contains a clause on the transfer of responsibility for ensuring used-product collection to such person.

(8) The obliged person must ensure the utilisation or removal of the collected used products pursuant to this Act and the executive legal regulations.

(9) The obliged person must prepare an annual report on the compliance with the used product collection obligation for the previous calendar year within the scope stipulated by an executive legal regulation. This report must be sent to the Ministry each year by 31 March.

(10) The Ministry will issue a decree stipulating the details of the used product collection procedure and the content of the annual report on the compliance with the used product collection obligation for the previous calendar year.

PART SEVEN

RECORD-KEEPING AND REPORTING DUTY IN RESPECT OF WASTE AND EQUIPMENT

Section 39

Record-keeping and Reporting in Respect of Waste, Waste Management Facilities, Assembly And Collection Locations, Waste Storage and Storage of PCB-containing Equipment and Substances

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

(2) Creators of waste and licensed persons producing or managing more than 50 kg of hazardous waste or more than 50 tons of other waste in one calendar year, are obliged to submit, by 15 February of the following year, an annual report listing truly and correctly the type and quantity of waste, the waste management methods and information about the creators of waste, to the district office with territorial jurisdiction over the establishment. Report on the production and management of waste generated within the Defence Ministry sector is submitted to the Ministry directly by the Defence Ministry. The reporting method shall be stipulated in an executive legal regulation.

(3) Operators of the equipment for waste removal or utilisation and operators of equipment specified under Section 14 par. 2, are obliged to send the information on the facility to the district office in the territorial jurisdiction of which the establishment is located. In case of mobile establishment the jurisdiction is governed by the operator's seat or residence. The information must be sent within two months of the beginning or termination of the facility's operation, or, in case of facilities that are already in operation as of the effectiveness date of this Act, within six months of the day when this Act became legally effective. The reporting method shall be stipulated in an executive legal regulation.

(4) Dump operators are obliged to send annually, by February 15 of the following year, to the district office with territorial jurisdiction over the dump location, the information on the balance of the created financial reserve at 31 December of the previous year. This information must be supported by

a bank statement from the dump operator's account.

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

(6) Based on reports prepared under par. 2 through 5, the district office shall keep records of waste and waste management methods, waste management facilities, facilities specified under Section 14, par. 2, places of hazardous waste assembly, waste collection and storage locations, within the scope stipulated in an executive legal regulation. These records are sent each year by 30 April of the following year to the Ministry using data transfer equipment or a technical data carrier.

(7) Legal entities and natural persons authorised to do business operating equipment containing more than 5 litres of PCB or storing equipment or substances containing PCB with total concentration in excess of 0.005 weight % are obliged to keep separate records of such equipment and substances within the scope stipulated in an executive legal regulation and to report this fact to the Ministry within 3 months of the effective date of this Act. Changes to the facts liable to the record-keeping obligation must be reported annually by 15 February of the following year to the Ministry. The reporting method shall be stipulated in an executive legal regulation.

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

(9) District office and regional body with delegated jurisdiction, are obliged to keep records of permits and other decisions issued pursuant to this Act. The district office and the regional body in delegated jurisdiction will send these records each year by 30 April of the following year to the Ministry, using data transfer equipment or a technical data carrier. The scope and method of the reporting duty shall be stipulated in an executive legal regulation.

(10) Unless stipulated otherwise by this Act or an executive legal regulation, legal entities/natural persons authorised to do business and administrative offices obliged to keep records under par. 1 through 9, must archive such records for a period of at least 5 years.

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

- a) the method of keeping operational records of waste and the period over which records of some types of waste must be archived,
- b) the reporting method in respect of waste, waste management facilities, hazardous waste assembly places, waste collection locations, waste storage and storage of PCB-containing equipment and substances, and
- c) the method of keeping records of permits and other decisions issued pursuant to this Act.

Section 40

Hazardous Waste Transport Records

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

(2) The sender of waste is obliged to:

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

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

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

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

PART SEVEN
WASTE MANAGEMENT INDUSTRY PLANS
Section 41
Joint Provisions

(1) The Ministry, regions in independent jurisdiction and the creators of waste shall prepare waste management industry plans within the scope stipulated by this Act and an executive legal regulation.

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

(3) A waste management industry plan under par. 1 must always include the following:

- a) an evaluation of the waste management industry, including the relationship between waste production and waste management,
- b) stipulation of the goals and procedures for waste production prevention, for reducing waste quantity and hazardous attributes and for waste utilisation and removal,
- c) conditions for the fulfilment of the stipulated goals and procedures and for an on-going control and any changes to the waste management industry plan.

(4) The Ministry will issue a decree stipulating further details of the waste management industry plans prepared by the Czech Republic, regions and generators of waste.

(5) The preparation, discussion and approval of draft waste management industry plans are not governed by the Rules of Administration.

(6) The Czech Republic's and regional waste management industry plans are public documents

available for inspection, and for taking excerpts, transcripts or copies thereof.

Section 42

The Czech Republic's Waste Management Industry Plan

(1) The Czech Republic's waste management industry plan is prepared by the Ministry and approved by the government. The Czech Republic's waste management industry plan is discussed between the Ministry and the regions in their independent jurisdiction.

(2) The Czech Republic's waste management industry plan consists of a binding part and a guideline.

(3) The binding part of the Czech Republic's waste management industry plan includes, in particular:

- a) the measures aimed at the prevention of waste production and the reduction of waste quantity and its hazardous attributes,
- b) hazardous waste management principles,
- c) selected waste management principles pursuant to part four of this Act,
- d) the principles of creation of a unified and reasonable network of waste management facilities,
- e) the decision-making principles in matters regarding waste import and export, pursuant to part nine of this Act,
- f) re-cycled waste share,
- g) share of waste deposited in dumps,
- h) the maximum content of organic component in mass deposited in dumps.

(4) The Czech Republic's waste management industry plan is prepared for a minimum period of 10 years and must be adjusted immediately after each significant change of conditions on the basis of which it was prepared.

(5) The Ministry declares the binding part of the Czech Republic's waste management industry plan and changes thereof after it has been approved by the Czech government, by the publication of its full wording in the Collection of Laws, in the form of a notification.

(6) The Ministry will attach an approval clause to the approved Czech Republic's waste management industry plan and to changes thereof. Such clause will include the denomination of the approving authority, approval date, reference number of the approval documentation and signature of an authorised person.

(7) The Ministry will send the approved Czech Republic's waste management industry plan to regions within one month upon approval.

(8) The Czech Republic's waste management industry plan constitutes a basis for the preparation of the regional waste management industry plans. The binding part of the Czech Republic's waste management industry plan including changes thereto, constitutes a binding supporting document for decision-making and other activities of the respective administrative offices, regions and municipalities in the waste management industry area.

Section 43

The Regional Waste Management Industry Plan

(1) Within its independent jurisdiction, a region prepares a regional waste management industry plan for areas within its jurisdiction, including the changes thereto.

(2) The regional waste management industry plan must be in compliance with the binding part of the Czech Republic's waste management industry plan and changes thereto.

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

(4) The binding part of the regional waste management industry plan includes, in particular:

- a) the measures aimed at the prevention of waste production, reducing waste quantity and hazardous attributes,
- b) communal waste management principles,
- c) hazardous waste management principles,
- d) selected waste management principles pursuant to part four of this Act,
- e) the principles of creation of a unified and reasonable network of waste management facilities,
- f) re-cycled waste share,
- g) share of waste deposited in dumps,

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

(6) Within their independent jurisdiction, regions are obliged to prepare and approve a draft regional waste management industry plan and changes thereto within one year of publication of the binding part of the Czech Republic's waste management industry plan or changes thereto in the Collection of Laws.

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

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

(9) In its independent jurisdiction, the region is obliged to send a copy of the regional waste management industry plan or changes thereto to the Ministry, for comments, by the latest within 3 months upon the expiration of the public availability deadline pursuant to par 8. Should the draft regional waste management industry plan fail to comprise details stipulated by this Act or an executive legal regulation, or fail to comply with the binding part of the Czech Republic's waste management industry plan and changes thereto, the Ministry will notify the region of its comments within 3 months of receipt of the draft regional waste management industry plan or changes thereto.

(10) In its independent jurisdiction, the region will inform the Ministry in writing within six months of the receipt of the Ministry's comments regarding the draft regional waste management industry plan or changes thereto, about how the comments were implemented in the above draft.

(11) In its independent jurisdiction, the region will attach an approval clause to the approved regional waste management industry plan and to the changes thereof. Such clause includes the denomination of the approving authority, approval date, reference number and signature of an authorised person. The region will publish the binding part of the regional waste management industry plan in the form of a binding decree.³²⁾

(12) The regional waste management industry plan constitutes a basis for regional activities and concepts³³⁾ and for the preparation of the waste management industry plans prepared by producers of waste. The binding part of the regional waste management industry plan constitutes a binding supporting document for decision-making and other activities of the respective administrative offices, regions and municipalities in the waste management industry area.

Section 44

The Waste Management Plan Prepared by Producers of Waste

(1) Each producer of waste generating more than 10 tons of hazardous waste or more than 1,000 thousand tons of other waste shall prepare a waste producer's waste management plan.

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

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

³²⁾ Act No. 129/2000 Coll. on regions (regional order)

³³⁾ E.g. Act No. 50/1976 Coll. as amended

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

(5) The waste producer is obliged to send a copy of his/her draft waste management plan or changes thereto to the region with the territorial jurisdiction according to the waste producer's seat or residence address, by the latest within three months of its preparation. Should the waste producer's waste management plan fail to comprise details specified by this Act and an executive legal regulation or fail to comply with the binding part of the regional waste management industry plan or changes thereto, the respective region will notify the waste producer of its comments within two months of the waste producer's waste management plan receipt.

(6) The waste producer shall be obliged to inform the region in writing within 6 months of the delivery date of the region's comments about the method of these comments implementation in his/her waste management plan.

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

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

PART EIGHT ECONOMIC TOOLS

CHAPTER I WASTE DEPOSITION-RELATED FEES Section 45

(1) Waste producer is liable to a waste deposition fee in relation to depositing waste in dumps.

(2) The fee is also due by a waste producer who himself/herself operates a dump located on his/her own land.

(3) No fees are due for depositing waste as technological materials for securing the dump's technological characteristics in compliance with the approved project and the dump's rules of operation. Waste deposited in excess of a quantity stipulated by the project as necessary does not constitute technological material.

Section 46

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

(1) The dump waste deposition fee comprises of two components: The basic fee component is payable for waste deposition. A risk component is payable for the deposition of hazardous waste.

(2) The dump operator shall collect the fee from the waste producer at the time of waste deposition to the dump. The dump operator shall confirm the collection of the fee to the waste producer. The dump operator shall transfer the collected fees to the fee receiver as of the last day of the following calendar month. At the same time, he/she will provide information on any outstanding fees. Should the waste producer not pay the fee at a stipulated amount, the regional authority that had issued the permit for dump operation, in its delegated jurisdiction, shall impose the obligation to pay such fee by issuing a decision based on a proposal submitted by the fee receiver.

(3) In the scope stipulated by this Act, the fee constitutes income of the municipality in the cadaster area of which the dump is located and of the State Environmental Fund of the Czech Republic.³⁵⁾

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

(5) The municipality in whose cadaster area the dump is located shall be responsible for monitoring the fee collection by the dump operator.

Section 47

(1) A dump operator that has failed to transfer the collected fee to the municipality or to the State Environmental Fund within the stipulated deadline, is liable to a penalty of 0.5 per mille of the outstanding amount per day. The penalty constitutes income of the municipality.

(2) Fees and penalties are collected by the financial offices with territorial jurisdiction in the respective cadaster area in which the dump is located; they proceed in compliance with special legal regulations³⁶⁾, unless specified otherwise by this Act.

Section 48

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

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

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

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

CHAPTER II

FINANCIAL RESERVE FOR DUMP RE-CULTIVATION AND DECONTAMINATION

Section 49

(1) The dump operator is obliged to create a financial reserve for the dump re-cultivation,

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

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

ensuring due care and decontamination after the termination of the dump's operation (hereinafter "financial reserve").

(2) For the dump operator, the creation of the financial reserve constitutes an expense incurred to achieve, assure and maintain income.³⁷⁾

(3) Funds in the amount commensurate with the financial reserve amount are deposited in a special purpose-tied bank account which must be excluded from the dump operator's bankruptcy estate.

Section 50

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

(2) A bank contract regarding the establishment of a special purpose-tied account must include a provision describing the account as a special purpose-tied account pursuant to par. 1. Any use of funds deposited in such account is possible only subject to an approval of the district office with territorial jurisdiction over the dump location.

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

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

Section 51

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

(2) Should the dump operator cease to exist before the expiration of the period of due care for the dump and his/her legal successor is unknown or does not exist, the unused part of the financial reserve shall be transferred to the state budget.

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

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

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

(4) The financial reserve amount is as follows:

- a) CZK 100 per 1 ton of the deposited hazardous waste and communal waste,
- b) CZK 35 per 1 ton of other deposited waste.

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

Section 52

The duration period and conditions of the due care for a closed dump, its re-cultivation and decontamination shall be stipulated individually for each individual dump by the respective regional body in its delegated jurisdiction and included in the rules of operation. The period must not be shorter than 30 years.

PART NINE EXPORT, IMPORT AND TRANSIT OF WASTE

Section 53

For the purposes of this Act, it is understood that the term

- a) waste export means transport of waste from the Czech Republic abroad in the exportation or outward processing customs procedures,³⁹⁾
- b) waste import means releasing waste for free circulation, transit, except for direct transit, direct use, processing of goods under customs control, customs warehousing, inward processing or locating waste in customs free zone or customs free warehouse,³⁹⁾
- c) waste transit means direct transit from the point of entry (border) customs office to the point of exit customs office where the waste enters a foreign country,³⁹⁾
- d) exporting state - a country outside the Czech Republic which plans or performs the waste transport,
- e) importing state - a country outside the Czech Republic, a destination or planned destination of waste for the purpose of its utilisation or removal or in case of waste deposition in the sea, the state where the waste is loaded on board.
- f) transit state - a country outside the Czech Republic and other than the exporting or importing state, through the territory of which the waste is transported or planned to be transported,
- g) Czech reporting entity - a waste producer in the Czech Republic, or provided the producer of waste cannot be identified, a person authorised for waste collection or purchase, or if such person cannot be identified, the waste owner or legal holder,
- h) foreign reporting entity - a person appointed pursuant to the exporting state's regulations; if such person was not appointed, then the waste owner or legal holder,
- i) reporting entity - Czech and foreign reporting entity,
- j) Czech recipient - a person authorised to operate a facility for waste utilisation or removal in the territory of the Czech Republic pursuant to this Act,
- k) foreign recipient - a person in the importing state who receives the waste for removal or utilisation,
- l) recipient - Czech and foreign recipient,
- m) competent authorities of the exporting, importing and transit states - authorities appointed for this purpose by the exporting, importing and transit states,
- n) competent authorities concerned - competent authorities participating in the export, import and transit, including the Ministry.

³⁹⁾ Act No. 13/1993 Coll., the customs act, as amended

Section 54

Export, Import and Transit of Waste for the Purpose of its Removal

(1) Export of waste for the purpose of its removal is forbidden except for export in the European Union member countries and the member countries of the European Free Trade Association which are also contracting parties to the Basil Accord on control of hazardous waste movements across state lines and on waste neutralisation⁴⁰⁾

(2) Waste produced in the Czech Republic shall primarily be removed in the Czech Republic. If this is impracticable, waste removal within the European Union states will be given priority over removal in the European Free Trade Association member states who are also contracting parties to the Basil Accord.

(3) Waste import for the purpose of its removal is forbidden except for returning waste produced during processing of waste exported from the Czech Republic as part of the inward processing customs procedure³⁹⁾ in a state which is a contracting party to the Basil Accord or which has concluded an agreement or arrangement with the Czech Republic pursuant to Art. 11 of this Accord (hereinafter an "agreement or arrangement") and which has been processed in such state.

(4) Export, import and transit of waste for the purpose of its removal which is not forbidden under par. 1 and 3 is possible only subject to an approval pursuant to Section 58.

Section 55

Export, Import and Transit of Waste for the Purpose of its Utilisation

(1) For the purpose of waste export, import and transit for the purpose of its utilisation, the waste is broken down to:

- a) waste listed on a green waste list,
- b) waste listed on a yellow waste list,
- c) waste listed on a red waste list,
- d) waste not listed on any of the lists under letters a), b) and c).

(2) Export of waste specified by an executive legal regulation for the purpose of its utilisation in states specified by an executive legal regulation is forbidden.

(3) Export and import of waste listed on the yellow and red lists and waste not listed on any of the lists for the purpose of waste utilisation is forbidden except for export to and import from:

- a) states and countries affected by the decision of the Organisation for Economic Co-operation and Development⁴¹⁾ (hereinafter "the OECD states"), and
- b) states other than those specified under letter a) which are contractual parties of the Basil Accord or with whom the Czech Republic concluded an agreement or arrangement.

⁴⁰⁾ Information by the Foreign Ministry No. 100/1994 Coll. on the Basil Accord on the control of hazardous waste movement across state borders and their neutralisation

⁴¹⁾ Decision by the Council of the Organisation for Economic Co-operation and Development C(92)39/FINAL dated 30 March 1992 regarding the control of movement of waste for utilisation across state borders.

(4) Import of waste specified under par. 1 for the purpose of its use for energy purposes in the Czech Republic is forbidden except for returning waste produced during processing of waste exported from the Czech Republic as part the inward processing customs procedure³⁹⁾ in a state which is a contracting party to the Basil Accord or which concluded an agreement or arrangement with the Czech Republic, which has been processed in such state.

(5) Waste produced in the Czech Republic shall primarily be utilised in the Czech Republic.

(6) Export, import and transit of waste listed on the yellow list in and from the OECD states for the purpose of its utilisation is possible only if approved pursuant to Section 59. Export, import and transit of waste listed on the red list and waste not listed in any of the lists in and from the OECD states for the purpose of its utilisation is possible only if approved pursuant to Section 60.

(7) Export, import and transit of waste listed on the yellow and red lists and waste not listed on any of the lists for the purpose of its utilisation in cases other than those specified under par. 6 is possible only if approved pursuant to Section 58.

(8) Export, import and transit of waste listed on the green list for the purpose of its utilisation is not subject to an approval pursuant to this Act, except for cases listed in par. 10 and 11.

(9) Waste listed on the green list the export, import and transit of which is not subject to an approval must be accompanied by a document the content of which is specified by an executive legal regulation when exported, imported and in transit.

(10) The Ministry may issue a decree stipulating that in exceptional cases, for the sake of health and environmental protection, export and import of some types of waste listed on the green list will be subject to an approval under Sections 59 and 60. In this case, the Ministry constitutes the respective competent body. The Ministry's partner in the export approval procedure is the Czech reporting entity and the Ministry's partner in the import approval procedures is the Czech recipient.

(11) The Ministry may, upon discussion with the authorised bodies of states not affected by the OECD Council's decision.⁴¹⁾ issue a decree stipulating the list of states and list of selected waste listed on the green list that will be banned from export in such countries or that will be subject to an approval under Sections 58, 59 or 60.

(12) An approval issued pursuant to this Act does not constitute a replacement of an export/import permit issued pursuant to special legal regulations.⁴²⁾

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

- a) the green, yellow and red waste lists,
- b) the content of a document that must accompany waste listed on the green list in export, import and transit procedures,

⁴²⁾ Act No. 62/2000 Coll. on some measures regarding product export or import and license procedures and change to some acts.

- c) list of states and list of waste the export of which for the purpose of its utilisation in states specified in the list is forbidden.

Section 56

Commencing Procedures for the Issuance of an Approval for Waste Export, Import and Transit

(1) Filing a notification by the reporting entity of a planned export, import or transit of waste with the respective competent authorities is considered as a proposal for commencing the procedures for the issuance of an approval for waste export, import and transit.

(2) Should the reporting entity plan regular shipments of the same type and category of waste to the same recipient and on the same route, he/she may file a summary report for several shipments of such waste which will occur within a maximum period of one year.

(3) Notification is filed in the form of a filled in freight list. A notification must contain additional particulars stipulated by this Act and an executive legal regulation.

(4) When exporting waste, a Czech reporting entity shall notify the Ministry while the Ministry will pass the notification to the competent authorities of the import and transit states. The Ministry is not obliged to pass the notification of waste export for the purpose of its removal to the competent authorities concerned if the application is turned down by the Ministry itself.

(5) When importing and transiting waste, a foreign reporting entity shall notify the competent authorities concerned. When importing waste under Section 55 par. 10, the Czech receiver will notify the Ministry.

(6) If the notification contains all details stipulated by this Act and the executive legal regulation, the Ministry will confirm its receipt within three days of the receipt thereof.

(7) The reporting entity is obliged to provide to the concerned competent authorities additional information and documentation, if requested.

(8) A notification including its additional particulars and information/supporting documentation under par. 7 must be filed by the reporting entity in languages acceptable for the competent authorities concerned. For the Ministry these languages include Czech, Slovak and English.

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

- a) prerequisites of a notification and a summary notification, the form and content of the freight list,
- b) procedure for the issuance of an approval for export, import and transit of waste, document circulation between the competent authorities concerned and their mutual co-operation.

Section 57

Reasons for Turning Down a Proposal for Export, Import and Transit of Waste

(1) A proposal for export, import and transit of waste shall be turned down by the Ministry for the following reasons:

- a) non-compliance with this Act or other legal regulations, or
- b) non-compliance with obligations resulting from international treaties binding for the Czech Republic.

(2) The Ministry may further turn down a proposal for export, import or transit of waste if the reporting person or the receiver has breached his/her obligations stipulated by legal regulations regulating the export, import and transit of waste, in the past. A proposal for the export, import and

transit of waste may also be turned down by the Ministry due to its non-compliance with the Czech Republic's waste management industry plan.

(3) The Ministry will turn down a proposal for the export and import of waste for the purpose of its utilisation if the share of usable and unusable waste, the estimated value of materials to be used in the final stage or expenses incurred for the utilisation and expenses incurred for the removal of the unused part do not justify utilisation either for economic or environmental reasons.

Section 58

Approval of Export, Import and Transit of Waste Pursuant to the Basil Accord

(1) The Ministry is obliged to decide on a notification of a planned waste export within 80 days, a notification of a planned waste import within 70 days and a notification of the planned waste transit within 60 days of the mailing date of the confirmation of the notification receipt. If the notification of a planned export, import or transit of waste is not turned down, the Ministry will issue a written approval; at the same time it may stipulate conditions for waste transport on the Czech territory.

(2) The Ministry's written approval shall be noted in the freight list.

(3) An approval issued under this Act does not replace an approval issued under special legal regulations.¹

Section 59

Approval Pursuant to the Decision of the Organisation for Economic Co-operation and Development's Council for Export, Import and Transit of Waste Included in the Yellow List for the Purpose of its Utilisation

(1) The Ministry must make a decision regarding a notification of a planned export, import or transit of waste within 30 days of the confirmation date of the notification receipt. If the reporting entity does not receive a decision in writing within this deadline, it is presumed that the Ministry approved the export, import or transit of waste. The approval is valid for a period of one year after the expiration of this deadline.

(2) If the notification of a planned export, import or transit of waste is not turned down by the Ministry within a deadline stipulated under par. 1, the Ministry may stipulate conditions for waste transport on the Czech territory.

(3) Before the expiration of the deadline stipulated in par. 1, the Ministry may issue an approval in writing. This approval shall be noted by the Ministry in the freight list.

(4) The period stipulated under par. 1 shall be counted as follows:

- a) in case of export and transit, from the day when the competent import authority sent the confirmation of the notification receipt, and
- b) in case of import, from the day when the Ministry sent the confirmation of the notification receipt.

(5) An approval issued pursuant to this Act does not constitute a replacement of an export/import permit issued pursuant to special legal regulations.⁴²⁾

(6) Export, import or transit of waste can only be effected provided the concerned competent authorities have not turned down the proposal for export import or transit of waste within the deadline stipulated in par. 1 or provided the concerned competent authorities issued an approval in writing before the expiration of such deadline. In case of export or import under Section 55 par. 10, the Ministry's approval of such export/import is sufficient.

(7) If transit is planned across the area of states not covered under the decision of the Organisation for Economic Co-operation and Development Council, then approvals issued by the competent authorities of these states are required for such transit pursuant to the Basil Accord .

Section 60

Approval Pursuant to the Decision of the Organisation for Economic Co-operation and Development's Council for Export, Import and Transit of Waste Included in the Red List for the Purpose of its Utilisation

(1) If the notification of a planned export, import or transit of waste, for reasons specified under Section 57 is not turned down by the Ministry, the Ministry will issue a written approval; at the same time it may stipulate conditions for waste transport on the Czech territory.

(2) Export, import or transit of waste may only be effected provided all the concerned competent authorities have issued written approvals. In case of export or import under Section 55 par. 10, the Ministry's approval of such export/import is sufficient.

(3) The Ministry shall note its written approval in the freight list.

(4) An approval issued under this Act does not replace an approval issued under special legal regulations.⁴²⁾

Section 61

Course of Waste Export, Import and Transit

(1) A Czech reporting entity is obliged to send a copy of the filled in freight list to the concerned competent authorities three days prior to the planned export.

(2) The shipment must be accompanied by a freight list and an approval for the entire duration of transport to the recipient. The particulars of a freight list are stipulated by an executive legal regulation.

(3) If the Ministry does not receive a confirmation of waste receipt within 42 days of the day when the shipment of waste crossed the state border, or a confirmation of waste removal or utilisation by a foreign recipient within 190 days of the day when the shipment of waste crossed the state border, it will inform the competent import authority without undue delay.

(4) A Czech recipient shall confirm the receipt of the imported waste on the freight list and will send this confirmation to the foreign reporting entity and the concerned competent authorities within three days of the receipt of waste. Within 180 days of the receipt of waste he/she is responsible for sending to the foreign reporting entity and the concerned competent authorities a confirmation on the freight list of waste utilisation or removal. If a Czech recipient cannot assume the waste and utilise or remove it in compliance with the notification or contract, he/she will inform the Ministry without undue delay.

(5) Waste accompanied by different notifications may not be mixed during transport.

(6) The Finance Ministry may issue a decree stipulating the customs border crossing points for waste export, import and transit.

Section 62

Contract on Waste Removal or Utilisation

(1) A notification of waste export, import and transit must be supported by a written contract between the notifying entity and the recipient. The contract must have the following particulars:

- a) an obligation of the notifying entity to accept the waste back if the transport is not completed in compliance with the notification or contract or is in breach of this Act,
- b) an obligation of the recipient to confirm the receipt of the waste on the freight list and send this confirmation to the reporting entity and the concerned competent authorities within three days of the receipt of waste,
- c) an obligation of the recipient's responsibility to send, within 180 days of the receipt of waste, to the reporting entity and the concerned competent authorities, the freight list with a confirmation of waste utilisation or removal.

(2) In case of import under Section 55 par. 10, the provisions of par. 1 relate, *mutatis mutandis*, to a contract between the foreign exporter and the Czech recipient; in such case, the Ministry is the concerned competent authority.

(3) In case of waste export for the purpose of its utilisation from one OECD state into another OECD state, the contract must also include an obligation by the recipient that in case of further transport of waste into a third state he/she will file a notification under Section 56 par. 1 with a competent authority of the state of the waste origin.

Section 63

(1) If export of waste approved by the concerned competent authorities cannot not be completed in compliance with the notification or contract and the waste cannot not be utilised or removed in another manner, the Ministry will ensure, within 90 days of the day when it received notification thereof from a competent import authority, or within another deadline agreed upon between the concerned competent authorities, the return of waste back to the Czech Republic and its utilisation or removal in compliance with this Act. The costs are born by the Czech reporting entity.

(2) If import or transit of waste except for import under Section 55, par. 10 which has already been approved by the concerned competent authorities, cannot be completed in compliance with the notification or contract and the waste is on the Czech territory, the Ministry will inform the competent export authority without undue delay and will request that re-import be ensured pursuant to Article 8 of the Basil Accord. In case of import under Section 55 par. 10 that has already been approved by the Ministry and that cannot be completed in compliance with the notification or contract while the waste is on the Czech territory, the Ministry will ensure, within 90 days of the day when it received notification of such fact, that waste be returned to the foreign exporter, if waste cannot be utilised or removed in another manner in compliance with this Act. The costs are born by the Czech recipient.

(3) If transport of waste from the Czech Republic abroad must be approved under this Act and such transport:

- a) is carried out without prior notification pursuant to this Act to all concerned competent authorities, or
- b) is carried out without prior approval of the concerned competent authorities, or
- c) is carried out with an approval obtained from the concerned competent authorities based on counterfeited documentation, misrepresented information or fraud, or
- d) the actual facts do not correspond with the data stated on the freight list, or
- e) results into an utilisation or removal of waste in breach of this Act and international treaties binding for the Czech republic,

while a Czech reporting entity is responsible for such transport, the Ministry will oblige the Czech reporting entity or the person who was supposed to file export notification to ensure that waste be returned back to the Czech Republic including the obligation to remove or utilise such waste in compliance with this Act and at his/her own account.

(4) If waste is transported from abroad to the Czech Republic, and the import of such waste must be approved under this Act, while the transport fulfils conditions specified under par. 3, and a Czech recipient is responsible for such transport, the Ministry will oblige the Czech recipient or the person who was supposed to be the waste recipient to utilise or remove such waste in compliance with this Act and at his/her own account.

(5) If a person that was assigned obligations under par. 3 or 4 fails to comply with such obligations, the Ministry will ensure the fulfilment of these obligations at this person's account.

(6) If waste is transported from abroad to the Czech Republic, and the import of such waste must be approved under this Act, while the transport fulfils conditions specified under par. 3, and a foreign reporting entity is responsible for such transport, the Ministry will inform the competent export authority and request that the return of the subject waste abroad be ensured.

(7) Obligations stipulated under par. 3 through 5 must be fulfilled within 30 days of the day when the Ministry was notified of the transport or in another deadline agreed upon between the concerned competent authorities.

(8) Waste returned under the above provisions is subject to waste import, export and transit procedures and therefore a new notification must be filed. The Ministry will not turn down these imports and exports.

Section 64

Financial Guarantee and Insurance

(1) Every import, export and transit of waste requiring approval under this Act must be covered by a financial guarantee or an appropriate insurance covering the costs of re-import and costs of the waste removal and utilisation.

(2) Should the Ministry have reasonable doubt that the financial guarantee may not be sufficient to cover costs specified under par. 1 or that the selected insurance may not cover the risk exposure, it will stipulate the amount and type of financial guarantee or method and type of insurance for this purpose.

(3) Financial guarantee may be released only after the reporting entity has submitted to the competent authority a confirmation of the waste removal or utilisation.

(4) A liability insurance contract covering damage caused to third parties must be concluded in respect of each export, import and transit of waste transaction requiring approval under this Act.

Section 65

Information Management and Archiving

(1) The Ministry will ensure safeguarding the information acquired during the approval procedure under a special legal regulation.²⁶⁾

(2) The Ministry, the Czech reporting entity and the Czech recipient are obliged to archive documents under this part of the Act for a minimum period of three years.

PART TEN SANCTIONS

CHAPTER I

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

Section 66

(1) A fine of up to CZK 300,000 shall be imposed by the municipal body in delegated jurisdiction upon a natural person authorised to do business or legal entity which uses the municipality-implemented system for communal waste management without a written agreement with this municipality or which does not ensure waste utilisation or removal in compliance with this Act.

(2) A fine of up to CZK 300,000 shall be imposed by the inspection on a natural person authorised to do business or legal entity which:

- a) issues a certificate on the elimination of hazardous waste attributes in respect of waste for which it bears responsibility as waste producer or licensed person or evaluates hazardous attributes for the evaluation of which it has not been authorised.
- b) fails to safeguard waste against harmful impairment, misappropriation or leak,
- c) fails to enable control bodies to perform their control activities or does not provide correct and complete information in relation to waste management, or
- d) fails to prepare a hazardous waste identification sheet or does not provide such sheet to places where hazardous waste is managed.

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

- a) fails to classify waste by the Waste Catalogue,
 - b) transfers waste to a person which is not authorised to assume waste pursuant to this Act,
 - c) operates a facility for waste utilisation or removal without a permit issued by the respective administrative office or in breach thereof or operates a facility for waste utilisation or removal in breach of the approved rules of operation of this facility.
 - d) operates a facility for waste collection or purchase without a permit issued by the respective administrative office or in breach thereof or operates a facility for waste collection or purchase in breach of the approved rules of operation of this facility.
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- e) fails to keep the specified scope of records of waste or equipment containing PCB or fails to comply with his/her scope of reporting obligation or fails to send information to the respective administrative office relating the facility for waste management within the specified deadline and scope, or fails to archive records for a specified period of time,
- f) fails to ensure the collection of used products that are liable to the used product collection obligation or fails to comply with another obligation in relation to used-product collection, or
- g) fails to appoint a waste manager under conditions stipulated by this Act.

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

- a) classifies waste stipulated under Section 6, par. 1 letters a), b) or c) as other waste or manages such waste as other waste without having a certificate from an authorised person under Section 9 that waste does not have hazardous attributes,
- b) manages waste in facilities in which waste management is forbidden or is not allowed,
- c) dilutes or mixes waste for the purpose of compliance with criteria for its acceptance to dump and mixes hazardous waste with other hazardous or other waste without an approval of the respective administrative office,
- d) manages hazardous waste without having an approval of the respective administrative office or in breach thereof,
- e) deposits to a dump waste which is banned from depositing in dumps by this Act or an executive legal regulation or fails to comply with conditions stipulated by an executive legal regulation when depositing waste in dump,
- f) fails to comply with the obligations stipulated by this Act for managing selected products or waste or equipment under part four, or
- g) fails to comply with obligations stipulated by this Act for import, export or transit of waste or fails to comply with the conditions stipulated by the Ministry for waste import, export or transit.

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

Section 67

(1) A procedure for fine imposition may be opened by the latest within one year of the day when the respective administrative office learnt of non-compliance with the obligation; however, a fine may be imposed by the latest within three years of the day of breach.

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

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

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

Section 68

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

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

(3) 50% of the fines imposed by the inspection constitute the income of the municipality in the cadaster area of which legal regulations were breached. 50% of the fines constitute an income of the State Environmental Fund.⁴⁴⁾

(4) Fines imposed by the district office constitute the state budget's income.

(5) Fines imposed by a municipal body in delegated jurisdiction constitute income of the municipality in the cadastdf area of which obligations were breached.

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

CHAPTER II MISDEMEANOURS Section 69

The municipal body in delegated jurisdiction shall impose a fine of up to the amount of CZK 20,000 to a natural person who is not a business and commits a misdemeanour by disposing of a car wreck in a manner which is in breach of this Act.

Section 70

(1) Fines imposed by a municipal body in delegated jurisdiction constitute income of the municipality in the cadaster area of which obligations were breached.

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

PART ELEVEN EXECUTING OF PUBLIC ADMINISTRATION IN THE WASTE MANAGEMENT INDUSTRY

Section 71

Public Administration Authorities in the Waste Management Industry

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

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

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

Public administration in the waste management industry is executed by:

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

Section 72 **The Ministry**

(1) The Ministry

- a) is the central public administration authority in the waste management industry
- b) executes supreme state supervision in the waste management industry except for public health protection in waste management,
- c) executes the function of a Basil Accord focus point and of the competent authority for waste export, import and transit,

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

- d) obliges a Czech reporting entity or the person who was supposed to file an export notification to ensure that waste be returned back to the Czech Republic including the obligation to remove or utilise such waste in compliance with this Act and at his/her own account, as long as conditions stipulated under Section 63 are met,
- e) obliges a Czech reporting entity or the person who was supposed to be waste recipient to remove or utilise such waste in compliance with this Act and at his/her own account, as long as conditions stipulated under Section 63 are met,
- f) authorises legal entities or natural persons for hazardous waste attributes evaluation, extends the duration of such authorisation and withdraws such authorisation under Sections 7 and 8,
- g) approves the content of a course regarding the hazardous waste attributes evaluation,
- h) in cases when an unambiguous classification pursuant to the Waste Catalogue under Section 5, par. 2, is impracticable, the Ministry performs waste classification,
- i) keeps and processes summary records of waste types and quantity, methods of waste management, waste management facilities, equipment stipulated under Section 14, par. 2, places of hazardous waste assembly, waste collection locations, storage of waste and PCB-containing equipment and substances, approvals and other decisions issued pursuant to this Act and makes these records available to public,
- j) works together with the Ministry of Defence on ensuring that records be kept of waste, waste management facilities, places of hazardous waste assembly, waste and PCB containing substances collection and storage locations, in respect of the above generated within the Defence Ministry's sector.
- k) prepares the Czech Republic's waste management plan within the scope stipulated by this Act and an executive legal regulation and processes changes thereto under compliance with conditions stipulated by this Act,
- l) submits to the government for approval the draft Czech Republic's waste management industry plan and changes thereto,
- m) declares the binding part of the Czech Republic's waste management industry plan and its

- changes within one month after its approval by the Czech government by publication of its full wording in the Collection of Laws in the form of a notification,
- n) informs the respective region in independent jurisdiction about comments regarding the regional waste management industry plan and regarding changes thereto,
 - o) provides information on the situation in the Czech Republic's waste management industry to the respective European union bodies and authorities responsible for international treaties and protocols in the area of waste management accessed by the Czech Republic, within the requested scope and format and with the specified frequency,
 - p) appoints Czech Republic's representatives in committees, commissions, professional and task teams and other bodies established based on the provisions of EU legal regulations in the waste management industry or as part of international treaties regulating this area and accessed by the Czech Republic,
 - r) decides on appeals against the decisions of the inspection and the regional authority in delegated jurisdiction.

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

Section 73

The Ministry of Agriculture,

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

Section 74

The Health Ministry

The Health Ministry

- a) executes supreme state supervision and manages the execution of the state administration in the public health protection area in respect of waste management,
- b) authorises legal entities or natural persons for hazardous waste attributes evaluation, extends the duration of such authorisation and withdraws such authorisation under Sections 7 and 8.

Section 75

Authorities in Public Health Protection

Authorities in Public Health Protection

- a) constitute the concerned administrative office in decisions in matters relating to the interests protected under this Act in the area of human health,
- b) evaluate and manage health risks, issue expert opinions with respect to waste management, in particular its utilisation, amendment and removal, taking into account the interests of human health protection,
- c) work together with other administrative bodies in the area of human health protection in the waste management,
- d) provide opinion with regard to the rules of operation of facilities for waste utilisation,

removal, collection and purchase.

Section 76 **The Inspection**

(1) The Inspection

- a) controls the compliance by legal persons, natural persons authorised to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative bodies in the waste management industry, as well as the compliance with the specified procedures of hazardous waste attribute evaluation,
- b) at least once a year controls how the producer of waste from the production of titanium oxide complies with the provisions of legal regulations and the decisions of the Ministry and other administrative authorities in waste management industry,
- c) imposes fines to legal entities and natural persons authorised to do business for breaching the obligations stipulated under Section 66, par. 2 through 5; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
- d) may halt the validity of the certificate on hazardous waste attribute elimination issued by a licensed person or withdraw such certificate under Section 9, par. 3 and 4.
- e) institutes the execution of the supreme state supervision by the Ministry,
- f) institutes the banning of operation of a waste removal facility by the district office if the operator of such facility fails to comply with legal regulation in the area of waste management and if a serious ecological hazard exists in respect thereof.

(2) In import, export and transit procedures, the inspection is entitled to perform controls in the location where waste was produced, at the reporting entity and the receiver and on border crossings. It is also entitled to control documentation under this Act, physically control the waste and take and analyse samples.

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

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

Section 77 **Customs Offices**

(1) Customs offices⁴⁶⁾ monitor whether goods crossing the state border not declared as waste do not fulfil the definition of waste under Section 3.

(2) Customs offices control the following attributes of goods crossing the state border and declared as waste:

- a) whether goods are accompanied by documents pursuant to this Act and the executive legal regulations,
- b) whether goods correspond with the information stated in the accompanying documents pursuant to this Act and the executive legal regulations, and
- c) whether export or import of this waste is banned under this Act.

(3) Customs offices control whether the ban under Section 31 par. 5 is not breached by the

⁴⁶⁾ Act No. 13/1993 Coll. as amended

import of batteries and accumulators and whether the imported goods are marked in compliance with Section 31, par. 2.

(4) Customs offices will not release goods in the proposed procedure under special legal regulation,⁴⁶⁾ provided:

- a) the goods not declared as waste actually is waste,
- b) the goods declared as waste is not accompanied by documents pursuant to this Act and the executive legal regulations or the waste does not correspond with information specified in such documents,
- c) the export or import of goods declared as waste is banned, or
- d) the export of these goods would breach the ban under Section 31, par. 5 or the goods are not marked as required by Section 31, par. 2.

(5) In case of doubt whether conditions for not releasing goods in the proposed procedure under par. 5 letter b), c) or d), have been met, the customs office will invite the inspection to provide professional assistance. In case of doubt whether goods not declared as waste are in fact waste, the customs offices will request a decision of the district office with territorial jurisdiction over the customs office. Until the doubt is cleared, the customs office does not issue a decision in customs proceedings.⁴⁷⁾

(6) The customs office will inform the Ministry without undue delay of cases when it refused to release of goods in the proposed customs procedure under par. 4 and 5, using data transfer equipment.

(7) The customs office will confirm the documents accompanying the waste both at the Czech Republic's entry and exit points. Copies of the accompanying documents are sent to the Ministry.

(8) The customs office will keep records of waste that entered in or exited from the Czech Republic. It further keep records of legal entities or natural persons authorised to do business affected by the obligations stipulated under Section 31, par. 2 and 5. The customs office will allow the Ministry and Inspection staff access to these records.

Section 78 Regions

(1) A region in independent jurisdiction

- a) will prepare a regional waste management industry plan for areas within its jurisdiction within the scope stipulated by this Act and the executing legal regulations and perform changes thereof,
- b) will send a copy of the draft waste management industry plan to the Ministry and inform the Ministry about the implementation of the Ministry's comments in the regional waste management industry plan,
- c) will publish the binding part of the regional waste management industry plan in the form of a binding decree ,
- e) will communicate comments regarding the waste producer's waste management plan.

⁴⁷⁾ Section 104 of Act No. 13/1993 Coll. as amended

(2) A regional body in delegated jurisdiction

- a) will approve the operation of facilities; such approval may be subject to conditions,
- b) will control the compliance by legal persons, natural persons authorised to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative bodies in the waste management industry,
- c) will approve mixing of hazardous waste with other hazardous or other waste; such approval may be subject to conditions,
- d) will oblige the waste producer by a decision to pay a fee for waste deposition in the dump, in cases when the waste producer failed to pay this fee at a specified amount,
- e) will stipulate the duration and conditions of care for a dump after the termination of its operation, dump re-cultivation and decontamination under Section 52,
- f) will prepare and keep on an on-going basis records of the issued permits and other decisions issued pursuant to this Act,
- g) will decide appeals against the district office decisions.

(3) When considering an application for granting approvals under par. 2 letter a) and c), the regional body in delegated jurisdiction will evaluate, in particular, the compliance with obligations under this Act and the executive legal regulations and the compliance with the binding parts of the regional waste management industry plan and the Czech Republic's waste management industry plan.

(4) The regional body in delegated jurisdiction will cancel or change its approval issued to a legal entity or natural person authorised to do business in the past, if:

- a) the conditions decisive for the approval decision issuance have changed,
- b) the operator of the facility for waste utilisation, removal, collection or purchase is not capable of ensuring environmental protection conditions stipulated in legal regulations and remedy is not achieved within a stipulated deadline, or
- c) the legal entity or natural person authorised to do business who had received the approval, repeatedly breaches conditions stipulated by this Act or repeatedly fails to meet conditions underlying the approval.

(5) Regional authority in delegated jurisdiction may repeal its decision on granting approval granted to a legal entity or natural person authorised to do business, if a new waste manager is not appointed within 30 days of the termination of waste manager's activity and the appointment is not communicated to the regional authority in delegated jurisdiction, or if the appointed waste manager fails to comply with the professional qualification conditions.

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

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

Section 79 District Offices

(1) A district office

- a) decides in case of doubt whether a movable asset classified under one of the waste categories stipulated in Attachment 1 of this Act is considered as waste, based on a

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

- proposal by the owner of such movable asset or an administrative office carrying out the procedure in which such question arose or being in need of a decision regarding this issue for its further activity,
- b) files with the Ministry a proposal for waste classification by the Waste Catalogue under Section 5, par. 2,
 - c) approves hazardous waste management; such approval may be subject to conditions,
 - d) approves abstaining from sorting or separated assembly and collection of waste; such approval may be subject to conditions,
 - e) approves the use of funds in a special purpose-tied account and the financial reserve under section 50, par. 2 and Section 51 par. 1; such approval may be subject to conditions,
 - f) keeps and processes records of waste, the methods of waste management, waste management facilities, equipment stipulated under Section 14, par. 2, places of hazardous waste assembly, waste collection locations, storage of waste, approvals and other decisions issued by him/her pursuant to this Act and if requested, provides information to applicants on the location of facilities appropriate for the removal or utilisation of waste produced by them,
 - g) controls the compliance by legal persons, natural persons authorised to do business and municipalities with the provisions of the legal regulations and the decisions of the Ministry and other administrative bodies in the waste management industry, as well as the compliance with the specified procedures of hazardous waste attribute evaluation by authorised persons,
 - h) in case of jeopardy to human health or environment or if human health or environment has already been damaged, it may ensure human health and environmental protection at the expense of the responsible person,
 - i) imposes the obligation to remove waste upon the operator of the facility for waste removal in exceptional cases, if necessary for the sake of environmental protection and if technically practicable by the operator. Expenses incurred in connection with this decision shall be born by the district office issuing the decision; the person responsible for the waste pursuant to this Act shall be obliged to reimburse to the district office the costs incurred ,
 - j) imposes fines to legal entities and natural persons authorised to do business for breaching the obligations stipulated under Section 66, par. 5; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
 - k) may ban the waste producer from performing waste-producing activity provided the waste producer has not ensured waste utilisation or removal and if the waste generated through continued operation of such activity may damage the environment,
 - l) may ban the operation of a facility for waste removal if the operator of such facility fails to comply with legal regulations in the area of waste management and if a serious ecological hazard exists in respect thereof,

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

- m) may halt the validity of the certificate on hazardous waste attribute elimination issued by a licensed person or withdraw such certificate under Section 9, par. 3 and 4.
- n) decides appeals against the decisions of a municipal authority in delegated jurisdiction.

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

management industry plan and the Czech Republic's waste management industry plan.

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

(4) Unless stipulated otherwise by this Act or a special legal regulation, the respective district office in whose district the facility affected by the decision is located, shall have the territorial jurisdiction for decisions under par. 1.

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

- a) doing business in the area of waste management for the needs of the Small Business License Office,
- b) establishing a facility for waste removal,
- c) zoning and construction procedures in the area of waste management,
- d) planned changes of production processes or production that will affect waste management,
- e) implementation or expansion of titanium oxide production.

(6) Opinions under Section 5 shall include the evaluation of the application from the perspective of its compliance with obligations pursuant to this Act and the executive legal regulations. An opinion does not substitute approvals issued pursuant to this Act.

(7) Opinions under Section 5 letters b) through e) shall be issued by the district office in the territorial area of which the facility for waste management is located. Opinions under Section 5 letter a) shall be issued by the district office with jurisdiction according to the seat of the legal entity or residence of the natural person authorised to do business.

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

Section 80 Municipalities

A municipal body in delegated jurisdiction

- a) controls whether legal entities and natural persons authorised to do business utilise the municipality-implemented communal waste management system only based on a written contract with the municipality and whether natural persons not engaged in business dispose of their waste in compliance with this Act.

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

- b) imposes fines to legal entities and natural persons authorised to do business for breaching obligations stipulated under Section 66, par. 1; at the same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
 - c) imposes fines to natural persons for misdemeanours stipulated under Section 69; at the
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- same time it is entitled to stipulate measures and deadlines for assuring remedy through a separate decision,
- d) controls whether legal entities and natural persons authorised to do business have ensured waste utilisation or removal in compliance with this Act.

Section 81

Rights and Obligations of Inspectors and Authorised Employees of the Ministry and Other Administrative Offices

(1) During the performance of their control activity, the inspectors and authorised employees of the Ministry and other administrative offices and employees of regions and municipalities which are part of regional and district offices executing jurisdiction in the waste management industry area, are entitled to the following:

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

(2) During the performance of their control activity, the inspectors and authorised employees of the Ministry and other administrative offices and employees of regions and municipalities which are part of regional and district offices executing jurisdiction in the waste management industry area, are obliged:

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

(3) Upon invitation by customs authorities and accompanied by such authorities, the inspectors may enter customs areas and perform their professional control activity aimed at the fulfilment of obligations in the area of import, export and transit of waste pursuant to this Act and legal regulations issued for its execution.

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

PART TWELVE
JOINT AND INTERIM PROVISIONS

Section 82
Joint Provision

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

Section 83
Interim Provisions

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

(2) Persons authorised to perform evaluation of hazardous waste attributes under the existing legal regulations shall be considered as persons authorised to perform evaluation of hazardous waste attributes under this Act.

(3) A certificate on waste attributes issued under the existing legal regulations shall be considered as a certificate on the exclusion of hazardous waste attributes issued under this Act.

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

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

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

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

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

as a special purpose-tied account created pursuant to this Act.

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

(10) The Ministry will submit to the government for approval the draft Czech Republic's waste management industry plan within one year of the effective date of this Act.

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

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

PART THIRTEEN
CHANGE TO ACT ON LOCAL FEES
Section 84

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

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

"h) fee for the operation of a system of assembly, collection, transport, sorting, utilisation and removal of communal waste."

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

„Section10b

(1) Fee for the operation of a system of assembly, collection, transport, sorting, utilisation and removal of communal waste shall be paid by:

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

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

(3) The fee comprises:

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

Section 88 In case of a permanent residence change or change in ownership of the building designed or used for individual recreation during the calendar year, the fee will be payable in a proportionate amount according to the number of calendar months of permanent residence or building ownership in the respective calendar month. If a change occurs in a calendar month, the balance at the end of this month shall be decisive for the stipulation of the number of months."

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

Section 85

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

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

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

Section 86

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

PART SIXTEEN

**AMENDMENT TO ACT NO. 130/1974 COLL. ON STATE ADMINISTRATION IN
THE WATER MANAGEMENT INDUSTRY, AS AMENDED**

Section 87

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

**PART SEVENTEEN
REPEALING PROVISIONS**

Section 88

The following is hereby repealed:

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

**PART EIGHTEEN
EFFECTIVE DATE**

Section 89

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

Klaus by own hand

Havel by own hand

Zeman by own hand

Attachment No. 1 to Act No./2001 Coll.

GROUPS OF WASTE

Code	Waste group
Q1	Production and consumer left-overs not otherwise specified
Q2	Products not meeting the required quality
Q3	Expired products
Q4	Products used, lost or impaired by another accidental event including all materials, equipment parts, etc. which were contaminated as a result of an accident
Q5	Materials contaminated or soiled by regular activity (e.g. cleaning left-overs, packaging materials, bins, etc.)
Q6	Unusable parts (e.g. used batteries, catalysts, etc.)
Q7	Substances that have lost the required attributes (e.g. contaminated acids, solvents, opacifying salts, etc.)
Q8	Left-overs from industrial processes (e.g. slag, distillation left-overs, etc.)
Q9	Left-overs from pollution reducing processes (e.g. sludge from gas cleaners, filter dust, used filters, etc.)
Q10	Left-overs from machining and material finishing (e.g. machining and milling chips, iron scales, etc.)
Q11	Left-overs from raw materials transport and preparation (e.g. from mining, oil transport, etc.)
Q12	Contaminated materials (e.g. PCB-contaminated oils, etc.)
Q13	Any materials, substances or products that were banned from use by law
Q14	Products not used by their owner now or in the future (e.g. in agriculture, households, offices, shops, workshops, etc.)
Q15	Contaminated materials, substances or products generated during decontamination of soil
Q16	Other materials, substances or products not included above

LIST OF HAZARDOUS WASTE ATTRIBUTES

Code	Hazardous waste attribute
H1	Explosiveness
H2	Oxidative ability
H3-A	High inflammability
H3-B	Inflammability
H4	Irritability
H5	Harmfulness to human health
H6	Toxicity
H7	Carcinogenicity
H8	Causticity
H9	Infectiousity
H10	Teratogenity
H11	Mutagenity
H12	Ability to release highly toxic or toxic gases in connection with water, air or acids
H13	Ability to release hazardous substances in the environment during removal
H14	Ecological toxicity

WASTE UTILISATION METHODS

Code	Waste utilisation methods
R1	Waste utilisation in a manner similar to fuel use or in another manner for energy production
R2	Production/reconditioning of solvents
R3	Production/reconditioning of organic substances not used as solvents (including composting and other biological processes)
R4	Recycling/re-generation of metals and metal compounds
R5	Recycling/re-generation of other inorganic materials
R6	Reconditioning of acids bases
R7	Re-generation of substances used to reduce contamination
R8	Generating catalyst components
R9	Used oil refinery or another method of oil re-use
R10	Application on soil that is beneficial for the agriculture or improves environment
R11	Utilisation of waste generated through the application of one of the procedures stipulated under R1 through R10
R12	Pre-treatment of waste for the application of one of the procedures stipulated under R1 through R11
R13	Waste storage prior to the application of one of the procedures stipulated under R1 through R12, (except for temporary storage in the location where the waste was produce prior to its collection)

WASTE REMOVAL METHODS

Code	Waste removal methods
D1	Depositing on or below the terrain surface (e.g. depositing in dump, etc.)
D2	Amendment by soil processes (e.g. biological degradation of liquid waste or sludge in soil, etc.)
D3	Deep grouting (e.g. injecting exhaustible liquid waste in drill holes, salt chambers or natural spaces, etc.)
D4	Depositing in superficial tanks (e.g. releasing liquid waste or sludge in pits, water tanks, lagoons, etc.)
D5	Depositing in dumps with special technical parameters (e.g. depositing in separate, sealed, enclosed spaces insulated from each other and from the outside world, etc.)
D6	Releasing in a body of water, except for sea and ocean
D7	Releasing in sea and ocean including depositing at the sea bottom
D8	Biological amendment not specified elsewhere in this Attachment, the final product of which are compounds or mixtures that are removed using one of the procedures specified under D1 through D12
D9	Physical-chemical amendment not specified elsewhere in this Attachment the final product of which are compounds or mixtures that are removed using one of the procedures specified under D1 through D12 (e.g. evaporating, drying, calcination)
D10	Incineration on ground
D11	Incineration at sea
D12	Ultimate or permanent deposition (e.g. deposition in containers in mine pits)
D12	Composition amendment or waste mixing before waste removal using one of the procedures specified under D1 through D12
D14	Amendment of other waste attributes (except for amendment under D13) before their removal using one of the procedures specified under D1 through D13
D15	Waste storage prior to its removal through the application of one of the procedures stipulated under RD through D14, (except for a temporary storage in the location where the waste was produced prior to the collection of a sufficient quantity)

LIST OF COMPONENTS RENDERING WASTE HAZARDOUS PURSUANT TO THIS ACT

Code	Component rendering waste hazardous pursuant to this Act
C1	beryllium; beryllium compounds
C2	vanadium compounds
C3	hexavalent chromium compounds (VI)
C4	cobalt compounds
C5	nickel compounds
C6	copper compounds
C7	zinc compounds
C8	arsenic; arsenic compounds
C9	selenium; selenium compounds
C10	silver compounds
C11	cadmium; cadmium compounds
C12	tin compounds
C13	antimony; antimony compounds
C14	tellurium; tellurium compounds
C15	barium compounds, except for barium sulphate
C16	mercury; mercury compounds
C17	thallium; thallium compounds
C18	lead; lead compounds
C19	inorganic sulphides
C20	inorganic fluorine compounds, except for calcium fluoride
C21	inorganic cyanides
C22	the following alkaline metals and alkaline soil metals: lithium, sodium, potassium, calcium, magnesium in non-bonded form
C23	acid solutions or acids in solid form
C24	base solutions or bases in solid form
C25	asbestos (dust and fibre)
C26	phosphorus; phosphorus compounds, except for mineral phosphates
C27	metal carbonyls
C28	peroxides
C29	chlorates
C30	perchlorates
C31	azides
C32	PCB or PCT
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	halogen solvents
C41	organic solvents, except for halogenated solvents
C42	organic-halogen compounds, except for inert polymerised materials and other

	substances included in this attachment
C43	aromatic compounds; polycyclic and heterocyclic organic compounds
C44	aliphatic amines
C45	aromatic amines
C46	ethers
C47	substances of explosive nature, except for substances included elsewhere in this Attachment
C48	organic sulphur compounds
C49	any polychlorinated dibenzofuran congener
C50	any polychlorinated dibenzo-p-dioxine congener
C51	hydrocarbons and their compounds with oxygen, nitrogen or sulphur, unless specified elsewhere in this attachment

Attachment No. 6 to Act No./2001 Coll.

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

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

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

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