

ACT

No. 76/ 2002 Coll.

from 1st of March 2002

on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention)

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

PART ONE

Chapter 1 Introductory Provisions

§ 1

Purpose and Subject of the Act

(1) The purpose of this Act is, in accord with the legislation of the European Communities), to achieve a high level of protection of the environment as a whole), to provide for integrated implementation of the public administration in permitting the operation of installations and to create and operate an integrated pollution register.

(2) This Act:

- a) lays down the obligations of operators of installations,
- b) establishes the procedure for granting an integrated permit,
- c) establishesthes integrated pollution register, and lays down the manner of collecting information on emissions and transfers of substances registered in this register and the provision of data therefrom,
- d) provides for conditions for interconnection of existing information systems in the area of environmental protection with the integrated pollution register,
- e) sets competences of public administration bodies pursuant to this Act,
- f) establishes the system for exchange of information on the best available techniques,
- g) lays down sanctions for breach of obligations laid down by this Act.

(3) This Act shall not apply to

- a) pollution caused by the entrance of radioactive substances) into the environment,
- b) the discharge of radioactive substances into the environment and emission limits laid down for these substances pursuant to the special regulations³),
- c) the use of genetically modified organisms pursuant to the special regulation).

§ 2

Basic Definitions

For the purposes of this Act:

a) **an installation** means a technical and technological unit referred to in Annex No. 1 of this Act or a set of related technical and technological units located in a single operation, if at least one such unit is referred to in Annex No. 1 and if this is not a unit employed for research, development and testing of new products and processes; an installation shall also include other technical and technological units or a their set not listed in Annex No. 1 to this Act, if the operator of the installation applies for granting an integrated permit therefor,

b) **pollution** means the direct or indirect introduction, as a result of human activity, of substances, vibrations, noise, heat or some other form of non-ionizing radiation into the air, water or soil, which may be harmful to the health of humans or animals or can adversely affect the quality of the environment, or can lead to damage to material property or can impair or prevent utilization of environmental values protected by the special regulations),

c) **emission** means the release of substances, vibrations, noise, heat or other forms of non-ionizing radiation from an installation into the environment,

d) **emission limit** means the highest permissible amount of a pollutant, vibrations, noise, heat or other forms of non-ionizing radiation that may be released into the environment from an installation, if this causes pollution, expressed in terms of:

mass or volume concentrations,

mass flows of the pollutants per time unit,

mass amounts of the pollutants related to a unit of production, or

specific parameters, such as the level of acoustic output,

e) **transfer** means the flow of a substance intended for storage, treatment or utilization,

f) **the best available techniques** mean the most effective and advanced stage of development of the applied technologies and their means of operation, that have been

developed on a scale which allows their introduction in the relevant branch of the economic sector, under economically and technically acceptable conditions taking into consideration the costs and benefits, that are available to the operator of an installation under reasonable conditions and that are simultaneously most effective in attaining a high level of protection of the environment as a whole,

g) **the environmental quality standard** means the set of requirements laid down on the basis of the special regulations⁵), which must be fulfilled by the environment at the given time and place,

h) **an integrated permit** means a decision laying down conditions for operation of an installation, including performance of activities directly connected with operation of the installation at the given place, and which is issued in place of decisions, standpoints, statements and consents issued pursuant to the special regulations in the area of the environment, protection of the public health and in the area of agriculture, if so allowed by these regulations),

i) **the integrated pollution register** means a database of data on selected substances, the transfers thereof and emissions thereof,

j) **a change in an installation** means a change in the use, in the manner of operation or extending of an installation, that can have an impact on human health or the environment,

k) **the operator of an installation** means a legal person or natural person who operates an installation or a person who is applying for issuing a land-use decision or construction permit, or some other similar permit pursuant to the special regulations),

l) **the user of a registered substance** means the operator of the installation, as well as another legal person or natural person who operates a technical or technological unit, in which a substance registered in the integrated pollution register is processed or produced.

Chapter II

Integrated Decision-Making

Procedure on Granting an Integrated Permit

§ 3

Application for Granting an Integrated Permit

(1) An application for granting an integrated permit (hereinafter an "application") shall be submitted by the operator of an installation in both printed and electronic form to the administrative authority that is locally competent to grant an integrated permit (hereinafter the "Authority"). A procedure on granting an integrated permit shall be commenced on the day on which the application was delivered to the Authority in printed form.

(2) Within 20 days of the date of obtaining the application, the Authority shall verify all prescribed requisites (§ 4). If the Authority does not request the operator of the installation to supplement the application, it shall hold that the application contains all the prescribed requisites.

(3) If the application does not contain all the prescribed requisites (§ 4), the Authority shall request the operator of the installation to supply the requisites lacking in the application within a suitable deadline, which shall not exceed 4 months, and shall suspend the procedure on granting the integrated permit until all the requisites lacking in the application are supplemented.

(4) If the application is not supplemented within the deadline laid down pursuant to paragraph 3 above, the Authority shall stop the procedure on granting the integrated permit.

§ 4

Content of the Application

(1) The application must contain:

a) the company or name and surname or designation, or name and surname, registered office or place of business, identification number, if assigned and, for the operator of an installation listed in the Commercial Register or other records, also an excerpt from the Commercial Register or other records, if the operator of the installation is a legal person or natural person who is a business person,

b) the name and surname, citizen's identity card number and, if this has not been issued, the number of a document replacing this document, and the permanent address if the operator of the installation is a natural person, who is not a business person,

c) a description of the installation and the activities connected therewith, identification data on the location of the installation (municipality, cadastral territory, lot number or designation of the constructure), or the category of the installation, if this is given in Annex No. 1 to this Act,

d) a brief summary of information set forth in (a) to (c) and (e) to (l) in a generally comprehensible manner,

e) a description of raw and auxiliary materials, other substances and energy used or produced in the installation,

f) a list and description of sources of emissions and other effects of the installation, their properties, impacts on the environment and the expected amount of emissions into the individual media of the environment,

g) the characteristics of the state of the territory (in particular a description of the existing imission conditions), where the installation is or will be located, including delimiting of basic conflicts in the territory,

h) a description of the technology and other techniques to prevent the production of emissions and, where this is not possible, to reduce emissions polluting the environment,

i) a description of current or proposed measures to prevent the production of waste, to treat or to utilize waste produced by the installation,

j) a description of current or proposed measures for measuring and monitoring emissions discharged into the environment,

k) comparison of existing or proposed installations with the best available techniques,

l) a description of other planned measures to ensure compliance with obligations of a preventative nature, such as efficient use of energy, prevention of accidents) and reducing their potential consequences, where possible, elimination of the risk of potential environmental pollution and endangering of the health of humans arising from the installation after cessation of its activities to the greatest possible degree, and/or proposals of ~~for~~ waste management plans and emergency plans for prevention of significant accidents or such plans that have already been approved, if ~~as~~ appropriate, in case of ~~if~~ an installation set forth in Annex No. 1 to this Act or if it is ~~if so~~ required for the installation by the special regulations),

m) a proposal for the binding conditions of operation of the installation (§13),

n) decisions, standpoints, statements and consents issued pursuant to the special regulations), and documentation therefor, if they can replace information set forth in this paragraph,

o) documentation required for issuing decisions, standpoints, statements and consents pursuant to the special regulations⁶⁾ which the integrated permit is to replace, if these are not contained under the requisites set forth under (a) to (n) above.

(2) The Authority and the relevant administrative authorities shall be obliged to provide the operator of an installation, on written request therefrom, with the available information on the state of the environment in the territory affected by operation of the installation.

(3) An implementing regulation shall lay down the application form , the extent and means of filling-out thereof.

§ 5

Expert Support of the Execution of Public Administration

The Ministry of the Environment ensures expert support for execution of the public administration in the area of integrated prevention throughout one of its institute which is directly governed by MoE (hereand after “agency”). The Ministry of the Environment at the same time extends the main activity of this institute in the establishing document in accordance with the first sentence and extends its organizational structure by adding a department of integrated prevention. The Agency is considered to be an authorized person according to §6.

§ 6

Authorised person

For the purposes of this Act the authorization means an authorization of a legal person by the Ministry of the Environment for providing the expert opinion according to § 11 of this Act. This will be done through registering in the List of authorized persons according to paragraph 2.

The Ministry of the Environment in agreement with the Ministry of Industry and Trade or with the Ministry of Agriculture according to their specific competencies shall register the authorization person in the List of authorized persons with the specification of the expert's field. The registration is made upon the approval of the expert knowledge according to paragraph 3 (hereinafter “authorized person”). The Ministry of the Environment publishes the List of authorized persons on the portal of public administration. The authorized person cannot legally claim the registration in the List of authorized persons.

The expert authorization of a legal person according to paragraph 1 has to be proved by support documents, which cover:

sufficient expert level,

sufficient technical, administrative and organizational background,

the required number of employees with expert experience, with related university education, knowledge and competencies.

The authorized person has the duty to provide the registered activity in such a way that no conflict of interest arises. The authorized person must not provide statements according to § 11 in cases of: an installation, which the authorized person operates, or which is operated by a person under its control, or a person who is controlling the authorised person, or in case of the instalation for which the authorized person co-operated on the application preparation.

The Ministry of the Environment deletes the authorized person from the List of authorized persons always in cases that the legal person

cease,

lose the expert authorization according to paragraph 3, or

break repeatedly or in a significant way the duty stated in paragraph 4.

§ 7

Participants in the Procedure

(1) The participants in a procedure to issue an integrated permit shall always include:

- a) the operator of the installation,
- b) the municipality, in whose territory the installation is or is to be located,
- c) the region, in whose territory the installation is or is to be located,
- d) civic associations, public benefit societies, federations of employers or chambers of commerce, whose sphere of business consists in enforcing and protecting professional interests or public interests pursuant to the special regulations), and also municipalities or regions in the territory of which this installation may affect the environment, if these participants applied in writing to the authority competent to grant the integrated permit within 30 days of the date of disclosing information from the application to the public pursuant to § 8.

(2) A person who would be a participant in the procedure pursuant to the special regulations⁶⁾ shall also be a participant in the procedure if his (her) position is not already defined in paragraph 1 above.

§ 8

Forwarding the Application and Disclosure to the Public

1) Within 7 days of the date of receiving an application containing all the prescribed requisites and within the same deadline after the date of supplementing of an incomplete application with all the prescribed requisites, the Authority shall send the application for evaluation to

- a) the participants in the procedure, except the operator of the installation who submitted the application,
- b) the relevant administrative authorities exercising competence pursuant to the special regulations⁶⁾ and whose administrative acts are replaced by granting of the integrated permit,
- c) the Authorized person,
- d) a country whose environment could be significantly detrimentally affected by operation of the installation (hereinafter an "affected state").

(2) Simultaneously, within the deadline pursuant to paragraph 1 above, the Authority shall disclose the application to the public on the portal of the public administration). It shall provide for disclosure of a brief summary of the information pursuant to §4 (d) and information on when and where the application may be perused, and excerpts, written copies or photocopies may be made therefrom, on its official notice board and on the official notice board of the municipality in whose territory the installation is or is to be located. The Authority and the municipality shall display this information on their official notice boards for a period of 30 days. Within this period of time, any person may send the Authority his(her) opinion on the application. In cases of doubt, the date of commencement of public disclosure shall be the date on which the Authority disclosed the application on the portal of the public information¹⁶).

(3) In cooperation with the Ministry of Foreign Affairs, the Authority shall also provide the application to the affected state for public disclosure, where it shall proceed in accord with international agreements binding the Czech Republic.

(4) The Authority shall be obliged to ensure protection of business secrets, personal information and other information protected pursuant to the special regulations), if this information is designated as protected in the application. Information pursuant to § 4 (1) (a), (b), (c), (d), (f) and (m) may not be so designated.

§ 9

Statements of the Relevant Administrative Authorities and Participants in the Procedure

(1) At the latest within 30 days of obtaining the application, the relevant administrative authority shall send to the Authority its statement, which must contain in particular an evaluation of the proposal for binding conditions for operation of the installation and/or a proposal for further binding conditions, as appropriate, that it proposes be included in the integrated permit.

(2) Statements of the relevant administrative authorities sent to the Authority shall not be administrative decisions.

(3) Participants in the procedure may send to the Authority their statements within the deadline set forth in paragraph 1 above.

(4) The Authority shall be obliged to send a statement pursuant to paragraphs 1 and 3 above, that have been sent to the Authority within the deadline set forth in paragraph 1 above, to the Agency at the latest within 5 days of the date of receipt thereof.

(5) The Authority shall not take into consideration statements pursuant to paragraph 1 above sent after the expiry of the deadline set forth in paragraph 1 above.

§ 10

Statement of an Affected State

If an affected state requests deliberation on its statement on a submitted application, the Authority shall proceed in cooperation with the Ministry of Foreign Affairs and in accord with international agreements binding the Czech Republic. The deadlines for granting an integrated permit laid down in this Act shall be prolonged by the period of deliberation of the application with an affected state.

§ 11

Participation of the Authorized person

Should there be prepared the expert statement on application by other Authorised person then the Agency, the Authority shall provide on a contractual basis, that the authorized person follows the procedure and periods given in paragraph 2 and 3 below.

The Agency shall be obliged to prepare a draft statement on the entire content of the application and on the statements of the relevant administrative bodies and participants in the procedure. Further, in preparing the draft statement, the Agency shall take into consideration the statements of the public and of an affected state, if it has received them from the Authority. The Agency shall be obliged to promptly inform the operator of the installation of a prepared draft statement and to discuss this draft statement with him (her), if the operator of the installation expresses interest therein within 5 days of being informed thereof, and to prepare its statement on the basis of the results of this deliberation.

(3) The Agency shall send its statement prepared pursuant to paragraph 2 above to the Authority in both electronic and printed forms within 75days of the day on which it obtained the application.

(4) After receiving the statement of the Agency, the Authority shall disclose it for a period of 30 days on its official notice board and on the public administration portal¹⁶).

§ 12

Oral Discussion of the Application

Within 5 days of the date of obtaining the statement of the Authorized person , the Authority shall arrange for an oral discussion to deliberate the application. In addition to the participants in the procedure, it shall also invite the Authorized person and the relevant administrative authorities to the oral discussion.

§ 13

Decision on the Application

(1) The Authority shall make a decision on the application of the operator of an installation for granting of an integrated permit within 45 days of the date of obtaining the statement of the

Authorized person . In more complex cases, the appeal authority (the authority competent to decide on an appeal) shall prolong this deadline by 45 days.

(2) If the Authority discovers after discussing an application pursuant to § 12 that the intention of the operator of the installation set forth in his (her) application does not meet the requirements of this Act and the special regulations⁶⁾, or that the binding conditions proposed for operation of the installation cannot be met for technical reasons, it shall reject the application for granting an integrated permit.

(3) If there are no reasons for rejecting the application pursuant to paragraph 2 above, the Authority shall grant an integrated permit on the basis of the results of the deliberation of the application; in addition to the general requisites laid down by the Code of Administrative Procedure, the permit shall contain:

a) the company's name or designation or name and surname, registered office or place of business, identification number, if assigned, if the operator of the installation is a legal person or natural person who is a business person,

b) the name and surname, citizen's identity card number and, if this has not been issued, the number of a document replacing this document, and the permanent address, if the operator of the installation is a natural person, who is not a business person,

c) a description of the installation and the activities connected therewith and a description of the location of the installation,

d) conditions for operation of the installation and activities directly connected therewith, and also procedures and measures ensuring fulfilling of these conditions (hereinafter "the binding conditions for operation").

(4) In the binding conditions for operation pursuant to paragraph 3 (d), the Authority shall lay down

a) the emission limits (§ 14),

b) measures to eliminate the risk of potential pollution of the environment and danger to human health arising from the installation after termination of operations, where such a risk or danger to human health could arise,

c) the conditions for ensuring protection of human health and the environment in waste management,

d) the conditions for ensuring protection of human health and protection of the environment, in particular protection of the air, soil, forests, groundwaters and surface waters, nature and the landscape,

e) other special conditions for protection of human health and the environment that the Authority considers essential in relation to local environmental conditions and the technical characteristics of the installation,

f) the conditions for effective use of raw materials and energy,

g) measures to prevent accidents⁸⁾ and limit any consequences thereof,

h) procedures or measures for operation related to situations differing from the conditions of normal operation (e.g. starting-up of the installation, break-downs in the installation, short-term suspension and definitive termination of the operations of the installation), in which a risk of danger to the environment or human health could arise,

i) the manner of monitoring emissions and transfers and/or technical measures, as appropriate, including specification of the measuring method, including its frequency, keeping records and monitoring,

j) measures to minimize long-distance relocation of pollution or transboundary pollution and to ensure a high level of protection of the environment as a whole,

k) the procedure for evaluation of compliance with the conditions of the integrated permit, including the obligation to submit to the Authority information to verify compliance with the integrated permit.

(5) Part of the reasoning for the integrated permit shall also consist in dealing with comments on the application contained in the statements submitted pursuant to §8 to 11, in the full extent thereof. The Authority shall be obliged to include in the integrated permit the environmental protection requirements set forth in the standpoint on environmental impact assessment pursuant to the special regulation), if set forth therein, or shall state the reasons in the integrated permit why (s)he did not do so or did so only partly.

(6) Binding conditions of operation imposed by the Authority pursuant to paragraph 4 above must always include the conditions, procedures and measures that would otherwise be laid down on the basis of the special regulations⁶⁾, according to which decisions, standpoints, statements and consents, that are replaced by the integrated permit, were granted.

(7) The Ministry of the Environment shall send an appeal against a decision on an application for granting an integrated permit, including such decision, to the Ministry of Industry and Trade or the Ministry of Agriculture according to the sphere of competence thereof and the Ministry of Health for evaluation as to whether a misinterpretation has occurred in use of the best available technique in establishing the binding conditions for operation. These central bodies of the state administration shall send their statements within 15 days from the date of obtaining the appeal against the issued decision. In issuing a decision on an appeal, the Ministry of the Environment or Minister of the Environment shall base its (his/her) decision-making on these statements.

(8) The Authority shall disclose a decision pursuant to paragraph 2 or 3 above within 5 days of the date of legal enforcement thereof for a period of 60 days on the portal of the public administration¹⁶⁾ and shall disclose on its official notice board information on when and where it is possible to look in to the decision.

(9) The Regions shall be obliged to send such decisions to the Ministry of the Environment within 7 days of the date of legal enforcement of such decisions.

The Manner of Laying Down Binding Conditions of Operation

§ 14

(1) The Authority shall lay down emission limits for pollutants specified in Annex No. 2 to this Act, if these are emitted from the installation, and other emission limits which are laid down on the basis of other regulations⁶⁾. The Authority may also lay down emission limits for other groups or categories of pollutants, vibrations, noise, heat or other forms of non-ionizing radiation.

(2) The emission limits for substances, vibrations, noise, heat or other forms of non-ionizing radiation shall normally apply to the place where the emissions leave the installation. In case of discharging waste water into the sewer system, in setting the emission limit for the relevant installation, the Authority may take into account the cleaning effect of the waste water treatment plant under the assumption that an equal level of environmental protection as a whole is ensured²⁾ and that this does not lead to a higher level of environmental pollution.

(3) In setting the binding conditions of operation, in particular the emission limits, the Authority shall base its considerations on the use of the best available technique on the basis of the aspects set forth in Annex No. 3 to this Act, taking into account the technical characteristics of the installation, its location and local environmental conditions, however, without prescribing the use of one specific technique or specific technology. The emission limits thus set must not be less strict than the emission limits that would otherwise be laid down pursuant to the special regulations⁶⁾.

(4) The Authority may lay down exemptions from the emission limits for a period of a maximum of six months if the operator of the installation plans to carry out measures leading to a decrease of the pollution in this given period (e.g., bringing the installation into operation, short-term interruption or definitive termination of operation of the installation).

§ 15

(1) In the integrated permit, the Authority shall lay down the obligation to implement supplementary conditions to comply with the environmental quality standard for an operator of an installation that cannot reach the environmental quality standard using the best available technique, for example conditions limiting operation of the installation at a certain time during the day.

(2) If the environmental quality standard is less strict than the requirements that are usually met using the best available technique, the Authority shall lay down the binding conditions for operation in the integrated permit so as to correspond to the potential of use of the best available technique.

(3) If any of the requirements of the environmental quality standard can be met under local conditions only in case of failure to comply with some other requirements of the environmental quality standard, the Authority can take this fact into account in the integrated permit under the assumption that the purpose of this Act pursuant to § 1 will be achieved.

§ 16

Basic Obligations of the Operator of an installation

(1) The operator of an installation shall be obliged

a) to operate the installation in accord with an integrated permit granted pursuant to this Act,

b) to notify the Authority of a planned change in the installation,

c) to cooperate with the relevant administrative authorities in controlling compliance with the conditions of the integrated permit,

d) to notify the Authority without delay of all unusual situations, accidents at the installation and accidental releases⁸) of pollutants from the installation into the environment,

e) to keep records of information on compliance with the binding conditions for operation of the integrated permit, in the manner and form laid down in the implementing regulation.

(2) The operator of an installation must not operate the installation without an integrated permit. The provisions of § 42 to 44 shall be in no way prejudiced thereby.

Transfer, Control, Change and Extinguishment of an Integrated Permit

§ 17

Transfer of an Integrated Permit

The rights and obligations following from an integrated permit shall pass to the legal successor of the operator of the installation and shall be binding therefor. The legal successor shall be obliged to report transfer of the integrated permit to the Authority within 10 days of the transfer or passing of rights and obligations pursuant to the special regulation¹⁷).

§ 18

Control

(1) In cooperation with the relevant public health authorities and the Agency, the Authority shall carry out controls at least once every 8 years to ensure that there has been no change in the circumstances that could lead to a change in the integrated permit.

(2) Further, in cooperation with the relevant public health authority and the Agency, the Authority shall always control an integrated permit or the operation of an installation,

a) if it is considered that there has been a serious breach of the conditions of the integrated permit or that an installation is operated without a valid integrated permit,

b) if the operator notifies them of a planned change in the installation pursuant to §16 (b) above,

c) if there has been a change in the best available technique that allows for a substantial decrease in emissions not entailing excessive costs for the operator of the installation for the introduction thereof,

d) if they discover that the operating safety of a process or activity of the installation requires that a different technology be used,

e) if so required by a change in the emission limits or environmental quality standards implemented on the basis of other regulations⁶), or

f) if the environmental pollution caused by operation of the installation is so high that it significantly exceeds the environmental quality standard and it cannot be approached other than through a change in the binding conditions for operation of the installation.

§ 19

(1) The Authority shall deliberate the results of a control carried out pursuant to § 18 with the operator of the installation within 15 days of completing the control.

(2) On the basis of the conclusions of the deliberations on the control, the Authority shall be authorized

a) to require that the operator of the installation introduce measures for a remedy within an appropriate deadline,

b) to require that the operator of the installation submit a request for a change in the integrated permit within an appropriate deadline set by the Authority, where it may lay down the requisites that are not required in the content of the application (§ 4), or

c) to issue to the operator of the installation a decision on stopping operation of the installation or part thereof; if the Authority does not proceed pursuant to (a) to (c), it shall confirm accord of the operation of the installation with the integrated permit.

(3) If the Authority finds that there has occurred a substantial change in the operation of the installation, it shall request the operator of the installation to submit an application for a change in the integrated permit pursuant to paragraph 2 (b) above. If the Authority finds that there has occurred a substantial change in the operation of the installation as a consequence of breach against the conditions of the integrated permit, it shall require that the operator of the installation submit an application for a change in the integrated permit pursuant to paragraph 2 (b) above or shall issue a decision on stopping operation of the installation or part thereof pursuant to paragraph 2 (c) above. A substantial change shall be any change that can have a significant detrimental effect on the environment or human health. A change that was or is to be subject to environmental impact assessment of a plan pursuant to the special regulation¹⁸) shall always be considered a substantial change.

(4) The Authority may also issue a decision on stopping operation of an installation or part thereof if the operator of the installation does not submit a request for a change in the integrated permit within the deadline pursuant to paragraph 2 (b) above.

(5) In the procedure pursuant to paragraphs 3 and 4 above, the Authority may lay down that an appeal against this decision shall not have dilatory effect. A decision on stopping the operation of an installation or part thereof shall not prejudice the enforceability of the conditions of the integrated permit set forth in § 13 (4) (b).

(6) In decision-making pursuant to paragraphs 2 to 4 above, the requirements on protection of the public health laid down by the Regional Hygiene Officer must be taken into consideration.

§ 20

Extinguishment of an Integrated Permit

The integrated permit shall be extinguished in case of:

- a) dissolution of the operator without a legal successor,
- b) cessation of operation of the installation following compliance with the conditions of the integrated permit connected with cessation of the operation of the installation, or
- c) failure to utilize the integrated permit without a serious reason for a period of longer than 8 years.

Chapter III

Integrated Pollution Register

§ 21

Establishment of the Integrated Pollution Register

The Ministry shall establish and maintain the integrated pollution register as a publicly accessible information system of the public administration.16)

§ 22

Reporting Obligation

(1) For the purposes of collection of data for the integrated pollution register, the user of a registered substance shall be obliged to determine, assess and report to the Ministry of the Environment the emissions and transfers of substances listed in an implementing regulation if the produced or used amount thereof, or the amount thereof in emissions or transfers, is higher than or equal to the amount laid down in such implementing regulation (hereinafter the "reported substance").

(2) The user of a registered substance shall be obliged to report to the Ministry of the Environment the information pursuant to paragraph 1 above and the operator of an installation is further obliged to report data on the results of monitoring imposed in the integrated permit by February 15 of the current year for the previous calendar year, in both written and electronic forms. The manner of determining and assessing of the reported substances, and the manner and form of reporting shall be laid down in an implementing regulation. The first obligatory report by the user of a registered substance shall be submitted by February 15, 2005 , 2004.

(3) In reporting data pursuant to paragraph 1 above, the user of a registered substance shall have the right to designate data containing identification of the reported substance as the subject of business secrecy, where the provisions of the special regulations shall be in no way prejudiced thereby). The Ministry of the Environment may further provide such information on request only to the administrative authorities. The identification of the reported substance in emissions into the air, water and soil may not be designated as the subject of business secrecy. The Ministry of the Environment shall disclose the information designated as business secrecy under the designation of the group of pollutants to which the reported substance belongs, as set forth in the list of pollutants laid down in an implementing regulation.

(4) On the basis of a request by the user of a registered substance, the Ministry of the Environment may prolong the deadline pursuant to paragraph 2 above, however, by a maximum of 60 days.

§ 23

If the user of a registered substance complies with the reporting obligation pursuant to § 22 of this Act, (s)he shall not be obliged to report the same data included in the reporting obligation to other administrative authorities pursuant to special regulations).

§ 24

(1) Every person who keeps records in the area of the environment on the basis of the special regulations²⁰⁾ shall be obliged to cooperate with the Ministry of the Environment in connecting these records with the integrated pollution register pursuant to this Act.

(2) The Government may lay down in a Regulation the manner of keeping the integrated pollution register and other records so as to ensure the uniformity of the information system in the area of environment.

§ 25

Keeping Records

(1) The user of a registered substance shall keep records of basic documents necessary for fulfillment of the reporting obligation pursuant to § 22. The form and manner of keeping records shall be laid down in an implementing regulation. For installations, such records shall also include information on compliance with the conditions following from the integrated permit. Identical information recorded pursuant to special regulations²⁰⁾ may be used for the purposes of these records.

(2) The user of a registered substance shall be obliged to store all data reported to the integrated pollution register and the documents, on the basis of which such data was processed, for a period of 5 years. Following expiry of this period, the special regulation shall apply).

§ 26

Disclosure of Information from the Integrated Pollution Register

(1) The Ministry of the Environment shall disclose data reported to the integrated pollution register by September 30 of the current year on the public administration web site¹⁶⁾. The Ministry of the Environment shall annually publish in written or electronic form information received and processed on the basis of the data reported to the integrated pollution register.

(2) The Ministry of the Environment shall make available and submit data from the integrated pollution register to other administrative authorities.

(3) The Ministry of the Environment shall provide for submission of information from the integrated pollution register in accordance with international commitments).

Chapter IV

Systems for Exchange of Information on the Best available techniques

§ 27

(1) The system for exchange of information on the best available techniques shall include:

a) monitoring of changes in the best available techniques contained in documents published by the European Communities (hereinafter "documents of the European Communities") and monitoring of trends in the best available techniques in the Czech Republic,

b) providing for authorized translations of the best available techniques contained in documents of the European Communities, and publishing and explanation thereof,

c) provision and publishing of information on trends in the best available techniques and publishing of a list of installations,

d) evaluation of applications of the best available techniques according to the standpoints set forth in Annex No. 3 to this Act, particularly in the framework of

1. the conditions laid down in the legally valid integrated permits,

2. compliance with reporting obligation pursuant to Chapter III,

3. the results of completed controls,

e) submitting the results of evaluations pursuant to (d) above to the relevant administrative authorities and relevant bodies of the European Communities.

(2) The Ministry of Industry and Trade in cooperation with the Ministry of the Environment, the Ministry of Agriculture, the Ministry of Health, the Czech Environmental Inspectorate (hereinafter the "Inspectorate"), the Regions and the Agency shall ensure for the system for exchange of information.

(3) The Government shall lay down the manner and extent of ensuring the system for exchange of information on the best available techniques in a Government Decree.

Chapter V

Execution of the Public Administration

§ 28

The public administration pursuant to this Act shall be executed by:

a) the Ministry of the Environment,

b) the Ministry of Industry and Trade,

c) the Ministry of Agriculture,

d) the Ministry of Health,

- e) the Regions,
- f) the Inspectorate,
- g) the Regional Hygiene Officer).

§ 29

The Ministry of the Environment

The Ministry of the Environment

- a) shall execute supreme state supervision and shall be the central body of state administration pursuant to this Act,
- b) shall make decisions on applications for integrated permits for installations whose operations could significantly detrimentally affect the environment of an affected state,
- c) shall make decisions on appeals against the decisions of the Regions,
- d) shall make decisions on appeals against the decisions of the Inspectorate,
- e) shall carry out control of an integrated permit or the operation of an installation, whose operation can significantly detrimentally affect the environment of an affected state, and shall proceed pursuant to this Act on the basis of the results of the control,
- f) shall ensure monitoring of developments in the best available techniques contained in documents of the European Communities, and publishing and explanation thereof from the standpoint of the environmental impact of the best available techniques in areas that are not within the competence of the Ministry of Industry and Trade, the Ministry of Agriculture or the Ministry of Health,
- g) shall, within its competence, evaluate the application of the best available techniques,
- h) shall submit the results of the evaluation of the best available techniques application to the administrative authorities and the relevant bodies of the European Communities,
- i) shall establish and maintain the integrated pollution register,
- j) shall provide methodical support in the area specified by this Act,
- k) shall fulfill tasks following from the relation to the European Communities in the area specified by this Act, submit reports on compliance with the relevant Directives of the European Communities and coordinate transposition and implementation of the legislation of the European Communities in the area specified by this Act.

§ 30

The Ministry of Industry and Trade

The Ministry of Industry and Trade

a) shall, within its competence, i.e. from the standpoint of the best available techniques for installation categories 1, 2, 3, 4 and 6.1, 6.2, 6.3, 6.7 and 6.8 listed in Annex No. 1 to this Act, ensure monitoring of these techniques contained in the documents of the European Communities, shall ensure authorized translations of these documents, shall publish these documents, including its explanation thereof, and shall provide information on developments in the best available techniques,

b) shall, within its competence [a)], make statements on appeals against decisions on applications for granting of an integrated permit,

c) shall, within its competence, evaluate application of the best available techniques,

d) shall ensure the system for exchange of information on the best available techniques.

§ 31

The Ministry of Agriculture

The Ministry of Agriculture

a) shall, within its competence, i.e. from the standpoint of the best available techniques for installation categories 6.4, 6.5, and 6.6 set forth in Annex No. 1 to this Act, ensure monitoring of these techniques contained in the documents of the European Communities, shall ensure authorized translations of these documents, shall publish these documents, including its explanation thereof, and shall provide information on developments in the best available techniques,

b) shall, within its competence [(a)], make statements on appeals against decisions on applications for granting of an integrated permit,

c) shall, within its competence, evaluate application of the best available techniques.

§ 32

The Ministry of Health

The Ministry of Health

a) shall make statements on appeals against decisions on applications for granting of an integrated permit within its competence,

§ 33

The Regions

(1) The Regions, in delegated competence,

- a) shall make decisions on application for an integrated permit with the exception of installations whose operation could significantly detrimentally affect the environment of an affected state,
- b) shall carry out control of an integrated permit or operation of an installation with the exception of installations whose operations significantly detrimentally affect the environment of an affected state,
- c) shall impose fines pursuant to §37 (2) and (3) of this Act,
- d) shall make decisions on suspending or terminating a procedure on imposing a fine,
- e) shall request the operator of an installation to submit an application for granting an integrated permit pursuant to § 42 .
- f) shall evaluate application of the best available techniques and submit information on their development to the relevant administrative authorities.

§ 34

The Czech Environmental Inspectorate

The Inspectorate

- a) shall control compliance with obligations laid down by this Act or the integrated permit with the exception of control pursuant to § 18,
- b) shall limit or stop the operation of an installation or part thereof, if its further operation would cause or could cause serious environmental damage or considerable material damage,
- c) shall impose fines pursuant to § 37 (1) to (5) of this Act,
- d) shall make decisions on suspending or stopping a procedure on imposing a fine,
- e) shall submit to the Region the results of a completed control, if this control reveals breach of obligations for which the Region imposes fines,
- f) shall evaluate applications of the best available techniques and submit information on trends therein to the relevant administrative authorities.

§ 35

The Regional Hygiene Officer

(1) The Regional Hygiene Officer

- a) in procedures on granting an integrated permit, shall lay down the binding conditions for operation of a source of noise or vibrations if the hygiene limits cannot be met,
- b) from the standpoint of protection of the public health, shall control the integrated permit or operation of the installation at a time agreed with the inspection or, in case of the procedure pursuant to §18, at a time agreed with the Authority,
- c) shall limit or terminate the operation of an installation or part thereof, if further operation thereof would or could cause serious damage to human health,
- d) shall impose fines pursuant to § 37 (3) and (6) of this Act.

(2) Control findings may be carried out by the employees of the regional hygiene station under the conditions pursuant to the special regulation).

§ 36

(1) In control pursuant to this Act, inspectors of the Inspectorate, appointed employees of the Regions, of the Ministry of the Environment and the Regional Hygiene Officer shall be authorized

- a) to enter in the inevitably required extent the affected properties or affected buildings,
- b) to request the necessary information, documents and oral and/or written explanations, as appropriate, related to the subject of the control pursuant to this Act,
- c) to require or carry out tests and taking of samples, measuring of emissions, flow rates, etc.,
- d) to collect and keep records about documentation.

(2) In control pursuant to this Act, inspectors of the Inspectorate, appointed employees of the Regions, of the Ministry of the Environment and the Regional Hygiene Officer shall be obliged

- a) to identify themselves with an identity card authorizing them to carry out the control,
- b) to maintain confidentiality on facts about which they learned in connection with carrying out the control; the obligation to provide information on the environment pursuant to the special regulation shall not be prejudiced thereby¹⁹),
- c) to comply with safety and other regulations regulating the activities of the operator of the installation; this provision shall not apply to limiting the right to carry out control,

d) to draw up a protocol on carrying out tests and taking samples.

(3) In control pursuant to this Act, inspectors of the Inspectorate, appointed employees of the Regions, of the Ministry of the Environment and the Regional Hygiene Officer shall be obliged to mutually inform one another about results of controls and of measures imposed and shall be authorized to request provision of information on the results of the control also in electronic form.

(4) The operator of an installation shall be obliged to allow inspectors of the Inspectorate, appointed employees of the Regions, of the Ministry of the Environment and the Regional Hygiene Officer, in carrying out control pursuant to this Act, to enter the affected property and to take samples and is obliged to provide them with cooperation.

(5) The special regulation shall not apply to execution of rights and obligations pursuant to paragraphs 1 to 3 above).

Chapter VI

Fines

§ 37

(1) The Inspectorate shall impose a fine to an amount of 500 000 CZK on the user of a registered substance if:

a) (s)he fails to comply with the reporting obligation pursuant to § 22 of this Act,

within the set deadline, fails to supplement data required for the integrated pollution register, or

(s)he give mistaken information when fulfilling the reporting obligation pursuant to § 22 of this Act.

(2) The Region shall impose a fine on the operator of an installation or the Inspectorate shall impose a fine on the operator of an installation, the operation of which could significantly detrimentally affect the environment of an affected state, in an amount of up to 1 000 000 CZK, if

a) (s)he fails to comply with the reporting obligation pursuant to § 16 (1), b) to d) of this Act,

b) states false information in the application pursuant to § 4, that could affect a decision on an integrated permit, or

c) fails to submit an application for a change in an integrated permit within the deadline laid down by the Authority pursuant to § 19 (2) (b).

(3) The Region, Inspectorate or Regional Hygiene Officer shall impose a fine of up to 2 000 000 CZK if the operator of an installation fails to comply with obligations pursuant to § 16 (1) (c) in that he fails to allow the inspectors of the Inspectorate, appointed employees of the Region or the Ministry of the Environment and employees of the regional hygiene station carrying out control pursuant to this Act to enter the affected property or to take samples and fails to provide them with cooperation. The fine shall be imposed by the body of the state administration to whom cooperation was evincible not provided; if this obligation was not fulfilled in relation to several bodies of the state administration, the fine shall be imposed by the Inspectorate.

(4) The Inspectorate shall impose a fine of up to 4 000 000 CZK on the operator of an installation who operates the installation without a valid integrated permit or who fails to comply with the conditions of the integrated permit.

(5) The Inspectorate shall impose a fine of up to 7 000 000 CZK on the operator of an installation who

a) through failure to fulfill the conditions of an integrated permit or through operation of an installation without a valid integrated permit, has endangered or endangers the environment,

b) through failure to fulfill the conditions of an integrated permit or through operation of an installation without a valid integrated permit, has damaged or damages the environment,

c) within the set deadline, fails to carry out measures for a remedy or fails to stop operation of the installation or part thereof pursuant to § 19, or

d) fails to limit or terminate the operation of an installation on the basis of a decision pursuant to § 34 (b).

(6) The Regional Hygiene Officer shall impose a fine of up to 7 000 000 CZK on the operator of an installation who:

a) through failure to comply with the conditions of an integrated permit or through operation of an installation without a valid integrated permit, has endangered or endangers human health,

b) through failure to comply with the conditions of an integrated permit or through operation of an installation without a valid integrated permit, has damaged or damages human health, or

c) does not limit or terminate the operation of an installation on the basis of a decision issued pursuant to § 35 (1) c).

§ 38

(1) In making a decision on the amount of a fine, the Inspectorate, Region or Regional Hygiene Officer shall take into account particularly the seriousness of breach against the

obligation, the duration of the illegal state, the detrimental consequences that occurred or that make a threat in the area of the environment or in the area of human health and the amount of fines imposed pursuant to other regulations⁶⁾ for breach to comply with similar obligations.

(2) If repeated breach of the same obligations as those for which a fine has already been imposed occurs within a period of 2 years from the date of legal enforcement of the decision on imposing the fine, the Inspectorate, Region or Regional Hygiene Officer shall impose a fine of up to twice the upper fine rate.

(3) A procedure on imposing a fine may be commenced only within 1 year of the date when the Inspectorate, Region or Regional Hygiene Officer found out that the operator of the installation or user of the registered substance breached the obligation, and at the latest within 3 years of the date when the breach of obligations occurred.

(4) If there occurs breach of obligations laid down by this Act or an integrated permit, which is concurrently an obligation pursuant to the special regulations⁶⁾, a fine shall be imposed pursuant to this Act.

(5) For breaching obligation laid down by this Act or by integrated permit a fine shall not be imposed pursuant to special obligation.

§ 39

(1) On the basis of a request by the operator of the installation, the Inspectorate, Region or Regional Hygiene Officer shall decide on abatement of the procedure on imposing a fine pursuant to this Act if the following conditions are met:

a) the operator of the installation ensured the elimination of the consequences of the breaching obligations,

b) the operator of the installation has taken measures to limit further continuance or renewal of the illegal state, and

c) given the measures taken by the operator of the installation the imposing of a fine would lead to excessive harshness.

(2), , The Inspectorate, Region or Regional Hygiene Officer may suspend a procedure on imposing a fine on the basis of a request by the operator of the installation for the reason of carrying out measures pursuant to paragraph 1 (a) and (b) above.

§ 40

Fines imposed by the Inspectorate shall be divided to allow 50% of these fines as an income for the State Environmental Fund of the Czech Republic and 50% shall be an income for the budget of the Region. Such fines shall be collected and enforced by the competent financial authority. The procedure pursuant to the special regulation) shall be followed in collecting

and enforcing fines. Fines imposed by the Region shall be collected and enforced by the Region and the revenue from fines shall be an income for the Region. Collecting, enforcing and revenues from fines imposed by the Regional Hygiene Officer shall be subject to the Act on protection of the public health).

§ 41

The Inspectorate shall be obliged immediately, following legal force of a decision on imposing a fine pursuant to this Act, to promptly send this decision to the competent financial authority.

Chapter VII

Transitory, Concluding and Enabling Provisions

Transitory Provisions

§ 42

(1) The operator of an installation for which (s)he submitted an application for a construction permit pursuant to the special regulation) by October 30.1999 and which (s)he brought into operation at the latest by October 30, 2000,if he intends to operate this installation after October 30, 2007 has a duty to obtain integrated permit after this date.

§ 43

(1) The operator of an installation who:

a) has commenced operations by the date of legal enforcement of this Act, where this is not simultaneously an installation set forth in § 42,

b) has not commenced operations by the date of legal enforcement of this Act, but for which a construction permit has been issued pursuant to the special regulation²⁸⁾,

shall submit an application for granting of an integrated permit within 3 months of the date of legal enforcement of this Act.

§ 44

(1) Operators of installations pursuant to § 42 and 43 shall be obliged in the application pursuant to § 4 of this Act to enclose a list of all legally binding decisions, standpoints, statements and consents that are to be replaced by the integrated permit, if these were issued for the installation pursuant to other regulations⁶⁾.

(2) In the integrated permit pursuant to § 13 (3) for installations pursuant to § 42 and 43 of this Act, the Authority shall specify a statement on canceling all legally binding decisions,

standpoints, statements and consents or parts thereof that are replaced by the integrated permit.

(3) To the date of legal enforcement of the Agreement on accession of the Czech Republic to the European Union, statements pursuant to § 8 (2) may be sent only by natural persons with permanent address in the territory of the Czech Republic or legal persons with registered office in the territory of the Czech Republic.

Concluding Provisions

§ 45

A construction permit pursuant to the special regulations²⁸⁾ may not be granted for installations [§ 2 a)] in the absence of an legally binding integrated permit.

§ 46

(1) Decisions, standpoints, statements and consents that were issued pursuant to special regulations⁶⁾ or which came into force before the land-use decision or decision on establishing a mining space⁷⁾ which came into force pursuant to special regulation shall not be replaced by integrated permit.

(2) In granting an integrated permit following the issuing of a land-use decision or decision on establishing a mining space⁷⁾, the Authority shall also base its decision on decisions, standpoints, statements and consents issued pursuant to the special regulations⁶⁾, which formed the basis for this decision.

(3) Obligations following from the provisions of the special regulations⁶⁾ and administrative acts that are not included in the integrated permit shall remain unaffected by the integrated permit.

(4) Unless this Act or regulations issued for implementation thereof state otherwise, the relevant special regulations⁶⁾ shall be followed.

(5) The procedure pursuant to § 3 to § 15 shall be followed in a procedure on a change of an integrated permit.

(6) Unless this Act explicitly states otherwise, the Code of Administrative Procedure¹⁴⁾ shall apply to procedures pursuant this Act. The Code of Administrative Procedure¹⁴⁾ shall not apply to § 6 of this Act.

(7) Processing of personal information pursuant to this Act shall be subject to the Act on protection of personal information).

§ 47

Enabling for Issuing of Implementing Regulations

(1) The Government shall issue a Regulation for implementation of § 22 (1) - (3) and § 27 (3).

(2) The Government may issue a Regulation for implementation of § 24 (2).

(3) The Ministry of the Environment shall issue a Decree for implementation of § 4 (3) and § 25 (1).

PART TWO

Amendment to the Act on Waters

§ 48

Act No. 254/2001 Coll., on waters and amending some laws (the Water Act), shall be amended as follows:

In § 126 new paragraph 5 shall be added, and shall be read as follows:

"(5) Decisions issued pursuant to § 8 (1), § 16 (1), § 17 (1), § 36, § 37, § 39 (2) (a) and a statement pursuant to § 18 (1) shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART THREE

Amendment to the Act on Protection of the Agricultural Land Fund

§ 49

Act No. 334/1992 Coll., on protection of the agricultural land fund, as amended by Act No. 10/1993 Coll., Act No. 98/1999 Coll. and Act No. 132/2000 Coll., shall be amended as follows:

In § 23, new paragraph 5 shall be added, and shall read as follows:

"(5) Consents set forth in § 7 (2) and (3), § 8 (3), § 9 (1) and (6) shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART FOUR

Amendment to the Act on Forests

§ 50

Act No. 289/1995 Coll., on forests, as amended by Act No. 238/1999 Coll., Act No. 67/2000 Coll. and Act No. 132/2000 Coll., shall be amended as follows:

In § 58 new paragraph 4 shall be added, and shall read as follows:

"(5) Consent to decisions affecting interests protected by the Act on forests pursuant to § 14 (2), decisions on withdrawal of properties designated to fulfill the functions of forests or on limitation of the use of properties to fulfill the functions of forests pursuant to § 16 (1) and decisions on amendment to or canceling of a decision on withdrawal of properties designated to fulfill the functions of forests or on limitation of the use of properties to fulfill the functions of forests pursuant to § 16 (4) shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART FIVE

Amendment to the Act on the Air

§ 51

Act No. 309/1991 Coll., on protection of the air against pollutants (the Clean Air Act), as amended by Act No. 218/1992 Coll., Act No. 158/1994 Coll. and Act No. 71/2000 Coll., shall be amended as follows:

In § 11, new paragraph 2 shall be inserted following paragraph 1, and shall read as follows:

"(5) Consents pursuant to paragraph 1 (a), (f), (g) and (i) above shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

Former paragraphs 2 and 3 shall be designated as paragraphs 3 and 4.

In § 18 paragraphs 4, the wording of "§ 11 paragraph 2" are replaced by "§ 11 paragraph 3".

PART SIX

Amendment to the Act on Protection of Nature and the Landscape

§ 52

Act No. 114/1992 Coll., on protection of nature and the landscape, as amended by Act No. 347/1992 Coll., Act No. 289/1995 Coll., Act No. 3/1997 Coll., Act No. 16/1997 Coll., Act No. 123/1998 Coll., Act No. 161/1999 Coll., Act No. 238/1999 Coll. and Act No. 132/2000 Coll., shall be amended as follows:

In § 90, new paragraph 5 shall be inserted following paragraph 4, and shall read as follows:

"(5) Permits to fell tree species pursuant to § 8 or consent to activity that could decrease the character of the landscape pursuant to § 12 shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

Former paragraphs 5 to 11 shall be designated as paragraphs 6 to 12.

PART SEVEN

Amendment to the Act on Wastes

§ 53

Act No. 185/2001 Coll., on wastes and on amendment to some other laws shall be amended as follows:

In § 82 the former text shall be designated as paragraph 1 and new paragraph 2 shall be added, which shall read as follows:

"(2) Consent to the operation of installations pursuant to § 14 (1) and a statement pursuant to § 79 (5) (b) to (e) shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART EIGHT

Amendment to the Act on Spas

§ 54

Act No. 164//2001 Coll., on natural medicinal sources, sources of natural mineral waters, natural medicinal spas and spa sites and on amendment to some related laws (the Act on spas) shall be amended as follows:

In § 37 new paragraph 5 shall be added, and shall read as follows:

"(5) In protective zones and on the territory of spa sites, the consent of the Ministry pursuant to paragraph 2 (a), (c), (d), (e), (f) and (h) and pursuant to paragraph 3 shall not be issued pursuant to this Act, if the issuing thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART NINE

Amendment to the Act on Veterinary Care

§ 55

Act No. 166/1999 Coll., on veterinary care and on amendment to some related laws (the Veterinary Act), as amended by Act No. 29/2000 Coll. and Act No. 154/2000 Coll. shall be amended as follows:

New paragraph § 77a shall be inserted following § 77, and shall read as follows:

§77a

"Permit from the State Veterinary Administration granted for the operation of a decontamination enterprise pursuant to § 48 (l) and the binding expert report of the veterinary administration authority issued as a basic document in land-use, construction and construction-approval procedures, related to structures and installations intended for breeding animals, for management of animal products and feedingstuffs or for storage, accumulation collection, harmless disposal and other processing of confiscates of animal origin, if these activities are carried out as a business, as well as structures that will be used as animal hostels, pursuant to § 56 shall not be issued pursuant to this Act, if the granting thereof is replaced by a process in a procedure on issuing an integrated permit pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The other provisions of this Act shall not be prejudiced thereby."

PART TEN

Amendment to the Act on Protection of the Public Health

§ 56

Act No. 258/2000 Coll., on protection of the public health and on amendment to some related laws as amended by Act No. 254/2001 Coll. and Act No. 274/2001 Coll. shall be amended as follows:

In § 81, new paragraph 3 shall be added, and shall read as follows:

"(3) The Regional Hygiene Officer shall also be authorized to lay down the binding conditions for sources of noise and vibrations, if the hygiene conditions cannot be maintained and if the operation of an installation pursuant to the Act on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention) is involved. In this case a permit shall not be issued pursuant to § 31 (1)."

PART ELEVEN

Amendment to the Act on Administrative Fees

§ 57

Act No. 368/1992 Coll., on administrative fees, as amended by Act No. 10/1993 Coll., Act No. 72/1994 Coll., Act No. 85/1994 Coll., Act No. 273/1994 Coll., Act No. 36/1995 Coll., Act No. 118/1995 Coll., Act No. 160/1995 Coll., Act No. 301/1995 Coll., Act No. 151/1997 Coll., Act No. 305/1997 Coll., Act No. 149/1998 Coll., Act No. 157/1998 Coll., Act No. 167/1998 Coll., Act No. 166/1999 Coll., Act No. 167/1999 Coll., Act No. 223/1999 Coll., Act No. 352/1999 Coll., Act No. 357/1999 Coll., Act No. 63/1999 Coll., Act No. 326/1999 Coll., Act No. 46/2000 Coll., Act No. 360/1999 Coll., Act No. 363/1999 Coll., Act No. 117/2000 Coll., Act No. 62/2000 Coll., Act No. 133/2000 Coll., Act No. 360/2000 Coll. (part), Act No. 151/2000 Coll., Act No. 153/2000 Coll., Act No. 154/2000 Coll., Act No. 156/2000 Coll., Act No. 158/2000 Coll., Act No. 227/2000 Coll., Act No. 241/2000 Coll., Act No. 242/2000 Coll. and Act No. 140/2001 Coll., Act No. 231/2001 Coll. shall be amended as follows:

1. In the Tariff Rate for administrative fees constituting the Annex to Act No. 368/1992 Coll., item 131d shall be inserted following item 131c, and shall read as follows:

"Item 131d

- a) Submission of an application for an integrated permit for an installation 30 000 CZK set forth in Annex No. 1 of the Act on integrated prevention

- b) Issuing a decision on a change in an integrated permit on a substantial change in an installation set forth in Annex No. 1 of the Act on integrated prevention 10 000 CZK
- c) Granting an integrated permit or a change therein on a substantial change in an installation set not forth in Annex No. 1 of the Act on integrated prevention 5 000 CZK

Authorization:

The administrative authority shall not collect a fee if an application for a change in an integrated permit is submitted on its request pursuant to § 19 (2) of the Act on integrated prevention.

Comments:

1. The administrative authority shall collect fees pursuant to (a) of this item for submission of an application for an integrated permit for the operation of installations set forth in Annex No. 1 of the Act on integrated prevention and pursuant to (b) of this item, if it issues a decision on a change in an integrated permit on a substantial change in an installation set forth in Annex No. 1 of the Act on integrated prevention.

2. The administrative authority shall collect a fee pursuant to (c) of this item if it grants an integrated permit for operation of an installation not listed in Annex No. 1 of the Act on integrated prevention, or if it issues a decision on a change in an integrated permit on a substantial change in an installation not set forth in Annex No. 1 of the Act on integrated prevention."

PART TWELVE

Legal Force

§ 58

This Act shall come into effect on January 1, 2003, with the exception of the provisions of § 5 and 6 , which shall come into effect on the date of promulgation.

Annex No. 1 of act No 76/2002 Col.

List of the Installations

Categories of the Installations

1. Energy industries

1.1 Combustion installations with a rated thermal input exceeding 50 MW

1.2 Mineral oil and gas refineries

1.3 Coke ovens

1.4 Coal gasification and liquefaction plants

2. Production and processing of metals

2.1 Metal ore roasting or sintering installations (including sulphide ore)

2.2 Installations for the production of pig iron or steel (primary and secondary fusion) including continuous casting with a capacity exceeding 2,5 tonnes per hour

2.3 Installations for the ferrous metals processing

a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour

b) smitheries with hammers the energy of which exceeds 50 kJ per hammer, where the calorific power used exceeds 20 MW

c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour

2.4 Ferrous metal foundries with a production capacity exceeding 20 tonnes per day

2.5 Installations

a) for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes

b) for the smelting, including both the alloyage, of non-ferrous metals, including recovered products, (refining, foundry casting etc.) with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 t per day for all other metals

2.6 Installation for surface treatment of metals and plastic materials using an electrolytic or chemical processes where the volume of treatment vats exceeds 30 m³.

3. Processing of minerals

3.1 Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime production in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with production capacity exceeding 50 tonnes per day.

3.2 Installations for the production of asbestos and the manufacture of asbestos-based products, the production of products with the content of asbestos

3.3 Installations for the manufacture of glass including glass fibres with a melting capacity exceeding 20 tonnes per day

3.4 Installations for melting of mineral substances including the mineral fibres production with a melting capacity exceeding 20 tonnes per day

3.5 Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with a production capacity exceeding 75 tonnes per day and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³.

4. Chemical industry

"Production" within the installation categories listed in this section means the production on an industrial scale by chemical, physical and chemical and biological processing in accord with the sections from 4.1 to 4.6

4.1 Chemical installations for the production of basic organic chemicals, such as:

a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic)

b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins

c) sulphurous hydrocarbons

d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates

e) phosphorus-containing hydrocarbons

f) halogenic hydrocarbons

g) organometallic compounds

h) basic plastic materials (on the basis of synthetic and natural polymers)

i) synthetic rubbers

j) dyes and pigments

k) surface-active agents

4.2 Chemical installations for the production of basic anorganic chemicals, such as :

a) gases, such as ammonia, chlorine, hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride,

b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acid

c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide,

d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate

e) non-metals, metal oxides or other inorganic compounds, such as calcium carbide, silicon, silicon carbide

4.3 Chemical installations for the production of phosphorous-, nitrogen- and potassium - based fertilizers (simple or composed)

4.4 Chemical installations for the production of basic plant health products and of biocides

4.5 Chemical installations using chemical or biological processes for the production of basic pharmaceutical products

4.6 Chemical installations for the production of explosives

5. Waste management

5.1 Installations for the disposal or recovery of hazardous waste and for waste oils with a capacity exceeding 10 tonnes per day

5.2 Installation for incineration of municipal waste with a capacity exceeding 3 tonnes per hour

5.3 Installation for disposal of non- hazardous waste with a capacity exceeding 50 tonnes per day

5.4 Landfills receiving more than 10 tonnes per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste

6. Other installations

6.1 Industrial plants for production of :

a) pulp from timber or other fibrous materials

b) paper and board with a production capacity exceeding 20 tonnes per day

6.2 Plants for the pre-treatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles, the treatment capacity of which exceeds 10 tonnes per day

6.3 Plants for tanning of hides and skins, the treatment capacity of which exceeds 12 tonnes of finished products per day

6.4

a) Slaughterhouses with a carcase production capacity greater than 50 tonnes per day

b) Treatment and processing installations intended for the production of food or feed products from:

- animal raw materials (other than milk) with a production capacity exceeding 75 tonnes of finished products per day

- vegetable raw materials with a production capacity exceeding 300 tonnes of finished products per day (average value quaterly)

c) Treatment and processing installations for milk with received quantity of milk exceeding 200 tonnes per day (average annual value)

6.5 Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day

6.6 Installation for the intensive rearing of poultry or pigs with more than :

a) 40 000 places for poultry

b) 2000 places for pigs production (over 30 kg) or

c) 750 places for sows

6.7 Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour and more than 200 tonnes per year.

6.8 Installations for the carbon production (hart-burnt coal) or electrographite by means of incineration or graphitization

Remark: The given threshold values are generally referred to project production capacities or to other parameter of this installation. If the same operator carries out several installations on the same location under the same indication in accord with specifications mentioned above, then the releasing capacities of such installation are added together.

List of main polluting substances for fixing emission limit values

AIR

1. Sulphur dioxide and other sulphur compounds
2. Nitrogen oxides and other nitrogen compounds
3. Carbon monoxide
4. Volatile organic compounds
5. Metals and their compounds
6. Dust
7. Asbestos (suspended particulates, fibres)
8. Chlorine and its compounds
9. Fluorine and its compounds
10. Arsenic and its compounds
11. Cyanides
12. Substances and preparations which have been proved to possess carcinogenic or mutagenic effects or properties which may affect reproduction via the air
13. Polychlorinated dibenzodioxines and polychlorinated dibenzofuranes

WATER

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment
2. Organophosphorus compounds
3. Organotin compounds
4. Substances and preparations which have been proved to possess carcinogenic or mutagenic effects or properties, which may affected reproduction in or via the aquatic environment
5. Persistent hydrocarbons and persistent and bioaccumulable organic toxic substances

6. Cyanides
 7. Metals and their compounds
 8. Arsenic and its compounds
 9. Biocides and plant health preparations
 10. Materials in suspension
 11. Substances which contribute to eutrophication (in particular nitrates and phosphates)
 12. Substances with unfavourable influence on the oxygen balance (and can be measured using parameters such as BOD, COD, etc.
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Annex No. 3 of act No 76/2002 Coll.

Considerations for determining of best available techniques

Considerations which the Authority shall take into account either generally or for specific cases when determining the best available techniques, bearing in mind expected costs and benefits of the planned measure and the prevention and precaution principles:

- 1) The use of low-waste technology
- 2) The use of less hazardous substances
- 3) The support for recovery and recycling of substances generated or used in the technological process and where appropriate for recuperation and recycling waste
- 4) Comparable processes, facilities or operational methods, which have been tried with success on an industrial scale
- 5) Technical development and changes in scientific knowledge and understanding
- 6) The nature, effects and volume of the emissions concerned
- 7) The commissioning dates for new or existing installations
- 8) The length of time necessary to the best available techniques implementation
- 9) The consumption and nature of raw materials (including water) used in the technological process and their energy intensiveness

10) The need to prevent or reduce to a minimum the overall emissions impacts on the environment, transboundary pollution effects and the environmental risks

11) The need to prevent accidents and to minimize their consequences for the environment

12) The information on the state and development of the best available techniques and monitoring of related information published by the European Commission or through the international organizations.