

ACT
of2004,
amending Act No. 185/2001 Coll., on waste and on amendment to some other laws, as amended

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

Art. I

Act No. 185/2001 Coll., on waste and on amendment to some other laws, as amended by Act No. 477/2001 Coll., Act No. 76/2002 Coll., Act No. 275/2002 Coll., Act No. 320/2002 Coll., Act No. 356/2003 Coll., Act No. 167/2004 Coll., Act No. 188/2004 Coll. and Act No. 317/2004 Coll., shall be amended as follows:

1. In Section 2 (1) (i), the words “within the agricultural land fund” shall be inserted after the words “for their use”.
2. In Section 2 (3), the words “the details of management and” shall be inserted after the words “decree setting”.
3. In the first sentence of Section 6 (6) and (7), the words “or whose qualification has been acknowledged pursuant to the special regulation^{13a)}” shall be inserted after the word “qualification”.

Footnote No. 13a) shall read as follows:

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

4. In Section 7, new paragraphs 10 and 11 shall be inserted following paragraph 9 and shall read as follows:

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

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

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

Former paragraph 10 shall be designated as paragraph 12.

5. In the last sentence of Section 16 (4), the words “except for obligations stipulated in paragraph 1 (i) and (j)” shall be replaced by the words “pursuant to paragraph 1, except for subparagraphs (i) and (j)”.
6. In Section 19, paragraph 3 shall be added which shall read as follows:

“(3) The Ministry shall stipulate in an implementing regulation the technical requirements and conditions for the recovery of waste on the land surface (e.g. for terrain modifications, reclaiming).”.
7. In Section 25 (1), at the end of subparagraph g), the full stop shall be replaced by a comma and subparagraph h) shall be added, which shall read as follows:
“h) electrical and electronic equipment.”.
8. In Section 26 (d), the words “equipment which may contain PCB” shall be replaced by the words “equipment that may contain PCB and that is subject to records”.
9. In Section 27 (1), the words “and subject to records and equipment that may contain PCB and is subject to records” shall be inserted after the words “equipment containing PCB” and, at the end of the first sentence, the full stop shall be deleted and the words “, unless they demonstrate that the equipment does not contain PCB.” shall be added.
10. In Section 36 (e) and (f), in Section 37 (7) (a) and in Section 37e (3), the word “parts” (“*součásti*”) shall be replaced by the word “parts” (“*části*”), and, in Section 37 (7) (b), the word “parts” (“*součástmi*”) shall be replaced by the word “parts” (“*částmi*”).
11. In Section 37 (3), the words “The Municipal Authority shall remove [...] after 2 months have passed” shall be replaced by the words “The Municipal Authority shall remove [...] after expiry of 2 months from the date when it learnt of this fact”.
12. In Section 37 (7) (c), the words “wrecked automobiles” shall be replaced by the word “vehicles”.
13. In Section 37 (8), the reference to subparagraph “(a)” shall be replaced by the reference to subparagraph “(b)”.
14. New footnote No. 31e) shall be inserted after Section 37a and shall read as follows:

^{31e)} Section 2 (1) of Act No. 56/2001 Coll., on the conditions for operation of vehicles on roadways and on amendment to Act No. 168/1999 Coll., as amended by Act No. 103/2004 Coll.”.

15. In Section 37c (2), the words “parts and” shall be repealed.
16. Section 37d, including the heading, shall be repealed.
17. In Section 37e, former footnotes, and the references to footnotes, Nos. 31e) to 31j) shall be designated as footnotes, and the references to footnotes, Nos. 31g) to 31l).
18. In Part Four, Chapter Two, Title 8 shall be added after Title 7 and shall read, including the heading and footnotes Nos. 31m) to 31t) as follows:

“Title 8

Electrical and Electronic Equipment

Section 37f

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

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

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

Section 37g

Basic Terms

For the purposes of this Title of the Act:

- a) electrical or electronic equipment (EEE) means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields falling under the

- categories set out in Annex No. 7 to this Act and designed for use with a voltage rating not exceeding 1 000 Volt for alternating current and 1 500 Volt for direct current, except for equipment intended exclusively for the purposes of state defense,
- b) waste electrical and electronic equipment (WEEE) means electrical and electronic equipment which has become waste, including all components, subassemblies and consumables, which are part of the product at the time of discarding,
 - c) reuse means the use of returned or separately collected electrical and electronic equipment or components of such electrical and electronic equipment without their further reworking for the same purpose as they were originally intended,
 - d) treatment of waste electrical and electronic equipment means any activity after waste electrical and electronic equipment has been handed over to a facility for depollution disassembly, shredding, recovery or preparation for disposal and any other operation carried out for the recovery or disposal of waste electrical and electronic equipment;
 - e) producer means any natural or legal person authorized to operate a business who, irrespective of the selling technique used, including by means of distance communication³¹ⁿ⁾
 - 1. manufactures and sells electrical and electronic equipment under his own brand, or
 - 2. resells under his own brand electrical and electronic equipment produced by other suppliers, unless the brand of the person pursuant to point 1 appears on the equipment, or
 - 3. imports electrical and electronic equipment to the Czech Republic or puts such electrical and electronic equipment on the market in the Czech Republic within his/her business activities,
 - f) electrical and electronic equipment from private households means used electrical and electronic equipment which comes from private households or waste electrical and electronic equipment of a similar character and amount which comes from legal persons and natural persons authorized to operate a business,
 - g) take-back of electrical and electronic equipment means the withdrawal of used electrical and electronic equipment which comes from private households from consumers without the right to consideration at a point designated for this purpose by the producer,
 - h) separate collection of waste electrical and electronic equipment means the withdrawal of used electrical and electronic equipment which does not come from private households from end users at a point designated for this purpose by the producer.

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

Section 37h

Basic Duties of Producers of Electrical and Electronic Equipment

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

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

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

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

Section 37i

List of Producers of Electrical and Electronic Equipment

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

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

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

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

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

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

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

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

Section 37j

Placement of Electrical and Electronic Equipment on the Market

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

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

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

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

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

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

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

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

Section 37k

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

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

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

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

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

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

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

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

^{31r)} Section 2 of Act No. 634/1992 Coll., on the protection of consumers, as amended.

Section 37l

Treatment of Waste Electrical and Electronic Equipment

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

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

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

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

(4) The decision on granting the consent to operation of a facility for treatment of waste electrical and electronic equipment and its operational rules (Section 14 (1)) must include the conditions required for compliance with the requirements pursuant to paragraph 3 (b) and (c) above and Section 37m.

(5) Waste electrical and electronic equipment may be transported across the border for treatment in accordance with the regulations of the European Communities providing for supervision of the transport of waste in the framework of the European Communities³⁹⁾ and in accordance with Part Nine hereof. Treatment of waste electrical and electronic equipment in a country that is not a Member State of the European Union may be taken into account for the purposes of compliance with the requirements stipulated in Section 37m provided that the producer demonstrates that recovery, reuse or recycling has taken place under conditions comparable to the conditions stipulated by this Act.

(6) This provision shall in no way prejudice the duties of the treatment operator stipulated by the special regulation^{31t)} for handling of controlled substances.

(7) The Ministry shall stipulate in an implementing regulation the technical requirements for preferential removal of substances and parts from waste electrical and electronic equipment, storage and treatment of waste electrical and electronic equipment, the scope and

manner of keeping records of accepted waste electrical and electronic equipment and the manners of its treatment and recovery, and the manner of notifying facilities for collection, treatment and recovery of waste electrical and electronic equipment.

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

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

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

Section 37m

Recovery of Waste Electrical and Electronic Equipment

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

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

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

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

Section 37n

Financing of Management of Electrical and Electronic Equipment from Private Households

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

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

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

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

(5) After consultation with the Ministry of Finance, the Ministry shall stipulate in an implementing regulation the terms of financing, particularly the manner of calculating the

minimum amount of deposited funds in a blocked bank account and the minimum amount of an insurance benefit.

Section 37o

Financing of Management of Waste Electrical and Electronic Equipment

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

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

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

19. In Section 38 (1), subparagraph f) shall read as follows:

“f) electrical and electronic equipment from private households (Section 37g (f)).”.

20. In Section 38 (3), the word “importing” shall be replaced by the words “placing products of a foreign producer on the market in the Czech Republic” and the words “, without respect to the brand and up to the amount produced or imported by this entity or person during the relevant period set pursuant to paragraph 10. Section 37n shall apply to collection of electrical and electronic equipment from private households” shall be added at the end of paragraph 3.

21. In Section 38, the following text shall be added at the end of paragraph 4: “Furthermore, producers of electrical and electronic equipment shall provide for informing the consumers of

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

22. In Section 38, the sentence “The taking-back of used products may be rejected if the used product endangers health of persons who provide for the taking-back due to its contamination.^{31u)}” shall be added at the end of paragraph 7.

Footnote No. 31u) shall read as follows:

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

23. In Section 39 (3), the words “, the operators of facilities for collection and treatment of end-of-life vehicles, the operators of facilities for collection, treatment, recovery and disposal of waste electrical and electronic equipment (Section 37g)” shall be inserted after the words “for the disposal or recovery of waste”.

24. In Section 39 (5), the words “ and the operators of facilities for separate collection, treatment, recovery and disposal of waste electrical and electronic equipment shall be obliged to keep records and send information on the type, amount and manner of treatment, recovery or disposal of waste electrical and electronic equipment within the scope stipulated in an implementing regulation”.

25. In Section 39 (7), the words “, the type, amount and manners of treatment, recovery or disposal of waste electrical and electronic equipment” shall be inserted after the words “accepted end-of-life vehicles and the manners of treatment thereof”.

26. In Section 39 (8), the words “or operate equipment that may contain PCB and is subject to records pursuant to Section 26 (d)” shall be inserted after the words “according to Section 26 (c)”, the full stop at the end of the first sentence shall be deleted and the words “and notify this fact to the Ministry by December 31, 2004, unless they have already done so” shall be added, and the sentence “This duty shall not apply to laboratory standards.” shall be added at the end of paragraph 8.

27. In Section 39 (12) (b), the words “, the type, amount of waste electrical and electronic equipment and manners of treatment, recovery or disposal thereof” shall be inserted after the words “treatment thereof”.

28. In Section 47, paragraph 1 shall read as follows:

“(1) If the landfill operator has failed to levy to the municipality or the State Environmental Fund the collected fee within the set deadline, the duty to pay the fee shall be imposed thereon by the Regional Authority that has issued the consent to operation of the landfill, by means of a decision adopted on the basis of a proposal of the recipient of the fee.

A fine of 0.5 ‰ of the withheld amount per day shall be payable in case of failure to levy the fee. The fine shall be an income for the municipality.”.

29. In the last sentence of Section 49 (2) and in Section 51 (2), the words “financial guarantees and” shall be repealed.
30. In Section 51 (4), the words “ , waste deposited as technological material for the purpose of safeguarding the landfill and waste asbestos” shall be added at the end of the wording of subparagraph b).
31. In Section 54, the heading shall be repealed and, in paragraph 2, subparagraph a), the designation of subparagraph b) and footnote No. 40) shall be repealed.
32. In Section 54, paragraph 3 shall be added which shall read as follows:
“(3) Waste generated in the Czech Republic shall be preferentially recovered in the Czech Republic, unless it is recovered in other Member States of the European Union.”.
33. In Section 58, the sentence “An appeal against this decision shall not have suspensory effect” shall be added at the end of paragraph 3.
34. In Section 66 (3), at the end of subparagraph h), the full stop shall be replaced by a comma and subparagraph i) shall be added, which shall read as follows:
“i) fails to classify as waste and manage as waste extracted soil, gangue or sediment from river courses or water reservoirs that does not comply with the pollution limit values set in an implementing regulation for its use for filling underground areas and land surface modifications (terrain modifications).”.
35. In Section 72 (1) (i), the words “ , the type, amount and manner of treatment, recovery or disposal of waste electrical and electronic equipment” shall be inserted after the words “accepted end-of-life vehicles and the manners of treatment thereof”.
36. In Section 72 (1), at the end of subparagraph o), the full stop shall be replaced by a comma and subparagraph p) shall be added, which shall read as follows:
“p) keep the List pursuant to Title 8 of Part Four.”.
37. In Section 76 (1), at the end of subparagraph f), the full stop shall be replaced by a comma and subparagraph g) shall be added, which shall read as follows:

“g) control, whether the persons using excavated soil, gangue or sediments from river courses or water reservoirs as a material for filling underground areas and land surface modifications have documents certifying, pursuant to the implementing regulation, that the excavated soil, gangue or sediment from river courses or water reservoirs complies with the pollution limit values for their use for filling underground areas and land surface modifications (terrain modifications); it may take samples thereof and control the actual concentrations of harmful substances, whose pollution limit values are stipulated in an implementing regulation.”.

38. In Section 77, paragraphs 7 to 11 including footnote No. 48) shall read as follows:

“(7) If the customs office ascertains that the cross-border transportation is an illegal traffic of waste pursuant to Article 26 of Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community³⁹⁾ or that the cross-border transportation of waste is implemented at variance with the permit, it may order that the transportation be interrupted and the vehicle placed on a site intended therefor.

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

(9) If the driver, who shall always represent the carrier for the purposes of collection of deposits during control,⁴⁸⁾ fails to provide the required deposit, the customs offices shall be authorized to order that the driver park the vehicle at the nearest place that is suitable from the viewpoint of safety and smoothness of traffic, seize the documents for the vehicle and the load from the driver and prohibit the driver from continuing his journey. The costs connected with driving the vehicle to the parking place shall be borne by the carrier. This shall in no way prejudice the liability of the carrier for the vehicle, load and transported persons.

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

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

⁴⁸⁾ Act No. 111/1994 Coll., on highway transport, as amended.”.

39. In Section 77, new paragraphs 12 to 15 shall be inserted following paragraph 11 and shall read as follows:

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

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

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

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

Former paragraphs 12 to 18 shall be designated as paragraphs 16 to 22.

40. In Section 77 (22), the words “Ministry of Finance” shall be replaced by the words “General Customs Directorate”.

41. In Section 77, paragraph 23 shall be added which shall read as follows:

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

42. In Section 78 (2) (h), the words “subject to the exemption stipulated in Section 77 (5)” shall be repealed.

43. In Section 78 (2), at the end of subparagraph s), the full stop shall be replaced by a comma and subparagraph t) shall be added, which shall read as follows:

“(t) impose through a decision on the operator of a landfill the duty to pay the collected fee for depositing waste on the landfill, if (s)he has failed to levy this fee within the set deadline to the recipient.”.

44. In Section 79 (1) (d), the words “, the type, amount and manner of treatment, recovery or disposal of waste electrical and electronic equipment” shall be inserted after the word “treatment”.

45. In Section 79 (1) (h), the words “Section 66 (5)” shall be replaced by the words “Section 66 (2) and (5)”.

46. In Section 81 (3), the words “to the customs area” shall be replaced by the words “to places where they perform control”.

47. In Annex No. 2, in item H 12, the word “air” shall be inserted after the word “water”.

48. Annex No. 7 shall read as follows:

“Annex No. 7 to Act No. 185/2001 Coll.

Categories of Electrical and Electronic Equipment

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

Art. II

Authorization to Promulgate the Full Wording of Act No. 185/2001 Coll., on Wastes and Amending some Other Laws

The Prime Minister of the Government is hereby authorized to promulgate in the Collection of Laws the full wording of Act No. 185/2001 Coll., on waste and on amendment to some other laws, as follows from the laws amending it.

Art. III

In Art. II – transitory provisions of Act No. 188/2004 Coll., amending the Act on Waste, No. 185/2001 Coll., on waste and on amendment to some other laws, as amended, paragraphs 1, 6 and 7 shall be repealed.

Art. IV

Legal Force

- This Act enters into effect on the date of promulgation, except for the provisions of
- a) Art. I (18), with respect to Section 37i, Section 37k, Section 37n, Section 37o, a Art. I (19), (21) and (22), which shall enter into effect on August 13, 2005, and
 - b) Art. I (18), with respect to Section 37m (3), which shall enter into effect on January 1, 2009.