

**DECREE**  
**of The Ministry of Environment of the Czech Republic**  
**from 17<sup>th</sup> October, 2001**  
**on details of waste management**

The Ministry of Environment, provides, according to Section 13, par. 4, Section 14, par. 5, Section 16, par. 5, Section 18, par. 4, Section 21, par. 5, Section 22, par. 2, Section 29, par. 3, Section 31, par. 7, Section 34, par. 4, Section 37, par. 4, Section 38, par. 10, Section 39, par. 11, Section 40, par. 5, Section 41 par. 4, Section 51, par. 5 of the Act no. 185/2001 Coll. on Waste and Amendment to Some Other Acts (her-in-after called "the Act"):

**PART ONE**

**APPLICATION FOR AN APPROVAL TO OPERATE A FACILITY FOR WASTE  
RECOVERY, DISPOSAL, COLLECTION AND/OR PURCHASE AND  
APPLICATION FOR AN APPROVAL OF HAZARDOUS WASTE MANAGEMENT**

(Concerning Section 14, par. 5 a) and b) and Section 16 par. 5 of the Act)

Section 1

**Particulars of the application for an approval to operate a facility for waste recovery,  
disposal, collection and/or purchase**

- (1) An application for an approval to operate a facility for waste recovery, disposal, collection and/or purchase (here-in-after called "the facility") shall contain:
- a) the trade firm or name, legal form and seat if the applicant is a legal entity; name and surname, trade firm, address and place of business if this is different from the address, in case the applicant is a natural person,
  - b) the applicant's identification number if this was assigned,
  - c) names and addresses of all workshops where the recovery, disposal, collection or purchase of waste are under operation,
  - d) name, surname and permanent residence or residence of the natural person or persons who are authorised to act in the name of the applicant,
  - e) a copy of the business authorisation (e.g. the business licence) or a copy of the Trade Register extract, or a copy of the document to establish the applicant's firm,
  - f) name and surname of the waste manager and documents on his/her qualification according to Section 15, par. 6 of the Act, if the applicant is obliged to determine a waste manager,
  - g) name, purpose and technical description of the facility, including all related facilities, description of technological process to treat waste in the facility,
  - h) a list of types of waste, according to the Waste Catalogue, which will be disposed of in the facility,
  - i) description of access routes to the facility, in relation to the single types of waste transport into the facility,
  - j) the way of storing waste within the facility,

- k) a proposal to monitor the impact of the facility on the surrounding environment and human health in relation to the facility type and types of waste,
  - l) a training plan for the facility workers,
  - m) if an approval to operate a facility is being given to an existing facility, a document on the correspondence of the facility with the special legal regulations,<sup>1</sup>
  - n) a proposal of the rules of operation and a proposal to establish the operational diary the contents of which are stated in Annex 1 for different facility types.
- (2) The application for an approval to operate a waste landfill must meet the particulars stated in par. 1 and also the following other particulars:
- a) the total capacity of the waste landfill,
  - b) expected amount of waste that is to fill up its capacity,
  - c) hydro-geological and engineering-geological description and geo-technical conditions of the landfill site,
  - d) a plan to enclose the landfill and to take after-care of the landfill.
- (3) If some of the requirements related to the application for approval to operate the facility and mentioned in par. 1 and 2 are included in the facility rules of operation, these can be contained in the application as a reference to the respective provisions of the rules of operation.

## Section 2

### **Particulars related to the application for approval of hazardous waste management**

The application for an approval of hazardous waste management contains:

- a) the trade firm or name, legal form and seat if the applicant is a legal entity; name and surname, trade firm, address and place of business if this is different from the address, in case the applicant is a natural person,
- b) the applicant's identification number if this was assigned,
- c) name, surname and permanent residence or residence of the natural person or persons who are authorised to act in the name of the applicant,
- d) a copy of the business authorisation (e.g. the business licence) or a copy of the Trade Register extract, or a copy of the document establishing the applicant's firm,
- e) name and surname of the waste manager and documents on his/her qualification according to Section 15, par. 6 of the Act, if the applicant is obliged to determine a waste manager,
- f) a list of hazardous wastes according to the Waste Catalogue that are to be managed with, estimated amount per year as well as places and ways of waste management.

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<sup>1</sup> The Law No. 50/1976 Coll., on area planning and building order (The Building Act), as amended

## PART TWO

### **TECHNICAL REQUIREMENTS FOR FACILITIES AND A LIST OF WASTES FOR WHICH, IF SUCH WASTES ARE COLLECTED OR PURCHASED, THE OPERATOR OF A WASTE COLLECTION/PURCHASE FACILITY IS OBLIGED TO KEEP RECORDS OF PERSONS FROM WHOM THE WASTES WERE TAKEN OR PURCHASED**

(Concerning Section 13, par. 4, Section 14, par.5, c), Section 18, par. 4 and Section 22, par. 2 of the Act)

#### Section 3

For the purposes of this part of the Decree, it is meant that

- a) a mobile facility for waste recovery or disposal is a facility for recovery or disposal of waste which is able to move and function independently and which does not lose this ability when transferred,
- b) a mobile facility for waste collection or purchase is a collection means which is able to move independently and meets the requirements for a facility intended for waste collection or purchase that are provided by the Act and this Decree, as well as the requirements for transport of waste according to special legal regulations,<sup>2</sup>
- c) the waste arising from incineration of hazardous wastes are any liquid or solid materials (including ash, slag, flue ash, and dust captured on separators and filters, reaction products from gas cleaning, wastewater treatment sludge, recovered catalysts and recovered activated carbon), that develop during the process of incineration of hazardous waste and correspond to the definition of waste according to Section 3 of the Act,
- d) concentrating of wastes is gathering wastes by the waste producer, collection and purchase by a licenced person, storing of wastes by their producers and licenced persons, but also concentrating other than storing overtaken wastes by person authorised to recover or dispose of wastes before these wastes are recovered or disposed of.

#### Section 4

##### **General requirements for a facility for waste recovery, disposal, collection and purchase**

(1) A facility for waste recovery, disposal, collection or purchase wastes (here-in-after called "the facility") must meet the requirements provided in special legal regulations to protect the environment and human health<sup>3</sup> and it must be operated and equipped in such a way so as the access roads and its surroundings are not polluted with the recovered, disposed, collected or purchased wastes.

(2) Each facility must be equipped with:

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<sup>2</sup> E.g. The Law No. 111/1994 Coll., on road transport, as amended, The European Agreement on the international road transport of dangerous things - ADR (Geneva 1957), issued as a Decree No. 64/1987 Coll., The rules of the international railway transport of dangerous goods (RID).

<sup>3</sup> E.g. The Act No. 254/2001 Coll., on water and changes to some related laws (the Water Act), the Law No. 258/2000 Coll., on public health protection and changes to some related laws, the Law No. 309/1991 Coll., on air protection against pollutants (The Clean Air Act), as amended.

- a) accompanying facilities (especially manipulation and store premises, technical means facilitating acceptance of wastes),
  - b) a system to monitor supposed impacts of the facility operation on the single environmental media including the working environment, corresponding to the type of facility and the wastes managed within the facility,
  - c) technical equipment and/or organisational measures to prevent access of unauthorised persons and waste recovery or disposal that would not be in correspondence with the rules of operation and legal regulations,
  - d) an information board, legible from freely accessible area in front of the facility and bearing the following information:
    - 1. the facility name
    - 2. waste types or groups and subgroups according to the Waste Catalogue that can be recovered, disposed of, collected or purchased within the facility,
    - 3. the trade firm or name, legal form and seat if the operator is a legal entity; name and surname, trade firm, address and place of business if this is different from the address, in case the operator is a natural person, including the name, surname and telephone number of the natural person(s) who are authorised to act in the name of the applicant,
    - 4. the authority (including the telephone contact) that has given approval to operate the facility and to its rules of operation,
    - 5. the facility working hours.
- (3) When accepting waste at the facility, the operator of the facility keeps the procedure stated in Annex 2.
- (4) When the facility is under operation, a worker designated by the operator to attend the facility must always be present.

## Section 5 Waste gathering

- (1) Special vessels, containers, packages, tanks and receivers that meet technical requirements for the hazardous waste gathering means stated in this Decree and meet the requirements of the Act and special legal regulations to protect the environment and human health can be used as hazardous waste gathering means.
- (2) The waste gathering means must meet these basic technical requirements:
- a) differentiation of waste gathering means (in shape, colour or description) from means that are not used in waste management or are used for other waste types,
  - b) protection of wastes against weather condition if the gathering means are intended to be used outside protected premises and if they are not intended for inert wastes only,
  - c) resistance to chemical influence of wastes for which they are intended,
  - d) in case the gathering means also serve as transportation packaging, they must meet the requirements of the special legal regulations concerning transportation of dangerous things and goods<sup>2</sup>,
  - e) the municipal waste gathering means must correspond to the respective technical standards<sup>4</sup>,
  - f) the gathering means themselves, in their workmanship or in combination with technical workmanship and equipment of the place where the means are installed, protect the surroundings against secondary dust burden, especially in case of solid waste arising from incineration of hazardous wastes in waste incinerators and in case of waste containing asbestos,

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<sup>4</sup> E.g. CSN EN 840

- g) they ensure that the waste that is placed in them is protected against undesirable depreciation, unauthorised use, theft, mixing with other waste types or release endangering human health or the environment,
  - h) their workmanship shall facilitate safe attendance, cleaning and disinfection when empty, especially in case of waste from health care facilities.
- (3) When a gathering place or a place to install gathering means are being chosen, it is necessary to consider the attendance safety, fire safety, their accessibility and possible use of mechanisation and means of transport.
- (4) The identification sheet of the waste that is being gathered must be placed close to the hazardous waste gathering means or the hazardous waste gathering place or on the means/place. The content of the identification sheet is provided in Annex 3.
- (5) On the hazardous waste gathering means there must be the catalogue number and the name of the gathered hazardous waste, as well as the name and surname of the person in charge of attendance and maintenance of the gathering means.
- (6) A gathering means can be emptied only into a transport package that is intended for management of gathered waste type, or the means itself can be a transport package, or it can be placed or emptied into a store as a storing means, or it can be placed or emptied into a waste collection/purchase facility, or into a waste recovery/disposal facility. When emptied, the means must enable cleaning and disinfection.
- (7) The technical requirements that are valid in case of gathering hazardous wastes having hazardous properties stated in Annex 2 of the Act, or having the same hazardous properties that have the chemical substances or preparations mentioned in the special legal regulation<sup>5</sup>, are analogous to the requirements for gathering these chemical substances and preparations according to the special legal regulation<sup>5</sup>.

## Section 6 Concentration of wastes

If what is concerned is not gathering, storing, collection or purchase of waste, the wastes can only be concentrated under conditions stated in Section 5.

## Section 7 Storing of wastes

- (1) The following places can be used as waste store: free areas, shelters, buildings, underground and aboveground tanks etc., that meet the technical requirements for waste stores stated in this Decree, requirements provided by the Act and special legal regulations to protect the environment and human health<sup>3</sup> and that have been established for this purpose in correspondence with the special legal regulations<sup>1</sup>.
- (2) The stores, their parts and the waste storing means must meet the following basic technical requirements:
- a) they must be separated from each other and sealed to avoid mixing of the single waste types and to avoid their release into the surrounding environment,
  - b) their workmanship and organisation of the operation must ensure that human health is not endangered and no environmental medium is impaired, according to the special legal regulations<sup>3</sup>,

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<sup>5</sup> The Law No. 157/1998 Coll., on chemical substances and chemical preparations, as amended. The Law No. 353/1999 Coll., on prevention of serious accidents caused by selected hazardous chemical substances and chemical preparations and on the change of the Law No. 425/1990 Coll., on district authorities, their competence and some other related measures, as amended, (the Law on the serious accidents prevention).

- c) the stores of hazardous wastes must meet the same technical and safety requirements as stores of substances, preparations and products with the same hazardous properties,
  - d) they must enable easy and safe manipulation with wastes in the outside and inside premises,
  - e) the technical safety of the areas on which the wastes are stored in a direct contact with terrain or floor (without using storing means) must correspond to sealing of the respective substance groups that are intended for disposal of the stored wastes.
- (3) A hazardous waste store must be equipped with the identification sheets of the wastes that are stored there, according to Annex 3.
- (4) The stores in which there are wastes, that are intended for disposal, stored for more than 1 year, and the stores in which there are wastes, that are intended for recovery, stored for more than 3 years must correspond, in their technical safety, to the respective group of landfills in relation to the wastes stored. Such storing is considered as long-term.
- (5) The technical requirements that are valid in case of gathering hazardous wastes having hazardous properties stated in Annex 2 of the Act, or having the same hazardous properties that have the chemical substances or preparations mentioned in the special legal regulation<sup>6</sup>, are analogous to the requirements for gathering these chemical substances and preparations according to the special legal regulation<sup>5</sup>.
- (6) A waste store must be operated according to the rules of operation the content of which is identical with the content of the rules of operation for a facility to manage waste from the Group A. The content is stated in Annex 1.

## Section 8 Collection and purchase of wastes

- (1) A waste collection / purchase facility must, along with the general requirements for a facility according to Section 4, meet the same technical requirements as a waste gathering / storing facility stated in Section 5 and 7.
- (2) An operator of a collection / purchase facility is obliged, in correspondence with Section 18 par. 3 of the Act, to keep records of the persons from whom they took or purchased the following waste types according to the Waste Catalogue:

<b>Code of waste type</b>	<b>Name of waste type</b>
17 04 01	copper, bronze, brass
17 04 02	aluminium
17 04 03	lead
17 04 04	zinc
17 04 06	tin
17 04 07	metal mixtures (17 04 01 – 06)
17 04 11	cables

- (3) The records of persons according to par. 2 involves the type and amount of taken /purchased waste according to the Waste Catalogue, the name, surname, permanent residence or residence and the personal ID number (or some other identification document) of each person from whom the wastes were taken or purchased.

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<sup>6</sup> The Law No. 157/1998 Coll., on chemical substances and chemical preparations, as amended. The Law No. 353/1999 Coll., on prevention of serious accidents caused by selected hazardous chemical substances and chemical preparations and on the change of the Law No. 425/1990 Coll., on district authorities, their competence and some other related measures, as amended, (the Law on the serious accidents prevention).

## Section 9

### **Technical requirements for management of wastes arising from incineration of municipal and hazardous wastes**

- (1) Transport and concentration of dry dust residues from incineration must be carried out in such a way so as the surrounding is not polluted with secondary dust burden and the requirements of the special legal regulations<sup>3</sup> are met.
- (2) Fly ash from the municipal and hazardous waste incinerators can only be placed on one-type landfills, after stabilisation treatment.

## **PART THREE**

### **A LIST OF WASTES THAT MUST NOT BE DEPOSITED IN LANDFILLS OR THAT MAY BE DEPOSITED IN LANDFILLS ONLY UNDER CERTAIN CONDITIONS; THE TECHNICAL REQUIREMENTS FOR LANDFILLS AND THEIR OPERATIONAL CONDITIONS; THE METHOD TO EVALUATE WASTES ACCORDING TO THEIR LEACHABILITY AND MISCIBILITY**

(Concerning Section 21, par. 5 of the Act)

## Section 10

For the purposes of this part of the Decree, it is meant that

- a) inert waste is waste that does not have hazardous properties and does not go through any significant biological, chemical or physical changes under normal climatic conditions. Inert waste is not easily soluble in water, it does not burn and it neither reacts physically or chemically. Such waste is not biodegradable and does not harmfully affect other substances with which it is in contact, in a way that may lead to harm to the environment or human health. Concentrations of pollutants (harmful substances) in the leachate and dry matter of this waste must not exceed any of the indicators determined for the S-group landfills – i.e. inert waste. Mixed demolition waste is not considered to be inert waste,
- b) biodegradable waste is any waste that is able to decompose anaerobically or aerobically (e.g. food, vegetation waste, paper),
- c) liquid waste is waste in liquid state. It is such waste which creates a surface and when having left the container it does not keep the container shape (and it is not a solid loose waste),
- d) water leachate is a solution that was prepared from a waste sample according to the determined procedure to leach waste in water,
- e) waste stabilisation is a waste modification technology consisting in using the physical, chemical and biological processes that lead to permanently limited (controlled) release of harmful substances from the waste into the single environmental media, in correspondence with the requirements of this Decree and the special legal regulations<sup>3</sup>,
- f) treatment of mixed municipal waste<sup>7</sup> before depositing it in a landfill is at least sorting out the hazardous components, commodities intended for collection of some

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<sup>7</sup> Annex 1 of the Decree No. 381/2000 Coll., which provides the Waste Catalogue, List of Hazardous Wastes and lists of wastes and countries for the purposes of export, import and transit of wastes and the procedure to give agreements with export, import and transit of wastes (Waste Catalogue).

- recovery products, and usable component according to Section 16, par. 1 e), and Section 17, par. 3 of the Act,
- g) leachate class is the class of leachability of waste in water, i.e. the set of limiting indicator values of selected chemical substances (harmful substances) that release into the first water leachate. The limiting values represent the highest allowable concentrations of these substances for the single leachability classes,
  - h) landfill gas is gas that develops from the waste deposited in a landfill during the biological decomposition processes and gas that develops abiotically (chemically) in landfills of e.g. industrial waste,
  - i) deposition of wastes in landfills and in underground space is their disposal in accordance with the waste disposal methods stated in Annex 4 to the Act, codes D1, D5, D12 and deposition of wastes that did not arise during mining activities is controlled, as a matter of priority, by the special legal regulations<sup>8</sup>,
  - j) re-cultivation is bringing a place that had been affected by usually human activities into harmony with the surroundings and renewal of the function of the terrain surface in relation to its original use or newly supposed use; it is controlled, as a matter of priority, by the special legal regulations<sup>1</sup>,
  - k) recovery of wastes on a terrain surface, e.g. for the re-cultivation purposes, is placing wastes in the environment with the intent to leave them there without securing the original terrain technically in correspondence with the requirements for waste landfills,
  - l) recovery of wastes in the underground spaces is depositing them in the rock environment (i.e. in the Earth crust) with the intent to leave them there and these spaces are not secured as waste landfills; this way of using wastes is controlled, as a matter of priority, by the special legal regulations<sup>7</sup>.

#### Section 11

#### **Technical requirements for waste landfills and the conditions of operating and closing the landfills**

(1) The technical requirements for waste landfills, including the conditions of their location, technical safety of their operation, sealing, monitoring and conditions of their closing and re-cultivation are considered to be met if they correspond to the respective technical standards CSN 838030 The Waste Disposal – The basic conditions for designing and building landfills, CSN 83 8032 The Waste Disposal – Landfill sealing, CSN 83 8033 The Waste Disposal – Landfill leachates management, CSN 83 8034 The Waste Disposal – Disposal of gases from landfills, CSN 83 8035 The Waste Disposal – Closing and re-cultivation of landfills, CSN 83 8036 The Waste Disposal – Monitoring of landfills<sup>9</sup>.

(2) The wastes are accepted to the landfills of the single groups according to the waste type and category (in accordance with the Waste Catalogue and the List of Hazardous Wastes), according to their real properties, according to the water leachability class of the waste (in accordance with Annexes 4, 5 and 6), according to the content of harmful substances in dry matter, on the basis of their mutual miscibility (in accordance with Annex 7), and complying with the other details stated in Annexes 8, 9 and 10.

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<sup>8</sup> E.g. The Law No. 44/1988 Coll., on the protection and use of mineral deposits (The Mining Act), as amended, the Decree No. 99/1992 Coll., on establishing, operation, safety and liquidation of facilities to deposit wastes in underground space.

<sup>9</sup> CSN 83 8030 The Waste Disposal - The basic conditions for designing and building landfills, CSN 83 8032 The Waste Disposal – Landfill sealing, CSN 83 8033 The Waste Disposal – Landfill leachates management, CSN 83 8034 The Waste Disposal – Removal of gases from landfills, CSN 83 8035 The Waste Disposal – Closing and re-cultivation of landfills, CSN 83 8036 The Waste Disposal – Monitoring of landfills.

- (3) The wastes are deposited in landfills in such a way so as no mutual undesirable reaction leading to no harmful substances can occur and sealing, stability and structure of the landfill is not damaged.
- (4) Waste analyses for the landfilling purposes are carried out in laboratories and professional institutions that have established the quality system according to the technical standard CSN EN ISO/IEC 17025 or CSN EN 45 001. Qualification of a laboratory applies only to the methods listed in the attachment to the laboratory qualification certificate.
- (5) The landfills are divided into the following groups, according to their technical safety systems:
- a) **group S – inert waste** – it is intended for the inert wastes of the category "other waste", the water leachate of which does not exceed, in any indicators, the limiting values of the leachate class II (provided in table 6.2 of Annex 6) and the limiting values of the harmful organic substances in dry matter stated in table 9.2 of Annex 9. For the purposes of records and reporting wastes and facilities, the landfills of this groups are marked as S-IO,
  - b) **group S – other waste** – it is intended for the wastes of the category "other waste" the water leachate of which does not exceed, in any indicators, the limiting values of the leachate class III (provided in table 6.3 of Annex 6), and for modified wastes of the category "other waste" the accessibility of which cannot be assessed on the basis of their water leachate (e.g. municipal waste and mixed demolition waste), and also for hazardous waste under the conditions stated in par. 11. For the purposes of records and reporting wastes and facilities, the landfills of this groups are marked as S-OO,
  - c) **group S – hazardous waste** – it is intended for hazardous wastes. For the purposes of records and reporting wastes and facilities, the landfills of this group are marked as S-NO,
- (6) Each of the landfills with technical safety system corresponding to groups S – inert waste, S – other waste, and S – hazardous waste can be a one-type landfill, with a specific technical solution and operational and monitoring programme, which may always accept only one type of waste of wastes that are comparable in their origin, composition and properties.
- (7) A one-type landfill can be also designed as a landfill intended for separated landfilling of more waste types in separate compartments (also in containers and vessels if these are sufficiently resistant to mechanical damage and influences of the wastes deposited) that are intended for separate waste deposition within one landfill if the technical arrangement of the single compartments within the landfill avoids mixing and combination of the wastes deposited, for the whole deposition period.
- (8) Only modified wastes may be deposited in landfills. This requirement does not apply to the inert waste as it is not technically feasible to modify this waste, and to such waste the modification of which does not lead to reduction of volume or reduction (or removal) of its hazardous properties. The waste modification methods and procedures that are considered waste treatment before deposition in a landfill are listed in Annex 11.
- (9) The wastes of category "other waste" with lower leachability class can be accepted at landfills corresponding to a higher leachability class, including the landfill group S – hazardous waste, but wastes from a higher leachability class must not be accepted to landfills corresponding to a lower leachability class.
- (10) The waste of the category "hazardous waste" can only be accepted at landfill group S – hazardous waste, with exceptions stated in par. 11.
- (11) Hazardous wastes can be deposited in landfills of the group S – other waste only if the following conditions are kept:
- a) hazardous wastes are modified using stabilisation (the method to evaluate these wastes is stated in Annex 12) which prevents the waste from reacting with other deposited wastes and the landfill environment, and, at the same time, their water leachate shall not exceed the limiting values of leachate class III, or

- b) hazardous wastes are placed in closed containers or vessels the technical workmanship of which must complement the engineering barriers of the landfill to the level of the requirements for landfill groups S – hazardous waste.
- (12) The wastes that had been treated using stabilisation and are accepted at a landfill during the stabilisation technological process can only be placed within the landfill in such a way so as it is possible to keep the conditions and procedures of waste acceptance stated in Annex 2, after the waste stabilisation technological process is finished.
- (13) The list of wastes that must not be deposited in any landfill group is in Annex 8.
- (14) The list of wastes that can be deposited in landfill only under certain conditions, including determined schedule of the limits and criteria concerning biodegradable part of municipal waste, is stated in Annex 9.
- (15) In case of disposing of wastes by depositing them into underground spaces in accordance with the methods according to the codes D 5 and D 12 stated in Annex 4 of the Act, these spaces must adequately meet the technical requirements for waste landfills stated in par. 1. It is considered to be adequately safe if the waste is deposited in the underground spaces in packaging whose technical safety is comparable with that of the landfills.
- (16) If, when a landfill is to be closed, wastes are used to form the protection layer (the landfill re-cultivation layer) covering the sealing layer, then these wastes must meet the following requirements:
- a) the water leachate of the wastes deposited must not in any indicator exceed the limiting values of the leachate class II stated in table 6.2 of Annex 6,
  - b) the content of organic harmful substances in the waste dry matter must not exceed the limiting values of organic harmful substances in dry matter that are stated in table 9.2 of Annex 9,
  - c) exceeding of the limiting values of the single indicators stated within items a) and b) is tolerated in case their increase is comparable with the values that are characteristic for the given place and it corresponds to the geological and hydrogeological characteristics of its surroundings. The modified limiting values must not exceed the limiting values of the indicators in leachate class III and they must be included in the rules of operation of the respective facility.

## Section 12

### **Determination of the conditions for the recovery of wastes in underground spaces and on terrain surface**

- (1) Hazardous wastes, municipal wastes and wastes that must not be deposited in any landfill group (see Annex 8) cannot be deposited in underground spaces and on terrain surface (code R 11 according to Annex 3 of the Act).
- (2) The wastes recovered in underground spaces (e.g. in mining works) must meet the following requirements:
- a) the water leachate of the wastes deposited must not in any indicator exceed the limiting values of the leachate class I stated in table 6.1 of Annex 6,
  - b) the content of organic harmful substances in the waste dry matter must not exceed the limiting values of organic harmful substances in dry matter that are stated in table 9.1 of Annex 9,
  - c) exceeding of the limiting values of the single indicators stated within items a) and b) is tolerated in case their increase is comparable with the values that are characteristic for the given place and it corresponds to the geological and hydrogeological characteristics of its surroundings. The modified limiting values must not exceed the limiting values of the indicators in leachate class III and they must be included in the rules of operation of the respective facility.
- (3) The wastes recovered on terrain surface (e.g. in terrain works or re-cultivation of land affected by human activities – with the exception of landfill re-cultivation) must meet the following requirements:

- a) the basic requirements for sanitary safety, health and environmental protection must be met in accordance with the special legal regulation<sup>3</sup>, in relation to the expected future recovery of the place where the facility using the wastes is located,
- b) the water leachate of the wastes deposited must not in any indicator exceed the limiting values of the leachate class I stated in table 6.1 of Annex 6,
- c) the content of organic harmful substances in the waste dry matter must not exceed the limiting values of organic harmful substances in dry matter that are stated in table 9.1 of Annex 9,
- d) exceeding of the limiting values of the single indicators stated within items b) and c) is tolerated in case their increase is comparable with the values that are characteristic for the given place and it corresponds to the geological and hydrogeological characteristics of its surroundings. The modified limiting values must not exceed the limiting values of the indicators in leachate class III and they must be included in the rules of operation of the respective facility.

## **PART FOUR**

### **DETAILS ON MANAGEMENT OF SELECTED PRODUCTS, SELECTED WASTES AND SELECTED FACILITIES**

(Concerning Section 29, par. 3, Section 31, par. 7, Section 34, par. 4, Section 37, par. 4 of the Act)

#### **Technical requirements for waste oils management**

##### Section 13

- (1) The waste types, according to the Waste Catalogue, that are considered as waste oils according to Section 28 a) of the Act are listed in Annex 13.
- (2) The list of waste oils that are liable to the take-back duty according to Section 38, par. 1 a) of the Act is provided in Annex 14.

##### Section 14

- (1) Waste oils producer and licenced person who manages waste oils separately select and gather or concentrate waste oils according to the single types in accordance with the Waste Catalogue.
- (2) The capacity of a facility to collect or purchase waste oils (this also involves the places to collect waste oils according to Section 38, par. 7 of the Act) must be large enough to be able to ensure collection of all offered waste oils at regular operation.
- (3) A facility to collect or purchase waste oils and its rules of operation must meet the requirements for a facility for waste collection or purchase according to part two and it also must be equipped with:
  - a) tanks for separate acceptance of the single waste oils types, equipped with a system to indicate overfilling; the tanks must be separate from each other,
  - b) a facility to accept and hand over waste oils, including mechanical filtration.
- (4) Waste oils producer and licenced person who manages waste oils must ensure that the waste oils are not mixed with each other or especially with substances stated in Annex 15.

## Section 15

- (1) A facility for waste oils recovery or disposal and its rules of operation must meet the requirements for a facility for waste recovery or disposal according to part two.
- (2) The licenced person who operates a facility for waste oils recovery or disposal shall meet especially the following indicators of the waste oils quality:
  - a) content of PCBs,
  - b) content of total chlorine,
  - c) content of water,
  - d) content of mechanical impurities,
  - e) heating value (if recovered as a source of energy).
- (3) The methods to determine the waste oils quality indicators stated in par. 2 are provided in Annex 16.
- (4) Qualitative requirements that the waste oils intended for regeneration must meet are given in CSN 656690.
- (5) Qualitative requirements that the waste oils intended for incineration must meet are provided in the special legal regulations<sup>10</sup>.

## Section 16

### **Technical requirements for batteries and accumulators management**

- (1) Marking batteries, accumulators and facilities that include built-in batteries and accumulators with the information on their possible taking back and the amount of heavy metals contained in them shall be done according to CSN EN 61429.
- (2) Batteries and accumulators that are introduced into the market must meet the requirements stated in the special legal regulations<sup>11</sup>.

## Section 17

### **Technical requirements for management of wastes from the production of titanium dioxide**

The wastes from the production of titanium dioxide, that are acid and go through hydrolysis, must not be deposited in waste landfills.

## Section 18

### **Technical details for managing end-of life vehicles**

- (1) An operator of a facility for end-of life vehicles collection or purchase, must, when accepting an end-of life vehicle, act in accordance with the facility rules of operation and also:
  - a) must check if the end-of life vehicle contains other wastes that are not part of the vehicle, and
  - b) must give the person handing the end-of life vehicle over a free written certificate about accepting the end-of life vehicle, with details as stated in Annex 17.
- (2) Accepted end-of life vehicle with operational fillings must not be placed on each other and they also must not be positioned on the side or on the roof.

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<sup>10</sup> The Law No. 309/1991 Coll., on air protection against pollutants (The Clean Air Act), as amended, The Law No. 389/1991 Coll., on the state administration in the field of air protection and charges for polluting the air, as amended.

<sup>11</sup> E.G. The Law No. 22/1997 Coll., on technical requirements for products and the change and amendments to some laws, in the wording of the Law No. 71/2000 Coll.

(3) A facility for end-of life vehicles or their parts collection, purchase, recovery or disposal and its rules of operation must meet the requirements for a facility for waste collection, purchase, recovery or disposal according to part two of this Decree and it must also meet the requirements stated in items 1 and 2 of Annex 18.

#### Section 19

#### **The process to dismantle end-of life vehicles**

(1) End-of life vehicles management and dismantling must be carried out in such a way so as the parts of the end-of life vehicles that contain operational fillings (e.g. fuel or oil tanks, the tanks for cooling and air conditioning, the breaks system) or the parts that can be dismantled (e.g. window glass) cannot be damaged.

(2) During dismantling, the following procedure shall be kept:

- a) immediately after accepting an end-of life vehicle, the operational filling must be taken out if the part in which these are contained cannot be re-recoveryd. It is also necessary to take out those parts of the end-of life vehicle which are stated in items 3 and 4 of Annex 18 or it must be verified if these parts had been taken out earlier,
- b) in accordance with the dismantling data submitted by the producer or importer of the car or in accordance with the usual technological procedure (if the producer or importer did not submit the dismantling data, the re-usable parts or sections of the car are dismantled so as their re-use or installing into a functioning product in accordance with the respective regulations is possible with minimum modifications or repairs,
- c) the other parts of the end-of life vehicle are then dismantled and selected according to the Waste Catalogue and subsequent disposal methods,
- d) other necessary operations with the rest of the end-of life vehicle are carried out. The remaining wastes must not have hazardous properties listed in Annex 2 to the Act.

### **PART FIVE**

#### **THE CONTENT OF THE ANNUAL REPORT ON COMPLYING WITH THE TAKE-BACK DUTY IN THE PAST CALENDAR YEAR**

(Concerning Section 38 of the Act)

#### Section 20

(1) The annual report on complying with the take-back duty in the past calendar year shall contain:

- a) identification data on the obliged person (in case of legal person: trade firm or name, legal form and seat, in case of natural person: name and surname, trade firm, address and place of business if this is different from the address,
- b) the obliged person's identification number if the number was assigned,
- c) the period (year) covered by the report,

- d) description of the method the obliged person uses to comply with the obligations according to Section 38 of the Act, including the list of municipalities with which the person has concluded a written agreement according to Section 38, par. 6 of the Act, and the list of legal or natural persons, authorised to do business, with whom the obliged person has concluded a contract on taking back,
  - e) it is stated in the arrangement according to the single products (in accordance with Section 38, par. 1 of the Act):
    - 1. description of the method to comply with the obligations stated in Section 38, par. 4 of the Act,
    - 2. the method to calculate the amount of products that must be taken back within the given time period,
    - 3. the table with the details and scope as written in Annex 19,
  - f) name, surname and permanent address or address of the person authorised to send the report.
- (2) The report may include comments concerning the key problems related to complying with the take-back duty.
- (3) The obliged persons that associate in order to comply with the take-back duty can send their annual report on complying with the take-back duty to the Ministry together. Then the report shall also include the table according to Annex 19 providing the summarising data and a list of associated obliged persons. The other provisions of par. 1 shall be applied adequately.

## **PART SIX**

### **THE WAY OF KEEPING THE RECORDS ON WASTES AND REPORTING WASTES**

(Concerning Section 39, par. 11 and Section 40, par. 5 of the Act)

#### Section 21

#### **The way of keeping the records on waste**

- (1) The waste producers and licenced persons managing wastes shall keep continuous records on wastes and management methods, both for their own wastes and wastes they take from other subjects. The records must be kept for each separate workshop and separately for each waste type. These continuous records include:
- a) the amount of produced waste (name, Catalogue number and waste category),
  - b) the waste management method (recovery or disposal with the producer' s / person' s own means, handed over to be recovered or disposed of by another licenced person) while it is possible to use codes from Table 1 in Annex 20,
  - c) the amount of waste that was handed over to be further recovered or disposed of, and identification data of the licenced persons to whom the waste was handed over (in case a legal entity is the licenced person: the trade firm or name, legal form and seat; in case a natural person is the licenced person: name and surname, trade firm, address and place of business if this is different from the address and in both cases the identification number if this was assigned),
  - d) the amount of accepted waste (name, Waste Catalogue number and waste category) and the identification data concerning the producer or licenced persons from whom the waste was accepted, including the identification data of natural persons from whom one of the wastes stated in Section 8, par. 2 was accepted (in case a legal

- entity is the licenced person: the trade firm or name, legal form and seat; in case a natural person is the licenced person: name and surname, trade firm, address and place of business if this is different from the address and in both cases the identification number if this was assigned),
- e) date and number of the record, name and surname of the person in charge of keeping records.
- (2) Continuous records on wastes must be kept for each separate production of waste. One separate production is meant to be filling of the gathering or collection means, accepting waste from a producer or licenced person or handing waste over to another licenced person. In cases when there is a continuous waste production, continuous records are kept in week intervals; in case of a periodical collection of municipal waste in one-month intervals.

## Section 22

### **Reporting the waste records**

- (1) The waste producers and licenced persons who are, according to Section 39, par. 2 of the Act, obliged to submit reports shall send their reports on the annual waste production and waste management in the past year in a form the specimen of which is provided in Annex 20. To this report on the sludge production and management, the wastewater treatment plant operators shall also add, according to Section 32 of the Act, a copy of checklists concerning the recovery of sludge in agriculture that are worked out according to Annex 1 to the Decree on the conditions of the recovery of treated sludge on agricultural land<sup>12</sup>.
- (2) Reporting shall be carried out separately for each separate workshop and for each waste type. In case of mobile workshops the reports are submitted to the respective district office, according to the place of waste management.
- (3) The municipalities shall submit their reports on their annual municipal waste production and the waste management methods in the past year in the forms provided in Annex 21.
- (4) The district offices shall check the completeness and correctness of the reports received from licenced persons, they complement the missing data and they send the reports to the Ministry - without summarising, i.e. in the original received form.

## Section 23

### **The way of reporting of waste management facilities**

- (1) The operators of a waste disposal facilities (with the exception of waste landfills), the operators of waste recovery facilities and the operators of facilities stated in Section 14, par. 2 of the Act shall send to the competent district office the data on their facilities in the form provided in Annex 22.
- (2) Waste landfills operators shall send to the competent district office the data on their waste landfill in the form provided in Annex 23.
- (3) The local offices and persons licenced to collect or purchase waste shall send to the competent district office the data on the hazardous waste gathering places and collection places and waste stores they operate, in a form provided in Annex 24.
- (4) The district offices shall check the completeness and correctness of the reports received from licenced persons, they complement the missing data and they send the reports to the Ministry - without summarising, i.e. in the original received form.

## Section 24

### **The way of keeping records of issued approvals and other decisions issued according to the Act**

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<sup>12</sup> The Decree No. 382/2001 on the conditions of the use of treated sludge on agricultural land.

The district offices and regional bodies within their delegated competence record the approvals they have given as well as other decisions issued according to the Act, separately according to the Act single provisions on the basis of which the decisions were made. The reporting is worked out using the form the specimen of which is in Annex 25.

#### Section 25

#### **The way of keeping hazardous waste transport records**

- (1) The participants of the hazardous waste transport keep the records on the hazardous waste identification form provided in Annex 26.
- (2) The hazardous waste transport records are kept for each transport separately.

### **PART SEVEN**

#### **WASTE MANAGEMENT PLANS**

(Concerning Section 41, par. 4 of the Act)

#### Section 26

#### **The waste management plan of the Czech Republic**

- (1) The waste management plan of the Czech Republic also includes, along with the details stated in Section 41, par. 3 and Section 42, par. 3 of the Act the following:
  - a) evaluation of the state of the waste management in the Czech Republic, focusing on:
    1. specifying the key problems of the waste management of the Czech Republic,
    2. international comparison of the state and tendencies in waste production, reduction of the wastes amount and hazardous properties, recovery and disposal of wastes,
    3. information background for the public administration in the field of waste management,
    4. specifying the targets and conditions to evaluate the correspondence between the concrete intentions of the waste export or import and the principles involved in the Czech Republic waste management plan,
    5. the costs of waste management and the structure of sources including the dynamics of their changes,
    6. evaluation of the state of the companies ensuring waste recovery and disposal and the targets in the structure of the single facility types,
    7. the principle of packaging management and packaging waste management,
    8. the expertise and qualification of the state administration workers,
    9. inter-regional comparison of the indicators showing the state of waste management,
    10. managing the changes in waste management and checking fulfilment of the specified targets and procedures,
    11. evaluation of the correspondence between the single industries policies with the targets and procedures of the Czech Republic waste management plan,
    12. co-operation between the administration offices and the public;
  - b) evaluation of the state of waste management in the Czech Republic in relation to the tasks and targets provided in the regulations and acts of the European Communities

- and specifying the measures to be taken to ensure full correspondence, using indicators that can be checked,
- c) the tools to promote and to check fulfilment of the Czech Republic waste management plan,
  - d) evaluation of the effect of economic and other tools in waste management and a proposed changes,
  - e) the map and graphic part.
- (2) The Czech Republic waste management plan shall set the deadlines for the single targets.

#### Section 27

### **The waste management plan of a region**

The waste management plan of a region also includes, along with the details stated in Section 41, par. 3 and Section 43, par. 4 of the Act, the following:

- a) evaluation of the state of the waste management in the region, focusing on:
  - 1. specifying the key problems of the waste management of the region,
  - 2. detailed evaluation of the state in the municipal waste production and management,
  - 3. the costs of waste management and the sources recovery dynamics,
  - 4. information background for the public administration in the field of waste management,
  - 5. evaluation of the correspondence between the region's waste management and the obliged part of the Czech Republic waste management plan,
  - 6. the companies ensuring waste management,
- b) a summary and amounts of the produced wastes for which there are no recovery or disposal facilities within the region, or these facilities do not have sufficient capacity, and the measures to be taken to reach the state provided by the Act,
- c) a summary of waste management facilities of the regional importance and the whole-country importance, including evaluation of their capacities and expressing the missing capacities,
- d) control of changes in the region waste management and the ways to ensure checking of the fulfilment of specified targets and procedures,
- e) co-operation between the administration offices and the public,
- f) the map and graphic part.

#### Section 28

### **The waste management plan of a producer**

The waste management plan of a waste producer also includes, along with the details stated in Section 41, par. 3 of the Act, the following:

- a) a detailed description of the state and prognosis concerning management of the single waste types produced, from their production to recovery, disposal or hand-over to another licenced person, and evaluation of the correspondence with the requirements given in the Act and the implementation legal regulations,
- b) evaluation of the correspondence between the producer's waste management plan and the obliged part of the waste management plan of the competent region or regions,

- c) a summary of measures to be taken in waste management in order to prevent waste production, to reduce their amount and hazardous properties,
- d) the way of organising the waste management control, including the inner documents,
- e) name, surname and contact to the waste manager, if the waste producer is obliged to appoint a waste manager according to Section 15 of the Act.

## **PART EIGHT**

### **THE WAY OF CREATING AND USING THE FINANCIAL RESERVE**

(Concerning Section 51, par. 5 of the Act)

#### **The way of creating the financial reserve**

##### Section 29

Creation of a financial reserve is an expenditure that is spent for getting, ensuring and keeping the income<sup>13</sup> of the income tax payers. The other details concerning the financial reserve, its conclusiveness and cancellation are given in a special legal regulation<sup>14</sup>.

##### Section 30

In case of landfills that are being operated the day this Decree becomes effective, the operators shall go on creating the financial reserve that was being created according to the Decree no. 340/1997 Coll. This Decree determines the height of the financial reserve for re-cultivation, ensuring care of a landfill and sanitation after the landfill finished its operation, including the details concerning creation and use of the reserve. In case of newly established landfills, creation of the financial reserve shall begin from the day when deposition of waste in the landfill according to the special legal regulations begins<sup>1</sup>.

#### **The way of using the financial reserve**

##### Section 31

A landfill operator's application for the approval to use the means from the financial reserve according to Section 51, par. 1 of the Act, that the operator submits to the competent district office, must include:

- a) a legally effective decision from the building authority concerning the construction and construction works necessary for the landfill re-cultivation<sup>15</sup>,

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<sup>13</sup> Section 24, par. 2 i) of the Law No. 586/1992 Coll., on income taxes, as amended.

<sup>14</sup> The Law No. 593/1992 Coll., on reserves and ensuring the taxable income, as amended.

<sup>15</sup> CSN 83 8035 – Closing and re-cultivation of landfills.

- b) design documentation concerning the re-cultivation works, the budget costs and the re-cultivation works schedule.

#### Section 32

(1) Within the approval to use the means from the financial reserve, the district office shall determine, in accordance with the design documentation of the landfill re-cultivation, the conditions for gradual release of the means up to 90% of the budget means to close and carry out re-cultivation works, but at the most to 90% of the financial reserve created to the day the application for the release of the reserve means was submitted. The remaining 10% shall be released after the approval decision about the regular fulfilment of the construction works necessary for the landfill re-cultivation becomes legally effective.

(2) A district office can give approval to use the means from the financial reserve also for gradual closing of the landfill single parts (compartments).

(3) A district office shall, in accordance with the progress in using the means from the financial reserve, set the control dates to check the state of the works and use of the means.

### **PART NINE**

#### **REPEALING PROVISION**

#### Section 33

The following decrees are hereby repealed:

1. The Decree No. 338/1997 Coll. of the Ministry of Environment on the details of waste management,
2. The Decree No. 340/1997 Coll. of the Ministry of Environment which determines the height of the financial reserve for re-cultivation, ensuring care of a landfill and sanitation after the landfill finished its operation, including the details concerning creation and use of the reserve.

### **PART TEN**

#### **EFFECTIVENESS**

#### Section 34

This Decree becomes effective on January 1<sup>st</sup>, 2002.

The minister  
RNDr. Kužvart