Control of placing of hazardous substances and preparations on the market

As the Czech Republic joined the European Union legislation concerning chemicals and chemical preparations was harmonised with the European Union’s legislation and the Act No. 356/2003 Code on chemicals and chemical preparations and amending certain other acts came into effect, replacing the Act No. 157/1998 Code on chemicals and chemical preparations.

The important change to the new legislation is namely the fact that hazardous chemicals management is fully under the regime of the Act on public health, the imports shall mean release of the substances or preparations coming from countries outside the European Union into the custom regime of free circulation or active upgrading contact and placing of chemicals and preparations from Member States of the European Union on the market in the Czech Republic shall be the distribution.

Since 1 July 2005 Section of Environmental Protection of the Department of the Environment of the Prague City Hall has been carrying out control of compliance with provisions of the Act on chemicals by legal and physical entities being authorised for performing business on the territory of the City of Prague.

In the period from 15 September 2004 to 15 September 2005 the officers of the Department of Waste Management of OOP MHMP checked in total 70 companies, which produce, import, or distribute hazardous chemical sand chemical preparations and have their registered office, or operating premises on the territory of the City of Prague.

The overview gives structured list of the controlled companies sorted by their core business activity. In accordance with the valid legislation distributors are not distinguished in the list on the basis if they place onto market hazardous chemicals and preparations coming from the EU Member States or from domestic suppliers. It was found during the inspection in four cases that the company utilises hazardous chemicals and preparations in its own production and therefore the company was the user. This means that their activities are not subject to the scope of the act on chemicals.

The companies rectified the deficiencies found at inspections within prescribed periods. This was the case in 25 instances when officers of the OOP MHMP carried out the follow-up check of compliance with measures imposed in the companies.

<table>
<thead>
<tr>
<th>Inspections pursuant to the Act No. 356/2003 Code</th>
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<tr>
<td>Manufacturers</td>
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<tr>
<td>Importers</td>
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<tr>
<td>Distributors</td>
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<td>Users</td>
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The officers of the OOP MHMP also cooperate with the Department of Crisis Management of the Prague City Hall when handing over background documents for the classification of companies pursuant to the Act No. 353/1999 Code on major accidents prevention.

Control of waste management
The Department of Waste Management of the Environmental Section of the Prague City Hall carried out in total 114 inspections on waste management in accordance with Section 78 (2) b) of the Act No. 185/2001 Code on waste and amending certain other acts (hereinafter as the act on waste only) and further 17 on-site inspections carried out within the framework of administrative proceedings for granting of approval pursuant to the act on waste.

The department issued in total 1,332 decisions based on administrative proceedings. Out of this number 315 decisions were on the interruption of the proceedings and call for the submission of additional information to the applications due to incomplete original applications.

Nine decisions were rejecting out of the number of 1,017 decisions. In four cases for a plant for collecting, purchase, use, or disposal of waste (pursuant to Section 14 (1) of the act on waste), three cases for a plant for hazardous waste management (pursuant to Section 16 (3) of the act on waste), and in two cases for waiving of sorting or separated collection (pursuant to Section 16 (2) of the act on waste).

23 decisions were decision on doubts if the movable thing concerned is waste.

968 decisions were positively approved as follows:

- with additional rules of operation of the existing facilities pursuant to Section 14 (1) of the act on waste – in 31 cases;
- with waiving of waste sorting pursuant to Section 16 (2) of the act on waste – in 84 cases;
- with using the financial reserve for reclamation of the waste disposal facility pursuant to Section 51 (1) of the act on waste) – in 3 cases;
- with the operation of mobile facilities for collecting and purchasing of waste – in 76 cases;
- with the operation of mobile facilities for the use of waste – in 9 cases;
- with the operation of facilities for collecting and purchasing of waste – in 16 cases;
- with the operation of facilities for collecting, purchasing, and use of waste – in 8 cases;
- with storage of waste – in 7 cases;
- with disposal and use of waste – in 1 case;
- with disposal of waste – in 5 cases;
- with the use of waste – in 5 cases;
- with mixing of hazardous waste pursuant to Section 12 (5) of the act on waste – in 1 case;
- with hazardous waste management pursuant to Section 16 (3) of the act on waste and others – in 722 cases.