

Revolution in Czech waste management or just declarations incompatible with practice?

A brief overview of the most fundamental changes

Goals of the New Legislation

The new waste management legislation, the so called “waste package”, including an amendment of the Act on Packages and Package Waste, a brand new Waste Management Act and also a brand new Act on the End-of-life Products and related Amendment Act came into force at the beginning of the new year.

The new legislation should help to improve the fulfilment of ambitious European goals regarding the municipal waste recycling and move away from the landfilling of waste. At the same time, however, it eliminates some shortcomings of the current regulation, which had resulted in entities being treated differently across the Czech Republic. Furthermore, it clarifies some provisions that were transposed into our legal system, but were essentially inapplicable in practice.



Waste Act – Fundamental Changes for Entrepreneurs

The end of landfilling is then related to 1 January 2030, although there will still be exceptions, the last of which is defined very broadly, as it still allows landfilling of waste that cannot be effectively recycled in the current state of scientific and technical progress. It can therefore be assumed that the end of landfilling will not take place in a dramatic way.

From the standpoint of business entities, the following changes and innovations are particularly interesting:

- Clarification of the products transition from the waste regime and implementation of additional criteria or permission of the regional authority
- Simplification of waste classification according to the Waste Catalogue
- New obligations for the purchasers of scrap metals (the redemption space must be equipped with a camera system and the purchaser has to keep records of the camera system, metal purchasers' staff must be trained)
- Clarification concerning the permit validity period for the operation of a waste facility (the permit will always be issued for an indefinite period under the condition of revision every 6 years including the operating rules, otherwise it expires)
- Involvement of regional hygienic stations in the process of permitting the operation of waste management facilities (issue a binding opinion)
- Establishment of strict conditions for waste sampling and introducing criteria for qualified persons
- Establishment of a waste trading permission
- Prohibition of municipal waste transport to the Czech Republic for the purpose of its energy use in the municipal waste incinerator and preferential use and disposal of Czech waste in the Czech Republic
- Increase of contributions to the reserve to ensure restoration and subsequent care of the landfill
- Reducing the administrative burden on waste producers (waste producers involved in the municipal waste management system get an exemption from the waste evidence system, increase of the reporting limits)
- Addition of the regulation on the management of specific types of waste directly to the law (biodegradable waste, health care and veterinary waste)
- Increase in the landfill fee when landfilling usable waste

Deadlines ranging from one to three years have been set for operators of waste management facilities and falling under various permitting regimes under the current legislation. During these deadlines, the facility may be operated before a decision is made on their application under the new legislation, or it does not have to meet the technical and technological requirements under the new law.

Waste Act – Fundamental Changes for Municipalities

In addition to the above mentioned, the new legislation brings new rights (e.g. the possibility of applying the so-called sorting discount) and obligations (e.g. regularly publish quantified results of waste management, including costs of operating the municipal system) also to the local governments, especially to the cities and municipalities. Furthermore, the obligation of municipalities in relation to the separate collection of municipal waste and the provision of a collection network by setting up a municipal waste management system is also specified in greater detail. Municipalities must, among other things, designate places for the separate collection of at least hazardous waste, paper, plastics, glass, metals, bio-waste, edible oils and fats, and from 1 January 2025 also textiles. The law also stipulates the obligatory shares of recyclable components of municipal waste for municipalities. At the same time, the sanctioning powers of municipal authorities are being expanded and the possibility of determining corrective measures without imposing a sanction is being anchored.

Other Parts of the “Waste Package”

The End-of-Life Products Act applies to selected products, which includes electrical equipment, batteries or accumulators, tires and vehicles. The basic principles on which the Act on packaging is based are not changed by its amendment.

However, the amendment strengthens the monopoly position of EKO-KOM as an authorized company according to this Act, as the conditions for obtaining an authorization are practically unattainable for any other interested parties. A significant novelty introduced by the amendment to the Packaging Act is the possibility for a person not established in the Czech Republic, who is placing packaging on the market or into circulation, to appoint an authorized representative by written contract in order to fulfill legal obligations. The authorized representative must have a business license and be established in the Czech Republic.

Do we have time for reaction?

According to the transitional provisions of the waste package, the entities concerned have one to three years to put the required new mechanisms in place and to take into account other innovations, which seems to be enough time, however it is necessary to prepare for them and act in time. Some applications must be submitted, for example, six months in advance of the expiry of the set transitional period.

Implementing Regulations and Methodology

Although the new laws contain several empowering provisions, the implementing legislation is still at best in an inter-ministerial comment procedure. So far, the Ministry of the Environment has issued a number of methodological guidelines on the most fundamental aspects of the new regulation.

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