

BD	Czech draft act on Waste
<b>Scope</b>	
Art.2 - all battery types except military/sent to space	Art. 1 The act applies to the management of all wastes (batteries are included)
<b>Definitions</b>	
Art.3 - Battery or accumulator - Battery pack - Portable battery or accumulator - Button cell - Automotive battery or accumulator - Industrial battery or accumulator - Waste battery or accumulator - Recycling - Disposal - Treatment - Appliance - Producer - Distributor - Placing on the market - Economic operators - Cordless power tool - Collection rate	Chapter 3 – Section 31 (a) <b>battery or accumulator</b> shall mean any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (nonrechargeable) or consisting of one or more secondary battery cells (rechargeable); battery and accumulators are classified into: - portable - industrial - automotive (b) portable battery or accumulator (c) industrial battery or accumulator (d) automotive battery or accumulator (e) battery pack (f) button cell (g) waste battery or accumulator means any battery or accumulator which is waste (h) treatment (i) <b>producer</b> means any legal entity or natural person authorized to carry out business activities that, irrespective of the selling technique used, including by means of distance communication, places batteries or accumulators, including those incorporated into appliances or other products or vehicles, on the market in the Czech Republic for the first time (j) <b>last seller</b> means any legal entity or natural person authorized to carry out business activities that delivers batteries or accumulators, including those incorporated into appliances or other products or vehicles to end-users (k) cordless power tool (l) <b>collecting</b> of batteries and accumulators means withdrawing of used portable batteries or accumulators from end-users without any consideration in the location designed exclusively for such collecting (m) separate collecting of batteries and accumulators means collecting of waste batteries or accumulators, except for portable batteries and accumulators, from end-users with intention of their further use or treatment (n) <b>collecting level</b> means a percentage share for the specific calendar year calculated as follows: the total weight of the used portable batteries and accumulators collected in the particular calendar year shall be divided by average weight of portable batteries and accumulators sold to end users or delivered to third parties for the purpose of sale

	<p>to end users in the Czech Republic in the particular calendar year and two preceding calendar years (o) <b>end-user</b> means a user of batteries or accumulators.</p> <p>Section 72 The Ministry shall: x) decide in case of any doubts whether a specific type of battery or accumulator belongs to a group of portable, industrial or automotive.</p>
<b>Prohibitions</b>	
<p>Art.4 Are prohibited all batteries and accumulators containing:</p> <ul style="list-style-type: none"> <li>- more than 0,0005% Hg</li> <li>- more than 0,002% Cd</li> <li>- button cells with more than 2% Hg</li> </ul> <p>Exceptions:</p> <ul style="list-style-type: none"> <li>- emergency and alarm systems</li> <li>- medical equipment</li> <li>- cordless power tools</li> </ul>	<p>Chapter 3 – Section 31a</p> <p>Same as the directive</p>
<b>Increased environmental performance</b>	
<p>Art.5 - MS to promote research</p>	
<b>Placing on the market</b>	
<p>Art.6</p> <ul style="list-style-type: none"> <li>- MS should not prohibit placing on market of batteries that meet the requirements</li> <li>- MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements</li> </ul>	<p>Chapter 3 – Section 31b</p> <p>(1) The producer has to:</p> <ol style="list-style-type: none"> <li>a) present a technical documentation, by request, to ensure that its batteries or accumulators are not prohibited</li> <li>b) inform end-users on the fact that the batteries or accumulators fulfil the legislative requirements on placing on the market</li> </ol> <p>(2) the person placing batteries or accumulators on the market has to provide with technical documentation proving fulfilment of its obligations on batteries' content</p> <p>(3) Importers shall prove fulfilment of obligation of batteries' content</p> <p>Section 76 Inspections may forbid placing of batteries and accumulators on the market who fail to fulfil requirements</p> <p>Section 76a The Czech Commercial Inspection is in charge of inspection.</p>

<b>Collection schemes</b>	
<p>Art.8 - MS to ensure appropriate collection schemes are in place to: enable users to discard; require distributors to take back waste at no charge; no charge or obligation to buy for end-users</p>	<p>Section 31g (<b>collecting requirements</b>) (2) To fulfil collection obligations, the producer shall: a) establish collecting places b) conclude a contract on utilization of collecting system of communal waste (3) Last seller of batteries or accumulators is obliged to collect the used batteries and accumulators from end-users in its selling places (4) Used batteries or accumulators may only be disposed by holders through collecting places or by returning them to processing facility (5) Costs on collecting of used batteries and accumulators and processing of waste portable batteries and accumulators shall not be charged to end users (7) Producer of portable batteries or accumulators is obliged to publish a list of places where used batteries and accumulators are collected (8) A ministerial decree shall determine places where portable batteries and accumulators are sold and collected</p> <p>Section 31k (<b>System Operator - CRO</b>) System operator is a legal entity established as a limited company or incorporated company with a permission granted by the Ministry to operate the collective system.</p> <p>Section 31l (<b>Permission for CRO</b>) The Ministry shall issue a permission and detailed requirements must be fulfilled to apply for the permission</p> <p>Section 31m (<b>CRO limitations</b>) (2) <b>Only producers of batteries and accumulators may act as partners or shareholders of the system operator.</b> (3) Profit gained by the system operator shall not be distributed amongst partners (4) System operator shall not participate in any bodies of other legal entities (8) The system operator is not allowed to conclude other contract with persons controlling some of the partners or shareholders of the system operator (10) Stake of partners in the system operator company shall not exceed 33%. (11) There are some limitation linked to partners' activities</p> <p>Section 31n (<b>CRO Obligations</b>) The system operator has to: - ensure fulfilling of common obligations - conclude a contract with everyone that displays its interest - avoid the disclosure of information on amount of batteries or accumulators introduced to the market to third parties, except for state authorities - be verified by an auditor</p>

<b>Economic instruments</b>	
<p>Art. 9 - MS may use economic instruments to promote the collection or usage of products with less polluting substances</p>	
<b>Collection targets</b>	
<p>Art.10 Minimum collection rates: - 25% by 26 September 2012 - 45% by 26 September 2016  - transitional agreements can be laid down - common methodology for calculation of annual sales of portable batteries by 26 September 2007</p>	<p>Section 31g Minimum collection rates: - 25% by 26 September 2012 - 45% by 26 September 2016</p>
<b>Removal of waste batteries and accumulators</b>	
<p>Art.11 MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable</p>	<p>Chapter 3 – Section 31a (3) Producer of electrical appliances shall design them in such a way so the used batteries and accumulators may be easily and safely removed. All the electrical appliances shall be accompanied with operating instructions (4) Exceptions made for: products ensuring safety, specific performance or keeping critical information</p>
<b>Treatment and recycling</b>	
<p>Art. 12 Deadline <b>26 September 2009</b> - producers or third parties set up collection schemes - ensure all batteries collected undergo treatment  Exception: MS can dispose of batteries containing Hg, Cd or Pb in landfills or underground storage if: - no viable end market is available - as part of a strategy to phase out heavy metals  Batteries collected with waste appliances according to WEEE shall be removed from</p>	<p>Section 31i (<b>processing of waste batteries and accumulators</b>) Same as in the directive. A ministerial decree will determine detailed rules for calculation of material utilization process effectiveness.  Section 31j (<b>fulfillment of producers' obligations</b>) Producers shall fulfill their collecting and separate collecting obligations and processing of waste a) individually, in their own costs - individual system b) jointly with other producers based on written agreement; the contractual parties shall be responsible for fulfillment of obligations on a basis of solidarity- joint system c) with a collective system operator - collective system</p>

the appliances.  Deadline <b>26 September 2011</b> : recycling shall meet annex III provisions.	
<b>New recycling technologies</b>	
Art.13 MS shall encourage development of new recycling and treatment technologies	Section 31i ( <b>processing of waste batteries and accumulators</b> ) (1) Producer is obliged, at its own costs, to ensure processing and material utilization of used batteries and accumulators, using the most sophisticated methods available
<b>Disposal</b>	
See <i>Treatment and recycling</i> Art. 12	
<b>Exports</b>	
Art. 15 Treatment and recycling can take place outside MS or EU if in compliance with regulations  Waste exports shall count towards fulfilment of obligations if there is evidence of the same standards as outlined in the directive.	Section 31i (6) In terms of classification for export (transport abroad), collected waste batteries and accumulators are considered to be waste.  Section 77 The Customs authorities are entitled of all the controls on import and export of batteries
<b>Financing</b>	
Art. 16 MS to ensure that producers finance any net costs arising from collection, treatment and recycling  MS to ensure that double charging of producers under different schemes is avoided (WEEE, end-of-life)  MS to ensure producers or third parties on their behalf finance any net costs of public information campaigns on collection, treatment and recycling	
<b>Registration</b>	
Art.17 MS should ensure that each producer is registered.	Section 31e (1) Each producer shall submit a proposal on its inclusion in the List of producers kept by the Ministry.

	Detailed requirements are fixed for the registration on the list.
<b>Small producers</b>	
Art.18 Possibility of exemptions for producers that place small quantities on the market, if this does not impede the proper functioning of the collection schemes.	
<b>Information for end-users</b>	
Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements	Section 31d (1) Producer is obliged, through the last seller, to inform the end user on the system for separate collecting or collecting and treatment of waste batteries and accumulators, Producer shall further inform the end user on: a) possible effects on environment and human health of substances used b) meaning of the graphical symbol for separate collecting or collecting and meaning of other labelling (2) The last seller is obliged to inform the end-users in written form on availability of the system of separate collecting (3) Producer and the last seller shall ensure good accessibility and visibility of this place
<b>Labelling</b>	
Art.21 MS shall ensure that all batteries are marked with the symbol: - at least 3% or largest side of the battery up to 5x5cm - cylindrical: 1,5% of the battery up to 5x5cm - in case it would be smaller than 0,5x0,5cm – the symbol measuring at least 1x1cm on packaging - possibility of exemptions  MS shall ensure that the capacity of all portable and automotive batteries is indicated on them by 26 September 2009.  Batteries containing more than the allowed percentages shall be marked with	Section 31c (1) Producer is obliged to ensure that: a) all the batteries, accumulators and battery packs are clearly marked with the appropriate graphical symbol for the separate collecting purposes b) not later than by September 26th, 2009 all the portable and automotive batteries and accumulators are clearly, legibly and indelibly marked with information on capacity c) batteries, accumulators and button cells containing more than 0,0005% of mercury, more than 0,002% of cadmium or more than 0,004% of lead are clearly marked by a chemical symbol of the appropriate metal by means required in the applicable legislative regulations. (2) <b>The ministry, through the appropriate ministerial decree, shall determine:</b> a) sample of <b>graphic symbols</b> for labelling of batteries, accumulators and battery packs for the separate collecting purposes b) information on <b>capacity</b> of portable and automotive batteries and accumulators, c) <b>methods of marking</b> batteries and accumulators and button cells

the chemical symbol.		
<b>Reporting obligations</b>		
<p>Art. 22 1. MS shall send the Commission a report on the implementation of the directive every 3 years. The first report shall cover the period until 26 September 2012.</p>	<p>Section 31f (1) Producer is obliged (if he is not part of a CRO): to prepare an annual report on fulfillment of obligations and to keep it for 5 years and to prove accuracy of data</p> <p>Section 31o (<b>CRO's reporting obligations</b>) The system operator is obliged to keep records on producers, data on amount of batteries and accumulators and to keep end-user informed through information campaigns</p> <p>Section 31p (<b>Supervision of CRO</b>) The Ministry supervises the system operator activities</p> <p>Section 31r Under certain conditions the Ministry can withdraw the CRO permission</p>	
<b>Penalties</b>		
<p>Art.25 MS shall lay down rules on penalties and see to their implementation.</p> <p>MS to notify the measures to the Commission by 26 September 2008.</p>	<p>Section 67 (1) If there is a breach of duties the Ministry can impose a fine</p>	
<b>Voluntary agreements</b>		
<p>Art.27 Requirements for agreements between competent authorities and economic operators:</p> <ul style="list-style-type: none"> <li>- enforceable</li> <li>- must specify objectives and deadlines</li> <li>- must be published in official journal (nationally/locally)</li> <li>- regular monitoring reported to authorities and EC</li> <li>- if non-compliance, MS to take measures</li> </ul>		