



ČESKÁ INSPEKCE  
ŽIVOTNÍHO PROSTŘEDÍ



# 2012 Annual Report

Czech Environmental Inspectorate





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Opening

Address



## Opening address

### OPENING ADDRESS BY MINISTER OF THE ENVIRONMENT

The Czech Environmental Inspectorate belongs among respected institutions in this country. One of the reasons is that the overwhelming majority of the people wish to protect nature. They do not wish to destroy it, as a few activists think. I am glad to see the Czech Environmental Inspectorate do a good job, which may not be very visible but the absence of which would soon be felt by everyone.

I would like to thank the staff of the CEI for their good work and wish them success in protecting the environment, where the Inspectorate is an important organisation of the Ministry of the Environment.



A handwritten signature in blue ink, which appears to be 'T. Chalupa'.

**TOMÁŠ CHALUPA**

Minister of the Environment

## Opening address



### OPENING ADDRESS BY DIRECTOR OF THE CEI

In 2012, the CEI's work was affected by legislative changes (amendment to Clean Air Act no. 201/2012 Coll., Government Regulation no. 143/2012 Coll., Decree no. 123/2012 under the Waters Act, and amendment to the Nature and Landscape Protection Act by way of the Building Act effective as of 1 January 2013). The CEI's goal for 2012 also was to cope with budget cuts.

Review of all the old environmental burdens, their classification by significance of their environmental impact and assessment of their relevance were carried out in 2012. The working committee of the Ministries of Finance and the Environment of the Czech Republic reached a consensus on the matter.

The governmental budgetary cuts resulted in a CEI staff reduction and operating budget reduction. This was the reason for the organisational changes as of 1 January 2013. The purpose of the measure was to consolidate the CEI and carry out organisational changes so that the Inspectorate could perform all the tasks imposed on it by law.

The CEI inspection work schedule for 2013 was conceived so that the CEI work would fully cover the essential environmental protection issues with an emphasis on the inspection quality rather than quantity. The achievement of our objectives was helped by our effort to improve and deepen our communication with other state administration and self-government bodies. Last but not least, the Inspectorate pays attention to informing the public: the CEI's website periodically publishes



information on its work, citizens have an opportunity for discussion, and can also turn to our experts with their queries and problems via the website. The increasing interest in environmental protection and adherence to law in the area is confirmed by the growing numbers of submissions and complaints in the recent years, which we perceive as an expression of the general public's trust in the Inspectorate's work.

Naturally, this trust obliges us for the future too. That is why I would like to thank everyone who has contributed to the good and often difficult work on the good renown of the Czech Environmental Inspectorate.

**JAN SLANEC**, Director of the CEI





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# Characterisation

of our work







## 01 | Characterisation of our work

### 1.1 GENERAL INFORMATION

**The Czech Environmental Inspectorate** was established in 1991 by Czech National Council Act no. 282/1991 Coll. on the Czech Environmental Inspectorate and its competencies in forest protection. The other departments were added later in the course of 1991–1992. It is an autonomous State component established by the Ministry of the Environment of the Czech Republic and performs activities in 5 areas: air protection, water protection, waste management, nature protection, and forest protection. At the same time, it applies an integrated approach to environmental protection both pursuant to the Integrated Prevention (IPPC) Act and the Environmental Impact Assessment (EIA) Act, and in its overall inspection work concept.

#### OVERVIEW OF CEI WORK

- supervision of adherence to legal regulations in environmental protection,
- inspection work,
- imposition of measure to remedy deficiencies identified,
- imposition of fines for failure to adhere to environmental law,
- inspection of trade in and handling of endangered species of animals, plants and products thereof (confiscation of illegally acquired specimens and items),
- reduction or even halt on operations that seriously endanger the environment,
- involvement in handling old environmental burdens,
- processing of submissions by citizens and corporate bodies,
- provision of information based on applications pursuant to law in force,
- information to the public and media and state administration bodies on environmental data acquired during its inspection work,
- elaboration of position papers for other state administration bodies,
- involvement in tackling environmental accidents,
- cooperation with inspection authorities of the European Union countries and EU inspectorate network (IMPEL),
- definition of charges for wastewater discharge and groundwater consumption.

## 01 | Characterisation of our work

### 1.2 ORGANISATIONAL STRUCTURE

The CEI is divided into 10 territorial inspectorates, two branch offices and a directorate. At present, it employs 551 people, of which approx. 80% are inspectors.

**Territorial inspectorates:** Praha, České Budějovice, Plzeň, Ústí nad Labem, Liberec, Hradec Králové, Havlíčkův Brod, Brno, Olomouc, Ostrava; branch offices Zlín and Karlovy Vary.

Director of the CEI is appointed by the Minister of the Environment.



#### Overview of CEI competencies in the individual sectors of the environment

CEI COMPETENCIES		SECTOR OF THE ENVIRONMENT				
		air	water	waste	nature	forest
supervision	controls, revisions, reviews, investigations etc	•	•	•	•	•
sanction	fines to legal entities	•	•	•	•	•
	fines to individuals	•	•	•	•	•
	restricting or closing operations	•	•		•	•
measures	measures for rectification of identified shortcomings	•	•	•	•	•
	dealing with old environmental burdens		•			
	accidents registrations and cooperation in dealing with accidents	•	•	•		
	detention and confiscation of illegal specimens of endangered species of animals and plants				•	
	confiscation of illegally held specimen, confiscation of products	•			•	
charges	charges for discharging of waste water, charges for groundwater abstraction		•			
permitting and approbations	regulating rules, co-incineration of several fuels, classification of sources	•				
statements	statements, comments or approvals for other administrative bodies	•	•	•	•	•
motions	processing motions	•	•	•	•	•

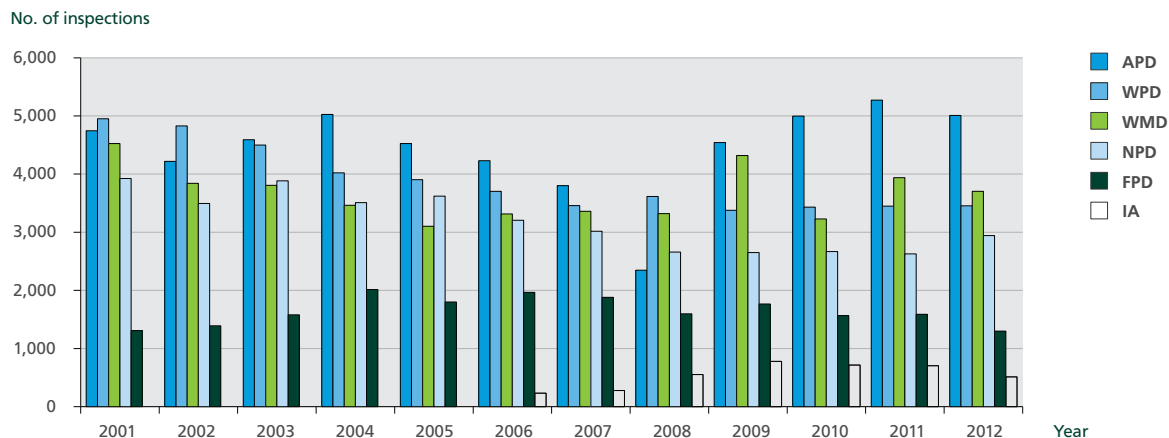
## 01 | Characterisation of our work



### 1.3 INSPECTION WORK INTENSITY

In 2012, the CEI performed 17,051 inspections and inspection events (17,576 inspections in 2011; 16,603 inspections in 2010; 17,432 inspections in 2009; 14,255 inspections in 2008). The number of inspections per inspector in 2012 was 40 (38 in 2011; 35 in 2010; 36 in 2009; 34 in 2008; 38 in 2007). The CEI issued 9,797 conclusive decisions in 2012 (including 2,082 issued decisions on charges and advances for wastewater discharges and 4,942 issued decisions on charges and advances for groundwater consumption).

#### Inspection trends by sectors



# Decision-making

in administrative proceedings





## 02 | Decision-making in administrative proceedings

### 2.1 ADMINISTRATIVE DECISIONS CONCERNING PENALTIES

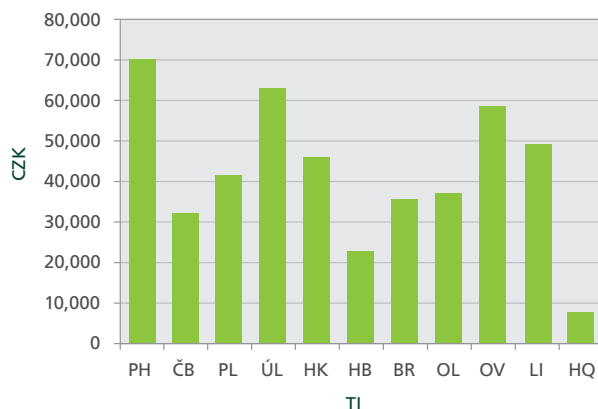
The CEI imposed 2,289 fines, and 2,226 fines came into legal force in the year (2,428 imposed and 2,355 in force in 2011; 2,554 imposed and 2,512 in force in 2010; 2,778 imposed and 2,650 in force in 2009; 2,684 imposed and 2,501 in force in 2008). The total amount of the fines was CZK 98,390,038, which is a decrease compared to 2011 (CZK 109,081,069 in 2011; CZK 141,820,843 in 2010; CZK 164,165,643 in 2009; CZK 142,921,818 in 2008). The main reason is the fact that the cases investigated are more complex and take more time to resolve. In addition, parties to proceedings make increasing use of the option to be represented by a lawyer, and many of the cases have been appealed against. The aforesaid is connected to the increasingly complex and less comprehensible legislation. Another reason is the continuous reduction in the CEI staff numbers. Among the territorial

inspectorates, the greatest amounts of fines were imposed by Prague TI (CZK 16,709,550) and Ústí nad Labem TI (CZK 14,004,800). The average amount of a conclusive fine assessed in an administrative proceeding was CZK 44,200 (CZK 46,135 in 2011; CZK 56,457 in 2010; CZK 56,077 in 2009; CZK 57,146 in 2008). The average fine amounts differ both by department and by region. The highest average fines were awarded in the area of waste management; the lowest in nature protection, which is explained by the nature of their work and the legal penalty provisions.

### 2.2 ADMINISTRATIVE DECISIONS CONCERNING REMEDY

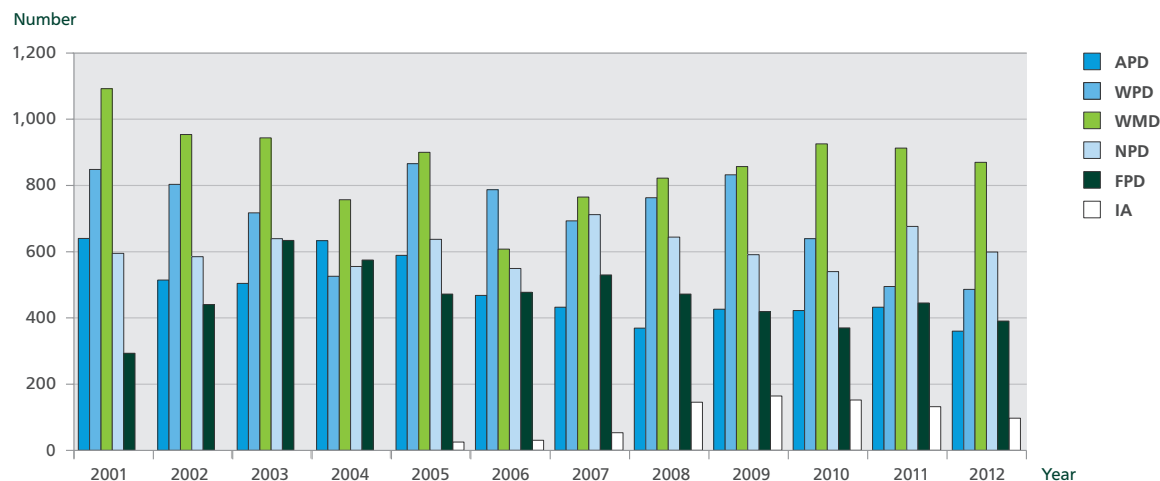
Decisions concerning remedy are the other category of decisions next to penalties that constitute the response of the administrative body to an identified contradiction with the law. This type of decisions is issued separately or together with penalty decisions. A total of 366 decisions concerning remedial measures were issued in 2012 (413 in 2011; 340 in 2010; 406 in 2009; 427 in 2008; 503 in 2007) along with 36 decisions on halting or reducing operation (113 in 2011; 68 in 2010; 70 in 2009; 51 in 2008; 66 in 2007). The number of cases of seizure and confiscation of living or non-living specimens based on an administrative decision (incl. CITES) was 81 (58 in 2011; 53 in 2010; 68 in 2009; 84 in 2008). The seizure of illegally held specimens, reduction or halting of harmful activity or operation are extreme options for the response of the administrative body to an identified contradiction with law. This is reflected by their proportion in the total number of decisions.

Average amount of fine by TI



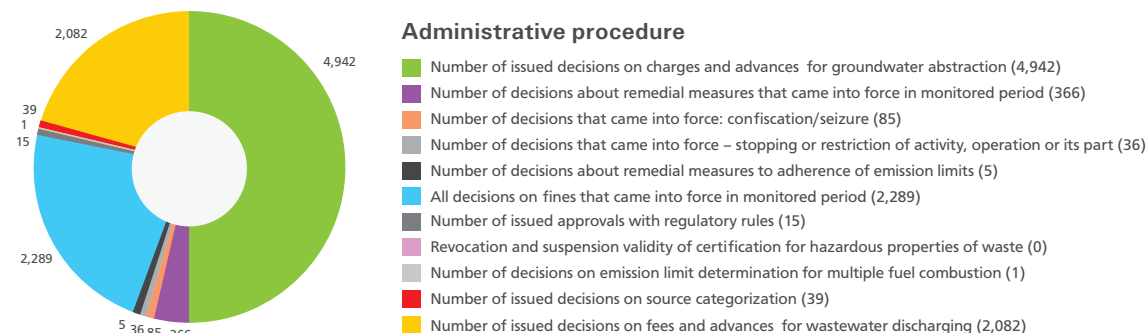
## 02 | Decision-making in administrative proceedings

### Trend in penal and remedial decisions (penalties, remedial measures and stopping of operation)



## 2.3 ACTIVITIES OUTSIDE ADMINISTRATIVE PROCEEDINGS

This comprises expertises and position statements for other authorities, such as expertises on applications for support from the SEF, position papers on EIA studies, etc. The CEI issued a total of 1,193 such statements (12,548 in 2011; 11,592 in 2010; 12,006 in 2009; 12,013 in 2008). The CEI cooperates with the MoE and the departmental organisations, as well as the General Directorate of Customs in the area of CITES, GMO and crossborder transport of waste, the Czech Police, the Fire Rescue Service, the Czech Trade Inspection Authority, the Occupational Safety Inspectorate, the Hygiene Service, regional and local authorities and institutions, court authorities, etc.





# CEI involvement

in handling accidents





## 03 | CEI involvement in handling accidents

### CENTRAL REGISTER OF WATER ACCIDENTS

Pursuant to Act no. 254/2001 Coll. on Waters, as amended, the CEI has maintained a central register of accidents since 2002. Every year, an overview of accidents is inserted in a separate database, contributed to chiefly by the Fire Rescue Service of the CR, with which the CEI has cooperated since 2003.

In 2012, we registered 196 accidents the facts of which complied with the definition of an accident pursuant to Section 40 of Act no. 254/2001 Coll. on Waters. Dozens more were notified to the CEI in 2012, but they failed to show signs of accidents due to their entirely negligible extent without an impact on water quality, meaning they were not included in the central register of accidents.

Transport caused 51 of the register cases, translating into 26% of the total accidents. Death loss of fish accompanied 31 of the accidents, an increase by less than 1% compared to 2011. The accident originator was known in 115 of the cases. In 58 cases, the CEI investigated the accident or was directly involved in its investigation. Units of the Fire Rescue Service intervened in 135 of the registered accidents. Groundwater was affected in 4 cases, same as in the previous year. Two cases of accidents affecting groundwater were classified as long-term accidents.

### CONTAMINATION AND DEATH LOSS OF FISH IN UNHOŠŤ PONDS

An accident was reported in July: the death loss of fish in 5 ponds in Unhošť. A local inquiry found out

that intense rain has clogged a sewer in Kyšice and the sewage was discharged down a storm sewer separator into the Braškovský brook, on which there is a system of ponds. Approximately 1.2 tonnes of fish died in the ponds over time. The inquiry also found out that the sewer had been cleaned and the sedimentation tank from which the sewage was discharge would be cleaned. The situation was handled in cooperation with the water management authority.

### THE KLÍČAVA ACCIDENT

A major accident in the catchment area of the Klíčava water supply reservoir on the Karlův Luh brook was handled in September 2012. An unknown perpetrator unloaded several sacks of a pesticide substance containing atrazine in the Lány presidential game park. The substance was then dissolved in the brook and hit a protected area (Site of Community Importance) and the water supply in a very high concentration. A collaboration of the CEI, the Rakovník water management authority, the Central Bohemian Regional Authority and Povodí Vltavy managed to minimise the impacts on the water supply. Based on a decision of the Central Bohemian Regional Authority, the situation is monitored periodically.

### RELEASE OF FIREFIGHTING WATER INTO A WATERCOURSE FROM REKLA, spol. s r. o. IN PARDUBICE-SEMTÍN

The central control room of Synthesia, a. s., reported an accident on 29 March 2012; it occurred in connection with a fire in a waste oil, diesel and spirit storage facility (approx. 20 t) on the premises of REKLA, spol. s r. o.

## 03 | CEI involvement in handling accidents



in Pardubice. Firefighting water contaminated by petroleum derivatives were discharged during the firefighting event into the surface water of the Pohránecký outfall, from there to the Velká Strouha and the Elbe river. The fire rescue unit of Synthesia, a.s., installed three spill barriers. The CEI produced a notification of the accident situation in line with the "Elbe international warning and alarm plan".

No penalty was imposed because the accident occurred as part of a Fire Rescue Service intervention. The site

was remediated after the fire by DEKONTA, a. s., which installed 2 spill barriers and 4 absorption sleeves. The remediation was concluded on 17 October 2012.

### Classification of accidents by leaked pollutant category in 2012

POLLUTANT CATEGORY	Number of Accidents	%
petroleum derivatives	106	54.1
wastewater	19	9.7
chemicals except heavy metals	14	7.1
animal husbandry waste	7	3.6
sludge and undissolved matters	6	3.1
food processing products	3	1.5
undissolved matters	2	1.0
heavy metals	1	0.5
chlorinated hydrocarbons	1	0.5
oxygen deficit	4	2.0
other substances	6	3.1
undetermined	27	13.8
<b>Total</b>	<b>196</b>	<b>100.0</b>

### Classification of accidents by general cause of their origins in 2012

Cause of Accidents	Number of Accidents	%
Human factor	100	51
Technical cause	30	15.3
Nature forces	9	4.6
Undetermined	57	29.1
<b>Total</b>	<b>196</b>	<b>100.0</b>



# CEI work in 2012

by department



## 04 | CEI work in 2012 by department

### 4.1 AIR PROTECTION

#### DETAILED SUMMARY OF ACTIVITIES IN 2012 + STATEMENTS AND EXPERTISES FOR OTHER AUTHORITIES, SUBMISSIONS, INFORMATION

The air protection inspectors performed 5,008 checks of adherence to requirements on air, ozone layer and global climate system protection in 2012. Among these inspections, 49.3% (2,470) were planned and 50.7% (2,538) unplanned. A total of 4,276 focused on air protection. The remainder dealt with adherence to requirements on operators of facilities involved in the carbon dioxide emission permit trading system (102 checks), adherence to requirements on handling controlled substances and fluorinated greenhouse gases (484 checks), performance of authorised person activities (97 checks), and the rest were investigations into activities with an impact on air that cannot be classified in any of the above groups (49 checks). In addition to the said checks, our air protection inspectors were involved together with other department inspectors in 222 checks of sources with integrated permits and 14 joint inspections, in which operators of facilities with integrated permits were assessed fines totalling CZK 1,254,000 for violating air protection requirements.

The checks focusing exclusively on adherence to requirements on air, ozone layer and global climate system protection resulted in 335 penalty administrative proceedings for violation of obligations, out of which 301 came into legal force in 2012, as well as 21 administrative proceedings imposing remedial measures and 4 proceedings ruling the halt of operation. A total of 332 decisions imposing fines came into legal

force in 2012 (301 resulting from proceedings initiated in 2021 and 31 from those initiated in the previous year), totalling CZK 13,920,500. Out of this amount of conclusive decisions, 249 concerned offences in air protection and 83 concerned offences in ozone layer and global climate system protection.

The air protection inspectors' inspection work – checking compliance with emission limits, emission ceilings and specific production emissions – was accompanied with measurements of pollutant emissions using our own measurement equipment in 86 cases within 12 inspections at operators of 9 stationary air pollution sources. The Czech Environmental Inspectorate also applied its own measurement equipment to monitor pollutant emissions from the long-term experiment of combined combustion of coal and fuels made from waste at the Tisová power plant operated by ČEZ, a. s.

The air protection department inspectors, being the applicable air protection authority in proceedings on issuance of permits for construction of particularly large, large and medium stationary sources of air pollution, changes and commissioning thereof, carried out by regional authorities, issued 2,958 position statements in 2012. In addition to the said position statements, we also issued 1,330 other statements and expertises based on requests by other air protection authorities, authorities discussing issues of air, ozone layer and global climate system protection, and citizens.

The exceedance of emission limits, specific production emissions and emission ceilings was proven to operators of stationary air pollution sources in 30

## 04 | CEI work in 2012 by department

cases in 2012, for which we imposed fines totalling CZK 1,420,000. Other offences included violations of permit conditions, including violations of operating rules and proper farming practice rules (35 cases, fines totalling CZK 3,111,000), failure to determine air pollution levels – measure emissions (50 cases, fines totalling CZK 1,215,000), operation of sources or modification to a source without permission (67 cases, fines totalling CZK 3,680,000), failure to carry out remedial measures (3 cases, fines totalling CZK 290,000), failure to provide data or submit reports on emission measurements (4 cases, fines totalling CZK 130,000), failure to keep operating records or elaborate and submit summary operating records (78 cases, fines totalling CZK 722,500), violation of duties when handling volatile organic compounds (3 cases, fines totalling CZK 90,000), combustion of waste or unpermitted fuels in stationary combustion facilities (3 cases, fines totalling CZK 150,000), violation of regulations and bans when handling controlled substances (46 cases, fines totalling CZK 1,018,000), and violation of regulations when handling fluorinated greenhouse gases (88 cases, fines totalling CZK 1,876,000). In 10 cases, it was proven to entities doing servicing, maintenance and leak checks on installations containing controlled substances or fluorinated greenhouse gases that they were doing these jobs without a valid Ministry of the Environment certificate. For these offences, they were assessed fines totalling CZK 180,000. We also checked compliance with reporting obligations of entities handling controlled substances or fluorinated greenhouse gases via the integrated reporting obligation compliance system. In 3 cases, entities handling controlled substances were identified to have

violated the obligation and assessed fines totalling CZK 33,000. In one case, we identified unauthorised performance of work for which Act no. 86/2002 Coll. on Air Protection requires authorisation from the Ministry of the Environment, and assessed a fine of CZK 5,000 for this offence.

In one case, we proceeded to halt operation due to operating a source without permission, and in 3 cases due to failure to perform remedial measures – technical measures leading to emission reduction were not implemented.

Based on requests by operators of stationary air pollution sources, our air protection inspectors issued 79 decisions pursuant to the original legal regulation, Act no. 86/2002 Coll., out of which 63 decisions dealt with definition of stationary air pollution sources and their classification in appropriate categories, 15 decisions concerned approval of regulating rules for facilities listed in the central regulatory rules as well as regional and local regulatory rules, and 1 decision concerning definition of emissions limits for combined combustion of multiple fuel types.

The process of approval of regulatory rules for operators of sources integrated by the central, regional and local regulatory rules into the CEI operation restriction system during smog situations continued in 2012 and was concluded by the amendment to the air protection legislation. Applicable CEI territorial inspectorates – Prague, Ústí nad Labem and Ostrava TIs – approved 15 facility regulating rules in total. During periods of impaired dispersion conditions following the restriction signal, inspectors of Ostrava and Hradec Králové

## 04 | CEI work in 2012 by department

TIs performed 30 checks of adherence to the duties resulting from the approved regulatory rules. All the checks confirmed operation in compliance with the regulatory rules.

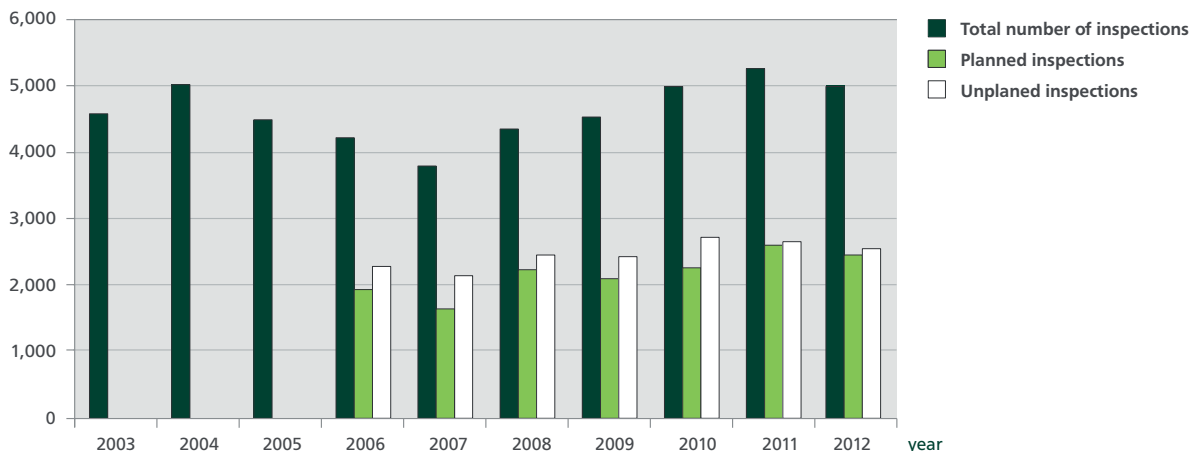
The proceedings on definition of emission limits for combustion of multiple fuel types resulted in 1 decision, defining the emission limit for carbon monoxide for a large stationary air pollution source which combusts solid fuels.

The air protection department inspectors, being the applicable air protection authority pursuant to Act no. 86/2002 Coll. in proceedings on issuance of permits for construction of especially large, large and medium stationary sources of air pollution, changes and commissioning thereof, as well as permitting operation pursuant to Act no. 201/2012 Coll., carried out by regional authorities, issued 2,958 expertises in 2012.

As part of the collaboration between the Czech Environmental Inspectorate and the Ministry of the Environment, the Ministry Air Protection Department was provided with information for its report on performance of obligations dealing with the unacceptable environmental situation in the Moravian-Silesian Region; a draft methodological instruction defining the annual mass balance of volatile organic compounds was commended on; and an overview of all the regulatory rules for sources included in the central, regional and local regulatory rules approved by the Czech Environmental Inspection was elaborated. Selected CEI employees were involved in planning of professional training for officials to carry out state administration on air protection in the Czech Republic, organised by the MoE Air Protection Department. The Inspectorate performed interlaboratory comparisons of analyser testing for authorisation applicants as part of the MoE authorisation process for pollutant emission measurement.

### Number of inspections in 2003–2012

Number of inspections



## 04 | CEI work in 2012 by department

The number of submissions handled was around the average of the previous years in 2012, totalling 313 (300 submissions were handled in 2011; 391 in 2010). The submissions mostly alerted to air pollution from the operation of stationary sources, and less frequently also defects in handling of coolants. To classify the submissions by the original classification of stationary sources, 7 submissions concerned operators of particularly large sources, 96 large, 133 medium and 54 small sources. In addition, we accepted 5 submissions pointing out activities connected with coolant handling, and 18 submissions on activities that could not be considered air pollution sources pursuant to the Air Protection Act.

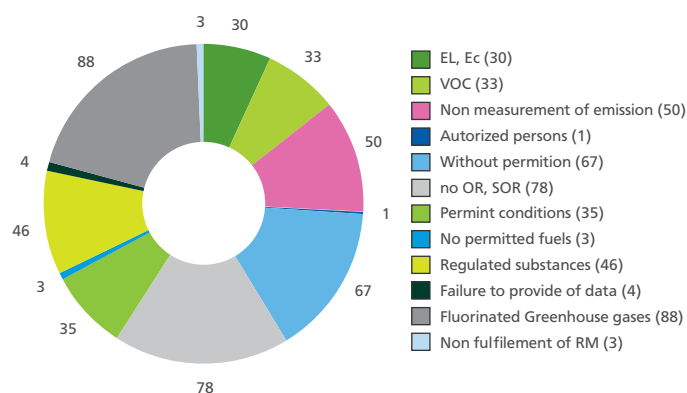
The number of information provision instances in 2012 remained at approximately the same level of the previous years, remaining between 50 and 100. As in the previous year, the extent of the data for some of the information provision instances was massive, such as when we provided duplicates of all the decisions on fines. We handled a total of 65 requests for information.

### OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

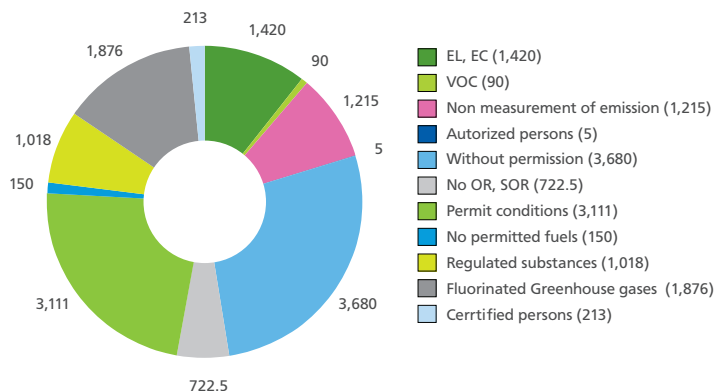
#### INSPECTIONS OF COMPLIANCE WITH EMISSION LIMITS, EMISSION CEILINGS, EMISSION REDUCTION PLANS, REQUIREMENTS OF PERMITS AND OPERATING RULES, REGULATORY RULES AND PERFORMANCE OF REMEDIAL MEASURES

The most serious offences proven in 2012 were the exceedance of emission limits, specific production emissions and emission reduction plans with emission

Numbers of debated delicts in 2012



Fines issued in 2012 according to type of delicts (in thousands CZK)





## 04 | CEI work in 2012 by department

ceilings as the enforcement tool. A total of 30 such offences were proven to operators of stationary air pollution sources, and fines totalling CZK 1,420,000 were imposed for them. Compliance with emission limits, emission ceilings and emission reduction plans was inspected both on the source operation site during on-site checks and based on data acquired from emission measurement reports elaborated by authorised entities or the Czech Environmental Inspectorate.

In connection with the identified facts, we issued 5 decisions on remedial measures (compliance with emission limits); in 3 cases, we ordered a halt of operation due to failure to implement remedies leading to reduced pollutant emissions; and in one case due to operating a source without permission. All the 4 cases were the medium category of sources: 3 solid fuel boiler houses, and 1 wood processing facility.

As per the other major obligations, the said inspections checked operation of sources based on and in compliance with permits issued by air protection authorities. In 67 cases, we found out that source operators were operating their sources without the appropriate air protection authority permit, and were awarded fines totalling CZK 3,680,000.

During periods of impaired dispersion conditions following the restriction signal, territorial inspectors performed 30 checks of adherence to the duties resulting from the approved regulatory rules. All the checks confirmed operation in compliance with the regulatory rules.

### **INSPECTION OF OPERATING RECORD KEEPING AND REPORTING OF SUMMARY OPERATING RECORD DATA**

Air protection departments of the territorial inspectorates and the air protection department of the Directorate of the Czech Environmental Inspectorate collected summary operating records from particularly large and large sources for the purposes of maintaining the air quality information system, including the register of air pollution sources, and checked them for the purposes of verification of identification data of the reporters and facilities. We inspected the operating record keeping and reporting of summary operating record data in 4,370 cases. We identified 78 instances of violation of some of the record keeping or reporting duties, and the operators were awarded fines totalling CZK 772,500.

As for decision-making on definition of stationary air pollution sources and their classification in appropriate categories and decision-making on emission limits for combustion of multiple fuel types, 63 CEI decisions pursuant to Act no. 86/2002 Coll. on Air Protection defined 350 stationary air pollution sources and classified them in appropriate categories: 16 were classified as large, 40 as medium, and 294 as small sources.

## 04 | CEI work in 2012 by department

### **APPROVALS OF REGULATORY RULES AND INSPECTION OF COMPLIANCE WITH REQUIREMENTS FOLLOWING THE “REGULATE” AND “SMOG SITUATION” SIGNALS**

The process of approval of regulatory rules for operators of sources integrated by the central, regional and local regulatory rules into the CEI operation restriction system during smog situations continued in 2012 and was concluded by the amendment to the air protection legislation. Applicable CEI territorial inspectorates – Prague, Ústí nad Labem and Ostrava TIs– were approved 15 facility regulating rules in total. In these facilities operators’ regulating rules, we approved of the proposed measures that will lead, upon the “regulate” signal, to effective reduction of emissions of those pollutants for which the regulation is implemented. The new Air Protection Act, no. 201/2012 Coll., has altered the system of approving requirements on source operation during smog situations and criteria for declaring smog situations.

The checks of compliance with the requirements of the regulatory rules performed by the CEI inspectors identified no violations of any of the duties during source regulation periods, and the source operators complied with the regulatory rule requirements. CEI inspectors performed a total of 30 checks on sources for which the “regulate” and “smog situation” signals were issued.

### **INSPECTION OF WORK PERFORMANCE BY ENTITIES AUTHORISED TO MEASURE EMISSIONS AND POLLUTION, ISSUE EXPERTISES, CALCULATE DISPERSION STUDIES, SUPERVISE INCINERATOR OPERATION AND VERIFY REPORTS ON CARBON DIOXIDE EMISSIONS**

In 2012, we checked 97 entities performing tasks for which the Air Protection Act requires authorisation by the Ministry of the Environment. Defects leading to an administrative proceeding were identified at a single entity – work performance without authorisation – for which a fine of CZK 5,000 was imposed. These entities’ work performance was inspected both during their practical work (emission measurement) and by assessing the documents they produced (emission measurement reports, expertises, dispersion studies, verification of carbon dioxide reports).

An extensive check of authorised emission measurements was performed by the Czech Environmental Inspectorate at the company Technické služby ochrany ovzduší Praha, a. s., by means of long-term parallel measurement of gaseous pollutant emissions in the exhaust from the Tisová power plant operated by ČEZ, a.s. The parallel emission measurement resulted in a satisfactory agreement between the measurement results.

### **UPDATING OF INFORMATION ON INCINERATORS AND COMBINED COMBUSTION FACILITIES**

In monthly periods, we provided the Czech Hydrometeorological Institute with up-to-date information on incinerators and combined combustion

## 04 | CEI work in 2012 by department

facilities in operation; the CHMI maintains a publicly accessible register of these air pollution sources by authorisation of the Ministry of the Environment. An administrative proceeding was held against the operator of one hazardous waste incinerator due to a slight exceedance of the emission limit for volatile inorganic chlorine compounds, and the operator was awarded a conclusive fine of CZK 60,000. No other violations of operating requirements were identified in any of the incinerators and combined combustion facilities.

### **INSPECTIONS OF COMPLIANCE WITH REQUIREMENTS ON HANDLING OF CONTROLLED SUBSTANCES, FLUORINATED GREENHOUSE GASES AND PRODUCTS CONTAINING THESE SUBSTANCES**

CEI inspectors performed 484 checks, in which they identified both violations of regulations and bans for handling controlled substances (46 cases, fines totalling CZK 1,018,000) and violations of regulations for handling fluorinated greenhouse gases (88 cases, fines totalling CZK 1,876,000). In 10 cases, it was proven to entities doing servicing, maintenance and leak checks on installations containing controlled substances or fluorinated greenhouse gases that they were doing these jobs without a valid Ministry of the Environment certificate. For these offences, they were assessed fines totalling CZK 180,000.

In 3 cases, entities handling controlled substances were identified to have violated the obligation to report on handling these substances the integrated

environmental reporting obligation compliance system, and assessed fines totalling CZK 33,000.

### **INSPECTIONS OF COMPLIANCE WITH OBLIGATIONS OF OPERATORS OF FACILITIES INVOLVED IN THE CARBON DIOXIDE EMISSION PERMIT TRADING SYSTEM**

In the 102 checks of compliance with requirements on both stationary facilities and aircraft involved in the carbon dioxide emission permit trading system performed in 2012, we identified no violations of obligations. The facilities inspected were operated under permits of the Ministry of the Environment; the aircraft had approved plans for determining and reporting both carbon dioxide emissions and tonne-kilometres.

### **INSPECTIONS OF COMPLIANCE WITH OBLIGATIONS OF OPERATORS OF STATIONARY AIR POLLUTION SOURCES USING CEI MEASUREMENT AND ANALYTICAL EQUIPMENT**

The air protection inspectors' inspection work – checking compliance with emission limits, emission ceilings and specific production emissions – was accompanied with measurements of pollutant emissions using our own measurement equipment in 86 cases within 12 inspections at operators of 9 stationary air pollution sources. We checked the operation of power combustion facilities for solid fuels, production of cement clinker in a rotary furnace heated by fuel made from waste, sources emitting organic substances (lamination, paint shops), and

## 04 | CEI work in 2012 by department

operations manufacturing and processing metals. We proved an exceedance of an emission limit for carbon monoxide in one case: manufacturing and casting of grey iron in a cupola furnace.

The Czech Environmental Inspectorate made an extensive emission measurement during the combustion testing of combined combustion of coal and fuels made from waste in the fluidised bed boilers at the Tisová power plant operated by ČEZ, a. s.

CEI measurements also checked emissions of particulate matter, hydrogen chloride and hydro fluoride from combusting the GEOBAL 4 waste fuel in a rotary cement kiln by the cement company Lafarge Cement, a. s. in Čížkovice. The samples of particulate matter emissions collected from the exhaust of combined combustion of fuels with GEOBAL 4 were submitted to the National Institute of Public Health for further analysis with the source operator's consent.

### **COLLECTION OF FINES AWARDED BY THE CZECH ENVIRONMENTAL INSPECTORATE AND THEIR ENFORCEMENT IN 2012**

The fines awarded by the air pollution inspectors for offences in the areas of air and global climate system protection, greenhouse gas emission trading permits, and integrated prevention are collected and claimed by applicable customs authorities.

The fines awarded for offences in ozone layer ("controlled substances") and global climate system protection, and handling and use of fluorinated greenhouse gases ("F-gases") are collected and

claimed by the Czech Environmental Inspectorate. Entities handling or using controlled substances and F-gases were awarded conclusive fines totalling CZK 3,107,000 in 2012. Out of that, the debtors duly paid CZK 2,656,000 (85.5%) within the deadlines specified in the decisions. Out of the outstanding amount of CZK 451,000, a full 382,000 is already being claimed.

### **RESULTS OF PROCESSING APPEALS AGAINST CEI DECISIONS CONCERNING FINES FOR ADMINISTRATIVE OFFENCES**

Out of the 332 proceedings handled in 2012, parties appealed against the decisions in 53 cases. The Ministry of the Environment, being the body of appeal, declined 39 of the appeals altogether and affirmed the fine amounts. The fine amounts were reduced in 11 cases, and parts of amounts under specific portions of the decisions were reduced in 3 more cases. Three decisions were revoked, including one that was returned for renegotiation, and 2 of the proceedings were terminated.

### **CONCLUSION**

The work of the air protection department in the areas of air protection, ozone layer protection and global climate system protection followed the plan for 2012. Admittedly, the legal regulation in the areas of air protection, ozone layer protection and global climate system protection changed completely in the course of the year, and there was a period when the critical executive decree for the Air Protection Act did not exist, but the inspector's responsible attitude carried

## 04 | CEI work in 2012 by department

us over this difficult period without an effect on the inspection work results. The number of inspections in 2012 did not change dramatically compared to the previous years, and the proportion of planned and unplanned checks was also retained. The most serious offences were the exceedance of emission limits, specific production emissions and technical requirements on source operation, which have a direct impact on the pollutant emissions to air. That is why the CEI paid attention to the operating requirements and the existence of permits. The CEI inspection work was accompanied by its own pollutant emission measurements with an emphasis on monitoring emissions from combustion of fuels made from waste and combined combustion in facilities not originally intended for thermal processing of waste. The dispersion conditions were impaired in the Moravian-Silesian, Central Bohemian, Pardubice, and – to a lesser extent – Ústí nad Labem Regions in the winter of 2012. The “regulate” signal was declared for sources in the first three regions. All of the operators of sources integrated into the regulation system complied with their duties pursuant to the approved regulatory rules. Considerable attention was paid to relatively novel areas: inspection of compliance with requirements on handling with controlled substances and fluorinated greenhouse gases. This is reflected by the number of offences proven, which had admittedly decreased slightly compared to the previous year, but was still high.



## 04 | CEI work in 2012 by department

### 4.2 WATER PROTECTION AND PREVENTION OF MAJOR INDUSTRIAL ACCIDENTS

#### INSPECTION ACTIVITY IN 2012

The inspection activity of the water protection department was based on the approved inspection work plan for 2012 and, like in the previous years, it focused chiefly on the most serious environmental pollution sources.

The water protection department employed 85 inspectors dealing with inspection of compliance with duties set out by Act no. 254/2001 Coll. on Waters, and Act no. 59/2006 Coll. on Prevention of Major Industrial Accidents. A total of 3,453 checks were performed in 2012, out of which 1,873 were planned and 1,584 unplanned. In the period in question, 391 administrative decisions on fines came into legal force, totalling CZK 15,996,938 (including 34 decisions issued in 2011), along with 76 administrative decisions on remedial measures (including 3 decisions issued in 2011). We investigated into 58 accidents in 2012 and handled 412 submissions, 45% of which were unjustified. In addition, we elaborated and issued 2,336 position statements on provision of subsidies from the SEF and other statements (e.g., for other state administration bodies). Under the charge agenda in 2012, we issued 2,082 decisions on charges and advances for wastewater discharges and 4,841 decisions on charges and advances for groundwater consumption. Water protection department inspectors were also involved in 264 checks pursuant

to Act no. 76/2002 Coll. on Integrated Prevention. Together with the integrated prevention department, they elaborated 1,193 position statements on EIA/SEA documentation and 616 position statements on applications for issuance or amendment of integrated permits.

These figures are not substantially different from those for the previous years, yet there was a slight increase in both the total number of checks and checks per inspector, although the complexity of the administrative proceedings held increased at the same time. Handling of submissions covering cases with little and local environmental impacts still remains a substantial part of the inspectors' work. This task is often time-consuming and demanding on the paperwork, while being of little significance to the environment.

As part of their work, the inspectors actively cooperate with water management authorities, the Czech Police, the Fire Rescue Service, the Povodí river basin managing organisations, and other state administration bodies. International cooperation with environmental protection authorities in the neighbouring countries and involvement in international working groups (Clean Nisa, IMPEL) and boundary water protection boards (International Commission for the Protection of the Oder River, International Commission for the Protection of the Elbe River, the Danube Commission) are another important part of their work. At the international level, we also continue cross-border cooperation on preventing major accidents (the UNECE treaty).



## 04 | CEI work in 2012 by department



### OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

#### **Inspection of major WWTP with over 10,000 EI**

The CEI performs annual inspections of the most important pollution sources. The checks focus on compliance with water management authority permits, WWTP operation in accordance with operating rules, and adherence to Council Directive 91/271/EEC concerning urban wastewater treatment. We also monitor the balances of pollution discharged from major WWTP.

We inspected 219 WWTP in 2012, including 190 municipal and 29 industrial WWTP. Out of the WWTP inspected, 123 had actual capacity based on the inlet load of more than 10,000 EI.

Based on balance data for 2011, all the WWTP inspected in 2012 combined treated 752.7 million m<sup>3</sup> of wastewater. The efficiency of wastewater treatment in the WWTP checked was 97.7% for the BOD<sub>5</sub>, 94% COD<sub>Cr</sub>, 72.1% for the N<sub>total</sub>, and 84.7% for the P<sub>total</sub>.

The requirements of Council Directive 91/271/EEC are complied with by most of the major pollution sources or measures to comply with them are implemented. Concerning the funding and meeting of implementation deadlines, the situation with the Prague Central WWTP remains critical. Due to the violation of a legal obligation of the municipality pursuant to Article II, point 6 of Act no. 20/2004 Coll., the CEI issued a decision on 12 November 2012 imposing a remedial measure setting a deadline for draining and treatment of wastewater in the City



## 04 | CEI work in 2012 by department

of Prague at the Prague Central WWTP to the level defined by GR no. 61/2003 Coll., as amended, issued pursuant to Section 38, Para 5 of the Waters Act. By that deadline, the construction of the New Water Line should be complete according to the timetable submitted by the Prague Municipal Authority, which should ensure compliance with the limit for the problematic indicator  $N_{total}$  at the level required by both national and European legislation. The decision is final and conclusive.

Based on long-term monitoring of the major pollution sources, it can be concluded that no serious violations of obligations imposed by the Waters Act have occurred in the recent years and that emission limits set by water management authority permits are only exceeded in exceptional cases.

In 2012, we assessed 5 fines totalling CZK 140,000, and one administrative proceeding was suspended. The body of appeals revoked three decisions on fines.

### **CHARGES FOR WASTEWATER DISCHARGE INTO SURFACE WATERS**

In 2012, we issued 1,083 charge assessments for 2011, setting charges totalling CZK 210.6 million. We also issued 980 advance assessments for advances into be paid in 2013 totalling CZK 228.2 million.

Inspections of compliance with the charge liabilities continued throughout the year; they are carried out by inspection laboratories and measurement teams and funded from the SEF budget. The inspection laboratories performed approximately 1,300

samplings in 2012, and the measurement teams made approximately 100 inspection measurements of the amounts of wastewater discharged. The Inspectorate awarded fines totalling CZK 275,000 for the exceedance of the "m" limit (maximum inviolable concentrations) identified based on the inspection laboratories' analysis results.

New legal regulations came into effect on 1 June 2012 (Decree no. 123/2012 Coll., and Government Regulation no. 143/2012 Coll.) concerning charges for wastewater discharge into surface waters. Since they came into force without transitional provisions, the charge determination and liability inspection methods changed in the course of the billing period. This problem will be manifested in the charge bills for 2012.

### **GROUNDWATER CONSUMPTION**

In 2012, we issued 4,459 charge assessments setting the charges for groundwater consumption in 2011, totalling CZK 728 million. We also issued 4,463 advance assessments for advanced due in 2013, totalling CZK 1.25 billion. Pursuant to the amendment to the Waters Act no. 150/2010 Coll., advance payments issued in previous years remain in force unless critical facts have changed. Advance assessments were only issued in 2012 for changed permits for groundwater consumption and for new consumers. We issued 389 new and modified advance assessments, and 100 advance assessments were revoked. Where an entity submitted a charge report illegitimately, the Inspectorate issued resolutions to halt the proceedings (131 instances).



## 04 | CEI work in 2012 by department

### **INSPECTIONS OF WASTEWATER TREATMENT PLANTS BETWEEN 500 AND 10,000 EI**

The systemic inspections under this task focused mostly on compliance with pollution indicator limit values as set by water management authority decisions for pollution discharged in wastewater, on checking the amounts of wastewater discharged, compliance of requirements of operating and handling rules, and compliance with other permit requirements. We inspected 294 wastewater treatment plants up to 10,000 EI in 2012.

Based on violations identified, we imposed 35 fines in administrative proceedings, out of which 22 came into legal force in 2012, totalling CZK 848,000. More than 85% of the administrative proceedings were initiated due to violation of requirements of permits for water handling, e.g., exceedance of permissible values of wastewater contamination indicators, exceedance of the amount of wastewater, and failure to arrange metering of the amount or quality measurement of the wastewater discharged. Since only 12% of the entities inspected violated the Waters Act, we can conclude that the quality of wastewater treatment is improving.

The inspection activity determined that the greatest operating problems persist in WWTP operated by municipalities or associations of municipalities. Thanks to more experience, professionalism and better technical and process equipment, water utility companies achieve better results in operating wastewater treatment plants. The operation is stable and frequent management problems do not occur.

### **EXAMPLES OF PENALTIES IMPOSED**

Technické služby Hostivice – Hostivice WWTP: a fine of CZK 300,000 for exceedance of limit pollution indicators for wastewater discharged in conflict with the requirements of the water management authority permit.

PRAVES, spol. s r. o. – Klenčí pod Čerchovem WWTP: a fine of CZK 50,000 for exceedance of limit pollution indicators for wastewater discharged in conflict with the requirements of the water management authority permit.

### **INSPECTION IN AGRICULTURAL BUSINESSES CONCERNING COMPLIANCE WITH WATERS ACT REQUIREMENTS**

The subject of the inspection was to check farming businesses for their compliance with the Waters Act requirements, notably Section 39, concerning unwholesome substances. The checks focused on hydraulic security of storage facilities for fertilisers and plant protection agents, field repositories, stables and cowsheds, manure pits, bulk fodder stores and petroleum product stores. The inspections also included a review of the water management paperwork.

We inspected 161 agricultural business as part of the departmental task in 2012. These checks resulted in the imposition of 29 fines totalling CZK 922,057 and 19 remedial measures; 11 of the administrative proceedings have not been concluded yet. In some cases, remedial measures were only assessed in

## 04 | CEI work in 2012 by department

record (generally small deficiencies such as addition or updating of accident plans). A number of checks in farming business were carried out based on submissions.

The main deficiencies were identified in storage and application of farm fertilisers and storage of bulk fodders. Additional deficiencies concerned failure to test for leaks, groundwater consumption without water management authority permission, inadequate safety of handling areas by fuel filling stations, and accident plans not approved by water management authorities.

### **INSPECTION OF ENTITIES PURSUANT TO ACT NO. 59/2006 COLL. ON PREVENTION OF MAJOR ACCIDENTS**

Based on the annual inspection plan approved by the Ministry of the Environment, we performed inspections of entities in collaboration with integrated inspection authorities and regional authorities pursuant to Act no. 59/2006 Coll. on Prevention of Major Accidents.

We inspected all the 166 entities classified in group B and 24 selected entities classified in group A. We performed 140 planned inspections in total. In addition, we made 22 unplanned checks, verifying whether information on the amount and type of selected hazardous substances stored agreed with reality. In one case, the company inspected failed to comply with its duty under Section 5 of Act no. 59/2006 Coll., but the regional authority did not initiate an administrative proceeding. Three major accidents pursuant to Act no. 59/2006 Coll. occurred in 2012. They included

the fire at Slovácké strojírný, a.s., SUB operation, facility 07 MEP in Postřelmov. Another fire occurred in the building of TOME GAS s. r. o., a propane-butane storage facility and bottling operation in Branice near Milevsko, where the bottling operation burnt down completely. The explosion of coke-oven gas at Arcelor-Mittal Ostrava, a.s., resulted in injuries to several persons. All the accidents were also investigated into by the Czech Police.

Generally speaking, the entities make efforts to improve their accident prevention systems, yet some operating emergencies still occurred during the year. The integrated inspection authorities continued checking whether the safety documentations agree with reality.

The results of this part of the inspection work can be regarded as having a significant positive environmental impact in the form of preventing accidental releases.

### **INSPECTION OF OLD ENVIRONMENTAL BURDENS**

In 2012, the CEI database of long-term accidents registered approx. 440 sites that are under regular supervision.

The remediation of contaminated sites the elimination of which is funded from the privatisation funds based on a special (so-called environmental) contract made between the acquirer of the privatised property and the Ministry of Finance of the Czech Republic, proceeds pursuant to Directive no. 3/2004 made by and between the MoF and the MoE in order to plan and execute contracts handling environmental obligations



## 04 | CEI work in 2012 by department

from privatisation. The inspection takes place in the form of periodically summoned remediation inspection events in combination with physical inspection of the site. The Inspectorate's supervision task in this area includes the checking of the remediation and monitoring works as well as participation in meetings under review procedures for the remediation projects, elaboration of position statements on project designs, methodological changes, remediation reports, and elaboration of final reports confirming the completion of remedial measures imposed by the CEI decision.

Under this task in 2012, we performed 511 checks and issued 24 decisions imposing remedial measures. Out of that, 21 decision dealt with remediations done under environmental contracts, and 3 were issued to originators of the adverse condition to do remediation of long-term accidents.

The CEI provided information for termination of 8 environmental contracts in 2012, namely of the following entities: ZPA Brno, spol. s r. o., TEKAZ, s. r. o., Zásobárna Nymburk, s. r. o., ABB s. r. o., Akzo Nobel Coatings CZ, a. s., CAESAR CRYSTAL BOHEMIAE, a. s., MORA MORAVIA, a. s., and PROGRESSA, s. r. o. Additional long-term accident sites were terminated in record only (former premises of Strojírny Tatra Zličín, SKANSKA, a. s. – delineated portion of the Jinočanský brook, Bižuterie Česká mincovna, Západočeská energetika, a. s. – Sušice substation).

In the latter half of 2012, the CEI arranged surveying and monitoring the contamination of the rock environment and groundwater on sites contaminated by the sojourn of the Soviet Army and other difficult

sites where there is no acquirer or originator of the adverse condition (Mladá military training grounds, former Soviet Army barracks in Bruntál, water source in Ostrava – Bělský les, former Pilana in Jablunkov, GALMAT galvanising plant in Frenštát p. R., KAVOZ plant in Karviná). The surveys confirmed the existence of contamination; the results will be used in further inspection work.

The main problem in remediations executed under the environmental contracts is still a current lack of funds. In spite of that, the Inspectorate tries to keep a continuity of the remediation works, especially on sites of prime interest, where sources of drinking water for the population or ecosystems on the site are endangered.

### **INSPECTION OF ENTITIES DOING BUSINESS IN WATER SOURCE BUFFER ZONES**

The inspection work focusing on water source protection was to check the current situation in compliance with legal obligations defined by the Waters Act and requirements of water management authority decisions for entities whose operations are potential source of water source contamination. The objective was to perform both a physical inspection and a check of completeness of the water management documentation.

We performed 127 checks in 2012 and initiated 10 administrative proceedings on fines; the amount of fines imposed that came into legal force in 2012 is CZK 35,000.

## 04 | CEI work in 2012 by department

### MAJOR FACTS

Káraný water collection site: even though buffer zones were declared for the Káraný water collection site in 1986, the long-term intensive farming activity in the hydrogeological catchment area of the collection site has resulted in a gradual increase of nitrates in the groundwater, notably in the Quaternary collector, which contains most of the groundwater sources utilised. The systemic inspections are going to continue based on the facts identified.

Římov hydraulic structure: inspection work determined that the buffer zones were redefined and some major pollution sources once inside the buffer zones were excluded from them. However, the Římov lake can still be contaminated as a result of operation of wastewater treatment plants located in its catchment area. For this reason, we performed supervision on the sites located inside the original buffer zones of the Římov lake.

### INSPECTION OF ENTITIES HANDLING UNWHOLESOME SUBSTANCES

The inspections under this task mostly focused on existing or newly established industrial estates, since in many of the large industrial and agricultural enterprises privatisation and other property transfers have resulted in changing owners, division into smaller entities and changes in the production. It was therefore necessary to check how these changes and establishment of new operations have dealt with safe handling of unwholesome substances, how they handle wastewater, and what are the responsibilities of the different entities for wastewater drainage and

operation of hydraulic structures intended to reduce wastewater contamination.

We inspected 25 industrial estates and 84 selected entities within them. The checks determined that the estates are drained via separate sewer systems. Rainwater is pretreated and then discharged into watercourses, and sanitary sewage is either drained via public sewers to municipal WWTP or via internal sewers to WWTP operated within the estates. Industrial wastewater is pretreated and then either drained via sanitary sewers or discharged into surface waters. In some cases, it is collected in dead-end pits and handed over to authorised companies for disposal.

Failures to comply with duties under the Waters Act identified in the industrial estate inspections resulted in the imposition of 11 fines, out of which 10, totalling CZK 253,000, are final and conclusive. We identified 3 cases of exceedance of emission limits set by water management authority permits for wastewater discharge from WWTP or pretreatment facilities, and 2 cases of operator failure to perform required frequency of quality measurements in wastewater discharged. There was one case of discharging wastewater containing a particularly dangerous unwholesome substance in conflict with the permit. Additional fines were given for handling unwholesome substances in larger quantities without an approved accident plan, and for unpermitted groundwater consumption. Decisions imposed 2 remedial measures.

Another 70 entities that are not part of industrial estates but handle unwholesome substances were

## 04 | CEI work in 2012 by department



also checked under this task. The inspections focused on compliance with duties under Section 39 of the Waters Act, compliance with requirements of permits for wastewater discharge, and other legal obligations. We initiated 8 administrative proceedings, and awarded 5 conclusive fines totalling CZK 195,000. The greatest fine of CZK 100,000 was imposed on ŽÁROKOV, v. o. s., in Aš for discharging wastewater from the neutralisation station in conflict with the water management authority permit, specifically for exceedance of emission limits.

### **INSPECTION OF OPERATION OF SMALL HYDROPOWER PLANTS (SHP)**

The SHP inspections focused on compliance with provisions of the Waters Act, notably concerning

water management, compliance with operating and handling rules in force, minimum residual flow rates, and handling of unwholesome substances.

We inspected 69 small hydropower plants in 2012. We imposed 6 fines for violation of the Waters Act provisions totalling CZK 126,000; another 8 administrative proceedings on fines have not been concluded yet. The fines were awarded for failure to observe the defined minimum residual flow rates, operating a small hydropower plant without an approved handling plan, unpermitted consumption of surface waters for exploitation of their energy potential, and failure to install a watermark in a hydraulic structure for checking the minimum residual flow rates. Elimination of smaller defects was required in record; the requirements mostly concerned updating



Kamenice – inlet channel on derivation small water power plant



## 04 | CEI work in 2012 by department

of handling plans. Handling plans not approved by applicable water management authorities remain the chief problem.

### INSPECTION WORK CONCLUSIONS

The overall conclusions from our inspection work performed in 2012 show that the most frequent administrative offences in the area of water management include discharging of wastewater into surface water in conflict with water management authority permits (exceedance of pollution limits in force, notably by WWTP up to 10,000 EI), sometimes without a valid permit issued by the applicable water management authority. Another frequent administrative offence was unpermitted groundwater consumption (consumption without water management authority permission or beyond the set limits).

The most frequent deficiencies in the area of handling unwholesome substances include failure to

implement adequate measures in their storage and handling, absence of approved accident plans and failure to leakage tests on vessels used for storing hazardous substances. Additional problem areas include inadequate sewer systems in municipalities (especially where development is dispersed) and industrial estates (changed uses, sell-out of properties without wastewater disposal arrangements). There is a noticeably high percentage of violation of legal obligations by public recreational facilities (resorts and hotels), where ownership changes are frequent and sewerage arrangements are often complicated.

As in the previous year, a relatively significant fact in 2012 was the stagnating elimination of old environmental burdens, chiefly due to suspended funding for new works.

From the legislative point of view, there is an ongoing problem of heterogeneity, changes and legally unbinding nature of interpretation of legal provisions and their practical applications.



**Composting Plant SETRA - problematic storage of unsound substances**



**Leakage of liquid manure from the container at the Compound of Centre Senička in the Cooperative Farm Senice na Hané**





## 04 | CEI work in 2012 by department

### 4.3 WASTE MANAGEMENT, CHEMICAL SUBSTANCES AND BIOCIDAL PREPARATIONS

#### INSPECTION ACTIVITY IN 2012

Waste Management Department (WMD) inspectors performed 2,892 checks in the course of 2012. There were 1,151 planned and 1,741 unplanned checks, including 502 based on submissions received. WMD inspectors performed 315 checks of facilities operated based on integrated permits, either on their own or in cooperation with CEI IPPC staff. The CEI made 3 crime reports based on the inspection findings, and WMD inspectors were involved in investigation of 11 accidents.

The violations of legal regulations identified in 2012 resulted in the initiation of 887 administrative proceedings and 856 decisions and orders imposing fines. A total of 849 decisions and orders came into legal force in 2012, assessing fines totalling CZK 36,840,100. In addition, 15 CEI decisions defining remedial measures and deadlines for them came into force in the same year.

Besides the above, WMD staff issued 456 expertises for other authorities, 182 position statements for the SEF, and 8 audit assessments in 2012. CEI WMD submitted 112 submissions to other administrative authorities.

A total of 111 appeals were made against the Inspectorate decisions in waste management in 2012; the Inspectorate submitted them to the MoE.

Based on the MoE State Administration Performance Department (SAPD) decisions in 2012, 53% of the CEI decisions were confirmed, 38% of the fines assessed by the CEI were reduced, and 9% of the decisions revoked and CEI proceedings terminated.

The inspection work of the CEI WMD in 2012 was conventionally divided by the applicable acts of law into seven departmental tasks. The departmental tasks include waste, packaging and chemical and biocidal preparations. Inspectors of all the territorial inspectorates also performed checks as part of so-called specific tasks, which the TIs choose themselves, e.g., based on their findings from their inspection work in a previous period.

Based on a request by the Ministry of the Environment, the CEI performed several inspection events in the area of waste management limited in time in 2012. They were chiefly inspections of facilities for collection and repurchase of waste (especially in so-called socially excluded areas) and facilities for collection and processing of car wrecks.

#### OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

##### Facilities for disposal and processing of waste

Under this departmental task in 2012, we performed 319 checks, including 87 based on submissions received. CEI WMD inspectors checked mainly landfills and incinerators as well as facilities for adjustment of hazardous properties of waste. This departmental task also includes the frequently difficult investigation of illegal waste dumps.

## 04 | CEI work in 2012 by department

The violations of legal regulations identified resulted in the initiation of 63 administrative proceedings; the total amount of fines in force in 2012 was CZK 1,880,000.

From the long-term perspective, inspections of landfills can be seen as crucial. The CEI has long performed annual inspections of all the hazardous waste disposal sites. The periodicity and thoroughness of the checks forces the operators to comply with legal standards. The Inspectorate checked 152 waste disposal sites in 2012. The violations of legal regulations in waste management from landfill operation resulted in the initiation of 23 administrative proceedings in 2012.

The most frequent administrative offence in the facilities was the failure to comply with operating rules, especially exceedance of the defined active area of the landfill, failure to perform the prescribed frequency of monitoring, wrong procedure when depositing asbestos-containing waste, inadequate inspection of quality of waste admitted, poorly elaborated basic waste descriptions (or even absence of basic waste descriptions including reports on analytical testing), etc.

The CEI WMD performed 21 inspections of waste incinerators in 2012; 5 instances of deficiencies were identified concerning mostly operators' failure to perform their record-keeping duties.

In addition, we checked 18 facilities for waste adjustment such as decontamination areas and neutralisation stations, and 128 checks focusing on illegal waste disposal (illegal dumping). The CEI received numerous submissions concerning illegal

dumping in 2012. When handling these cases, the quality of CEI cooperation with municipal authorities and property users plays an important role, especially where the originator of the deposited waste or the person who dumped it is not found.

Besides penalties assessed for violation of legal obligations, the Inspectorate also specifies remedial measures.

### **Facilities for waste reuse**

We performed 287 checks focusing on facilities for waste reuse in 2012; within that, 91 were performed based on submissions received. The choice of the subjects was based on the plan of activities, the knowledge of TI regions of jurisdiction, and findings made when inspecting other processing facilities. Nationwide, the checks focused on facilities where waste is reused on the land surface, land reclamation projects, facilities reusing waste pursuant to Section 14, Para 2 of the Waste Act, recycling facilities and facilities where the waste leaves the waste mode after a defined adjustment (e.g., production of fuel from waste, production of recycled goods). In addition, we checked facilities where biodegradable and other waste is adjusted before reuse. A total of 117 decisions came into force in 2012, imposing fines totalling CZK 12,376,500.

As in previous years under the departmental task, we identified serious violations of the Waste Act by facilities reusing construction waste for land reclamation and landscaping, and facilities for reuse of biodegradable waste (composting plants). The most frequent administrative offences included handling

## 04 | CEI work in 2012 by department



of waste in facilities not intended for waste handling under the Waste Act, operation of facilities in conflict with approved operating rules, failure to secure waste from undesired release or theft, failure to keep records on waste admitted, and inadequate documentation of the quality of waste admitted, especially with respect to the limits set by executive legal regulations, be it for reuse on the land surface or handling with biodegradable waste.

### **Facilities for collection and repurchase of waste**

WMD inspectors of all the territorial inspectorates performed 383 checks of waste collection and repurchasing operations, mobile waste collection facilities and municipal recycling yards in 2012. Out of this number, 144 checks were performed as part of a special inspection event aimed at mapping the situation in the area of waste collection and repurchase in socially excluded areas of the Czech Republic.

The violations of law identified resulted in the initiation of 82 administrative proceedings and the issuance of 79 decisions and 102 orders imposing fines. A total of 177 decisions and orders came into legal force in 2012, imposing fines totalling CZK 6,174,000.

The most frequent administrative offence was operation of a facility in conflict with approved operating rules. Unlike in previous years, operating a facility without the required approval of the regional authority was not a frequent offence. In some cases, we found out again that, in conflict with the Waste Act, waste collection facility operators themselves handle waste generated by their own activities.

### **Facilities for collection, repurchase and processing of car wrecks**

We performed 150 checks in facilities for collection, repurchase and processing or reuse of car wrecks in 2012. Besides planned checks and checks based on submissions received, inspectors of all the territorial inspectorates checked more than 60 facilities as part of a special inspection event upon the request of the Ministry of the Environment.

The violations identified in the inspections in 2012 resulted in the initiation of 32 administrative proceedings and the issuance of 31 decisions and 19 orders imposing fines. A total of 50 decisions and orders came into legal force in 2012, imposing fines totalling CZK 2,022,000. In addition, one decision defining a remedial measure and the deadline for its implementation came into legal force.

Like in previous years, the inspectors found out that especially natural persons licensed to do business dismantle and process large quantities of car wrecks in facilities that are not intended for this purpose under the Waste Act. Compared to previous years, there was an increase in the number of cases of natural persons not licensed to do business (citizens) dismantling car wrecks illegally in unsecured areas and in ways that threaten both their health and the health of citizens living in the immediate vicinity, while also being able to cause environmental damage. Such cases are particularly common in socially excluded areas, where socially impoverished citizens try to improve their economic standing by reselling various commodities extracted from car wrecks.

## 04 | CEI work in 2012 by department

### **Collection of used products**

In 2012, we performed 137 checks in the area of collection of used products: electrical appliances (incl. processors of electrical waste), batteries, tyres and oils.

The planned checks focused on performance of the obligation to provide collection by manufacturers of electrical appliances and batteries and entities required under Section 38 of the Waste Act, as well as the obligation to provide collection by end retailers and the obligations of processors of waste originating from such commodities. A total of 28 conclusive fines came into force, totalling CZK 313,000.

#### **• Manufacturers of batteries and electrical appliances**

Among manufacturers of electrical appliances and portable batteries, the inspection work focused on checking so-called free riders (entities not contributing along with the other manufacturers to the establishment of a collection and processing system or not contributing towards so-called historical electrical appliances), and manufacturers not involved in collective systems. However, in the area of collection of used electrical appliances, the Inspectorate has long faced lasting difficulties and unclear legal environment concerning the mandate of collective systems for funding for historical appliances. We inspected 32 manufacturers and distributors of electrical appliances and 15 manufacturers of batteries, and imposed 15 fines on them totalling CZK 207,000. The deficiencies identified were mostly that until checked by the CEI, the entities had not met their obligations in relation to the collection (free riders), or had failed to submit a final report on meeting their obligations to the MoE.

#### **• End retailers of batteries and electrical appliances**

These checks focused on collection and ensuing handling mostly of portable button-sized batteries, which are an economically attractive commodity just like lead storage batteries (they contain silver). Therefore, these batteries once collected are at risk of being lost outside the defined collection system and the adequate final processing. The checks of end retailers found no major shortcomings with a few exceptions, e.g., several free riders and inadequate provision of information for consumers concerning the option to hand in used batteries. We performed 65 inspections of retailers of products subject to collection when used; 6 conclusive fines were imposed for violations of end retailers' duties, which also show that the collection system organised chiefly by collective systems is a very well functioning services for the product end users.

#### **• Tyres and oils**

We performed 5 checks of mandatory entities and 15 checks of end retailers of these commodities; mostly based on submissions received, we inspected car repair shops and end retailers of new and used cars, where we identified 2 cases of violation of the end retailers' obligation to inform about collection of car batteries, waste oils and tyres.

### **Inspections of industrial enterprises and other originators of waste**

As part of our inspections focusing on performance of waste originators' obligations, the Inspectorate performed 790 checks in 2012, including 174 based on submissions received.



## 04 | CEI work in 2012 by department

The Inspectorate conducted 197 administrative proceedings on the imposition of fines in 2012; the total amount of fines imposed under this departmental task was CZK 4,545,000.

The inspections in 2012 focused on major waste producers, notably entities handling large quantities of mostly hazardous waste in their operations.

The most common administrative offences included transfer of waste ownership to unauthorised entities, collection of waste not sorted by type and category, failure to perform record-keeping duties, and handling of hazardous waste without prescribed permission. The Inspectorate found recurrent deficiencies notably in the area of handling of construction and demolition waste. The significance of checks of waste originators lies in the fact that the Inspectorate controls the flow of waste from its point of origin and information acquired can be used for more effective inspection of facilities intended for final waste utilisation or disposal. The CEI's effort is to achieve a situation of maximum transparency of the entire waste handling process.

### **Inspections of performance of duties under the Packaging Act**

Inspections of performance of duties under the Packaging Act were performed at 169 entities in 2012. For example, we checked manufacturers of various packaged goods, retail chains selling foodstuffs, shoes, household chemicals and cosmetics, e-shops and entities importing packaged goods.

Based on the inspection results, the CEI initiated 81 administrative proceedings on the imposition of fines.

A total of 74 decisions came into force, imposing penalties totalling CZK 4,929,000.

This relatively large amount of fines imposed pursuant to the Packaging Act was, among other things, the result of the time-consuming and professionally demanding checks performed at various entities handling packaged goods in retail chains with nationwide coverage. Additional major violations of duties under the Packaging Act were identified at importers of packaged goods intended for consumers (chains selling household chemicals and cosmetics), as well as major manufacturers of metal components.

Besides the planned inspections, the CEI performed checks based on submissions received and invitations to inspect pursuant to the Packaging Act sent to the CEI by customs authorities. An example of handling a submission pursuant to the Packaging Act was the performance of 16 checks in e-shops mostly selling electronics. We identified three cases of failure to perform the duties concerning larger quantities of packaging. Therefore, the CEI proceeded to the imposition of fines amounting to tens of thousands of crowns. Based on invitations sent by customs authorities, the CEI imposed 10 fines totalling CZK 460,000.

Major violations of duties were found both at entities performing their duties autonomously pursuant to Section 13, Para 1a), and those who have a contract with an authorised packaging company.

## 04 | CEI work in 2012 by department

### **Inspections of adherence to the Chemicals Act**

The CEI performed 520 checks under the Chemicals Act (including European legislation: the REACH regulation, the CLP regulation and the detergent regulation) in 2012. The selection of entities to inspect was made by territorial inspectorates and based on submissions received. The checks pursuant to the Chemicals Act included mostly supervision over the classification, packaging and labelling of hazardous chemical substances and mixtures. Part of the inspections involved supervisory activity pursuant to the REACH regulation (251 entities), the CLP regulation (17 entities) and the detergent regulation (10 entities).

A total of 126 decisions on fines pursuant to the Chemical Act came into force in 2012. The fines imposed totalled CZK 2,962,700. The highest conclusive fine amounted to CZK 120,000. The violations identified included both failure to meet the requirements of the Chemicals Act when classifying chemical mixtures and their improper packaging and labelling, and failure to perform obligations arising from the REACH regulation.

The CEI focused part of its 2012 inspections on the product category of “construction chemistry”, which poses a risk for consumers. The CEI checked for compliance with the provisions of the Chemicals Act, the CLP and REACH regulations (MSDS). Throughout the Czech Republic, the inspectors made inspections of 18 randomly selected distribution network companies. Based on these checks, we initiated 12 administrative proceedings; 11 fines came into force in 2012 totalling CZK 253,000.

### **INSPECTIONS PURSUANT TO THE BIOCIDAL PREPARATIONS ACT**

The CEI inspected 47 entities pursuant to the Biocidal Preparations Act in 2012; we identified 17 instances of violation of the Act and initiated administrative proceedings. All the 17 decisions, imposing fines totalling CZK 236,500, came into legal force in 2012. The failure to meet the legal requirements mostly consisted in inadequate labelling of biocidal preparations.

### **OVERVIEW OF PERFORMANCE OF SPECIFIC TASKS – SUMMARY**

Under the specific tasks in 2012, the territorial inspectorates focused on the areas of waste handling in medical, care and spa operations and in agricultural and mechanical engineering operations. In addition, the inspectors’ attention focused on clock and watch repair shops, metallurgical and glassmaking facilities, and one territorial inspectorate focused on car wrecking facilities as part of its specific task.

A total of 109 inspections were performed, resulting in the imposition of conclusive fines totalling CZK 533,000. The average fine amount was CZK 28,000; the highest conclusive fine imposed was CZK 240,000.

### **INSPECTION WORK CONCLUSIONS**

CEI WMD inspectors fulfilled the annual inspection plan in 2012. They also made a large number of unplanned checks and checks based on submissions



## 04 | CEI work in 2012 by department



received. Since the trend of decreasing CEI staff continued in 2012, the Inspectorate performed fewer inspections in 2012 than in 2011 and the total amount of conclusive fines was lower. Another reason for the long-term decline in the total amount of fines is the fact that there has been a reduction in the various industries of the Czech Republic's economy, resulting in lower waste generation. Whereas the total waste production in the CR grew in 2006–2008, a dramatic decrease occurred in 2009 and 2010. Since the amount of waste generated is lower, the chances for unauthorised handling of the waste are reduced proportionately. This is especially true in the construction industry, where the CEI used to impose massive fines in the previous years (unauthorised handling of large amounts of waste), whereas the waste production decreased in 2009.

Nevertheless, the numbers of administrative proceedings on the imposition of fines conducted and the total amount of the fines imposed continue to be a proof of the necessity of systemic inspections of waste handling in the future. Recurrent and systemic inspection is an effective instrument for the State to influence entities handling waste and so reduce any adverse environmental impacts of human activity.

Based on the evaluation of the results of the work of the CEI WMD under its departmental and specific tasks, we can conclude that in spite of an improvement in compliance with regulations in force, there is a continuing need to periodically supervise every type of facility for waste handling, if possible, as well as a wide range of waste originators. In spite of that, some of the fines imposed, amounting to millions of crowns

in some particularly serious cases, indicate that some enterprises do not intend to respect legislation in force in a due manner.

The purpose of the CEI supervision is not to restrict business activity in the area of waste management, but rather to achieve a situation where such business is economically attractive for the involved entities in spite of the fact that it is done in compliance with applicable legislation.



**The ruins of the place of business in the compound Brněnec**



**The car dump of the company APA**

## 04 | CEI work in 2012 by department

### 4.4 NATURE PROTECTION AND CITES

#### INSPECTION ACTIVITY IN 2012

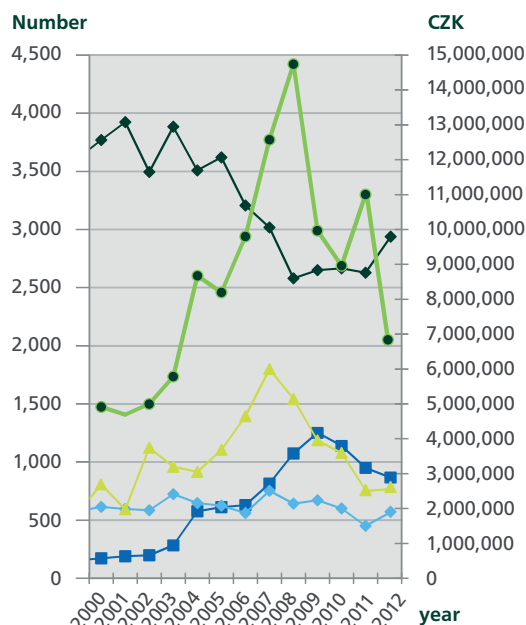
The NPD performed 988 planned and 1,480 unplanned checks in 2012; the total inspection work involved 2,942 investigations. The planned activity involves the performance of both departmental and specific tasks. The unplanned activity is the result of submissions received and our own findings connected to our inspection work.

The NPD issued 565 conclusive administrative decisions in 2012, including 417 on penalties, 33 on remedial measures, and 30 on restriction or halting of operation. The total amount of the fines imposed was CZK 6,803,000; within that, CZK 5,945,900 was assessed to corporate bodies and natural persons doing business, and CZK 857,100 to natural persons not doing business. In addition, we issued 85 decisions on confiscation or seizure of illegally kept specimens and 19 preliminary measures. Compared to 2011, the number of criminal reports made decreased from 18 to 11. The total amounts of fines imposed by the TIs depends on the total number of decisions issued, the nature of the cases, the quality of state administration performance, and last but not least, the MoE's activity in appeal proceedings. Appeal proceedings in 2012 dealt with fines imposed by the CEI totalling CZK 5,700,300; decisions on appeals worth CZK 3,397,000 came into legal force. The total amount of fines was reduced by the body of appeals by nearly 41%.

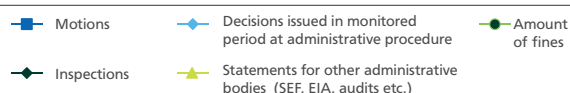
The year 2012 was the fourth year in a row to see a decrease in the number of submissions handled,

from 1,140 in 2009 to 867 submissions received, a total drop of 24%. The year-on-year decrease was 9%. In spite of that, the amount of work connected with handling the submissions continues to be huge and restrict the capacity for performing other activities, mostly planned ones. The legitimacy of the submissions is nearly 50%; this means that in

#### Development of performance index of NPD



#### Caption





## 04 | CEI work in 2012 by department

up to one half of all the cases, the CEI proceeded to investigate the submissions and then initiate offence or administrative proceedings. However, the reduced load on the NPD due to the total number of submissions was frequently compensated for by the complexity of the ensuing resolution of the illegal conduct identified. The NPD handled a small proportion of the submissions in cooperation with other CEI departments. As usual, most of the submissions concerned protection of trees outside forests, involving illegal tree felling and damaging tree doctoring. The other most common category of submissions concerned species protection. Various harmful activities in especially protected areas and harm to prominent landscape features were also commonly notified.

Effective as of 1 July 2012, the Czech Environmental Inspectorate became the applicable body pursuant to the amended Act no. 326/2004 Coll. on Phytosanitary Care, namely as concerns issuance of position statements on plans for aircraft application of preparations (Section 52, Para 3 of the Act) and measures required for environmental protection near the affected area. The CEI's power consists in assessing the environmental impacts of planned aircraft application and environmental effectiveness of proposed preventive measures. The CEI issued 25 position statements on special aircraft applications of preparations upon request in 2012.

### TRADE IN ENDANGERED SPECIES – CITES

CEI inspectors performed 559 checks pursuant to Act no. 100/2004 Coll. (CITES) in 2012. Out of that, 69% of the checks concerned imports and exports via



**Confiscated tiger skeleton**

international airports and custom mail, i.e., international trade in endangered species, and 31% concerned with internal Union trade with CITES specimens. When inspecting CITES specimens imported and exported, 71 of the checks identified violations of law, i.e., every 5–6<sup>th</sup> shipment checked was not in order. The CEI conducted 109 penalty proceedings, and fines totalling CZK 356,900 (conclusive decisions) were imposed in the area of CITES. We also conducted 81 proceedings on seizure of specimens; we seized 1,077 specimens.

The CEI assisted in 7 house searches and executions performed by authorities involved in criminal proceedings: CEI inspectors were involved in the actions as expert consultants.

The international biodiversity protection and CITES inspection department of the CEI directorate deals primarily with the international CITES issues

## 04 | CEI work in 2012 by department

(inspection of imports and exports and internal cooperation), investigation of major instances of law violation and cooperation with authorities involved in criminal proceedings, and it also provides professional services for other CEI inspectors. At present, it runs 70% of all the CEI CITES inspection work.

We continue our successful cooperation with the Customs Administration as part of the Standing Special Working Group, established in 2007. There are efforts to intensify our cooperation with the Czech Police and establishing contact with the judiciary component of state administration: state attorneys and judges. The 5th annual three-day seminar CITES Enforcement in the CR was organised in 2012, intended for inspectors, police, customs authorities, state attorneys and judges, attended by 123 participants. The seminar included presentations of major current cases, new trends in the CITES area, forensic methods, etc. The educational textbook Wildlife Crime was ready for state authorities enforcing the law on CITES.

### **GENETICALLY MODIFIED ORGANISMS (ACT NO. 78/2004 COLL.)**

A total of 42 inspections were performed as part of the GMO inspection activity in 2012, including 13 checks focused on introduction of GMOs into the environment (field experiments), and 29 focusing on entities handling with GMOs in the closed handling regime in risk categories 1 and 2.

The inspection work proceeded according to the internal plans of the CEI TIs based on recommendations of the CEI Directorate. The checks focused primarily

on entities where the last inspection had been carried out 3 or more years before, as well as new entities that handle GMOs based on notification or application. In addition, we checked all the field experiments in progress permitted by the MoE Department of Environmental Hazards and Environmental Damages.

The inspections performed at the entities, both planned and unplanned, found no deficiencies threatening the environment or any major violations of law in 2012. Only in two cases (at the very end of 2012) did we impose penalties since one entity had long been identified to show discrepancies between the requirements of its permit according to which it was to conduct the field experiment and the state of the facts identified.

In 2012, we continued our cooperation with the Slovak Environmental Inspectorate biological safety department concerning GMOs by means of a joint workshop on GMO inspection in the two countries. The CEI (GMO) representative participated in the joint EEP conference (European Enforcement Project on Contained Use and Deliberate Release of GMOs) held by the association of EU countries' GMO inspectorates in Copenhagen, Denmark in May 2012. The conference is held annually in order to unify the GMO inspectors' work processes in the EU countries as well as propose potential changes or amendments to legislation within the EU and exchange information on the inspection practice in the individual EU countries.



## 04 | CEI work in 2012 by department

### ZOOLOGICAL GARDENS (ACT NO. 162/2003 COLL.)

Inspection of zoological gardens was performed by the CEI in 2012 in connection with periodic checks of licensed zoos organised by the MoE Department of Species Protection and Implementation of International Commitments (SPIIC) together with the Zoo Committee of the MoE and the CEI.

We inspected 10 zoological gardens in the course of 2012. The zoo inspections found no deficiencies that would constitute conflict with Act no. 114/1992 Coll. and Act no. 100/2004 Coll., meaning de facto the requirements of the licences for operation of zoos, or Act no. 162/2003 Coll., which also covers the CEI inspection work.

The CEI inspected 4 zoos that had applied for licences, as part of the licensing proceedings. The CEI inspection identified minor discrepancies in some of these zoos,



which were gradually eliminated. After the defects were eliminated, the MoE SPIIC granted the licences to four new zoos for a two-year period under the 2012 licensing proceedings. These are paraZOO Vlašim, Park exotických zvířat, Krokodýlí ZOO, Terárium Praha. Zoopark Zájezd did not reapply for a licence by the end of 2012.

### OVERVIEW OF PERFORMANCE OF DEPARTMENTAL TASKS

#### **Supervision over compliance with the NLPA requirements in performance of devolved state administration by municipalities with extended powers**

This inspection was made by agreement with the MoE Department of General Nature and Landscape Protection, based on CEI findings of how the unsatisfactory performance of state administration ultimately leads to damage to nature and landscape. The CEI supervision work in this area arises from Section 80, Para 1 of Act no. 114/1992 Coll. on Nature and Landscape Protection. We supervised twenty municipal authorities in the last year, which together with the other 20 in 2011 is enough for the CEI to be able to draw generalised conclusions. It can be said that approx. 10% of the supervisions found administrative work that was very good, another 20% was satisfactory, and the rest of the cases was unsatisfactory. This high percentage leads the CEI to the conviction that the situation has to be dealt with and remedial action has to be sought. After all, the poor and worsening state of the landscape outside specially protected areas is a proof of it, and partially the consequence of it.



## 04 | CEI work in 2012 by department

Speaking of the deficiencies identified, they can be divided into two basic categories. The first one includes failure of duties imposed on municipal authorities by the Rules of Administrative Procedure, chiefly the fundamental rules of work of administrative authorities, such as failure to meet the obligation to identify all circumstances important for protection of public interests as well as failure to identify conditions that are not subject to justified doubt. Administrative deeds issued mostly lack justification of reasons for their statements, information leading to their issuance and deliberations that the administrative authority followed, which means they deny review. The other category of shortcomings includes failure to meet obligations imposed by the Nature and Landscape Protection Act. The authorities fail to assess information necessary for issuance of administrative deeds, such as the functional and aesthetic significance, ecosystem stability, natural, cultural and historic values of landscape, etc., and fail to require issuance of administrative deeds where the NLPA requires it. At present, there is a hot debate in connection with the amendment of Section 66 of the NLPA concerning methods of preventing activities that were approved by nature protection authorities yet the administrative deeds show signs of illegitimacy, chiefly due to denying review.

We are aware of the fact that general nature and landscape protection issues are not only matters for state administration. However, it is undoubtedly a very important safeguard against failure of the entire system from authorised entities involved in construction to spatial planning process to issuance of administrative deeds. This is why

constant methodological and inspection activity of relevant authorities, starting with the Ministry of the Environment, is necessary. According to the CEI, it is necessary to develop a methodological guidance for performance of state administration by municipal authorities with extended powers, which would contribute to improvement and harmonisation of the state administration quality not only at this level but also at lower levels as well as at inspection, appeal and review authorities. This guidance would reflect the latest judgments of administrative courts. Its first part would be general, emphasising the status of nature and landscape protection as a public interest, followed by the roles of administrative authorities in protecting it, including principles of their work, specified in terms of general nature and landscape protection. The second part would be progressively complemented with methodologies on issuance of the various administrative deeds under the powers of municipalities with extended powers (over 20 areas pursuant to the law). It will be essential to start developing these methodologies where the work of administrative authorities has a critical impact on the appearance and functions of landscape, such as the spatial planning process, tree protection, protection of prominent landscape features and the landscape character. It is also necessary that this methodological activity be approached systemically, meaning that the submethodologies will be parts of an overarching publication. It would be extremely advisable to develop a system for publishing these papers, including the subsequent transmission of information to the relevant administrative authorities and a system of inspecting their application in the administrative practice. Due to its extensive concrete experience gained from





## 04 | CEI work in 2012 by department

long-term supervision work, the CEI is ready to participate in producing this material.

Although this departmental task as such will not continue in 2013, the CEI will continue following this issue in specific cases and forward defective administrative deeds issued by other nature protection authorities for review.

### **Inspections of agricultural business as part of the Cross Compliance process with an emphasis on defined inspection requirements**

We made cross compliance inspections in 268 agricultural business in 2012, evaluating their compliance with legislative requirements on their business arising from Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (196 checks) and Council Directive 92/43/EEC on the conservation of natural habitats (90 checks). As is traditional, the checks focused on soil blocks with trees outside forests, land connected with watercourses and alluvial plains, and sites registered in the LPIS as nesting sites for water rails and waders. Besides, we checked land with free-range cattle and grass stands under special management regimes pursuant to the settings of the AEO EAFRD subsidy scheme. Increased attention was paid to land interfering with SPAs and SACs.

As in previous years, no significant violations were identified in any of the entities inspected that would lead to a proposal to reduce the subsidies. Ordinary shortcomings were resolved during the inspections themselves and recorded in reports on inspection

findings, which also specified methods and deadlines for remedies. In contrast to that, some of the damages identified became the subject of penalty proceedings pursuant to the Nature and Landscape Protection Act. In one case, a natural person doing business was awarded a fine for damaging a watercourse and an alluvial plain; other checks discovered law violations notably in connection with felling of trees outside forest. They were all trees felled outside the soil blocks, meaning no effect on the subsidies, although at least one of the felling was motivated by the effort to make it easier to farm on the soil block. Administrative proceedings on the imposition of fines were initiated against three business entities for illegal felling of trees; the guilt of a specific entity could not be proven in some other cases of damage.

The CC inspections continuously involve raising awareness: the entities inspected are informed about potential conflicts between farming and environmental protection. They mostly concern potential threats to trees outside forest, prominent landscape features such as water courses and alluvial plains, and nesting birds.

### **Inspection of compliance with preliminary and basic SAC protection (pursuant to Sections 45b and 45c of the NLPA) with selected objects of protection in connection with inspection of compliance of farming and other human activities with Act no. 114/1992 Coll., notably with respect to Section 45b, Para 1 and Section 45c, Para 2 of the NLPA**

The CEI performed inspections of 87 Special Areas of Conservation (SACs) and sites supporting selected

## 04 | CEI work in 2012 by department

species of Community importance in 2012. They mostly included sites declared in order to protect amphibians (14); most of the cases were follow-up examinations of previously checked sites. A significant proportion were SACs supporting bats of Community importance (7), the hermit beetle and the great Capricorn beetle (10), gossamer-winged butterflies associated with the great burnet (4) and selected habitats of Community importance. We also checked sites supporting the European ground squirrel, Eurasian beaver, Eurasian river otter, Atlantic salmon, European bullhead, narrow-mouthed whorl snail, stone crayfish, rosalia longicorn, green club-tailed dragonfly, and the tadpole shrimp. The inspections also involved SACs declared for the protection of some plants (hamatocaulis moss, fen orchid, lady's-slipper, lily-leaved bellflower, Sudetan lousewort, Bohemian dwarf gentian, and the ladder spleenwort). All the checks focused on determining the site conditions, identification of any adverse impacts on the object of protection, and verification of conformity of farming and other activities with the law.

Many of the sites were found to show long-term decline in the numbers of the objects of protection, which is the case of some of the SACs supporting fire-bellied toads and the northern crested newt. In the U Borovné SAC, the permanent dump of construction debris and municipal waste was specified as the potential adverse factor, but the originator could not be established even with the help of the police. Elsewhere, we failed to identify concrete adverse influences. In the Heřmanský stav SAC, we mapped the condition of illegal backfills built in the reeds by local fishermen historically. Besides documenting

the current condition, we made a submission to the applicable building authority in order to check the legitimacy of these "structures".

In two sites supporting the river otter, we checked mainly the water consumption by SHP operators. The investigation in the SACs Šlapanka and Zlatý potok resulted in a suspicion of possible failure to keep the defined minimum residual flow rates, which was submitted to the water protection department for review. On the same site, we imposed a fine, so far not conclusive, for depositing construction debris and other waste. Problems were found on some sites declared for protection of the dusky large blue butterfly, namely the SACs Podtrosecká údolí and Ronov, Vlhošť. Periodical monitoring is almost not done, and neither is appropriate management; the species was not spotted in the site areas checked at all. The site manager was informed about the investigation results; reportedly, it registered rare sightings of the object of protection elsewhere, frequently outside the SAC. The not very satisfactory condition of the sites as such cannot be regarded as a violation of legal regulations. The applicable nature protection authority was also notified of the unsatisfactory state of the population of the ground squirrels on one of the sites inspected.

Absence or decrease in numbers of the objects of protection was also registered on some sites supporting the hermit beetle and the great Capricorn beetle (Štěkeň). Concrete damage was registered in the SAC Třeboň, where the CEI initiated an administrative proceeding on the imposition of a penalty in connection with the cutting and removal of wood material and failure to present a position



## 04 | CEI work in 2012 by department

statement ruling out any serious or irreversible damage to the SAC. This proceeding has not been concluded yet. In the other cases, we did not prove any adverse impacts or violations of legal regulations by any specific entities. All the potentially harmful activities were done in compliance with the law or we failed to identify their originators.

### INSPECTION WORK CONCLUSIONS

The results of inspections performed by the NPD in 2012 confirmed conclusions partially persisting from previous years:

- The CEI continues to see it as important to pay attention to inspection of substitute planting executions, especially in towns and cities, which are at risk of losing greenery due to considerable tree felling.
- The results of inspections of agricultural business as part of the Cross Compliance process indicate that there has been no violation of nature and landscape protection legal regulations in this area that would lead to any imposition of penalties or other measures. Therefore, the Inspectorate sees the chief importance of awareness raising among farmers leading to maintenance and improvement of the natural environmental conditions.
- It follows from the CEI inspection work that watercourse managers implement action connected to elimination of flood damage without acquiring the binding position statement of nature protection authorities concerning intervention with the watercourse (alluvial plain) prominent landscape features, as well as any other administrative deeds

such as exemptions from species protection, etc. This situation is aggravated by the heterogeneous attitude of MoE authorities to the interpretation of Section 83, item m) of the Waters Act, where the interpretation committee has stated that such activities require species exemptions, whereas the legislative department said that the overall NLPA exemption applies to cases of elimination of flood damage listed in the report. The CEI agrees with the conclusion of the legislative department, but it demands urgently that the term flood damage be only applied to damage that has to be eliminated immediately in order to prevent further major damage to life and property such as infrastructure, development, etc. After all, Section 65, Para 4, item c) says that flood action, including elimination of flood damage, does not include construction, maintenance and repairs of structures and other devices used for flood protection as well as capital investment induced by floods.



## 04 | CEI work in 2012 by department

### 4.5 FOREST PROTECTION

#### INSPECTION ACTIVITY IN 2012

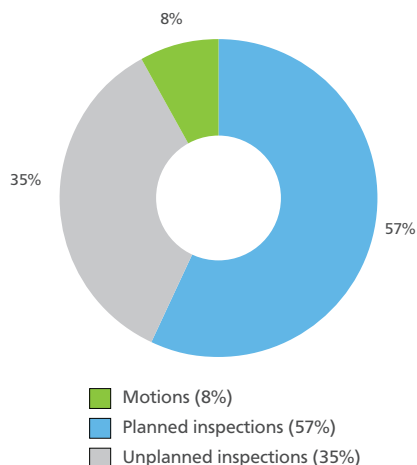
Inspection work in the area of forest protection was done by 46 inspectors in the last year; given the extent of forest in the Czech Republic, covering approx. 34% of the territory, this translates into 57,910 hectares per inspector on average. The legal framework applicable to the inspection work in this environmental protection department did not change in the course of the year; it consisted primarily of Act no. 282/1991 Coll. on the Czech Environmental Inspectorate and its competencies in forest protection, Act no. 289/1995 Coll. on Forests and amendment and completion of some acts of law (the Forest Act), Act no. 149/2003 Coll. on introducing the reproductive material of forest woody plants of important species and artificial hybrids intended for forest regeneration and reforestation, and on amendments to some relating acts (Act on Trade in the Reproductive Material of Forest Woody Plants), and Act no. 114/1992 Coll., on Nature and Landscape Protection.

The FPD of the TIs performed 1,299 forest protection inspections in 2012. Out of that, 807 were planned and 492 unplanned. The FPD of the TIs participated in multi-departmental tasks as well, although their number cannot be regarded as substantial. They included actions in cooperation with the nature protection departments (Č. Budějovice, Plzeň, Olomouc, Ostrava and Liberec TIs), waste management departments (Olomouc and Liberec TIs) and water protection departments (Olomouc, Ostrava and Liberec TIs). The checks mostly concerned sites with increased protection regime.

Compared to 2011, the total number of inspections was 290 fewer. This was partly a consequence of the staff changes in the FPD of the TIs and, in some cases, inspectors' long-term incapability of work. Even though the checks concerned forest properties under every type of ownership, the overwhelming majority of them focused on small-scale forest properties owned by natural persons and municipalities, where the occurrence of administrative offences is higher due to the different quality of professional forestry supervision based on our experience.

#### The inspection work in 2012 resulted in administrative proceedings imposing:

139 penalties, out of which 126 decisions on fines totalling CZK 14,910,500, came into force. We also issued 247 decisions on remedial measures to remedy administrative offences identified. Out of them,



Motions, planned and unplanned inspections in 2012

## 04 | CEI work in 2012 by department

242 came into force. Compared to the previous year, the number of conclusive fines increased from CZK 9,019,400 in 2011 to CZK 14,910,000. The reason is an increase in illegal logging and failure to reforest clearings from such logging done in previous years.

**The amounts of administrative offences in the last year were as follows:**

Conclusive fines imposed by the TI FPDs: Praha CZK 4,819,000; Č. Budějovice CZK 1,130,500; Plzeň CZK 1,459,000; Ústí n/L. CZK 220,000; H. Králové CZK 3,472,000; H. Brod CZK 585,500; Brno CZK 110,000; Olomouc CZK 2,790,000; Ostrava CZK 184,500; Liberec CZK 140,000.

The CEI was very successful in the appeal proceedings. Cases were returned for renegotiation and fines were reduced or revoked only in sporadic cases. In total, 36 cases passed through appeal proceedings up to administrative decisions or resolutions.

One criminal report for an unknown perpetrator was filed in the last year, under H. Králové TI, due to the extent of clearings following illegal logging and the adjacent unsecured stands. According to the CEI information, courts are currently dealing with 7 cases of appeal concerning administrative offences in forests.

As seen below, the range of administrative offences is not broad, but a new phenomenon has been registered: an unprecedented increase in illegal logging. They were registered by all the TIs except Havlíčkův Brod and Liberec. With their thorough preparation, organisation and increasing extent, these offences cause threat and damage to forest environment. The amount of proven



Forests devastated by sika deer in Líšňany



Fields and meadows devastated by sika deer in Líšňany



## 04 | CEI work in 2012 by department

illegally logged timber was 13,475 m<sup>3</sup>; a full 4,400 m<sup>3</sup> was identified by H. Králové TI and 3,187 m<sup>3</sup> by Plzeň TI. A major part of the illegally logged timber could not be quantified for various reasons (e.g., Olomouc and Ostrava TIs), and many cases are still being investigated (Plzeň TI). The increase in deforested clearings is in a causal relationship with illegal logging (Praha and Č. Budějovice TIs). The inspections performed resulted in 2 preliminary measures (Ostrava TI) and 2 instances of halting or restricting operations (Hradec Králové and Brno TIs).

We investigated 117 submissions in the course of the year. They mostly concerned logging, chiefly in municipal and private forests, topsoil damage by forest traffic, forest protection from biotic agents, waste and garbage deposition on forest land, forest land occupation, and failure to reforest clearings. A significant submission was received at the end of the year: it concerned damage caused by sika deer in a community hunting ground at Líštiny under Plzeň TI, where part of a forest managed by LČR, s. p., was damaged.

We registered and examined 3 repeated complaints about the head of Hradec Králové FPD concerning the imposition of a fine and a ban on game luring. All of them were assessed as unjustified. There was a minimal amount of requests for information: only 2 pursuant to Act no. 123/1998 Coll. in Olomouc and Liberec TIs, and 1 pursuant to Act no. 106/1999 Coll. in Olomouc TI. They were all handled in time.



**Spruce scrubs broken down by bark beetles in age ca 30 years in Střítež nad Ludinou. The problem bear on large number of forest owners, particularly natural persons.**

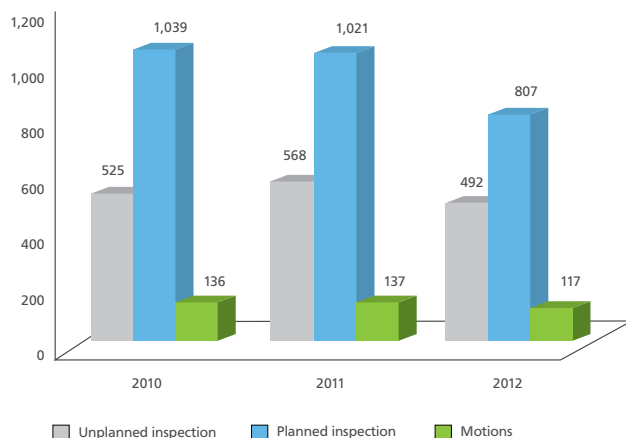




## 04 | CEI work in 2012 by department

### Major inspection findings in the last year concerned:

- illegal logging
- failure to reforest clearings older than 2 years
- development of biotic agents (decrease compared to 2010 and 2011, especially in Šumava NP)
- failure to implement remedial measures based on administrative decisions
- unpermitted occupation of LIFFF
- damage caused by game
- forest damage by logging and log tugging, stand stability violation
- protection of LIFFF – recreational activities



Number of inspections in 2010 – 2012

### Major administrative offences in terms of fines imposed:

- failure to implement remedial measure to reforest clearings covering 27 ha by Velkostatek Soutice, s. r. o., resulting in a fine of CZK 2,700,000 (Praha TI);
- illegal logging by DECEMBER DREAMS, s. r. o., resulting in a conclusive fine of CZK 1,000,000 (Praha TI),
- failure to implement remedial measure to reforest clearings by Roju Trade, s. r. o., resulting in a conclusive fine of CZK 386,000 (Praha TI),
- failure to implement remedial measure to reforest clearings from illegal logging at Domanín u Třeboně, resulting in a conclusive fine of CZK 280,000 (Č. Budějovice TI),
- illegal logging by LANDININE, s. r. o. Brno in private forests at Vnorovice, resulting in a fine of CZK 400,000 (Č. Budějovice TI),
- unauthorised use of forest land for purposes other than forest functions by ŽELEZÁRNÝ Hrádek, a. s., with a fine of CZK 400,000 (Plzeň TI),
- illegal and inadequate thinning of forest stands, damage to topsoil, trees and their roots by Iron, s. r. o. at Myslinka, with a fine of CZK 300,000 (Plzeň TI),
- illegal logging by the owner I.L.C., a. s. at Oleško u Rohatců, resulting in a fine of CZK 200,000 (Ústí n/L. TI),
- illegal logging by I. L. C., a. s. at Libňatov, Korouhev, Jedlová u Poličky and Chlum u Hlinska with a fine of CZK 2,500,000 (H. Králové TI),
- illegal logging by S.I.N. Corporation at Horní Heřmanice, Nové Lesy and Lipnice u Dvora Králové with a fine of 250,000 (H. Králové TI),
- illegal logging by I. L. C., a. s. at Jaroměřice with a fine of CZK 280,000 (H. Králové TI),

## 04 | CEI work in 2012 by department



By approximation of harvested wood in Myslinka came to damage of the soil cover with the formation of tracks with a depth of 20–50 cm in total length of 2,554 m to scratch trees and to damage of roots.

- clearings not reforested by Zvelebil, s. r. o., resulting in a fine of CZK 230,000 (H. Brod TI),
- fine for damage done by game for ČEPRO, a. s., amounting to CZK 100,000 (Brno TI),
- fine for failure to reforest in time for a natural person at Lhota u Rapotína amounting to CZK 150,000 (Brno TI),
- fine awarded to I.L.C., a.s. for illegal logging at Nová Hradečná, amounting to CZK 350,000 (Olomouc TI),
- fine awarded to LANDININE, s.r.o. for unpermitted logging and damage to trees and topsoil in forest stands at Kladky, amounting to CZK 600,000 (Olomouc TI),
- a decision on the imposition of a fine to a natural person from 2010 came into force in 2012; it was for illegal and unauthorised logging and amounted to CZK 1,750,000 (Olomouc TI),
- a fine of CZK 80,000 for a natural person failing to implement remedial measures to protect a forest from bark beetles at Hodkovice n. M. and Petrašovice (Liberec TI).

A criminal report was filed against the practices of I. L. C., a. s., and S. I. N. Corporation, and applicable tax authorities were notified of the potential tax evasion.



## 04 | CEI work in 2012 by department

### INSPECTION WORK CONCLUSIONS

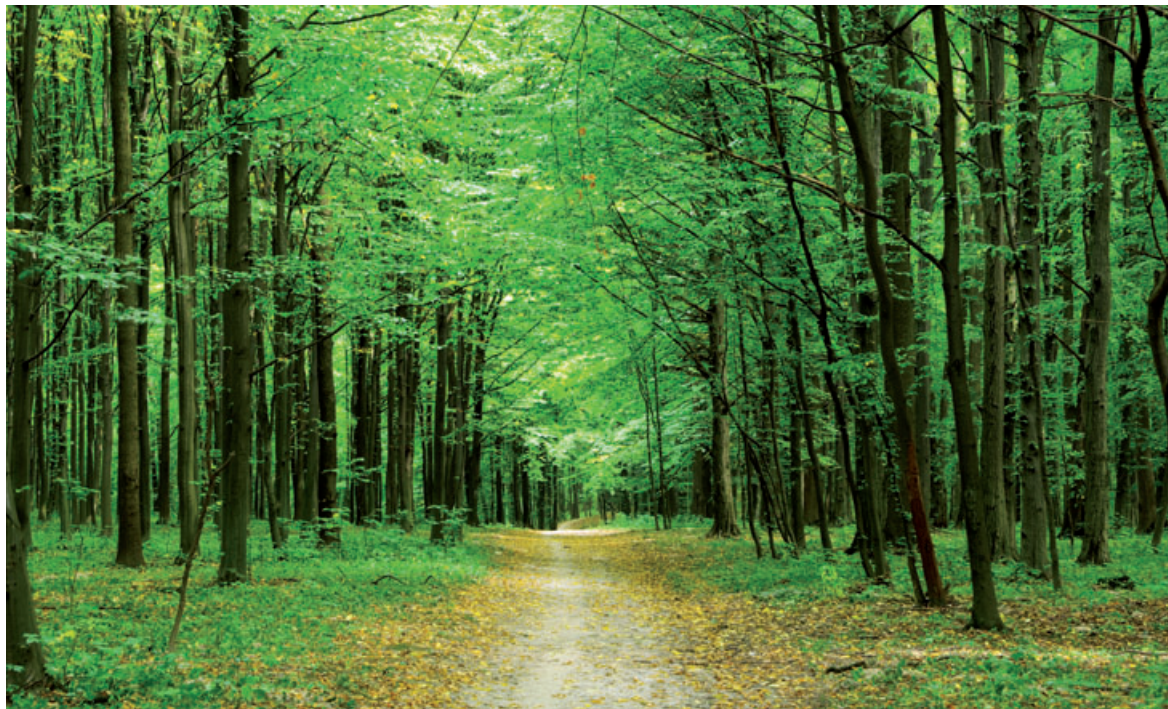
It can be concluded for the last year that the primary objective of the inspection work in the area of forest protection – transparent, objective and ethically correct inspection performance – was met. In most of the cases, we managed to improve the prestige of the Inspectorate, not only by performing inspection activities but also other preventive work for the benefit of forest owners. Monitoring of the forest condition in risk areas based on findings of previous inspections also proved useful.

Aware of the fact that the most numerous deficiencies exist among small-scale owners (poor professional background, absence of inspection by state forest administration authorities and professional forest managers), the majority of the expert work in forest protection in 2013 will be dedicated to this particular area. As a consequence of the increasing selling prices of timber, we can expect an increase in illegal forest logging in 2013. However, the cardinal objective of our inspection work will be prevention and education of the entities inspected. Only in the case of gross or repeating violations of legal regulations will we proceed to penalties. With the exception of emergencies, we will respect the rule of one inspection of a property per year in three to five-year periods.

The CEI TI FPDs face several difficulties in their work which can be resolved to a greater or lesser extent in the upcoming period. They include:

- increase of illegal logging on up to a marauding scale aiming at financial profit and difficulty in proving it, which frequently leads the police to drop the cases;
- persistent difficulty in verifying the credibility of forest management records presented by owners; state forestry administration under municipalities with extended powers continues to not enforce Section 40 of the Forestry Act. This leads to the factual impossibility to verify the compliance of total amounts of logging, just as with the application of Sections 32 and 33 of the Forestry Act in verifying the situation and enforcement of implementation the actual extent of urgent measures by forest owners. This ultimately opens opportunities for illegal logging;
- enforcement of fines from repetitive offenders; if penalties permitted under the Rules of Administrative Procedure (e.g., via the police and distrainers) are not enforced, the resulting situation will damage the prestige of the inspection authorities;
- unavailability of information necessary for inspection work, notably forest management plans, which is not fully covered by law, even though the forest owners are ultimately required to provide the inspection authority with all the information;
- since the purpose of the inspection work includes preventive and full-scale supervision in the form of random checks of forests in every type of ownership, it is advisable to intensify the cooperation with the state forest management authorities so that TI FPDs continuously receive information (e.g., changes to forest management outlines), which can contribute to forecasts of illegal activity (e.g., unpermitted logging);

## 04 | CEI work in 2012 by department



- reforestation on many sites is only possible at an increased cost of protection against game damage; construction of fenced-off wards is the most effective. In some areas, both artificial and natural reforestation is virtually impracticable without effective protection from game. The situation calls for a solution by a joint approach of the CEI, the MoE and state forest administration and game keeping authorities;
- persistent problem of off-road motorcycles and quad bikes on forest land, causing its damage: the situation calls for more intensive cooperation with the police.



# Integrated

agendas



## 05 | Integrated agendas

### 05 INTEGRATED AGENDAS

The principal type of activity in the area of integrated agendas is supervision (inspection) work, accompanied with mostly preventive activities, such as the issuance of expertise and position statements (on EIA, IPPC, etc.).

**The cornerstone of the inspection work in the area of integrated agendas is powers delegated to the CEI chiefly by the following:**

- Act no. 76/2002 Coll. on integrated pollution prevention and control, on the integrated pollution register and on amendment to some laws (the Act on integrated prevention). The purpose of this Act is to achieve maximum possible prevention of industrial pollution to all the environmental components and environmental protection as a whole; and
- Act no 25/2008 Coll. on the integrated pollution register and the integrated reporting system in the field of environmental protection and amendments to several acts, as amended (the IPR Act), in connection to the Regulation No 166/2006/EC of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR).

**The CEI non-supervision work in the area of integrated agendas mainly involves the making of expertise and position statements:**

- as part of the environment impact assessment process, i.e., EIA/SEA,
- on applications for the issuance of integrated permits or changes thereof,

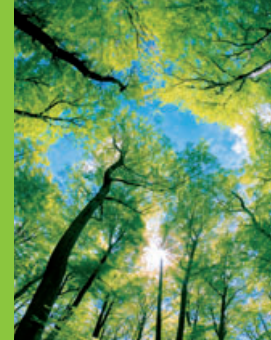
- on subsidies from the Environmental Operational Programmes organised by the SEF,
- on environmental management and auditing systems as part of the EMAS registration,
- as part of the Safe Business scheme,
- on environmental audits,
- as part of requests for information pursuant to Act no. 123/1998 Coll., etc.

**In 2012, the CEI was actively involved in drafting of new legislation by MoE technical working groups, notably:**

- draft amendment to the Integrated Prevention Act due to the obligation to implement the Industrial Emission Directive 2010/75/EU into the Czech legal system. It newly proposes a separated Section 20b, which, among other things, specifies examination of compliance with the requirements of integrated permits as a comprehensive examination of the environmental performance of a facility from the perspective of all the environmental components, in connection with previous examination of the integrated permit and departmental inspections, summary of findings so far, evaluation of best available techniques (BAT), balance sheets, etc.;
- draft amendment to Decree no. 554/2002 Coll., setting out a template application for the issuance of an integrated permit and method of its completion. Besides the existing annex "Template application for the issuance of an IP, method and extent of its completion", this amendment should contain additional new annexes: "Report on fulfilling integrated permit requirements, incl. Information for comparison of emissions against emission levels associated with BAT, Basic report,



## 05 | Integrated agendas



and Expert assessment for awarding an exemption from BAT”;

- draft amendment to Government Regulation no. 145/2008 Coll., setting out the list of pollutants and threshold values and data required for reporting to the integrated environmental pollution register, with respect to the Environmental Audit, i.e., government-approved “Measure to increase competitiveness and business growth in the CR by eliminating redundant requirements of environmental legislation”.

### INSPECTION ACTIVITY IN 2012

The CEI TI integration departments performed 645 inspections in 531 facilities and operations in close cooperation with the professional departments. This number includes inspections under both the Integrated Prevention Act and the IPR Act. The integrated departments initiated 104 administrative proceedings in the period in question. The number of decisions on fines (incl. orders) that came into force in 2012 was 108. The range of the fines imposed in 2012 was from CZK 1 thousand to 5.5 million, and the total amount of conclusive fines was CZK 9,919,000. The average fine amount per decision (order) in legal force was CZK 91,800.

The CEI inspections identified violations of legal regulations covering environmental protection, notably failure to comply with integrated permit requirements, failure to perform reporting duties under the Integrated Prevention Act, failure to perform duties under Acts no. 185/2001 Coll., 86/2002 Coll., 254/2001 Coll., and 25/2008 Coll. Violations of Act no. 86/2002 Coll. identified as part of integrated

inspections did not result in administrative proceedings if the duty in question is penalised under the new Act no. 201/2012 Coll. on Air Protection. The said Act came into effect on 1 September 2012.

The violations of legal regulations in the area of the IPR mostly concerned failure to report on time, reporting of wrong information, failure to report transfers of waste or pollutants in waste. As in the previous years, the penalties imposed were at the lower bound of the legal range. Specifically, the fine amounts for non-compliance with legislation on the Integrated Pollution Register ranged from CZK 1,000 to CZK 35,000.

As for the inspection activity performed by the Inspectorate concerning the Integrated Pollution Register (IPR), it is interesting to note that operators of facilities with integrated permits perform their duties under the applicable legislation much better than other entities (i.e., mostly small and medium operations and facilities). The smaller entities typically are not informed about the IPR at all. Based on the results of the inspection work in the area of the IPR, however, it can be stated that the general awareness of duties arising from applicable legislation is gradually improving.

### SUBMISSIONS AND PETITIONS

The CEI integration department inspectors were actively involved in the handling of 81 submissions and petitions, mostly in cases concerning the spheres of multiple professional departments. The chief task of the integration department staff was to arrange a coordinated process of handling such cases.

## 05 | Integrated agendas

An interesting submission concerned “some mess by the Dubovec pond” at Zahrádka in the Třebíč district. Disobedient construction of wooden shacks had occurred by the pond, and garbage was piled over time. Based on our own investigation and submission to the Náměšť nad Oslavou Municipal Authority, the site was tidied up and a proceeding on removal of structures was initiated.

Submissions concerning the handling of sludge from wastewater treatment plants occurred again in 2012. The Olomouc TI integration department was involved in a joint investigation of one such submission together with the Central Agricultural Inspection and Test Institute, which was also the author of the submission. The inspection took place on the premises of SPRESO s. r. o. A violation of Act no. 185/2001 Coll. was identified as the company handled waste outside facilities intended for that purpose.

### **Environmental damage**

The CEI did not initiate any administrative proceedings pursuant to Act no. 167/2008 Coll. on preventing environmental damage and its remedy.

### **OTHER INTEGRATED ACTIVITIES**

#### **EIA/SEA**

The CEI elaborated 1,193 expertises on plans, documentations, reviews, notifications of concept, and draft concepts under the EIA/SEA process in 2012. Compared to the last year, the number of expertises issued decreased by 6% (from 1,266).

As in the previous years, it can be concluded for 2012 that the quality of the notifications submitted is unfortunately not very good. Notably, information about inputs and outputs is lacking, as is their evaluation and alternative designs. Major cases of assessing the environmental impacts of plans handled by the CEI include the following:

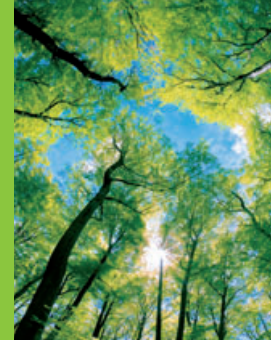
#### **Horní Suchá energy centre (plan MSK1656)**

This was the construction of a biogas station to produce biogas from waste and farm products (20,000 tonnes a year) and its transformation into electricity and heat (2 cogeneration units with a total max. electricity output of 1,250 kW and thermal output of 1,261 kW) in the newly established industrial estate at Horní Suchá, near residential development. According to the CEI, the justification of the plan with a view of existing sources was insufficient, and no compensatory measures to reduce the pollution load on the site were specified. The notification contained numerous inaccuracies and contradictory information. Notably, it failed to discuss issues relating to waste management. The CEI required a full process, which requirement was complied with. The plan received media coverage too.

#### **Organic power plant in Budišov nad Budišovkou (two plans, MSK1655, MSK1672)**

This was the construction of an organic power plant with a steam boiler with a rated thermal output of 17.7 MW at Budišov nad Budišovkou. The boiler was going to combust sawdust, tree bark and chippings. Besides, the project involved the construction of a biomass storage facility, a shift biomass deposit

## 05 | Integrated agendas



with automated feed to the combustion chamber of the steam boiler, an engine house for the steam condensation turbine, a heat exchanger plant, coolers, exhaust gas treatment, a transformer station, hard surfaces and roads, and parking places. The notifications contained contradictory information and lacked substantial information on the plan; there was also some public resistance to the plan in the affected area. The assessment was halted upon the notifier's request.

### **Landfill in Benátky nad Jizerou – Changed location of the stabilisation and solidification line (SSL) equipment and capacity increase (plan STC1553)**

The notifier was AVE CZ odpadové hospodářství, s. r. o. The plan involved the relocation and capacity increase of a facility for solidification of waste, located inside the Benátky landfill. Newly, the facility was going to be located directly on top of the hazardous waste deposit. The Inspectorate's expertise stated a number of fundamental comments of the location of the project, its design and operation, based on which the CEI concluded that the project description made in the notification does not permit adequate assessment of its practical application and functionality, including potential environmental impacts, chiefly in relation to ensuring trouble-free operation of the waste deposit. Prague CEI TI therefore requested further impact assessment pursuant to Act no. 100/2001 Coll.

The project notifier then initiated an oral negotiation at the CEI and submitted additional information on the project. In spite of the project modification, the CEI was compelled to conclude that the proposed change to the SSL equipment to operate directly



inside the waste deposit body poses an increased risk of environmental damage. The regional authority terminated the project assessment, meaning the plan will not be executed in its presented form.

### **APPLICATIONS FOR THE ISSUANCE OF INTEGRATED PERMITS**

As said above, the CEI actively cooperates with regional authorities in the area of integrated prevention; this cooperation includes the issuance of expertises on integrated permits and, much more often, material changes to integrated permits.

The CEI elaborated 616 expertises on applications for the issuance of integrated permits or change thereof in 2012. In 28 cases, the CEI representatives attended

## 05 | Integrated agendas

oral negotiations on applications for the issuance of integrated permits or change thereof.

### OTHER EXPERTISES AND POSITION STATEMENTS

The CEI integration departments coordinated or elaborated 28 expertises for the SEF and 467 other position statements on ISO 14001, the Safe Business scheme, application for registration in the EMAS scheme, environmental audits, etc.

### INSPECTION WORK CONCLUSIONS

Violations of duties of facilities with integrated permits show a decreasing tendency, since comprehensive inspections have already been performed in all such facilities and the operators are therefore well aware of their legislative obligations and fulfil them.

The CEI work does not strictly focus on the imposition of fines; we also apply soft methods and actively cooperate with other state administration authorities, notably regional authorities, which permit the operation of facilities pursuant to the Integrated Prevention Act. The objective of this cooperation is the effort to improve the quality of integrated permits and thus ensuring a high quality of environmental protection. However, the gradual increase in the number of changes to integrated permits results in growing complexity of inspections performed. The inspections in the area of integrated prevention thus require thoroughness and sufficient amounts of time.





# International cooperation



## 06 | International cooperation

### 6 INTERNATIONAL COOPERATION

We made 55 international trips in 2012, attended by 124 employees. One of our most important international activities is our involvement in the IMPEL, a network for implementation and enforcement of environmental law and an international association of organisations dealing with the environment in Europe. The network has committed itself to contribute to effective application of EU environmental legislation by capacity building, sharing of good practices, provision of manuals and tools, promotion of collaboration and provision of feedback to legislators and regulators on the practicality and enforceability of the environmental legislation. The core of the network operation consists in projects.

Two general assemblies within the IMPEL network took place in Denmark and Cyprus. The General Assembly in Cyprus included a celebration of the 20<sup>th</sup> anniversary of the IMPEL. CEI inspectors were involved in the work of Cluster I (improvement of permitting and enforcement) and Cluster II – TFS (transboundary shipment of waste) and attended the TFS conference as they do every year. In addition, our inspectors were involved in the following IMPEL projects: meeting of contact persons for transboundary shipment of waste, exchange days and a landfill project. Our inspector was a member of the project team for “Inspection of facilities pursuant to the Industrial Emission Directive” and actively involved in project team meetings, of which one took place in Prague. We also made joint inspections focusing on transboundary shipment of waste on the Austrian and German borders.



As for the CITES international treaty, CEI inspectors represent the Czech Republic at meetings of the expert groups and committee focusing on enforcement of laws concerning endangered species protection. They mostly involve the EU Wildlife Enforcement Group, which met twice in Brussels in 2012. The cooperation within the Interpol Wildlife Working Group is also very important; it helps resolve major cases of an international nature. Our inspector attended the 23<sup>rd</sup> meeting of the Wildlife Working Group in 2012, where she presented the Czech Republic's achievements in the operation Festival (investigation into illegal trade in rare parrot species). Besides, one of our inspectors attended an international workshop on imports of hunting trophies and ivory and illegal trade in rhinoceros horns.

A CEI representative attended the Forum organised by the European Chemicals Agency (ECHA), which serves information exchange on enforcement of the



## 06 | International cooperation



REACH regulation. Based on a treaty with Slovakia, we organised several international trips dedicated to nature, forest and waste management issues. We also held a second meeting under a newly concluded treaty with Poland, where we agreed on further bilateral cooperation, under which inspectors from both the countries participated in two joint checks of transboundary shipment of waste at the border.

As part of so-called executive international relations, our inspectors represented the environmental department of the CR in meetings of international

commissions for the protection of boundary waters and large rivers (International Commissions for the Protection of the Oder and Elbe Rivers, the Danube Commission, Austrian Boundary Waters). The majority of the international trips took place in order to perform the Czech Republic's contractual commitments under international organisations, treaties and protocols on the one hand, and activities directly related to our EU membership on the other. In total, the CEI expended CZK 489,808.82 on the international trips; a large portion of the costs was funded directly by the European Commission.



# Human resources





## 07 | Human resources

### 7.1 PERSONNEL

The work of the personnel department in 2012 mostly focused on timely and quality implementation of legislative changes in employment law, wages and training at the CEI. Throughout the assessment period, all the staff of the personnel department contributed to flawless reaction to the new legislative arrangements.

Based on the paper “Reducing agendas in the environmental department”, organisational changes were announced in the second and fourth quarters of 2012, resulting in a staff reduction by 10%, i. e., by 62 jobs. This organisational change will only manifest itself in 2013.

Alongside the announcement of the organisational changes, a new organisational code was issued. The main change is the dissolution of the IPPC departments and the cancellation of the positions of heads of Karlovy Vary and Zlín branches.

As of 31 December 2012, the CEI had 557 employees. The average converted annual registered staff for 2012 was 573 people.

The personnel department continued to pay great attention to continuously improve communication among the CEI executives and the personnel department, so that each of the executives could do good HR work in their workplaces along with their professional work.

Like every year, the dominant task of the personnel department was to effectively and efficiently use the wage allowances granted.

Age	Male	Female	Total	%
20–29 years	14	20	34	6.1
30–39 years	77	71	148	26.57
40–49 years	54	100	154	27.65
50–59 years	99	87	186	33.39
60 years and more	30	5	35	6.28
<b>Total</b>	<b>274</b>	<b>283</b>	<b>557</b>	<b>100</b>
%	49.19	50.81	100%	x

**Employees distribution according to age gender-situation as at 31 December 2012**

Achieved education	Male	Female	Total	%
Elementary				
Skilled				
Secondary specialist	3	2	5	0.9
Secondary complete		7	7	1.26
Secondary specialist complete	28	93	121	21.72
College specialist	1	1	2	0.36
University	242	180	422	75.76
<b>Total</b>	<b>274</b>	<b>283</b>	<b>557</b>	<b>100%</b>

**Employees distribution according to aducation and gender-situation as at 31 December 2012**

<b>Average gross monthly pay</b>	CZK 26,484
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**Overall information on average pays as at 31 December 2012**

## 07 | Human resources

Duration	Number	%
Up to 5 years	234	42.01
Up to 10 years	125	22.44
Up to 15 years	95	17.06
Up to 20 years	76	13.64
More than 20 years	27	4.85
Total	557	100 %

**Duration of the occupational and official relations of employees – situation as at 31 December 2012**

### 7.2 TRAINING

Staff training in 2012 was done in compliance with CEI Directive no. 7/2011, which entered into effect on 1 January 2011.

The mandatory training for newly admitted employees took place in compliance with Government Resolution no. 1542/2005. It comprises introductory admission training, attended by 19 employees in three sessions. This part of the day training was arranged by the CEI Directorate for the territorial inspectorates and the Directorate in terms of both teaching and organisation. The principal objectives are to familiarise with the specific CEI issues, the basic knowledge and legal standards for work performance in state administration. Another mandatory component of the training is the follow-up admission training, which was arranged and guaranteed professionally by the Ministry of the Interior. It was successfully completed by 22 employees in five e-learning courses. The contents is chiefly basic legal awareness, rules of

	Number
Assumed office	33
Left office	95

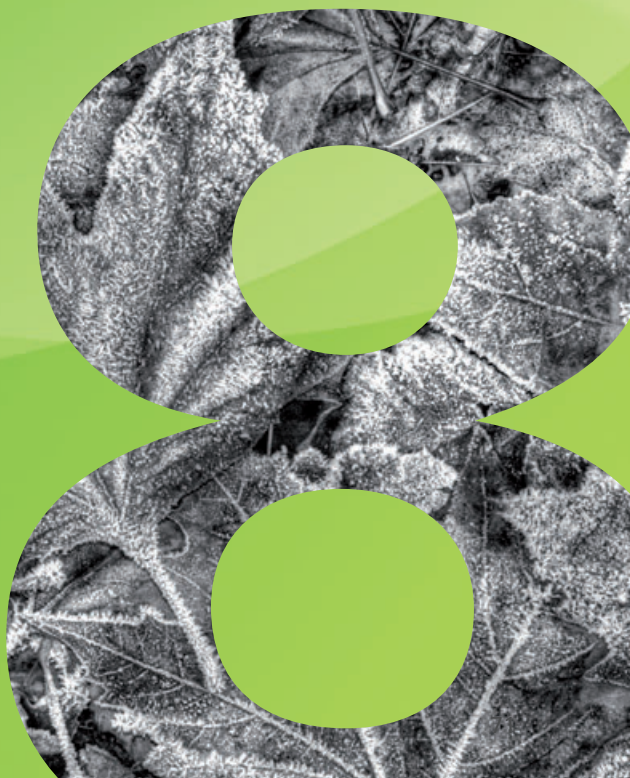
**Overall information on origination and termination of occupational and official relations of employees in 2012**

administrative procedure, public administration in the CR, public finance, the EU compendium, etc. As part of the intensification training, professional officials and inspectors attended theoretical and practical specialisation training. It was successfully completed by 10 employees in 5 sessions. The specialisations included integrated agendas, nature, water and forest protection. The optional language courses were retained in order to attain and prove linguistic qualification within the system of Linguistic Qualification of Administration Authority Employees. No other language training was started due to funding cuts, only courses contracted in the previous year were completed. Lifelong learning for our staff was mostly provided by the Institute for Public Administration in Prague, our own teachers and external agencies. These events were attended by 903 participants in total. The participants mostly learnt about specialised professional issues. For example, this area includes the very successful training in administrative law, on which six seminars were organised in cooperation with the legal department. Training in the basic extent of administrative law was attended by 18 employees; 137 attended the advanced course, and 34 attended the seminar on administrative proceedings in relation to insolvency.



# Overview of activities

of territorial inspectorates



## 08 | Overview of activities of territorial inspectorates

### Overview of territorial inspectorates activities in 2012

Department	Number of inspectors	Inspection activities	EIA statements and positions	Other statements and positions	Fines			Other decisions									Charge agendas						
					All decisions on fines issued in monitored period	All decisions on fines that came into force in monitored period	Total amount of fines that came into force (CZK)	No. of decisions that came into force; stopping or restriction of activity, operation or its part	No. of decisions that came into force; seizures / confiscations	No. of decisions ordering remedy came into force in monitored period	No. of decisions ordering remedy to comply with emission limits	No. of decisions setting emission limits for multiple fuel combustion	No. of approvals to regulatory rules issued	No. of decisions on source categorization issued	Certificates of hazardous waste properties revoked or suspended	No. of decisions on charges and advances for wastewater discharge issued	No. of decisions on charges and advances for groundwater abstraction issued						
PH	58	2,413	274	2,202	246	239	16,709,550	2	4	40	0	0	7	14	0	335	719	65	516	42	0		
ČB	32	1,056	72	521	177	175	5,638,360	0	0	71	0	0	0	1	0	164	588	13	178	12	2		
PL	35	1,519	50	380	274	255	10,587,557	1	5	53	1	0	0	0	0	129	492	5	130	4	1		
UL	49	1,675	121	954	222	223	14,004,800	21	0	14	1	0	3	4	0	257	350	37	292	11	0		
HK	39	1,693	132	889	195	208	9,560,500	3	0	16	1	0	0	6	0	194	691	18	197	51	2		
HB	29	1,234	82	750	264	258	5,871,475	0	1	33	0	1	0	1	0	149	569	7	171	30	1		
BR	48	2,717	184	1,743	340	326	11,558,475	4	3	30	1	0	0	0	0	394	679	19	226	19	4		
OL	28	1,641	58	561	172	165	6,095,321	1	2	51	1	0	0	12	0	142	382	21	174	8	0		
OV	43	1,779	155	1,035	235	218	12,707,065	2	6	26	0	0	5	1	0	227	228	27	289	4	1		
LI	25	886	65	341	114	107	5,253,135	2	0	32	0	0	0	0	0	91	244	11	161	21	2		
ŘDT	43	438	0	41	50	52	403,800	0	64	0	0	0	0	0	0	0	0	0	2	4	2		
Total	429	17,051	1,193	9,417	2,289	2,226	98,390,038	36	85	366	5	1	15	39	0	2,082	4,942	223	2,336	206	15		

The average amount of fines 44,200  
The number of inspection activities 17,051  
The number of inspection activities per one inspector 40  
All decisions issued in monitored period: 9,860  
All decisions that came into force in monitored period: 9,797

The number of decisions on charges and advances for the discharge of wastewater: 2,082  
The number of decisions on charges and advances for groundwater abstraction: 4,942  
Statements and positions issued 10,610





## CONTACT INFORMATION

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## ABBREVIATIONS AND EXPLANATIONS

<b>ACD</b>	Alkaline catalytic decomposition	<b>PIFF</b>	Plots intended for forest function
<b>APD</b>	Air Protection Department	<b>RAPEX</b>	European information system of products dangerous for consumers
<b>BOK</b>	Biochemical oxygen consumption	<b>SAC</b>	Special area of Conservation
<b>CEI</b>	Czech Environmental Inspectorate	<b>SEF</b>	State Environmental Fund
<b>CHMI</b>	Czech Hydrometeorological Institute	<b>SLE</b>	Significant landscape element
<b>CHOC</b>	Chemical oxygen consumption	<b>SPA</b>	Specially protected area pursuant to Act no. 114/92 Coll.
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora	<b>SPA CR</b>	State Phytosanitary Administration of the Czech Republic
<b>CR</b>	Czech Republic	<b>SPS</b>	Specially protected species
<b>CWWTP</b>	Central waste water treatment plant	<b>SSPA</b>	Small-area specially protected areas
<b>DA</b>	District Authority	<b>TI</b>	Territorial Inspectorate
<b>DERED</b>	Department of environmental risks and environmental damages	<b>TTW</b>	Trans-border transport of wastes
<b>EC</b>	European Commission	<b>US</b>	Undissolved substances
<b>EI</b>	Equivalent inhabitant	<b>WMD</b>	Waste Management Department
<b>EIA</b>	Assessment of environmental impacts	<b>WPD</b>	Water Protection Department
<b>ESL</b>	European significant locations	<b>WWTP</b>	Waste water treatment plant
<b>EU</b>	European Union		
<b>FEP</b>	Forest economy plan		
<b>FFS</b>	Fuel filling station		
<b>FMF</b>	Forest management framework		
<b>FPD</b>	Forest Protection Department		
<b>FRC</b>	Fire and Rescue Corps		
<b>GMO</b>	Genetically modified organisms		
<b>IMPEL</b>	Network of environmental inspection authorities of EU countries		
<b>IPPC</b>	Integrated prevention and pollution elimination		
<b>LSPA</b>	Large specially protected area		
<b>MA</b>	Municipal Authorities		
<b>MoE</b>	Ministry of the Environment		
<b>NLPA</b>	Natural large protection area		
<b>NPD</b>	Nature Protection Department		



ČESKÁ INSPEKCE  
ŽIVOTNÍHO PROSTŘEDÍ

## 2012 ANNUAL REPORT

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