

ACT ON THE ENVIRONMENT No. 17/1992 of December 5th, 1991

The Federal Assembly of the Czech and Slovak Federal Republic, recognizing the fact that human beings, together with other organisms, are an intrinsic part of nature, considering the natural interdependence of human beings and other organisms, respecting humanity's right to transform nature in accordance with the principle of permanent and sustainable development, aware of its responsibility for securing a favorable environment for future generations, and emphasizing the right to a favorable environment as one of humanity's principal rights, has approved this Act:

§ 1

The Purpose of the Act

The Act defines basic terms and determines basic principles of environmental protection and obligations of legal and natural persons in the process of protecting and improving the environment and in the utilization of natural resources; this Act follows the principle of permanently sustainable development.

PRINCIPAL TERMS

§ 2

Environment

The environment is everything that provides natural conditions for the existence of organisms, including human beings, and is the precondition of their further development. Its major components are air, water, rocks, soil, organisms, ecosystems and energy.

§ 3

Ecosystem

The ecosystem is the functional set of living and inanimate components of the environment which are interlinked by metabolism, energy flow and the exchange of information and which influence one another and develop within a certain space and time.

§ 4

Ecological stability

Ecological stability is the ability of the ecosystem to balance changes caused by external

factors and to maintain its natural properties and functions.

§ 5

Acceptable regional load

The acceptable regional load is such load exerted upon a region by human activity which does not damage the environment, particularly its components, the function of ecosystems or its ecological stability.

§ 6

Permanently sustainable development

Permanently sustainable development of the society is the development which preserves for present and future generations the possibility of meeting their basic needs, and at the same time, does not reduce the diversity of nature and preserves the natural functions of ecosystems.

§ 7

Natural resources

(1) Natural resources are those parts of living and inanimate nature which are or can be used by humanity to satisfy its needs.

(2) Renewable natural resources have the capability of partial or complete regeneration while being gradually consumed either with or without human assistance. Non-renewable natural resources become extinct by consumption.

§ 8

Pollution of and damage to the environment

(1) Pollution of the environment means the introduction of physical, chemical or biological agents into the environment through human activity which by their nature or their quantity are foreign to the given environment.

(2) Damage to the environment means aggravating the state of the environment by pollution or other types of human activity in excess of the limits determined by special regulations.

§ 9

Environmental protection

Environmental protection consists of activities that prevent pollution or damage to the environment, or that reduce or eliminate pollution and environmental damage. It includes the protection of individual components of the environment, organisms or specific ecosystems

and their interrelationships, as well as protection of the environment as a whole.

§ 10

Ecological damage

Ecological damage is the loss or impairment of the natural functions of ecosystems, caused by damaging their components or disturbing their internal relations and processes owing to human activity.

PRINCIPLES OF ENVIRONMENTAL PROTECTION

§ 11

The territory must not be burdened by human activity in excess of the level of acceptable load.

§ 12

(1) The acceptable level of environmental pollution is determined by limit values stipulated by special regulations: these values are determined in accordance with the existing state of knowledge in such a way as to prevent damage to human health, other living organisms and other components of the environment.

(2) Limit values must be determined with regard to the possible cumulative effects or synergistic effects of pollutants or polluting activities.

§ 13

If, considering all the circumstances, it can be assumed that irreversible or serious damage could threaten the environment, any doubt concerning the realistic nature of such threat cannot be a reason for postponing measures intended to prevent such damage.

§ 14

Everyone has the right to true and accurate information about the state and development of the environment, the causes and consequences of that state, activities which are being prepared and which could change the environment, as well as to information about measures taken by the authorities responsible for environmental protection in order to prevent or remedy environmental damage. A special regulation may stipulate cases in which such information can be restricted or withheld.

§ 15

Everyone may approach the relevant authority and claim, in a prescribed manner, his or her legal rights stipulated by this Act and other laws and regulations concerning the environment.

§ 16

Education is implemented in such a way as to promote thinking and activity which comply with the principle of permanently sustainable development, and which encourage awareness of responsibility for maintaining the quality of the environment and its individual components and of respect for life in all its forms.

OBLIGATIONS WITH REGARD TO ENVIRONMENTAL PROTECTION

§ 17

(1) Everyone is obliged, primarily through measures taken at the pollution source, to prevent environmental pollution or to minimize the unfavorable environmental impact of his or her activity.

(2) Everyone who uses an area or natural resource, designs, builds or removes structures, is obliged to carry out such activities only after assessing their impact on the environment and the load exerted on the territory to the extent stipulated by this Act and by special regulations.

(3) Everyone intending to launch the production, circulation or consumption of technologies, products and substances, and everyone intending to import them, is obliged to ensure that these technologies, products and substances comply with the conditions of environmental protection and, in cases stipulated by this Act and by special regulations, to provide for the assessment of their potential impact on the environment.

§ 18

(1) Everyone who in the course of his or her activity pollutes or damages the environment or exploits natural resources is obliged at his or her own expense to provide for monitoring the activity involved and to know the potential environmental impact of the activity.

(2) Legal and natural persons authorized to conduct business are obliged to provide information about the environmental impact thereof to the extent and under the conditions stipulated by special regulations.

§ 19

Everyone who learns about a threat to the environment or about environmental damage is obliged to take such measures that are within his or her powers to eliminate the threat or minimize its consequences and to report the facts without delay to the state administrative authorities. This obligation does not apply where such measures would threaten the life or health of the person or persons closely related to him or her.¹

ENVIRONMENTAL IMPACT ASSESSMENT OF ACTIVITIES

§ 20

(1) Plans to execute activities listed in § 17, articles 2 and 3 (hereafter "plans"), are subject to assessment of their potential impact on the environment (hereafter "assessment of plans") prior to their approval under special regulations².

(2) The principles of environmental protection and assessment of the environmental impact of activities shall also be adequately applied in the course of preparing development concepts and programs and drafts of legal norms.

§ 21

(1) Assessment of plans mentioned in Appendix 1 of this Act is conducted by the appropriate state administrative authorities appointed by the Czech National Council and the Slovak National Council (hereafter "assessing authorities"), following discussions with other concerned state administrative authorities, with communities whose territory is to be affected by the impact of the plans, and with the general public. The evaluation of the environmental impact of the plans is executed according to Appendix 2 to this Act.

(2) Details shall be established by Acts of Law passed by the Czech National Council and the Slovak National Council, which may also extend and specify the activities listed in Appendix 1 of this Act (namely determining the extent of these activities) and define more stringent requirements for the documentation attached to the environmental impact assessments as listed in Appendix 2 to this Act.

¹ Section 116 of the Civil Code.

² E.g., Act No. 50/1976 Coll. of Laws on regional planning and construction regulations (The Construction Act).

§ 22

The assessing authorities shall scrutinize the plans according to the nature of the matter, particularly with regard to:

- a) the environmental tolerance of the relevant territory;
- b) the consequences of routine activity and possible accidents;
- c) cumulative and synergistic phenomena in various time horizons and considering irreversible phenomena;
- d) the prevention, minimization and possible compensation of the environmental impact of the plans;
- e) methods of handling the achieved result of the plans after the expiration of their lifetime or after their utilization (possibilities of disposal, recycling, etc.);
- f) applied methods of evaluating the completeness of information;
- g) comparison with the best available technologies.

§ 23

(1) Where a proposed plan, which is to be executed on the territory of one republic, could have a negative environmental impact on the territory of the other republic, the assessing authority shall ask for an opinion from the relevant central authority of the republic. Potential differences shall be resolved by agreement between the central authorities of both republics.

(2) If an agreement cannot be reached, the difference shall be settled by an arbitration commission made up of representatives of the Czech and Slovak bodies responsible for environmental protection and the Federal Committee for the Environment. If the commission fails to reach an agreement, the plan cannot be executed.

ASSESSMENT OF THE ENVIRONMENTAL IMPACT OF ACTIVITIES AND THEIR CONSEQUENCES EXTENDING BEYOND NATIONAL BORDERS

§ 24

(1) The proposers of the plans listed in Appendix 3 of this Act are obliged to submit the environmental impact assessment to the assessing authority (§ 21, article 1) prior to the issuance of a regional decision concerning the location of a construction site or the use of the territory.

(2) The environmental impact assessment of plans extending beyond the national borders must contain the data listed in Appendix 4 to this Act.

§ 25

The extent of the environmental impact assessments shall be discussed by the assessing authorities with the relevant state administrative authorities, with the communities whose territory is to be affected by the impact of the plan and with the general public. The completed environmental assessment shall be subject to similar discussions.

§ 26

(1) The assessing authorities authorized to issue the statement pursuant to Section 21, paragraph 1 in cases stated in Appendix 3 of this Act, shall submit the draft statement to the Federal Committee for the Environment. Where the environmental impact of the proposed plan may extend beyond the national borders, the Federal Committee for the Environment shall arrange, in agreement with the bodies authorized to issue the statement, international negotiations in accordance with approved international commitments.³

(2) The relevant central authorities of state administration in both republics may determine, at the request of the Federal Committee for the Environment and based on international commitments [see footnote 3], that plans otherwise not subject to environmental impact assessment shall be assessed according to this Act.

(3) The Federal Committee for the Environment, on the basis of information provided by authorities of other states concerning plans considered on the territory of other states, the consequences of which could damage the environment of the territory of the Czech and Slovak Federal Republic, shall organize together with the responsible authorities of the republics assessment of the plans in accordance with the adopted international commitments [see footnote 3].

RESPONSIBILITY FOR THE BREACH OF OBLIGATIONS IN ENVIRONMENTAL PROTECTION

§ 27

(1) Everyone who by damaging the environment or by other criminal activity causes ecological damage, is obliged to restore the natural functions of the damaged ecosystem or of its parts. If this is not possible or if it is not for serious reasons desirable, he or she is obliged to compensate the ecological damage in a different manner (substitute compensation); if this is not possible, he or she is obliged to compensate the damage in money. The Act does not exclude simultaneous application of these types of compensation. The method of calculating ecological damage and other details shall be stipulated by a special regulation.

³ UN European Economic Commission Convention on the Environmental Impact Assessment in a Transboundary Context

(2) The imposition of the obligation according to paragraph 1 shall be decided by the relevant state administration authority.

(3) The state is the authority in cases of the ecological damage; the details are determined by the laws of the Czech National Council and the Slovak National Council respectively.

(4) For the purposes of ecological damage, general provisions concerning the responsibility for damage and compensation for damage are to be applied unless paragraphs 1 and 3 state otherwise.

(5) Provisions of paragraphs 1 through 3 do not affect general regulations stipulating responsibility for damage and compensation for damage.

§ 28

Sanctions imposed for environmental damage:

(1) Environmental authorities shall impose a fine of:

- a) up to 1,000,000 Czechoslovak crowns upon a legal or natural person authorized to conduct business who in the course of his or her activity causes environmental damage by breaching legal obligations;
- b) up to 500,000 Czechoslovak crowns upon a legal or natural person authorized to conduct business who does not take necessary corrective measures or does not notify the state administration authority (§ 19).

(2) The fine may be imposed within one year from the day the environmental authority learns about the breach of the obligation, but at the latest within three years from the day on which the breach of the obligation was committed.

(3) The imposition of the fine does not affect general regulations concerning the compensation of damage.

§ 29

The breach of obligations stipulated by special environmental protection regulations is subject to the imposition of a fine or to other penalties according to special regulations; this does not affect possible criminal liability or responsibility for damage incurred under general legal regulations.

§ 30

Where there is a threat of major environmental damage or where such damage has already been inflicted, the relevant state administrative authorities for the environment are authorized to temporarily close or restrict for up to 30 days the activity that may cause or has already

caused the damage (preliminary measure), and at the same time may propose remedial measures to the relevant state administrative authorities. Details are stipulated by special regulations.

ECONOMIC TOOLS

§ 31

Natural and legal persons pay taxes, fees, and other payments for polluting the environment or its components, and for economic exploitation of natural resources if required by special regulations.

§ 32

Special regulations stipulate the conditions under which legal and natural persons protecting the environment or utilizing natural resources in accordance with the principle of permanently sustainable development can be granted tax relief, credits and subsidies.

§ 33

Environmental protection tools also include environmental funds; details are stipulated by special regulations.

TEMPORARY AND FINAL PROVISIONS

§ 34

(1) The use of territory, natural resources, buildings, technologies, products and substances which does not comply with the provisions of this Act and with the conditions ensuing from special regulations about the protection of individual components of the environment, shall be made to comply with these regulations within the stated period.

(2) Unless the compliance stipulated by paragraph 1 is achieved within the stated period, the activity shall be restricted or terminated. This decision is issued by the relevant state administration authorities.

§ 35

This Act comes into legal force on the day of its publication.

APPENDIX 1

ACTIVITIES SUBJECT TO ENVIRONMENTAL ASSESSMENT ON THE TERRITORY OF THE CZECH AND SLOVAK FEDERAL REPUBLIC

1. Agriculture and Forestry

- 1.1 Large-capacity facilities for animal husbandry, including waste disposal.
- 1.2 Large-capacity facilities for storing agricultural products.
- 1.3 Land improvement projects (drainage, irrigation, anti-erosion soil protection, reallotment, technical improvements for forestry).
- 1.4 Interference in the landscape that may cause substantial changes in biological diversity and in the structure and functions of ecosystems.

2. Food Industry

- 2.1 Breweries and malt plants.
- 2.2 Slaughterhouses and meat processing combines.
- 2.3 Starch manufacture.
- 2.4 Sugar factories.
- 2.5 Refrigerating plants.
- 2.6 Distilleries.
- 2.7 Fat industry and the production of detergents.
- 2.8 Manufacture of dairy products.
- 2.9 Canning industry.

3. Mining Industry

- 3.1 Coal and lignite underground and open-cast mining.
- 3.2 Crude oil and natural gas exploration.
- 3.3 Peat mining.
- 3.4 Uranium ore mining and processing, waste banks, sludge beds, including reclamation.
- 3.5 Mining and enrichment of metallic ore.
- 3.6 Bituminous shale mining.
- 3.7 Mining of industrial minerals.
- 3.8 Surface industrial facilities for the mining and processing of coal, natural gas, bituminous shale and industrial minerals.
- 3.9 Crude oil refineries, including plants for the regeneration of spent mineral-oils and facilities for the thermal and chemical processing of coal.

4. Energy Industry

- 4.1 Power plants and other fossil-fuel burning facilities.
- 4.2 Other industrial facilities for the generation of electricity, steam and hot water.

- 4.3 Nuclear power stations and other facilities equipped with nuclear reactors.
- 4.4 Nuclear fuel conversion, enrichment and production facilities.
- 4.5 Burnt nuclear fuel intermediate storage facilities.
- 4.6 Processing and final deposit of highly radioactive waste.
- 4.7 Processing and deposit of low- and medium-level active waste from the operation and closure of nuclear power stations and utilization of radionuclides.
- 4.8 Gas, steam and hot water conduits and their facilities (including pumping and changer stations, electric energy transmission by overhead circuits.)
- 4.9 Oil, gas and other product pipelines, including operational facilities.
- 4.10 Natural gas surface storage facilities.
- 4.11 Underground storage facilities for inflammable gases, crude oil, petrochemical and chemical products.
- 4.12 Briquetting and coke plants.
- 4.13 Hydro-electric power stations.

5. Metallurgical Industry

- 5.1 Ironworks and steelworks, including foundries, forges and rolling mills.
- 5.2 Non-ferrous metallurgy works.
- 5.3 Surface treatment of metals.
- 5.4 Production and assembly of motor vehicles, train carriages and storage tanks.
- 5.5 Shipyards.
- 5.6 Facilities for construction and repair of aircraft.

6. Wood and Paper Industry

- 6.1 Preservation of wood using toxic chemicals.
- 6.2 Wood fibre board and plywood production.
- 6.3 Cellulose and paper production.
- 6.4 Furniture production.

7. Other Industries

- 7.1 Processing of asbestos and asbestos products.
- 7.2 Textile preparation plants and dye houses.
- 7.3 Tanneries.
- 7.4 Glass works.
- 7.5 Chemical and pharmaceutical industry.
- 7.6 Utilization or regeneration of chlorinated hydrocarbons.
- 7.7 Production and storage of poisons, pesticides, liquid fertilizers, pharmaceutical products, paints, varnishes and chemicals.
- 7.8 Storage, processing, neutralization and deposit of hazardous wastes.
- 7.9 Long-distance transport of radioactive and hazardous wastes.
- 7.10 Crude oil and petrochemical products storage facilities.
- 7.11 Cement works and lime works.

7.12 Printing facilities.

8. Infrastructure

- 8.1 Groundwater withdrawal.
- 8.2 Waste water treatment plants and sewage systems.
- 8.3 Sludge beds and mud settling ponds.
- 8.4 Facilities for communal waste treatment.
- 8.5 Rendering plants, veterinary clearance facilities.
- 8.6 Water reservoirs or dams rising to a height of over 3 m measured from the foundation joint or with the total storage capacity over 0.5 million cubic metres.
- 8.7 Waterways regulation.
- 8.8 Construction and reconstruction of highways and roads.
- 8.9 Railways.
- 8.10 Cableways.
- 8.11 Water routes and ports for inland shipping.
- 8.12 Airfields.
- 8.13 Shopping centers with a built-in area over 3,000 square meters.
- 8.14 Camping sites with over 200 places.
- 8.15 Structures and activities which could affect interests protected by special regulations.

APPENDIX 2

CONTENTS OF DOCUMENTATION AND ENVIRONMENTAL IMPACT ASSESSMENT OF PLANS ON THE TERRITORY OF CZECH AND SLOVAK FEDERAL REPUBLIC

- I. Description of planning of the activity and its goals.
 - II. Description of suitable and substantiated alternatives of solution, including reference alternatives (alternative without the activity, zero alternative) and the optimum environmental alternative, and their mutual comparison.
 - III. Description of the environment likely to be significantly affected by the proposed plan (alternatives).
 - A. Basic characteristic features (air, water, soil, geological conditions, geomorphological characteristics, climatic factors, fauna, flora, ecosystems).
 - B. Other characteristics (utilization of the landscape, territory with exceptional civilization impact, territory with a special protection regime, important landscape elements, environmental stability components, architectural and historical monuments, archaeological sites, material values, accord between the plan and valid territorial plans).
 - IV. Description of the submitted environmental impact of the plan (alternatives) and estimation of their importance (not only assumed direct impact but also indirect, secondary, cumulative, synergic impacts, and not only short-term and temporary but also long-term and permanent impacts).
 - A. Impact on the population (health risks, social consequences, economic consequences).
 - B. Impact on ecosystems, their components and functions (geological, geomorphological and hydrological conditions, climatic conditions, hydrology, flora, fauna, processes, important landscape elements, ecological stability).
 - C. Impact on anthropogenic systems, their components and relationships (structures, monuments and other important human works, intangible cultural values - ethnic and local traditions, etc.).
 - D. Impact on the structure and function of the utilization of the land (including the impact on the aesthetic quality of landscape).
 - E. Large-scale landscape impact of the plan - assessment of the environmental tolerance of the territory, suitability of the location of individual alternatives
-

from the point of view of the environmental tolerance of the territory, existing and potential final environmental tolerance of the territory (overall effect of all territorial phenomena and factors).

- V. Description of the measures suggested to prevent, eliminate, minimize and possibly compensate the environmental impact of proposed activity on the environment. Regional planning measures, technical measures (e.g. separation and deposit of pollutants, waste recycling, preservation research of archaeological sites, measures to protect cultural monuments, other measures).

APPENDIX 3

PLANS SUBJECT TO INTERNATIONAL DISCUSSION FROM THE ENVIRONMENTAL IMPACT POINT OF VIEW

1. Crude oil refineries (with the exception of plants producing only lubricants from crude oil) and facilities for gasifying and burning coal and bituminous shales with a daily capacity of 500 tons and more.
 2. Thermal power stations and other combustion facilities, classified as large environmental pollution sources according to special regulations (§ 3, letter a) of the Act No. 309/1991 on the protection of the air against pollutants (The Air Act).
 3. Nuclear power stations and other facilities equipped with nuclear reactors (with the exception of research facilities for the production and conversion of nuclear fuel and nuclear fuel raw materials, the maximum capacity of which does not exceed 1 kWh of constant thermal load).
 4. Facilities for the production or enrichment of nuclear fuel, the reprocessing of radioactive nuclear fuel, or the collection, storage and processing of nuclear waste.
 5. Facilities for the primary production of cast iron and steel and production of non-ferrous metals with an annual capacity of over 30.000 tons.
 6. Facilities for obtaining, processing and revising asbestos and asbestos products, for annual production of asbestos cement products exceeding 20,000 tons, for friction materials with an annual production exceeding 50 tons, and for other uses of asbestos exceeding 200 tons a year.
 7. Complex chemical facilities where two or more combined chemical or physical processes are used for the production of olefins from crude oil products, sulphuric acid, nitric acid, hydrofluoric acid, chlorides or fluorides.
 8. First-class roads, highways, national railways and airports with the main take-off and landing runways longer than 2,100 metres.
 9. Long-distance crude oil pipelines with pipes having an inner diameter of more than 500 millimeters and gas transmission lines with an inner diameter exceeding 300 millimeters.
 10. Facilities for the neutralization of toxic and hazardous waste, underground storage sites and surface storage sites for toxic and dangerous wastes.
 11. Dams and reservoirs with dams rising to a height of more than 10 meters above the foundation joint or with a total capacity of the reservoir exceeding 10 million cubic meters.
 12. Facilities for the withdrawal of groundwater in case the annual volume of withdrawal
-

equals or exceeds 10 million cubic meters.

13. Cellulose and paper production with a daily output of 200 tons or more, with air drying.
14. Inland water routes and ports for inland navigation, which enable the navigation of ships with a tonnage exceeding 1,350 tons.
15. In-situ mining, preparation and refinement of ores, magnesite and all types of coal, with an annual capacity exceeding 100,000 tons.
16. Large capacity storage facilities for storing crude oil (over 200,000 cubic meters), crude oil products (exceeding 50,000 cubic meters) and chemicals (over 2,000 cubic meters).
17. Changes in land utilization relating to large-scale felling of forests exceeding an area of 5 hectares.

APPENDIX 4

CONTENTS OF DOCUMENTATION ON ENVIRONMENTAL IMPACT ASSESSMENT OF PLANS SUBJECT TO INTERNATIONAL DISCUSSION

Information which should be included in documentation on environmental impact assessment must contain at least:

- a) a description of the planned activity and its goals;
- b) if necessary, a description of reasonable alternatives (e.g., of a geographical or technological nature) of the planned activities, including the alternative of withdrawing the activity;
- c) a description of those elements of the environment which will probably be fundamentally affected by the planned activity or its alternative variants;
- d) a description of all possible environmental impacts of the planned activity and its alternative variants and assessment of the magnitude of said impacts;
- e) a description of the measures taken to minimize the extent of the harmful impact on the environment;
- f) a statement of specific methods of forecasting and the initial postulates on which they are based, as well as the relevant environmental data used;
- g) a listing of the shortcomings in knowledge and uncertainties which were revealed in the course of preparing the required information;
- h) if necessary, a short summary of the monitoring and control program, and of all post-project analysis plans;
- i) a summary of a non-technical nature, if necessary, using visual methods of presentation (maps, diagrams, etc.).

Planned types of transboundary activity which may have a particularly damaging impact are assessed on the basis of one or several of the following criteria:

- a) **Volume:** planned types of activity the volume of which is excessive for the given activity;
- b) **Area:** planned types of activity executed in particularly sensitive or environmentally important areas or in their immediate proximity (e.g. heavily waterlogged soils as defined by the Ramsar Convention, national parks, protected nature areas, areas particularly interesting from the scientific or archaeological point of view, cultural or

historical monuments); and further planned types of activity in areas where the features of the planned economic activity can have important impact on the population;

- c) **Consequences:** planned types of activity which have an especially complicated and potentially harmful impact, including impacts resulting in serious consequences for the population and for important types of flora, fauna and organisms, jeopardizing the existing or potential use of the relevant area and producing a burden exceeding the stability level of the environment with regard to the present impact.

The above is the objective of the assessment of the types of activities planned and executed in the immediate vicinity of national borders, as well as the types of activities planned and executed in more remote areas, which may have serious transboundary impact at great distance from the site of the economic activity.