EU FORUM OF JUDGES FOR THE ENVIRONMENT
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Questionnaire on the IPPC-directive for the annual conference in Stockholm 2009

(To be answered by e-mail to **monica.stenberg@dom.se** before 1 august 2009)

This questionnaire consists of two parts. First, there are some general questions about the implementation and application of the IPPC-directive (Council Directive 96/61/EC of September 1996 concerning integrated pollution prevention and control, codified version in Directive 2008/1/EC of the European Parliament and of the Council) in your country, and the role of the courts. Then, we have constructed a case, where an operator is asking for a permit, and we ask you to fill in the information about how this example would be handled/examined in your country.

General questions about the implementation and application of the IPPC-directive and the role of the courts

1. How many IPPC-plants are there in your country?

As at 31 December 2007 there were 2,384 operators in the process of integrated permits.[1] More up-to-date statistics were not publicly available.

2. In what way are questions concerning the application of the IPPC-directive brought to court (litigation, application for a permit, appeal of a permit decision, application for a summons, criminal offence)?

So far there have only been a few judgments relating to IPPC permits within national law. None of those decisions interpreted the IPPC-directive in detail.

Judgment of the Supreme Administrative Court, No. 3 As 15/2008–80 of 12 June 2008 (published at www.nssoud.cz): Fine was imposed on the appellant who was in breach of the conditions set by the integrated permit. He challenged the decision on fine arguing that he was unaware of being in breach of the conditions (he claimed that he learnt of asbest in the waste at the same time as Hygiene Regional Officers did). This argument was dismissed both by the Regional and Supreme Administrative Court, as Act No. 76/2002 Coll., on integrated prevention, presumes no-fault liability and therefore culpability is not a precondition in order to impose sanction. The Supreme Administrative Court also held that the administrative authority was not obliged to make use of other remedies available in the Act before imposing a fine.

3. Which authority (authorities) issues permits according to the IPPC-directive? How far has the integration according to the directive reached? Can, in your country, one authority issue an IPPC-permit comprising the total environmental impact of the

[1] Report on the Environment in the Czech Republic in 2007, p. 234, http://www.senat.cz/xqw/webdav/pssenat/original/48628/41266, Statistics on individual regions and years 2005-2007 available at http://www.irz.cz/vyhledavani-v-registru/statistiky, (webpage of the integrated environmental pollution register)

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polluting activity (water, air, land, waste etc) or does the company (the applicant) have to send applications to different authorities?

Issuing of permits falls within the competence of Regional Offices (referred to as "Regions"). Ministry of Environment retains competence in issuing permits for installations whose operation could significantly detrimentally affect the environment of the State [Section 29 and 33 of 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)].

In principle, the competent authority requests other competent authorities to send their standpoints within the process (Sections 8–11 of the Act No. 76/2002 Coll., on integrated prevention) and upon those the authority grants an IPPC-permit comprising the total environmental impact of the polluting activity. The applicant has to include other documents that would be part of application for other permits under special laws (which are to be replaced by the integrated permit) as an annex to the application for integrated permit [Section 4(1)(o) of the Act No. 76/2002 Coll., on integrated prevention].

4. Which authority or court hears appeals against IPPC-permits? What competence does the authority or court have to change/amend a permit? Can it for example decide about new or changed conditions? Can it just withdraw the permit or parts of the permit?

The Act No. 76/2002 Coll., on integrated prevention, allows for an appeal to the Ministry of Environment (against permits issued by a regional office) or to the Minister of Environment (against permits issued by the Ministry of Environment). The competences of these authorities within the administrative procedure are governed by Act no. 500/2004 Coll., Code of Administrative Procedure (Section 90), according to which:

„(1) Where an appellate administrative body concludes that the challenged decision is contrary to legal regulations or incorrect, it shall

- *a) annul the challenged decision or a part thereof and discontinue the proceedings;*
- *b) annul the challenged decision or a part thereof and return the matter back for reconsideration to the administrative body which had issued the decision; the justification of the appellate body decision shall contain the legal opinion of the appellate body, which shall be binding upon the administrative body which had issued the challenged decision; the new decision may be appealed against; or*
- *c) alter the challenged decision or a part thereof; the decision may not be altered if any of the participants upon whom a duty is imposed might suffer harm for reason of losing the right of appeal; (...) the appellate administrative body shall alter the justification of the decision if this is necessary in order to rectify the defects of the justification; the appellate administrative body may not, by its decision, alter a decision of a body of regional self-governing unit taken within its autonomous competence.*

(3) The appellate administrative body may not alter the challenged decision to the prejudice of the appellant unless the appeal was lodged also by another participant whose interests are not identical, or unless the challenged decision is contrary to legal regulations or another public interest.

(4) If the appellate administrative body finds out that there is a fact substantiating the discontinuation of proceedings it shall annul the challenged decision and discontinue the proceedings, unless another decision on appeal may be relevant for damages or for the legal successors of the participants.

(5) If the appellate administrative body concludes that there are no reasons for procedure as under paragraphs 1–4 of this Section, it shall dismiss the appeal and confirm the challenged decision. If the appellate body alters or annuls a part of the challenged decision, it shall confirm the remainder of the decision."

The decision on appeal can be reviewed by an administrative court (first by a regional court, then by way of cassation complaint by the Supreme Administrative Court). The courts have no competence to alter or amend the permit. Pursuant to Section 78 of the Act No. 150/2002 Coll., Code of Administrative Justice: *"If the complaint is justified, the court revokes the contested decision as unlawful or for procedural faults. The court also revokes the contested decision as unlawful if it finds that the administrative authority exceeded the legally defined bounds of discretionary power, or abused it."* Courts may only alter decisions on administrative offence in cases where the penalty was unreasonably high (Section 78(2) of the Code of Administrative Justice).

5. Who – in addition to the operator of the plant – can bring a case concerning IPPC-matters to court by appealing against an IPPC-permit? What about for example people living in the neighbourhood, NGOs and authorities on different administrative levels (local, regional, national)? What kind of obstacles are there for them to bring a case to court; for instance different kinds of procedural costs?

According to Section 7 of the Act No. 76/2002 Coll., on integrated prevention, the participants of the proceedings are:
(1) (…) always (…)
a) the operator of the installation,
b) the municipality, in whose territory the installation is or is to be located,
c) the region, in whose territory the installation is or is to be located,
d) civic associations, public benefit societies, federations of employers or chambers of commerce, whose sphere of business consists in enforcing and protecting professional interests or public interests pursuant to the special regulations [12)], and also municipalities or regions in the territory of which this installation may affect the environment, **if these participants applied in writing to the authority** competent to grant the integrated permit **within 30 days of the date of disclosing information** from the application to the public pursuant to § 8.
(2) A person who would be a participant in the procedure pursuant to the special regulations [5)] shall also be a participant in the procedure if his (her) position is not already defined in paragraph 1 above.

[12)] Act No. 20/1987 Coll., on state memorial care as amended, Act No. 301/1992 Coll., on the Chamber of Commerce of the Czech Republic, as amended, Act No. 17/1992 Coll.
[5)] Act No. 17/1992 Coll., Act No. 114/1992 Coll., on protection of nature and the landscape, as amended, Act No. 254/2001 Coll., on waters and amending some related Acts, Act No. 164/2001 Coll., on natural therapeutical sources, sources of natural mineral waters, natural therapeutical spas and spa sites and amending some related Acts (the Spa Act).

The above participants to proceedings may also bring a case to the court, provided they had been participants in the administrative proceedings.
The obstacle for NGOs and other organizations in letter d) is the need to apply for being a participant within 30 days from disclosing the information.

6. On what basis is decided what is considered to be the best available technique (BAT) in a certain case? What is the role of the BREF documents?

In Section 14 of the Act No. 76/2002 Coll., on integrated prevention, it is specified that "*in setting the binding conditions of operation, in particular the emission limits, the Authority* ***shall base its considerations on the use of the best available technique*** *on the basis of the aspects set forth in Annex 3 to this Act, taking into account the technical characteristics of the installation, its location and local environmental conditions, however, without prescribing the use of one specific technique or specific technology."* Under Section 1(e) of that Act, when deciding on the best available technique, the criteria listed in Annex 3 of the Act are taken into account. According to Annex 3 to the Act No. 76/2002 Coll., on integrated prevention, the criteria to consider BAT are: *"bearing in mind expected costs and benefits of the planned measure and the prevention and precaution principles:*

1) *The use of low-waste technology*
2) *The use of less hazardous substances*
3) *The support for recovery and recycling of substances generated or used in the technological process and where appropriate for recuperation and recycling waste*
4) *Comparable processes, facilities or operational methods, which have been tried with success on an industrial scale*
5) *Technical development and changes in scientific knowledge and understanding*
6) *The nature, effects and volume of the emissions concerned*
7) *The commissioning dates for new or existing installations*
8) *The consumption and nature of raw materials (including water) used in the technological process and their energy intensiveness*
9) *The need to prevent or reduce to a minimum the overall emissions impacts on the environment, transboundary pollution effects and the environmental risks*
10) *The need to prevent accidents and to minimize their consequences for the environment*
11) *The information on the state and development of best available techniques and monitoring of related information published by the European Commission and through the international organizations."*

BREF documents are referred to within Section 27 of the Act No. 76/2002 Coll., on integrated prevention:

"(1) ***The system for exchange of information on the best available techniques*** *shall include:*
a) monitoring of changes in the best available techniques contained ***in documents published by the European Communities*** *(hereinafter „documents of the European Communities") and monitoring of trends in the best available techniques in the Czech Republic,*
b) providing for authorized translations of the best available techniques contained in documents of the European Communities, and publishing and explanation thereof, (...)
(2) The Ministry of Industry and Trade in cooperation with the Ministry of the Environment, the Ministry of Agriculture, the Ministry of Health, the Czech Environmental Inspectorate (hereinafter the „Inspectorate"), the Regions and the Agency shall ensure for the system for exchange of information.
(3) ***The Government shall lay down the manner and extent of ensuring the system for exchange of information on the best available techniques in a Government Decree."***

The decree mentioned in Section 27(3) of the Act on integrated prevention was adopted in 2003 by Government Order No. 63/2003 Coll., which established a Forum for the Exchange of Information on BAT consisting of experts from the Ministry of Industry and Trade, the Ministry of the Environment, the Ministry of Agriculture, the Czech Environmental Inspectorate, regions and the Agency (which is an organization responsible for the expert support in integration prevention). This Forum sets up technical working parties in diverse fields of competence. BREF documents are translated by individual resorts and the translation is then considered by the respective technical working group. That group is responsible for the translation, proof-reading and upon the developments in BAT it issues recommendations

which are to be applied in the integrated prevention process. Translations of the BREF documents are available on the webpage dedicated to IPPC plans.[2] Recommendations on the use of the BREF documents are not at the moment available at the webpage of IPPC, however they can be found on other webpages. Recommendations adopted in 2006 and 2007 are also available in the archive of the IPPC webpage.

7. Is there a time limit for the IPPC-permit, or is the permit valid for ever? Is the permit holder obliged to apply for a new permit after a certain time period? Can a supervisory authority issue injunctions which go further than the conditions of the permit as regards environmental matters? Under what circumstances can a supervisory authority request a review of the permit and its conditions?

The IPPC permit is not time limited. However, review of a permit must be done at least once every 8 years to make sure whether there has been no change in the circumstances that could lead to a change in the integrated permit (Section 18 of the Act No. 76/2002 Coll., on integrated prevention). Moreover, the permit shall terminate in case it is not used for a period of more than 8 years without a serious reason therefor [Section 20(c) of the Act No. 76/2002 Coll., on integrated prevention].

Apart from regular review of (at least) every 8 years, the supervisory authority **shall always** review the integrated permit under these circumstances (Section 18(2) of the Act No. 76/2002 Coll., on integrated prevention):
"a) if it is considered that there has been a serious breach of the conditions of the integrated permit,
b) if there has been a change in the best available technique that allows for a substantial decrease in emissions not entailing excessive costs for the operator of the installation for the introduction thereof,
c) if [the authority] discover(s) that the operating safety of a process or activity of the installation requires that a different technology be used,
e) if so required by a change in the emission limits or environmental quality standards implemented on the basis of other regulations[6)], or
f) in the environmental pollution caused by operation of the installation is so high that it significantly exceeds the environmental quality standard and it cannot be approached other than through a change in the binding conditions for operation of the installation.
*(3) The Agency **may** review the binding conditions of the integrated permit if a planned change in the installation is notified."*

6) E. g. Act No. 309/1991 Coll., on protection of the air against pollutants, as amended, Act no. 114/1992 Coll., Act No. 334/1992 Coll., on protection of the agricultural land fund, as amended, Act No. 254/2001 Coll., on waters and amending some Acts (the Water Act), Act No. 185/2001 Coll., on wastes and amending some other laws, Act No. 289/1995 Coll., on forests and amending and supplementing some related Acts, as amended, Act No. 164/2001 Coll., on natural therapeutical sources, sources of natural mineral waters, natural therapeutical spas and spa sites and amending some related Acts (the Spa Act), Act No. 166/1999 Coll., on veterinary care and amending related Acts (the Veterinary Act), as amended.

As regards injunctions going further than the conditions of a permit, cases falling within Section 18(2)(c) and (e) would lead to review of an integrated permit, if it is required by operating safety of the process and in case high environmental pollution is caused by the operation. Upon the results of this review, the Authority is authorized to (Section 19(1)):

[2] http://www.ippc.cz/obsah/CF0135 (access on 13 July 2009).

"a) require that the operator of the installation introduce measures for a remedy within an appropriate deadline [the deadlines for carrying out the remedies in Section 37 and 38 shall not apply (note, i.e. deadlines in case a tort is committed do not apply)]
b) to require that the operator of the installation submits a request for a change in the integrated permit within an appropriate deadline set by the Authority pursuant to Section 19a(1),
c) to issue the operator a of the installation a decision on terminating the operation of the installation or a part of the installation."
Should the operator not follow the remedies under Section 19(1), the Authority shall issue a decision on the termination of the operation of an installation or its part.
These remedies do not preclude other remedies that may be imposed under special laws [Section 19(4) of the Act No. 76/2002 Coll., on integrated prevention].

8. Is the choice of the localisation of an IPPC-plant considered in the same process as the IPPC-permit and the conditions for the permit? Or is the localisation decided in a separate process according to another legislation? In that case; which comes first, the decision on the localisation or the IPPC-permit?

All in all an IPPC-plant is subject to the following procedures:
1. Environmental Impact Assessment of a Conception (SEA) – Section 10a of Act No. 100/2001 Coll., on environmental impact assessment and amending some related Acts (the Act on environmental impact assessment) [if necessary to apply for SEA]
2. Plan under Section 43 of Act No. 183/2006 Coll., on town and country planning and building code (Building Act)
3. Environmental Impact Assessment of a Plan (EIA) – Section 4 of Act No. 100/2001 Coll., on environmental impact assessment and amending some related Acts (the Act on environmental impact assessment) [if necessary to apply for EIA]
4. Planning permission under Section 84 of Act No. 183/2006 Coll., on town and country planning and building code (Building Act)
5. IPPC under Act No. 76/2002 Coll., on the integrated prevention
6. Building permit under Section 115 of Act No. 183/2006 Coll., on town and country planning and building code (Building Act)

Building permit may only be granted once integrated permit was granted (Section 45 of the Act No. 76/2002 Coll., on integrated prevention) if integrated permit is obligatory (Annex I of the Act No. 76/2002 Coll. lists operations that require integrated permit). According to Section 78 of Act No. 183/2006 Coll., on town and country planning and building code (Building Act), the building permit and planning permission proceedings may be in one procedure; however, this will only apply for the plants requiring integrated permit in cases where the integrated prevention permit proceedings was completed before the building permit and planning permission proceedings.

9. Are the EIA-directive (Council Directive of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, 85/337/EEC) and the IPPC-directive implemented in the same legislation in your country, so that you in one single process get a permit that fulfils the demands of both directives? If not so; how is the EIA-directive implemented? For example in a special legislation, in planning and building legislation or otherwise?

The EIA directive is implemented separately in the Act No. 100/2001 Coll., on environmental impact assessment and amending some related Acts (the Act on environmental impact

assessment). Planning and building permits are also regulated in a separate Act No. 183/2006 Coll., on town and country planning and building code (Building Act).

10. Suppose an existing IPPC-plant wants to double its production and that this will be done by duplicating most of the process equipment. The plant will thus consist of an old and a new line of production, but some equipment that is necessary for environment protection will be parted so that it is used by both lines. The application concerns only the increase of production (the new line) and not the whole production (both old and new line). How does the permit authority handle this situation? Does it issue a permit concerning only the increased production (the new line)? Or does it demand a new application concerning the whole production (old and new line)? Or what? (See article 12.2.) This question can be considered in light of the EIA-directive, which demands the assessment of a project as a whole (and no cutting of the salami!).

According to Section 16(1)(b) of the Act No. 76/2002 Coll., on integrated prevention, the operator of an installation is obliged to *"notify the Authority of a planned change in the installation."* Pursuant to Section 18(2) the Authority **shall always** review the binding conditions of the integrated permit if c) *"they discover that the operating safety of a process or activity of the installation requires that a different technology be used."* Pursuant to Section 18(3) the Authority **may review** the binding conditions of the integrated permit upon the notification of a change in the installation operation.
Pursuant to Section 19a of this Act, if an authority finds out upon the notification under Section 16(1)(b) or upon review pursuant to Section 18 that the planned change will amount to substantial change in the operation of the installation, it shall invite the operator of the installation to lodge an application for a change in the integrated permit, in which it may also hold which substantial elements of the application need not be presented. The procedure will be governed accordingly by the provisions of Section 3–15 of the Act (i.e. provisions relating to the procedure on issuing an integrated permit).
The above mentioned case would probably fall within the Section 19a procedure, and would then result in a complex assessment of the process (i.e. the old and new lines of production altogether).

11. Can the permit authority decide on conditions based on BAT, even if the application only describes environment protection measures that are less strict? How does the authority handle applications that are not based on BAT?

As stated above, pursuant to Section 14 of the Act No. 76/2002 Coll., on integrated prevention, it is emphasized that *"in setting the binding conditions of operation, in particular the emission limits, the Authority shall base its considerations on the use of the best available technique on the basis of the aspects set forth in Annex 3 to this Act, taking into account the technical characteristics of the installation, its location and local environmental conditions, however, without prescribing the use of one specific technique or specific technology."*

The Act also states in its Section 15(1) that *"in the integrated permit, the Authority shall lay down the obligation to* ***implement supplementary conditions*** *to comply with the environmental quality standard for an operator of an installation* ***that cannot reach the environmental quality standard using the best available technique****, for example conditions limiting operation of the installation at a certain time during the day";* and in its Section 15(2) that *"if the environmental standard is* ***less strict than the requirements that are usually met using the best available technique****, the Authority shall lay down the binding conditions for operation in the integrated permit* ***so as to correspond to the potential of use of the best available technique****."*

12. If there are national general rules on emission standards that do not match BAT, how are they applied by the permit authority?

If regulations governing environment protection enact stricter rules than BAT, they would be applied by the authorities. This follows from Section 14(3) of the Act No. 76/2002 Coll., on integrated prevention: *"In setting the binding conditions of the operation, in particular emission limits, the Authority shall base its considerations on the use of best available technique on the basis of the aspects set forth in Annex No. 3 of this Act, taking into account the technical characteristics of the installation, its location and local environmental conditions, however, without prescribing the use of one specific technique or specific technology.* ***The emission limits thus set must not be less strict than the emission limits that would otherwise be laid down pursuant to the special regulations****."* Whether the regulations are indeed stricter than BAT or do not match BAT in certain areas, is difficult to evaluate in the abstract.

13. How do existing industries meet the demands of the IPPC-directive in your country? Who has the responsibility to make sure that the requirements are met? Is it the supervisory authority, the operator of the plant or someone else? What are the consequences if an existing industry does not meet the requirements? Can it be closed? Or is a certain time period accepted before measures? How long? (See article 5.)

Measures ensuring the enforcement of the IPPC rules are laid down by the Act No. 76/2002 Coll., on integrated prevention, and include:

- Fines [Section 37 of the Act]
- Corrective actions [Section 19(1)(a)]
- Calling on the operator to apply for a change in the integrated permit within a set dead-line [Section 19(1)(b)]
- Decision on termination of the operation of installation or its part [Section 19(1)(c)]

- **Fines** stated above may be imposed by the Regions, the Czech Environmental Inspectorate or Regional Hygiene Officers (Sections 33–35 of the Act No. 76/2002 Coll., on integrated prevention). Pursuant to Section 37 of the Act No. 76/2002 Coll., on integrated prevention:
  A **fine of up to 1 million CZK** (approx. 40 000 EUR) may be imposed on a person who:
  a) fails to comply with the reporting obligation under Section 16(1)(b) or (d),
  b) states fase information in the application that could affect a decision on an integrated permit,
  c) fails to submit an application for a change in an integrated permit within the deadline laid down by the Authority
  A **fine of up to 7 million CZK** (approx. 280 000 EUR) may be imposed on a person who:
  a) as an operator of the installation commits an administrative tort by operating an installation without a valid integrated permit, without a final decision on the substantial change of an integrated permit, or who fails to comply with the conditions of the integrated permit;
  b) who, within the set deadline, fails to carry out a corrective action or fails to stop operation of the installation or a part thereof.
- Time-limits to **carry out corrective actions** are set by the competent authority (i.e. Region, the Czech Environmental Inspectorate or a Regional Hygiene Officer) (see Section 19 of the Act).

- The decision imposing **termination of operation** falls within the competence of the relevant Region.

14. Which authority is supervising IPPC-plants? How often do inspections take place? What enforcement policy do they have (warnings, injunctions, sanctions and so on)? Which type of sanctions can be applied in case of violations?

Supervision is carried out by four authorities: Ministry of Environment, Regions, Czech Environmental Inspectorate, and Regional Hygiene Officers.

Ministry of the Environment conducts State supervision and carries out review of integrated permits on the operation of installations which may significantly detrimentally affect the environment of the affected State.
Review of other operations that cannot significantly detrimentally affect environment is conducted by the Regions [Section 33(b) of the Act] (For more on review, see above questions 7 and 10).
Compliance with the integrated permit is inspected by the Czech Environmental Inspectorate [Section 34(a) of the Act No. 76/2002 Coll., on integrated prevention].
Regional Hygiene Officers have supervisory role, as regards protection of the public health [Section 35(b) of the Act].
As regards inspections, the Act No. 552/1991 Coll., on State Control, applies.
The Act No. 76/2002 Coll. does not specify how often such inspections should take place; it merely sets a minimum frequency of review of the integrated permit (once in 8 years).

An example

A new tannery is going to be built in your country. The tannery will have a production that exceeds 12 tonnes per day and is thus an IPPC-plant.

1. What kind of authority or authorities (local, regional, central) will handle (examine, review) the application and issue the permit?

Apart from the planning permission, environmental impact assessment (EIA and SEA) (if necessary) and building permit (see above question 8), the IPPC application will be handled by the respective Region, unless it regards operation of an installation which may significantly detrimentally affect the environment of the affected State, such applications being in competence of Ministry of Environment [Sections 29(b) and 33(a) of the Act No. 76/2002 Coll.].

2. Will the application include an EIS according to the EIA-directive?

No, an application for environmental impact assessment has to be filed separately under a different Act [Act No. 100/2001 Coll., on environmental impact assessment and amending some related Acts (the Act on environmental impact assessment)]. It is also lodged at Regions [Section 22 of the Act No. 100/2001 Coll., on environmental impact assessment]; in cases where impact on larger areas is assessed, such as for a whole region or a few regions etc., the application is to be lodged at the Ministry of Environment [Section 21 of the same Act] .

3. Will the permit authority/authorities try the localisation of the plant in the same process as the IPPC-questions?

Localisation of the plant will be considered within the IPPC permit examination (it is one of the obligatory essentials in the application for integrated permit and, pursuant to Section 14(3) of the Act on integrated prevention, it is one of the factors to be taken into account when setting the binding conditions). However, planning permission procedure is separate from that of IPPC and the operator will have to participate in that one separately.

4. Are there any procedural costs for the tannery operator?

Yes, under Act No. 634/2004 Coll., on administrative fees, entry 96, issuing an integrated permit is subject to a fee of 30 000 CZK (approx. 1 200 EUR), if the operation is listed in Annex I of Act No. 76/2002 Coll., on integrated prevention); change of the permit would cost 10 000 CZK or 5 000 CZK (approx. 400 EUR or 200 EUR respectively), depending on whether or not the operation is listed in Annex I of Act No. 76/2002 Coll., on integrated prevention. A change of the permit initiated by the administrative body is not subject to administrative fees.

Annex I of the Act No. 76/2002 Coll. lists operations that require integrated permit. Hence, if an integrated permit is requested for an operation in cases where such permit is not obligatory, issuing the permit is not subject to administrative fees.

5. Does the permit authority normally ask other authorities on different administrative levels in the permit process for their opinion on the application?

Yes. The application is sent for standpoint to administrative bodies exercising competence pursuant to special regulations whose administrative acts are being replaced by the integrated permit [Section 8(1)(b) of Act no. 76/2002 Coll., on integrated prevention].

6. How does the permit authority ensure public participation? Can for example people state their view in writing, by e-mail, in a public hearing or otherwise?

Pursuant to Section 8 of the Act No. 76/2002 Coll., on integrated prevention, the authority shall forward the application to a) the participants in the procedure [i.e. to the municipality and region in whose territory the installation is/is to be located] [see Section 7(b) and (c) of the Act]; b) relevant administrative authorities exercising competence pursuant to special regulations whose administrative acts are replaced by the integrated permit; c) the country whose environment could be significantly detrimentally affected by the operation of the installation. At the same time the authority publishes a brief summary of the information and informs on when and where the application is available for consultation at an official notice board and at the portal of public administration within 7 days from receipt of the application. This information should be available at the official notice board and at the portal for 30 days. The portal is accessible by internet. Within 30 days from the publication anyone may send his/her opinion on the application [Section 8(2) of the Act].
The information published should contain data on which company filed the application; description of the operation and related activities; description of materials and energies used; list and description of emission sources and description of other impacts of the emissions, characteristics of impact on the environment, as well as assumed quantities of emissions; characteristics of the area (current emissions situation); description of technologies used and technologies to prevent occurrence of emissions; measures to be taken to prevent waste and to measure the emissions; comparison of the operation with BAT etc. [Section 4(1)(d) of the Act].
An oral hearing may be ordered by the authority within 5 days after the period for sending the opinion by affected authorities or any participant of the procedure lapsed [i.e. within 5 days

from the lapse of 30-days time-limit]. The authority is obliged to call an oral hearing in case any participant of the proceedings requests so (within the 30-day time-limit) [Section 12(1) of the Act]. For a list of participants to the proceedings, see Section 7 of the Act which is quoted in question 5 above.

7. The permitting authority will issue the permit on certain conditions. Mark with an X the in the table what kind of conditions that might be laid down. And please make good use of the "remark"-column, with for instance examples of conditions!

In principle, any of the conditions below may be applied in the binding conditions by the authority. However, this would be done on a case-to-case basis, and would depend on the localisation of the installation, type of installation etc. It is rather difficult to describe those conditions in the abstract.

Kind of condition	Yes	No	Remark
conditions concerning the tanning technology itself (clean production)			
conditions concerning the cleaning technology (end of pipe solutions)			
limit values for water pollutants			
limit values for air pollutants			
conditions concerning solid wastes			
limit values for noise			
limit values for energy consumption			
conditions concerning transports to and from the plant			
conditions about what chemicals that are not to be used in the production			
conditions concerning the control of discharges			

Other questions	Yes	No	Remark
can the setting of conditions be postponed in the permit?		X	The setting of conditions may not be postponed pursuant to the Act No. 76/2002 Coll., however, there may be an exemption from the binding conditions (emission limits) for a period of up to 6 months. Section 14(4) of the Act No. 76/2002 Coll.: the Authority *"may lay down **exemptions from the emission limits for a period of***

			a maximum of six months *if the operator of the installation plans to carry out measures leading to a decrease in pollution within this period (...)"*
can stricter conditions than what is stated in the BREF-document be set?	X		Pursuant to Section 15(1) of the Act No. 76/2002 Coll.: *"in the integrated permit, the Authority shall lay down the obligation to* ***implement supplementary conditions*** *to comply with the environmental quality standard for an operator of an installation* ***that cannot reach the environmental quality standard using the best available techniqu****e, for example conditions limiting operation of the installation at a certain time during the day"*

8. If the permit authority wants to prescribe a condition on the maximum discharge of chromium to water from the tannery, on what basis is the level of the discharge decided?

Such conditions would be part of the decision on the application within the part binding conditions of the operation [Section 13(4) of the Act No. 76/2002 Coll., on integrated prevention]. The limits of emissions into waters are regulated by Section 38 of the Act No. 254/2001 Coll., on Waters, which was implemented by Government Order no. 61/2003 Coll., which sets limits of pollution of waters.

9. Who can appeal the permit and to whom?

The permit may be appealed against by participants to the procedure. First, an appeal within administrative review procedure is available to the Ministry of Environment (or to Minister of Environment, in cases the appeal challenges a decision of the Ministry of the Environment). Thereafter appeal to court is available (see question 5 above). The court procedure takes place before regional courts and upon cassation complaint against a decision of a regional court before the Supreme Administrative Court.