

# CZECH REPUBLIC

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by the Czech Republic in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (\*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Czech Republic*
Article	
5	
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	
14(6)	
14(7)	
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	
22(2)	
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	
31(2-9)	
32(1)	
32(2-3)	
33(1 and 2)	
34	
35	
36(1)	
36(2)	
37(2)	

Country	Czech Republic*
Article	
37(3)	
37(4)	
37(5)	
37(6)	
37(7)	
38(1)	
38(2)	
38(3)	
38(4)	
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
56(2)	
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	
66(1)	
67(1)	

## 2. types of offences related to REACH in Czech Republic

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Czech Republic. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<b>Offences related to the registration requirements</b>	Infringements of all REACH obligations	• N/A
<b>Offences related to authorisation and restrictions requirements</b>	Infringements of all REACH obligations	• N/A
<b>Offences related to the supply chain requirements</b>	Infringements of all REACH obligations	• N/A
<b>Offences</b>	Infringements of all REACH obligations	• N/A

related to the downstream user requirements		
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### 3. Sanctions applicable to legal persons in Czech Republic

This table mentions whether or not the Czech Republic applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Czech Republic	Y	Identical to natural persons (with a business licence)	N

### 4. REACH related administrative and criminal penalties in Czech Republic

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Czech Republic. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
<b>Penalties related to infringement of registration requirements</b>	<ul style="list-style-type: none"> <li>• A financial penalty (fine) of up to 5 000 000 CZK<sup>1</sup> (195 695 EUR)</li> <li>or</li> <li>• An obligation to withdraw the substance from the market</li> <li>or</li> <li>• some of the following measures can also be imposed for a violation of REACH provisions:               <ul style="list-style-type: none"> <li>- obligation to achieve compliance with the REACH regulation, conditions and deadlines</li> <li>- liquidation of the substance or the preparation at the expense of the owner (or the holder if the owner is not known)</li> <li>- suspension of a business licence</li> <li>- suspension or ban on use of the substance or preparation</li> <li>- sanitation</li> <li>- suspension of placing on the market, placing into circulation or distribution and selling of preparations that are suspected to be dangerous</li> <li>- obligation to eliminate distribution and selling of preparations.</li> </ul> </li> </ul>	N/A

<sup>1</sup> Approx. 195 695 EUR (calculated on the basis of the exchange rate as on 7 September, 2009)

<b>Penalties related to infringement of authorisation requirements</b>	<ul style="list-style-type: none"> <li>• A financial penalty (fine) of up to 5 000 000 CZK (195 695 EUR)</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• An obligation to withdraw the substance from the market</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• some of the following measures can be imposed for a violation of REACH provisions: <ul style="list-style-type: none"> <li>- obligation to achieve compliance with the REACH regulation, conditions and deadlines</li> <li>- liquidation of the substance or the preparation at the expense of the owner (or the holder if the owner is not known)</li> <li>- suspension of a business licence</li> <li>- suspension or ban on use of the substance or preparation</li> <li>- sanitation</li> <li>- suspension of placing on the market, placing into circulation or distribution and selling of preparations that are suspected to be dangerous</li> </ul> </li> </ul>	N/A
<b>Penalties related to infringement of the supply chain requirements</b>	<ul style="list-style-type: none"> <li>• A financial penalty (fine) of up to 5 000 000 CZK (195 695 EUR)</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• An obligation to withdraw the substance from the market</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• some of the following measures can be imposed for a violation of REACH provisions: <ul style="list-style-type: none"> <li>- obligation to achieve compliance with the REACH regulation, conditions and deadlines</li> <li>- liquidation of the substance or the preparation at the expense of the owner (or the holder if the owner is not known)</li> <li>- suspension of a business licence</li> <li>- suspension or ban on use of the substance or preparation</li> <li>- sanitation</li> <li>- suspension of placing on the market, placing into circulation or distribution and selling of preparations that are suspected to be dangerous</li> </ul> </li> </ul>	N/A
<b>Penalties related to infringement of the downstream users requirements</b>	<ul style="list-style-type: none"> <li>• A financial penalty (fine) of up to 5 000 000 CZK (195 695 EUR)</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• An obligation to withdraw the substance from the market</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• some of the following measures can be imposed for a violation of REACH provisions: <ul style="list-style-type: none"> <li>- obligation to achieve compliance with the REACH regulation, conditions and deadlines</li> <li>- liquidation of the substance or the preparation at the expense of the owner (or the holder if the owner is not known)</li> <li>- suspension of a business licence</li> <li>- suspension or ban on use of the substance or preparation</li> <li>- sanitation</li> <li>- suspension of placing on the market, placing into circulation or distribution and selling of preparations that are suspected to be dangerous</li> </ul> </li> </ul>	N/A

## 5. Short description of REACH sanctions and related issues in Czech Republic

In the Czech legislation, criminal liability of legal persons does not exist. Moreover, criminal liability of natural persons in the “environmental area” is very limited and thus rarely applied in practice. Consequently, administrative liability applies in the majority of cases and administrative sanctions are imposed. These are mostly financial penalties. Apart from financial penalties, corrective measures can be imposed, including closing down an operation, or suspending or cancelling an authorisation.

Pursuant to the Czech legislation, all breaches of the obligations under REACH are covered by a “catch-all provision”. That provision imposes a financial penalty of up to 5 000 000 CZK (195 695 EUR) on legal persons and natural persons with a business licence. Besides that, the enforcement authorities may order to withdraw the relevant substance or preparation from the market.

There is so far little data to verify whether the maximum amount has ever been used. The data that is available for comparable environmental legislation tend to indicate that enforcement authorities impose penalties more often close to the bottom end of the allowed range<sup>2</sup>.

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<sup>2</sup> For example, the Act on the integrated prevention states that a fine of maximum 7 000 000 CZK (273 972 EUR) can be imposed if an operator operates the installation without a valid IPPC permit or in breach of the conditions of the permit. According to the data published by the Czech Environmental Inspectorate<sup>2</sup>, the fines imposed for this offence in 2009 do not exceed 300 000 CZK (11 742 EUR). Such fines do not seem sufficiently dissuasive.