

REPORT

referred to in Article 18(1) according to the Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage

The Directive 2004/35/CE (hereinafter "the Directive") has been transposed into The Act No. 167/2008 Coll., on prevention and remedying environmental damage and amendment on some laws (hereinafter "The Environmental Liability Act" – "ELA") in the Czech republic. The ELA came into force on 17 August 2008. The Environmental Liability Act defines the basic terms and stipulates what is considered as a damage to the environment. ELA provides for mandatory financial security and environmental damage risk assessment for operators of the occupational activities listed in Annex I of the ELA – in five years after the entry into force of the ELA (from 1 January 2013).

In accordance with Article 14 of the Directive (and pursuant to Article 14 ELA), the financial security and the environmental damage risk assessment have been implemented in details into The Government Order No. 295/2011 Coll. of 14 September 2011. If the assessment showed that the potential environmental damage exceeded CZK 20 million, the respective operator would have the obligation to establish adequate financial security.

The requirements of the assessment were specified in the methodical guidelines published by the Ministry of Environment of the Czech Republic.

There have been no instances of environmental damage in terms of the Directive after its transposition into Czech law.