

The present time of transposition of the European environmental legislation into Czech food industry

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ABSTRACT: The accession of the Czech Republic in the European Union has brought a necessity to adopt a range of new legal regulations and to apply them in our conditions. Their application however connects with a highly demanding and complex process of implementation of the individual acts of law, administrative and time requirements. One of laws that had to be adopted is the Act No. 76/2002 Coll. on integrated prevention and pollution control, on the integrated pollution register and on amendment to some Acts (hereinafter the IPPC Act). The Act imposes an obligation for all operators of various industrial and processing plants working at certain production or processing capacities have to obtain a so called integrated license without which their activities will not be permitted to continue in the future. At the beginning of the integrated licensing procedure, each subject concerned by the Act is obliged to file an application for the integrated license at a relevant regional authority. There is an analysis of the present time of the IPPC problems in Czech food industry. At the present time, the procedure of licensing and applications for the integrated license are at various stages of the process in individual enterprises.

Keywords: IPPC; licensing procedure; pollution; installations

On the occasion of its admission in the European Union the Czech Republic is required to transpose and apply environmental legislation of the European Community in the field of environmental issues. One of the most important legislative regulations is the Council Directive 96/61/EC on integrated pollution prevention and control (IPPC Directive). A tool by means of which the requirements of the Directive were transposed into Czech national legislation is the Act No. 76/2002 Coll. on integrated prevention and pollution control, on the integrated pollution register and on amendment to some Acts (IPPC Act) in effect since January 1, 2003.

The objective of the Act is to achieve a high standard of the protection of environment as a whole, preventive protection of environment from the impacts of industrial and agricultural operations – to prevent pollution already during the manufacturing process, and not only by the installation of end-of-pipe technologies such as sewage water treatment plants, filters, etc., to assure an integrated execution of public administration in licensing the operations, and to establish and operate an integrated register of environment pollution.

Serving as a tool for the integrated licensing of production activities the Act concerns most of our large and medium-sized industrial and agricultural producers, imposing on them an obligation to obtain the integrated license for running their activities, which is going to substitute the hitherto issued compartment permits. The

obligation to acquire the integrated license applies also to a number of food processing operations. Without the license, no plant falling under Attachment No. 1 to the IPPC Act will be authorized for operation after 30 October 2007 (similarly as in other EU countries) and its products will not be allowed to enter the internal European Community market.

MATERIAL AND METHODOLOGY

The aim of this paper is to describe the process of implementation of the Council Directive 96/61/EC on IPPC into Czech legislation and to list industries concerned by the Directive with a detailed distinction of food processing installations, in order to analyze the present situation and conditions in the integrated licensing procedure for food operations in the Czech Republic.

In order to fulfill the aim a database was established of data collected through analyzing the situation in food operations, in relevant state administration authorities (regional) and in the info-centres of relevant central institutions (Ministry of Environment – Department of Integrated Prevention and Projects EIA, Ministry of Agriculture, Ministry of Industry and Trade – Department of Industrial Technology Development, IPPC Information Centre at the Czech Ecological Institute, IPPC Info-server at the Ministry of Industry and Trade: www.ippc.cz).

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The gained data served to build a knowledge database to show how many concerned and in given concrete categories classified food operations occur in each region, i.e. how many filed integrated license applications are to be cleared by the competent regional authorities.

RESULTS

A complete list of organizations and installations concerned by the IPPC Act in the Czech Republic in the sense of Attachment 1 to the Act has been publicized on websites operated by the Czech Ecological Institute (URL 2004). These operations are obliged to file an application for integrated license in the sense of Decree No. 554/2002 Coll. (MAREČEK et al. 2003) in terms defined by the Act. Total number of the operations according to IPPC categories (as specified in Attachment 1) is presented in Table 1.

It follows from Table 1 that the respective categories are fairly evenly distributed in our country, which provides an evidence to the high and versatile industrial and economic standard of the country. The nearly 2.5-fold number of operations in the category of Other activities corresponds to a wider engagement of the category while the preceding categories are more specific, i.e. more detailed focused on a specific industry.

The most numerous category of Other activities includes agricultural, food and sanitary operations, paper and pulp mills, cardboard making plants, operations for pre-treatment or dyeing of fibres and textiles, installations for leather tanning and fur dressing, works for surface treatment of fabrics (especially by chemical way), and operations producing carbon or electric graphite. This most extensive category contains the following food processing operations:

1. Slaughter houses with a carcasses production capacity higher than 50 tonnes per day;

2. Treatment and processing installations intended for the production of food products from:
 - animal raw materials (other than milk) with a production capacity exceeding 75 tonnes of finished products per day,
 - vegetable raw materials with production capacity exceeding 300 tonnes per day (average quarterly value);
3. Treatment and processing installations for milk with received quantity of milk higher than 200 tonnes per day (average annual value).

Table below (number 2) presents numbers of the concerned food processing operations by categories and by individual regions of the Czech Republic (according to the Czech Ecological Institute – IT Department).

There is a total of 47 food operations registered in the Czech Republic, which fall under the IPPC Act effect. Most of the concerned installations can be found in the regions of South Bohemia and Vysočina, none of them is registered in the region of Liberec. This indicates that with the exception of the Liberec region, all other regional authorities in this country are supposed to have a practical experience with the procedure of integrated licensing in food industry.

The IPPC Act defines a total of 4 operation types for which different terms would apply in the fulfilment of liabilities given by the Act (AIP 2003). A detailed description of these installations is presented in Table 3.

Table 3 indicates that the classification of concerned installations in a concrete type depends on the building permit and on the term of putting the installation into permanent operation, i.e. the term of approval. As mentioned above, the types of individual installations differ also in terms by which they are legally obliged to have the integrated license. Terms obligatory at the present time are those for Installation Types I and II – May 1, 2004 (II) and October 30, 2007 (I).

Table 1. List of operations falling under the IPPC Act by categories and regions (as at March 5, 2004)

Field of activities	V Y S	J H M	O L K	M S K	Z L K	P H A	S T C	J H C	P L K	K V K	U L K	L B K	H K K	P A K	Total number of operations
Energy industry	2	13	5	28	10	9	20	11	8	10	32	5	10	9	172
Production and processing of metals	9	16	15	41	5	3	35	6	14	4	14	13	14	9	198
Processing of minerals	2	14	5	7	5	2	14	2	10	3	7	3	2	5	81
Chemical industry	3	8	7	13	7	8	49	2	4	2	49	6	1	20	179
Waste management	9	19	10	23	12	3	22	17	15	6	19	11	9	11	186
Other activities	41	67	27	33	31	3	81	68	40	11	48	13	38	35	536
Total by activities	66	137	69	145	70	28	221	106	91	36	169	51	74	89	1,352

VYS – Region of Vysočina, JHM – Region of South Moravia, OLK – Region of Olomouc, MSK – Region of Moravia-Silesia, ZLK – Region of Zlín, PHA – The capital of Prague, STC – Region of Central Bohemia, JHC – Region of South Bohemia, PLK – Region of Pilsen, KVK – Region of Karlovy Vary, ULK – Region of Ústí nad Labem, LBK – Region of Liberec, HKK – Region of Hradec Králové, PAK – Region of Pardubice

Table 2. List of food operations falling under the IPPC Act by regions (as at March 5, 2004)

Category of operation	V Y S	J H M	O L K	M S K	Z L K	P H A	S T C	J H C	P L K	K V K	U L K	L B K	H K K	P A K	Total number of operations
1	3	1	1	–	1	1	–	3	1	1	–	–	1	1	14
2	2	–	2	2	2	1	4	2	2	–	2	–	2	1	22
3	2	–	1	–	–	–	–	4	1	–	–	–	1	2	11
Total number of operations	7	1	4	2	3	2	4	9	4	1	2	0	4	4	47

Table 3. Types of licensed installations according to § 42, § 43 and § 45 of the IPPC Act

Installation type	Installation type description	Operator's liability
Type I	installations for which building permit application was filed before Oct. 30, 1999 and which were put into operation before Oct. 30, 2000	to own integrated license until Oct. 30, 2007, should they wish to operate the installation after the date
Type II	installations put into operation before Jan. 1, 2003, which do not rank in Category I, or installations for which building permits were issued before Jan. 1, 2003 but which were not put into operation by the date	to file an integrated license application before March 31, 2003 and to own the integrated license before the admission of the Czech Republic in the European Union (MAREČEK 2003), i.e. before May 1, 2004, should they wish to operate the installation after the date
Type III	installations for which building permit application was filed before Dec. 31, 2002 but the building permit was not issued before Jan. 1, 2003	to own an integrated license in order to propose the start of approval procedure
Type IV	installations for which building permit application was filed after Jan. 1, 2003 inclusive	to own an integrated license before the building permit

Table 4. Current situation in the procedure of integrated licensing in Czech food industries (as at March 5, 2004)

Category of operation	Number of operations	Number of filed applications	Number of granted integrated licenses
1	14	5	3
2	22	2	2
3	11	3	0
Total	47	10	5

The total number of operations falling under the effect of IPPC Act in food industry and registered in the database amounts to 47. This means that there are 47 food operations concerned by the liability of having the integrated license. The process of integrated licensing is at diverse stages of progress in these installations. Many subjects filed their applications at a particular regional authority before March 31, 2003 and their procedure of integrated licensing is either in the progress or the integrated license has already been granted. This group includes all installations that

were put into operation before January 1, 2003 (before the day on which the IPPC Act came into force) but which at the same time do not fall in the group of Type I Installations. These operations are usually subject to various reconstructions and extensions where the newly erected buildings were not put into operation before January 1, 2003.

According to the Agency of Integrated Prevention (AIP) the situation as at March 5, 2004 was as follows: there is a total of 47 installations in the field of slaughter houses, food and fodder production and dairy process-

ing of milk. The Agency has up to now dealt with a total number of 10 applications for integrated license of which 5 have been already granted (ZAGOROVÁ 2004) – see Table 4.

CONCLUSION AND DISCUSSION

The hitherto practical experience shows that the success of IPPC integrated licensing is conditioned by mutual cooperation between the operator of the installation (applicant for the integrated license) and the regional authority, and/or author of the application during the whole time of preparing the application. Very important is also the cooperation of all employees in the given installation.

The integrated license will replace the hitherto valid compartment licenses. This is why it is vitally important that a greater number of employees get involved in the process of integrated licensing to cooperate and to gather through their mutual effort all available data and documentation so that the application filed at the regional authority can be complete and exhaustive. It is therefore in the interest of each concerned entity to fill in the application for the integrated license in an integrated way and to cooperate not only within the installation itself but also with the competent bodies of state and public administration. The most important principle of the IPPC licensing procedure based on the Directive (Směrnice 1996) appears therefore to be a dialogue, i.e. a collective commitment and cooperation of all subjects at stake.

It follows from the above investigation that apparently not all subjects concerned by the IPPC Act provide complete and comprehensive data to the regional authorities. There are only 10 integrated license applications of a total number of 47 food and fodder making operations that were discussed at the regional authorities and passed over for a more detailed revision; of these ten only five installations have been granted the integrated license up to now: 3 slaughter houses and 2 food processing plants. A question seems to stand at hand at what stage of integrated licensing is the remaining part of the applications filed by the concerned operations, what is the actual interest of other installations

in this specific issue, whether the issue is paid enough attention and whether the other concerned companies are aware of the general time duration and administrative demands of the integrated licensing. A minimum time of the integrated license procedure according to the IPPC Act should be considered to be 167 days (ÚZPET 2002). This means that the shortest time required for the obtainment of the integrated license is a minimum of five months and a half. Nevertheless, the integrated license can be granted within the specified time duration only to the installations which have provided a perfectly filled and complete application at the regional authority at the very beginning of the process of integrated licensing. The regional authority would submit the application to other competent authorities and parties at stake for technical revision and opinion without returning the original application back to the concerned company for additional data. As mentioned above, a dead line for all concerned subjects to obtain the integrated license is October 30, 2007. After this date, the installation will be not authorized to operation without the integrated license, its products will be not allowed to enter the EU market and the company will be not admitted to bid in European tenders. It is therefore up to all concerned companies and operations how to properly approach and consider the process of integrated licensing.

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Současný stav transpozice evropské environmentální legislativy do českého potravinářství

ABSTRAKT: Se vstupem České republiky do Evropské unie bylo nutné přijmout mnoho nových právních předpisů a ty uplatnit v našich podmínkách. Jejich uplatňování je však spojeno se značnou náročností celého procesu implementace jednotlivých zákonů, a to náročností nejen administrativní, ale i časovou. Jedním ze zákonů, které bylo nutné přijmout, je i zákon č. 76/2002 Sb. o integrované prevenci a omezování znečištění, o integrovaném registru znečišťování a o změně některých dalších zákonů (dále jen zákon o IPPC). Tento zákon ukládá povinnost všem provozovatelům různých průmyslových a zpracovatelských podniků o určité výrobní či zpracovatelské kapacitě získat tzv. integrované povolení, bez něhož nebudou moci v budoucnu svou činnost nadále provozovat. Na začátku procesu integrovaného povolování je každý zákonem dotčený

subjekt povinen podat příslušnému krajskému úřadu žádost o integrované povolení. Práce analyzuje současný stav problematiky IPPC v českém potravinářství, kdy je povolovací proces a žádosti o integrované povolení v jednotlivých podnicích v různé fázi rozpracování.

Klíčová slova: IPPC; povolovací proces; znečištění; zařízení

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