

AVOSETTA MEETING Vienna 2018 - QUESTIONNAIRE

FLEXIBILITIES WITH REGARD TO MEETING EU REGULATORY OBJECTIVES AND REQUIREMENTS

CZECH REPUBLIC

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I. Policies of prioritising economy and ecology

In recent years, EU environmental policies have more and more been framed around an emphasis on boosting competitiveness, and preventing obstacles for the single market as such and small and medium sized businesses in particular. Examples for this tendency can be found in almost every area of EU environmental policy, be it the emphasis on the creation of jobs in the circular economy package or concessions for heavy industries in the emission trading system. Looking at the inherent conflicts between the objective of protecting and preserving the environment, and economic activities, it appears that EU policy- and decision-makers believe in a need to prioritise the latter.

This, however, is not a tendency confined to the EU level. In fact, at MS level we observe similar tendencies in policy-making relating to the environment. Austria can provide some examples in that regard:

In 2017, the federal legislator adopted a law on the 'General Principles of Deregulation' aiming to ensure that financial impacts of legislation on businesses are assessed and must be adequate; in transposing EU law, implementing more stringent measures ('gold-plating') shall only be possible in exceptional cases. After an administrative court had annulled an EIA permit for a third airport runway based on climate change considerations and in view of the Austrian state objective of comprehensive environmental protection, a legislative initiative was passed to introduce a constitutional provision (state objective) acknowledging the importance of economic growth, employment and representing a competitive business hub. For the same reason, the Austrian Economic Chambers have argued that – 'just as much as' for environmental interests – there is a need for a representative of business interests in permitting procedures in order to ensure the competitiveness of Austria as a business hub. A so-called 'Business Hub Ombudsman' (*Standortanwalt*) should thus be party to such proceedings.

1. Are you aware of similar initiatives, current or planned, in policy- and/or decision-making in your country which result in prioritising economic activities over environmental interests? If so, please provide examples.

Recent changes in the Czech legislation - mainly amendments to the Building Act (Act No. 183/2006 Coll., as amended), to the EIA Act (Act No. 100/2001 Coll., as amended) and to some other environmental laws give evidence of the increased pressure to facilitate developmental activities. The effort in preventing obstacles to development activities starts with simplifying the urban-planning procedures and permitting procedures with the aim to enable carrying out large public and private real estate projects, including infrastructure projects, which are supported by two latest amendments to the Act no. 416/2009 Coll., on speeding-up the development of traffic, water, energy and electronic infrastructures. The amendments resulted in extending the scope of projects which

are subject to simplified procedures not requiring a decision on the development consent or construction permit.

Land-use plans are prepared in the form of a general measure. The legislative change shortened the time period for submitting an adopted land-use plan to the Administrative Court for a review. The changes in permitting procedures brought at first a shift from chaining environmental decisions (required by individual environmental laws) to changing the form of the former decisions into so called “binding opinions”. These opinions serve as the base for the development consent and thus they cannot be appealed independently, but only as a part of the development consent. (For example – to cut down a fully grown tree at the development site, it was necessary to obtain a permit to cut it down; now to clear the site, the Nature Protection Authority has to issue its binding opinion regarding the tree and the development project is permitted along with felling the tree in one common procedure). Another simplification lays, for example, in the possibility of applying for the development consent and construction permit in one common procedure including the environmental impact assessment. It can be argued if this is more advantageous for the developer, especially in respect of controversial projects, since preparing all documents required for decision on such a project is very costly and the public with the right of access to environmental decision-making might turn the final decision down.

Regarding the participation of business interest representatives in permitting procedures, there is nothing similar in Czechia. Business interests are safeguarded by the constitutional right to enterprise that belongs to everybody and by the constitutional protection of property rights. The execution of private interests in the use of natural resources (land, water, etc.) and the use of private property is limited by environmental law requirements. In practice, it is implemented mostly in permitting procedures, in which interests in environmental protection must be considered. Nevertheless, when the proposed project is consistent with the land-use plans and it does not interfere with the interests in environmental protection (or other public interests), the decision-making authorities are not entitled to deny granting the permit to the projected activity. In case of a clash of economic and environmental interests, the decision-making authorities are empowered to weigh both interests in a permitting procedure and their final decision is reviewable by the Administrative Court. The applicant (developer) always participates in these procedures, thus the protection of his rights is always ensured through the execution of his procedural rights. On the other hand “*environment does not have a voice*” (Ludwig Krämer) and therefore the law enables, i.e. lays down the conditions for the participation of NGOs involved in environmental protection. There is no reason to open permitting procedures to the “representatives of business interests”. In my opinion, prioritising economic activities over environmental interests and vice versa always reflects the overall social and political will and the overall atmosphere in the society, which is largely influenced by the current approach in the EU and in other EU Member States.

II. Techniques aiming at introducing more flexibility to or even diluting regulation

1. Offsetting regulatory directions

a) EU-ETS

In the current EU emission trading system ([EU-ETS](#)) framework, MS are allowed to use credits from outside the EU-ETS within this trading system. Those international credits result either from emission reduction projects in developing countries (Clean Development Mechanism; Art 11a EU-ETS Directive) or from greenhouse gas reduction projects among developed countries (Joint Implementation, Art 11a EU-ETS Directive). These credits are tradable within the Union Registry and

can thus be used to comply with requirements under the EU-ETS. As of 30 April 2016 the total number of international credits (CER and ERU) used or exchanged accounts for over 90 % of the allowed maximum.

1. (How) was the possibility of using international credits transposed into national legislation?

Possibility to use international credits (ERUs and CERs) was implemented by the Act No. 383/2012 Coll., on conditions of the trade in allowances to emit greenhouse gases, as amended. Pursuant to § 16 of this law, the operator of an installation or operator of commercial aviation is entitled to request the exchange of ERUs and/or CERs for allowances valid from 2013 up to the limit laid down by the implementing legislation. The request is to be submitted to the register administrator and the law set the time period limitations to execute this possibility.

In the third EU ETS period from the 1st January 2013 to the 31st December 2020 the operator of an installation or the operator of the aircraft is entitled to use units from projects or other activities reducing GHGs emissions in third countries up to the amount set by implementing legislation. These third countries must be a party to the agreement adopted by the EU and by the third country, and the use of these units must comply with the agreement. Based on such agreements, the operators of installation or operators of the aircraft are entitled to use also CERs and ERUs.

ERUs and CERs gained from project activities carried out in nuclear facilities, project activities related to the LULUFs are excluded from the use. ERUs and CERs from project activities, which use was restricted pursuant to measures adopted in accordance with directly applicable EU Regulation 550/2011 must not be used as well. For the trade in ERUs and CERs the conditions laid down for the trade in allowances apply accordingly.

The Ministry of the Environment of the CR is empowered to permit execution of project activities. The Ministry however, is entitled to grant permission to carry out only such activities, which comply with decisions adopted based on the Convention or Kyoto Protocol, participants of which are seated in the country that is a party to international agreements related to these projects or agreement on interconnection with the ETS.

The project activities aimed at reduction or restriction of emissions from activities listed in Annex 1 to the Act No. 383/2012 Coll., as amended are not to be permitted on the territory of the Czech Republic. The Ministry of the Environment will authorize execution of project activities consisting in hydroelectric energy production with the capacity exceeding 20 MW on condition that they comply with the requirements laid down by the Directive 2003/87/EC.

2. Has your country used the possibility of using international credits to comply with EU-ETS requirements? If so, to what extent? Are you aware of the reasons for relying on this possibility?

So far, the possibility of using international credits to comply with the EU ETS requirements was addressed directly to companies. The Directive enables to exchange international credits (ERUs and CERs) for tradeable allowances, and since this is more profitable to them, companies in Czechia are using this possibility.

3. How is the change to a domestic emissions reduction target received in your country? Is this change expected to affect your country's abilities to comply with EU-ETS requirements? Are you aware that other possibilities are discussed to compensate the loss of the flexibility through international credits?

After 2020, the emissions reduction target will be a domestic one, thus the use of international credits in the next trading period of the EU ETS is not foreseen. Currently, the allowances (staying outside the scope of auctioning) are allocated to companies directly by Commission, based on data received from the Czech Ministry of the Environment. After 2020, companies will have to

rely just on allowances. This was accepted as a fact in Czechia, since the change would not affect the duty to comply with EU ETS requirements.

Regarding possibilities to compensate the loss of flexibility through international credits, no direct compensation have been introduced to the Czech legislation so far.

Effort Sharing (Non-ETS)

In the current framework for non-ETS sectors, targeted by the Effort Sharing Decision (ESD), MS are provided with a range of flexibilities in order to meet their (respective) reduction targets. MS are allowed to bank and borrow their (surplus) annual emission allocations (Art 3.3 ESD) as well as to transfer annual emission allocations to another MS (Art 3.4 ESD). In addition, MS can also use international project credits from emission reduction projects in developing countries (Clean Development Mechanism) or from greenhouse gas reduction projects among developed countries (Joint Implementation) to meet their commitments under the ESD (Art 5 ESD).

In a 2016 report, the Commission finds that so far, no MS has used any of the flexibility instruments provided in the ESD, yet a change is expected in the years to come ([SWD\(2016\) 251 final](#)).

1. (How) were the flexibility mechanisms of the ESD transposed into national law?

Flexibility mechanisms pursuant to the ESD were not transposed into the Czech national law. Existing flexibilities under the current Effort Sharing Decision (e.g. banking, borrowing, buying and selling) are part of the proposed Regulation, which provides also two new flexibilities to allow for a fair and cost-efficient achievement of the targets.¹ Therefore, these flexibility mechanisms would apply directly as a part of Regulation in the near future.

2. Has your country used any of the flexibility mechanisms yet in order to comply with ESD requirements? If so, to what extent?

Support for flexibility mechanisms is still high. In fact, in the post 2020 reform of the ESD, further flexibility mechanisms were discussed. Those flexibility mechanisms include the use a part of ETS allowances for specific MS with higher ESD targets or the use of LULUCF credits to meet ESD targets (forestry offsets).

Pursuant to the ESD, targets were set for individual MS which were established according to the gross national product per capita. The target for the Czech Republic is to limit increase of its ESD emissions by 9% comparing to 2005 by 2020. The Czech Republic does not expect any difficulties to achieve this target and no extra flexibilities are need. In recent years Czechia has used the possibility to bank surpluses of AEAs with aim to use them in later years.

The 2021-2030 target for the Czech Republic is 14% reductions comparing to 2005 base year. LULUCF sector is already included in the annual emission inventory reports.

3. How is this proposal on further flexibility mechanisms received in your country? If the proposal becomes law, would you expect your country to rely on those flexibility mechanisms in the future?

The Czech Republic is expected to use mainly the possibility to carry over AEAs, borrowing of AEAs and use LULUFs credits.

¹ https://ec.europa.eu/clima/policies/effort/proposal_en (10.4.2018)

2. Exemptions from regulatory directives

a) Water Framework Directive: Establishing less stringent environmental objectives

The Water Framework Directive (WFD) establishes the overall objective of achieving "good status" for all waters, in view of which, i.e., environmental objectives are set for different types of waters.

Art 4.5 of the Directive provides for the possibility of deviating from these environmental objectives set by the Directive with regards to specific bodies of water which are affected by human activity or when their natural condition is such that it may be unfeasible or unreasonably expensive to achieve good status. Such less stringent environmental objectives may only be set after evaluating other options and measures are taken to ensure the highest quality status/the least deterioration possible, and all practicable steps are taken to prevent any further deterioration of the status of waters.

MS are required to include the establishment of such less stringent environmental objectives and the reasons for it in the river basin management plan for the respective river basin district (Art 13 WFD). The less stringent environmental objectives are to be reviewed every six years.

1. (How) was the possibility of establishing less stringent environmental objectives transposed into national law? Is the transposing legislation stricter than Art 4.5 by, e.g., adding further requirements for deviating from the environmental objectives?

In Czechia, the Ministry of Agriculture, in co-operation with the Ministry of the Environment and the regional authorities is obligated to submit to the government a summary report on the completion of programmes of measures, the status of surface water and groundwater and on water management in individual river basin districts every three years. Pursuant to the latest report² the improvement of the state of surface waters compared to years 1991-1992 is evident, yet, several short parts of 3 main rivers were classified as rivers with the highest level of pollution. All surface water bodies in Czechia are designated as sensitive areas.

The report also shows that 83,8 % of all monitored objects of ground water resources are objects where at least one limit value was exceeded in 2014. The biggest problems relate mainly to inorganic substances (manganese, nitrates), metals (barium, arsenic, cobalt and nickel), TOL, PAU, pesticides and EDTA.

The WFD provisions regarding the possibility of establishing less stringent environmental objectives were implemented by the Czech Water Act (No. 254/2001 Coll., as amended). The aims³ of water

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http://eagri.cz/public/web/file/428075/Zprava_o_stavu_vodniho_hospodarstvi_Ceske_republiky_v_roce_2014.pdf

³ Section 23a: Aims of the protection of water as a component of the environment

1) The aims of protection of water as a component of the environment (hereinafter "aims of water protection") are

a) for surface water

1. prevention degradation of the status of all water bodies,
2. ensuring protection, improvement of the status and renewal of all water bodies and achievement of their good status, with the exception of the water bodies laid down in point 3,
3. ensuring protection, improvement of the status of all artificial or heavily modified water bodies and achievement of their good ecological potential and good chemical status,
4. reduction of their pollution by dangerous substances and cessation or gradual reduction of emissions, discharges and releases of the especially dangerous substances laid down in Attachment 1 to this Act into these waters,

b) for groundwater

1. prevention or limitation of release of dangerous, especially dangerous and other harmful substances

protection legislation are delimited in § 23a of the Water Act. In respect to the areas designated in §28(1) -Protected areas of natural accumulation of water, § 30(1)-protected areas of water resources, § 32(2) - sensitive areas, § 33(1) - vulnerable areas, § 34(1)- bathing waters and § 35(1) - waters supporting fish and in specially protected areas in accordance with special legal regulations (for example the Nature Protection Act), the achievement of the aims is stipulated for surface water under letter a) and for groundwater under letter b), unless divergent requirements are stipulated for water in these areas in accordance with special legal regulations.

Pursuant to the Water Act, it was necessary to achieve the aims given in § 23a (1) letter a) points 2 and 3, letter b) point 2 and letter c) by 22nd December 2015. The river basin plans can include special aims of water protection for selected water bodies, based on the extension of the time limits or on the stipulation of less strict requirements. Special aims of water protection must be designated for selected bodies of surface water or groundwater in a manner which does not threaten the aims of water protection for other bodies of surface water or groundwater.

The Czech law enables to extend the time limits only in cases where timely achievement of aims of water protection is not possible due to technical unfeasibility, disproportional costs or natural conditions and if a further degradation of the status of the selected water bodies is eliminated. Time limits extensions must not exceed the length of two seasons for updating the river basin district plans. Less strict requirements under § 23a (4) cannot be stipulated for the aims of water protection laid down in § 23a (1) letter a) points 1 and 4, § 23a(1) letter b) points 1 and 3 and § 23a (1) letter c). In other cases less strict requirements can be stipulated only when the aims of water protection cannot be achieved due to technical unfeasibility, disproportional costs, natural conditions or other public interests.

Special aims of water protection must be introduced in the river basin district plans along with a specification of the reasons for their determination. An overview of fulfilment of these aims is presented in updated river basin district plans.

River basin district plans stipulate specific objectives for the given river basin districts based on the framework programs of measures of the Plan of Main River Basins of the Czech Republic, the needs and status of surface water and groundwater, the requirements for the use of water in the given area, including programs of measures required to achieve those objectives.

River basin district plans are drawn up in three phases. Documents prepared during these phases must be published and made available to water users and the public for comments. Based on the analysis and preliminary overview of the significant problems of the use of water found in the river basin district, including the specification of heavily modified water bodies, special aims of water protection may be proposed, at least 2 years before the start of the period affected by the plan. The final draft of a river basin district plan is approved by the regional authority according to its territorial scope. River basin district plans are reviewed and updated every 6 years from the date of their approval.

Programs of measures are the main tool for achieving the aims given in the Plan of the Main River Basins of the Czech Republic and river basin district plans. Programs of measures stipulate a timetable for their implementation and strategy of their financing. Measures adopted to achieve the aims of water protection in programs of measures must be implemented within 3 years from the approval of the Plan of the Main River Basins of the Czech Republic or river basin district plans.

into these waters and prevention of a degradation in the status of the bodies of such water,
2. ensuring protection, improvement of the status and renewal of all water bodies and ensuring a balance between consumption of groundwater and its replenishment with the aim of achieving a good status for these waters,
3. averting any kind of serious and permanent increase in the concentration of dangerous, especially dangerous and other harmful substances resulting from human activities, with the aim of effective reduction of the pollution of these waters,

If the results of monitoring and assessment of the status of surface water and groundwater under § 21 or other data indicate that the aims of water protection stipulated for a given water body are unlikely to be achieved

- a) the causes of possible non-fulfilment must be examined,
 - b) the corresponding permission to use water governed by Section 12 par. 1 letter h) point 5 must be reviewed,
 - c) the programmes for monitoring and assessment of the status of surface water and groundwater must be reviewed and modified,
 - d) additional measures for achieving these aims of water protection must be adopted, including setting stricter values for selected indicators or stipulating additional indicators, as appropriate.
- In cases where the causes are the result of the local natural conditions or acts of God which are exceptional and could not be reasonably foreseen, particularly in cases of extreme flooding and long periods of drought, additional measures need not be implemented under the appropriate application of § 23a (4) to (8) of the Water Act.

The Ministry of Agriculture, in co-operation with the Ministry of the Environment and the regional authorities submit to the government every three years a summary report on the completion of programmes of measures, the status of surface water and groundwater and on water management in individual river basin districts.⁴

The EU law objectives are generally binding for all water bodies. The WFD's requirements were transposed by § 23a of the Czech Water Act. Specific environmental objectives are aimed at establishing the conditions which are necessary to meet for achievements of the framework objectives. Specific aims are formulated based on the assessment of the water body status and the framework objectives. The specific objectives are set according to priorities. The highest priority objectives must precede to lower priority objectives.⁵ Pursuant to § 23a of the Water Act, special water protection objectives may be designated for individual water bodies which consist of extension of time periods laid down in § 23a(2) or in laying down less stringent objectives for selected water bodies. These special objectives are less demanding and they are proposed in the case when specific objectives cannot be achieved by the end of 2015. The Water Act established the conditions under which these special objectives and longer time periods may be applied. The above mentioned objectives are complemented through decision-making activities of Water Authorities which are empowered to permit the use of surface and ground waters for different purposes, including waste water discharges, and construction of waterworks. Pursuant to the Czech Water Act, the permit to use ground and surface waters, including the waste water discharge, is granted for a limited time period. The Water Protection Authority is entitled to change or withdraw this permit if it is necessary

- a) to achieve the water protection objectives adopted in the river management plan
- b) to meet pollution reduction programmes for surface water bodies
- c) to fulfil the measures formulated in the pollution reduction programmes for the protection of surface and ground waters by hazardous substances and by priority hazardous substances
- d) for the drinking water supply pursuant to the water supply and sewage systems development plan (§ 12(3)).

Regarding the implementation of Art. 4.5 of the WFD⁶, identical provision is contained in § 23a (6) of the Czech Water Act. The exemptions from the duty to achieve good ground and surface water

⁴ http://eagri.cz/public/web/file/437748/NPP_Labe_kapitola_IV.pdf

⁵ http://eagri.cz/public/web/file/437748/NPP_Labe_kapitola_IV.pdf

⁶ 4.5. Member States may aim to achieve less stringent environmental objectives than those required under paragraph 1 for specific bodies of water when they are so affected by human

statuses are envisaged in § 23a (7). Its application is however limited by conditions laid down in § 23a (7).

2. Have national authorities relied on the option of establishing less stringent environmental objectives in their river management plans? If so, to what extent and for what reasons? If not, why?

In Czechia, there are 3 main river basins (Elbe, Oder, Danube). This report relates just to the Elbe river basin. Regarding this river basin, the exemptions pursuant to Articles 4(6) and (7) WFD have never been applied in any water body of this river basin. The time limit was extended in those cases where the achievement of a good status of waters was envisaged by 2027. The technical feasibility was the most frequently applied exemption. The objectives were not achieved mostly for these reasons (which are the reasons for the application of technical feasibility exemption at the same time):

- lower priority of measures,
- insufficient preparation of measures,
- long term realization,
- long terms for the measures to become effective,
- insufficient financial resources.

The exemption of unreasonable costs was not applied in the Elbe river basin management plan, since none of the proposed measures was unreasonably expensive.⁷

3. If national authorities have established less stringent environmental objectives in their river management plans, are these objectives regularly reviewed? Have such less stringent environmental objectives been adapted or even lifted?

activity, as determined in accordance with Article 5(1), or their natural condition is such that the achievement of these objectives would be infeasible or disproportionately expensive, and all the following conditions are met:

- (a) the environmental and socioeconomic needs served by such human activity cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs;
- (b) Member States ensure,
 - for surface water, the highest ecological and chemical status possible is achieved, given impacts that could not reasonably have been avoided due to the nature of the human activity or pollution,
 - for groundwater, the least possible changes to good groundwater status, given impacts that could not reasonably have been avoided due to the nature of the human activity or pollution;
- (c) no further deterioration occurs in the status of the affected body of water;
- (d) the establishment of less stringent environmental objectives, and the reasons for it, are specifically mentioned in the river basin management plan required under Article 13 and those objectives are reviewed every six years.

⁷ http://eagri.cz/public/web/file/437748/NPP_Labe_kapitola_IV.pdf

The national river basin management plans are reviewed and updated every six years. The Ministry of Agriculture in co-operation with the Ministry of the Environment and regional authorities are required by the Water Act to prepare a report on the completion of programmes of measures and on the state of surface and ground waters and on water management in regional river basins every three years. This report is presented to the Czech government.

4. [Are there possibilities for the public to challenge the establishment of less stringent environmental objectives in river management plans? If so, please describe those possibilities briefly.](#)

National river basin management plans are issued by the Ministry of Agriculture in the form of a general measure in which the participation of the public is a priori anticipated (a general measure comment upon it), including the possibility to submit a general measure to the Administrative Court for the review.

Pursuant to the implementing regulation No. 24/2011Coll. Art. 19, as amended, the drafts of the national river basin management plans were made public for a 6-month period. The public was entitled to comment upon these plans in a written or in an electronic way. Comments from the public were subject to the assessment, the report on them was made public for two months.

Moreover, the river basin management plans were subject to the SEA (strategic environmental impact assessment), enabling the public to participate as well.

a) *Industrial Emissions Directive: Setting less strict emission limit values*

The Industrial Emissions Directive (IED) requires MS authorities, in permitting industrial installations covered by the Directive, to set emission limit values which ensure that emissions do not exceed the emission levels associated with the best available techniques (BATs; Art 15.3 IED). However, if due to the geographical location/the local environmental conditions or the technical characteristics of the installation concerned achieving those emissions limits would lead to disproportionately higher costs compared to the environmental benefits, MS authorities may set less strict emission limit values as part of the permit. As part of the permit conditions, the less strict emission limit values must be reviewed in accordance with Art 21 IED.

1. [\(How\) was the option of setting less strict emission limit values as permit conditions transposed into national law? Is the transposing legislation stricter than Art 15.4 by, e.g., adding further requirements for deviating from the emission limit values?](#)

The possibility to set less stringent emission limit value was transposed to the Czech legislation by the Act No. 76/2002 Coll., on the integrated pollution prevention and control (the IPPC Act), as a derogation from the basic rule embodied in § 14(3) providing that the competent authority, while establishing the binding conditions of operation and especially emission limitations, has to be based on the best available techniques. The operational conditions, which were set this way, must not be less stringent than the conditions of operation which would be otherwise set pursuant to other special environmental laws.

Similarly to the Industrial Emissions Directive, less strict emission limit values may be set only where an expert assessment submitted by the operator demonstrates that no significant pollution would be caused and that a high level of protection of the environment as a whole is achieved, and where the

assessment shows that the achievement of emission levels associated with the best available techniques as described in the BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:

- (a) the geographical location or the local environmental conditions of the installation concerned; or
- (b) the technical characteristics of the installation concerned.

An almost identical rule is related to the environmental quality standards. Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures will be included in the permit. It can be concluded that no additional conditions or requirements are laid down by the Czech IPPC Act.

2. Have national authorities relied on the option of setting less strict emission limit values in permitting industrial installations? If so, to what extent, for what reasons and for which types of industrial installations? If not, why?

The Czech IPPC authorities permitted less strict emission limit values for glass industry in respect to the emissions of NO_x and heavy metals. Steel mills and cement factories operate without exemptions from the IED requirements. In the foreseeable future, one exemption is envisaged for a paper mill.

3. If national authorities have set less strict emission limit values in permitting industrial installations, is there a requirement to review these permit conditions regularly?

In general, the national authorities are required to review the IPPC permit regularly at least every eight years. In case of setting less strict conditions of operation, the competent authorities are obligated to assess during these regular revisions if such exemptions are reasonable.

4. Are there possibilities for the public to challenge the setting of less strict emission limit values as part of permit conditions, the lack of review of such less strict emission limit values respectively? If so, please describe those possibilities briefly.

All the IPPC permits are available for the public. NGOs are entitled to participate in the permit procedure if they apply for it in writing within 8 days after the application for the permit was made public. As a participant to the administrative procedure, NGOs have the rights of a participant in administrative procedure, including the right to appeal against the decision and submit the final decision to the Administrative Court for a review.