

IMPLEMENTING DECREE No. 459

of 10th November 2020

on the implementation of certain measures related to the prohibition of chemical weapons

In accordance with Section 35(5) of Act No 19/1997, on certain measures related to the prohibition of chemical weapons and on amendments to Act No 50/1976, on spatial planning and the Building Code (the Building Act), as amended, Act No 455/1991, on trade licensing (the Trading Act), as amended, and Act No 140/1961, the Criminal Code, as amended, as amended by Act No 138/2008 and Act No 336/2020 (hereinafter referred to as the ‘Act’), in order to implement Section 6, Section 9(3), Section 18, Section 20(3), Section 22(2), Section 23(3), Section 25(2), Section 25a(2) and Section 26(4), the State Office for Nuclear Safety lays down the following:

Section 1

Contents of the reports on activities for protective purposes

(to implement Section 6 of the Act)

The content of the report on activities carried out for protective purposes during the preceding calendar year is provided in Annex 1.

Section 2

Facilities to handle Schedule 1 chemicals

(to implement Section 9(3) of the Act)

The following are the types of facilities that fulfil the characteristics required for handling Schedule 1 chemicals:

- a) a single one-purpose low-tonnage facility, in which a Schedule 1 chemical is produced and whose reactor vessels in production lines are not configured for continuous operation; the volume of each reactor vessel does not exceed 100 litres and the total volume of all reactor vessels is not more than 500 litres,
- b) a single facility for protective purposes in which a Schedule 1 chemical is produced and whose own aggregate production does not exceed 10 kg per year,
- c) a set of facilities for research, medical and pharmaceutical purposes, in which a Schedule 1 chemical is produced and whose aggregate production exceeds 100 g per year, but does not exceed 10 kg per year per facility,
- d) a set of laboratories for research, medical and pharmaceutical purposes, in which a Schedule 1 chemical is produced and whose aggregate production does not exceed 100 g per year per laboratory, and
- e) a set of facilities in which a Schedule 1 chemical is not produced, but it is handled for research, medical, pharmaceutical, medical or protective purposes.

Section 3

Report on the handling of a Schedule 1 chemical (to implement Section 18 of the Act)

The data that licence holders are to report to the Office on the handling of a Schedule 1 chemical during the preceding calendar year and the expected handling of that chemical in the next calendar year are provided in Annex 2.

Section 4

Report on the handling of a Schedule 2 chemical (to implement Section 20(3) of the Act)

(1) The quantities of a Schedule 2 chemical that trigger the obligation to report to the Office data on the handling of that chemical during the preceding calendar year and data on the expected handling of that chemical in the next calendar are as follows:

- a) 0.1 kg of a Schedule 2 chemical marked with the symbol ‘*’ in Part A of this Schedule,
- b) 10 kg of a Schedule 2 chemical listed in Part A of this Schedule, other than that referred to in subparagraph (a), or
- c) 100 kg of a Schedule 2 chemical listed in Part B of this Schedule.

(2) The concentration of a Schedule 2 chemicals mixed with other chemicals that triggers the obligation to report to the Office data on the handling of that chemical during the preceding calendar year and data on the expected handling of that chemical in the next calendar are as follows:

- a) 30 per cent by weight of a Schedule 2 chemical listed in Part B of this Schedule or
- b) 300 kg of the total quantity of a Schedule 2 chemical mixed with other chemicals.

(3) The content of the report on the handling of a Schedule 2 chemical during the preceding calendar year, the expected handling of that chemical in the next calendar year and the installation of new equipment for the production, processing or consumption of a Schedule 2 chemical is provided in Annex 3.

Section 5

Transfer of a Schedule 2 chemical (to implement Section 22(2) of the Act)

(1) The maximum concentrations of a Schedule 2 chemical mixed with other chemicals that must not be exceeded in order for a chemical to be transferred from or to States that are not States Parties to the Convention are as follows:

- a) 1 per cent by weight of a Schedule 2 chemical listed in Part A of this Schedule or
- b) 10 per cent by weight of a Schedule 2 chemical listed in Part B of this Schedule.

(2) At the same time, a product containing a Schedule 2 chemical in the concentration referred to in paragraph 1 shall be packaged in retail packaging or for individual use.

Section 6

Report on the handling of a Schedule 3 chemical (to implement Section 23(3) of the Act)

(1) The quantity of a Schedule 3 chemical that triggers the obligation to report to the Office data on the handling of that chemical during the preceding calendar year and data on the expected production of that chemical in the next calendar is 1 000 kg.

(2) The concentration of a Schedule 3 chemical mixed with other chemicals that triggers the obligation to report to the Office data on the handling of that chemical during the preceding calendar year and data on the expected production of that chemical in the next calendar is as follows:

- a) 30 per cent by weight of the Schedule 3 chemical or
- b) 3 000 kg of the total quantity of the Schedule 3 chemical mixed with other chemicals.

(3) The content of the report on the handling of a Schedule 3 chemical during the preceding calendar year, the expected production of that chemical in the next calendar year and the installation of new equipment for the production of a Schedule 3 chemical is provided in Annex 4.

Section 7

Transfer of a Schedule 3 chemical (to implement Section 25(2) of the Act)

The transfer of a Schedule 3 chemical from or to States that are not States Parties to the Convention without the obligation to obtain the recipient's declaration is subject to the following:

- a) the concentration of this chemical mixed with other chemicals does not exceed 30 per cent by weight of the Schedule 3 chemical or
- b) the packaging of the product containing this chemical is retail packaging or packaging for individual use.

Section 8

Record-keeping of scheduled chemicals (to implement Section 25a(2) of the Act)

(1) The records of scheduled chemicals comprise

- a) if kept in paper form, the individual record-keeping sheets that shall be bound together and numbered consecutively so that the data provided therein cannot be changed subsequently; a model record-keeping sheet is provided in Annex 5,
- b) if kept in electronic form, records in the record-keeping system that enables monitoring and tracing of any changes, including the originator of the changes.

(2) The records of scheduled chemicals shall contain

- a) the name(s), surname, date of birth and place of residence of the natural person or the name, identification number and registered office of the legal person handling the scheduled chemical,
- b) the name and precise location of the facility in which the Schedule 1 chemical is handled or the name and precise location of the plant in which the Schedule 2 or 3 chemical is handled,
- c) the date from which the records are being kept,

- d) signature of the natural person who is handling the scheduled chemical or who is the statutory body or a member of the statutory body of the legal person handling the scheduled chemical,
- e) the name(s), surname, date of birth and place of residence of the natural person designated to keep the records and the person's signature,
- f) the names of the scheduled chemical for which the records of scheduled chemicals are being kept,
- g) in the case of licence holders, the reference number of the decision granting the licence, and
- h) a list of scheduled chemicals containing the sequence number of the scheduled chemical and the first page or identification of the record where that chemical appears in the records of scheduled chemicals.

(3) In the records of scheduled chemicals, separate records shall be kept for each scheduled chemical. In the records of scheduled chemicals, the data referred to in paragraph 2(a)–(g) shall be provided, in the case of

- a) records in paper form, on the title page,
- b) records in electronic form, collectively; signatures of natural persons are not provided.

(4) Corrections of erroneous data in the records of scheduled chemicals shall be made, in the case of

- a) records in paper form, in such a manner that the original entry remains legible and every correction is signed by the person referred to in paragraph 2(e) stating the date of the correction,
- b) records in electronic form, in such a manner that every change in the data is accompanied by the date on which the change was made and an indication of who made it.

(5) Separate records of scheduled chemicals shall be kept for Schedule 1 chemicals, Schedule 2 chemicals and Schedule 3 chemicals.

(6) The records of scheduled chemicals shall be retained for a period of 5 years from the date when the handling of the scheduled chemical ended.

Section 9

Report on the production of certain organic chemicals (to implement Section 26(4) of the Act)

The content of the report on the production of certain organic chemicals, the plants in which the chemicals are produced and the precise location of the plants is provided in Annex 6.

Section 10

Notification

This Implementing Decree was notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Section 11

Repealing provisions

Implementing Decree No 208/2008, implementing the Act on certain measures related to the prohibition of chemical weapons, is repealed.

Section 12

Entry into force

This Implementing Decree shall enter into force on the 1st January 2021.

Chairperson:

Dipl. Ing. Drábová, Ph.D., m. p.

Content of the report on activities carried out for protective purposes during the preceding calendar year

1. Details of the person submitting the report
 - 1.1. the name(s) and surname of the natural person or the name of the legal person or organisational unit of the State handling the scheduled chemical for protective purposes,
 - 1.2. identification number, if assigned,
 - 1.3. the place of residence of the natural person, or the registered office or place of establishment of the legal person,
 - 1.4. the calendar year for which the report is submitted,
 - 1.5. the reporting date, the name(s) and surname of the natural person authorised to act on behalf of the person referred to in point 1.1. and the person's signature, if the report is in paper form.
2. Details of the implementation of programmes relating to protection against chemical weapons
 - 2.1. information on the implementation of programmes for protection against chemical weapons, including the general characteristics of these programmes indicating whether they relate to
 - 2.1.1. the protection of the armed forces against chemical weapons attacks,
 - 2.1.2. the protection of the population against chemical weapons attacks,
 - 2.2. the means of providing protective equipment for the armed forces or the population, in particular
 - 2.2.1. State-supported research and development,
 - 2.2.2. tender procedures,
 - 2.2.3. foreign sources.
3. Details of the main research and development activities related to protective purposes in the individual areas, in particular
 - 3.1. respiratory protection,
 - 3.2. protective clothing,
 - 3.3. collective protection,
 - 3.4. decontamination of the terrain, persons and materials,
 - 3.5. detection or identification of chemical warfare agents,
 - 3.6. laboratory analysis of chemical warfare agents,
 - 3.7. medical countermeasures,
 - 3.8. modelling of risk situations.
4. Details of the military units whose primary function may be the protection against chemical weapons, including a concise definition of their roles (in particular collective protection, decontamination, detection or medical countermeasures).

5. Details of training programmes related to protective purposes
 - 5.1. information about training of military units using real chemical warfare agents or simulants,
 - 5.2. information about training of military units in the following areas:
 - 5.2.1. use of personal protective equipment,
 - 5.2.2. decontamination,
 - 5.2.3. detection,
 - 5.2.4. medical aspects of protection,
 - 5.3. information about training for military units or civilians from other States on protection against a chemical weapons attack provided in the preceding year.
6. Details of protection of the population
 - 6.1. information about programmes to protect the population against chemical weapons in the event of the use or threat of use of chemical weapons,
 - 6.2. information about exercises comprising the response to a chemical weapons attack against the population,
 - 6.3. information about training for the population on protection against the effects of chemical weapons attacks,
 - 6.4. information about training documentation relating to protection against chemical weapons attacks (e.g. leaflets, websites).
7. Additional details, namely information about publicly available scientific publications published in the reporting calendar year concerning the purposes of the protection against chemical weapons.

Data that licence holders are to report to the Office on the handling of a Schedule 1 chemical during the preceding calendar year and the expected handling of that chemical in the next calendar year

REPORT IDENTIFICATION DATA

1. The calendar year for which the report is submitted
2. The reporting date
3. Details of the person submitting the report
 - 3.1. the name(s) and surname of the natural person or the name of the legal person,
 - 3.2. identification number, if assigned,
 - 3.3. the place of residence of the natural person, or the registered office or place of establishment of the legal person,
 - 3.4. the reporting date, the name(s) and surname of the natural person authorised to act on behalf of the person referred to in point 3.1. and the person's signature, if the report is in paper form.
4. Details of the facility in which Schedule 1 chemical are handled
 - 4.1. name of the facility,
 - 4.2. details of the facility's owner,
 - 4.3. the precise location of the facility and its geographical coordinates,
 - 4.4. the name(s) and surname of the responsible representative and his or her contact details.

I. REPORT ON PAST ACTIVITIES

5. Annual report on the handling of a Schedule 1 chemical

For each Schedule 1 chemical, the following information shall be provided:

- 5.1. chemical name, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 5.2. the quantity produced,
- 5.3. the quantity processed,
- 5.4. the quantity consumed in the facility and the purpose of consumption,
- 5.5. the maximum quantity held during the year,
- 5.6. the quantity held at the end of the year,
- 5.7. other forms of acquisition,
- 5.8. transfers from other facilities in the Czech Republic,
- 5.9. transfers to other facilities in the Czech Republic,
- 5.10. transfers to the territory of the Czech Republic,
- 5.11. transfer from the territory of the Czech Republic.

6. Detailed annual report on the production of a Schedule 1 chemical and on the consumption of precursors for the production thereof

For each Schedule 1 chemical produced, the following information shall be provided:

- 6.1. chemical name, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 6.2. the quantity produced,
- 6.3. the purpose of production,
- 6.4. the production method used (the reaction scheme of production).

For each precursor used for the production of a Schedule 1 chemical that is a scheduled chemical, the following information shall be provided:

- 6.5. chemical name, the CAS registration number (if not assigned, the precursor's structural formula) and the schedule number according to the Convention,
- 6.6. the quantity of precursor used.

7. Detailed annual report on every transfer of a Schedule 1 chemical between facilities in the Czech Republic

For each individual transfer of a Schedule 1 chemical, the following information shall be provided:

- 7.1. chemical name of the substance being transferred, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 7.2. the quantity of the Schedule 1 chemical received or provided,
- 7.3. the name of the facility to or from which the Schedule 1 chemical was transferred,
- 7.4. the facility's address.

8. Detailed annual report on transfers of Schedule 1 chemicals to or from another State Party

Part a) Transfers of Schedule 1 chemicals broken down by State Party

The following shall be provided for each State Party and for each Schedule 1 chemical transferred:

- 8.1. the name and code of the State Party,
- 8.2. chemical name of the substance, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 8.3. the quantity of the Schedule 1 chemical received,
- 8.4. the quantity of the Schedule 1 chemical provided.

Part b) Detailed annual report on every transfer of a Schedule 1 chemical to or from facilities in other State Parties

For each individual transfer of a Schedule 1 chemical, the following information shall be provided:

- 8.5. chemical name of the substance, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 8.6. the quantity of the Schedule 1 chemical received,
- 8.7. the quantity of the Schedule 1 chemical provided,
- 8.8. the code of the State Party,
- 8.9. the name and address of the facility to or from which the chemical was transferred,
- 8.10. the purpose and date of the transfer.

II. REPORT ON PLANNED ACTIVITIES

9. Detailed annual report on the production of a Schedule 1 chemical

For each Schedule 1 chemical which is planned to be produced, the following information shall be provided:

- 9.1. chemical name, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 9.2. the expected quantity of the Schedule 1 chemical to be produced,
- 9.3. the expected date of production of the Schedule 1 chemical,
- 9.4. the purpose of production.

10. Notification of a planned transfer of Schedule 1 chemicals to or from facilities in other State Parties

For each planned transfer of a Schedule 1 chemical, the following information shall be provided:

- 10.1. chemical name, the CAS registration number (if not assigned, the structural formula of the substance) and the schedule number according to the Convention,
- 10.2. the quantity of the Schedule 1 chemical received,
- 10.3. the quantity of the Schedule 1 chemical provided,
- 10.4. the code of the State Party,
- 10.5. the name and address of the facility to or from which the chemical will be transferred,
- 10.6. the purpose and date of the planned transfer.

Content of the report on the handling of a Schedule 2 chemical during the preceding calendar year, the expected handling of that chemical in the next calendar year and the installation of new equipment for the production, processing or consumption of a Schedule 2 chemical

1. Details of the person submitting the report
 - 1.1. the name(s) and surname of the natural person or the name of the legal person handling the Schedule 2 chemical,
 - 1.2. identification number, if assigned,
 - 1.3. the place of residence of the natural person, or the registered office or place of establishment of the legal person,
 - 1.4. the reporting date, the name(s) and surname of the natural person authorised to act on behalf of the person referred to in point 1.1. and the person's signature, if the report is in paper form.
2. Details of the plants
 - 2.1. the number of plants subject to the reporting obligation,
 - 2.2. the name or identification of the plant,
 - 2.3. precise location, including geographical coordinates,
 - 2.4. specification whether the plant
 - 2.4.1. produces, processes or consumes a Schedule 2 chemical,
 - 2.4.2. is intended exclusively for these activities or is multi-purpose plant,
 - 2.4.3. carries out other activities with regard to the notified Schedule 2 chemical, including specification of these activities (for example storage),
 - 2.5. the plant's production capacity for each Schedule 2 chemical.
3. Details of the Schedule 2 chemical
 - 3.1. the chemical name of the Schedule 2 chemical, the common or trade name used by the person submitting the report and the CAS registration number (if the CAS registration number has not been assigned, its structural formula),
 - 3.2. annual report on past activities containing the total quantity of the Schedule 2 chemical produced, processed, consumed or transferred by the person submitting the report in the preceding calendar year,
 - 3.3. annual report on expected activities containing the total estimated quantity of the Schedule 2 chemical to be produced, processed or consumed in the following calendar year,
 - 3.4. specification of the purposes for which the Schedule 2 chemical was or will be produced, processed or consumed, namely
 - 3.4.1. on-site processing and consumption with indication of product types,
 - 3.4.2. sales within the Czech Republic with an indication of whether the Schedule 2 chemical is intended for another industrial sector or another natural or legal person, and the final product type,
 - 3.4.3. direct transfer from the territory of the Czech Republic indicating the participating States,
 - 3.4.4. other purposes, including their precise specification.

Content of the report on the handling of a Schedule 3 chemical during the preceding calendar year, the expected production of that chemical in the next calendar year and the installation of new equipment for the production of a Schedule 3 chemical

1. Details of the person submitting the report
 - 1.1. the name(s) and surname of the natural person or the name of the legal person handling the Schedule 3 chemical,
 - 1.2. identification number, if assigned,
 - 1.3. the place of residence of the natural person, or the registered office or place of establishment of the legal person,
 - 1.4. the reporting date, the name(s) and surname of the natural person authorised to act on behalf of the person referred to in point 1.1. and the person's signature, if the report is in paper form.
2. Details of the plants
 - 2.1. the number of plants subject to the reporting obligation,
 - 2.2. the name or identification of the plant,
 - 2.3. precise location, including geographical coordinates,
 - 2.4. specification whether the plant
 - 2.4.1. produces a Schedule 3 chemical,
 - 2.4.2. is intended exclusively for this activity or is multi-purpose plant,
 - 2.4.3. carries out other activities with regard to the notified Schedule 3 chemical, including specification of these activities,
 - 2.5. the plant's production capacity for each Schedule 3 chemical.
3. Details of the Schedule 3 chemical
 - 3.1. the chemical name of the Schedule 3 chemical, the common or trade name used by the person submitting the report and the CAS registration number,
 - 3.2. annual report on past activities containing the total quantity of the Schedule 3 chemical produced by the person submitting the report in the preceding calendar year,
 - 3.3. annual report on expected activities containing the total estimated quantity of the Schedule 3 chemical to be produced in the following calendar year,
 - 3.4. specification of the purposes for which the Schedule 3 chemical was or will be produced
 - 3.4.1. on-site processing and consumption with indication of the product type,
 - 3.4.2. direct transfer from the territory of the Czech Republic indicating the participating States,
 - 3.4.3. other purposes, including their precise specification.

Model sheet for record-keeping of scheduled chemicals

Trade name of the scheduled chemical.....CAS.....Unit of recorded quantity.....

Chemical name of the scheduled chemical.....page.....

Sequential number of the record	Date of entry	In	Out	Stock	Supplier (name, place of establishment, ID)	Document type and number	Recipient (name, place of establishment, ID)	Recipient's signature	Note
1	2	3	4	5	6	7	8	9	10

Content of the report on the production of certain organic chemicals, the plants in which the chemicals are produced and the precise location of the plants

1. Details of the person submitting the report
 - 1.1. the name(s) and surname of the natural person or the name of the legal person producing certain organic chemicals,
 - 1.2. identification number, if assigned,
 - 1.3. the place of residence of the natural person, or the registered office or place of establishment of the legal person,
 - 1.4. the reporting date, the name(s) and surname of the natural person authorised to act on behalf of the person referred to in point 1.1. and the person's signature, if the report is in paper form.
2. Details of the plants
 - 2.1. the number of plants that used synthesis to produce more than 200 tonnes of a certain organic chemical during the preceding calendar year or that used synthesis to produce more than 30 tonnes of a certain organic chemical containing phosphorus, sulphur or fluorine (hereinafter referred to as a 'PSF-chemical') during the preceding calendar year,
 - 2.2. precise location, including geographical coordinates,
 - 2.3. the quantity of the organic chemical produced,
 - 2.4. the quantity of the PSF-chemical produced by each plant referred to in point 2.2,
 - 2.5. the group of the organic chemicals produced, including PSF-chemicals.