

4 . STATE ECOLOGICAL POLICY

FEDERAL COMMITTEE FOR THE ENVIRONMENT, PRAGUE
MINISTRY OF ENVIRONMENT OF THE CZECH REPUBLIC, PRAGUE
SLOVAK COMMISSION FOR ENVIRONMENT, BRATISLAVA

STATE ECOLOGICAL POLICY

- Content:
1. Formulation of problem
 2. Goals of environmental control
 3. Principles of environmental control
 4. Strategy of environmental control

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et alia

1. FORMULATION OF PROBLEM

The quality of the environment has sharply deteriorated practically on the whole territory of our State over the past decades owing to man's activity. In some areas the situation is critical. Next to the generally known problems related to the pollution of the air, surface and ground waters (including drinking water sources) there is a gradual degradation of soil, the reduction of the vitality of forests and their destruction and the extinction of a great number of plant and animal species. Foreign and hazardous substances are accumulating in the environment. The water regime of landscape ecosystems is being disturbed and their ability to cope with negative changes in living conditions is declining. Any further continuation of the present trend would therefore cause a further sharp aggravation of existing ecological problems.

The immediate cause of the continuing destruction of the environment in Czechoslovakia is the excessive and inconsiderate extraction of natural resources, extensive emissions of wastes and arbitrary interference in the landscape, failure to observe ecological and aesthetic laws. Deeper causes include especially the inefficient economy which does not sufficiently respect the natural conditions of the Earth, consumes excessive amounts of raw materials and energy, uses ecologically unsuitable technologies and manufactures products with poor ecological parameters. The directive management of the national economy directly led to the wastage of natural resources and to the destruction of the environment. A negative role was also played by the classification of data on the state of the environment, its causes and consequences. The institutional provision of environmental control was totally inadequate. Sources allocated to environmental care did

in no way correspond to the scale and significance of the problems, and were moreover used almost exclusively for subsequent remediation measures which only limited some of the consequences of ecologically unfavourable technologies, not for the prevention of damage. The sad state of the environment in our country is the heritage of the totalitarian political system where legislative, executive and judicial power was concentrated in the hands of a narrow ruling group at the top of the hierarchy of the communist party which in fact excluded all corrective feedback. The attitude of people to nature and to the environment was loaded with arrogance, recklessness, indolence and exploitation.

Contributing significantly to the destruction of the environment (namely of air) in the Czech and Slovak Federal Republic was also transboundary pollution from the territories of other states which mainly affects the northern areas of Bohemia and Moravia, the Orava area and the High Tatras.

The destruction of the environment is one of the causes of the relative and absolute deterioration of the health state of the population and of the stagnation or shortening of the mean life expectancy - as compared with advanced countries we are thus being deprived of 5 - 7 years of life. This state of affairs has its impact on the disruption of the social structure of the affected areas and the growing estrangement of the individual and of society which is unable to provide the basic conditions of human existence. In some places, namely in the North Bohemian region, in Prague, the Ostrava-Karviná basin, in Bratislava, in Žiar nad Hronom and Ružomberok there is tension bordering on an explosion. The urgency of the demand for a substantial improvement of the quality of the environment in our country is also demonstrated by the results of public opinion polls where respondents rank this problem among the most pressing. Economic damage and losses caused by the depleted environment are constantly increasing and now equal at least 7% of the total volume of the national product. The

Czech and Slovak Federal Republic significantly contributes to the pollution of the environment in other countries (the "export" of hazardous waste products is higher than their "import") and contributes to global climatic changes which in turn has negative effect on the international position of the State. The further deterioration of this position will result from the country's probable failure to fulfil the internationally adopted commitment to reduce by 1993 the emissions of SO₂ by 30% as compared with 1980. The Council of Europe has already succeeded to reduce the emissions of this hazardous substance by 50-70%.

Problems linked with the deterioration of the quality of the environment require systematic and effective solution oriented to the gradual and speedy "ecological optimization" of processes taking place in society and to the strategy of sustainable development. The experience of a number of advanced countries, such as the USA, the Federal Republic of Germany, Japan and Holland show that ecological motivation may also become a significant stimulus for further economic growth based on a qualitatively higher level of production and consumption.

State environmental policy may become the means of coordinating the effort for improving the quality of the environment in Czechoslovakia. Practically all advanced countries have not only formulated their ecological (environmental) policies but are also implementing it with great effort and remarkable speed. A joint ecological policy is also being created by supranational groupings, such as the European community which is now implementing its fourth action programme (since 1972). Our lag behind the advanced countries in this area is thus 15-20 years.

State ecological policy proceeds from the analysis of the state of the environment in our country, the evaluation of the health, social, ethical, economic and political consequences of changes in the quality of the environment and the identification

of internal and external (international) factors affecting the quality of the environment, this in continuity with the evaluation of actual and potential risks. It formulates the goals which Czechoslovak society wants to attain and suggests the strategy for such attainment.

The scale and depth of problems related to the destruction of the environment and the considerable inertia of the economy requires that effort, financial and other sources be concentrated, possibly even at the cost of delaying the growth of material consumption such as to provide that a substantial improvement in the quality of the environment should be attained within this decade. We have a moral obligation to limit the negative impact of the disrupted environment on people's health - especially on the health of children - to the shortest possible period. The basic pre-condition for this is to introduce a substantial change in the approach to the solution of the given problem.

The State should assume overall responsibility for the quality of the environment on its territory. This does not mean direct responsibility for eliminating the individual sources of environmental destruction which was what the State attempted, albeit hesitatingly and unsystematically, within the directive system of management. This responsibility must be indivisibly linked with production, consumer and other activities which affect environmental quality. Organizations and individuals must be aware of this responsibility because only thus can they be expected to make the desirable change in their behaviour. The State must, however, create such conceptual, legislative, economic, institutional, educational, information, source and other conditions which will stimulate organizations and individual citizens to save energy and raw materials, to care of environment, to remove "old" sources of pollution and to punish those who waste natural resources and pollute the environment. Environmental control must be based on the autonomous activity of towns, communities and districts (or

areas) proceeding from a detailed knowledge of local conditions. It is the role of the State and of its institutions to open wide space for the initiative and entrepreneurial activity of all citizens while at the same time regulating activities taking place in society.

State environmental policy can only be effective when it becomes an integral component of the overall concept of the development of Czechoslovakia and part of European and world policy oriented towards improving the quality of the environment on a regional and global scale. The ecological problems of Czechoslovakia cannot be resolved in isolation from the solution of all other substantial problems which our society faces and without active participation in the international effort for overcoming the threat of a global ecological crisis.

The formulation and gradual implementation of State ecological policy is not a one-off process. It must take place continuously on the basis of close cooperation between the two Republics and with the participation of ecologically oriented voluntary organizations, political parties and movements and primarily with the active support of the broad public.

2. GOALS OF ENVIRONMENTAL CONTROL

The goals of environmental control proceed from the right of citizens of this country to live in a healthy and good environment and from the general obligation to protect the environment.

The fundamental goal of State ecological policy is to restore the dynamic equilibrium between society and the environment and thereby to create preconditions for the allround physical and mental development of man and for maintaining the wealth of nature to the maximum possible

extent. The attainment of this goal is the indispensable, albeit not sufficient, condition of the long-term oriented qualitative, and permanently sustainable development of our country as well as being a contribution to the attainment of harmonious relations between the human society and its environment on the European and global scale. The philosophy of permanently sustainable development was formulated by the World Commission on Environment and Development in its Report "Our Common Future" which was adopted by the 42nd UN General Assembly in 1987.

Following up on the basic goal are the following interdependent specific goals:

- a) the protection of human health and wellbeing oriented towards protecting man before dangerous chemical physical and biological factors in the environment, creation or preservation of an aesthetic and undisturbed environment
- b) conserving nature's wealth, especially the plant and animal genofund as the basic condition of ecological equilibrium in nature, the wealth of non-living nature, this both as a goal in itself and as a means for meeting the needs of present and future generations
- c) the protection of cultural and economic values before the unfavourable impacts of the environment
- d) the protection of life-giving systems of the planetary biosphere dependent on the sensitive balance of interactive physical, chemical and biological processes whose disturbance by man's activity is manifested, e.g., by the destruction of the ozone layer or by global warming. For the attainment of the following goals it is primarily necessary to

- substantially improve the quality of man's food chain by providing safe drinking water and food with a high nutritive value not contaminated by harmful substances
- to minimize the extraction of renewable and especially non-renewable natural resources by reducing not only the relative but also the absolute consumption of raw materials, including water, the better use of auxiliary and secondary raw materials, the recultivation of mining areas and systematic care of renewable resources
- to limit the introduction of solid, liquid and gaseous harmful substances and waste energies into the environment by reducing the volume and hazardousness of produced pollution and by improved utilization (recycling), possibly at least by the harmless and selective deposition of wastes, by reducing emissions of waste heat, noise and vibrations, ionizing and non-ionizing radiation
- to minimize the amount and hazardousness of foreign substances deliberately introduced into the environment in form of pesticides, manufactured fertilizers, salting materials, etc., and to consistently monitor the introduction of foreign or newly developed organisms into the environment
- to restore and maintain the ecological stability and aesthetic value of the landscape, primarily by ecological husbandry, the introduction of alternative methods of husbandry, the restoration of healthy forests, the reconstruction and maintenance of systems of ecological stability and the elimination of drastic interference in the landscape especially that which is related to technocratic investment projects

- to improve conditions in cities and villages for the healthy and the physically disabled population by creating functional and aesthetically valuable settlements, this by the comprehensive regeneration of villages and towns, better architectural concepts of new construction, better maintenance, etc.

- to provide a better protection of nature both in protected areas and in the economically intensively used landscape, this including the protection of livestock

- the reduction of the volume and danger of the transboundary transport of harmful substances across the borders of our State, as well as the "export" of such substances by air and water flows, and the "import" of such substances from sources on the territory of other countries (based on negotiations)

- to provide effective aid to other countries (namely the developing countries) in environmental control, mainly oriented to education, counselling and information activities.

The said goals should be attained primarily in a decentralized manner, at the level of enterprises, villages, towns, districts and other autonomous and self-governing units, where perfect knowledge may be expected of concrete conditions; moreover, decentralized systems are more flexible and less vulnerable. The irreplaceable role of State institutions is limited to the creation of overall concepts and strategies of environmental control, the coordination of processes of implementation and to activities which relate to the whole and which exceed the possibilities of autonomous units. Federal and republican governments, ministries and other State authorities cannot replace responsible, involved and initiative approaches and actions of individual citizens, voluntary organizations, local bodies of self-government and the management of production and other enterprises and institutions.

3. PRINCIPLES OF ENVIRONMENTAL CONTROL

Environmental control proceeds from the following principles:

- a) comprehensiveness - the endeavour for the overall improvement of environmental quality in the Czech and Slovak Federal Republic and on a global scale, this not only as concerns improving the quality of the individual components of the environment which in practice often means shifting problems, e.g., separation of fly ash often leads to improvement of environmental quality but the incorrect storage of ash contaminates soil and ground water and often means secondary pollution of the air;
- b) direct responsibility for environmental pollution, i.e., the polluter bears direct responsibility for the pollution of the environment, he shall pay damages and is responsible for the reuse or harmless deposition of the waste products of his activity. The polluter is also obligated to provide information on the real or potential impact of his activities on the environment;
- c) prevention - preventive measures are preferred wherever they are technically and economically feasible. Preventive activities oriented to the restriction of emissions at source are more effective and usually less costly than subsequent clearing or compensation measures. To attain this goal it will be necessary to apply the best and practically available production and consumer technologies with minimal negative impacts on the environment;
- d) minimization of negative impacts - orientation to increasing quality of products and services allows to better meet the needs of users and consumers and minimizes negative impacts on the environment.

The said principles will be projected into generally binding legal regulations and into the overall strategy of resolving existing and potential ecological problems.

4. STRATEGY OF ENVIRONMENTAL CONTROL

The purposeful combination should be used of two mutually complementary strategies for the attainment of the set goals of environmental control.

A.

Subsequent and compensation measures (the ex post strategy) mainly oriented to the elimination or at least the attenuation of existing "old" polluters by building waste water treatment plants, plants for the treatment of combustion and other waste gases, controlled waste heaps and waste disposal or recycling facilities, to the partial compensation or restriction of damage caused by the destruction of the environment by the elimination of "wild-cat" dumps of hazardous wastes, the liming of forests and lakes, the organization of school camps in natural surroundings, etc.

The advantage of this strategy is the possibility to reduce relatively quickly part of the negative loading of the environment using tried technologies. Its disadvantage is the basic impossibility of removing all significant factors which disturb the environment, rapidly growing demands on financial and other resources reducing the overall efficiency of the economy and the high consumption of raw materials and energy for the production and operation of the required installations. This results in a vicious circle which deepens the imbalance between nature and society.

B.

Preventive measures (the ex ante strategy) aimed at attaining the ideal of relatively closed cycles of production and consumption with minimal negative impact on the environment.

The advantage of the said strategy is the preclusion of phenomena leading to the destruction of the environment and the efficient solution of ecological problems in the process of the innovation of products and technologies, the reconstruction, modernization and new capital construction and of other processes taking place in society. Its disadvantage is unsatisfactory preparation owing to insufficient environmental education, unsystematic and badly managed research and development, insufficient production capacity and their inadequate structure and often the absence or inavailability of environment friendly products and technologies.

The suggested ecological policy uses the advantages of both stated strategies while suppressing their disadvantages. In the first period, i.e., to the end of the milenium this policy will mainly be oriented to the accelerated implementation of subsequent and compensation measures, this mainly with regard to "old" sources of environmental pollution where low-waste technologies can not expected to be introduced and which cannot be closed down. In the first phase, insofar as market mechanisms do not indicate the prospectiveness of individual production technologies it will be purposeful to focus on the municipal area, i.e., by the construction of municipal waste water treatment installations, etc. In such instances where the polluter cannot be identified responsibility passes to State institutions; this mainly applies to some old hazardous waste dumps.

The intensive preparation for the implementation of preventive measures (ex ante) will take place in parallel with the above stated measures and will include the implementation of tried own or accepted innovations. The said strategy should gradually prevail, this by the turn of the millennium at the latest.

State environmental policy must purposefully orient all basic factors directly or indirectly affecting the quality of the environment, and therefore namely comprises:

- a) the orientation of science and technology to the deeper recognition of relations between nature and society, the preparation and introduction of environment friendly production and consumer technologies and the development, production and marking of all environment friendly products through all phases of their service life (from the cradle to the grave)
- b) changes in the structure and orientation of the Czechoslovak economy with emphasis on closing down or rapid limiting of the manufacture of highly power and raw material demanding production processes and processes which inadmissibly disturb the environment, the introduction of environment friendly production and technology innovations and to the endorsement of technologies based on renewable power and raw material resources
- c) ecological husbandry in the landscape oriented to the endorsement of the natural capacity to maintain the state of dynamic balance in changing conditions
- d) providing systematic information on the state of the environment, its consequences, causes and development
- e) broadening and deepening environmental education and the education of all social groups
- f) cooperation with voluntary environmental organizations and giving allround support to their activity.

The first pre-requisite of the implementation of State environmental policy is the introduction of such a set of generally valid legal regulations which will stimulate the rapid improvement of the quality of the environment and will

determine the respective sanctions (including penalization). These legal norms shall include the compulsory evaluation of ecological relationships of selected investments and ecological parameters and ecological parameters of certain product categories such as to provide the observance of valid regulations. Also in this area will it be necessary to restore the principles of the legal state which will as against the present state no longer operate poor laws, the existence of many exemptions and very often also the violation of valid laws. In the transitory period obsolete laws will speedily be amended to span the period of the drafting of new and missing laws while respecting legal regulations valid abroad, especially in the countries of the European communities. Environmental bodies will have to determine binding time schedules for the speediest removal of exemptions.

Another pre-requisite for resolving existing ecological problems and for preventing the development of new ones will be the drafting of system of institutional environmental control at the level of the federation, regions (or districts), towns and communities. It must incorporate a control system, e.g., integrated environmental inspection.

The support backbone of State environmental policy are economic instruments based on the principles of market economy. Economic instruments limiting the exploitation of natural resources and punishing disturbance of the environment include, returns, taxes and fees for the use of natural resources, fees and fines for the discharge of wastes into the environment, fines for prohibited negative interference in the landscape, ecological taxes or customs fees for products with unsuitable ecological parameters. The respective environmental payments will be projected into increased prices of energy, raw materials and products in production or use causing extensive disturbance of the environment. This will be done in order to stimulate consumers to reduce energy consumption. The assessment of the economic effect of existing and projected

enterprises shall take into consideration not only ecological projects by existing regulations but also expected future costs.

Economic instruments endorsing activities and products aimed at improving environmental quality comprise allocations and subsidies, advantageous credits and loans, including credit cost payments and credit guarantees, tax and return reliefs, import and export permits and customs reliefs.

The transition period to the full functioning of the market economy will be a critical period. This will roughly be to the year 1993. In that period it will be necessary to use to a certain extent the directive rule by State authorities at federal and republican levels. This will not only include the closing down of inefficient and environmentally harmful production units but also the State's participation in the implementation of economically more demanding measures which exceed the immediate real possibilities of concrete polluters and where it is not feasible to fully implement the principle of direct responsibility for pollution. Total costs of improving the quality our environment cannot as yet be determined but by analogy with the neighbouring states it may be estimated at several tends of thousands of millions of crowns per annum, of this part will have to be paid in hard currency.

All measures aimed at improving the quality of the environment must be founded on broad international cooperation aimed at gainung knowledge on the development of the environment on a regional and global scale, seeking ways towards attaining permanently sustainable development.

5 . THE LAW CONCERNING THE PROTECTION OF THE
ATMOSPHERE FROM POLLUTING SUBSTANCES

THE LAW
CONCERNING THE PROTECTION OF THE ATMOSPHERE
FROM POLLUTING SUBSTANCES

DATED 9.7.91 No 309/91

The Federal Assembly of the Czech and Slovak Federative Republic
has resolved the following legal act :

PART ONE

GENERAL PROVISIONS

§ 1

The purpose of the regulation

The act modifies rights and obligations of the legal and physical persons at protection of the outdoor atmosphere /hereafter "atmosphere" only/ from the insertion of polluting substances by the human activity , way of the reasons restriction and pollution effects mitigation .

§ 2

Pollutants

The pollutants for the purposes of this act are any solid , liquid or gaseous substances , which effect directly and/or after a chemical or physical change in the atmosphere or after common impacts with another substances unfavourably the atmosphere and consequently threaten people's or another organism's health , deteriorate their environment , disturb them in the excessive way or jeopardize the ownership .

§ 3

Pollution sources

The sources of air pollution /hereafter "pollution sources" only/ according to this act are to be understood :

- a/ technological complexes containing the stationary equipment for burning the fuels with thermal output exceeding 5 MW and equipment for particularly meaningful technological processes /hereafter " large pollution sources" only/ .
- b/ technological complexes containing the stationary equipment for burning the fuels with thermal output from 0,2 to 5 MW , equipment for meaningful technological processes as well as coal mines and similar places with possibility of spontaneous fire , mashing or pollutants emission /hereafter "medium pollution sources" only/ .
- c/ technological complexes containing the stationary equipment for burning the fuels with thermal output upto 0,2 MW excluding local dwelling heatings in residential houses and buildings for individual recreation 1/ , technological production equipment beyond the category of the large and medium sources, fuel dumps , raw materials , trapped pollutants , solid municipal waste and other constructions , equipments and activities polluting the atmosphere significantly / hereafter "small pollution sources" only/ .

1/ E.g. The Law No. 40/1964 , civilian code , in the meaning of the later rules , Law No. 41/1964 concerning the flats economy , the Notice FMTIR No. 83/1976 concerning the general technical requirements for the construction works .

- d/ mobile equipment with combustion engines or other ones polluting the atmosphere , particularly road motor vehicles , rail-road vehicles , boats , ships and airplanes /hereafter " mobile pollution sources" only/ ; details are determined by the legal prescription .

§ 4

For the purpose of this legal act there is :

- a/ the operator of the pollution source a legal a physical person which has a full right or real capability of operating the source
- b/ the investor of the pollution source a legal or physical person whose means the construction of the source is financed from
- c/ the designer of the pollution source a legal or physical person authorized for design activity in accordance with the special rules 2/ , which design the source
- d/ the producer a legal or physical person , who produces the equipment or products polluting or being able to pollute the atmosphere
- e/ the importer a legal or physical person importing the equipment or products for the internal market , which pollute or may pollute the atmosphere

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- 2/ § 43 Act No. 50/1976 concerning the area planning and construction order /construction law/ , in wording of Act No. 103/1990 .
The Notice of the State commission for scientific , technical and investment development No. 43/1990 , concerning the design preparation of constructions
The Notice of the State commission for scientific , technical and investment development No. 186/1990 , concerning the authorization for the design activity

§ 5

Pollution limits

- 1/ Emission limit is the highest allowable quantity of the polluting substance released into the atmosphere from the pollution source expressed as a quantity concentration of the polluting substance in the refusal gases or a quantity flow of the polluting substance per time unit or quantity number of a polluting substance related to the production unit or the atmosphere pollution degree caused by this source / the smoke darkness/ .
- 2/ Imission limit is the highest allowable quantity concentration of the polluting substance related to the contents in the atmosphere .
- 3/ Deposit limit is the highest allowable quantity of the polluting substance grounded after descent on the earth area unit per a time unit .
- 4/ The list of the polluting substances , categorization of the pollution sources and the pollution limits agreed with the relative State service central authorities for the environment is proclaimed by the Federal committee for the environment as an arrangement in the Code Index 3/. The State service authorities of the republics determined by the laws of the Czech National Council and the Slovak National Council are allowed to :
 - a/ extend the list of categorization of pollution sources , polluting substances and state their limits
 - b/ enstrict the pollution limits

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- 3/ The Act No. 131/1989 concerning the Code Index in the later prescriptions wording .

- 5/ By arrangement of the Federal committee for the environment there are stipulated mainly limits resulting from the international agreements, that the Czech and Slovak Federative Republic is obliged by.

PART TWO

The obligations of legal and physical persons

§ 6

General duties

- 1/ Each manufacturer, importer, transporter and seller is at production, import, transport and sale of equipment, products and materials, which during usage, consumption or stocking either pollute or may pollute the atmosphere, is due to select such a solution, which secures the atmosphere protection.
- 2/ The producers and importers are due to manufacture and import only such mobile sources for the internal market, which comply with the conditions for the operation and the emission limits. Mobile sources with the combustion engines are subject to the regular quantity check outs of the polluting substances emissions. The regular check outs conditions are governed by the special rules.
- 3/ It is not allowed to combust the fuels in the burning equipments others than those determined by the manufacturer of the equipment respectively evidenced in the file of the technical and operation parameters and technical and organization precautions for ensuring the pollution sources operation /§ 7 art. 2/.
- 4/ During construction of a new equipment which may become a pollution sources for the atmosphere or within modernization of the existing equipment there must be adapted the best available technologies with respect to the costs adequate for their originating and taken such an arrangements in order to decrease the emissions step by step.

§ 7

The duties of the large
and medium pollution sources operators

- 1/ The operators of large and medium pollution sources are obliged to :
 - a/ put into the operation and operate the pollution sources in accordance with the technical conditions for the equipment operation and in accordance with the conditions stipulated by the atmosphere protection authority as written in § 11 , art. 1 ,
 - b/ keep the emission limits stipulated /§ 5 , art. 4/ ,
 - c/ fulfill the instructions of the atmosphere protection authority in order to arrange a remedy /§ 12 , art. 1/ ,
 - d/ keep their own evidence about the sources and detect the quantity of released substances in a way prescribed by the legal regulation
 - e/ provide to the relative authorities of the atmosphere protection the data determined by the legal regulation and other data necessary for the standpoint of the atmosphere detection
 - f/ remove without any delay in operation of the pollution sources any dangerous conditions jeopardizing the quality of the atmosphere and take in time the necessary arrangements to avoid any crashes
 - g/ elaborate the regulation orders for the purposes of regulation of emissions in situations mentioned in § 16

- h/ during serious and immediate danger or deterioration of the atmosphere quality stop or restrict the pollution source operation , its elements or another activity , which results into any endangerment or the atmosphere deterioration and meet the atmosphere protection authority instructions in order to arrange remedy /§ 12 , art. 1/ ; contemporarily inform the public in a relevant way
 - i/ ensure the technical means for monitoring the atmosphere polluting substances emissions , if stipulated so by a legal prescription
 - j/ enable the authority for atmosphere protection representatives or the authorized persons by these authorities to enter the pollution sources in order to detect the quantity of polluting substances and control of the pollution source and its operation
 - k/ inform the public about the atmosphere pollution coming from the pollution source and about the arrangements taken to limit the pollution
- 2/ The operators of the large pollution sources are obliged to elaborate . as a firm part of local operation regulations , the file of technical and operation parameters and technical and organization arrangements to ensure the pollution sources operation , including the steps to mitigate duration and remove the crash conditions results in conformity to the conditions of the atmosphere protection and submit the proposals and modifications for approval of the atmosphere protection authority /§ 11 , art. 1/ .

§ 8

The obligations of the small pollution sources operators
The operators of the small pollution sources are due to :

- a/ put into the operation and operate the pollution sources in accordance with the conditions for the operation of this equipment , which are given by the manufacturers or the atmosphere protection authorities , in case they stipulate more strict conditions for the operation of this equipment than those given by the manufacturers
- b/ enable the atmosphere protection authorities' representatives or the persons authorized by these authorities to enter the pollution sources in order to detect the quantity of the polluting substances and check out the pollution sources and their operation and submit to them the necessary materials ; details concerning detection of the quantity of the polluting substances released from the pollution source and the atmosphere pollution degree are determined by the legal rules

§ 9

The obligations of the mobile pollution sources operators

- 1/ The mobile pollution sources operators are due to operate and maintain these sources in compliance with the conditions given by the manufacturers of these equipment and in conformity with the emission limits
- 2/ The mobile pollution sources operators are due to enable when summoned by the atmosphere protection authority check out of the quantity of polluting substances released ; details are given by the special rules
- 3/ In areas which may require a special atmosphere protection the mobile sources operators not complying with the emission limits of the exhausting gases are applied by the special modes

§ 10

The atmosphere protection authorities

The atmosphere protection authorities are to be understood the authorities, which are authorized to be active in the state service in this field by the laws of the Czech National Council and the Slovak National Council.

§ 11

The atmosphere protection authority approval

- 1/ The approval of the atmosphere protection state service authority of the Czech Republic or the Slovak Republic /hereafter "atmosphere protection authority" only/ containing the atmosphere protection conditions is required :
 - a/ for locating and approving the large and medium pollution sources construction including their modifications and for their putting into operation
 - b/ for design of the type materials and the specimen projects of the pollution sources constructions
 - c/ for projects of new productions and technologies introduction at large and medium pollution sources
 - d/ for designs and modifications of czechoslovakian technical standards, which application concerns to the atmosphere protection, and for approving the exceptions from their liability, if awarding the exception allowed by the special act 4/
 - e/ for designs of the locally planning documentation
 - f/ for locating and approving the small pollution sources constructions, which documentation was not accepted as a type basic material or specimen project
 - g/ for modifications of used fuels and raw materials and for modifications of usage of the technological equipment of large and medium pollution sources

4/ The Act No. 142/1991, concerning czechoslovakian technical standards

- h/ for production , import and transport of equipment , materials and products which pollute or may pollute the atmosphere
 - i/ for issuance and modifications of the technical and operation parameters and technical and organization arrangements file according to § 7 , atr. 2
- 2/ Designs , projects , arrangements and applications effecting the atmosphere /hereafter "applications" only/ and having need of the approval according to the art. 1 , are submitted by the operators , investors , designers , manufacturers or importers according to the nature of the matter to the relative atmosphere protection authority . The applications must evidence a solution settlement most convenient with respect to the atmosphere protection /§ 6 , art.4/ and in cases mentioned in the art. 1/ clause a/,c/,f/,g/,h/ an expert judgement .
- 3/ For submitting the expert judgements there is required to have an expert capability legalized by the atmosphere protection authority . The conditions for legalization of the expert capability are determined by the special prescriptions .

The atmosphere protection authority authorization
and obligations

§ 12

- 1/ The atmosphere protection authority will place the order to organize a remedy to the operator of the large , medium or small pollution source , who does not comply with the obligations determined by this act and other generally firm legal rules modifying the atmosphere protection conditions .
- 2/ The atmosphere protection authority will order restriction or stopping the pollution source operation if the operator of the large or medium pollution source :
- a/ does not comply the obligations according to § 7 art.1, clause h/ when any serious or immediate threatening or deteriorating the atmosphere quality

- b/ exceed the emission limit and did not arrange the remedy ordered by the atmosphere protection authorities in order to remove the atmosphere pollution according to the art. 1 or § 7 art.1 clause b/ and c/
 - c/ reiterately fails the obligations for those failing he had been imposed a penalty acc. to § 18 art. 7 .
- 3/ The atmosphere protection authority will order restrictions or stopping the operation of the pollution source after announcing a warning and regulation arrangement acc. to § 16 art.2 .

§ 13

The atmosphere protection authorities are due to release the timely and entire informations regarding the atmosphere quality and a participation of the individual polluting sources in pollution . They are always due to inform the publics in case of a smog situation /§ 16/ .

The pollution level

§ 14

The acceptable atmosphere pollution level

- 1/ The acceptable atmosphere pollution level is determined by the emission , imission and deposit limits for the individual polluting substances .
- 2/ The emission limits /§ 5 , art.4/ stipulated for new pollution sources must reach the values complying with the best achievable means /§ 6 , art. 4/ .

- 3/ Emission limits determined for the existing pollution sources result from the minimum of achievable emissions on the certain technical equipment at the technology ruled in a proper way . The atmosphere protection authorities stipulate for these sources a period , within which the emission limit value must be reached . The emission limit is stipulated for new pollution sources . The period stipulated must be stated with respect to the used technologies and must not exceed 5 years . Details are given by the legal prescription .
- 4/ For the purposes of the smog warning and regulation systems within the time of unfavourable meteorological conditions and higher atmosphere pollution there are special imission limits stipulated by the state service authorities of the republics determined by the legislation of the Czech National Council and the Slovak National Council /§ 5 , art.4 , clause b// .
- 5/ The check out of the emission , imission and deposit limits compliance with and darkness of the smoke will be modified by the legislation of the Czech National Council and the Slovak National Council .

§ 15

Special atmosphere protection

The regions demanding special atmosphere protection and special arrangements for limitation of the atmosphere pollution are qualified by the special regulations , by means of these regulations there can be established also smog warning and regulation system for protection of highly polluted atmosphere in the respective regions /hereafter "smog regulation system" only/ and settled a mode for operation of this system .

§ 16

Smog situation

- 1/ The smog situation means an extraordinary polluted atmosphere, when the level of pollution exceeds the special imission limit /§ 14 , art.4 / .

- 2/ If the smoke situation becomes the atmosphere protection authority announces immediately warning and regulation arrangements to limitate the emissions from the pollution sources, which participate in the atmosphere pollution in a significant way . These arrangements are kept during all the time of the smog situation duration .
- 3/ The legislation of the Czech National Council and the Slovak National Council defines the way of informing the public in case of the smog situation /art. 1/ .

PART THREE

The fees and penalties for polluting the atmosphere

§ 17

The fees

The pollution sources operators are obliged to pay fees for polluting the atmosphere according to the quantity and sort of the released polluting substances . The amount of the fees , their calculation and method of payment is settled by the legislation of the Czech National Council and The Slovak National Council .

§ 18

The penalties

to the legal a physical persons authorized to enterprise

- 1/ The atmosphere protection authority will impose the penalty in amount from 30.000,- to 10.000.000,- Kčs /Czech crowns/ to the operator of the large pollution source if he fails the obligations defined in § 6 , art. 3, § 7 , art.1 clause a/,b/,c/,d/, f/,h/,i/, § 7 art.2 .

- 2/ The atmosphere protection authority will impose the penalty in amount from 10.000,- to 1.000.000,- Kčs /Czech crowns/ to
 - a/ the operator of the large pollution source , which did not fullfil in time or at all the obligations defined in § 7 , art.1 , clause e/,g/,j/,k/ .
 - b/ the manufacturer or importer of the mobile sources for failing the obligations defined in § 6 , art.2 .

- 3/ The atmosphere protection authority will impose the penalty in amount from 5.000,- to 1.000.000,- Kčs /Czech crowns/ to the operator of the medium pollution source if he fails the obligations defined in § 6 , art.3 and § 7 , art.1 .

- 4/ The atmosphere protection authority will impose the penalty in amount from 500 to 100.000,- Kčs /Czech crowns/ to the operator of the pollution source if he fails the obligations defined in § 6 , art.3 , § 8 and § 11 , art.2 .

- 5/ The atmosphere protection authority will impose the penalty in amount from 5.000,- to 5.000.000,- Kčs /Czech crowns/ to the operator of the pollution source , which did not fullfil the atmosphere protection authority regulation resulting from the smog regulation system /§ 16 art.2/ .

- 6/ The atmosphere protection authority will impose the penalty in amount from 10.000,- to 10.000.000,- Kčs /Czech crowns/ to the large and medium pollution source operator , which
 - a/ failed the obligations defined in § 7 , art.1 clause b/
 - b/ did not arrange the remedy ordered by the atmosphere protection authority according to the § 7 , art.1 , clause c/ and § 12 , art. 1 .

- 7/ In case there happen a violence of the obligation again within one year from the date of coming the resolution imposing the penalty for violence of obligations according to the art. 1 to 6 in legal force and the operator did not fullfil in time the instructions for arranging the remedy ordered by the atmosphere protection authority according to this legal act , the atmo-

sphere protection authority will impose the penalty upto the amount of double values defined in art. 1 to 6 and is allowed to order suspension of the pollution source operation or its limitation .

- 8/ The penalty can be imposed within one year from the date of discovering the failing the obligations by the atmosphere protection authority , however within three years from the date of exceeding the emission limit or failing the obligation at the latest . When adjusting the amount of the penalty the atmosphere protection authority takes into consideration the quantity and the contents of released atmosphere pollution and the relevance of the obligations failing .

PART FOUR

The common and the final provisions

§ 19

The extent of datas , which the pollution sources operators are obliged to provide to the Federal statistical authority , is defined by the special regulation .

§ 20

The legislation of the Czech National Council and the Slovak National Council determines the respective central state service authority of the republic , which modifies by the special regulation

- a/ requirements for ruling the operation evidence of the large and medium pollution sources /§ 7/, art. 1 , clause d//
- b/ the scope of further datas , which the pollution sources operators are obliged to provide to the atmosphere protection authority /§ 7 , art. 1 , clause e//

- c/ qualification requirements for the attendance of the large and medium pollution sources
- d/ requirements for quality , way of supply and sale of fuels
- e/ the scope requesting a special atmosphere protection and special arrangements for the atmosphere pollution limitation
- f/ the rules for creating and operating the smog regulation systems /§ 15/
- g/ qualification requirements for the workers performing the check out of the large , medium and small sources acc. to § 7 and 8

§ 21

- 1/ The atmosphere protection being connected with the nuclear equipments operation is determined by the special regulation 5/ .

§ 22

Unless there is a matter subject to the approval of the atmosphere protection authority according to this legal act a part of an administration conducted by another service authority , the approval issuance is subject to the conditions concerning the administration acts 6/ , excluding the approval awarded according to § 11 art.1 , clause b/ , d/ and e/ .

5/ E.g. the Act No. 28/1984 concerning state supervision of the security of the nuclear equipments and plants .

6/ The Act No. 71/1967 concerning the administration acts /administration order/

§ 23

This is to cancel the Act No. 35/1967 concerning the arrangements against the atmosphere pollution in wording of the Czech National Council's Act No. 146/1971 and the Slovak National Council's Act no. 159/1971 .

§ 24

This legal act comes into force on October 1st , 1991 .

6. Tariffs of Electrical Energy in Czechoslovakia

Tariffs of Electrical Energy in Czechoslovakia

(Valid since April 1991)

2.4.1991 Czech Power Works, Prague

FEDERAL MINISTRY OF ECONOMY
PRICE LIST
VD-3/2/1991
branch 117 - electricity

1 General provisions

1. The present prices apply for electricity delivered by the networks of the Electricity Distribution Company (referred to as the supplier hereinafter), not applying to the electricity supplies to physical persons for purposes other than business activities. The present rates do not apply for electricity deliveries from self-producers, small hydroelectric power stations, renewable and secondary power sources.

2. The consumers of electricity being supplied electricity at the prices subject to the present list are rated as follows:

a) large-scale consumers, i.e. those connected to the generator voltage busbars (gv) or to the very high voltage (vhv) or the high voltage (hv) networks by means of one or more transformers (standby transformers not included) of overall power input higher than 160 kVA,

b) medium-scale consumers, i.e. those connected to the high voltage (hv) network by means of one or more transformers (standby transformers not included) of overall power input up to 160 kVA incl.,

c) small-scale consumers, i.e. those connected to the low voltage (lv) network.

The consumers are rated as either large- or medium-scale according to the above classification regardless of whether the transformation hardware (the transformer station, the transformers) is owned by, or leased to the consumer.

3. The rates presented below apply for each supply point separately. The electricity supply point of a large- or medium-scale consumer is considered to be constituted by the electricity consumption equipment of one consumer situated at a continuous plot into which the electricity is supplied and the distributing network of which is connected electrically permanently by means of an internal cable and/or overhead wiring even in case there are several electrical connecting lines. In case the consumer plot continuity is disrupted by a public communication, the condition of technological continuity must be complied with additionally.

The electricity supply point of a small-scale consumer is considered to be constituted by the electricity consumption hardware of a single consumer into which electricity is supplied the consumption of which is measured by one measuring device.

4. Besides the electricity consumption rates, the large- and medium-scale consumers are charged also the rate for the measuring device and the auxiliary and/or control equipment as well as the rates charged for other activities related to the electricity supply.

The hire for the measuring device is included in the rates for the small-scale consumers.

5. In case the electricity supply is measured at the secondary side of the transformer, i.e. at that of the lower voltage, active power transformation losses and the transformer idle consumption are added to the measured consumption of the large- and medium-scale consumers as follows:

a) Active watt losses (kWh) in the iron and the transformer winding at the rate of 3% and 6% of the vHV and the HV networks overall monthly consumption respectively, as measured by the watt-meter. The power losses are assumed included in the above losses.

b) Idle consumption (kVarh) as specified for different types and sizes of transformers according to the Part VII of the present list. The idle consumption is not surcharged in case there is a capacitor compensator connected to the secondary terminals of the transformer of output corresponding to the power input of the unloaded transformer as specified in the Czechoslovak Code CSN 35 1120, providing the capacitor is operational. The capacitor must be checked for correct operation at least once a year by the consumer and the measurement results are compulsory to report to the supplier.

c. The rates for electricity supplies under special provisions regarding the supply conditions and/or those including the supplier's risk are not included in the present list. These involve especially the consequences caused by the consumer by non-compliance to the provisions of the General Conditions of Electricity Consumption (GCEC), and the special provisions to supply electricity by additional supply lines and hardware as well as the engineering provisions to assure electricity supply reducing the potential outage time to under 15 minutes, and auxiliary supplies of seasonal nature, etc. The rates charged for these special cases are subject to specific contracts. The below rates do not include the hire for transformers, transformer stations, and/or other electric engineering equipment of the supplier serving to supply the electricity to the consumer.

7. The appropriate rate assignment, its potential change, and the method of measurement are subject to the supplier's decision based upon the nature of the electricity consumption of the specific consumer, the technical solutions available, and the price regulations in effect. No change to the rate can be made within the period of one year. The small-consumer rate is changed as of the regular

reading of the electricity consumption in the electricity supply point in question, not later, however, than within 3 months from accepting the electricity consumption application form by the supplier. Any exceptions to the above rule are granted by the supplier as based upon the consumer's request (shortening the term).

8. The following rating time bands are considered for the measuring and charging of the electricity consumption:

- a) the peak rate validity time band (PR)
- b) the high rate validity time band (HR)
- c) the low rate validity time band (LR).

9. The peak rate time bands are derived from the peak load time bands of the Czechoslovak power system (PS CSFR) defined by the supplier for the purpose in the following periods separately:

October to March of the maximum daily duration of 7 hours
April to September in their maximum daily duration of 4 hours

The times defining the beginning and the end of the peak rate validity time band are set by the supplier (the maximum duration being given by the above specifications) by whom all the consumers involved are informed at least two months in advance unless otherwise agreed.

The low rate time bands are specified for electricity consumption at intervals of low loading of the ESN CSFR, the supplier being hence entitled to modify these in response to the actual load development within the ESN. For the large- and medium-scale consumers, the low rate time bands are set from Monday to Sunday in the minimum daily duration of 8 hours, the supplier intimating their time specifications to all the consumers involved in advance. The electricity supply points at which the share of electricity consumed for heating and heating of water exceeds 40% of the overall annual electricity consumption are treated as exceptional in this respect. In case the switching over between the high and low rates consumption and the shut-off of heating equipment and equipment for heating of water are controlled by a central remote control system, the supplier is entitled, subject to previous agreement with the consumer, to modify the low rate time bands as required by the immediate situation, i.e. without previous notice to the consumer. The supplier is entitled even to reduce the time band duration providing the correct operation of the above devices is impaired for the consumer (i.e. shortening the charging time of electric heat storage stoves in dependence to either the outdoor temperature or the operation regimen of the organisation). For small-scale consumers, the low rate is intended to apply for electric devices supplied by a fixed socket (i.e. not

those supplied from a socket) the electricity consumption of which can be shifted in time into the low-load time bands in compliance with the actual load development within the PS CSFR (these involving especially the heat storage devices). Therefore, the low rate validity time bands can be changed by the supplier as required, i.e. without previous notice to the consumer.

The overall duration of the low rate validity band is set for the small-scale consumer from Monday to Sunday in the minimum daily duration of 8 hours with the provision it need not be defined identically for all the consumers and days, the duration interval not being required continuous.

The high rate validity time bands are defined for:

- a) electricity supply points for which neither the peak- nor the low rate validity time bands apply, the above rate applying for 24 hours a day from Monday to Sunday,
- b) for electricity supply points for which the peak- and low rate validity time bands apply (or at least one of these) from Monday to Sunday outside the validity interval of either of the above rates.

10. The following time bands are distinguished between to measure and charge the electricity consumption (kWh):

- a) peak rate validity time band from Monday to Friday,
- high rate validity time band from Monday to Sunday,
- low rate validity time band from Monday to Sunday.

11. The electric capacity consumption (the 15 minute maximum) of large-scale consumers to be charged is measured in dependence on the consumption character and the technical solutions available to the supplier as follows:

- a) within the peak rate validity time bands from Monday to Friday in case the maxima are registered graphically or in case the measurements are designed specifically for the purpose. The electricity consumption during the holidays should one of these be any day between Monday and Friday is considered at the same rate as that during workdays. Analogously, should a Saturday or a Sunday be a workday, the electricity consumption during such a day is considered to be an off-peak one;
- b) from Monday to Sunday in the peak rate validity time bands in case the measuring device at the electricity supply point is not designed to exclude the Saturdays and Sundays;
- c) from Monday to Sunday in the high rate validity time bands in all the remaining cases.

12. The rates for the large- and medium-scale consumers presented in the sections II and III of the present price list apply for charging for the measured electricity consumption up to the agreed consumption levels defined as:

- the quarterly electricity consumption (kWh) and the monthly level of the 15 minute output maximum (kW) for the large-scale consumers;

- the annual electricity consumption (kWh) for the medium-scale consumers.

The following rules apply for the electricity consumption charging:

a) excepting the electricity consumption by the electric traction of the Czechoslovak State Railways (the rates A3 and A6), the monthly 15 minute maximum of the power output agreed upon in the contract between the supplier and the consumer must be paid by each large-scale consumer for every month his electricity consumption hardware was connected to the public electricity supply network even in case the power was not consumed, the minimum rate being 80 kW;

b) excepting the electricity consumption by the electric traction of the Czechoslovak State Railways (the rates A3 and A6), the large-scale consumers are charged at an increased rate by the supplier in case the agreed monthly 15 minute power output maximum (kW) is exceeded, the rate per each kW in excess being

550.00 Kcs	...	for the A2 rate group
700.00 Kcs	...	for the A4 rate group
640.00 Kcs	...	for the A5 rate group

c) in case the overall electricity consumption (kWh) within the contracted period keeps within the -3% - +1% tolerance range of the level agreed upon, the whole consumption of the consumer is charged by the supplier at the basic unit rates of the appropriate rating group (as presented in the sections II and III of the present price list);

d) in case the electricity consumption level (kWh) agreed upon is exceeded by more than 1%, the overall electricity consumed by the consumer is charged by the supplier at the basic unit rates of the appropriate rating group (as presented in the sections II and III of the present price list), plus a surcharge of 0.27 Kcs per each kWh consumed beyond the 101% of the agreed consumption level;

e) the unconsumed electricity exceeding the 3% limit of the agreed consumption (kWh) which had to be reserved for the consumer by the supplier is charged to the consumer at the unified rate of 0.22 kcs per each kWh unconsumed outside the the tolerance range permitted.

13. Medium-scale consumers with seasonal consumption are charged a fixed rate for kVA (the rate group B1) for those months of the year only during which the transformer was connected to the public electricity supply network.

14. Auxiliary supplies for the electricity consumers operating their own electricity source (self-producers):

a) electricity consumers operating their own electricity source connected to the public electricity supply network are entitled to conclude a contract on the grounds of which they are provided with auxiliary electricity supplies from the public electricity supply network for the case of malfunction or failure of their power generating unit and in other cases as specified by the GCEG. In these cases, the maximum standby output provided to the consumer in the case of his need by the supplier (regarding both the power resources and the transmission network) together with the time interval required are subject to an agreement between the consumer and the supplier. In order to cover the cost of maintaining the said standby output the consumer is charged by the supplier a monthly fee of 67.00 kcs per 1 kW of the standby output agreed regardless of whether the auxiliary electricity supply took place actually or not. In the case of failure, break-down and/or other emergencies as specified by the GCEG, the supplier having concluded such a contract is entitled to be supplied with the required standby power at the ordinary rate of the constant output charge according to the pertaining rate;

aa) in the case of a consumer the electricity consumption of which is measured by a recording device and invoiced at the compound rate with the payment for the output required during the specific monthly number of days for which the supply was requested, the rate for the one day auxiliary electricity supply of 1 kW being

11.10 Kcs ...	for the A2 rate
13.70 Kcs ...	for the A4 rate
12.40 Kcs ...	for the A5 rate

ab) in the case of a consumer the electricity consumption of which is measured by the 15 minute maximum meter and invoiced according to the compound rate with the payment for the output for the whole month in which the auxiliary supply was requested.

The consumer having concluded an auxiliary electricity supply contract for a seasonal period only of a few months (a sugar factory, for instance) is charged 37.00 Kcs per kW monthly by the supplier for the months contracted only. However, the costs of the supplier must be covered by the consumer for the remaining months related to the operation and maintaining of the wiring and/or of the transformer station in keeping with Paragraph 9 of the general provisions of the present price list.

15. Consumption of idle energy

The calculation of the wholesale electricity prices has been based upon the assumption the electricity consumption

takes place at the inductive power factor $\cos \phi = 0.95$ - 1.00 permanently.

For other values of the power factor, the large- and medium-scale consumers are charged surcharges unless otherwise agreed with the supplier. The manner these surcharges are calculated is presented in the section V of the present price list.

It is the duty of the large- and medium-scale consumers for whom the electricity consumption is measured at the secondary side (i.e. at that of the lower voltage) of the transformer to compensate individually for the consumption of the wattless energy of the consumption hardware transformer (transformers) connected to the supplier's network at all transformers of output 50 kVA incl.

In the case of auxiliary supplies for the consumers operating a company power station of their own, the power factor is evaluated from the values measured throughout the whole month regardless of the fact the electricity supply took place or not. The assistance surcharge applied potentially is calculated proportionally according to both the number of days the assistance was rendered, the output maximum as measured at the time of assistance and the number of the remaining days of the month and the output maximum as measured outside the time interval in which the assistance was rendered. In both the cases, the same power factor is assumed for the surcharge calculation as measured for the month in question.

II. Electricity consumption rates for large-scale consumers

Supplies from either the generator voltage (gv) busbars or the very high voltage (vhv) networks:

A2 Three-parts tariff with fixed charge for the maximum load Kcs

- for 1 kW of the agreed 15 minute monthly maximum load 254.00
- peak rate per 1 kWh 0.83
- high rate per 1 kWh 0.66
- low rate per 1 kWh 0.61

A3 Simple rate for the consumption of the electric traction of the Czechoslovak State Railways

- consumption 1 kWh 1.10

Supplies from the high voltage (hv) networks:

A4 Two-parts tariff with fixed charge for the maximum load
Kcs

- for 1 kW of the agreed 15 minute monthly maximum	302.00
- high rate per 1 kWh	0.74
- low rate per 1 kWh	0.66

A5 Three-parts tariff with fixed charge for
the maximum load (1)

- for 1 kW of the agreed 15 minute monthly maximum	272.00
- peak rate per 1 kWh	0.93
- high rate per 1 kWh	0.74
- low rate per 1 kWh	0.66

1) The rate A5 is intended to be used for wholesale consumption in the case of field irrigation as measured separately by the supplier's measuring system.

A6 Simple rate for the consumption of the electric traction of the Czechoslovak State Railways

- consumption 1 kWh	1.19
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III. Medium-scale consumers electricity consumption rates

B1 Two-parts tariff with fixed charge according to the transformer size

- per 1 kVA of the connected transformer, monthly	Kcs 139.00
- high rate per 1 kWh	0.74
- low rate per 1 kWh	0.66

B2 Three-parts tariff

This rate can be used for medium-scale consumers with the annual operating time of the transformer installed output of at least 1400 hours and with the annual electricity consumption in the low rate validity band of at least 20% of that measured in the high- and peak rate validity bands. In the case of seasonal consumption, the condition of exploitation of the transformer output must be met throughout the consumption season (proportional part), the shortest period being 700 hours.

The above condition does not apply to the consumption of field irrigation measured separately by the measuring device of the supplier.

- peak rate per 1 kWh	3.00
- high rate per 1 kWh	1.03
- low rate per 1 kWh	0.66

IV. Electricity consumption rates for the small-scale consumers

SM the small-scale consumer rate for consumers with low consumption

The rate is intended to apply for small-scale consumers with low electricity consumption regardless of the purpose the electricity is used for. The electricity consumption is charged as follows according to the present rate:

- fixed monthly charge per one electricity supply point 70.00 Kcs
- consumption 1 kWh (high rate) 2.97

In the case of consumption measured separately by the measuring device of the supplier, in the case of which the costs for the electricity consumption by the consumer (an organisation) are divided between the individual users (the public), an exception can be granted by the supplier on the grounds of a written request submitted by the consumer, the consumption being charged according to the public rate - BS, or the combined rate BSN potentially, the consumption in the latter case being measured by the double-tariff watt-meter. The application must state explicitly the fact that the costs for the electricity consumption are directly accounted to the individual users - the citizens. The BS rate is accorded by the supplier in the cases also when the electricity consumption at one supply point is accounted to both citizens and organisations (e.g. electricity consumption of boiler houses or heat exchanger stations supplying heat to both citizens and organisations, the lighting of lobbies, stairways, etc. used in common in buildings, the operation of elevators in housing estates, etc.). This exception cannot be accorded for electricity consumption in houses in which the payment for the electricity consumption of the above type is included in the rent.

The party responsible for the compliance with the conditions on the grounds of which the BS rate is accorded is that of the consumer (the organisation), the supplier not being obliged to check whether the conditions are complied with either preliminarily or in the course of time.

SV The rate for small-scale consumers with higher electricity consumption

This rate is intended to apply for small-scale consumers with higher electricity consumption regardless of the purpose the electricity is used for. The electricity consumption according to this rate is charged as follows:

- fixed monthly charge per one electricity supply point Kcs 3400.00
- consumption 1 kWh (high rate) Kcs 2.05

NM Low rate for small-scale consumers

This rate is intended to apply to charge for the consumption of electric devices with permanent supply line especially (not those supplied from a wall outlet), the electricity consumption of which from the supply network can be shifted in time by the supplier to take place within the low loading time bands in compliance with the actual load development of the ESN CSFR (heat storage device being involved especially). Since the electricity consumption of these devices is not measured separately from that of the remaining consumption as a rule, the remaining electricity consumed within the validity time band of the low rate is charged to the consumer at the low rate also. The electricity consumption according to this rate is charged as follows:

- fixed monthly charge per one electricity supply point Kcs 100.00
- consumption 1 kWh within the low rate validity time band Kcs 0.66

V5 Public lighting rate

This rate is intended to apply for electricity consumption from the low voltage network for public lighting.

The electricity consumption is charged according to this rate as follows:

- consumption 1 kWh Kcs 1.26

Small-scale consumers to whom the V5 rate does not apply can select themselves to be supplied electricity at either the SM or the SV rates.

In the case of single-phase consumption or of triphasic consumption providing a 3x25A or smaller main fuse is used before the meter, the electricity consumption serving business activities of physical persons measured in common with the household electricity consumption is charged at the household rate if required so by the consumer.

The hire for the measuring devices is included in all the small-scale consumer rates.

Unmeasured consumption

In the case of unmeasured consumption of TV signal converters, safeguard devices of the Czechoslovak Railways, telephone speech concentrators, telephone boots, traffic lights and signals, common antennas etc., a fixed monthly rate of Kcs 11.00 per each 10 W (incl. those begun) of the input installed of these devices is charged. In the case of unmeasured consumption of the type of emergency police announcing devices, alarm sirens, and similar devices operated occasionally only the electricity consumption of which is negligible, a fixed monthly payment of Kcs 11.00 is charged per each electricity consumption of the above kind

regardless of the input installed. However, the input installed of the unmeasured supply points (with the exception of alarm sirens and safeguard devices of the Czechoslovak Railways) must not exceed 1000 W. The consumption of electricity (Wh) is not charged for the very small unmeasured consumption points.

V. Surcharges for reactive power

The wholesale electricity rates presented in this price list assume all the electricity supplies to take place at the inductive power factor $\cos \phi = 0.95-1.00$ maintained to preserve the safety and faultless operation of the electricity supply network. Power factors outside the above range are permissible exceptionally only as based upon previous agreement and/or permission by the supplier. In case the power factor fails to be maintained at the required level by the consumer, the consumer involved is charged with a surcharge sanctioning him for the endangering of the electricity supply network operation by either the consumption of wattless energy or the unexpected supply of it into the network. The compliance of the consumer hardware power factor with that prescribed is assessed as specified below:

A. Large-scale consumers

1. The measurement of wattless energy to evaluate $\cos \phi$

a) For the large-scale consumers with the A4 rate, the consumption of wattless energy is measured within the high rate validity time band from Monday to Sunday identically to the measurements of the active energy.

In case the active energy consumption is measured by a single-rate watt-meter or in case the active energy consumption does not comply with the conditions enabling it to be charged at the low rate, the wattless energy consumption is measured either in the high rate validity time bands only, or 24 hours daily, pending the decision of the supplier.

b) For the large-scale consumers with the A2 and A5 rates, the wattless energy consumption is measured in the peak bands identically with that of the active energy.

c) If the compliance of the consumer power factor with the prescribed value can be assumed as follows from the nature of the consumption, the wattless energy is not required to measure and charge.

d) To charge the surcharges potentially applying in the case of electricity consumption of the electric traction of the Czechoslovak Railways, the 15 minute active maximum of the electric output. The same rules apply for the measuring of the 15 minute electric output maximum as those applying for electricity consumption according to the compound rate (A2, A4 and A5).

e) The supplier is entitled to check at random whether the prescribed power factor is maintained by the consumer at the

time also outside the interval of permanent measurement (2).
r) In the case undesirable reverse supply of wattles energy into the supplier's network can be expected to occur more frequently, special measuring device of the supplier is used to measure it.

2. The evaluation of the power factor and the method of calculation of the surcharges

The formula

$$tg \quad = \quad \text{kVArh/kWh}$$

is used to compute the power factor \cos from the monthly measurements of values of the wattles energy in kVArh and the active energy in kWh. In the case the \cos obtained from the measured values of consumption falls within the permissible range, only the active energy is charged to the consumer according to the present rates. In the case, however, the power factor ascertained is outside the permissible range, a surcharge is charged to the consumer as specified by the Table enclosed (the permissible power factor range 0.95-1.00 being assumed).

In the case of an unrequested wattles energy supply into the network, the Regional Power Supply Company is authorised to charge the consumer with a surcharge of Kcs 0.36 per kVArh.

2) The average power factor is evaluated by this random measurement at intervals of at least 15 minutes.

B. Medium-scale consumers

1. The measurement of the wattles energy to evaluate the power factor

a) For medium-scale consumers with the overall transformer output installed of 100 kVA and higher, the consumption of wattles energy is measured identically as that of large-scale consumers, as specified by the provisions of the Paragraph A1 a) to g) of the present price list.

b) The wattles energy consumption is not required to be measured for medium-scale consumers with a transformer smaller than 100 kVA, the consumers being obliged, however, to compensate their hardware so that the permissible power factor range is complied with especially during the main shift. The supplier is entitled to check whether the above condition is complied with by random testing. (2)

2. The evaluation of the power factor and the method of calculation of the price surcharges

a) For medium-scale consumers with permanent measuring of the wattles energy consumption, the actual power factor is evaluated and the surcharge potentially applying to sanction

the non-compliance with the prescribed power factor range is calculated basically the same as for large-scale consumers. The surcharge is specified by the Table enclosed (the permissible power factor range 0.95-1.00 being assumed). For electricity supply points with the B2 three-tariff rate, the percentage of the surcharge is applied to the nominal payment for the transformer output installed which is established in the same manner as for the B1 rate, i.e. by the rate in kcs per 1 kVA of the transformer installed output.

b) In the case non-compliance with the permissible power factor range is discovered by the random inspection (on the basis of the values actually measured for the main shift, for instance) for a medium-scale consumer without permanent measuring of the wattless energy, the supplier is entitled to charge the consumer the appropriate surcharge regressively for the entire period for which the permissible power factor can be proved not to have been complied with as well as to continue to charge the consumer with the surcharge until the consumption is compensated by the consumer. The surcharge is calculated in a manner similar to that used for medium-scale consumers with permanent measuring of wattless energy (see 2a).

(2) The average power factor is evaluated for this random measurement at intervals of at least 15 minutes.