Legal Summary Examples – Pilot Jurisdictions

EU - Example 1 – new legislation

Name: Regulation (EU) 2019/1020 on market surveillance and compliance of products

Synopsis:

Regulation (EU) 2019/1020 >> link to full text

Purpose & Scope

This Regulation sets out to strengthen the market surveillance of products covered by the Union harmonisation legislation referenced within it, to ensure that only compliant products providing a high level of protection for public interests, such as health and safety, health and safety in the workplace, the protection of the environment etc, are made available on the Union market. It also provides a control framework for products entering the Union market.

Tasks & Obligations of Economic Operators

An economic operator is a manufacturer, importer or fulfilment service provider established in the Union.

They are required to carry out the following:

- Where an EU declaration of conformity & technical documentation are required, verifying that they are in place and keeping them to hand in case they are requested by the relevant authorities;
- If requested by the market surveillance authority, provide all information to demonstrate product conformity in a language understood by that authority;
- Inform the market surveillance authorities if they have reason to believe that a product presents a risk;
- Work with the authorities to take immediate, corrective action in the case of non-compliances, or mitigate the risks associated.

Products offered for sale online or other methods of distance sales are classed as made available on the market if it is targeted to an end user in the Union.

The organisation, activities and obligations of the market surveillance authorities are set out, as well as market surveillance powers and measures.

Member States shall assign an appropriate authority with the powers and resources to control products entering the Union market and shall lay down penalties.

This Regulation shall apply from 16 July 2021, apart from certain elements of coordinated enforcement and international cooperation, and financing activities which apply from 1 January 2021.

Change Comment:

This Regulation sets out to strengthen the market surveillance of products covered by the Union harmonisation legislation referenced within it, with a view to ensuring that only compliant products providing a high level of protection for public interests, such as health and safety, health and safety in the workplace, the protection of the environment etc, are made available on the Union market. It also provides a control framework for products entering the Union market.

This Regulation shall apply from 16 July 2021, apart from certain elements of coordinated enforcement and international cooperation, and financing activities which apply from 1 January 2021.

EU - Example 2 – amended legislation

Name: Regulation (EU) 2018/956 on the monitoring and reporting of CO2 emissions from and fuel consumption of new heavy-duty vehicles

Synopsis:

Regulation (EU) 2018/956 >> link to full text as amended by Regulation 2019/888 >> link to full text and Regulation 2019/1242 >> link to full text

Purpose & Scope

This Regulation is intended to support the 40% target for reduction of greenhouse gas emissions in the transport sector by 2030.

It requires Member States and manufacturers of new heavy-duty vehicles registered in the Union to collect and report data on emissions from 1 January 2019.

Manufacturers must notify the EU Commission without delay and not later than by 31 December 2018 of the following information:

- the manufacturer name indicated in the certificate of conformity or individual approval certificate;
- the World Manufacturer Identifier code (WMI code) as defined in Regulation (EU) No 19/2011 to be used in the vehicle identification numbers of new heavy-duty vehicles to be placed on the market;
- the contact point responsible for uploading the data to the Business Data Repository of the Agency.

The EU Commission will publish an annual report with its analysis of the data transmitted.

Amendments

Under EU Regulation 595/2009, from 1 July 2019, vehicle manufacturers must determine and declare additional data related to the CO2 emissions and fuel consumption of new

heavy-duty vehicles. To support this requirement, heavy-duty vehicle manufacturers and member states must monitor certain data and report it to the EU Commission.

The 2019 Regulation (2019/888) amends the criteria of data (given in Annex I of Regulation 2018/956) that is to be monitored and reported by Member States and manufacturers regarding new heavy-duty vehicles.

Regulation (EU) 2019/1242 applies the definitions used within it to the definitions set out in Article 3 of this legislation. It also clarifies reporting dates and responsibilities for manufacturers and member states.

Change Comment:

Regulation (EU) 2019/1242 applies new definitions to the definitions set out in Article 3 of this legislation. It also clarifies reporting dates and responsibilities for manufacturers.

This is applicable to vehicle manufacturers and may be of interest to consumers.

Change Comments highlight anything new or changed to clients, as such, amended entries included here will only show the most recent change comment

UK/Great Britain/England - Example 1 – new legislation

Name: Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019

Jurisdiction: UK

Synopsis:

2019 No. 1350 >> link to full text

Purpose & Scope

These Regulations provide that the Secretary of State (or appropriate authorities for Wales, Scotland and Northern Ireland on devolved matters) can issue regulations transferring specified legislative functions currently held by the EU Commission to public authorities in the UK from Exit Day onwards.

Those specified functions are concerned with:

- Air quality;
- Environmental noise;
- Infrastructure for spatial information in Europe (INSPIRE);
- Marine environmental policy;
- Water quality; and
- Miscellaneous issues concerning regulation-making powers.

Change Comment:

The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019 ensure that specified functions exercised by the EU Commission on environmental matters can be transferred to the appropriate UK authorities after Exit Day.

UK/Great Britain/England - Example 2 – amended legislation

Name: The Environmental Damage (Prevention and Remediation) (England) Regulations 2015

Jurisdiction: England

Synopsis:

2015 No. 810, and 2015 No. 1391, and 2017 No. 1177, and 2019 No. 1285

Purpose & Scope

These Regulations transpose the EU Environmental Liability Directive (ELD) (2004/35/EC) into English law. The ELD has the objective of making operators of activities which cause environmental damage financially liable for that damage (the polluter pays principle).

These Regulations apply to serious environmental damage to land, water and to species and habitats. They cover both species and habitats protected by the Birds and Habitats Directives and any other species and habitats protected on Sites of Special Scientific Interest (SSSIs).

They impose duties on operators of economic activities to take immediate steps to prevent damage if there is an imminent threat, and to control damage which is occurring so as to limit its effects.

Once environmental damage has occurred, the Regulations contain procedures for establishing appropriate remedial measures. In the case of damage to water or species and habitats, these measures include not only primary remediation (for example, cleaning up the contaminated site), but also complementary remediation (cleaning up an alternative site if the damaged site cannot be fully restored), and compensatory remediation (carrying out other measures to provide alternative natural resources to compensate for the time during which the damaged site remains in its damaged state). The operator has to agree appropriate measures with the regulator and pay for them to be undertaken.

No enforcement action may be taken under these Regulations after the end of the period of 30 years starting with the date of the emission, event or incident concerned.

Offshore Activities

In order to transpose the requirements of the EU Offshore Safety Directive (OSD) (2013/30/EU), which aims to reduce the potential for major accidents relating to offshore oil and gas activities and limit their impacts on the environment and coastal economies, these

Regulations extend the geographical scope of environmental liability to include damage which significantly adversely affects the environmental status of marine waters, as defined in the EU Marine Strategy Framework Directive (2008/56/EC). In effect, the current geographical limit to water damage will be extended beyond coastal waters to cover all marine waters under the jurisdiction of Member States.

Preventing environmental damage

An operator of an activity that causes an imminent threat of environmental damage, or an imminent threat of damage where there are reasonable grounds to believe that the damage will become environmental damage, must immediately

- take all practicable steps to prevent the damage; and
- (unless the threat has been eliminated) notify all relevant details to the enforcing authority.

Responsibility for enforcing the regulations lies with the Environment Agency, Natural England, Local Authorities, The Secretary of State and the Marine Management Organisation.

Amendments

The 2015 amendment alters the regulations to include damage to the marine waters in the offshore area of Northern Ireland (beyond 12 nautical miles from the baselines), which were overlooked in the original legislation. There are also two minor corrections to the language of the original Regulations. In Footnote 1 to the table in regulation 6(1), the term 'adjacent to' is corrected to 'that forms part of'. In regulation 10(2) the Natural Resources Board for Wales is corrected to the Natural Resources Body for Wales.

The 2017 amendment has the effect of devolving enforcement responsibility under the EU Environmental Liability Directive (2004/35/EC – the "ELD"), in Welsh offshore areas, from the Secretary of State to Welsh Ministers. When the ELD was extended to apply to damage to marine waters, the Secretary of State retained responsibility for enforcement in relation to damage in all UK offshore areas other than Scottish offshore areas. As Welsh Ministers do not have legislative competence to regulate out to 200 miles off the Welsh coast, provision has to be made in these Regulations.

The Environment, Food and Rural Affairs (Miscellaneous Amendments) (England) Regulations 2018 (2018 No. 575 - Correction) makes miscellaneous amendments to a number of pieces of secondary legislation within the remit of the Department to deal with out of date references to domestic and EU instruments.

The Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 (SI 942 of 2018) reflects Regulation (EU) 2017/997 as regards new criteria for assessing the hazardous property HP 14 "Ecotoxic" in line with the so-called CLP Regulations (on classification, packaging and labelling of hazardous substances).

The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2019 insert a new regulation 18A. This sets out that once the enforcing

authority notifies the responsible operator that the damage is environmental damage and that the operator's activity was a cause of that damage for which remediation proposals are required, the authority must notify the Secretary of State of the relevant environmental damage as soon as reasonably practicable. The content of the notification is specified, and the authority may be required to provide further information concerning the damage if requested by the Secretary of State

Change Comment:

The Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2019 provide that once an enforcing authority notifies the responsible operator that the damage is environmental damage and that the operator's activity was a cause of that damage for which remediation proposals are required, the authority must notify the Secretary of State of the damage as soon as reasonably practicable.

Ireland - Example 1 – new legislation

Name: Microbeads (Prohibition) Act 2019

Synopsis:

No. 52 of 2019 >> link to full text

Purpose & Scope

This Act imposes strict prohibition on usage and disposal of the products containing excessive quantity of microbeads in the market, accords power to inspect such products and stipulates strict penalties in violation of the act.

Microbeads are particles of solid plastic smaller than 5 millimetres at its widest point and less than 1 nanometre at the narrowest point.

Manufacture & Sale

This Act prohibits the manufacture and sale of water soluble cosmetics and cleaning products with microbeads in higher quantity than the permitted concentration (0.01% of the product weight) except in cases of medicinal products, sunscreen, supply to 'relevant training providers' or approved body for a specific purpose, products in transit through Ireland and bodies approved by the Environmental Protection Agency (EPA) for specific industrial cleaning processes. Anyone who does not comply is committing an offence, unless they can show that they took all reasonable measures to comply.

This Act also authorises the appropriate Minister to make regulations for exempting specific products that are deemed to be essential and with no better alternative.

Disposal

The disposal of substances containing microbeads is prohibited in the maritime area, sea, inland waters, domestic wastewater treatment system or drainage. Anyone who does not

comply is committing an offence, unless they can show that they took all reasonable measures to comply.

Penalties

A person who violates this Act is liable to up to 12-months imprisonment or a Class A fine (currently maximum €5,000) in case of summary conviction. Meanwhile, in case of conviction on indictment, the offender is liable to up to 5 years imprisonment or a maximum fine of € 3,000,000.

Powers of authorised person

An authorised person can inspect any premise or activity whereby microbead products are suspected to be manufactured, sold or disposed. Their powers include taking samples, taking possession of or removing the suspected product from the premise and inspecting any relevant documents or records about the product. However, they can only entre the dwelling with the consent of the dweller or a warrant issued by the District Court. Once the warrant is issued, the authorised person can forcefully enter the dwelling accompanied by other authorised persons or the members of Garda Síochána.

Throughout the inspection process, the business-owner or person-in-charge must provide their full-assistance to the authorised person. Any attempts to obstruct the inspection will be guilty of non-compliance offence liable to up to 12-months imprisonment or a Class A fine.

Change Comment:

This Act criminalises the manufacture or placing on the market of products containing microbeads in excessive quantity in Ireland, as well as the disposal of such products. This is liable to inspection and imposes strict penalties if found guilty.

This act is relevant to manufacturers and sellers of cosmetics and cleaning products.

Ireland - Example 2 – amended legislation

Name: Railway Safety Act 2005

Synopsis:

SI 31 of 2005 >> link to full text, SI 87 of 2017 >> link to full text, S.I. No. 191/2019 > > link to full text, and SI 143/2020 >> link to full text

Purpose & Scope

The Railway Safety Act 2005 established a comprehensive framework within which railway safety is regulated. In addition to providing for the establishment and empowerment of the Commission for Railway Regulation (CRR), and within it a functionally independent Railway Incident Investigation Unit. The principal functions of the RSC are to:

- Foster and encourage railway safety;
- Enforce this Act and any other legislation relating to railway safety; and
- Investigate and report on railway incidents.

The principal provisions of the Act relate to:

- Placement of a general duty of care on railway undertakings, persons working on the railway and others to have regard for their own safety and that of others in conducting activities on or about the railway.
- Requirement for railway undertakings to implement such systems as are necessary for the effective management of safety and to evidence these in a safety case.
- Reporting of railway incidents by undertakings and their investigations by those undertakings or by the Railway Incident Investigation Unit.
- Establishment of a Railway Safety Advisory Council representative of various stakeholder organisations and with powers to make recommendations to the Minister and the RSC on matters of railway safety.
- Control of the impact of drugs and alcohol including specification of maximum limits and testing of safety critical railway workers.

The main duties of the RSC are to:

- Assess safety cases submitted by railway operators (Iarnrod Eireann, heritage railway, the Luas operator or any other person who operates a railway) and where it is satisfied that the undertaking can operate the railway safely; issue safety certificates;
- Assess the safety of new infrastructure works and rolling stock before they are constructed, commissioned and brought into service;
- Audit the safety management system and safety case of a railway undertaking;
- Make regulations in relation to specific aspects of railway safety;
- Carry out inspections of railway infrastructure, operations and management systems and take enforcement proceedings where necessary, including the use of mandatory prohibition and improvement notices and High Court injunctions.

Amendments

The 2017 order introduces a new levy which must be paid by specified railway organisations to the Commission.

SI 114/2018 provides for the levy, in accordance with section 26 of the 2005 Act, which must be paid by specified railway organisations to cover the expenditure needs of the Commission for Railway Regulation.

S.I. No. 191/2019 updates to the levy, with the relevant pay information for year beginning 1st January 2019 relayed in the schedule. Heritage railways are now exempt from the levy. Heritage railways refers to a party who exclusively operates a train service / railway infrastructure of historical or tourist interest, or whom the Railway Safety Commission has specified to be one.

SI 143/2020 provides updates to the levy, with the relevant pay information for year beginning 1st January 2020 relayed in the schedule. Heritage railways remain exempt.

Change Comment:

SI 143/2020 provides updates to the levy, with the relevant pay information for year beginning 1st January 2020 relayed in the schedule.

Singapore - Example 1 – new legislation

Name: Electricity (Electricity Licenses – Exemption) Order 2019

Synopsis:

Link to text>> S815/6 Dec 2019

Purpose and Scope

This Order provides for the licenses involved pursuant to The Electricity Act, namely who is exempt from carrying one.

A license is not needed if:

- The party (including a consumer) supplies and sells electricity generated through a generating unit on a single user/multi-user premises to the consumer(s) at said premises;
- Electricity generated is consumed at the premises, and only for specified non-residential purposes.

Change Comment:

This Order provides for the licenses involved pursuant to The Electricity Act, namely for who is and isn't exempt from carrying one.

Singapore - Example 2 – amended legislation

Name: Fire Safety Act

Synopsis:

CHAPTER 109A >> link to full text

Purpose and Scope

This Act cover procedures for the prevention of fire.

Fire Hazards

A fire hazard abatement order may be served on the owner, occupier or person responsible for the hazard if one occurs in a building. The order may require the preparation of a fire

hazard mitigation plan. In an emergency, a premises may be ordered closed in order to deal with a fire hazard. If an order is not complied with, the Courts may order the closure of the premises or prohibition of its use as necessary. Such court orders may be appealed to the High Court.

Fire Prevention

A building requires a fire safety certificate if it is a public building with a capacity to hold 200 people or more, or if designated by the Minister.

Such buildings may not be occupied or used until a fire safety certificate has been issued. Certificates will only be issued if the building complies with the fire safety requirements, for which the owner of occupier is responsible.

Certain premises will require a Emergency Response Plan, which will be prepared and distributed to building occupants by the owner or occupier, who will also hold evacuation drills annually or as required by regulation.

Certain premises also require fire safety managers and Company Emergency Response Teams, who will be appointed by the owner or occupier and will assist the owner or occupier with his responsibilities under this Act.

Fire Safety Engineers

The Commissioner of Civil Defence will keep a register of appropriately qualified, trained and reputable fire safety engineers to act as a peer reviewer or to prepare plans using alternative solutions.

Fire safety works

The Code of Practice for Fire Precautions in Buildings sets out detailed requirements for fire safety.

Plans for fire safety works must be prepared by appropriately qualified persons and approved by the Commissioner. Plans will be approved if the appropriately qualified person assigned to prepare the plans certify that they meet fire safety requirements.

Fire safety works must be carried out under appropriate supervision.

Fire safety works must be issued with a fire safety certificate upon completion; if the application is accompanied by a certificate from a registered inspector stating that the works are compliant, the fire safety certificate will be granted without inspection. A registered inspector must have no financial or professional interest in the structure of building he is to inspect. The register of inspectors is maintained by the Commissioner.

Spot inspections may be conducted on fire safety works at any time.

If any fire safety works are carried out in contravention of this Act or associated regulations and requirements, the works may be ordered to cease, be altered or demolished as necessary.

Modifications or waivers to these regulations may be applied for to the Commissioner.

Petroleum and flammable materials

One must have a license to store, transport, import or dispose of petroleum or flammable materials, and must only do so under the conditions set out by that license.

Vehicles used to transport such materials must have a permit.

Before works are carried out near a pipeline for petroleum or flammable materials, the license holder for that pipeline must be given 7 days notice. Any information required to carry out the works without damage to the pipeline must be provided to the person carrying out the works by the licence holder, and all necessary precautions in this regard will be taken.

Powers of the Commissioner of Civil Defence in relation to fire safety

In the event of a fire, the Commissioner of Civil Defence may enter, move, take possession of or destroy property as is necessary to prevent the spread of fire. The Commissioner also has the right to enter a premises or vessel in order to ensure this Act or any regulations under are being correctly implemented. The Commissioner may also enter a premises or vessel up to 48 hours after fire in order to investigate. The Commissioner may have fire hydrants installed on roads and in public spaces; damage to a fire hydrants and false fire alarms are offences.

The Commissioner may stop and inspect vehicles or inspect stores containing petroleum or flammable materials, enter sites where it is believed such substances are being stored illegally or seize any stock of such material in relation to which an offence is believed to have been committed.

Decisions by the Commissioner relating to plan approval, fire safety works, fire safety certificates and other matters under this Act may be appealed to the Minister.

Amendments

The Fire Safety (Amendment) Act 2016 amends the definition of pipeline owner to include the persons who own or lease and have management and control or the piperack or pipetrack.

The 2017 notification brings the Fire Safety (Amendment) Act 2016 into force on 1 February 2017. The Amendment Act enables the Commissioner of Civil Defence to license, as "pipeline owner", the person who owns or leases, and has management and control over, the infrastructure of relevant pipelines within a pipeline corridor. The rationale for this amendment was to establish responsibility for emergency response, as well as to maintain the safety and security of all pipelines running through the pipeline corridor.

The Amendment of 29 August, 2019 states that it is an offence for any unregistered person to complete a fire inspection and or certify that any fire safety works have been carried out.

It is also established that if the Commissioner suspects that an offence has been committed under this act, they may examine the individual or documents related to the offence. If no information has been provided, then an offence has been committed.

A building owner or occupier commits an offence if they cause, or do something likely to cause, a fire hazard. Maximum penalties vary depending on the offence between fines of $5000 & $10000 and sentences of 3 – 6 months or both.

Section 20 has been repealed and substituted with a new section 20 (concerning the requirements for certain buildings to hold a fire certificate before use) and section 20A (concerning orders to install fire safety measures). Failure to comply with these sections carries penalties of fines up to £50,000 and sentences up to 12 months or both, an additional fine of $1000 per day may be applied for each day requirements have not been met past the deadline set.

There has also been a section added on Alarm Monitoring Services, referring to the provisions of licensing for alarms; individuals must not provide alarm monitoring services, or advertise as such, if they don't hold the necessary license. Application for such a license must be made to the licensing officer, accompanied by the necessary information and fees. A separate application must be made for each alarm monitoring station.

Change Comment:

The Amendment of August 29, 2019 adds specifications regarding fire inspections and alarm systems.

British Columbia - Example 1 – new legislation

Name: Zero-Emission Vehicles Act

Synopsis:

Link to full text >> [SBC 2019] Chapter 29 (Third edition)

Most sections of this Act are not commenced yet, this summary only includes those sections that have already been commenced.

When some, or all, of the legislation is not in force until a future date, we will state this above the main synopsis.

Purpose and scope

Zero-Emission Vehicles Act makes provisions to reduce the sale of new light-duty motor vehicles emitting greenhouse gases in order to meet the zero-emission sales target by 2040.

The following provincial targets are set:

- In each year from 2025 to 2029, at least 10% of all sold or leased vehicles must be zero-emission;
- In each year from 2030 to 2039, at least 30% of all sold or leased vehicles must be zero-emission;
- From 2040 onwards, 100% of all sold or leased vehicles must be zero-emission.

The relevant director will publish an annual report on the above emission targets by 31 March which includes:

- performance of the preceding calendar year;
- the number of consumer sales of light-duty motor vehicles, including sales of zero-emission vehicles; and
- any other information, as required.

From 1 January 2040, it is prohibited to sell a light-duty motor vehicle that is not zero-emission.

Change Comment:

The Zero-Emission Vehicles Act makes provisions to reduce the sale of new light-duty motor vehicles emitting greenhouse gases in order to meet the zero-emission sales targets by 2040. It sets the yearly provincial targets for sale or lease of new light-duty vehicles from 2025 to 2040, and from 2040 onwards, it prohibits sale of vehicles that are not zero-emission.

This is specifically applicable to the businesses engaged in the sale or leasing of new light-duty motor vehicles in British Columbia.

British Columbia - Example 2 – amended legislation

Name: B.C. Carbon Tax Act and Regulation

Synopsis:

Link to Full Text >> Carbon Tax Act and Carbon Tax Regulation

Purpose & Scope

The **Carbon Tax Act** imposes a carbon tax on the purchase and use of fuels within the province. Fuels subject to this tax include gasoline, diesel, natural gas, heating fuel, propane, coal, and certain other materials including peat and tyres when used to produce energy. Tax rates are based on a price of $30 per tonne of CO2 equivalent emissions, and as a result the tax per unit of fuel consumed differs depending on the type of fuel.

The **Carbon Tax Regulation** covers issues such as the issuance of registered consumer certificates to commercial rail, air and marine transport services, carbon tax return arrangements for collectors and deputy collectors, dealers of natural gas and registered customers, fuel imported into British Columbia, carbon tax exemptions, the provision of

biomethane credit for the sale of qualifying fuels, refunds and record keeping. It also sets out the penalties for non-compliance – a fine of between $200-$500 for a first conviction, and a fine of between $500-$2000 or imprisonment for between 90-180 days, or both, for a subsequent conviction.

Amendments

BC Reg 231/2019 inserts a new Part 5.1 into the Carbon Tax Regulation entitled "Regulated Operation Refund" which provides guidance on issues such as calculating "eligible tax" in relation to a regulated operation and a calendar year, target and threshold emissions rates for 2020 to 2024 and each subsequent period of five calendar years and information concerning claims for a refund of eligible tax.

BC Reg 12/2020, which takes effect on 1 April 2020, amends the Regulation by removing the requirement for wholesale and retail dealers and anyone required to file returns for the payment of tax under the Act to keep the specified records at their principal office or principal place of business in British Columbia. Anyone who is required to retain records under the Act or Regulation for five years need not keep them in British Columbia. The option for a director to allow registered air or marine services to keep and retain records outside British Columbia is abolished.

Change Comment:

BC Reg 231/2019 inserts a new Part 5.1 into the Carbon Tax Regulation entitled "Regulated Operation Refund" which provides guidance on issues such as calculating "eligible tax" in relation to a regulated operation and a calendar year, target and threshold emissions rates for 2020 to 2024 and each subsequent period of five calendar years and information concerning claims for a refund of eligible tax.

BC Reg 12/2020, which takes effect on 1 April 2020, amends the Carbon Tax Regulation by removing the requirement for wholesale and retail dealers and anyone required to file returns for the payment of tax under the Act to keep the specified records at their principal office or principal place of business in British Columbia. Anyone who is required to retain records under the Act or Regulation for five years need not keep them in British Columbia. The option for a director to allow registered air or marine services to keep and retain records outside British Columbia is abolished.

Relevant to businesses in British Columbia that are liable to pay carbon tax, must keep carbon tax records and which conduct "regulated operations" within the Carbon Tax Regulation.

Czech Republic - Example 1 – new legislation

Name:

(EN) Decree No. 5/2020 Coll. on protective measures against harmful plant organisms

(CZ): Vyhláška č. 5/2020 Sb. Vyhláška o ochranných opatřeních proti škodlivým organismům rostlin

Synopsis:

Link to full text >>

Purpose and scope

Pursuant to EU regulation 2016/2031, and Act no. 326/2004 Coll. Law on Phytosanitary Care, the decree no. 5/2020 updates the protective measures for plants and plants products (including all cultivated plants, fruits and forest materials) against harmful organisms in Czech Republic.

The order stipulates about survey conduction to detect organisms that are harmful to plant health and specifies the criteria to authorise issuance of phytosanitary passport certificates to prevent such organisms from spreading. It also sets requirements for phytosanitary proof of movement when importing plants or plant products; specifies storage requirements while shipping and investigation requirements before exporting high-risk plants.

The decree annexes models of relevant documents including phytosanitary proof of movement, phytosanitary certificate and pre-export certificate. It also lists some high-risk plant products whose signs of infestation may not be visible and points out Thysanoptera and Agromyzida as harmful organisms that may cause hidden infestations.

The decree comes into effect from 25 Jan 2020, but the requirements of phytosanitary proof of movement and shipping requirements will expire on 13 December 2020.

Change Comment:

Decree no. 5/2020 updates the protective measures for plants against harmful organisms by making provisions to detect and prevent harmful organisms when importing, exporting and shipping the plants and plant products, especially in case of high-risk plants with possibility of hidden infestation.

This is applicable to commercial farmers, industries related to agriculture, and those engaged in import-export of plants and plant products.

Czech Republic - Example 2 – amended legislation

Name

(EN): Law on energy management

(CZ): 406/2000 Sb. – Zákon o hospodaření energií

Synopsis:

Official Link: 406/2000 Sb.

Unofficial Link: 406/2000 Sb.

Purpose and scope

This Act aims to increase the efficiency of energy use and provides for Energy Policies at State and Regional level.

It also aims to promote the use of renewable and secondary energy sources and the eco-design and energy labelling of products which consume energy directly or indirectly.

Energy policy

The Act provides for the State Energy Policy, a strategic document expressing the objectives of the state in the energy sector for the next 30 years in accordance with the need to safeguard the essential functions of the state and the needs of economic and social development as well as for crisis situations, including the protection of the environment.

It also provides for regional energy policy, which is based on the state policy.

The State programmes must support the increase of energy efficiency, the reduction of energy consumption and the use of renewable and secondary energy sources in accordance with the approved state energy policy and the principles of sustainable development.

Central public institutions must lead by example and when procuring products or services, must establish specific technical requirements for the consumption of energy that must be met. For example, energy performance of buildings, office equipment and other energy related products, tyres and energy supply contracts.

The monitoring of energy consumption in buildings owned and occupied by central institutions with a total energy reference area of over 250 m2 must be carried out.

Efficiency of energy sources

The builder or owner of an establishment containing heating and cooling systems is required, in the case of new installations, or where a change is completed, to ensure at least a minimum efficiency of energy produced to the extent specified in an implementing regulation.

The supplier of boilers and biomass stoves, solar photovoltaic panels, solar thermal systems, shallow geothermal systems and heat pumps (devices producing energy from renewable sources) is obliged to provide truthful, unbiased and complete information on the expected benefits and annual operating costs of these facilities and their energy efficiency in the technical documentation or instructions for use.

For boilers with a nominal power above 20 kW, and/or for air conditioning systems with a rated cooling output greater than 12 kW, the owner or owners associations are required to

- ensure regular inspection by an energy specialist resulting in a written report;
- notify the Ministry or the State Energy Inspection on request and provide a copy of the authorization of the person to carry out inspections if they belong to another EU Member State.

Energy performance of buildings

In case of construction of a new building, the builder is obliged to fulfil the requirements for the energy performance when applying for a building permit or notification of construction.

The cost-optimal level applies from January 1, 2013.

Cost-optimal level is defined as the level of energy performance requirements for buildings, which leads to the lowest cost investments in energy and maintenance during the estimated economic lifetime.

Almost zero energy levels must be achieved for public authority buildings:

- those more than 1500 m^2, from 1 January 2016,
- > 350 m^2, from 1 January 2017,
- smaller than 350 m^2, from 1 January 2018

An Energy Performance Certificate is required for the construction of new buildings and where there is a major change to a completed building.

This applies to buildings occupied by public authorities from 1 July 2013 (reference area greater than 500 m 2) and from 1 July 2015 (area greater than 250 m 2).

For apartment buildings or office buildings it applies from 1 January 2015 (area of more than 1500 m 2), by 1 January 2017 (area of more than 1500 m 2) and by January 1, 2019 for all other sizes.

The Certificate must be provided in the sale or rental of a building or buildings from January 1, 2016 and the energy rating included in advertisements.

Ecodesign and energy labels

Products related to energy consumption covered by a directly applicable regulation of the European Union must:

- comply with eco-design requirements and carry CE marking and be supplied with an EC declaration of conformity;
- carry a printed label in the format required and be supplied with a fiche in the Czech language which indicates energy performance.

Energy audits and energy assessments

The builder or the owner of a building must prepare an energy management audit by a relevant energy specialist where the total average annual energy consumption for the last two calendar years is higher than the value of the energy provided by the implementing legislation.

They must also assess the technical, economic and environmental feasibility of installing alternative energy supply systems in the construction of new buildings ,or where there is a major change to a completed building, where a source of energy has an installed capacity of more than 200 kW.

The assessment of the costs and benefits of ensuring high-efficiency combined heat and power production must be conducted in the case of construction of new or substantially renovated existing electricity generating plants with a total thermal input exceeding 20 MW, with the exception of those with an operating time of less than 1,500 hours per year and nuclear power plants.

The costs and benefits of using waste heat must be analysed for new or substantially renovated industrial operations located within 1000 meters from a source of heat, where the total thermal input exceeds 20 MW.

An entrepreneur who is not a small or medium-sized enterprise is obliged to prepare an energy audit and update it at least once every four years. However this obligation where a certified ISO 50001 energy management system is in place or a certified ISO 14001 Environmental Management System that includes energy auditing.

Amendment

The **2015 amendment (103/2015 Sb.)** which is effective from 1 July 2015 implements the requirements of the EU Energy Efficiency Directive of 2012 which aims to increase the Union's energy efficiency to 20% by 2020. It focuses on the energy efficiency of public buildings, energy auditing, increasing consumer awareness, maximising grid and infrastructure efficiency, and co-generation heating and cooling efficiency. The energy efficiency of buildings has been targeted as the most effective area in which to make progress toward the EU goals. The resulting amendments to the Energy Act include:

- State and regional energy policies
- Promotion of the benefits of energy auditing for SMEs and mandatory energy auditing in certain circumstances
- Requirements for building permits and energy performance certificates for developers
- The public right to energy meters in homes and multi-purpose buildings
- Requirements for building energy ratings to be included on property advertisements
- Stricter energy assessment requirements for generating plants
- Regulations for limiting the energy consumption of central public institutions
- Details on contracts for energy services between public bodies and energy service providers
- Records to be kept by energy service providers
- New offences and associated fines

There are exemptions to energy efficiency requirements for buildings housing state intelligence and defence services, projects classified as secret or top secret, and for state security. Large enterprises are exempt from the energy auditing requirements set out in these regulations if they have in place an energy management system certified to ISO 50001.

The **2020 amendment (3/2020 Sb.)** in force from 25 January 2020, makes a number of text changes and adds some new definitions to the original legislation. A new Section 6a

"Inspection of heating and air conditioning systems" is inserted which requires building owners or other administrators of a building with a heating, air-conditioning or ventilation system rated at more than 70kW to:

- ensure regular inspection of accessible parts of this system, and provide a written report on the inspection;
- submit, upon request, a report on the inspection of the heating system and combined heating and ventilation system to the Ministry, the State Energy Inspectorate or the relevant control body;
- notify the Ministry of the inspection and submit to the Ministry a copy of the person's authorization to perform this activity.

Inspections must be carried out by authorised specialists, and inspections are not required for those systems which:

- Have an automation and control system installed which meets legal obligations;
- Where the operation is covered by an energy services contract;
- Are located in prescribed buildings.

Sections 8 and 8A (Energy Labels) and Section 9 (Energy Audit) are updated, along with Section 10 relating to energy specialists and their qualifications, registrations, professional examinations, and continuous education requirements.

A list of authorised energy specialists shall be maintained by the Ministry. The Ministry may revoke the authorisation of a specialist if that person has ceased to meet the required conditions.

Change Comment:

The amendment 3/2020 in force from 25 January 2020 makes several changes and adds some new definitions to the original legislation. Section 6a "Inspection of heating and air conditioning systems" is inserted which requires building owners or other administrator of a building which has a heating, air-conditioning or ventilation system rated at more than 70kW to ensure regular inspections and to submit reports.

Applicable to any person or organisation involved with building heating, air-conditioning and ventilation systems.