

Procedures of Czech Trade Inspection Authority

P. Cimpl
Belgrade



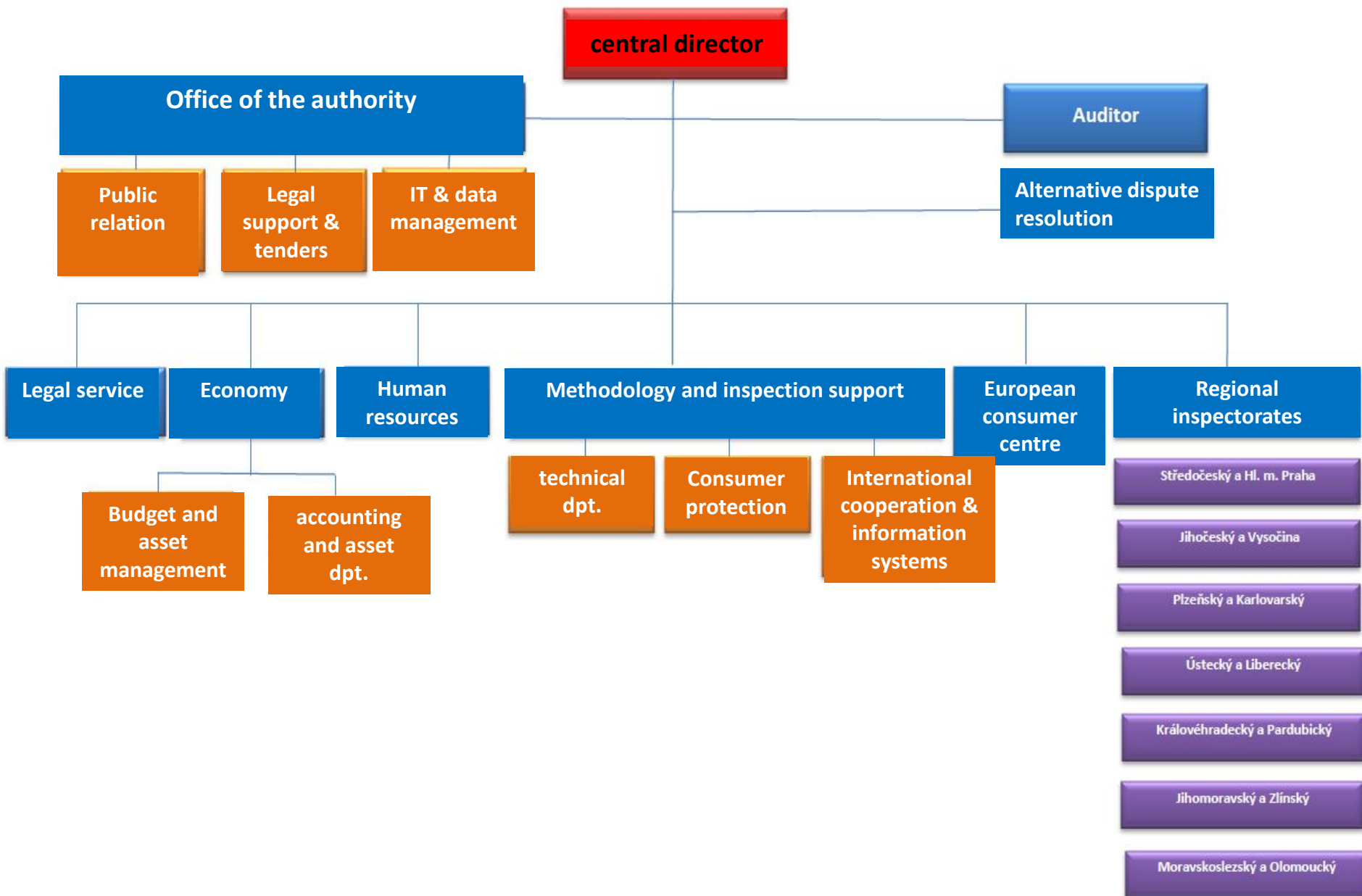
Czech Trade Inspection Authority (CTIA)

Act 64/1986 Sb. on Czech Trade Inspection Authority

- **CTIA is the authority of state administration.**
- **CTIA is subordinated to Ministry of Industry and Trade.**
- **CTIA inspects and supervises natural and legal persons selling or delivering goods on domestic market, offering services or other similar activities on domestic market.**
- **Czech Trade Inspection Authority is divided into:**
 - **central inspectorate**
 - **7 subordinated regional inspectorates having branch offices in several country seats (cities).**
- **The head of Czech Trade Inspection Authority is the central director appointed by Minister of Industry and Trade.**
- **The heads of particular regional inspectorates are directors appointed by central director of CTIA.**
- **The central inspectorate is managing, methodological and appellate authority of CTIA.**



Organizational structure of CTIA



Activities of Czech Trade Inspection Authority

Czech Trade Inspection audits and enforces:

- Compliance with guidelines that ensure the quality and safety of goods and products (excluding foodstuffs), including health-related safety, and the regulation of their storage and transport.
- The use of properly calibrated and certified measuring instruments used by vendors (wherever applicable) including the measuring instruments' compliance with relevant regulations, technical standards and proper certification.
- Legal compliance and compliance with other relevant regulations for specific services and activities.
- Proper mandatory labelling and required certification of products to be introduced to the Czech market, including their compliance with relevant technical requirements, etc.
- Product safety for products to be introduced into the Czech market.
- Legal compliance during the negotiation of consumer credit (unless the particular case falls under the jurisdiction of the Czech National Bank).



Basic legislation for activities of CTIA

Type	Number	Title	Content
Act	64/1986	on Czech Trade Inspection Authority	Status, tasks and remits, definitions
Act	500/2004	The Administrative Procedure Code	Particular steps of administrative procedure, terms and definitions
Act	634/1992	on Consumer Protection	Consumer rights, duties of enterprisers
Act	22/1997	on Technical Requirements for Products	Principles of conformity assessment for specific products. Definition of terms, normalization, accreditation



Other Acts connected with activities of CTIA

- 102/2001, on general products safety
- 477/2001, on packaging
- 201/2012, on air protection
- 311/2006, on motor fuels and filling stations
- 379/2005, on measures to protect against the damage caused by tobacco, alcohol and other addictive substances
- 353/2003, on excise taxes
- 145/2010, on consumer credit
- 189/1999, on emergency oil stocks
- 253/2008, on some measures preventing the legalization of proceeds from crime and the financing of terrorism
- 56/2001, on the conditions for operating vehicles on public roads;
- 247/2006, on limiting the operation of pawnshops and certain other establishments at night time
- 185/2001, on wastes
- 73/2012, on substances that deplete the ozone layer and fluorinated greenhouse gases
- 226/2013, on placing of timber and timber products on the market
- 307/2013, on compulsory labeling of spirits,
- 156/2000, on control of firearms, ammunition and pyrotechnics, and on manipulation with certain pyrotechnic products
- 255/2012, the Control Act



Activities of CTIA in the area of fuel quality

- Inspection activities in the area of fuel quality are set by Act 311/2006, **on motor fuels and filling stations**, particularly by § 7, State administration and state supervision imposes:

Czech Trade Inspection Authority

- inspects **composition and quality of motor fuels** at producers, distributors, importers, exporters, and at operators of filling stations, including inspection during transport, according to a special legal regulation.
- performs monitoring of fuel quality in accordance with implementing regulation issued according to § 3 subparagraph 4; fuel **analysis** is provided by **accredited body**.

*Implementing regulation is the **Decree** of Ministry of Industry and Trade 133/2010, on motor fuel quality*

- At present time, inspection activities of CTIA are focused **only** on inspection of **filling stations** selling fuels to final consumers



Utilization of results obtained from inspection activities

- Consumer **protection** → elimination of non-compliant fuel sale
- information for Ministry of Finance/Customs Administration:
 - elimination of **grey economy**
 - respect to **tax legislation**
 - **market protection**
- **Protection** of environment, health and safety
- Information for Ministry of Industry and Trade → data for national report → **European FQMS**



Sampling

Procedures for sampling at filling stations

Basic procedures:

- **EN 14275** Automotive Fuels - Assessment of petrol and diesel Fuel quality - sampling from retail site pumps and commercial site fuel dispensers
 - Basic normative regulation in accordance with Decree 133/2010
 - Two sets of samples are collected; one for testing; the other is reference sample. The third set may be required by inspected subject.
- **EN ISO 4257** - Liquefied petroleum gases - Method of sampling
 - The sampling is provided by accredited laboratory that provides laboratory testing (selected in a public tender).
 - Procedure for LPG sampling is complemented by sampling of retention samples and sampling from fuel dispensers (EN ISO 4257 does not describe sampling from fuel dispensers).
 - Two samples are collected; one for testing; the other is retention sample used if inspected subject does not agree with results of laboratory testing.

Alternative procedures:

- EN ISO 3170 Petroleum liquids - Manual sampling
- ČSN EN ISO 3171 Petroleum liquids - Automatic pipeline sampling
(not used)



Competence

Competence of technicians collecting samples:

- Technicians of CTIA are **authorized** for sampling of **liquid fuels** by the **Act 64/1986** (on CTIA).
- Technicians that perform sampling of **LPG (and CNG)** have to be workers of the subject **accredited** for sampling (accredited laboratory according to EN ISO/IEC 17025 or accredited inspection body according to EN ISO/IEC 17020).

Accredited contractors – procedures and competence:

- Sample testing: A laboratory accredited according to **EN ISO/IEC 17 025**
- Interpretation: An Inspection body accredited according to **EN ISO/IEC 17020** (application of EN ISO 4259)



Period between sampling to prohibition of sale of non-compliant fuel

- Samples are given to laboratory on the **day of sampling** or on the **following day**.
- The final results including interpretation and assessment have to be finished **up to 48** hours from the delivery of samples.
- If there are only compliant results, they are sent by certified mail to be delivered **up to 5 days**.
- If there are non-compliant results, actual results have to be send **immediately** after findings; Test report and Inspection report have to be delivered **up to 48** hours electronically and up to 5 days by certified mail.
- If serious deviation in fuel quality are found out, sale of fuel may be **prohibited in 48 hours or later**.



Sanctions

Amount of the sanction

The Czech Trade Inspection Authority may, in some cases, impose fines of **up to 50 million CZK (ca. EUR 1,800,000,-)** for violations of laws committed by the audited subject. For **minor violations**, CTIA inspectors may impose immediate fines of **up to 5,000 CZK (ca. EUR 180,-)**. This also applies to private individuals selling either produce from small farms or forest-harvested crops.

Documents:

- Administrative record
- Report on sampling of motor fuel
- Start of inspection (notice)
- Familiarization with laboratory test results
- Execution of the initiative
- Start of administrative procedure
- Decision
- Notice regarding to administration procedure



Further progress

- CTIA **permits** start of sale after a well-proven **remedy** is obtained.

Costs:

- in the case of **compliant** results
 - CTIA pays fuel and laboratory testing.
- in the case of **non-compliant** results
 - Inspected subject pays fuel and laboratory testing.

non-compliant fuel disposal:

- „**In situ remedy**“ - only **less serious** deviations in fuel quality.
- **Disposal** of non-conforming fuel on the basis of subject's contractual relationship with other parties.



Procedures of Czech Trade Inspection Authority

Basic information and terminology

Legislation	Number	Title
Act	64/1986	on Czech Trade Inspection Authority
Act	22/1997	on Technical Requirements for Products
Act	500/2004	on Administrative Procedure
Act	634/1992	on Consumer Protection

In terms Act 500/2004 on Adm. procedure

Basic documents related to Administrative Procedure

Administrative record

Recommended letter - Start of administration procedure

Decision

Notification regarding to administration procedure

Time limits given by legislation	Days	Comment
Period for Decision	30	from the day when Administrative Procedure starts - general period can be prolonged
Period for Appeal	15	from the day when Decision is delivered
Period for payment of sanctions and fees	30	from the day of entering into force

Sanctions and fees	In what case	Who pays
Costs for analysis	in the case of non-compliant results	subject
	in the case of compliant results	Czech Trade Inspection Authority
Costs for samples	in the case of non-compliant results	subject
	in the case of compliant results	Czech Trade Inspection Authority
Fixed fee for administration	in the case of non-compliant results	subject
Sanction (penalty)	in the case of non-compliant results	subject

CTIA procedure - chronology of paradigmatic case

Non-compliance in flash point – below tolerance limit				
Type of document		Issue	Issued by	Appeals procedure
Administrative record I.	18.11.2014	Record from first inspection	Inspectorate for Central Bohemia Region and the capital Prague	
Report on sampling of motor fuel	18.11.2014	Report on sampling during first inspection	Inspectorate for Central Bohemia Region and the capital Prague	
Administrative record II.	21.11.2014	Record from 2 nd inspection. No samples due to new fuel intake.	Inspectorate for Central Bohemia Region and the capital Prague	
Familiarization with laboratory test results	21.11.2014	Results from first inspection	Inspectorate for Central Bohemia Region and the capital Prague	
Inspection report	19.11.2014	Results from first inspection	SGS, Inspection body	
Start of administration procedure (letter)	22.1.2015	Start of administration procedure. Call for proofs and standpoints.	Inspectorate for Central Bohemia Region and the capital Prague	
I. Decision	24.2.2015	Sanction fixing	Inspectorate for Central Bohemia Region and the capital Prague	Subject may appeal to director of CTIA up to 15 days - Inspectorate for Central Bohemia Region and ...
I. Appeal of the subject	12.3.2015	Supply of proofs	Subject	
II. Decision	31.3.2015	Cancellation of first decision, return to new procedure	Central inspectorate of CTIA	Without right of appeal
I. Notice regarding to administration procedure	10.4.2015	On entering into force. Relating to decision on return to new procedure. Call for new proofs.	Inspectorate for Central Bohemia Region and the capital Prague	
Giving new proofs (letter)	16.4.2015		Subject	
II. Notice regarding to administration procedure	23.4.2015	CTIA statement to proofs	Inspectorate for Central Bohemia Region and the capital Prague	
III. Decision	17.6.2015	New decision - confirmation of original sanction	Inspectorate for Central Bohemia Region and the capital Prague	Subject may appeal to director of CTIA up to 15 days - Inspectorate for Central Bohemia Region and ...
II. Appeal of the subject	2.7.2015	Rejection of arguments of CTIA	Subject	
IV. Decision	24.7.2015	On cancellation of previous decision-return to new procedure	Central inspectorate of CTIA	Without right of appeal
V. Decision	11.9.2015	Lower sanction fixing	Inspectorate for Central Bohemia Region and the capital Prague	Subject may appeal to director of CTIA up to 15 days - Inspectorate for Central Bohemia Region and ...

CTIA procedure - chronology of paradigmatic case (summary)

Important events	Date
Date of sampling	18.11.2014
Familiarization with the results	21.11.2014
Start of administrative procedure	22.1.2015
End of administrative procedure	11.9.2015
Time limits	Duration (days)
The period from sampling to familiarization with the results	3
The period from familiarization with the results to start of administrative procedure	62
Duration of administrative procedure	232
The period from sampling to the end of administrative procedure	297



THANK YOU FOR YOUR ATENTION

