

REMA PV SYSTEM LOST ITS LICENSE TO HANDLE SOLAR PANEL WASTE. PHOTOVOLTAIC OPERATORS MUST LOOK FOR A REPLACEMENT OR FACE A FINE

REMA PV Systém, a.s. (now XSOLAR REUSE SYSTÉM a. s., hereinafter “REMA”) **no longer has a license to operate a collective system** (the “CS operator”) **for solar panels.** It is not registered in the list of subjects with the necessary permits published by the Ministry for the Environment (the “Ministry”) under this [link](#).

Photovoltaic operators who originally had a contract with REMA for recycling solar panel waste will therefore have to look for a new CS operator who will ensure solar panel waste handling in the future. Without a CS operator responsible for handling solar panel waste photovoltaic operators are subject to a fine of up to CZK 5 million.

If a photovoltaic operator transfers to another CS operator, according to the law REMA must send the newly chosen CS operator the unused funds acquired from the photovoltaic operators (hereinafter the “recycling fee”) including revenues from them¹. In a number of cases² thus far, photovoltaic operators are engaged in a dispute with REMA over the remaining balance of the recycling fees they have paid, which may be grounds for the delays in transferring said balance to the newly appointed CS operator. Unsurprisingly, some photovoltaic operators have taken the matter to court.

As seen in the media³, REMA is currently under police investigation for suspected embezzlement of funds from photovoltaic operators for future solar panel recycling. This police investigation is to determine whether the recycling fees were used to secure solar panel recycling financing or for different purposes in conflict with their legal designation, which could have led to damage on the part of photovoltaic operators who have a contract with REMA.

If you have a contract with REMA for securing solar panel waste financing from your photovoltaic power plant, we offer legal advice on next steps, especially on changing CS operator and review of the contract with the new CS operator as well as representation in negotiations and disputes with REMA if necessary.

We will continue to monitor the situation and any steps taken by criminal justice and law enforcement authorities regarding REMA and keep you informed.

Additional circumstances could potentially come to light (whether as part of the police investigation or otherwise) that could make it possible to considering raising claims against the state, which should have been supervising REMA’s activities.

We will be happy to discuss any questions you may have.

1. The CS operator has the opportunity to invest the funds acquired as a recycling contribution, but only in the manner prescribed by legal regulation

2. <https://www.novinky.cz/clanek/ekonomika-rema-pv-system-prisla-o-licenci-na-recyklaci-solaru-firma-mela-tisice-klientu-40431843>

3. <https://www.novinky.cz/clanek/ekonomika-rema-pv-system-prisla-o-licenci-na-recyklaci-solaru-firma-mela-tisice-klientu-40431843>

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