

ACT

of 15 May 2001

On Waste and on Amendment of Certain Acts

The National Council of the Slovak Republic has adopted the following Act:

Article I

**PART ONE
INTRODUCTORY PROVISIONS**

§ 1
Scope of Regulation

(1) The Act regulates the operation of state administration bodies and municipalities, the rights and obligations of legal entities and individuals while preventing waste generation and in waste handling, the accountability for failure to comply with the obligations in the field of waste management and the establishment of the Recycling Fund.

(2) The following is excluded from the scope of the Act:

- a) Handling of waste waters and special waters and storage of waste in sludge lagoons¹⁾
- b) Handling of air-polluting substances²⁾
- c) Handling of waste generated in precious metal processing³⁾
- d) Handling of radioactive waste⁴⁾
- e) Handling of waste from mining activities⁵⁾
- f) Handling of discarded explosives and rests from production of explosives.⁶⁾

(3) Unless special regulations ⁷⁾ stipulate otherwise, the Act shall also apply to handling of waste of animal origin.⁸⁾

¹⁾ Act No. 138/1973 Coll. on Waters (Water Act), as amended

²⁾ Act No. 309/1991 Coll. on Air Protection against Polluting Substances (Act on Air), as amended

³⁾ Act No. 539/1992 Coll. on Hallmarking and Precious Metals Testing (Hallmarking Act)

⁴⁾ § 17 of Act No. 130/1998 Coll. of Laws on Peaceful Exploitation of Nuclear Energy and on amendment of Act No. 174/1968 Coll. on Government Professional Supervision of Labour Safety, as amended by Act of the National Council of the Slovak Republic No. 256/1994 Coll., as amended by Act No. 470/2000 Coll.

⁵⁾ Act No. 44/1988 Coll. on Preservation and Exploitation of Mineral Wealth (the Mining Act), as amended by Act of the Slovak National Council No. 498/1991 Coll.

Act of the Slovak National Council No. 51/1998 Coll. on Mining Operations, Explosives and State Mining Administration, as amended

⁶⁾ § 35 of Act of the Slovak National Council No. 51/1988 Coll. as amended by Act of the Slovak National Council No. 499/1991 Coll.

⁷⁾ Act No. 337/1998 Coll. on Veterinary Care and on amendment of certain other Acts, as amended by Act No. 70/2000 Coll.

⁸⁾ § 51 paragraph 2 of Act No. 337/1998 Coll.

§ 2
Definitions

(1) Waste shall mean a movable thing specified in Annex 1, which the holder discards, or wishes to discard, or is obliged to discard pursuant to the Act or special regulations⁹⁾.

(2) Waste generator shall mean anyone whose activity generates waste or anyone who carries out processing, mixing or other operation with waste resulting in a change of the nature or composition of the waste.

(3) Waste holder shall mean a waste generator or an individual or a legal entity that is in possession of it.

(4) Waste management shall mean an activity focusing on the prevention and restriction of waste generation and decreasing their hazard for the environment and waste handling compliant with the Act.

(5) Waste handling shall mean waste collection, waste shipment, waste recovery and waste disposal including care for the place of disposal.

(6) Waste recovery shall mean operations listed in Annex 2 leading toward utilisation of physical, chemical or biological properties of wastes.

(7) Waste disposal shall mean such handling of waste, which does not lead to a damage of the environment¹⁰⁾ or to threat to human health, and is listed in Annex 3.

(8) Waste collection shall mean waste accumulation, sorting or mixing for the purpose of its shipment.

(9) Waste accumulation shall mean temporary storage of waste preceding its further handling.

(10) Waste sorting shall mean separation of waste by types or separation of waste components that may be classified as separate waste type after separation.

(11) Waste landfilling shall mean depositing waste in a landfill site.

(12) Waste storage shall mean waste accumulation before any waste recovery or waste disposal operations; waste storage shall not be considered its accumulation prior to its collection in the place of its generation.

(13) Hazardous waste shall mean waste featuring one or several hazardous characteristics listed in Annex 4.

(14) Municipal waste shall mean household waste generated in a municipality by activities of individuals and waste of a similar nature generated by activities of legal entities or individuals – entrepreneurs, as well as waste generated by the activities of the municipality while cleaning public roads and areas administered by the same, and by the maintenance of public vegetation including parks and cemeteries.

(15) A landfill site shall mean a place with an installation for waste disposal where waste is permanently deposited on or into land. A landfill site shall also mean a place in which waste generator effects disposal of its wastes in the place of their production (internal landfill) as well as a place, in which is permanently, i.e. for a period exceeding a year, used for temporary waste depositing. A landfill site shall not mean an installation where waste is deposited for the purpose of its treatment prior to its further shipment to a place where it is to be treated, recovered or disposed, if the time of its depositing prior to its recovery or treatment – as a rule – does not exceed three years, or the time prior to its disposal does not exceed one year.

⁹⁾ For instance, Act of the National Council of the Slovak Republic No. 272/1994 Coll. on Human Health Protection, as amended, § 43 of Act No. 140/1998 Coll. on Medicaments and Medical Aids, on amendment of Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended, and on amendment of Act of the National Council of the Slovak Republic No. 220/1196 Coll. on Advertisement, as amended by Act No. 119/2000 Coll., Regulation of the Ministry of Health of the Slovak Republic No. 12/2000 Coll. on Requirements for the Provision of Radiation Protection.

¹⁰⁾ § 8 paragraph 2 of Act No. 17/1992 Coll. on the Environment

§ 3

Purpose of Waste Management

The purpose of waste management shall be as follows:

- a) Prevent waste generation and restrict its generation in particular by
 1. Developing technologies saving natural resources
 2. The manufacture of products which – equally as in final products – increases the quantity of waste as little as possible and decreases the environment pollution as much as possible
 3. Developing suitable methods of disposing dangerous substances contained in the waste earmarked for recovery
- b) Recover waste by its recycling, re-use or other processes allowing obtaining secondary raw materials, unless the procedure under letter a) is impossible or inefficient
- c) Exploit waste as a source of energy unless the action under letters a) or b) is impossible or inefficient
- d) Dispose waste in a way not threatening to human health, not damaging to the environment above the level laid down by law,¹¹⁾ unless the action under letters a), b) or c) are impossible or inefficient.

PART TWO WASTE MANAGEMENT PLANS

§ 4

Fundamental Provision

(1) The Waste Management Plan (hereinafter the "Plan") lays down the objectives in waste management of the Slovak Republic, of a territorial unit, a part thereof or a waste generator and the measures for meeting the same in compliance with the Act. The Plan shall be prepared for wastes listed in the Waste Catalogue [§ 68 paragraph 3 letter e)].

(2) The Plan shall contain the name of the body issuing the same, basic data concerning the territory to which the Plan applies, basic data concerning the waste generator and the municipality preparing the Plan, characteristics of the present situation in waste management, a waste management budget, its obligatory part and target part.

§ 5

Plans Issued by State Administration Bodies in Waste Management

(1) The Plan of the Slovak Republic shall be prepared by the Ministry of Environment of the Slovak Republic (hereinafter the "Ministry"), based in particular on source materials of regional authorities and district authorities, and adopted by the Government. The Plan of the Slovak Republic shall be published by the Ministry in the Journal of the Ministry of Environment of the Slovak Republic.

(2) A regional authority and a district authority shall issue the obligatory part of the Regional Plan or the obligatory part of the District Plan by a generally binding ordinance covering a period stipulated in the Plan of the Slovak Republic, five years as a rule.

(3) A plan issued by a subordinate state administration body in waste management must comply with the obligatory part of the plan issued by its superior state administration body in waste management.

(4) The obligatory part of the Plan of the Slovak Republic, the obligatory part of a regional plan and the obligatory part of a district plan shall contain the target trend in handling of specified waste types and quantities (waste streams) at a defined time, and measures to minimise the quantity of bio-degradable waste deposited in

¹¹⁾ For instance, Act No. 138/1973 Coll., Act No. 309/1991 Coll., Act of the National Council of the Slovak Republic No. 287/1994 Coll. on Nature and Landscape Protection, as amended by Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 272/1994 Coll.

landfills.

(5) The target part of the Plan of the Slovak Republic shall include the intentions for building installations of higher than regional importance. The target part of a regional plan and a district plan shall contain intentions for building new installations for waste recovery, waste disposal as well as installations for other handling of waste.

(6) A regional authority and a district authority shall be obliged to make their draft plans publicly accessible in the place of their seat in the usual way for a period no less than 30 days to allow the public in the territory concerned to familiarise itself therewith; the draft plans shall also be submitted to the state administration authorities concerned by special regulations¹²⁾ and those prepared by district authorities also to municipalities in the territory concerned.

(7) The public, the state administration bodies concerned and the municipalities shall have the right to submit written comments to the competent authority within the period during which the draft plan is available to the public pursuant to paragraph 6.

(8) No later than 30 days from the deadline under paragraph 6, the county authority and the district authority shall be obliged to hold a public hearing of the draft plan and – while finalising the plan – take into account the written comments submitted.

(9) On the agreement of competent authorities, a plan may be issued jointly for a number of districts or their parts.

(10) The plan shall be the baseline for measures to minimise waste generation, for waste handling and for the preparation of territorial planning documents.

(11) The decisions and opinions of state administration bodies in waste management issued under the Act may not contradict the obligatory part of the respective regional plan and the obligatory part of the respective district plan.

(12) Should facts vital for the scope of the plan change radically after the plan issuance, the Ministry, the regional authority or the district authority shall be obliged to update the Plan of the Slovak Republic, the regional plan or the district plan. The provisions of paragraphs 1 to 10 shall equally apply to plan updating.

(13) The Ministry, the regional authorities and the district authorities or persons they may empower shall be entitled to seek information necessary to prepare and update a plan from anyone in the possession of, or anyone handling waste without any prejudice to data security under special regulations.¹³⁾

§ 6

Plan of the Waste Generator and Plan of the Municipality

(1) A waste generator that is a legal entity or an individual – entrepreneur and produces annually over 50 kg of hazardous wastes or 1 tonne of other wastes shall prepare its own plan. The waste generator's obligation to prepare a plan relating to municipal waste as well as to waste from common maintenance works performed by an individual – entrepreneur¹⁴⁾ (hereinafter the "minor construction waste") shall be complied with by the municipality, in which the waste is generated. Waste generators that prepare plans under the Act may agree with one another or together with the municipality and prepare a joint plan.

(2) The obligatory part of a waste generator plan shall – in addition to data under § 5 paragraph 4 – contain measures to minimise waste generation.

¹²⁾ For instance, Act No. 138/1973 Coll., Act of the National Council of the Slovak Republic No. 272/1994 Coll., Act of the National Council of the Slovak Republic No. 287/1994 Coll.

¹³⁾ For instance, §§ 17 through 20 of the Commercial Code

¹⁴⁾ § 55 paragraph 2 letters b) and c), § 56 letter h) of Act No. 50/1976 Coll. on Territorial Planning and the Building Order (Building Act).

(3) The target part of a waste generator plan shall contain data under § 5 paragraph 5.

(4) A waste generator shall be obliged to submit its prepared plan for approval to the competent state administration body in waste management and comply with the plan approved. A new waste generator shall be obliged to submit a plan for approval within three months from its establishment.

(5) Within four months from the issuance of a district plan or a regional plan under § 5 paragraph 2, the waste generator shall be obliged to prepare a new plan and submit the same to the competent state administration body in waste management for approval. Unless stated otherwise in the decision, the previous waste generator plan shall expire on the approval of the new plan.

(6) Where a state administration body in waste management stops the proceeding of the approval of a waste generator plan under § 74 paragraph 6 due to inconsistency with the obligatory part of a district plan, the waste generator shall be obliged to re-submit the plan harmonised with and modified according to the district plan for approval without any delay.

(7) In the preparation of its plan, the generator of other than municipal waste and minor construction waste shall be obliged to take into account the plan of the municipality, to which the plan relates. Prior to the submission of its plan for approval to the competent state administration body in waste management, the waste generator shall be obliged to submit its plan to the municipality, to which the plan relates, for its opinion. Where the number of municipalities exceeds 30, the waste generator may send a notification to the municipalities that a plan has been prepared and information where the plan may be inspected and the deadline for the submission of opinions to the same without any prejudice to data security pursuant to special regulations¹³).

(8) The provisions of paragraphs 2 to 6 shall equally apply to the preparation of a municipality plan.

(9) In drafting and updating its plan, a municipality shall be entitled to request that anyone who is a municipal waste holder or who handles municipal waste in the municipality provide for free information necessary to draft and update the plan without any prejudice to data security pursuant to special regulations¹³).

(10) Should – at a time after the adoption of a waste generator plan – facts decisive for the scope of the plan change, the waste generator shall be obliged to update its plan and submit the same to the competent state administration body in waste management for approval. This provision shall equally apply to municipalities.

PART THREE

OPERATION OF STATE ADMINISTRATION BODIES IN WASTE MANAGEMENT AND OBLIGATIONS OF LEGAL ENTITIES AND INDIVIDUALS IN WASTE MANAGEMENT

SECTION ONE

Operation of State Administration Bodies in Waste Management

§ 7
Granting Consent

(1) The state administration bodies in waste management grant consent to

- a) Operate an installation for waste disposal except for waste incineration plants and waste co-incineration plants
- b) Dispose wastes, for which consent under letter a) was not granted, except for waste disposal in incineration plants and waste co-incineration plants
- c) Operate an installation for waste recovery, except for waste incineration plants and waste co-incineration plants
- d) Operate an installation for waste collection in case of installations for whose operations consent under letters a) and c) was not granted
- e) To adapt and reconstruct installations for waste recovery, waste disposal and waste collection or parts thereof, the operation of which is permitted under the Act, if of any effect on waste handling in the installation
- f) Issue a code of operation for a waste disposal facility and hazardous waste recovery facility
- g) Handle hazardous waste including its shipment unless included in the permit under the previous provisions, in cases where the waste generator handles in a quantity exceeding in total 100 kg a year, or a carrier ships a quantity exceeding 100 kg of hazardous wastes a year
- h) Apply a technology for handling hazardous waste in mobile installations, including general conditions for the operation of the mobile installation
- i) The first introduction of a technology for handling hazardous waste on the market of the Slovak Republic
- j) Accumulate waste by the waste holder without any previous sorting, where – with a view to the following way of its recovery or disposal – sorting or separated accumulation is not possible or efficient
- k) Close down a landfill or a part thereof, perform its reclamation and its subsequent monitoring
- l) Collect and process end-of life vehicles.

(2) The consent under paragraph 1 shall contain

- a) The type, category and quantity of waste
- b) Identification of the waste handling place
- c) The means of waste handling
- d) The period for which the consent is issued
- e) For hazardous waste handling installations, also the means of ending of the operation of the installation
- f) Other conditions for executing the operation for which consent is granted.

(3) In addition to items under paragraph 2, the consent under paragraph 1 letters a), c), d), e) and h) shall also include

- a) The technical requirements concerning the operation of the installation
- b) Safety precautions for operation of the installation.

(4) In addition to items under paragraphs 2 and 3, the consent to operate a landfill shall also include:

- a) Class of the landfill
- b) Conditions of operation of the landfill, monitoring of the landfill, auditing procedures of the landfill operation including the emergency plan
- c) Parameters to be measured and substances to be analysed in leachate and in samples from observation sites
- d) Approval of project document for closing of the landfill, its reclamation and monitoring of the landfill in the after-care phase.

(5) The consent to handle hazardous wastes may be granted only for a determined period not exceeding three years.

(6) The validity of the consent under paragraph 5 shall be extended, even repeatedly, where no changes of facts have appeared, which are decisive for the granting of the consent and where a request to extend the consent has been delivered to the competent state administration body in waste management no later than three months before the expiry of the consent validity.

(7) Where the proposed means of waste handling fails to comply with the Act and the generally binding legal regulations issued for its implementation or with the obligatory part of a regional plan and a district plan, the consent under paragraph 1 shall not be granted or the consent under paragraph 6 shall not be extended.

(8) Closure of a landfill in compliance with paragraph 1 letter k) shall be checked including a site reconnaissance by the competent district authority, which shall issue an acknowledgement of closure of the landfill.

§ 8

Authorisation

(1) Authorisation shall mean granting consent to an entrepreneur¹⁵⁾ to perform operations listed in paragraph 3.

(2) Operations under paragraph 3 – under conditions laid down by the Act – may only be performed by an entrepreneur authorised by the Ministry, unless stipulated otherwise by the Act.

(3) Authorisation awarded by the Ministry shall be necessary to

- a) Handle spent batteries and accumulators (§ 41)
- b) Handle waste oils (§ 42)
- c) Collect and process end-of life vehicles (§§ 49 through 54).

(4) The Ministry may grant authorisation for each operation individually or for several operations jointly.

§ 9

Requirements for Granting Authorisation

(1) The requirement for granting authorisation to an individual – entrepreneur shall be

- a) His/her clean criminal record
- b) A permanent domicile¹⁶⁾ in the Slovak Republic
- c) Appointing a professionally qualified person other than the applicant or his accountable deputy for granting authorisation¹⁷⁾
- d) Technical, material and staff assurance for the performance of the operation requested.

(2) The requirement for granting authorisation to a legal entity – entrepreneur shall be

- a) A clean criminal record of its statutory body or of its members
- b) A seat or a company branch in the Slovak Republic
- c) Appointment of a professionally qualified person
- d) Technical, material and staff assurance for the performance of the operation requested.

(3) For the purpose of the Act, a clean criminal record shall be considered the criminal record of a person that has not been legally sentenced for an intentional crime or a crime resulting in a threat to human lives or to the environment.¹⁸⁾

¹⁵⁾ § 2 paragraph 2 letter b) of the Commercial Code

¹⁶⁾ Act No. 135/1982 Coll. on Reporting and Registration of the Residence of Nationals

Act of the National Council of the Slovak Republic No. 73/1995 Coll. on the Residence of Foreigners in the Slovak Republic, as amended

¹⁷⁾ §§ 11 and 12 of Act No. 455/1991 Coll. on Trade Licensing (the Trade Licensing Act), as amended by Act of the National Council of the Slovak Republic No. 132/1994 Coll.

¹⁸⁾ Penal Code

(4) The technical, material and staff assurance of the operation for which authorisation is granted shall be established by an expert opinion by a person authorised to issue the same by the Act (§ 76).

§ 10

Items of the Application for Granting Authorisation

(1) In an application for granting authorisation, an individual – entrepreneur shall specify

- a) His business name and the place of his business
- b) His name and family name, the date of birth, birth registration number and permanent domicile (hereinafter "personal data"); where an accountable deputy¹⁷⁾ was appointed, also his/her personal data are to be specified
- c) Operation and types of waste, for which the granting of authorisation is requested
- d) Period, for which the granting of authorisation is requested
- e) Company identification number (IČO)
- f) Personal data of a professionally qualified person appointed (§ 11), his/her professional qualification number and the data concerning his/her labour law relationship or other legal relationship to the applicant¹⁹⁾ for granting authorisation
- g) Technical, material and staff assurance for the performance of the operation requested.

(2) The application under paragraph 1 shall be supported by

- a) A draft from the criminal register of the applicant for granting authorisation not older than three months
- b) A business licence for the operations and waste types for which the granting of authorisation is sought, and a draft from the registry of trades or registry of businesses not older than 30 days
- c) A document of labour law relationship or any other legal relationship of the professionally qualified persons to the applicant¹⁹⁾ for the granting of authorisation
- d) An expert opinion within the meaning of § 9 paragraph 4.

(3) The requirement for granting authorisation, a legal entity – entrepreneur shall specify

- a) Its business name and seat
- b) Personal data of persons that make up the statutory body of the applicant for the granting of authorisation, or are the members thereof; where an accountable deputy¹⁷⁾ has been nominated, his/her personal data shall also be specified
- c) Operation and types of waste for which the granting of authorisation is requested
- d) Period for which the granting of authorisation is requested
- e) Company identification number (IČO)
- f) Personal data of the professionally qualified person appointed (§ 11), his/her professional qualification number and the data concerning his/her labour law relationship or other legal relationship to the applicant¹⁹⁾
- g) Technical, material and staff prerequisites to assure the performance of the operation requested.

(4) The application under paragraph 3 shall be supported by

- a) A draft from the criminal register of the statutory body of the applicant for granting authorisation not older than three months
- b) A business licence for the operations and waste types, for which the granting of authorisation is sought, and a draft from the registry of businesses not older than 30 days
- c) A document of labour law relationship or other legal relationship of the professionally qualified persons to the applicant¹⁹⁾ for the granting of authorisation
- d) An expert opinion pursuant to § 9 paragraph 4.

§ 11

¹⁹⁾ For instance, § 27 of the Labour Code, §§ 566 and 577 of the Commercial Code, § 724 of the Civil Code

Professionally Qualified Person

(1) A professionally qualified person shall be responsible for the professional operation for which authorisation has been granted.

(2) For professionally qualified, an individual may be appointed who has

- a) A clean criminal record (§ 9 paragraph 3)
- b) A master or bachelor degree in the respective technical studies or natural science studies and no less than three years of practical background in the respective field, or a complete secondary education in the respective technical studies and no less than five years of practical background in the respective field
- c) Passed the examination under paragraph 3.

(3) The examination is to check the sum of theoretical learning and knowledge of generally binding legal regulations regulating waste management and other related generally binding legal regulations¹²⁾ and the related Slovak technical standards. The examination shall be arranged by the Ministry.

(4) The Ministry shall acknowledge the professional qualification by issuing a certificate of professional qualification.

(5) The Ministry shall keep a registry of professionally qualified persons.

§ 12

Procedure in Granting Authorisation

(1) The application for granting authorisation shall be submitted by an entrepreneur in writing to the district office appropriate by the applicant's seat, the place of its company branch or the applicant's domicile. The district office shall examine the application within 30 days from its submission and transfer the same and its opinion to the Ministry to decide on the granting of authorisation.

(2) To issue a decision of granting authorisation, the district authority and the Ministry shall be entitled to request that the applicant complete source documents and to screen the facts specified in the application.

§ 13

Granting of Authorisation, Extension of Authorisation and Change in Authorisation

(1) The decision of granting authorisation to an individual – entrepreneur shall include

- a) His business name and the place of his business
- b) Personal data of the individual and his accountable deputy if appointed, and personal data of the professionally qualified person (§ 11)
- c) Operations and types of wastes to which the authorisation applies
- d) The period for which the authorisation is issued
- e) The date on which the authorised operation may be commenced
- f) The means and methods of performing the authorised operation.

(2) The decision of granting authorisation to a legal entity – entrepreneur shall include

- a) Its business name and seat
- b) Personal data of persons who make up the statutory body or its members, personal data of its accountable deputy if appointed, as well as personal data of the professionally qualified person (§ 11)
- c) Operations and types of wastes to which the authorisation applies
- d) The period for which the authorisation is issued
- e) The date on which the authorised operation may be commenced
- f) The means and methods of performing the authorised operation.

(3) Every three years, the person granted authorisation must provide for an expert opinion by an authorised person concerning the state of compliance with technical requirements laid down by the Act and other generally binding legal regulations for the environment protection, as well as on the state of compliance with the conditions and requirements laid down in the decision of authorisation granting, in the performance of operation for which the authorisation was granted. A copy of the expert opinion shall be sent to the Ministry within 14 days of its receipt from an authorised person.

(4) The authorisation holder shall be obliged to inform the Ministry about any change in the data contained in the decision to grant authorisation within 15 days of the change having occurred. Based on the notification, the Ministry may decide to change or cancel the authorisation.

(5) The authorisation holder may apply for its extension no later than six months before the expiry of the period it was granted for. In the application for the extension of authorisation, reasons for the application shall be specified and an expert opinion under paragraph 3 enclosed.

(6) An authorisation may be extended within a scope not exceeding that for which it was granted.

(7) The Ministry shall keep a registry of persons to whom authorisation was granted.

(8) Authorisation shall apply to the entire Slovak Republic.

§ 14

Expiry of Authorisation, Cancelling of Authorisation and Suspension of the Operation Execution

(1) Authorisation shall expire upon

- a) The death of an individual – entrepreneur who is the authorisation holder or presumption of his death unless a nominated testamentary guardian²⁰⁾ or a heir continue the performance of operation authorised under the conditions of paragraphs 2 and 3
- b) Extinction of a legal entity that is the authorisation holder
- c) A decision of the Ministry to cancel the authorisation
- d) Expiry of the period its was awarded for
- e) Cancellation of bankruptcy imposed on the authorisation holder, after the fulfilment of schedule decision or cancellation of bankruptcy due to insufficient assets of the authorisation holder to cover the expenditures and fees of the bankruptcy trustee, or by rejection of a motion for bankruptcy pertaining to the authorisation holder due to insufficient assets.

(2) Where, in the case of death of an individual who was an authorisation holder without an accountable deputy appointed, a testamentary guardian is not appointed, the Ministry shall decide on the suspension of the operation performance for which authorisation had been granted until the hearing for the inheritance has been concluded.

(3) Should an heir wish to continue the performance of works for which authorisation was granted, he shall be obliged to submit a genuine and valid document of his inheritance within 30 days from the conclusion of the trial for heritage and submit data under § 10 to the Ministry.

(4) The Ministry shall cancel an authorisation where

- a) The person that is the authorisation holder has applied to do so
- b) The heir fails to proceed according to paragraph 3
- c) The professionally qualified person appointed has ceased to comply with the requirement of professional qualification
- d) The authorisation holder has ceased to comply with any one of the requirements for its granting

²⁰⁾ § 175e of the Civil Court Rule

§ 13 of the Act No. 455/1991 Coll., as amended by Act of the National Council of the Slovak Republic No. 132/1994 Coll.

- e) The authorisation holder has not commenced to perform the authorised operation within a period of six months from the commencement date of the authorised operation indicated in the decision of the authorisation granting.

(5) The Ministry may cancel an authorisation where the authorisation holder repeatedly or in a grave way has violated the obligations laid down by the Act or generally binding legal regulations issued for its implementation; repeated violation shall also mean a failure to send an expert opinion under § 13 paragraph 3 in a substitute term specified by the Ministry.

§ 15

Registration

(1) An entrepreneur that collects or ships waste as its business, shall be obliged to get a registration with the district authority in the place of its seat or place of its business within 14 days from the commencement of that operation; that does not apply if the collection or shipment of waste is conditional to a consent under § 7 paragraph 1 or an authorisation under § 8 paragraph 3.

(2) The obligation under paragraph 1 shall also apply to an entrepreneur arranging, providing for or effecting²¹⁾ waste disposal or waste recovery on behalf of a third person or on its account, unless that operation is performed as a part of activities, for which a consent was granted to the same under § 7 paragraph 1 or an authorisation under § 8 paragraph 3.

(3) A large-scale manufacturer of vehicles or a large-scale importer of vehicles performing collection of end-of life vehicles and shipment of end-of life vehicles shall be obliged to get a registration with the district authority in the place of its seat or its place of business within 14 days from the commencement of that operation; that does not apply where the same is an authorisation holder under § 8 paragraph 3 letter c).

(4) A district authority shall effect registration under paragraphs 1 to 3 pursuant to a written notification of the entrepreneur on the commencement of the operation execution leading toward a registration duty; the entrepreneur shall receive an acknowledgement thereof.

(5) A district authority shall keep a list of persons registered under paragraphs 1 to 3.

§ 16 Statement

The state administration bodies in waste management shall give their statement concerning

- a) The establishment of a waste incineration plant or a waste co-incineration plant or their adaptations as a source material for granting consent by a special regulation²²⁾
- b) Construction relating to waste management as early as in the stage of territorial proceeding;²³⁾ where no territorial proceeding is conducted, statement shall be given to the construction documents submitted for the building proceeding²⁴⁾
- c) The prepared changes in production related to a change in waste handling
- d) The release of waste generated in processing of material imported under the customs regime of inward processing into the customs regime of free circulation in the Slovak Republic.²⁵⁾

²¹⁾ For instance, §§ 566 and 577 of the Commercial Code and §§ 724 through 741 of the Civil Code

²²⁾ § 11 a paragraphs 2 and 11 of Act No. 309/1991 Coll., as amended by the Act No. 459/2000 Coll.

²³⁾ §§ 32 through 42 of Act No. 50/1976 Coll.

²⁴⁾ §§ 60 through 65 of Act No. 50/1976 Coll., as amended

²⁵⁾ § 122 of Act of the National Council of the Slovak Republic No. 180/1996 Coll. – Tariff Act, as amended by Act No. 239/2000 Coll.

§ 17
Common Provision

Where a consent under § 7 or a statement under § 16 is to serve as a source material for the issuance of a decision concerning construction, installation or operation under another act, the state administration body issuing that decision may issue the same only after having acquired familiarity with the content of the consent or statement under the Act.

Section Two
Obligations of Legal Entities and Individuals

§ 18
Common Provision

(1) Everyone shall be obliged to handle or otherwise treat waste in compliance with the Act; anyone to whom obligations result from a decision issued under the Act shall be obliged to handle or otherwise treat waste in compliance with that decision. While handling or otherwise treating waste everyone shall be obliged to protect human health and the environment.

(2) For waste handling, waste shall be categorised according to the Waste Catalogue [§ 68 paragraph 3 letter e)].

(3) It is prohibited to

- a) Deposit or leave waste in a place other than that designated for the purpose in compliance with the Act
- b) Dispose waste or recover waste differently than in compliance with the Act
- c) Dispose waste by release and tipping into a water body except seas/oceans under Clause D6 and neutralising waste by methods D4 and D7 of Annex 3
- d) Effect illegal waste transport (§ 38)
- e) Perform operations requiring consent under § 7 without the consent under § 7 or contradictory to the same
- f) From 31 December 2008 operate a landfill under § 81 paragraph 4 letter b) item 2 which fails to comply with all requirements on landfills under the Act and of the generally binding legal regulations issued for its implementation
- g) Perform landfilling of:
 1. Liquid wastes
 2. Waste which, in the conditions of a landfill, is explosive, corrosive, oxidising, highly flammable or flammable
 3. Infectious waste from medical and veterinary establishments
 4. Used tyres and shredded used tyres, excluding tyres that may be used as construction material for building a landfill, bicycle tyres and tyres with an outside diameter above 1,400 mm
 5. Wastes where the contents of injurants exceeds limit concentration values under Annex 5
- h) Dilute or mix waste in order to meet the limit values of concentration of injurants under Annex 5
- i) Manufacture, import and export polyvinyl chloride, including products of that material, from 1 January 2008 onwards.

(4) Unless stipulated otherwise in the Act, the costs of operations leading toward waste disposal and the costs of waste disposal shall be borne by the waste holder for whom the waste disposal, including the waste collection and the waste treatment, is performed; should that waste holder be unknown, they will be borne by the last known waste holder or producer from whose production the waste results.

(5) Where the waste holder under paragraph 4 is known yet does not reside in the Slovak Republic, the waste disposal shall be provided for by the district authority on whose territory the waste is deposited, at the waste holder's expense.

(6) Should the owner, keeper or tenant of property discover that waste has been deposited in his property contradictory to the Act, he shall be obliged to inform thereof without any delay the district authority and the municipality, in the venue of which the property is situated.

(7) Based on information under paragraph 6, on its own initiative or on the initiative of other state administration body or a municipality, the district authority shall request that the Police Corps identify the person responsible for depositing the waste in the property contradictory to the Act; the person identified shall be obliged to provide for the waste recovery or the waste disposal at his/its own costs.

(8) Where the person responsible for depositing of the waste in the property contradictory to the Act is not identified under paragraph 7, the district authority shall open proceedings to discover if the owner, keeper or tenant of that property

- a) Is the waste generator
- b) Had performed all measures to protect his property which he is obliged to perform under special regulations²⁶⁾ or obligations pursuant to a court decision²⁷⁾ or
- c) Had any pecuniary or other benefit from the waste depositing.

(9) Should the proceedings under paragraph 8 prove any of the facts listed under paragraph 8 letters a) to c) to the owner, keeper or tenant of property in which waste was deposited contradictory to the Act, the obligation to provide for the waste recovery or waste disposal shall pass to the owner, keeper or tenant of the property.

(10) Should the person responsible for the waste depositing in the property contradictory to the Act not be identified under paragraph 7 or should the proceedings under paragraph 8 not prove some of the facts listed in paragraph 8 letters a) to c), the waste recovery or the waste disposal shall be provided for by the respective district office at its own costs.

(11) Whoever has provided for waste recovery or waste disposal in compliance with paragraphs 9 or 10 shall be entitled to a compensation of costs expended by the person responsible for the waste depositing in the property contradictory to the Act.

(12) Waste destined for recovery shall be considered a secondary raw material; it shall be handled as waste as long as its recovery by operations R1 to R10 under Annex 2 has commenced.

§ 19

Obligations of Waste Holder

(1) A waste holder shall be obliged to

- a) Categorise wastes according to the Waste Catalogue [(§ 68 paragraph 3 letter e)]
- b) Accumulate wastes sorted by waste types and secure the same from deterioration, theft or other undesirable release
- c) Separately accumulate hazardous wastes by their types, indicate the same in a specified way and handle the same in compliance with the Act and special regulations²⁸⁾
- d) Recover wastes in its own operation; offer the waste not utilised in that way for recovery to another person
- e) Provide for waste disposal if providing for its recovery is impossible or inefficient

²⁶⁾ For instance, § 25 paragraph 4 of the Decree of the Slovak Office of Labour Safety No. 59/1982 Coll., stipulating the basic requirements for assuring safety of labour and of technical installations, §§ 11 and 65 of the Decree of the Slovak Office of Labour Safety and of the Slovak Mining Office No. 374/1990 Coll. on Safety of Labour and Technical Installations in Construction Works.

²⁷⁾ § 127 paragraph 2 of the Civil Code, as amended by Act No. 509/1991 Coll.

²⁸⁾ For instance, Act of the National Council of the Slovak Republic No. 272/1994 Coll., Order of the Government of the Slovak Socialist Republic No. 206/1988 Coll. on Poisons and Certain Other Substances Harmful to Health, as amended, Decree of the Nuclear Safety Office of the Slovak Republic No. 190/2000 Coll. stipulating the details of handling radioactive waste and burnt-up nuclear fuel and the Decree of the Ministry of Health of the Slovak Republic No. 12/2001 Coll.

- f) Hand over waste only to a person entitled to handle waste by the Act if not providing oneself for its recovery or disposal
- g) Keep and retain records of the waste types and quantities handled, and of their recovery and disposal
- h) Report stipulated data from the records to the respective state administration body in waste management
- i) Enable bodies of the state supervision in waste management (§ 73) access to buildings, premises and installations, take waste samples and, if requested, submit documents and provide fair and full information relating to the waste management, without any prejudice to the provisions of a special regulation²⁹⁾
- j) If requested by the previous waste holder, submit documents supporting the means of handling the waste
- k) Perform corrective measures imposed by a state supervision body in waste management (§ 73)
- l) Based on a statement of the respective state administration body in waste management, provide for the recovery of waste generated while the goods were passing through treatment operations³⁰⁾ or re-export the same to that state from which the goods were imported for the purpose of inward processing²⁵⁾
- m) Provide for analytical control of waste within a defined scope
- n) If requested by the Ministry, a regional authority, a district authority or a person empowered by those, provide free of charge information that is necessary to prepare and update a plan.

(2) In addition to obligations under paragraph 1, the waste generator and the municipality shall be obliged to prepare and comply with the plan adopted under § 6.

(3) Anyone performing waste collection including its purchase shall – in addition to the obligations under paragraph 1 – be obliged to

- a) Disclose the types of waste collected and the conditions of the waste collection
- b) Require presentation of personal data of an individual or of a responsible deputy of a legal entity, the business name and place of business of an individual – entrepreneur or the business name and seat of the legal entity, from which non-ferrous metals or other wastes are taken over [§ 68 paragraph 3 letter n)]; without presenting the data requested, the waste may not be taken over or purchased
- c) Keep and maintain records of persons under letter s) as well as of waste types and quantities taken over or purchased.

(4) Where an individual who is not an entrepreneur handles or otherwise treats other than municipal and minor construction waste, provisions of paragraph 1 letters b), f), k) and m) and appropriately the provision of paragraph 1 letter i) shall apply to the same.

(5) To individuals who are not entrepreneurs, provisions of paragraphs 1 to 3 shall not apply, except for the case under paragraph 4.

(6) Where a carrier is waste holder, in waste shipment, only provisions of paragraph 1 letters i), j) and k) shall apply to the same.

§ 20

Obligations in the Shipment of Hazardous Wastes in the Slovak Republic

(1) A hazardous waste consigner shall be obliged to

- a) Provide for the shipment of hazardous waste in compliance with the Act and where consent under § 7 is requested for the shipment of hazardous waste, also in compliance with that consent
- b) Effect the shipment of hazardous wastes by means of transport that comply with the provisions of generally binding legal regulations on shipment of hazardous matters;³¹⁾ where shipment is not effected by this, it shall be obliged to provide for it by a carrier authorised by special regulations³²⁾.

²⁹⁾ the Act of the National Council of the Slovak Republic No. 100/1996 Coll. of Laws

³⁰⁾ § 2 letter d) and § 123 paragraph 1 of the Act of the National Council of the Slovak Republic No. 180/1996 Coll. of Laws

(2) The hazardous waste consigners and the hazardous waste consignees shall be obliged to

- a) Keep and maintain record of hazardous wastes shipped
- b) Report stipulated data from the records under letter a) to the competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; where the consent for shipment of hazardous waste was issued by a regional authority, then to that authority as well
- c) Allow state supervision bodies in waste management (§ 73) check the waste handling during shipment; if requested, submit documents³³⁾ and provide fair and full information relating to the waste management
- d) Perform a corrective measure imposed by a state supervision body in waste management (§ 73)

(3) When shipping hazardous wastes, the hazardous wastes consigner, the hazardous wastes consignee and the carrier shall be obliged to acknowledge the consignment note of hazardous wastes [§ 68 paragraph 3 letter f)].

(4) Within 10 days of the take over of a waste shipment, the hazardous waste consignee shall be obliged to send the consignment note of the hazardous waste acknowledged according to paragraph 3 to the hazardous waste consigner, the competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; where the consent to ship hazardous waste was issued by a regional authority, to that authority as well, unless stipulated otherwise in Part Four of the Act.

§ 21

Obligations of Operator of a Waste Recovery or a Waste Disposal Installation

- (1) An operator of a waste recovery or waste disposal installation shall be obliged to
 - a) Recover waste or dispose of waste in compliance with the consent to operate the waste recovery or waste disposal installation under § 7 paragraph 1 letters a) or c)
 - b) Operate the hazardous waste recovery installations and waste disposal installation in compliance with the approved code of operation under § 7 paragraph 1 letter f)]
 - c) Secure waste from theft or other undesirable release
 - d) Disclose types of waste it is authorised to dispose of or recover
 - e) Keep operating documents of the installation
 - f) Keep and retain records of the quantities, types and origin of waste taken over for disposal or recovery and of the means of their handling and the position of hazardous waste in a landfill [§ 68 paragraph 3 letter f)]
 - g) Report stipulated data from the records under letter f) to the competent district authority
 - h) Following a decision of a state administration body in waste management, in extraordinary cases, in particular if necessary from the view of care for human health and the environment, dispose waste or recover waste if technically viable for the operator; the costs arising from the waste recovery or waste disposal following such decision shall be borne by the waste holder
 - i) Allow bodies performing government supervision in waste management to perform operations under § 19 paragraph 1 letter i)
 - j) Perform a corrective measure imposed by a state supervision body in waste management (§ 73)

³¹⁾ Decree of the Minister of Foreign Affairs No. 64/1987 Coll. on the European Agreement concerning the International Carriage of Dangerous Goods by Road – ADR

Decree of the Minister of Foreign Affairs No. 8/1985 Coll. on the Convention concerning the International Carriage of Dangerous Goods by Rail (COTIF)

Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 15/2001 Coll. on the adoption of modifications and amendments to the Regulation on the International Carriage by Rail of Dangerous Goods (RID)

³²⁾ For instance, Act of the National Council of the Slovak Republic No. 164/1996 Coll. on the Railways and on amendment of Act No. 455/1991 Coll. on Trade Licensing (the Trade Licensing Act), as amended, Act of the National Council of the Slovak Republic No. 168/1996 Coll. on Road Shipment, as amended.

³³⁾ For instance, Act of the National Council of the Slovak Republic No. 168/1996 Coll., as amended

- k) Without any delay, inform the competent district authority about the non-acceptance of waste by a waste disposal installation employing operations D1, D5 and D10 of Annex 3
- l) Remove negative situations and impacts identified by monitoring of a landfill
- m) If requested by the Ministry, a regional authority, a district authority or a person empowered by those, provide free of charge information that is necessary to prepare and update a Plan.

(2) A landfill operator shall be obliged to prepare and have approved project document for closure, reclamation and monitoring of the landfill after its closing and to close, reclaim and monitor the landfill in compliance with that document. The prepared project document prepared by the applicant for the award of a permit to operate a landfill under § 7 paragraph 1 letter a) will have to be enclosed in the application for granting a permit, and the decision under § 7 paragraph 1 letter a) will also include the approval of the project document submitted.

(3) The draft solution of the method of closure, reclamation and monitoring of a landfill in the after-care phase must form a constituent part of the proponent's plan in the environmental impact assessment.³⁴⁾

(4) In case under paragraph 1 letter h), where the waste holder is unknown or unable to cover the costs related to the waste disposal or waste recovery within a reasonable time and in full amount, the case shall be considered an accident and a special regulation³⁵⁾ may be applied for covering its costs.

(5) The provision of paragraph 1 shall also apply to waste co-incineration plants in respect to waste incineration.

(6) A landfill operator shall be obliged to retain monitoring records during the landfill operation and in the after-care stage, and annually report the monitoring outcomes to the competent district authority by 31 January of the following year.

(7) Wastes may be stored no longer than one year. A longer storage may only exceptionally be permitted by the district authority, in particular if there is no installation suitable in the Slovak Republic to recover or dispose of that waste.

(8) Wastes listed in Annex 6 must be stabilised before deposited in a landfill.

§ 22

Special Purpose Financial Reserve

(1) During a landfill operation, the landfill operator shall be obliged to create a special purpose financial reserve to be used for the closure, reclamation and monitoring of the landfill in the after-care phase.³⁶⁾ Anyone operating more than one landfill shall create a special purpose financial reserve for every landfill separately.

(2) A special purpose financial reserve shall be created annually by debiting the expenditures (costs)³⁶⁾ in the amount of a fixed share in total costs for the closure, reclamation and monitoring of the landfill in the after-care phase.

(3) The annual amount of the special purpose financial reserve shall be calculated as follows:

$$R = Q \times A$$

$$A = CN : K$$

where R is the levy to create the special purpose financial reserve in SKK per year

Q is the quantity of waste deposited per year in tonnes

³⁴⁾ § 7 of Act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment

³⁵⁾ Act No. 69/1998 Coll. on the State Environment Fund

Decree of the Ministry of Environment of the Slovak Republic No. 138/2000 Coll. to implement Act No. 69/1998 Coll. on the State Environment Fund

³⁶⁾ § 24 of Act No. 366/1999 Coll. on Income Taxes

§ 9 of Act No. 368/1999 Coll. on Reserves and Provisions to Establish the Income Tax Base

- A is the amount of levy per quantity unit of waste in SKK calculated one-time when starting the creation of the special purpose financial reserve under the Act
- CN is the investment costs of closure and reclamation and the operating costs of the landfill monitoring in SKK proposed by the project document
- K is the spare capacity of the landfill when starting the special purpose financial reserve creation under the Act at the time of calculation in tonnes.

(4) For landfills with lifetime less than ten years at the effectiveness date of the Act, the landfill operator shall contribute no less than 10 % of the investment and operating costs of closure, reclamation and monitoring of the landfill in the after-care phase proposed in the project document, however, no less than SKK 70 per tonne of waste deposited after the Act effectiveness date.

(5) The funds forming a special purpose financial reserve shall be kept in a special account³⁷⁾ of the landfill operator. Before transferring the first instalment of the special purpose financial reserve, the landfill operator shall be obliged to provide for the opening of a special account to which the funds of the special purpose financial reserve would be transferred, and at the same time assure earmarking of the special purpose financial reserve funds for to the purpose stated in paragraph 1.

(6) The landfill operator shall transfer the annual amount of funds for the special purpose financial reserve by 31 January of the following calendar year.

(7) The funds of the special purpose financial reserve may be used after issuance of a consent under § 7 paragraph 1 letter k) for the operation for which that consent was issued. The funds of the special purpose financial reserve may be drawn to the amount laid down in a written acknowledgement, by which the competent state administration body in waste management confirms authorised drawing of those funds in advance. This procedure shall not be applied in cases where the landfill operator complies with the obligation under paragraph 10 or the municipality complies with the obligation under paragraph 12 or where the owner of the special purpose financial reserve already is entitled to a free disposal of the same (paragraph 13).

(8) Should a landfill operator decide to terminate its business without a legal successor before the completion of the closure, reclamation or monitoring of the landfill in the after-care phase, all rights and obligations related to the closure, reclamation and monitoring of the landfill shall pass to the municipality, in which the major part of the landfill is situated as of the day preceding the start of liquidation or the day of the trade licence cancellation;³⁸⁾ as at the day of transfer of rights and obligations, that municipality will also be given the right to dispose with the funds of the created special purpose financial reserve in compliance with paragraph 7.

(9) Where a decree of bankruptcy was issued for a landfill operator, a motion to decree bankruptcy was refused for lack of assets or where settlement³⁹⁾ was allowed to a landfill operator before the completion of closure, reclamation or monitoring of the landfill in the after-care phase, all rights and obligations related to the closure, reclamation and monitoring of the landfill shall pass to the municipality, in which the major part of the landfill is situated as at the day preceding the day of effectiveness of the bankruptcy decree, decision to refuse bankruptcy for lack of assets or decision of permit settlement; as at the day of transfer of rights and obligations, that municipality will also be given the right to dispose the funds of the created special purpose financial reserve in compliance with paragraph 7.

(10) As of the day preceding the start of bankruptcy, the day of the trade licence cancellation or the effectiveness date of declaring bankruptcy, of a decision to refuse the motion for declaring bankruptcy for lack of assets or of a decision to permit settlement, the landfill operator mentioned in paragraphs 8 and 9 shall be obliged to transfer the funds of the created special purpose financial reserve to the account of the municipality to which the right to dispose those funds is passed.

³⁷⁾ For instance, §§ 708 through 719 of the Commercial Code

³⁸⁾ For instance, §§ 70 through 75 of the Commercial Code, §§ 15a through 15e of Act No. 111/1990 Coll. on State-Owned Enterprise, as amended, §§ 57 to 59 of Act No. 455/1991 Coll., as amended by Act of the National Council of the Slovak Republic No. 132/1994 Coll.

³⁹⁾ Act No. 328/1991 Coll. on Bankruptcy and Settlement, as amended

(11) As of the effectiveness date of a decision to cancel bankruptcy,⁴⁰⁾ of a decision to enforce settlement⁴¹⁾ or of a decision to acknowledge settlement,⁴²⁾ all rights and obligations related to the closure, reclamation and monitoring of the landfill, including the right to dispose with the funds of the special purpose financial reserve, passed to the municipality under paragraph 9 shall pass back to the landfill operator; that does not apply where – due to bankruptcy cancellation – the operator is dissolved by a special regulation⁴³⁾. The transfer of rights and obligations related to the closure, reclamation and monitoring of a landfill, including the transfer of the disposal right to the funds of the special purpose financial reserve from the municipality to the site operators shall be notified by the landfill operator without any delay.

(12) The municipality to which rights and obligations have been passed including the right to dispose with the funds of the special purpose financial reserve under paragraph 9, shall be obliged to transfer the transferred funds of the special purpose financial reserve to a special account of the landfill operator (paragraph 5) within 14 days from the delivery of a notification under paragraph 11.

(13) The owner of the funds of the special purpose financial reserve shall – after the completion of the landfill monitoring for a period laid down in the project document (§ 21 paragraph 2) – be entitled to freely dispose with the unspent part of the special purpose financial reserve following an acknowledgement of the competent state administration body in waste management.

(14) A landfill operator or a municipality to which the rights and obligations related to the closure, reclamation and monitoring of the landfill have been passed shall be obliged to enable the state supervision bodies in waste management (§ 73) and the competent tax bodies to check the proper creation of the special purpose financial reserve and its proper drawing.

(15) The funds forming a special purpose financial reserve may not be affected by the execution of a decision or by distraint under special regulations⁴⁴⁾.

PART FOUR IMPORTS, EXPORTS AND TRANSIT OF WASTES

§ 23

Fundamental Provisions

(1) For the purpose of the Act, the following is understood:

- a) Import of waste means shipment of waste across the state border to the Slovak Republic
- b) Export of waste means shipment of waste across the state border out of the Slovak Republic to another state
- c) Transit of waste means shipment of waste from the customs body of entry into to the customs body of departure from the Slovak Republic without any warehousing in its territory
- d) Competent authority in the state of dispatch means an authority appointed by the state from which the waste consignment is dispatched

⁴⁰⁾ §§ 44 and 44a of Act No. 328/1991 Coll., as amended

⁴¹⁾ § 39 of Act No. 328/1991 Coll., as amended

⁴²⁾ § 60 of Act No. 328/1991 Coll., as amended

⁴³⁾ § 68 paragraph 3 letter b) of the Commercial Code

⁴⁴⁾ For instance, § 251 of the Civil Procedure Code, the Act of the National Council of the Slovak Republic No. 233/1995 on Court-Appointed Executors and Executory Activities (the Execution Order) and on amendment of other acts, as amended, Act of the Slovak National Council No. 511/1992 Coll. on Administration of Taxes and Charges and on Modifications in the System of Territorial Fiscal Bodies, as amended

- e) Competent authority in the state of destination means an authority appointed by the state of destination of the waste consignment
- f) Competent authority of the state of transit means an authority appointed by the state the waste consignment is passing through
- g) The competent authority in the Slovak Republic shall be the Ministry
- h) Applicant for shipment of waste across the state border (hereinafter the "applicant for trans-boundary shipment of waste") means an individual – entrepreneur or a legal entity that is waste generator; if that is impossible, then a person accumulating waste, processing waste, trading waste or arranging, providing for or performing²¹⁾ waste disposal or waste recovery on behalf of a third person or on that person's account; or – where those persons are unknown or not licensed for the given operation, another waste holder applying for the waste export. In waste import and waste transit, the applicant for trans-boundary waste shipment is considered a person designed under the law of the state of dispatch or where the applicant for trans-boundary waste shipment has not been designed, the person that is the waste holder.
- i) Waste consignee means an individual – entrepreneur or a legal entity to which waste is shipped for the purpose of its recovery or disposal.
- j) Notification form means a document to notify waste shipment across the state border, which makes a constituent part of the application for a waste import, waste export or waste transit consent accompanying waste on its import, export and transit
- k) Consignment note means a document of waste shipment and its route across the state border accompanying waste on its import, export and transit.

(2) For the purpose of control, check and record of imports, exports and transit, the waste destined for recovery is included in the

- a) Green List of Wastes if not displaying any dangerous properties and if sufficient prerequisites have been established in the Slovak Republic for its recovery, satisfactory from the view of the environment protection
- b) Amber List of Wastes if displaying one or several dangerous properties or if sufficient prerequisites have not been established in the Slovak Republic for its recovery, satisfactory from the view of the environment protection
- c) Red List of Wastes if containing substances commonly displaying one or several dangerous properties.

(3) The following shall be forbidden:

- a) Import of wastes destined for disposal, except for import of wastes generated in outward processing,⁴⁵⁾ the subject of processing being waste
- b) Export of wastes destined for disposal except for export to states that are members of the Organisation for Economic Cooperation and Development and also are parties to the Basle Convention⁴⁶⁾, unless an international agreement, by which the Slovak Republic is bound, stipulates otherwise. This exception shall not apply where a waste disposal installation is located in the Slovak Republic with a sufficient capacity and with a comparable level of technology
- c) Export of hazardous wastes destined for recovery except for export to member states of the Organisation for Economic Cooperation and Development
- d) Import of wastes destined for incineration including their exploitation as a fuel or for energy recovery in a way different than under item R9 of Annex 2.

(4) For the purpose of exports under paragraph 3 letter c), hazardous wastes shall be considered waste

- a) Listed in Annex VIII to the Basle Convention
- b) Designated hazardous in the Waste Catalogue
- c) Included in the Amber List of Wastes, with their code indications starting with the letter A, or included in the Red List of Wastes

⁴⁵⁾ § 157 of Act of the National Council of the Slovak Republic No. 180/1996 Coll.

⁴⁶⁾ Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 60/1995 Coll. on the Accession of the Slovak Republic to the Basle Convention on Control of Traffic of Hazardous Wastes across State Borders and Their Disposal
 Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 132/2000 Coll. on the Adoption of Modifications Contained in Annex I and the Adoption of Two New Annexes VIII and IX of the Basle Convention on Control of Traffic of Hazardous Wastes across State Borders and Their Disposal

- d) Listed in Annex IX to the Basle Convention and containing substances listed in Annex I to the Basle Convention within a scope causing the occurrence of dangerous properties listed in Annex III to the Basle Convention.

§ 24

Surety

(1) Before starting shipment of waste included in the Amber List of Wastes and in the Red List of Wastes across the state border, the notifier of trans-boundary waste shipment shall be obliged to furnish surety to cover costs related to the return of waste to the state of its origin and its disposal in case where the consignee would accept the waste. The notifier shall be obliged to demonstrate the compliance with that obligation before consent for waste import or consent for waste export is issued.

(2) The amount of surety shall be determined by the Ministry after having viewed provable costs of the waste shipment and disposal, which is one and a half multiple of those costs.

(3) The notifier shall furnish surety in the amount fixed under paragraph 2 at a bank by earmarking funds in its account on behalf of the Ministry in the amount of surety, for an open-end period.

(4) Before effecting the shipment, the notifier shall be obliged to submit a confirmation of the waste receipt by the waste consignee without any delay, no later than 30 days after the shipment is effected. If the notifier fails to effect that shipment, it shall submit a binding declaration that the shipment will not be effected. In both cases, the Ministry shall give its consent to cancelling the deposit established under paragraph 3 no later than 10 days from the submission of the confirmation of the waste receipt by the waste consignee or of the declaration that the shipment will not be effected.

Section One Import of Wastes Destined for Recovery

§ 25

Green List of Wastes

(1) When importing waste destined for recovery included in the Green List of Wastes, the waste must be accompanied by a consignment note [§ 68 paragraph 3 letter g)].

(2) The consignment note must be signed by the waste holder.

(3) After the completion of shipment, the waste consignee shall dispatch the filled-in consignment note to the Ministry within three days following the receipt of the consignment.

§ 26

Amber List of Wastes

(1) An application to issue consent to import waste destined for recovery included in the Amber List of Wastes shall be filed with the Ministry by the notifier; a copy shall be dispatched to the waste consignee, to the competent authority of the state of dispatch and to the competent authority of the state of transit. In place of the notifier, the application may also be filed by the competent authority in the state of dispatch.

(2) The application for granting consent to import waste which is included in the Green List of Wastes in the state of dispatch and in the Amber List of Wastes in the Slovak Republic shall be filed by the waste consignee.

(3) An application under paragraphs 1 and 2 shall include in particular

- a) Data of origin, composition and quantity of waste destined for recovery; the name, family name and domicile if generated by an individual and the business name and seat if generated by a legal entity (hereinafter the "identification data") and in case of wastes of various origin, a detailed list of wastes and – if known – also the identification data of their generators
- b) Plans of the shipment route and, for hazardous wastes, also the type of a third party liability insurance
- c) Measures to assure secure shipment, in particular on the part of the carrier
- d) Personal data of the waste consignees, identification and place of the installation certified to recover the waste, the type and term of validity of the certificate issued to operate the installation
- e) The intended method of disposal of residual waste after effecting recovery
- f) Quantity of recoverable material in proportion to the quantity of residual waste
- g) The estimated value of the recoverable material
- h) A filled-in notification form.

(4) The notifier shall be obliged to demonstrate that a contract⁴⁷⁾ has been concluded between himself and the waste consignee to recover the waste and that therein has been agreed the obligation

- a) Of the notifier to take back the waste if the waste import is not effected as intended or is effected contradictory to the Act
- b) Of the waste consignee to inform of this fact, in case of export for recovery to a different state, the competent authority in the initial state of dispatch
- c) Of the waste consignee to dispatch the an acknowledgement to the notifier that the waste was recovered in compliance with generally binding legal regulations for the environment protection without any delay, however, no later than 180 days from the receipt of waste.

(5) The contract entered into under paragraph 4 shall be enclosed to the Application (notification) under paragraphs 1 and 2.

(6) When shipping waste across the state border between two installations of the same legal entity, the contract under paragraph 4 may be replaced by a written acknowledgement of the waste recovery by that legal entity.

(7) In case of waste shipments across the state border for recovery from the initial waste consignee to a different state, that further shipping shall be considered waste export.

(8) The Ministry shall acknowledge the application (notification) filed in compliance with paragraphs 1 through 6 for the notifier within three workdays from its delivery and shall deliver a copy of the acknowledgement to other competent authorities concerned and to the waste consignee. The Ministry shall return an application failing to comply with the items under paragraphs 1 through 6 to the notifier.

§ 27

Objections, Permit and Conditions of the Import of Wastes Included in the Amber List of Wastes

(1) In case of waste import from states that are member states of the Organisation for Economic Cooperation and Development, the Ministry shall be entitled

- a) Within 30 days from the dispatch of the acknowledgement under § 26 paragraph 8
 - 1. Raise written objections concerning the waste shipment or
 - 2. Give a written permit concerning the waste shipment or
- b) Within 20 days from the dispatch of the acknowledgement under § 26 paragraph 8 stipulate in writing conditions for the waste shipment and
- c) In case under letter a) item 2 and letter b) determine the amount of surety that must be furnished by the notifier before commencing the shipment.

(2) In case of waste import from states that are member states of the Organisation for Economic Cooperation and Development, the Ministry shall be entitled to

⁴⁷⁾ For instance, §§ 409 through 470 and §§ 536 through 565 of the Commercial Code

- a) Within 60 days from the dispatch of the acknowledgement under § 26 paragraph 8 raise written objections concerning the waste shipment or
- b) Within 70 days from the dispatch of the acknowledgement under § 26 paragraph 8 grant a written permit concerning the waste shipment, or refuse the shipment
- c) Within 60 days from the dispatch of the acknowledgement under § 26 paragraph 8 stipulate in writing conditions for the waste shipment and
- d) Determine the amount of surety that must be furnished by the notifier before commencing the shipment.

(3) Objections under paragraphs 1 and 2 may be raised where

- a) The import is not compliant with the objectives of the Plan of the Slovak Republic
- b) The import is not compliant with the generally binding regulations for environmental protection, public order, public security or protection of human health
- c) In the past, the notifier or the waste consignee effected illegal waste shipments across a state border (§ 38)
- d) The waste consignment is contradictory to the obligations resulting from international agreements by which the Slovak Republic is bound
- e) The ratio of the recoverable and irrecoverable waste parts, the estimated value of material to be finally recovered or the ratio of recovery costs to the costs of disposal of the irrecoverable part is economically or from the perspective of the environmental protection not sound.

(4) The objections, permit or conditions under paragraphs 1 to 3 shall be sent by the Ministry to the notifier, to other competent authorities concerned and to the waste consignee. The determined conditions for waste import shall be entered by the Ministry in the notification form. Should objections be raised, the import will not be effected.

(5) Where the Ministry grants a permit to import waste, it will be acknowledged on the notification form. Unless indicated otherwise in the waste import permit, the permit shall expire one year after its issuance.

§ 28

Trans-boundary Shipment of Wastes Included in the Amber List of Wastes

(1) A trans-boundary shipment of wastes destined for recovery, which is effected from member states of the Organisation for Economic Cooperation and Development, may commence on the expiry of the term under § 27 paragraph 1 letter a) if not any objections to the same have been registered. Should all competent authorities concerned give a written permit to the waste shipment, the trans-boundary shipment may commence immediately after the delivery of those permits to the notifier.

(2) A trans-boundary shipment of waste destined for recovery, which is effected from non-members states of the Organisation for Economic Cooperation and Development, may only commence after the delivery of a written permit of trans-boundary shipment of waste to the notifier.

(3) No later than three workdays before commencing the trans-boundary waste shipment, the notifier shall deliver a copy of a filled-in notification form to the Ministry, other competent authorities concerned and the respective state administration body in waste management in the place of the waste consignee. A carrier shall be obliged to submit one copy of the consignment note to the border customs body of entry. After acknowledging the waste entry into the Slovak Republic, the entry border customs body shall be obliged to send a confirmed copy of the consignment note to the Ministry without any delay.

(4) Every waste consignment must be accompanied by a copy of the consignment note and notification form. Persons participating in waste shipment shall fill in the notification form, sign where indicated, and keep a copy.

(5) Within three workdays from the receipt of waste for recovery, the waste consignee shall deliver the copies of the filled-in notification form to the notifier, to the Ministry and to the competent authorities concerned.

(6) Where waste shipment across the state border is commenced despite objections raised, the waste consignee shall not accept the waste.

(7) Without any delay, however, no later than 180 days from the receipt of waste, the waste consignee shall acknowledge the waste recovery to the notifier, to the Ministry and to the competent authorities concerned on a copy of the notification form.

§ 29

Red List of Wastes and Wastes not Included in the Lists of Wastes

The procedure applicable to wastes included in the Amber List of Wastes shall apply to wastes appearing on the Red List of Wastes and to wastes not included in any list of wastes; a trans-boundary waste shipment may however commence only after the delivery of a written permit by the competent authorities concerned.

Section Two **Export of Wastes Destined for Disposal**

§ 30

Application for a Permit to Export Wastes

(1) The application to grant a permit to export wastes shall be filed with the Ministry by the notifier. The applicant for the trans-boundary waste shipment (notifier) shall send a copy of the application to the waste consignee and to the other competent authorities concerned.

(2) The application shall include in particular:

- a) The origin, composition and quantity of waste and the identification data of the waste generator
- b) The plan of the shipment route and the type of a third party liability insurance
- c) Measures to ensure safe transport in compliance with the requirements of the states concerned
- d) Identification data of the waste consignee, location of the waste disposal installation and the type and duration of the authorisation under which installation operates
- e) Operations applied in waste disposal under Annex 3 of the Act
- f) A filled-in notification form.

(3) The notifier shall be obliged to demonstrate that a contract⁴⁷⁾ has been concluded between himself and the waste consignee to dispose of the waste and that the obligation has been agreed therein

- a) Of the notifier to take back the waste where the waste export is not effected as intended or is effected contradictory to the Act
- b) Of the waste consignee to dispatch the filled-in consignment note to the notifier, to the Ministry and to other competent authorities concerned within three workdays after the receipt of waste for disposal
- c) Of the waste consignee to send the filled-in acknowledgement of the waste disposal to the notifier, to the Ministry and to other competent authorities concerned without any delay, however, no later than 180 days after the receipt of waste
- d) Of a waste consignee to bear costs related to the waste's return to the state of dispatch and its suitable disposal where, due to an incorrect acknowledgement of waste disposal by the same, surety has been refunded.

(4) The application for granting permit to export waste shall be appended by a contract entered into under paragraph 3.

(5) In trans-boundary transport of waste between two installations of the same legal entity, the contract under paragraph 3 may be replaced by a written acknowledgement of the waste disposal by that legal entity.

(6) The application for granting a permit to export waste to non-member states of the Organisation

for Economic Cooperation and Development shall also be appended by a copy of a written consent of the state of transit if that state issues such a consent, and a copy of the written consent of the state of destination.

(7) The Ministry shall send the notifier a copy of the application to grant a permit to export waste to member states of the Organisation for Economic Cooperation and Development to the consignee and to other competent authorities concerned; should the Ministry itself raise objections against the waste shipment under § 31 paragraph 2, the copy does not have to be sent and the notifier is informed about the objection without any delay.

(8) The Ministry shall acknowledge the application filed in compliance with paragraphs 1 through 6 for the notifier within three workdays from its delivery and deliver a copy of the acknowledgement to other competent authorities concerned and to the waste consignee. The Ministry shall return an application non-compliant with the items under paragraphs 1 through 6 to the notifier.

§ 31

Permit to Export Waste

(1) If requested by the competent authority of destination and the competent authority of transit in member states of the Organisation for Economic Cooperation and Development, the notifier shall be obliged to provide requested additional information concerning the application.

(2) The competent authority of destination and the competent authority of transit in the member states of the Organisation for Economic Cooperation and Development may, within a term of 60 days from the dispatch of the acknowledgement under § 30 paragraph 8, raise written objections concerning the waste shipment or lay down requirements and dispatch the same to the notifier and a copy to the Ministry.

(3) Within a term of 70 days from the dispatch of the acknowledgement under § 30 paragraph 8, the Ministry shall permit the waste export with or without objections, or decide on its refusal, while taking into account the Basle Convention⁴⁶⁾ and international agreements by which the Slovak Republic is bound.

(4) Should the Ministry have any objections to the waste export, or objections have been raised by the competent authority of destination or the competent authority of transit in the member states of the Organisation for Economic Cooperation and Development, or where the notifier failed to submit documents under § 30 paragraphs 2 through 6, the Ministry shall refuse the application for the permit to export waste.

(5) Objections may be raised where

- a) The export of waste is not compliant with the generally binding regulations for environmental protection, public order, public security or the protection of human health
- b) The applicant for a trans-boundary waste shipment or the waste consignee effected illegal trans-boundary waste shipments in the past (§ 38)
- c) The waste consignment is contradictory to the obligations resulting from international agreements by which the Slovak Republic is bound
- d) The export of waste is not compliant with the objectives of the Plan of the Slovak Republic
- e) The principle of self-sufficiency may be applied on the national level
- f) The waste disposal installation must dispose of waste originating in a closer territory and the competent authority of destination has informed about its preference to dispose of that waste.

(6) The Ministry shall not grant a permit to export waste earlier than 61 days from the dispatch of the acknowledgment of the application approval; the Ministry may decide earlier where a written permit is received from the other competent authorities in member states of the Organisation for Economic Cooperation and Development.

(7) Where the Ministry grants a permit to export waste, it will be acknowledged on a notification form and sent to the waste consignee and to other competent authorities concerned without any delay.

§ 32

Trans-boundary Shipment of Wastes in Export

(1) Trans-boundary shipment of wastes may only commence after the delivery of the permit under § 31 paragraph 7 to the notifier.

(2) No later than three workdays before commencing the shipment, the notifier shall deliver a copy of the filled-in consignment note to the Ministry and to other competent authorities concerned.

(3) For a waste exit from the Slovak Republic, the carrier shall be obliged to submit a filled-in copy of the consignment note to the exit border customs body; after the acknowledgement of the waste exit from the Slovak Republic, the exit border customs body shall be obliged to dispatch a certified copy of the consignment note to the Ministry without any delay.

(4) Every waste consignment must be accompanied by a copy of the notification form and a stamp of approval and a copy of the consignment note. Persons participating in waste shipment shall fill in the reporting form, sign it, and keep one copy.

(5) Should the Ministry fail to receive information about a waste receipt from the consignee within 42 days from the exit of the waste from the Slovak Republic, the competent authority of destination shall be notified thereof without any delay; that will also apply should the Ministry fail to receive the acknowledgement of waste disposal under § 30 paragraph 3 letter c) from the waste consignee within 180 days from the exit of the waste from the Slovak Republic.

Section Three Export of Wastes Destined for Recovery

§ 33

Export of Wastes Destined for Recovery

(1) To export waste included in the Green List of Wastes for the purpose of its recovery, a permit under the Act shall not be necessary.

(2) To export waste included in the Amber List of Wastes for the purpose of its recovery, §§ 26, 27 and 28 shall apply.

(3) To export waste included in the Red List of Wastes or not included in any list of wastes for the purpose of its recovery, § 29 shall equally apply.

(4) When exporting wastes listed in paragraphs 2 and 3

- a) The carrier shall be obliged to submit one copy of the consignment note to the exit border customs body
- b) Having acknowledged the exit of waste from the Slovak Republic, the exit border customs body shall be obliged to send a copy of the consignment note acknowledged by the same to the Ministry without any delay
- c) Should the Ministry fail to receive the acknowledgement of the waste receipt by its consignee within 42 days from the exit of the waste from the Slovak Republic, the Ministry shall be obliged to inform thereof the competent authority of destination without any delay
- d) The contract between the notifier and the waste consignee must contain the obligation under § 26 paragraph 4.

Section Four Common Provisions for Export of Wastes

§ 34

Re-Import of Exported Wastes

(1) Should the competent authority of destination inform the Ministry that a trans-boundary waste

shipment has not been completed as intended, the Ministry shall invite the notifier to provide for the re-import of the exported waste back to the Slovak Republic as its own costs within 90 days of the notice.

(2) The notifier shall be obliged to file a new application to re-import the exported waste. If the application is duly valid, the Ministry may not prevent the re-import of the exported waste back to the Slovak Republic.

(3) The obligation of the notifier to take back waste under § 26 paragraph 4 letter a) shall expire when the waste consignee sends the acknowledgement under § 28 paragraph 7.

(4) Should the notifier fail to comply with the obligation under paragraphs 1 and 3, the full surety amount under § 24 shall be forfeited to the benefit of the Ministry. The Ministry shall use those funds to provide for the re-import of the exported waste and to assure its recovery or disposal in compliance with generally binding legal regulations for the protection of the environment.

Section Five

Transit of Wastes

§ 35

Transit of Wastes Destined for Recovery and for Disposal

(1) If requested by the competent authority of dispatch and the competent authority of destination, the notifier shall be obliged to provide the requested additional information concerning the application filed.

(2) In transit of waste included in the Green List of Wastes, the waste shipment must be accompanied by a consignment note that – in addition to the data listed in § 25 paragraph 1 – must also contain the information concerning the purpose of shipment.

(3) The notifier shall file an application to grant a permit for transit of waste included in the Amber List of Wastes and the Red List of Wastes or waste not included in any list of wastes with the Ministry in the form of a filled-in notification form on a special form with a copy for the waste consignee and other competent authorities concerned.

(4) The Ministry shall acknowledge the receipt of the application for waste transit to the notifier without any delay.

(5) Within a term of 20 days from the dispatch of the acknowledgement of receipt of the application to grant a transit permit, the Ministry shall grant a transit permit with or without objections, or decide on its refusal. The requirements shall also include those requirements received from the competent authority in the following state of transit concerned. The refusal of transit and the requirements must be justified.

(6) The Ministry may not prevent transit of waste on its re-import (§ 34) where the application to permit the waste transit is duly justified.

(7) Where the Ministry grants a permit for transit of waste, the same shall be acknowledged on the notification form and an original of the permit sent to other competent authorities concerned and to the customs office of entry to and exit out of the Slovak Republic.

(8) After the reception of a permit for waste transit, the notifier shall fill in a consignment note and deliver its copies to the competent authorities concerned no later than three workdays before the beginning of the trans-boundary shipment.

(9) Every waste consignment must be accompanied by a stamped original copy of the notification form acknowledging the transit permit. Persons participating in the shipment shall fill in the consignment note where indicated, sign the same and keep one original.

(10) On the entry of wastes into the Slovak Republic and exit of wastes out of the Slovak Republic, the border customs acknowledging the entry or exit of wastes shall be obliged to send a copy of the consignment note acknowledged by the same to the Ministry without any delay.

§ 36

Transit of Wastes Destined for Recovery in Special Case

(1) In transit of wastes included in the Amber List of Wastes, in the Red List of Wastes or not included in any list of wastes destined for recovery and shipped across the Slovak Republic from member states of the Organisation for Economic Cooperation and Development and to those states, the notifier shall submit an application to issue a transit permit in the form of a notification form to all respective transit authorities concerned.

(2) Within three workdays from the delivery of the application to issue a waste transit permit, the Ministry shall send an acknowledgement of the application delivery to the notifier and to the waste consignee.

(3) Within a term of 30 days after the dispatch of the acknowledgement of the receipt of the application to issue a transit permit for wastes included in the Amber List of Wastes, the Ministry may send written objections or a transit permit to the notifier and to other respective transit authorities concerned; in cases of wastes included in the Red List of Wastes or wastes not included in any list, either written objections or a transit permit shall always be issued.

(4) Objections may be raised when

- a) The shipment of waste fails to comply with generally binding regulations for protection of the environment, public order, public security or protection of human health
- b) The notifier or the waste consignee has effected illegal trans-boundary waste shipments in the past (§ 38)
- c) The waste consignment is contradictory to obligations resulting from international agreements by which the Slovak Republic is bound.

(5) Transit under paragraphs 1 to 3 may be effected only when not any objections were raised.

(6) In transit of waste destined for recovery included in the Green List across the Slovak Republic to a non-member state of the Organisation for Economic Cooperation and Development or to a state in which that waste is not included in the Green List of Wastes, the procedure applicable to the transit of waste included in the Amber List of Wastes shall be applied.

Section Six

Common Provisions Applicable to Import, Export and Transit of Wastes

§ 37

Common Provisions

(1) Where wastes of the same physical and chemical properties are regularly shipped across the state borders to the same waste consignee and along the same route, the notifier may use an aggregate application relating to shipped waste consignments for a period no longer than one year. The Ministry may condition the issuance of the waste transit permit following an aggregate application by the submission of additional information.

(2) Should the waste composition be different from that stated in the aggregate application under paragraph 1, or should the requirements stipulated for the waste consignment be not respected, the Ministry shall cancel the waste transit permit issued following an aggregate application; the Ministry shall inform the competent authorities concerned on cancellation of the application.

(3) Wastes to the shipment of which different types of applications pertain may not be mixed during transport.

(4) The notification form and the consignment note must always be filled in the state language.⁴⁸⁾ If requested by the competent authorities concerned, the notifier shall be obliged to provide for a translation into the language requested by those authorities at its own costs.

(5) Provisions of the Act shall reasonably apply to the import of wastes under inward processing²⁵⁾.

(6) Provisions of Part Four of the Act shall not apply to wastes generated in cleaning and maintenance of ships and aircraft in ports and in airports in the Slovak Republic. That waste generator shall be considered the port operator and the airport operator.

§ 38

Procedures in Illegal Waste Shipment

(1) Illegal trans-boundary waste shipment (hereinafter the "illegal waste shipment") shall mean shipment of waste across the state border

- a) Effected without having sent a notification form to all competent authorities concerned in compliance with the Act
- b) Effected without a permit of the Ministry if its issuance is required under the Act
- c) Effected pursuant to a Ministry permit obtained by the notifier based on untrue data or by fraud
- d) Effected contradictory to the requirements stated in the notification form
- e) Ending in waste recovery or waste disposal contradictory to generally binding legal regulations in waste management or international agreements by which the Slovak Republic is bound
- f) Effected contradictory to the provisions of § 23 paragraph 3.

(2) Where an illegal waste shipment was effected by a notifier, the Ministry shall check, no later than 30 days from the date it was informed of the illegal waste shipment or within a period requested by the competent authorities concerned, whether the waste has been taken over by the notifier in compliance with § 34 paragraphs 1 to 3, or provide for procedure under § 34 paragraph 4.

(3) Where an illegal waste shipment was effected by the waste consignee, the Ministry shall provide, no later than 30 days from the date it was informed of the illegal waste shipment or within a period requested by the competent authorities, that the waste consignee recover or dispose of the waste in compliance with generally binding legal regulations in waste management, or the Ministry shall provide for the waste recovery or disposal. For the purpose of compliance with that obligation, the Ministry shall cooperate with other competent authorities concerned.

(4) Where the illegal waste shipment does not fall under paragraphs 2 and 3, the Ministry shall cooperate with other competent authorities concerned with the aim of providing for that waste recovery or disposal in a way not damaging the environment. The costs of that waste disposal shall be borne by the notifier or the waste consignee, or both, following a decision of the Ministry.

PART FIVE HANDLING OF WASTES

§ 39

Handling of Municipal Waste and Minor Construction Waste

(1) A component of municipal waste is a part thereof that may be mechanically detached and classified as a separate waste type.

⁴⁸⁾ Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the State Language of the Slovak Republic, as amended

(2) For handling of municipal waste generated in the municipality and for minor construction waste generated in the municipality, the municipality shall be responsible.

(3) In addition to obligations under § 19 paragraphs 1 and 2, the municipality shall be, by introducing a suitable waste collection system, obliged to

- a) Provide for or enable the collection and shipment of municipal waste generated therein for the purpose of its recovery or disposal in compliance with the Act, as well as provide for the collection vessels appropriate for the municipal waste collection system and provide an area where residents may deliver separated components of municipal waste under the framework of separated collection
- b) Provide for as necessary, however, no less than twice a year, collection and shipment of bulky waste for the purpose of its recovery or disposal, separately sorted household waste containing injurants and minor construction waste.

(4) The municipality shall regulate the details of handling the municipal waste and minor construction waste by a generally binding ordinance stipulating in particular details of the collection and shipment method of municipal waste, the method of separated collection of the individual components of municipal waste, the method of handling minor construction waste as well as places designated for depositing of that waste and for waste disposal.

(5) The generator of municipal waste and minor construction waste shall be obliged to handle or otherwise treat it in compliance with a generally binding ordinance of the municipality. The same shall also be obliged to:

- a) Join the system of municipal waste collection in the municipality
- b) Use collection vessels appropriate for the collection system of municipal waste in the municipality
- c) Deposit municipal waste or its separated components and minor construction waste for the purpose of their collection in places indicated by the municipality and in collection vessels appropriate for the collection system for municipal waste in the municipality.

(6) For the collection, shipment and disposal of municipal waste and minor construction waste a local fee under a special regulation⁴⁹⁾ shall be paid to the municipality. The revenues from the local fee shall be exclusively used to cover the costs related to handling of municipal waste and minor construction waste, in particular the collection, recovery and disposal.

(7) The collection, shipment and disposal of municipal waste and minor construction waste in the municipality may only be performed by a person that has concluded a contract with the municipality to perform that operation, should the operation be not provided for by the municipality itself. In the contract, the municipality shall regulate in detail the means of and the requirements for the waste collection, shipment and disposal so it complies with the municipal plan in effect (§ 6) and the generally binding ordinance under paragraph 4. As a rule, the contract shall be concluded for a closed term.

(8) To comply with its obligations under § 19 paragraph 1 letters g) and h), the municipality shall be entitled to seek necessary information from the municipal waste holder or the minor construction waste holder or anyone handling municipal waste or minor construction waste in the municipality.

(9) If requested by the municipality, a municipal waste holder or a minor construction waste holder or anyone handling municipal waste or minor construction waste in the municipality shall be obliged to provide fair and complete information related to the handling of municipal waste and minor construction waste.

§ 40

Handling of Hazardous Wastes

(1) It shall be prohibited to dilute and mix individual types of hazardous wastes or hazardous wastes with non-hazardous, with the aim of decreasing the concentration of the injurants present.

⁴⁹⁾ § 1 paragraph 2 of Act of the Slovak National Council No. 544/1990 Coll. on Local Fees, as amended

(2) Mixing of individual types of hazardous wastes or mixing of hazardous wastes with non-hazardous may only be possible if necessary to enhance safety during the waste recovery or disposal and if compliant with consent awarded under § 7 paragraph 1 letter j) of the Act.

(3) Where waste mixing was effected contradictory to paragraphs 1 and 2, the respective district authority may decide about an obligatory separation of hazardous wastes in cases technically and economically viable and if necessary for the protection of human health and the environment .

(4) In collection, shipment and warehousing, hazardous waste must be packed in a suitable package³¹⁾ and duly indicated under a special regulation.⁵⁰⁾

(5) Whenever a new type of hazardous waste is generated or waste originates in treatment of hazardous waste as well as prior to the recovery or disposal of hazardous waste produced by a hazardous waste generator, the same shall be obliged to provide for an analysis of its properties and composition to determine its dangerous properties, and detailed requirements on its handling, in a way and while applying procedures laid down by an implementing regulation [§ 68 paragraph 3 letters l) and n)].

(6) Hazardous wastes shall be disposed of preferentially to other wastes.

(7) In cases stipulated, landfilling of hazardous wastes shall be prohibited without their previous treatment that would provide for a substantial lowering of their dangerous nature, volume or weight.

(8) Provisions of the Act relating to handling hazardous wastes shall also pertain to handling wastes containing one or several injurants and fulfill at least one criterion for the assessment of dangerous properties under the Waste Catalogue.

(9) The professional qualification for doing business in the field of handling hazardous wastes shall be a master or a bachelor degree of the respective technical studies, natural science, pharmacology, agricultural, veterinary or medical studies and no less than three years of practical background in the respective field, or a complete secondary education of the respective technical, agricultural or medical studies and no less than five years of practical experience in the respective field.

§ 41

Handling of Spent Batteries and Accumulators Containing Certain Dangerous Substances

(1) For the purpose of the Act, a battery or accumulator means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary (non-rechargeable) batteries or secondary (rechargeable) cells, as listed in Annex 7.

(2) Spent battery or accumulator means a battery or accumulator that is not re-usable for the purpose its was originally intended for, and is intended for recovery or disposal.

(3) Effective from 1 July 2001, it shall be prohibited to place on the market⁵¹⁾ batteries and accumulators containing over 0.0005 % of mercury by weight. That ban shall also apply to instruments, parts of which are the said batteries and accumulators; it shall not relate to button batteries and batteries comprised of coin cells containing mercury up to 2 % by weight.

⁵⁰⁾ For instance, Act of the National Council of the Slovak Republic No. 330/1996 Coll. on Labour Safety and Occupational Health, Act of the Slovak National Council No. 126/1985 Coll. on Fire Protection, as amended by Act No. 163/2001 Coll. on Chemical Substances and Chemical Preparations

⁵¹⁾ § 2 letter e) of Act No. 264/1999 Coll. on Technical Requirements on Products and the Assessment of Compliance and on amendment of certain Acts

(4) From 1 July 2001 onwards, the manufacturer and importer of batteries and accumulators, as well as the manufacturer and importer of equipment with built in batteries and accumulators, shall be obliged to provide for their marking by symbols laid down by an implementing regulation [§ 68 paragraph 3 letter h)]. The marking must present data on separate collection and possible recycling and data on the content of heavy metals therein.

(5) The manufacturer of equipment with built in batteries and accumulators shall be obliged to provide for their building in so that the user would easily remove them after they are spent. That provision shall not apply to the category of equipment listed in Annex 8.

(6) Equipment listed in Annex 8, whose batteries and accumulators cannot be easily removed by their user, must be accompanied by information warning the user about the presence of batteries and accumulators dangerous for the environment and instruction how to safely remove them.

(7) Spent batteries and accumulators listed in Annex 7 may be collected, recovered and disposed of only separately from other waste types.

(8) It is prohibited to mix spent batteries and accumulators with household waste.

(9) Batteries and accumulators, to which the obligation stated in paragraph 5 applies and which were manufactured in the Slovak Republic or which were imported to the Slovak Republic before the effectiveness of the provision in paragraph 5, may be placed on the market without being marked by specified symbols within one year from the Act effectiveness.

(10) The holder of spent batteries and accumulators listed in Annex 7 shall be obliged to hand them in for recovery or disposal to an authorisation holder only [§ 8 paragraph 3 letter a)].

(11) The manufacturer and importer of batteries and accumulators listed in Annex 8 as well as the manufacturer and importer of equipment with built in batteries and accumulators, except for categories of equipment listed in Annex 8, shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(12) The person obliged to pay a contribution under paragraph 12 shall also be accountable for its correct calculation.

(13) The manufacturer shall pay the contribution in equal quarterly advance payments always due by the 10th day of the respective quarter. The amount of supplementary contribution shall be calculated from real figures of a respective calendar year and be due by the end of February of the following calendar year.

(14) The importer shall always pay the contribution before the import has been effected.

(15) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) check the correct calculation of the contribution and check its payment.

(16) Compliance with the obligations listed in paragraphs 3, 5 to 7 and 10 shall be checked by the bodies of state administration established by a special regulation.⁵²⁾ For that purpose, they will be entitled to

- a) Enter storage and shop spaces
- b) Take samples of products to perform a test
- c) Request the consignment notes of products
- d) Check the marking of products put into circulation
- e) Inform the product manufacturers and importers about shortcomings identified and charge them with the obligation to remove the same within a period determined
- f) Stop the shipment or sale of products and their use where they fail to comply with the provisions of the Act

⁵²⁾ Act of the Slovak National Council No. 71/1986 Coll. on the Slovak Trade Inspection, as amended

- g) Impose withdrawal of a product from circulation where its non-compliance with the provision of the Act is established.

(17) The manufacturer and importer of batteries and accumulators as well as the manufacturer and importer of installations with built in batteries and accumulators, except for categories of equipment listed in Annex 8, shall be obliged to

- a) Keep and retain record of quantities of their production and imports
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(18) Anyone providing for the collection, recovery or disposal of spent batteries and accumulators, as well as anyone collecting waste from equipment with built in batteries and accumulators, except for categories of equipment listed in Annex 8, shall be obliged to

- a) Keep and maintain record of spent batteries and accumulators and of waste from the said equipment and of their recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 42

Handling of Waste Oils

(1) For the purpose of the Act, waste oils shall be considered all mineral lubricant or industrial oils that have become unusable for the purpose for which they were initially intended, in particular used lubricant oils of combustion engines, transmission oils, mineral lubrication oils, turbine oils and hydraulic oils.

(2) Recovery of waste oils shall mean a process allowing the formation of basic oils from waste oils, in particular by the removal of contaminants, oxidation products and admixtures contained in those oils. Basic oils may not contain hazardous waste.

(3) It is prohibited to

- a) Discharge waste oils into surface water, ground water and sewage
- b) Deposit or discharge waste oils and any discharge of residues from waste oil processing into the soil.

(4) Where technical, economic and organisation conditions allow, the waste oil holder shall be obliged to preferentially provide for their recovery by reclamation; where that is impossible, the holder shall be obliged to provide for their energy recovery in compliance with special regulations.²⁾ Where their recovery is not possible either, the waste oil holder shall be obliged to provide for their disposal.

(5) Anyone providing for the collection, reclamation or another way of recovery or disposal of waste oils, shall be obliged to

- a) Keep and retain record of waste oils and of their recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(6) Waste oils may be collected, shipped, recovered and disposed of only separately from other waste types.

(7) The holder of waste oils shall be obliged to hand them in for reclamation and for another method of recovery or for disposal only to an authorisation holder [§ 8 paragraph 3 letter b)].

(8) The manufacturer and importer of all mineral lubrication oils for combustion engines, transmission oils, turbine oils and hydraulic oils shall be obliged to pay a contribution to the Recycling Fund in an amount fixed

under § 56.

(9) The person obliged to pay a contribution under paragraph 8 shall also be accountable for its correct calculation.

(10) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(11) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(12) A manufacturer and importer listed in paragraph 8 shall be obliged to

- a) Keep and retain record of quantities of their production and imports
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 43

Handling of Used Pneumatic Tyres

(1) The manufacturer and importer of tyres for motor vehicles and non-motor vehicles⁵³⁾ sold in the Slovak Republic independently or mounted on the wheels of those vehicles, shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(2) The contribution shall be paid by the manufacturer and importer placing products stated in paragraph 1 on the market in the Slovak Republic, and shall be accountable for its correct calculation.

(3) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(4) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(5) A manufacturer and importer listed in paragraph 4 shall be obliged to

- a) Keep and retain record of quantities of their production and imports
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(6) The holder of tyres that are waste (hereinafter "used pneumatic tyres") shall preferably provide for their recovery by employing an operation under item R2 of Annex 2; where that is impossible, other operations under Annex 2.

(7) Anyone providing for the collection, recovery or disposal of used pneumatic tyres shall be obliged to

- a) Keep and retain record of used pneumatic tyres and their recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 44

Contribution to the Recycling Fund for Waste from Multi-Layer Combined Materials

⁵³⁾ § 2 letters x) and y) of Act of the National Council of the Slovak Republic No. 615/1996 Coll. on Road Traffic

(1) The manufacturer and importer of cardboard-based multi-layer combined materials and the importer of products packed in those materials shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(2) For the purpose of the Act, multi-layer combined materials shall be considered materials made of no less than two compactly connected layers intended for handling and shipment of goods.

(3) The contribution shall be paid by, and for its correct calculation shall be accountable, the manufacturer and importer placing products stated in paragraph 1 on the market in the Slovak Republic.

(4) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(5) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(6) The manufacturer and importer of multi-layer combined materials, as well as the importer of products packed in those materials, shall be obliged to

- a) Keep and retain record of quantities of their production, import, export and re-export
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(7) Anyone providing for the collection, recovery or disposal of waste from materials stated in paragraph 1 shall be obliged to

- a) Keep and retain record of that waste and its recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 45

Contribution to the Recycling Fund for Consumer Electronics Products

(1) The manufacturer and importer of consumer electronics products shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(2) The contribution shall be paid by, and for its correct calculation shall be accountable, the manufacturer and importer placing products stated in paragraph 1 on the market in the Slovak Republic.

(3) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(4) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(5) The manufacturer and importer of consumer electronics products shall be obliged to

- a) Keep and retain record of quantities of their production, import, export and re-export
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(6) Anyone providing for the collection, recovery or disposal of waste from consumer electronics products (hereinafter the "electronic scrap") shall be obliged to

- a) Keep and retain record of that waste and its recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 46
Contribution to the Recycling Fund
for Plastic Products

(1) The manufacturer and importer of products of polyethylene terephthalate and the importer of products packed in that material shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56. That obligation shall not apply to raw materials, preforms and fibres.

(2) The manufacturer and importer of products of polyethylene terephthalate, polypropylene, polystyrene and of polyvinyl chloride and the importer of products packed in those materials shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56. That obligation shall not apply to raw materials, fibres and products intended for industrial use.

(3) The contributions shall be paid by, and for their correct calculation shall be accountable, the manufacturer and importer placing products stated in paragraphs 1 and 2 on the market in the Slovak Republic.

(4) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(5) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(6) The manufacturer and importer listed in paragraphs 1 and 2 shall be obliged to

- a) Keep and retain record of quantities of their production, import, export and re-export
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(7) Anyone providing for the collection, recovery or disposal of waste from materials stated in paragraphs 1 and 2 shall be obliged to

- a) Keep and retain record of that waste and its recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 47
Contribution to the Recycling Fund
for Fluorescent Tubes Containing Mercury

(1) A manufacturer and importer of fluorescent tubes containing mercury shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(2) The contribution shall be paid by, and for its correct calculation shall be accountable, the manufacturer and importer placing products stated in paragraph 1 on the market in the Slovak Republic.

(3) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(4) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contribution and check its payment.

(5) The manufacturer and importer of fluorescent tubes containing mercury shall be obliged to

- a) Keep and retain record of quantities of their production, import, export and re-export
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(6) Anyone providing for the collection, recovery or disposal of waste from fluorescent tubes containing mercury shall be obliged to

- a) Keep and retain record of that waste and its recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

§ 48
Contribution to the Recycling Fund
for Paper and Glass

(1) The manufacturer and importer of products of paper and cardboard as well as the importer of products packed in cardboard shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56. That obligation shall not apply to sanitary paper.

(2) The manufacturer and importer of glass (including the packaging and sheet window glass) as well as the importer of products packed in glass packages shall be obliged to pay a contribution to the Recycling Fund in an amount fixed under § 56.

(3) The contribution stated in paragraph 1 shall be paid where the production or imports exceed 10 tonnes a year.

(4) The contribution stated in paragraph 2 shall be paid where the production or imports exceed 10 tonnes a year.

(5) The contribution shall be paid by, and for its correct calculation shall be accountable, the manufacturer and importer placing the products stated in those paragraphs on the market in the Slovak Republic.

(6) The manufacturer shall pay a contribution under § 41 paragraph 13. The importer shall pay a contribution under § 41 paragraph 14.

(7) The manufacturer and importer shall be obliged to enable bodies of state supervision in waste management (§ 73) to check the correct calculation of the contributions and check their payment.

(8) The manufacturer and importer listed in paragraphs 1 and 2 shall be obliged to

- a) Keep and retain record of quantities of their production and imports
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

(9) Anyone providing for the collection, recovery or disposal of waste from materials stated in paragraphs 1 and 2 shall be obliged to

- a) Keep and retain record of that waste and its recovered quantities from the waste collected in the Slovak Republic
- b) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis.

PART SIX
TREATMENT OF END-OF LIFE VEHICLES

§ 49
Fundamental Provision

(1) General provisions of the Act shall apply to the treatment of end-of life vehicles, unless stated otherwise in this part of the Act.

(2) End-of life vehicle means a motor vehicle⁵⁴⁾ of category M1 and N1⁵⁵⁾ that its holder⁵⁶⁾ wishes to de-register from the registry of vehicles or is to be re-registered or has been de-registered from the registry of vehicles under special regulations.⁵⁷⁾ An end-of life vehicle also means a motor vehicle of category M1 and N1 of an unknown holder if abandoned over 30 days on a road⁵⁸⁾ or in a public area or in any other place where its removal is necessary from the view of protection of the environment⁵⁹⁾ or of maintaining the aesthetic appearance of a municipality or a specially protected part of nature and landscape.⁶⁰⁾

(3) Holder of an end-of life vehicle is an individual or a legal entity in the possession of an end-of life vehicle.

(4) Treatment of end-of life vehicles is any activity related to the recovery or disposal of end-of life vehicles or their parts after they have been passed to a treatment facility for end-of life vehicles, in particular stripping off their components and fillings that may threaten the environment, the dismantling and shredding including recovery or disposal of the shredder waste.

(5) End-of life vehicles are treated by a legal entity – entrepreneur or an individual – entrepreneur granted authorisation to treat end-of life vehicles by the Ministry under § 8 paragraph 3 letter c).

§ 50

Obligations of Large-Scale Manufacturers of Vehicles and Large-Scale Importers of Vehicles

(1) In the production of motor vehicles, a large-scale manufacturer of vehicles⁶¹⁾ shall be obliged to use materials, parts and structural components allowing for their re-use or recycling without any unfavourable impact on their quality and safety so that the quantity of irrecoverable waste from an end-of life vehicle would be minimal.

(2) Within six months of introducing the type of motor vehicle manufactured by the former or the type of motor vehicle imported by the latter, a large-scale manufacturer of vehicles or a large-scale importer of vehicles⁶²⁾ shall be obliged to provide dismantling information for the end-of life vehicle. That information must allow identification of the individual parts and materials and the location of all hazardous substances in the motor vehicle to allow proceeding in compliance with the Act in treatment of end-of life vehicles without any prejudice to data security under special regulations.¹³⁾

(3) A large-scale manufacturer of vehicles or a large-scale importer of vehicles not granted an authorisation shall be entitled to collect end-of life vehicles exclusively for the purpose of their transfer for processing by an authorisation holder under § 8 paragraph 3 letter c).

(4) The provision of § 52 paragraph 1 shall reasonably apply also to large-scale manufacturer of vehicles or large-scale importer of vehicles to whom the end-of life vehicle holder passes the end-of life vehicle. That large-scale manufacturer of vehicles or large-scale importer of vehicles shall be entitled to make out an acknowledgement of taking over an end-of life vehicle for treatment only on behalf of an authorisation holder under § 8 paragraph 3 letter c).

⁵⁴⁾ § 2 letter x) of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁵⁵⁾ § 2 paragraph 5 letter a) and paragraph 7 letter a) of the Decree of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic No. 116/1997 Coll. on the Conditions of Vehicles Operation on the Roads

⁵⁶⁾ § 2 letter f) of the Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁵⁷⁾ §§ 91, 92, 103 and 129 paragraph 5 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁵⁸⁾ § 2 letter c) of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁵⁹⁾ §§ 2 and 9 of Act No. 17/1992 Coll. on the Environment, as amended by Act of the National Council of the Slovak Republic No. 287/1994 Coll.

⁶⁰⁾ § 3 letter l) of Act of the National Council of the Slovak Republic No. 287/1994 Coll.

⁶¹⁾ § 2 letter k) of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁶²⁾ § 2 letter j) of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

Obligations of a Holder of an End-of Life Vehicle

(1) Should the holder of an end-of life vehicle not transfer the vehicle to another person for the purpose of its further exploitation as a motor vehicle or should he fail to proceed according to paragraph 3, he shall be obliged to provide for handing in the end-of life vehicle for treatment to an authorisation holder under § 8 paragraph 3 letter c) or handing in the end-of life vehicle to a large-scale manufacturer or a large-scale importer (§ 50).

(2) The application to de-register an end-of life vehicle under special regulations⁶³⁾ submitted by the end-of life vehicle holder in case under paragraph 1 to the district licensing authorities shall be supported by an acknowledgement that the end-of life vehicle has been taken over for treatment made out by an authorised entity under paragraph 1.

(3) Should the end-of life vehicle car holder wish to keep the end-of life vehicle he shall be obliged to

- a) On de-registering the end-of life vehicle under special regulations⁶³⁾, submit a statement to the district licensing authorities that he would keep the end-of life vehicle
- b) At its own costs, provide for the removal of such a vehicle from a place where the environment is damaged or threatened or the aesthetic appearance of a municipality or a specially protected part of nature or landscape is disturbed, within 30 days from its de-registration
- c) Send a copy of the statement under letter a) to the competent district authority by the deadline under letter b)
- d) Locate and maintain the end-of life vehicle without any damage or threat to the environment and to maintain the aesthetic appearance of the municipality or the specially protected part of nature and landscape and to prevent theft of the end-of life vehicle or its parts.

(4) Where the end-of life vehicle holder fails to comply with the obligation under paragraph 3 letter b), the road administration (on a road or a public area) or the municipality (in a different place) shall do so by delivering the end-of life vehicle to a parking lot designated by the district authority (hereinafter a "designated parking lot"); the end-of life vehicle holder shall be obliged to cover the costs related hereto. The person providing for the removal of an end-of life vehicle by delivering it to a designated parking lot shall, without any delay, inform in writing

- a) The end-of life vehicle holder, informing the same also on the consequences under paragraph 6 in case of his inactivity
- b) The Slovak Environment Inspection (hereinafter the "Inspection")
- c) The district authority
- d) The municipality.

(5) Where, within two months from the notification under paragraph 4 letter a), the end-of life vehicle holder fails to take over the end-of life vehicle from a designated parking lot, the district authority shall open proceedings of the end-of life vehicle ownership by the state. As of the day of the decision effectiveness, the state shall become the holder of the end-of life vehicle.

(6) Anyone whose end-of life vehicle falls under paragraph 5 shall be entitled to compensation amounting to the difference between the end-of life vehicle price determined as of the day on which the end-of life vehicle passed into the state ownership and the sum of costs related to determining that price, costs related to action under paragraph 4 not covered and charges of the proceedings under paragraph 5; the title to compensation may only be arranged with the district authority issuing the decision of the end-of life vehicle dispossession no later than one year from the effectiveness date of the decision.

(7) Anyone to whom costs related to the action under paragraph 4 have not been covered by the end-of life vehicle holder may instigate a claim for reimbursement of those costs with the district authority issuing the decision of dispossession of the end-of life vehicle no later than one year from the effectiveness

⁶³⁾ § 91 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

date of the decision, in the amount notified to the district authority for reimbursement purposes under paragraph 6; by satisfying that claim, the obligation of the end-of life vehicle holder to settle the costs under paragraph 4 shall be considered satisfied.

(8) Where the end-of life vehicle holder wishes to handle the vehicle in a different way than given in the statement under paragraph 3 letter a), in particular sell or present the end-of life vehicle or its part to another person or have it registered again,⁶⁴⁾ he shall be obliged to inform the district authority thereof no later than 14 days from having done so.

(9) Provisions of paragraphs 1 through 8 shall equally apply also in cases where the de-registration of an end-of life vehicle is performed without being requested by its holder.⁶⁵⁾

§ 52

Obligations of a Person Treating of End-of Life Vehicles

(1) A person treating of end-of life vehicles shall be obliged to

- a) In construction of new treatment facilities for end-of life vehicles or in modernisation of existing facilities, choose the best available techniques not entailing excessive costs of their procurement and operation
- b) Commission and operate machinery and installations for treatment end-of life vehicles in compliance with the relevant documents and with conditions stipulated in the consent of the district authority issued under § 7 paragraph 1 letter l)
- c) Perform corrective measures imposed by the competent state administration body in waste management
- d) Keep operating records from the treatment of end-of life vehicles
- e) Keep and retain records from the treatment of end-of life vehicles
- f) Keep and retain records of financial contributions paid
- g) Report stipulated data from the records to the Recycling Fund and the competent district authority on a quarterly basis
- h) Handle an end-of life vehicle so that, above all, it would be relieved of substances hazardous for the environment and perform further measures to decrease negative impacts on the environment
- i) Provide for complete treatment of the end-of life vehicle, including the disposal of its irrecoverable residues
- j) Make public its take-over requirements
- k) When taking over an end-of life vehicle for treatment, make out a take-over acknowledgement for the end-of life vehicle for treatment according to a specimen laid down in an implementing regulation [§ 68 paragraph 3 letter j)] and deliver one copy to the end-of life vehicle holder or to another person the end-of life vehicle was taken over from
- l) Take over in its operation an end-of life vehicle for treatment without requesting a fee or any other payment from the person the vehicle was taken over from
- m) Comply with the obligations of a waste generator relative to the waste generated by the same.

(2) In addition to the purchase price, the person treating end-of life vehicles shall be obliged to pay a financial contribution under the terms of paragraph 3 to the end-of life vehicle holder or to another person who delivered the end-of life vehicle for treatment, irrespective of its market value.

(3) Right to payment of a financial contribution

- a) SKK 2,000 shall have an end-of life vehicle holder who drives or otherwise delivers an end-of life vehicle at its own costs and passes the same to a person treating end-of life vehicles in a treatment facility, where the end-of life vehicle is complete, even though adequately worn

⁶⁴⁾ § 91 paragraph 3 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁶⁵⁾ §§ 92, 103 paragraph 1 letter a) and § 129 paragraph 5 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

- a) SKK 1,000 shall have an end-of life vehicle holder who drives or otherwise delivers an end-of life vehicle at its own costs and passes the same to a person treating end-of life vehicles in a treatment facility, where the end-of life vehicle is not complete, but not missing basic parts (engine, coachwork).

§ 53

End-of Life Vehicle of an Unknown Holder

(1) Removal of an end-of life vehicle of an unknown holder that is abandoned

- a) On a road or in another public area, shall be provided for by the road administration
b) In a different place than under letter a), shall be provided for by the municipality with the agreement of that property owner; in case where the property owner does not agree, the obligation is passed to that owner.

(2) The removal of an end-of life vehicle shall be provided for by a person responsible for its removal under paragraph 1 by passing the same to a designated parking lot (paragraph 6) immediately after being informed that the end-of life vehicle whose holder could not be identified even with the help of the district licensing authority⁶⁶⁾ has been abandoned on the land for over 30 days. The costs related to the removal of an end-of life vehicle shall be borne by the operator of the designated lot; he may however apply for a consecutive reimbursement from the Recycling Fund under § 63 paragraph 1 letter b) or by the end-of life vehicle holder in case he later managed to identify the latter (paragraph 4).

(3) Should the holder not claim the end-of life vehicle within one year from its delivery to a designated parking lot or should its holder or any other authorised person be not identified otherwise, the end-of life vehicle shall be considered an abandoned thing.⁶⁷⁾

(4) Should the end-of life vehicle holder be identified within a term under paragraph 3, he shall be responsible for the reimbursement of costs related to the end-of life vehicle removal and its depositing in a designated parking lot to anyone who had expended the costs.

(5) Where the holder of an end-of life vehicle deposited in a designated parking lot is identified within a term under paragraph 3, whoever discovered the fact shall inform the administration of the designated parking lot, the end-of life vehicle holder and the district authority thereof. Provisions of § 51 paragraph 4 through 8 shall equally apply.

(6) A designated parking lot must be set up and operated to prevent any threat or damage to the environment⁶⁸⁾ or alienation of end-of life vehicles or parts thereof.

(7) Operator of a designated parking lot shall keep records of end-of life vehicles taken over and handed in.

§ 54

Contribution to the Recycling Fund

(1) A dealer of motor vehicles category M1 and N1⁵⁵⁾ shall be obliged to pay a contribution SKK 5,000 to the Recycling Fund no later than one month from its sale for every motor vehicle category M1 and N1 sold from 1 July 2002 onwards.

⁶⁶⁾ § 86 paragraph 2 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁶⁷⁾ § 135 of the Civil Code

⁶⁸⁾ For instance, § 8 of Act No. 17/1992 Coll.

(2) A legal entity or an individual that is not a dealer and importer a motor vehicle category M1 and N1 to the Slovak Republic shall also be obliged to pay the contribution under paragraph 1 no later than on the day of the first registration of the motor vehicle under special regulations.⁶⁹⁾

PART SEVEN

RECYCLING FUND

§ 55

Setting up the Recycling Fund

(1) The Recycling Fund shall be set up as a non-state special purpose fund to pool financial means to support the collection, recovery and processing of

- a) Spent batteries and accumulators (§ 41)
- b) Waste oils (§ 42)
- c) Used pneumatic tyres (§ 43)
- d) Multi-layer combined materials (§ 44)
- e) Electronic scrap (§ 45)
- f) Plastics (§ 46)
- g) Fluorescent tubes containing mercury (§ 47)
- h) Paper (§ 48)
- i) Glass (§ 48)
- j) Vehicles (§§ 49 through 54).

(2) Internally, the Recycling Fund shall be structured into its head office and into

- a) Sector of spent batteries and accumulators
- b) Sector of waste oils
- c) Sector of used pneumatic tyres
- d) Sector of multi-layer combined materials
- e) Sector of electronic scrap
- f) Sector of plastics
- g) Sector of fluorescent tubes containing mercury
- h) Sector of paper
- i) Sector of glass
- j) Sector of vehicles
- k) General sector.

(3) The Recycling Fund is a legal entity with its seat in Bratislava and entered into the Registry of Businesses.⁷⁰⁾

§ 56

⁶⁹⁾ §§ 88 and 89 of Act of the National Council of the Slovak Republic No. 315/1996 Coll.

⁷⁰⁾ § 27 of the Commercial Code

Calculation of the Amount of Contribution by the Producer and of Contribution by the Importer to the Recycling Fund

(1) The contribution of the producer and the contribution of the importer to the Recycling Fund shall be obtained by multiplying the quantities or weights of products or materials for which the contribution is paid, and a charge. The charge will be determined from the anticipated costs of collection and recovery of waste resulting from the products for which a contribution is paid to the Recycling Fund placed on the market in the Slovak Republic.

(2) To calculate the contribution and determine the charge, the quantity of products exported shall not be included in the quantity of products placed on the market in the Slovak Republic.

(3) The contribution by the producer and the contribution by the importer shall be decreased by the quantity of products and materials for which a contribution is paid to the Recycling Fund where the producer or manufacturer demonstrate having provided for their recovery on their own or via a contracted partner; for that operation, the contracted partner may not be provided means from the Recycling Fund.

(4) Where the producer or importer demonstrates that, after having paid a contribution to the Recycling Fund, the waste of products for which the contribution was paid would be recovered during a calendar year in a way under paragraph 3, they will be reimbursed by the Recycling Fund a part of their contribution paid, to which the modality of a contribution decrease applies under paragraph 3, however, no higher than is the amount of the contribution paid.

(5) The Recycling Fund shall issue a receipt of payment of the contribution to the importer without any undue delay.

§ 57

Bodies of the Recycling Fund

(1) The bodies of the Recycling Fund shall be

- a) The Board of Directors
- b) The Supervisory Board
- c) The Director General.

(2) For the purpose of the Act, a representative of entrepreneurs shall mean a Director or a member of the Supervisory Board appointed by the Minister of Economy as proposed by a representative employer association⁷¹⁾ and a representative of the state shall mean a Director or a member of the Supervisory Board appointed by the Minister of Finance of the Slovak Republic, by the Minister of Economy of the Slovak Republic, apart from a representative of entrepreneurs or by the Minister of Environment of the Slovak Republic apart a member of the Supervisory Board appointed as proposed by non-governmental organisations developing their activities in the protection of environment, and interest associations of cities and municipalities.

§ 58

Board of Directors

(1) The supreme body of the Recycling Fund shall be the Board of Directors. The Board of Directors shall administer the Recycling Fund and manage its operations.

(2) The Board of Directors shall consist of fifteen members, of whom

- a) Ten are appointed and removed by the Minister of Economy of the Slovak Republic as proposed by

⁷¹⁾ § 2 paragraph 2 of Act No. 106/1999 Coll. on Economic and Social Partnership (Act on Tripartism)

a representative employer association so that producers or importers for each sector are represented therein under § 55 paragraph 2 letters a) through j); at the same time, the Minister shall be bound by the proposals submitted

- b) One is appointed and removed by the Minister of Environment of the Slovak Republic
- c) One is appointed and removed by the Minister of Finance of the Slovak Republic
- d) Three are appointed and removed by the Minister of Environment of the Slovak Republic as proposed by interest associations of cities and municipalities; at the same time, the Minister shall be bound by the proposals submitted.

(3) The period of office of the Directors shall be three years; the membership on the Board of Directors may not be deputised. The Directors may be appointed for no more than two successive periods of office.

(4) A Director may not be a member of the Supervisory Board, Director General or an employee of the Recycling Fund.

(5) The Board of Directors shall elect a Chairman and a Deputy Chairman from among its members. Where a representative of entrepreneurs is elected Chairman, a representative of interest associations of cities and municipalities or a representative of the state shall be elected Deputy Chairman.

(6) The Board of Directors shall in particular

- a) Adopt the Recycling Fund budget and decide in matters of principle relating to the Recycling Fund operations and policy development and be accountable for managing the Recycling Fund's means
- b) Decide on extending the Recycling Fund means in compliance with § 63
- c) Adopt the annual report of the Recycling Fund's business for a calendar year no later than 31 March of the following year
- d) Adopt and publicise an audited annual balance sheet of the Recycling Fund⁷²⁾
- e) Adopt measures to remove deficiencies in the operations and management of the Recycling Fund
- f) Adopt the Recycling Fund's Statute and the standing order of the Board of Directors and the Supervisory Board
- g) Appoint and remove the Director General and determine his remuneration under a special regulation.⁷³⁾

(7) The Recycling Fund Statute shall regulate in particular

- a) Assignments of the Directors and of the Supervisory Board members
- b) The position of sectors, their roles, mutual relationships and relationships toward the Recycling Fund bodies
- c) Definition of the scope of matters reserved for the decision-making of the Board of Directors and the Supervisory Board
- d) Definition of cases where other than a simple majority is necessary in the decision-making of the Supervisory Board
- e) Rules regulating the extension of the Recycling Fund's means
- f) Principles of financial management
- g) Frequency of sessions of the Board of Directors and of the Supervisory Board and the method of their conveying
- h) Organisational structure of the Recycling Fund.

(8) In respect to the performance of his office, a Director shall be entitled to compensation under special regulations.⁷⁴⁾

§ 59

⁷²⁾ Act of the Slovak National Council No. 73/1992 Coll. on Auditors and on the Slovak Auditors Chamber, as amended.

⁷³⁾ Act No. 1/1992 Coll. on Wages, Recompense for Working Stand-By and Average Income, as amended.

⁷⁴⁾ Act. No.119/1992 Coll. on Reimbursement of Travelling Expenses, as amended.

Supervisory Board

(1) The Supervisory Board shall oversee the Recycling Fund's management, in particular the provision and use of the Recycling Fund's means and the Director General's activities.

(2) The Supervisory Board shall consist of seven members, of whom:

- a) Three are appointed and removed by the Minister of Economy of the Slovak Republic; of whom, two are proposed by a representative association of employers from among manufacturers and importers; at the same time, the Minister shall be bound by the proposals submitted
- b) Three are appointed and removed by the Minister of Environment of the Slovak Republic; of whom one is proposed by non-governmental organisations developing their operations in protection of the environment and one is proposed by the interest association of cities and municipalities; at the same time, the Minister shall be bound by the proposals submitted
- c) One is appointed and removed by the Minister of Finance of the Slovak Republic.

(3) The Supervisory Board members shall be appointed to their office for a period of five years; the membership in the Supervisory Board may not be deputised. The Supervisory Board membership may not be exercised during two successive periods of office.

(4) The Supervisory Board shall elect a Chairman and a Deputy Chairman from among its members. Where a representative of entrepreneurs is elected Chairman, a representative of interest associations of cities and municipalities, a representative of the state or a representative of non-governmental organisations developing their operations in protection of the environment shall be elected Deputy Chairman.

(5) A representative of the state may not be elected Supervisory Board Chairman if a representative of the state is at the same time Chairman of the Board of Directors. A representative of entrepreneurs may not be elected Supervisory Board Chairman if a representative of entrepreneurs is at the same time Chairman of the Board of Directors. A representative of entrepreneurs may not be elected Supervisory Board Deputy Chairman if a representative of the state is at the same time Deputy Chairman of the Board of Directors. A representative of entrepreneurs may not be elected Supervisory Board Deputy Chairman if a representative of entrepreneurs is at the same time Deputy Chairman of the Board of Directors.

(6) A Supervisory Board member may not be a Director, Director General or an employee of the Recycling Fund.

(7) The Supervisory Board shall in particular

- a) Oversee the economic and purposeful expending of the Recycling Fund's means
- b) Examine the draft budget, annual balance sheet, annual report concerning the Recycling Fund's financial management and activities for a calendar year and submit positions thereon to the Board of Directors
- c) Monitor the Director General's activities in fulfilling the Board of Directors' decisions and in matters related to the Recycling Fund operations
- d) Report to the respective ministers and Board of Directors on the Supervisory Board's activities and audit outcomes, and propose measures to remove the shortcomings identified
- e) Propose the removal of the Director General to the Board of Directors
- f) Give motions to remove a Director to whoever proposed his/her appointment.

(8) The Supervisory Board members shall be entitled to inspect any documents relating to the financial management and activities of the Recycling Fund.

(9) In respect to the performance of his/her office, a Supervisory Board member shall be entitled to a compensation under special regulations.⁷⁴⁾

§ 60

Termination of Membership on the Board of Directors and on the Supervisory Board

(1) Membership on the Board of Directors or membership on the Supervisory Board shall terminate upon the expiry of the period for which the Director or Supervisory Board member was appointed or by his/her removal, resignation, death or presumption of death.

(2) A Director and a Supervisory Board member may be removed from their office if

- a) Lawfully sentenced for an intentional crime or lawfully sentenced for a crime while performing their office or directly related therewith
- b) Failing to meet their obligations according to the Statute
- c) They have taken up an office incompatible with their membership on the Board of Directors or on the Supervisory Board.

(3) A new Director or a new Supervisory Board member shall be appointed by the minister of the sector who appointed the initial member; in cases under § 58 paragraph 2 letter a) and § 59 paragraph 2 letter a), the minister shall do so within 10 days from the submission of a proposal by a representative employer association; in other cases, he shall do so within 30 days of the removal or resignation of a Director or a Supervisory Board member.

(4) The office period of a resigning Director or a Supervisory Board member shall terminate on the day of a new Director's or member's appointment under paragraph 3.

§ 61

Director General

(1) The Director General shall be a statutory body of the Recycling Fund; he/she shall act on behalf of the Recycling Fund while deciding in all matters except those reserved to the Board of Directors or the Supervisory Board by the Act or the Recycling Fund Statute. For his activities, he shall be accountable to the Board of Directors.

(2) The Director Generals shall be entitled to participate in sessions of the Board of Directors in an advisory capacity.

(3) The Director General shall be accountable for

- a) Maintenance of accounts of the Recycling Fund⁷⁵⁾
- b) Carrying out decisions of the Board of Directors
- c) Releasing funds pursuant to a decision of the Board of Directors for purposes under § 63
- d) Entering into agreements on provision of means of the Recycling Fund with those having applied for provision of means of the Recycling Fund, compliant with the decisions of the Board of Directors
- e) Monitoring the compliance with the agreement terms and conditions during the effectiveness period of an agreement on providing of means of the Recycling Fund
- f) Recovery of agreed penalties from agreements on provision of means from the Recycling Fund and recovery of other receivables of the Recycling Fund
- g) Preparation of annual balance sheet of the Recycling Fund and its submission to the Board of Directors and the Supervisory Board no later than 15 February of the following year
- h) Preparation of an annual report concerning the financial management and activities of the Recycling Fund for a calendar year and its submission to the Board of Directors and the Supervisory Board no later than 1 March of the following year
- i) Executing measures to remove deficiencies identified in the financial management and operations of the Recycling Fund
- j) Fulfilment of the assignments in the position of a statutory body, under special regulations⁷⁶⁾
- k) Fulfilment of other assignments set by the Board of Directors.

(4) In addition to materials under paragraph 3 letters g) and h), the Director General shall submit to the Board of Directors

⁷⁵⁾ Act No. 563/1991 Coll. on Accounting, as amended.

⁷⁶⁾ For instance, the Labour Code

- a) Draft budget of the Recycling Fund for the respective calendar year
- b) Applications for provision of means of the Recycling Fund (§ 64 paragraph 4).

(5) The Director General shall determine the wages and decide on providing travelling allowances to the staff, under special regulations.⁷⁷⁾

(6) The Director General shall be obliged to inform the public on the amount of contributions to the Recycling Fund and on the use of means from the Recycling Fund twice a year.

§ 62

Recycling Fund Resources

(1) The Recycling Fund income resources shall be as follows:

- a) Contributions of manufacturers and importers for the
 - 1. Production and import of batteries and accumulators (§ 41 paragraph 11)
 - 2. Production and import of oil (§ 42 paragraph 8)
 - 3. Production and import of tyres (§ 43 paragraph 1)
 - 4. Production and import of multi-layer combined materials (§ 44 paragraph 1)
 - 5. Production and import of consumer electronics (§ 45 paragraph 1)
 - 6. Production and import of plastics (§ 46 paragraph 1 and 2)
 - 7. Production and import of fluorescent tubes containing mercury (§ 47 paragraph 1),
 - 8. Production and import of paper (§ 48 paragraph 1)
 - 9. Production and import of glass (§ 48 paragraph 2)
 - 10. Production and import of vehicles (§ 54)
- b) Donations and contributions of national and foreign legal entities and natural persons
- c) Incomes from agreed penalties (§ 64 paragraph 11)
- d) Other resources if stipulated by a special law.

(2) 88 % of the income resources of the Recycling Fund listed in paragraph 1 letter a) shall be channelled to the sector corresponding to the area of their generation, 12 % to the general sector. Income resources of the Recycling Fund listed in paragraph 1 letters b) to d) shall be channelled to the general sector.

§ 63

Use of the Means of the Recycling Fund

(1) Compliant with the purpose of waste management (§ 3), the means of the Recycling Fund may be used to

- a) Settle investment and operating costs necessary to provide for the waste collection and recovery and processing of end-of life vehicles (§ 55 paragraph 1)
- b) Settle costs related to transport of certain end-of life vehicles, particularly in cases of unknown or non-existent holder
- c) Settle costs related to providing for the operation of a designated parking lot (§ 57 paragraph 6)
- d) Settle financial contributions paid out (§ 52 paragraph 2)
- e) Settle costs related to Recycling Fund administration, including operation of the Recycling Fund Secretariat.

(2) Means of the Recycling Fund kept in special sub-accounts of the individual sectors (§ 65 paragraph 3) may only be used compliant with its internal structure. Means of the Recycling Fund kept in a special subaccount of the general sector may be used for all sector areas for purposes under paragraphs 3

⁷⁷⁾ For instance, Act No. 1/1992 Coll., as amended, Act No. 119/1992 Coll.

and 4. Transfers of means of the Recycling Fund within the framework of special subaccounts of the individual sectors shall be prohibited.

(3) Means of the Recycling Fund kept in a special subaccount of the general sector may be used on waste for products and materials for which contributions to the Recycling Fund are paid, namely on

- a) Promotion of waste recovery
- b) Support to separate waste collection
- c) Providing for information systems supporting waste recovery
- d) Support aimed at identification and application of new waste recovery technologies.

(4) Expenditures on Recycling Fund administration shall be covered from the means of the Recycling Fund kept in a special general sector subaccount and may not exceed three per cent of the Recycling Fund's annual income.

§ 64

Provision of Means of the Recycling Fund

(1) Municipalities become eligible to a contribution if reliably establishing separation, recycling of a respective commodity based on an agreement which the Recycling Fund must conclude.

(2) There is no legal title to provision of means of the Recycling Fund, with the exception of settlement of financial contributions paid under paragraphs 13 and 14 and refund of a contribution under § 56 paragraph 4.

(3) Provision of means of the Recycling Fund shall be decided by the Board of Directors, except for provision of means of the Recycling Fund to settle financial contributions paid under paragraphs 13 and 14 and refund of contributions under § 56 paragraph 4.

(4) The Board of Directors shall decide on provision of means from the Recycling Fund following a written request of the applicant. The request shall contain the following:

- a) Personal data of the applicant; for legal persons, a draft from the Business Register, for natural persons, a trade licence or other business licence
- b) Amount of means of the Recycling Fund requested and the proposed purpose and way of their utilisation
- c) Reasoning of the request supported by the appropriate documents and a project of activity for which the means of the Recycling Fund are applied.

(5) The applicant shall support the request with a copy of the authorisation decision (§ 13) in case of activity requiring an authorisation by the Act.

(6) For purposes under § 63 paragraph 1 letters a), b) and c), the means of the Recycling Fund shall be extended in the form of a special subsidy or loan.

(7) The Board of Directors shall decide on provision of means from the Recycling Fund within 30 days of the delivery of a written request. Should the request lack any items under paragraphs 4 and 5 or be otherwise deficient, the Director General shall invite the applicant for provision of means of the Recycling Fund to remove the deficiencies within a specified period; should the applicant fail to remove the deficiencies of the request within the specified period, the request will be turned down by the Board of Directors.

(8) In deciding on provision means of the Recycling Fund, the Board of Directors shall consider in particular compliance of the proposed utilisation of the means with the purpose of waste management (§ 3), compliance with the adopted budget of the Recycling Fund, with the adopted priorities of the state environmental policy of the Slovak Republic and with the adopted Plan of the Slovak Republic. The baseline for the decision of the Board of Directors on provision of means of the Recycling Fund in the respective

sector must be an implementation project of a waste collection and recovery system in the respective sector (sectoral commodity plan), which must be compliant with the plan.

(9) Where the Board of Directors has decided on provision of means from the Recycling Fund to the applicant, the Director General shall be obliged to invite the applicant within 15 days of the decision of the Board of Directors to enter into an agreement. Where the Board of Directors has turned the request down, the Director General shall inform the applicant thereof within five days of the decision day of the Board of Directors.

(10) Pursuant to a decision of the Board of Directors, the Director General shall enter into a written agreement on provision of means of the Recycling Fund with the applicant for provision of means of the Recycling Fund on behalf of the Recycling Fund. The agreement shall contain in particular

- a) Identification data of the agreeing parties
- b) Purpose, type and amount of means rendered from the Recycling Fund
- c) Terms and conditions of utilising means provided from the Recycling Fund
- d) Means of meeting obligations of the agreeing parties
- e) Coverage of obligations of the applicant for provision of means of the Recycling Fund
- f) The amount of instalments and their due dates where a loan is extended
- g) Agreed penalty or – as the case may be – other sanctions for violation of terms and conditions of the agreement.

(11) The means of the Recycling Fund may be used only for the purpose for which they were provided by the decision of the Board of Directors and under terms and conditions laid down in the agreement on provision of means of the Recycling Fund. The applicant for provision of means of the Recycling Fund shall be obliged to return unspent means to the Recycling Fund without any delay.

(12) Where an applicant unlawfully used or withdrew means of the Recycling Fund contradictory to the specified or agreed terms and conditions, he shall be obliged to return them to the Recycling Fund and pay an agreed penalty or other sanctions for violation of the agreement terms and conditions.

(13) The Recycling Fund shall quarterly settle the total amount of financial contributions demonstrably paid under § 52 paragraph 2 to an end-of life vehicle treatment facility within 15 days from the submission of documents under paragraph 14.

(14) An end-of life vehicle treatment facility shall submit documents confirming the amount of financial contributions actually paid out under § 52 paragraph 2 to the Recycling Fund no later than the 15th day in the month following after the completion of the calendar quarter. Should he fail to do so within three months from the completion of the said period, his title to provision of means from the Recycling Fund for the respective quarter shall cease.

§ 65

Financial Management of the Recycling Fund

(1) Financial management of the Recycling Fund shall be governed by the Recycling Fund's budget for the respective calendar year.

(2) Means of the Recycling Fund shall be kept in a special account with the National Bank of Slovakia.

(3) The income sources of the Recycling Fund per sectors listed in § 55 paragraph 2 shall be kept in special subaccounts.

§ 66

Information Protection

(1) Members of Recycling Fund bodies, the Recycling Fund staff and other persons having access to confidential information while executing their office or in respect to Recycling Fund operations shall be obliged maintain confidentiality and secure information stored on electronic media from abuse. The obligation of confidentiality shall not cease even after the termination of membership in the Recycling Fund bodies, after the termination of employment in the Recycling Fund or after the termination of a similar relationship of other persons.

(2) According to the Act, confidential information shall mean information designated as confidential by the Recycling Fund or applicant for provision of means of the Recycling Fund, determining the time of confidentiality, the disclosure of which would mean a significant advantage for other persons or which may have a negative effect on the person that has provided the information or to whom the information may apply.

(3) For reasons of public interest, the person obliged to keep respective information confidential may be exempted from the obligation only by the person that has provided the information and designated the same as confidential or by the person to whom the information may apply, or by the court.

(4) Access to information under special regulation⁷⁸⁾ shall not be affected by paragraphs 1 to 3.

PART EIGHT

STATE ADMINISTRATION BODIES IN WASTE MANAGEMENT, MUNICIPALITIES AND THEIR OPERATION

§ 67

Fundamental Provision

(1) The state administration bodies in waste management shall be

- a) The Ministry
- b) The Inspection
- c) Regional authorities
- d) District authorities.

(2) State administration in waste management shall also be executed by municipalities (§ 72).

§ 68

Ministry

(1) The Ministry shall be a central state administration body in waste management.

(2) The Ministry shall

- a) Control and check the execution of state administration in waste management
- b) Prepare, issue, update and publish the Plan of the Slovak Republic
- c) Raise objections, issue permits and stipulate conditions in waste import, export and transit under Part Four of the Act
- d) Charge an operator of a waste recovery installation or a waste disposal installation in extraordinary cases to recover or dispose of waste [§ 21 paragraph 1 letter h)]
- e) Grant consent to shipment of hazardous waste going beyond the territory of a county, if such is reserved
- f) Grant consent to apply technology for handling hazardous wastes in mobile installations, including general conditions for the operation of the mobile installation [§ 7 paragraph 1 letter h)]

⁷⁸⁾ Act No. 211/2000 Coll. on Free Access to Information and on amendment of certain laws (Act on Freedom of Information).

- g) Grant consent for the first introduction of technology for handling hazardous wastes to the market in the Slovak Republic [§ 7 paragraph 1 letter i)]
- h) Approve the plan of a waste generator operating nation-wide, if such is reserved
- i) Cooperate with central state administration authorities and other legal entities in providing for the uniform application of generally binding legal regulations in waste management
- j) Be a body of state supervision in waste management (§ 73)
- k) Give an opinion on releasing wastes into free circulation customs regime in the Slovak Republic [§ 16 letter d)]
- l) Keep records of trans-boundary waste traffic under Part Four of the Act
- m) Grant authorisation under §§ 8 through 14 of the Act
- n) Keep a registry of professionally qualified persons (§ 11 paragraph 5), a registry of authorised persons (§ 13 paragraph 7) and a registry of competent persons (§ 76 paragraph 9)
- o) Provide for examinations of professional qualification (§ 11 paragraph 3) and appoint the competent person (§ 76 paragraph 2)
- p) Ensure provision of information in the field of waste management to international institutions where the Slovak Republic is a member or where the obligation results from international agreements by which the Slovak Republic is bound
- r) Provide for the operation of a focal point in trans-boundary waste traffic⁴⁶⁾ via an appointed organisation
- s) If requested, inform on waste recovery installations and waste disposal installations.

(3) A generally binding legal regulation to be issued by the Ministry shall stipulate

- a) Details of the scope of plans and the methods of drawing up a regional plan, a district plan, a waste generator plan and a municipality plan
- b) Details of technical, material and staff support of authorised operations and the scope and method of reviewing professional qualification
- c) Scope and method of keeping a registry of professionally qualified persons (§ 11 paragraph 5),
- d) Scope and method of keeping a registry of authorised persons (§ 13 paragraph 7),
- e) A list of wastes, a list of dangerous properties under the Basle Convention, a list of waste groups and a list of injurants under the Basle Convention, as well as a list of criteria for assessing the dangerous properties of wastes forming the Waste Catalogue
- f) Scope and method of keeping and retaining the waste records of a waste holder, carrier of hazardous wastes, operator of a waste recovery installation and operator of a waste disposal installation and the time of its storage, as well as the scope and method of keeping and retaining the records of quantities produced and of products imported under Part Five of the Act and the wastes thereof, the time of their storage and the scope and method of keeping the list of registered persons
- g) Inclusion of waste into the Green List of Wastes, the Amber List of Wastes and the Red List of Wastes and specimens of documents requested in waste shipment under Part Four of the Act
- h) Details of the method of marking batteries and accumulators
- i) Cases where an expert opinion on the impact of an intended operation or an installation on the environment is or may be a part of an application to issue a decision or a statement of a state administration body in waste management and to grant authorisation, details of action in appointing authorised persons, items of an expert opinion, detailed requirements on execution of expertise activities and details of keeping a registry of authorised persons (§ 76 paragraph 9)
- j) Detailed requirements on a facility treating end-of life vehicles and on a designated parking lots, on keeping documents pertaining to end-of life vehicles deposited in a designated parking lot, on conditions for handling end-of life vehicles in their treatment and on keeping operating documents and records of treatment end-of life vehicles including a specimen of a take-over acknowledgement of an end-of life vehicle for treatment and of a statement of keeping an end-of life vehicle
- k) Details in cases where person treating end-of life vehicles pays a financial contribution to the end-of life vehicle holder or to another person that delivered the end-of life vehicle for treatment, and on the scope and method for keeping records of financial contributions paid
- l) Uniform methods of analytical waste control
- m) Rates to calculate the contributions to the Recycling Fund
- n) Details of waste handling, requirements on waste handling installations, details of operating a waste handling installation, details of items to be contained in the application for granting a decision and the statement of a state administration body in waste management.

§ 69
Inspection

The Inspection

- a) Is a body of state supervision in waste management (§ 73)
- b) Shall impose fines (§ 78)
- c) Shall decide in disputed cases whether the goods in question – in case of trans-boundary traffic – is waste.

§ 70
Regional Authority

In matters of state administration in waste management, a regional authority shall

- a) Prepare, issue, update and publish the regional plan and hold public hearing of that draft plan
- b) If requested, provide information on the existence and placement of installations suitable for waste recovery and disposal in the region
- c) In case of doubt, decide whether a thing is or is not waste, with the exception of a case under § 69 letter c)
- d) Approve a waste generator plan and a municipality plan reaching beyond the territory of a district
- e) Give a statement on establishing a waste incineration plant or a waste co-incineration plant and their modifications under § 16 letter a)
- f) Give statements on construction relating to waste management under § 16 letter b) whose impact reaches beyond the territory of a district
- g) Give consent to a shipment of hazardous wastes reaching beyond the territory of a district and consent to a shipment of hazardous wastes reaching beyond the territory of the region, if not reserved by the Ministry
- h) Decide on waste classification in the case the waste holder cannot clearly classify the waste according to the Waste Catalogue
- i) Be entitled, until the impediment has been removed, to forbid operations of:
 - 1. A waste generator that has not provided for waste recovery or waste disposal and a grave damage of the environment⁷⁹⁾ or a great environmental injury⁷⁹⁾ may result therefrom
 - 2. An operator of a waste handling installation that fails to comply with the obligations laid down by the Act on Waste or its implementing regulations and where a grave damage of the environment or a grave environmental injury may result therefrom
- k) Keep records of consignment notes of hazardous wastes under § 20 paragraph 2 letter b)
- l) Be a body of state supervision in waste management (§ 73)
- m) Shall impose fines (§ 78)

§ 71
District Authority

(1) In matters of state administration in waste management, a district authority shall

- a) Prepare, issue, update and publish the district plan and hold public hearing of that draft plan
- b) Issue acknowledgement of a landfill closing under § 7 paragraph 8 and acknowledgement for drawing financial reserve under § 22 paragraph 7
- c) Perform registration under § 15 and § 81 paragraph 8
- d) Examine application to grant authorisation under § 12
- e) Approve a waste generator plan and municipality plan not reaching beyond the territory of the district
- f) Keep records of
 - 1. Reports of waste generation and handling under § 19 paragraph 1 letter h), § 21 paragraph 1 letter g), § 41 paragraph 18 letter b), § 42 paragraph 5 letter b), § 43 paragraph 7 letter b), § 44 paragraph 7

⁷⁹⁾ § 10 of Act No. 17/1992 Coll.

- letter b), § 45 paragraph 6 letter b), § 46 paragraph 7 letter b), § 47 paragraph 6 letter b), § 48 paragraph 9 letter b) and § 52 paragraph 1 letter g)
2. Freight bills of hazardous wastes under § 20 paragraph 2 letter b)
 3. Registration notes of production and imports under § 41 paragraph 17 letter b), § 42 paragraph 12 letter b), § 43 paragraph 5 letter b), § 44 paragraph 6 letter b), § 45 paragraph 5 letter b), § 46 paragraph 6 letter b), § 47 paragraph 5 letter b) and § 48 paragraph 8 letter b)
 4. Statements issued under § 16 and decisions issued under the Act
- g) Approve project documents for closure, reclamation and monitoring of a landfill (§ 21 paragraph 2)
 - h) Decide on the obligation to separate hazardous waste (§ 40 paragraph 3)
 - i) Hold proceedings under § 51 paragraphs 4 through 7 and 9 and decide on forfeiture of an end-of life vehicle to the state
 - j) Be a body of state supervision in waste management (§ 73)
 - k) Impose fines (§ 78)
 - l) If requested, provide information on the existence and placement of installations suitable for the recovery of given waste and for the disposal of given waste in the district
 - m) Investigate offences [§ 80 paragraph 3 letter b)]
 - n) Decide in administrative proceedings of first instance in matters under the Act and give statements, except on matters pertinent to other state administration bodies in waste management
 - o) Execute the state administration of the second instance in matters where municipalities act in administrative proceedings of the first instance.

(2) In granting a permit to operate a mobile installation for waste disposal under § 7 paragraph 1 letter a) of the Act, the district office shall be bound by the permit already granted by the Ministry under § 7 paragraph 1 letter h) and not review the technology, including the general conditions for the operation of the mobile installation.

§ 72 Municipality

In matters of state administration in waste management, a municipality shall

- a) Investigate offences in waste management [§ 80 paragraph 3 letter b)]
- b) Provide information to a waste holder on the placement and operation of waste handling installations in the municipality
- c) In construction proceedings,⁸⁰⁾ give a statement on the intended way of handling waste from the construction operations, excepting minor construction waste.

§ 73 State Supervision in Waste Management

(1) State supervision in waste management (hereinafter "state supervision") shall mean ascertaining how legal entities and individuals – entrepreneurs comply with the Act, generally binding legal regulations issued for its implementation and obligations resulting from decisions issued under the Act.

(2) Should a state supervision body ascertain any violation of obligations or any other defect in the operation of the person audited, the latter shall be warned and a corrective measure imposed.

(3) A person executing state supervision shall, within the context of that activity, be entitled to enter the land and operating premises of the person audited, inspect its operating records and documents, perform necessary examinations as well as take samples, make photo documents and video documents and request the necessary data and explanations, prove his identity by producing an identification card or authorisation of a state supervision body where a permit under a special regulation⁸¹⁾ is not required.

⁸⁰⁾ § 61 of Act No. 50/1976 Coll., as amended

⁸¹⁾ Act of the National Council of the Slovak Republic No. 100/1996 Coll., as amended

(4) A person audited shall be obliged to enable the persons executing state supervision and the persons invited enter the land and operating premises, structures and installations, inspect operating records and documents, perform necessary examinations as well as take samples, make photo documents and video documents and provide necessary papers, explanations and true and complete information related to waste management.

(5) State supervision shall be performed under a special regulation.⁸²⁾

§ 74 Proceedings

(1) Unless literally stipulated in the Act otherwise, general regulations on administrative proceedings shall apply to proceedings under the Act.⁸³⁾

(2) General regulations on administrative proceedings, excepting the provision on local affiliation, shall not apply to

- a) Issuing of the Plan of the Slovak Republic, regional plan and district plan under § 5
- b) Issuing of acknowledgement under § 7 paragraph 8 and § 22 paragraph 7
- c) Deciding on granting of authorisation under §§ 8 through 14
- d) Registration under § 15
- e) Issuing statements under § 16
- f) Deciding on the amount of surety under § 24 paragraph 2
- g) Proceedings under Part Four of the Act, except § 38 paragraph 4
- h) Deciding on the extension of means from the Recycling Fund under § 64
- i) Deciding under § 69 letter c)
- j) Issuing of certificate of professional qualification under § 76 paragraph 5.

(3) Remonstrance filed against a decision to dispose waste in extraordinary cases under § 21 paragraph 1 letter h) shall have no delaying effect.

(4) A party to the proceedings for the granting of consent under § 7 paragraph 1 letters a), c) through e) and k) shall always be the municipality in which the installation for waste disposal or the installation for waste recovery is situated or intended.

(5) Proceedings on lodging a corrective measure or imposing a fine shall be performed by the body that first started the proceedings. Where two or several bodies start proceedings at the same time and an agreement on which of them would finalise the proceedings is not reached, the nearest common body of higher instance shall be pertinent to finalise the proceedings; where Inspection is one of those bodies, the proceedings shall be finalised by the Inspection.

(6) A state administration body in waste management shall stop proceedings where a party has withdrawn its motion to start proceedings and where the remaining parties of the proceedings agree to that; further, when the reason for proceedings opened on an initiative of a state administration body in waste management has ceased or where a party does not complete its request to open proceedings within the term stipulated in the call to complete the request; proceedings for approval of a waste generator plan under § 6 shall also be stopped when the submitted waste generator plan contradicts the obligatory part of the district plan or the regional plan.

(7) Local affiliation of the state administration bodies in waste management in waste shipment shall be determined by the waste destination.

⁸²⁾ Act of the National Council of the Slovak Republic No. 10/1996 Coll. on Audit in State Administration

⁸³⁾ Act No. 71/1967 Coll. on Administrative Procedure (The Administrative Procedure Code)

(8) The application to issue a decision or a statement of state administration bodies in waste management must in particular clearly indicate by whom it is filed, what waste types it is, what operation pertinent to waste management it relates to, and what is proposed.

§ 75

Modification, Cancellation and Expiry of a Decision

(1) On its own initiative or on a motion by a party in the proceedings, a state administration body in waste management may issue a decision to

- a) Modify an issued decision
 1. If necessitated by the requirements on protection of the environment, protection of human lives or health, or by other important interests of the society
 2. If facts decisive for issuing the decision have changed
 3. If the conditions stipulated in the decision are not complied with

- b) Cancel an issued decision
 1. In cases listed in letter a), where a grave environmental harm or other grave damage has originated or threatens to originate
 2. Where the technology installation used is not able to provide for compliance with the requirements on protection of the environment laid down in a generally binding legal regulation or in a binding technical standard
 3. Where the authorised person fails to make use of the consent for a period exceeding one year without any serious reason
 4. Where the obliged person fails to comply with the corrective measure, and the continuing of operations would immediately threaten human or animal life and health or a grave environmental harm or other grave damage threatens
 5. Where a landfill operator on which a fine was imposed under § 78 paragraph 2 letter v) fails to transfer the full amount of means of the special purpose financial reserve in a deferral period stipulated by the corrective measure under § 73 paragraph 2 or repeatedly fails to transfer the annual amount of means of the special purpose financial reserve in a period under § 22 paragraph 6.

(2) Legal charges arising under paragraph 1 shall be borne by the party to the proceedings, excepting cases when the decisive fact occurred without any fault of the same; in that case, the costs shall be borne by the one who had caused the occurrence of the decisive fact. Where several parties are included in the proceedings, costs shall be borne by the one who caused the occurrence of the decisive fact.

(3) A decision issued under the Act shall expire upon

- a) The expiry of the period its was issued for
- b) The extinction of the installation it was issued to operate
- c) Closure of the operation it was issued for
- d) Failure to notify a change in the person of the installation operator within a period under paragraph 4.

(4) Unless stipulated otherwise by a state administration body in waste management in its decision, the rights and obligations resulting from a decision issued to operate an installation shall be passed to its new operator if the installation continues the operation for which the decision was issued. The new operator shall be obliged to inform the state administration body in waste management that the operator has changed within 30 days from that change.

§ 76

Expert Opinion of an Authorised Person and Appointment of the Same

- 1) An application for the issuance of a decision and statement by a state administration body in waste

management and for the granting of authorisation under the Act shall be supported by an expert opinion of an authorised person in stipulated cases [§ 68 paragraph 3 letter i)].

(2) The authorised person shall be appointed by the Ministry having reviewed the former's professional qualification by examination.

(3) For authorised person, an individual may be appointed

- a) With a clean criminal record (§ 9 paragraph 3)
- b) With a master degree in the respective technical studies or natural science studies and no less than four years of practical background in the respective field, a bachelor degree in the respective technical studies or natural science studies and no less than six years of practical background in the respective field or a complete secondary education in the respective engineering studies and no less than nine years of practical background in the respective field
- c) Who has participated in professional training provided for by an agency delegated by the Ministry
- d) Passed the examination.

(4) For the purpose of the Act, professional qualification shall mean education, practical background and a sum of theoretical learning and knowledge of generally binding legal regulations and of the state of the art in the field of waste management.

(5) The Ministry shall acknowledge the professional qualification by issuing a certificate of professional qualification.

(6) The term of validity of the professional qualification certificate shall not exceed five years.

(7) Legal entities and individuals authorised to do business may issue expert opinions only through an authorised person.

(8) In exceptional cases where issuance of an expert opinion by an authorised person is impossible, the Ministry may allow the issuance of an expert opinion by a single permit to a person who is not authorised but eligible for the issuance of the expert opinion.

(9) The Ministry shall keep a registry of authorised persons; the registry shall be accessible by the public.

§ 77

Obligations of Authorised Person

An authorised person shall be obliged to:

- a) Notify the Ministry without any delay of any changes in the data submitted for the issuance of professional qualification certificate
- b) Comply with the requirements on the preparation of expert opinions stipulated under the Act
- c) Where challenged by the Ministry, participate in training or a new review of professional qualification if fundamental changes in the state of the art in waste management appear or in the generally binding legal regulations in waste management.

PART NINE ACCOUNTABILITY FOR FAILURE TO COMPLY WITH OBLIGATIONS

§ 78

Administrative Torts

(1) A fine up to SKK 200,000 shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that

- a) Failed to submit a plan under § 6 for approval, or fails to fulfil the approved plan

- b) Did not cooperate in the preparation of a municipality plan or did not provide data requested by the municipality under § 6 paragraph 9 and § 39 paragraph 10
- c) Did not provide for an expert opinion by an authorised person under § 13 paragraph 3
- d) Did not inform the Ministry about any changes in data under § 13 paragraph 4
- e) Did not get registration with the district authority under § 15 and § 81 paragraph 8
- f) Did not inform the competent district authority and the municipality under § 18 paragraph 6 that an unknown person has deposited waste on the former's property
- g) Did not comply with its registration obligation laid down in § 19 paragraph 1 letter h), § 20 paragraph 2 letter b) and § 21 paragraph 1 letter g)
- h) Violated obligations in waste collection including its repurchase laid down in § 19 paragraph 3,
- i) Would not comply with the obligation in shipment of hazardous wastes under § 20 paragraphs 3 and 4
- j) Did not publicise a list of waste types in compliance with § 21 paragraph 1 letter d)
- k) Did not report a failure to hand in waste to a waste disposal installation under § 21 paragraph 1 letter k)
- l) Did not provide for municipal waste collection or minor construction waste collection in compliance with § 39 paragraph 3
- m) Performed collection and transport of municipal waste or minor construction waste contradictory to § 39 paragraph 8 and § 81 paragraph 9
- n) Handled waste destined for recovery contradictory to § 18 paragraph 12
- o) Did not file a motion to open proceedings under § 81 paragraph § 2 and paragraph 5
- p) Did not comply with the obligation under § 53 paragraph 1.

(2) A fine up to SKK 500,000 shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that

- a) Performed operations requiring consent under § 7 without that consent or contradictory to the same, except cases under § 21 paragraph 1 letter a)
- b) Handled waste contradictory to § 18 paragraph 1
- c) Deposited or disposed of waste contradictory to § 18 paragraph 3 letters a) through c)
- d) Did not classify waste according to the Waste Catalogue in compliance with § 19 paragraph 1 letter a)
- e) Did not provide for accumulation of waste sorted by types or did not secure the same from its deterioration, theft or other release under § 19 paragraph 1 letter b)
- f) Did not provide for recovery or disposal of waste under § 19 paragraph 1 letters d), e) and f)
- g) Did not keep or retain records of wastes under § 19 paragraph 1 letter g) and § 20 paragraph 2 letter a) and § 21 paragraph 1 letter f)
- h) Did not enable operations of state supervision bodies in compliance with § 19 paragraph 1 letter i), § 20 paragraph 2 letter b), § 21 paragraph 1 letter i), § 22 paragraph § 6, 41 paragraph 16, § 42 paragraph 11, § 43 paragraph 4, § 44 paragraph 5, § 45 paragraph 4, § 46 paragraph 5, § 47 paragraph 4, § 48 paragraph 7 and § 73 paragraph 4
- i) Did not submit documents under § 19 paragraph 1 letter j)
- j) Did not perform a corrective measure imposed under § 19 paragraph 1 letter k), § 20 paragraph 2 letter d) and § 21 paragraph 1 letter j)
- k) Did not provide for utilisation of waste in compliance with § 19 paragraph 1 letter l)
- l) Did not provide for analytical control of waste under § 19 paragraph 1 letter m)
- m) Effected shipment hazardous wastes contradictory to § 20 paragraph 1
- n) Did not provide for waste shipment under § 20 paragraph 1 letter b)
- o) Operated a hazardous waste recovery installation and a hazardous waste disposal installation contradictory to the approved code of operation under § 21 paragraph 1 letter b) or without an approved code of operation
- p) Did not secure waste against theft or other release under § 21 paragraph 1 letter c)
- r) Did not dispose or recover waste in compliance with § 21 paragraph 1 letter h) or stored waste contradictory to § 21 paragraph 7
- s) Did not remove defects discovered by monitoring of landfill under § 21 paragraph 1 letter l)
- t) Did not submit for approval project document for closure, reclamation and monitoring of a landfill in the after-care phase under § 21 paragraph 2 or did not comply with the approved project document
- u) Did not retain monitoring records or did not report monitoring outcomes under § 21 paragraph 6
- v) Did not create a financial reserve or disposed with the same contradictory to § 22
- w) Did not furnish surety under § 24

- x) Did not handle municipal waste or minor construction waste in a way stipulated in compliance with § 39 paragraph 5
- y) Handled hazardous wastes contradictory to § 40
- z) Handled spent batteries and accumulators contradictory to § 41
- za) Handled waste oils contradictory to § 42
- zb) Handled used pneumatic tyres contradictory to § 43
- zc) In the position of an end-of life vehicle holder, did not comply with the obligation under § 51
- zd) Did not comply with an approved plan of landfill adaptations under § 81 paragraph 4 letter b) item 2 and paragraph 7.

(3) A fine up to SKK 5,000,000 shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that

- a) Performed illegal waste shipment [§ 18 paragraph 3 letter d)]
- b) Did not provide for, under § 19 paragraph 1 letter c), separated accumulation of hazardous waste and its marking, or otherwise handled the same contradictory to the Act and special regulations
- c) Recovered or disposed of waste without a permit of the respective state administration body in waste management or contradictory to the same [§ 21 paragraph 1 letter a)]
- d) Violated a ban or obligations stipulated in §§ 23, 25 through 38 applicable to waste import, export and transit
- e) Failed to pay a contribution to the Recycling Fund under § 41 paragraph 11, § 42 paragraph 8, § 43 paragraph 1, § 44 paragraph 1, § 45 paragraph 1, § 46 paragraphs 1 and 2, § 47 paragraph 1, § 48 paragraph 1 and 2, and § 54 paragraph 1, or failed to pay the same in due time or in its full amount
- f) Did not comply with the provision of § 18 paragraph 3 letter i).

(4) A fine up to SKK 10,000,000 shall be imposed by the competent state administration body in waste management on an importer or exporter (§ 54) that would not comply with the obligation under § 54 paragraph 1.

§ 79 Imposing Fines

(1) The competent state administration body in waste management shall impose a fine on legal entities and individuals – entrepreneurs within one year from the date when the former was informed of a violation of an obligation, however, no later than three years from the date on which the obligation was violated.

(2) While imposing fines, in particular the gravity and the time of duration of an illegal action shall be considered, the scope of threat to human health and to the environment, or the scope of their damage.

(3) In its decision to impose a fine, a state administration body in waste management may at the same time place a duty on the person obliged to undertake measures and correct the consequences of his illegal action for which the fine was imposed. Should the obliged fail to execute those measures, the state administration body in waste management may impose another fine on the same, up to twice the upper limit for fines stipulated by the Act.

(4) Should a legal entity or an individual – entrepreneur again violate the obligation within one year from the effect of the decision on imposing a fine under the Act, or fail to comply with a corrective measure, the same will be imposed another fine up to twice the upper limit for fines stipulated by the Act.

(5) A fine shall be due within 30 days from the effectiveness of the decision by which it was imposed, unless that decision stipulates a longer due period.

(6) Revenues from fines shall be an income of the State Environment Fund.³⁵⁾

§ 80

Offences

(1) An offence shall be committed by anyone who

- a) Disposed of waste or recovered waste contradictory to the Act [§ 18 paragraph 3 letter b)]
- b) Deposited waste in a place different from that designated by the municipality [§ 18 paragraph 3 letter a) and § 39 paragraph 5 letter c)]
- c) Did not comply with the notification obligation under § 18 paragraph 6
- d) Handled other than municipal waste or other than minor construction waste contradictory to § 19 paragraph 1 letters b), f) and k) or failed to comply with the obligation under § 19 paragraph 1 letter i)
- e) Performed illegal waste shipment [§ 18 paragraph 3 letter d)]
- f) Did not provide data requested by the municipality under § 39 paragraph 9
- g) Handled hazardous wastes contradictory to § 40
- h) Handled spent batteries and accumulators contradictory to § 41
- i) Handled waste oils contradictory to § 42
- j) Handled used pneumatic tyres contradictory to § 43
- k) In the position of an end-of life vehicle holder, failed to comply with the obligation under § 51
- l) Issued an expert opinion contradictory to the Act or presented untrue data in an expert opinion
- m) Did not pay a contribution to the Recycling Fund under § 54 paragraph 2, or failed to pay the same in due time or in the amount stipulated
- n) Did not comply with the obligation under § 53 paragraph 1 letter b).

(2) For an offence under

- a) Paragraph 1 letters a) through c) and f) a fine up to SKK 5,000 may be imposed
- b) Paragraph 1 letters d), e), g) through m) a fine up to SKK 20,000 may be imposed.

(3) Offences under

- a) Paragraph 1 letters a) through c) and f) shall be heard by the municipality
- b) Paragraph 1 letters d), e), g) through m) shall be heard by the district authority.

(4) To offences and their hearing, general regulations for hearing offences⁸⁴⁾ shall apply, unless stipulated otherwise in the Act.

(5) Revenues from fines imposed for offences under

- a) Paragraph 1 letters a) through c) and f) shall constitute income of the municipality budget
- b) Paragraph 1 letters d), e), g) through m) shall constitute income of the State Environment Fund.

PART TEN INTERIM AND FINAL PROVISIONS

§ 81

Interim Provisions

(1) Administrative proceedings opened prior to the effectiveness of the Act shall be finalised by the state administration body in waste management dealing in the matter under generally binding legal regulations effective at the time the proceedings was opened.

(2) Anyone performing operations not requiring a decision of a state administration body in waste management under the previous generally binding legal regulations requiring however a decision by the Act to be performed shall file a motion to open proceedings to issue a decision with the respective state administration body in waste management within six months of the Act's effectiveness, or his operations shall be considered contradictory to the Act.

(3) Anyone handling waste pursuant to a decision of a state administration body in waste management issued under the previous generally binding legal regulations shall be obliged to submit the

⁸⁴⁾ Act No. 372/1990 Coll. on Offences, as amended.

decision to the respective state administration body in waste management for review within three months of the Act's effectiveness; that decision shall be accompanied by a draft classification of wastes under the Waste Catalogue.

(4) Operator of a landfill commissioned before the Act's effectiveness shall be obliged

- a) Within three month of the Act's effectiveness to comply with the obligation under paragraph 3 and on that occasion submit original documents used as a source for the issuance of a building permit to build the landfill and the expert opinion of an authorised person as a source for the landfill categorisation in the respective landfill class
- b) Within six months of the Act's effectiveness
 1. Prepare and submit for approval project document for closure, reclamation and monitoring of the landfill in the after-care phase
 2. In cases where the landfill fails to comply with all requirements on landfills under the Act and the generally binding legal regulations issued for its implementation, to prepare and submit for approval a plan of the landfill adaptations including a time schedule for achieving compliance with all requirements on the landfill no later than 31 December 2008.

(5) Where the decision of a state administration body in waste management that needs to be submitted under paragraph 3 and paragraph 4 letter a) for review is not submitted for review in the time stipulated and, at the same time, the decision holder did not take action leading toward a closure of waste handling under that decision, the state administration body in waste management shall open proceedings on its own initiative resulting in cancellation of the decision and determining the action of closure of the waste handling; while deciding, the state administration body in waste management shall in particular take into account the option of the decision holder to close down the operation compliant with the Act.

(6) A state administration body in waste management shall decide on the review of a decision submitted under paragraph 3 within one year from the expiry of the period stated in paragraph 3 and on the review of a decision submitted under paragraph 4 letter a) within three months from the expiry of the period stated in paragraph 3.

(7) The state administration body in waste management shall decide on the approval of project document for closure, reclamation and monitoring of the landfill in the after-care phase under paragraph 4 letter b) item 1 and on the approval of the plan of the landfill adaptations including a time schedule for achieving compliance with all requirements on the landfill under paragraph 4 letter b) item 2 within one year from their submission.

(8) Anyone performing operations requiring registration under § 15 shall be obliged to obtain the registration within three months of the effectiveness date of the Act.

(9) Anyone handling municipal waste or minor construction waste in a municipality without a contract for that operation being concluded with the municipality, and fails to conclude a contract under § 39 paragraph 8 of the Act within six months from the effectiveness of the Act may not continue performing those operations in the municipality.

(10) The first session of the Board of Directors of the Recycling Fund shall be convened by a Director appointed by the Minister of Environment, delegated by the Minister of Environment to do so, so that the session is held within 60 days of the effectiveness date of the Act; the Director shall lead and chair the sessions of the Board of Directors as long as the Chairman of the Board of Directors of the Recycling Fund has been elected under § 58 paragraph 5. To commence its operations, the Recycling Fund may use a single loan.

§ 82 Repealing Provisions

The following shall be repealed:

1. Act No. 238/1991 Coll., as amended by Act of the National Council of the Slovak Republic No. 255/1993 Coll.
2. Act of the Slovak National Council No. 494/1991 Coll. on State Administration in Waste Management, as amended by the legal provision of the Presidency of the Slovak National Council No. 371/1992 Coll., by Act of the Slovak National Council No. 309/1992 Coll., by Act of the Slovak National Council No. 453/1992 Coll., by Act of the National Council of the Slovak Republic No. 255/1994 Coll. and by Act of the National Council of the Slovak Republic No. 222/1996 Coll.
3. Items 67 through 72 of the Annex to Act of the National Council of the Slovak Republic No. 222/1996 Coll. on the Structure of Local State Administration and on amendment of certain Acts
4. § 47 paragraph 1 letter h) of Act of the Slovak National Council No. 372/1990 Coll. on Offences
5. Order of the Government of the Slovak Republic No. 605/1992 Coll. on Keeping Records of Wastes
6. Order of the Government of the Slovak Republic No. 606/1992 Coll. on Waste Handling.

Article II

Act of the National Council of the Slovak Republic No. 315/1996 Coll. on Road Traffic, as amended by Act No. 359/2000 and Act No. 405/2000 Coll., shall be amended as follows:

§ 91 paragraph 2, the first sentence: the word "and" following the word "acknowledgement" shall be replaced by a comma and the following words shall be added at the end of the sentence: "and an acknowledgement or statement under a special regulation ^{35a)}".

The footnote referring to item 35a shall read: "35a) § 51 paragraph 2 and § 51 paragraph 3 letter a) of Act No. .../2001 Coll. on Waste and on amendment of certain Acts."

Article III

Act of the Slovak National Council No. 544/1990 Coll. on Local Fees, as amended by Act of the Slovak National Council No. 72/1992 Coll., by Act of the Slovak National Council No. 317/1992 Coll., by Act of the National Council of the Slovak Republic No. 44/1993 Coll., by Act of the National Council of the Slovak Republic No. 122/1996 Coll., by Act No. 219/1999 Coll., by Act No. 339/2000 Coll. and by Act No. 58/2001 Coll. shall be amended as follows:

1. The existing text of § 1 shall be designated as paragraph 1 and paragraph 2 shall be added, which shall read:

"(2) The municipality shall collect a local fee for the collection, shipment and disposal of municipal waste generated in the municipality and of minor construction waste generated in the municipality."

2. § 10d shall be added behind § 10c, which shall read:

"§ 10 d

Fee for Collection, Transport and Disposal of Municipal Waste and Minor Construction Waste

(1) A fee for collection, transport and disposal of municipal waste and minor construction waste shall be paid for municipal waste generated in the municipality and for minor construction waste generated in the municipality.

(2) The fee shall be paid by

- a) An individual who is not an entrepreneur with his permanent domicile^{9b)} or temporary domicile^{9c)} in the municipality
- b) A legal entity or an individual – entrepreneur whose operations generate municipal waste and that owns or has leased property situated in the municipality, designated for doing business
- c) An individual or a legal entity owning or using property in the municipality that serves temporary accommodation, individual recreation, a garden, an apartment or non-housing space

(hereinafter the "waste-fee payer").

(3) The fee payer shall be the owner, keeper or tenant of property, apartment or non-housing space; where property, apartment or non-housing property is owned by several owners, the payer shall be a deputy or keeper indicated by the owners. Where owners fail to indicate a deputy or keeper, the payer shall be indicated by the municipality. Where the owner is the state or the municipality, the payer shall be the keeper^{9d}.

(4) The fee rate shall be

- a) No less than SKK 80 and no more than SKK 1,200 per capita a calendar year or
- b) No less than SKK 80 per capita a calendar year where the payer for waste proves using bulk collection.

(5) The fee rate shall be stipulated in a generally binding regulation for a respective period:

- a) For real estate and an apartment used for housing or individual recreation, by the number of persons registered for permanent residence or temporary residence in the municipality
- b) For real estate, apartment or non-housing space owned or used by a legal entity or an individual – entrepreneur, by the average number of employees for operations generating municipal waste
- c) For real estate or an apartment used for provision of recreational or accommodation services, by their bed capacity and by the number of employees of that facility
- d) For bulk collection, by the quantity of municipal waste generated.

(6) While issuing a generally binding ordinance, the municipality shall proceed according to § 15.

(7) The income from the fee for the collection, shipment and disposal of municipal waste and of minor construction waste may be used by the municipality exclusively for those purposes."

The footnotes referring to items 9b) through 9d) shall read:

^{9b)} §§ 3 through 7 of Act No. 253/1998 Coll. on Reporting the Residence of Slovak Nationals and the Registry of Population of the Slovak Republic, as amended by Act No. 369/1999 Coll., §§ 6 through 11 of Act of the National Council of the Slovak Republic No. 73/1995 Coll. on the Residence of Foreign Nationals in the Slovak Republic, as amended

^{9c)} § 8 of Act No. 253/1998 Coll., § 16 paragraph 7 of Act No. 73/1995 Coll.

^{9d)} Act of the National Council of the Slovak Republic No. 278/1993 Coll. of Laws on Administration of State-Owned Property, as amended, Act of the Slovak National Council No. 138/1991 Coll. on Municipal Property, as amended."

3. § 11 paragraph 1 shall read:

"(1) The fees under § 1 paragraph 1 letters b), c), e), f), g), h), i), j) and k) and under paragraph 2 shall be charged by the municipality in a payment assessment. Where the waste-fee payer proves using bulk collection and the fee under § 1 paragraph 2 is paid in a way stipulated in a generally binding ordinance of the municipality, the municipality shall not charge the fee under § 1 paragraph 2 by a payment assessment."

4. The existing text of § 16 shall be designated as paragraph 1 and amended by paragraph 2, which shall read:

"(2) The municipality administering the fees may, to mitigate or eliminate harshness in individual cases, decrease the fee under § 1 paragraph 2 even under the lowest charge under § 10d paragraph 4 or may waive the fee under § 1 paragraph 2."

5. § 16a shall be added behind § 16, which shall read:

"§ 16a

Interim Provision

Should the municipality fail to lay down the necessary items for the collection of fees under § 15 by a generally binding ordinance after 31 December 2001, the fee under § 1 paragraph 2 shall be paid at the lowest charge under § 10d paragraph 4.”

Article IV

Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended by Act No. 600/1992 Coll., by Act No. 231/1992 Coll., by Act of the National Council of the Slovak Republic No. 132/1994 Coll., by Act of the National Council of the Slovak Republic No. 200/1995 Coll., by Act of the National Council of the Slovak Republic No. 216/1995 Coll., by Act of the National Council of the Slovak Republic No. 233/1995 Coll., by Act of the National Council of the Slovak Republic No. 123/1996 Coll., by Act of the National Council of the Slovak Republic No. 222/1996 Coll., by Act of the National Council of the Slovak Republic No. 164/1996 Coll., by Act of the National Council of the Slovak Republic No. 289/1996 Coll., by Act of the National Council of the Slovak Republic No. 290/1996 Coll., by Act No. 288/1997 Coll., by Act No. 379/1997 Coll., by Act No. 76/1998 Coll., by Act No. 140/1998 Coll., by Act No. 144/1998 Coll., by Act No. 70/1998 Coll., by Act No. 126/1998 Coll., by Act No. 129/1998 Coll., by Act No. 143/1998 Coll., by Act No. 161/1998 Coll., by Act No. 178/1998 Coll., by Act No. 179/1998 Coll., by Act No. 194/1998 Coll., by Act No. 263/1999 Coll., by Act No. 264/1999 Coll., by Act No. 119/2000 Coll., by Act No. 142/2000 Coll., by Act No. 236/2000, by Act No. 238/2000 Coll., by Act No. 268/2000 Coll. a by Act No. 338/2000 Coll. shall be amended as follows:

§ 80ba shall be added behind § 80b, which shall read:

”§ 80ba

(1) Licences for trades in the field of handling other waste obtained prior to 30 June 2001 shall remain preserved.

(2) Entrepreneurs whose trade licenses for the trade Enterprise in the Field of Hazardous Waste Handling came into force by 30 June 2001 shall update their legal relations in compliance with the provisions of the Act and a special act by 1 July 2002.”

Article V

Act of the National Council of the Slovak Republic No. 327/1996 Coll. on Fees for Depositing Waste shall be amended as follows:

1. In § 2, the text ”the waste generator pays³⁾ (hereinafter the ”generator”)” shall be replaced by the text ”the municipality shall pay for municipal waste and for minor construction waste and the waste holder shall pay for other than municipal waste and minor construction waste (hereinafter the ”payer”).”

2. In § 3 paragraphs 1, 4 and 5, § 4 paragraph 3, § 5 paragraph 1, § 6 paragraph 1, § 8 paragraph 1 and § 9 paragraphs 1 through 4, the word ”generator” in all its forms shall be replaced by the word ”payer” in the appropriate form.

Article VI

This Act shall enter into force on 1 July except

1. § 39 paragraph 6, § 41 paragraph 11, § 42 paragraph 8, § 43 paragraph 1, § 44 paragraph 1, § 45 paragraph 1, § 46 paragraph 1 and 2, § 47 paragraph 1, § 48 paragraphs 1 and 2 and Article III, which shall enter into force on 1 January 2000
2. § 8 paragraph 2 relative to paragraph 3 letters a) and b), § 22, § 41 paragraph 10, § 42 paragraph 7 and § 54, which shall enter into force on 1 July 2002
3. § 8 paragraph 2 relative to paragraph 3 letter b), § 40 paragraph 7 and §§ 49 through 53, which shall enter into force on 1 January 2003
4. § 18 paragraph 3 letter g) item 4 concerning a ban on dumping used pneumatic tyres, that shall enter into force on 1 January 2003
5. § 18 paragraph 3 letter g) item 4 concerning a ban on dumping used shredded pneumatic tyres, that shall enter into force on 1 January 2006
6. § 21 paragraph 8 that shall enter into force on 1 January 2005.

Rudolf Schuster, m.p.

Jozef Migaš, m.p.

Mikuláš Dzurinda, m.p.

Annex 1

To Act No. 223/2001 Coll.

WASTES

- 1 Production or consumption wastes not otherwise specified below
- 2 Off-specification products
- 3 Products whose date for appropriate use has expired
- 4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap
- 5 Materials soiled or contaminated as a result of planned actions (e.g. waste from cleaning operations, packing materials, containers)
- 6 Unusable parts (e.g. rejected batteries, exhausted catalysts)
- 7 Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts)
- 8 Residues of industrial processes (e.g. slags, still bottoms)
- 9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters)
- 10 Machining/finishing residues (e.g. lathe turnings, mill scales)
- 11 Residues from raw materials extraction and processing (e.g. mining residues, oil field slops)
- 12 Adulterated materials (e.g. oils contaminated with PCBs)
- 13 Any materials, substances or products whose use has been banned by law
- 14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards)
- 15 Contaminated materials, substances or products resulting from remedial action with respect to land
- 16 Any materials, substances or products which are not contained in the above categories.

Annex 2

To Act No. 223/2001 Coll.

WASTE RECOVERY

R1 Solvent reclamation/regeneration

R2 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)

R3 Recycling/reclamation of metals and metal compounds

R4 Recycling/reclamation of other inorganic materials

R5 Regeneration of acids or bases

R6 Recovery of components used for pollution abatement

R7 Recovery of components from catalysts

R8 Oil re-refining or other re-uses of oil

R9 Use principally as a fuel or other means to generate energy

R10 Spreading on land resulting in benefit to agriculture or ecological improvement

R11 Use of wastes obtained from any of the operations numbered R1 - R10

R12 Exchange of wastes for submission to any of the operations numbered R1 - R11

R13 Storage of materials intended for submission to any operations numbered R1 – R12 (excluding temporary storage, pending collection, on the site where it is produced.)

Annex 3

To Act No. 223/2001 Coll.

DISPOSAL OF WASTES

D1 Tipping above or underground (e.g. landfill)

D2 Land treatment (e.g. biodegradation of liquid or sludge discards in soils)

D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories)

D4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)

D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)

D6 Release and tipping of solid waste into a water body except seas/oceans

D7 Release and tipping into seas/oceans including seabed insertion

D8 Biological treatment not specified elsewhere in this Annex which results in compounds or mixtures which are disposed of by means of any of the operations numbered D1 through D12

D9 Physico-chemical treatment not specified elsewhere in this Annex which results in compounds or mixtures which are disposed of by means of any of the operations numbered D1 through D12 (e.g. evaporation, drying, calcination, etc.)

D10 Incineration on land

D11 Incineration at sea

D12 Permanent storage (e.g. emplacement of containers in mines, etc.)

D13 Blending or mixture prior to submission to any of the operations numbered D1 through D12

D14 Repackaging prior to submission to any of the operations numbered D1 through D12

D15 Storage pending any of the operations numbered D1 through D14 (excluding temporary storage, pending collection, on the site where it is produced)

Annex 5

To Act No. 223/2001 Coll.

PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS

H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3-A 'Highly flammable:

- Liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
- Substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
- Solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
- Gaseous substances and preparations which are flammable in air at normal pressure, or
- Substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21 °C and less than or equal to 55 °C.

H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.

H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or suspected to cause disease in man or other living organisms.

H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 'Ecotoxic': substances and preparations, which present or may present immediate or delayed risks for one or more sectors of the environment.

Annex 5

To Act No. 223/2001 Coll.

Limit Concentration Values of Harmful Substances in Waste

	Indicator	Limit Value mg/kg dry matter
1	Sum of polycyclic aromatic hydrocarbons (PAH)	100
2	Sum of polychlorinated biphenyls (PCB)	100
3	Extractable organic halogen compounds (extract)	100
4	Easily releasable cyanides	10 000
5	Sum of hydrocarbons (mineral oil) (hexane extract)	50 000
6	Benzene, toluene, xylene	5000
7	Phenols	10 000
8	Mercaptane	1000
9	Mercury	3000
10	Arsenic ¹⁾	5000
11	Lead ¹⁾	10 000
12	Cadmium	5000
13	Nickel ¹⁾	5000
14	Content of soluble salts (20°C) ²⁾	300 000

¹⁾ The limit values stated do not apply to waste in a glass or semi-glass mould (hardened residues of coating substances, enamels, wastes worked into glass, ceramic or cement products)

²⁾ Identified as a residue found on a filter after filtration of leachate, relative to dry matter

Annex 6

To Act No. 223/2001 Coll.

WASTES REQUIRING STABILISATION PRIOR TO LANDFILLING

Wastes containing asbestos dust or fibres

- 06 07 01 Waste containing asbestos from electrolysis
- 06 13 04 Wastes from asbestos processing
- 16 02 12 Discarded equipment containing free asbestos
- 17 06 01 Insulation materials containing asbestos

Wastes containing non-polar extractable substances at concentrations above 1000 mg/kg of dry matter

Solid wastes included into group 0603 Wastes from production, treatment, distribution and use of salt, their solutions and metal oxides

Sludges from treatment of industrial wastewaters

Other wastes

- 05 07 01 Wastes containing mercury
- 06 04 03 Wastes containing arsenic
- 06 04 04 Wastes containing mercury
- 15 02 02 Adsorbents, filter materials (including oil filters not specified otherwise), wiping cloth, protective clothes polluted by dangerous substances
- 16 08 02 Spent catalysts containing dangerous transition metals or dangerous compounds of transition metals
- 16 08 05 Spent catalysts containing phosphoric acid
- 16 08 06 Spent liquids used as catalysts
- 16 08 07 Spent catalysts polluted by dangerous substances
- 19 01 05 Filter cake from gas treatment
- 19 01 07 Solid waste from gas treatment
- 19 01 13 Fly ash containing dangerous substances
- 19 01 15 Boiler dust containing dangerous substances
- 19 01 17 Pyrolysis waste containing dangerous substances
- 19 04 03 Non-vitrified solid phase
- 20 01 21 Fluorescent tubes and other waste containing mercury

Annex 7

To Act No. 223/2001 Coll.

BATTERIES AND ACCUMULATORS TO WHICH THE ACT APPLIES

1. Batteries and accumulators put into circulation after 1 January 1999 containing more than 0.0005% of mercury by weight.
2. Batteries and accumulators put into circulation after 18 September 1992 containing
 - a) More than 25 mg of mercury per cell
 - b) More than 0.025 % of cadmium by weight
 - c) More than 0.4 % of lead by weight.
3. Alkaline magnesium batteries and accumulators put into circulation after 18 September 1992 containing more than 0.025 % of mercury by weight.

Annex 8

To Act No. 223/2001 Coll.

LIST OF CATEGORIES OF APPLIANCE EXEMPTED FROM THE SCOPE OF THE ACT

1. Those appliances whose batteries are soldered, welded or otherwise permanently attached to terminals to ensure continuity of power supply power in demanding industrial usage and to preserve the memory and data functions of information technology and business equipment, where use of batteries and accumulators referred to in Annex 7 of the Act is technically necessary.
2. Reference cells in scientific and professional equipment, and batteries and accumulators in medical devices designed to maintain vital functions and in heart pacemakers, where uninterrupted functioning is essential and the batteries and accumulators can be removed only by qualified personnel.
3. Portable appliances, where replacement of the batteries by unqualified personnel could present safety hazards to the user or could affect the operation of the appliance, and professional equipment intended for use in highly aggressive surroundings, for example in the presence of liquid substances.