

311/1992 of the Coll.  
Act of the Slovak National Council  
dated 6<sup>th</sup> May 1992  
on fees for the air pollution

The Slovak National Council resolved upon the following act:

Article 1  
Fee obligation

The fee according to the Act is to be paid by natural persons and legal entities operating big, middle-sized and small sources of contamination of the ambient air.<sup>1</sup>

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<sup>1</sup> Art. 13 and 17 of the Act No. 309/1991 of the Coll. on the ambient air protection against pollutants (Ambient Air Act).

Article 2  
State Administration Authorities for the Ambient Air Protection

(1) The concerned Subdistrict Environmental Office assesses the amount of fee to be paid by the natural persons and legal entities operating big, middle-sized sources of contamination of the ambient air (hereafter called "the operator of the big and middle-sized source").

(2) The commune assesses the amount of fee to be paid by the natural persons and legal entities operating small sources of contamination of the ambient air (hereafter called "the operator of the small source").

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<sup>2</sup> Art. 3 of the Act of the SNC No. 595/1990 of the Coll. on the State Environmental Administration.

<sup>3</sup> Art. 11 of the Act of the SNC No. 595/1990 of the Coll.

Article 3  
Amount of the fee

(1) The amount of the fee to be paid by the operator of the big and middle-sized source is assessed for the period of one year for all kinds of pollutants being released and liable to fee as stated in the Annex A of the Act (hereafter called "pollutants" only) in the manner stipulated at the Article 4 of the Act.

(2) The operator shall pay the assessed fee according to the par. (1) in the following way:

20 per cent in the year 1992

40 per cent in the year 1993

60 per cent in the year 1994 and 1995

80 per cent in the year 1996 and 1997

100 per cent from the year 1998 inclusively.

(3) The amount of the fee to be paid by the operator of the small source shall be assessed as a yearly lump amounting up to 10,000 Sk proportionally to its size and extent of the hazard of the pollutants being released or to the consumption of the agent releasing the harmful pollutant, respectively.

Article 4  
Calculation of the fee

(1) The fee consists of the basic fee and the surcharge both of them being assessed according to the fee rates stated in the Annex B of the Act.

(2) The basic fee for the sole pollutant being released by the big or middle-sized sources shall be calculated from the product of the quantity of the pollutant found out from the actual values for the last year and of the rate according to the Annex B of the Act.

(3) Fifty per cent surcharge shall be added to the basic fee according to the par. 2 if the big or middle-sized source did not keep its assessed emission limit.<sup>4</sup>

(4) The fee of the operator of the big and middle-sized sources is equal to the sum of all fees for the individual pollutants from any individual sources. The fee obtained in such a way shall be modified according to the Art. 3, par. (2) of the Act.

(5) The fee at burning or doted areas, waste piles and areas with escaping pollutants shall be assessed as the product from the multiplication of the quantity of the pollutant that was estimated by experts and of the rate according to the Annex B of the Act. The basic fee according to the par. (2) shall be paid.

(6) The fee is rounded downwards to the whole 100 Sk amounts.

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<sup>4</sup> Art. 7, par. (1), let. b) and Art. 14 of the Act No. 309/1991 of the Coll.

### ***Article 5***

#### **Notification of the data and way of payment of the fee**

(1) The operator of the big and middle-sized source is compulsory to submit by 15<sup>th</sup> day of February every year the complete and true file of data needed for the assessment of the fee amount according to the actual state of the last year and for the fee calculation for each source. The data needed for the assessment the fee amount are given in the Annex C of the Act.

(2) The District Environmental Office shall consider the data given at the notification and issue the decree concerning the fee assessed where in particular the amount of the annual fee, the conditions for the deferred payment of a part of the fee and other terms with regard to the operator's fee obligation shall be stipulated.

(3) The fee shall be paid

- a) up to amount of Sk 1 million per year on monthly instalments representing one twelfth part of the annual fee each,
- b) up to amount of Sk 1 million per year on quarterly instalments representing one quarter of the annual fee each,
- c) up to amount of Sk 10 thousand per year on half-yearly instalments representing one half of the annual fee each.

(4) The paragraph (3) does not apply if the operator of the big and middle-sized source pays the whole annual fee by 15<sup>th</sup> day of February at once.

(5) Till the decree on fee assessment is issued the operator is compulsory to pay the advance payment according the his own calculations not later than by 15<sup>th</sup> day after the expiration of the concerned term of instalment prompt. The paid down advance payments shall be reckoned in the instalments according to the decree on the assessed fee within 30 days from the date of its coming into force.

(6) Upon request of the operator of the big and middle-sized source, the Subdistrict Environmental Office may decide on the terms of the deferred payments of a part of the fee for each individual pollutant in amount of 50 per cent during the accomplishing work to reduce the emissions at least to the set emission limits for new sources, and that from the moment of their provable start till their termination. After the termination of work the Subdistrict Environmental Office decides on the remittal of the surcharge to be paid off, provided the operator fulfilled the conditions for the deferred payment of a part of the fee. In case the conditions for the deferment have not been fulfilled the Subdistrict Environmental Office takes decision on the obligation to pay the surcharge of the fee increased by the discount rate and sets the delay for the payment.

(7) The operator of the small source who is a legal entity and natural person entitled to do business, respectively, shall submit all data required for the determination of the harmfulness of the pollutant and the size of the source of contamination that has been operated in the last year by 15<sup>th</sup> day of February every year.

(8) The community sets up all further details by means of a obligatory regulation with regard to the fees to be paid by the operators of the small sources, including the allocation of the sources to whom no fee shall be assessed.

#### Article 6 Sanctions

(1) The community may fine the operator of the small source a fine amounting 1,000 to 10,000 Sk for his nonfulfilment of the obligations set at the Art. 5, par. (7).

(2) The fine may be set not later than 1 year after the date when the community gathered the violation of the obligation but not later than 3 years after the violation has been committed.

(3) The sanctions for the violation of the Art. 5, par. (1), Art. 8 par. (1) and Art. 9 of the Act are stipulated at a separate regulation.<sup>5</sup>

(4) If the operator of the big and middle-sized source does not the fee within the terms set in the Act he shall pay 0.1 per cent of the sum to be paid for each day of delay.

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<sup>5</sup> Art. 18 par. (2) let. a) and Art. 18 par. (3) of the Act No. 309/1991 of the Coll.

#### Article 7

(1) The fee paid down by the operators of the big and middle-sized sources represents the income of the State Environmental Fund of the Slovak Republic.<sup>6</sup>

(2) The fee paid down by the operators of the small sources represents the income to the community's budget; the use of the fee income are purpose-bound for the environmental protection of the community and to assure the execution of the state administration of the ambient air at the community only.

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<sup>6</sup> Art. 3 of the Act of the SNC No. 128/1991 of the Coll. on the State Environmental Fund of the Slovak Republic.

#### Preliminary and common stipulations

#### Article 8

(1) The delay for the notification of data required for the fee assessment [Art. 5 par. (1)] in the year 1992 according to the actual state of the last year 1991 is set to 60 days from the coming into force of the Act.

(2) The operator of the big and middle-sized source is compulsory to pay the fee according to his own calculation on two instalments and that by the 15<sup>th</sup> day of October, 1992, and the 15<sup>th</sup> day of January, 1993, till the decree on fee assessment is issued. The paid down advance payments shall be reckoned in the instalments according to the decree on the assessed fee within a delay stipulated at the Art. 5 par. (5) of the Act.

(3) For this fee management the general rules on the administration proceeding shall apply if not set by the Act otherwise.<sup>7</sup>

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<sup>7</sup> The Act No. 71/1967 of the Coll. on the Administrative Procedure.

#### Article 9

In case of termination of the big or middle-sized source the operator is compulsory besides the fee assessed based upon the actual state from the last year to pay such fee for the period of time during which he contaminated the ambient air before the termination of the source occurred. For the purpose, he shall notify about the termination of the source within 15 days the Subdistrict Environmental Office along with all data required for the assessment of the fee and its calculation. The operator shall pay the fee according to the decree issued by the Subdistrict Environmental Office.

#### Article 10

The Act of the Slovak National Council No. 128/1991 of the Coll. on the State Environmental Fund of the Slovak Republic is amended as follows:

The Art. 3 let. d) is amended at the end by the words “from the big and middle-sized sources of contamination of the ambient air”.

#### Article 11

The Act comes into effect on the day of proclamation.

F. Mikloško sign manual  
J. Čarnogurský sign manual

#### ANNEX

Categorisation of pollutants into rating classes, rates and the data applied for the fee assessment:  
PART A - CATEGORISATION OF POLLUTANTS INTO RATING CLASSES

Principal pollutants:

Solid emissions  
Sulphur dioxide  
Nitrogen oxides  
Carbon monoxide

Other pollutants:

Class I:

Asbestos (chrysotile, crocydolite, ammosite, antophyllite, actinophyllite, tremolite)  
Benzo(a)pyrene  
Beryllium and its compounds expressed as Be  
Dibenzo (a,h) anthracen  
Cadmium and its compounds expressed as Cd  
2-naphthyl amine  
Mercury and its compounds expressed as Hg  
Thallium and its compounds expressed as Tl

Class II:

Acrylonitrile  
Antimony and its compounds expressed as Sb  
Stibine (Antimony hydride)  
Arsenic and its compounds expressed as As  
Arsenic trihydride  
Benzene  
1,3-Butadiene  
Thin and its compounds expressed as Sn  
1,2-Ethylene dibromide

Epichlorohydrine  
Ethylene oxide  
Fluorides expressed as F<sup>-</sup>  
Hydrogen phosphide  
Phosgene  
Hydrazine  
Cyanogen chloride  
Chromium and its compounds expressed as Cr  
Cobalt and its compounds expressed as Co  
Cyanides expressed as CN<sup>-</sup>  
Manganese and its compounds expressed as Mn  
Copper and its compounds expressed as Cu  
Nickel and its compounds expressed as Ni  
Lead and its compounds expressed as Pb  
Propylene oxide  
Selenium and its compounds expressed as Se  
Tellurium and its compounds expressed as Te  
Vanadium and its compounds expressed as V  
Vinyl chloride  
Zinc and its compounds expressed as Zn

Class III:

Acetaldehyde  
Aniline  
Benzyl chloride  
Bromine and its gaseous compounds expressed as HBr  
Diethyl amine  
1,2-Ethylene dichloride  
Acetylene dichloride  
Dimethylamine  
Ethanol amine  
Ethylacrylate  
Phenol  
Fluorine and its gaseous compounds expressed as HF  
Formaldehyde  
Chlorine  
Cresols  
Cyan hydride  
Acrylic acid  
Formic acid  
Mercaptans  
Methylacrylate  
Methylamine  
Nitrobenzene  
Nitrophenols  
Nitrocresols  
Nitrotoluene  
Pyridine  
Carbon disulphide  
Hydrogen sulphide  
Tetrachlorethane  
Tetrachlorethylene  
Tetrachlormethane  
Thioethers  
Toluidine  
Trichlorethylene

Trichloromethane

Class IV:

Acetone

Alkyl alcohols

Ammonia

Chlorine inorganic gaseous compounds expressed as HCl

Benzaldehyde

Biphenyl

2-Butanone

Butyl acetate

Butyl aldehyde

Dibutyl ether

Diethyl ether

Diphenyl ether

1,4-dichlorobenzene

Dichloro-difluoromethane

1,1-dichloroethane

1,2-dichloroethylene

Dichloromethane

Diisopropyl ether

Dimethyl ether

Ethyl acetate

Ethyl benzene

Ethylene glycol

Furfural

4-hydroxy-4-methyl-2-pentanone

Chlorobenzene

Ethyl chloride

2-Chloroprene

2-propyl chloride

Isopropylbenzene

Acetic acid

Methyl acetate

Benzoic acid methylate

Methyl metacrylate

1-methyl naphthalene

2-methyl naphthalene

4-Methyl-2-Pentanol

N-methyl pyrrolidone

Naphthalene

Olefins, with the exception of 1,3-butadiene (Class II)

Paraffins with the exception of methane

Styrene

Toluene

1,1,1-trichloroethane

Trichlorofluoromethane

Vinyl acetate

Xylene

## PART B – RATES OF FEE

The rates of the fee for the pollutants being released by the big and middle-sized sources are assessed as follows:

1. The principal pollutants

| Pollutant       | Rate (Sk·t-1) |
|-----------------|---------------|
| Solid emissions | 3 000         |
| Sulphur dioxide | 1 000         |
| Nitrogen oxides | 800           |
| Carbon monoxide | 600           |

2. Other pollutants

| Pollutant | Rate (Sk·t-1) |
|-----------|---------------|
| Class I   | 20 000        |
| Class II  | 10 000        |
| Class III | 5 000         |
| Class IV  | 1 000         |

PART C - DATA REQUIRED FOR THE FEE ASSESSMENT

The operator of the big and middle-sized source notifies the concerned Subdistrict Environmental Office about the following data required for the proper assessment according to the Art. 5 par. (1):

1. The name and the residence of the source's operator;
2. The list of the big and middle-sized sources being operated at the territory of competence of the concerned Subdistrict Environmental Office, their name and residence;
3. The quantity, name and rates for the released pollutants liable to fee for each source;
4. The way of determination of the quantity of the individual released pollutants for each source (i. g. continuous measuring of the released pollutants, monitoring parameters determining the emission levels, balance calculation);
5. The expert's estimation of the quantity and quality of pollutants for big and middle-sized sources according to the Art. 4 par. (5) of the Act and the data upon which the estimation is based;
6. The data on the keeping the determined emission limit level;
7. The calculation of the fee;
8. The No. of decree issued by the Subdistrict Environmental Office in case if a deferment for a part of the fee was granted.