

76  
A C T  
from 6<sup>th</sup> February 1998  
on the Protection of the Ozone Layer of the Earth and on the Amendment of the Act No. 455/1991  
Coll. on Small Business (Small Business Act) in Wording of Later Regulations

National Council of the Slovak Republic has passed this Act:

## SECTION I

### FIRST PART GENERAL PROVISIONS

#### Article 1

##### Subject of the Act

(1) This Act regulates legal entities' and natural persons' obligations, handling of the substances depleting ozone layer of the Earth and of the products of them, further it regulates the fees for the handling of them, competence of the state administration bodies and liability for the breaching the obligations set up by this Act to limit possibilities of the leak of the substances depleting ozone layer of the Earth into the air.

(2) Special regulations regulating waste management<sup>1)</sup>, with exception of the provisions on disposal of substances, of the provisions on export of imported substances which cannot be recycled or regenerated, and of the provisions on disposal of wastes originating in the process of recycling and regeneration, do not apply to the handling of the substances depleting ozone layer of the Earth if this Act doesn't set otherwise.

#### Article 2

##### Principal Notions

For the purposes of this Act

- a) substance depleting ozone layer of the Earth (hereinafter "the substance") is a substance referred to in Annex 1 including its isomers whether it exists independently or in a mixture,
- b) product is an object or appliance containing the substance or at whose function the substance is used,
- c) handling of the substance is every activity connected with the substance, especially its production, import, export, placing on the market, offtake, filling, disposing,<sup>2)</sup> storage, collection, recycling, regeneration, and use with manufacturing process,
- d) handling of the products is their production, import, export, placing on the market, installing, operation, maintenance, repair, revision and disposing,<sup>2)</sup>
- e) offtake the substance is its pumping off the product or off the container used for the transport or storage of the substances,
- f) collection of the substance is accumulation of the taken substance,
- g) storage of the substance is temporary placing for the purposes of the operation, production or trade as well as for the purposes of its recycling or regeneration,
- h) recycling of the substance is a process where already used and taken substance, after purifying process, is transformed into recycled substance, especially by its filtration and regeneration; recycled substance is returned into appliance usually at the place of its former use; recycling of the substance is not understood to be its production,
- i) regeneration of the substance is a process where used substance is again processed and its quality is improved by procedures through which the substance regains necessary specific qualities of new substance, especially by distillation, chemical processing; regeneration of the substance is not understood to be its production.

---

<sup>1)</sup> For instance Act No. 238/1991 Coll. on the Waste in wording of the Act No. 255/1993 Coll. of the National Council of the Slovak Republic, the Act No. 494/1991 Coll. of the National Council of the Slovak Republic on the State Administration in Waste Management in wording of later regulations, the Act No. 327/1996 Coll. of the National Council of the Slovak Republic on the Fees for Waste Disposal, Regulation No. 605/1992 Coll. of the Government of the Slovak Republic on Keeping Records on Waste, Regulation No. 606/1992 Coll. of the Government of the Slovak Republic on Handling of Waste in wording of the Regulation No. 190/1996 Coll. of the Government of the Slovak Republic.

<sup>2)</sup> Article 2 paragraph 9 of the Act No. 238/1991 Coll.

Article 3  
Principal Provision

(1) Handling of the substances or of the products is possible only in such manner that the leak of the substances higher than limits set by competent authority of the state administration in accordance with best available technologies not entailing excessive costs is avoided.

(2) Only legal entities or natural persons holding the business license (hereinafter "entrepreneurs")<sup>3)</sup> can treat the substance or with the products, import the appliances for recycling of the substances or their regeneration and transfer the substances through the territory of the Slovak Republic if they comply conditions set by this Act.

(3) Ministry of the Environment of the Slovak Republic (hereinafter "the Ministry"), in accordance with the international treaties on protection of the ozone layer of the Earth by which the Slovak Republic is bound,<sup>4)</sup> in its journal defines and publishes quotas per year of calculated levels of consumption of the substances on the base of which their production, import and export is regulated. Import and export of recycled substances or regenerated substances, and import and export of substances dedicated for regeneration are not included in the quotas along this line.

(4) In the case of doubt whether product complies the definition according to this Act, entrepreneur submits the certificate of the product.<sup>5)</sup>

SECOND PART  
COMPETENCE OF THE STATE ADMINISTRATION BODIES AND OBLIGATIONS OF LEGAL  
AND NATURAL PERSONS

Article 4  
Licenses

**(1) Import and export of the substances can be realized only on the base of the official license, (hereinafter "license") complying the quantity and conditions set in the license which is issued by the Ministry of Economy of the Slovak Republic (hereinafter "the Ministry of Economy") according to special regulation.<sup>6)</sup> When issuing the license, the Ministry of Economy regulates the import and the export of the substances in such manner that quotas set according to Article 3 paragraph 3 for individual substances for relevant year are not exceeded.**

**(2) The opinion of the Ministry on the import and on the export of the substances issued for relevant period of time is necessary condition for the issuing of the license. The necessary condition for selected substances published in journal of the Office for Standardization, Metrology and Testing of the Slovak Republic is also the submitting of the certificate of the quality of the substance.<sup>5)</sup> Applicant is obliged to enclose the opinion of the Ministry or also the certificate on the quality of the substance to the application for the license issuance.**

**(3) Particulars of the application for the opinion of the Ministry are listed in the Annex 2.**

**(4) In order to issue the opinion, the Ministry can require from person requesting license the submitting of expert's opinion from the environmental protection point of view issued by the expert set according to Article 7.**

**(5) The holder of the license is obliged to inform the Ministry of Economy on realized import and export of the substances every three months.**

**(6) The Ministry of Economy informs the Ministry on data on issued licenses and on their base realized imports and exports of the substances every three months.**

**Article 5  
Consent and Opinion**

---

<sup>3)</sup> Article 2 of the Commerce Code

<sup>4)</sup> For instance Vienna Convention on the Protection of the Ozone Layer (Vienna 22<sup>nd</sup> March, 1985), Montreal Protocol on the Substances Depleting the Ozone Layer (Montreal 16<sup>th</sup> September, 1987), Amendment of the Montreal Protocol on the Substances Depleting the Ozone Layer (London 27<sup>th</sup> – 29<sup>th</sup> June, 1990).

<sup>5)</sup> Article 4 of the Order No. 246/1995 Coll. of the Office for Standardisation, Metrology and Testing on Certification of the Products.

<sup>6)</sup> The Order No. 15/1995 Coll. of the Ministry of Economy of the Slovak Republic on the Conditions of Issuing of Official License for Import and Export of Products and Services.

- (1) The Ministry issues consent to**
  - a) operation of facilities for recycling of the substances and for regeneration of the substance,
  - b) operation of stable appliances for offtake the substances,
  - c) transit transport of the substances through the territory of the Slovak Republic.
- (2) The Ministry issues opinion on the establishing and change of buildings used for**
  - a) production of the substance,
  - b) production of the products,
  - c) recycling of the substances and regeneration of the substances,
  - d) offtake the substances,
  - e) disposal of the substances.
- (3) The Ministry issues opinion on the operation of the facilities used for disposal of the substances.**
- (4) District office issues**
  - a) consent to the storage of the substances from 1,000 kilograms including,
  - b) opinion on the establishing and change of buildings used for the storage of the substances from 1,000 kilograms including.
- (5) Applicant requests for opinion referred to in paragraph 2 and paragraph 4 letter b) prior to the procedure according to the Building Act;<sup>7)</sup> the opinion is binding background material for this procedure.**
- (6) Concerning the matters referred to in paragraphs 2, 3 and paragraph 4 letter b), the district office is interested body in the procedure according to the Building Act.**
- (7) The application for consent or opinion contains**
  - a) name and address of requestor and identification number,
  - b) type, purpose, place and planned beginning of the activity for which the consent or opinion is requested,
  - c) next data according to individual activities referred to in Annex 2.
- (8) It is necessary to enclose to the application for consent or opinion according to paragraph 7**
  - a) business license
  - b) documentation or description of technological process of activities referred to in paragraph 1 and paragraph 4 letter a),
  - c) decision on the approval of the product type or on the certificate if the product is subjected to the state testing.<sup>8)</sup>
- (9) To complete the application for consent or opinion, the Ministry or district office can require from applicant to submit the expert's opinion from the environmental protection point of view issued by expert set according to Article 7 with exception of the cases referred to in paragraph 1 letter c).**
- (10) The Ministry or district office determine in their consent or opinion the purpose and time for which they are issued; if needed, they determine quantity of the substance and of the products, obligations and special technical conditions of the activity in accordance with the possibilities of best available appliances and technologies not entailing excessive costs (Article 3 paragraph 1).**

## **Article 6**

### **Abolition of the Consent**

The Ministry or district office may, after preceding note in written, abolish their consent referred to in Article 5 paragraph 1 or referred to in Article 5 paragraph 4 letter a) in the case when person doesn't comply with the conditions set in the consent.

## **Article 7**

### **Expert's Opinions and Expert Qualification**

**(1) In the cases set according to this Act the expert's opinions are issued by expert legal entities or expert natural persons listed in the Ministry's list of persons entitled to issue the expert's opinions (hereinafter "list"). The Ministry publish the list in its journal.**

**(2) In exceptional cases, also the person not listed in the list can issue the expert's opinion, if this person has for it necessary expert presuppositions.**

---

<sup>7)</sup> For instance Articles 32, 54, 85 and Article 88 paragraph 1 letter b) of the Act No. 50/1976 Coll. on Territorial Planning and Building Order (Building Act).

<sup>8)</sup> The Act No. 30/1968 Coll. on State Testing in wording of later regulations.

(3) On the base of the application, legal entities or natural persons which have acquired the certificate of expert qualification for the activities referred to in Article 5 paragraphs 1 to 4 are added to the list, in the same time stating the types of the substances and of the products for expert's opinion in given type of the activity according to the Ministry Commission's consideration. The applicant pays administration fee for its adding to the list according to special regulation.<sup>9)</sup>

(4) The costs connected with the issuance of the expert's opinion are paid by applicant.

(5) The Ministry shall set in generally binding legislation qualification presuppositions of the persons entitled to issue expert's opinions, procedure of assessment and verification of their expert qualification and of issuance of the certificates of expert qualification as well as details of issuance and preserving of the expert's opinions.

#### Article 8

##### Obligations in Import, Export and Placing on the Market

(1) When placing on the market, entrepreneur producing or importing the substances or the products is obliged to state in accompanying documentation number of the license (Article 4 paragraph 1) or number of the permit (Article 11 paragraph 4).

(2) If the substances or the products are placed on the market by different entrepreneur as that referred to in paragraph 1, he/she is obliged to require the number of entrepreneur's license referred to in paragraph 1 (Article 4 paragraph 1) or the number of his or her permit (Article 11 paragraphs 2 and 4) to state it as a part of accompanying documentation.

(3) The substance or the product cannot be placed on the market without marking on the visible place by the inscription "Substance depleting ozone layer of the Earth" or "This product contains substance depleting ozone layer of the Earth".

(4) Entrepreneur importing or exporting the substances or the products is obliged to state in the customs declaration<sup>10)</sup> marking "Substance depleting ozone layer of the Earth" or "This product contains substance depleting ozone layer of the Earth".

#### Article 9

##### Keeping Records and Obligation to Inform

(1) Records on the substances and the products are kept by the entrepreneur who

- a) imports or exports the substances,
- b) produces the substances or the products,
- c) stores the substances,
- d) operates the appliance for recycling of the substances or their regeneration,
- e) imports or exports the products,
- f) repairs or keeps maintenance of refrigerating, freezing, air conditioning appliances and of thermal pumps, all containing the substance (hereinafter "refrigerating appliance"),
- g) repairs, fills and realizes the revisions of extinguishers containing the substance,
- h) installs, repairs and realizes the revisions of stable and semi-stable extinguishing appliances containing the substance,
- i) processes the substances for his/her entrepreneurial activities,
- j) withdraws the substances,
- k) disposes the substances.

(2) The records are kept in such manner to be obvious where the substances are, what is their quantity and how are they treated; relevant documentation is preserved at least five years.

(3) Entrepreneurs performing the activities referred to in paragraph 1 letters b) to k) send to the Ministry data on the substances and the products referred to in paragraph 4.

(4) The Ministry shall set details on the data of substances and products and on their announcing by generally binding legislation.

#### Article 10

---

<sup>9)</sup> Item No. 127 of the Annex to the Act No. 145/1995 Coll. of the National Council of the Slovak Republic on Administration Fees in wording of the Act No. 1/1998 Coll..

<sup>10)</sup> Article 65 of the Custom Act

Annex 2 of the Order No. 167/1997 Coll. of the Ministry of Finance of the Slovak Republic on the Form, Content and Particulars of the Customs Declaration and on the Manner of the Keeping of Records on the Customs Statistics

## **Expert Qualification for Handling of the Substances**

### **(1) Performing of**

- a) production, installing and reparations of refrigerating appliances,**
- b) reparations, filling and revision of the extinguishers containing the substance,**
- c) installing, reparations and revisions of stable and semi-stable extinguishing appliances containing the substance,**
- d) projecting of stable and semi-stable extinguishing appliances containing the substance,**
- e) operation of the appliances for recycling of the substances or their regeneration,**
- f) offtake of the substances including the filling of pressure vessels for gases containing the substances,**
- g) disposal of the substances including undertaking in the area of handling of wastes containing the substance**

can be done only by the natural person who has obtained the certificate of expert qualification for handling of the substances (hereinafter "expert qualification for handling") or by the entrepreneur who does it through the natural person holding such certificate.<sup>11</sup>

(2) Expert qualification for handling is a sum of theoretical knowledge and practical experiences and knowledge of contemporaneous status of the technique, generally binding legislation and Slovak Technical Standards regulating the protection of the Earth ozone layer and the ability to use means and technical equipment for handling of the substances. It is necessary, in the case of the Ministry's summons, to prove their existence.

(3) Entrepreneur can perform the collection of the substances and their storage only through the natural person who has acquired the expert qualification for handling valid for one of the activities referred to in paragraph 1 letters a) to g).

(4) The certificate of expert qualification for handling according to paragraph 1 is issued to the person who has prescribed qualification, and who proves that is able to use the means and technical equipment necessary for performing the activity, and who proves by mean of examination theoretical and practical knowledge necessary for safe handling of the substances.

(5) Theoretical and practical training of person according to paragraph 1 is organised and the certificates of expert qualification for handling are issued by the organisation commissioned by the Ministry. The Ministry approves content of the texts for training and examinational questions.

(6) Costs connected with the finishing of the theoretical and practical training and with passing the examination are paid by person requesting certificate of expert qualification for handling.

(7) This Act has no influence to the special regulations<sup>12)</sup> according to which the performance of the activities referred to in paragraph 1 are conditioned to fulfillment of next conditions.

(8) The Ministry shall set in generally binding regulation qualification presuppositions, requirements for technical equipment of the persons for performance of the activities referred to in paragraph 1, procedure of the assessment and verifying of expert qualification for handling and of issuance of the certificates of expert qualification for handling.

## **Article 11 Prohibition**

### **(1) It is prohibited**

- a) to produce, to place on the market, to import and to export the substances listed in the Parts I to IV and VI of the Annex 1 since the day this Act enters into force,**
- b) to produce, to place on the market, to import and to export the substances listed in the Part V of the Annex 1 since the 1<sup>st</sup> January 2015,**

---

<sup>11)</sup> Article 24 of the Act No. 455/1991 Coll. on Small Business (Small Business Act)

Article 30 paragraph 2 of the Commerce Code

<sup>12)</sup> For instance the Act No. 174/1968 Coll. on State Expert Supervision over the Safety of Work in wording of the Act No. 256/1996 Coll. of the National Council of the Slovak Republic, the Act No. 51/1988 Coll. of the Slovak National Council on Mining Activity, Explosives and on State Mining Administration in wording of later regulations, the Act No. 238/1991 Coll., the Annex of the Act No. 455/1991 Coll., the Order No. 74/1996 Coll. of the Office of Safety of Work on the Ensuring of the Work Safety and Health Protection, Safety of Pressure, Lifting, Electric and Gas Technical Appliances and on Expert Qualification, the Order No. 83/1996 Coll. of the Ministry of the Interior of the Slovak Republic Implementing Certain Provisions of the Act of the Slovak National Council on the Protection Against Fire concerning the fire brigades.

- c) to produce, to place on the market, to import and to export the substances listed in the Part VII of the Annex 1 since the 1<sup>st</sup> January 2005,
- d) to produce, to import and to place on the market the products containing the substances listed in the Parts I to IV and VI of the Annex 1 since the day this Act enters into force,
- e) to produce, to import and to place on the market the products containing the substances listed in the Part V of the Annex 1 since the 1<sup>st</sup> January 2003,
- f) to produce, to import and to place on the market the products containing the substances listed in the Part VII of the Annex 1 since the 1<sup>st</sup> January 2005.

(2) It is prohibited to export the substances from the territory of the Slovak Republic to the territory of the state that is not the signatory of the international treaties on the protection of the ozone layer of the Earth.<sup>4)</sup> It is also prohibited to import the substance from the territory of such state to the territory of the Slovak Republic. The Ministry can in reasoned cases approve the exceptions to this prohibition. In the case of the request for an exception the Ministry can require the expert's opinion issued by qualified expert according to Article 7.

(3) Prohibition according to paragraph 1 doesn't apply to

- a) the import or the export of used substances that are imported or exported for the purpose of their recycling or regeneration,
- b) the import or the export of recycled or regenerated substances.

(4) The Ministry can in special cases and after obtaining the opinion of relevant central body of state administration, permit the production or placing on the market of the substances or the products, the import or the export of the substances, or the import or the export of the products also after the time limit of their prohibition, especially

- a) if it is necessary because of the health protection, safety or unavailability of technically realizable substitutes,
- b) for the filling of stable or semi-stable extinguishing appliances installed before the day this Act enters into force.

(5) In the case of the request for an exception the Ministry can require the expert's opinion issued by qualified expert according to Article 7.

(6) Legal entity or natural person submit the certificate of the product<sup>5)</sup> in the case of the import of goods<sup>13)</sup> that is likely to be the product according to this Act.

## Article 12

### State Supervision

(1) Slovak Environmental Inspection<sup>14)</sup> (hereinafter "Inspection") is expert supervisory body performing state supervision in matters of the protection of the ozone layer of the Earth in accordance with special regulation concerning the control in state administration.<sup>15)</sup>

(2) The Inspection imposes the measures aimed at removing of shortages found during the control and it controls the compliance with imposed measures.

(3) When performing state supervision, the persons are obliged to show the official identification card or the written mandate of body on the order of which the supervision is performed.

(4) The entrepreneur is obliged to enable bodies of state supervision to enter the premises, objects and establishments, further is obliged to show the documentation and provide true and complete information concerning the handling of the substances and the products.

## Article 13

### Informing of the Public

(1) Public media<sup>16)</sup> shall inform the public<sup>17)</sup> on the status of the ozone layer of the Earth and on the values of ultraviolet radiation on the territory of the Slovak Republic on regular basis and free of charge.

---

<sup>13)</sup> Article 2 letter d) of the Customs Act.

<sup>14)</sup> Article 7 of the Act of the Slovak National Council No. 595/1990 on the State Environmental Administration.

<sup>15)</sup> The Act of the National Council of the Slovak Republic No. 10/1996 on the Control in the State Administration.

<sup>16)</sup> For instance Article 4 paragraph 2 of the Act No. 254/1991 Coll. of the Slovak National Council on Slovak Television, Article 5 paragraph 4 of the Act No. 255/1991 Coll. of the Slovak National Council on Slovak Radio.

<sup>17)</sup> Article 45 of the Constitution of the Slovak Republic.

(2) The organization committed by the Ministry provide the necessary data for information referred to in paragraph 1.

### **THIRD PART FEES FOR HANDLING OF THE SUBSTANCES AND THE PRODUCTS**

#### **Article 14 Fee obligation**

(1) The entrepreneurs referred to in paragraphs 2 to 4 pay the fees for handling of the substances and the products.

(2) The entrepreneur producing or importing the substances listed in the Annex 1 pays the fee in amount of SKK 100 per one kilogram of the produced or imported substance.

(3) The entrepreneur producing or importing refrigerating or freezing appliances containing the substance pay the fee in amount of

- a) SKK 40 per each produced or imported piece of
  1. refrigerating appliance with the volume of cooled space up to 340 l including,
  2. freezing appliance with the volume of frozen space up to 400 l including,
- b) SKK 120 per each produced or imported piece of
  1. refrigerating appliance with the volume of cooled space more than 340 l and up to 900 l including,
  2. freezing appliance with the volume of frozen space more than 400 l and up to 400 l including,
- c) SKK 200 per each produced or imported piece of refrigerating or freezing appliance with the volume of cooled or frozen space more than 900 l.

(4) The entrepreneur producing or importing air conditioning appliances containing the substance pays the fee in amount of

- a) SKK 100 per each produced or imported piece with the cooling output up to 5 kW including,
- b) SKK 200 per each produced or imported piece with the cooling output more than 5 kW and up to 30 kW including,
- c) SKK 1000 per each produced or imported piece with the cooling output more than 30 kW.

(5) The fees referred to in paragraphs 2 to 4 are to be the assets of the Fund.<sup>18)</sup>

#### **Article 15 Payment and Transfer of the Fee**

The entrepreneur referred to in Article 14 paragraphs 2 to 4 is obliged

- a) to calculate the fee and is responsible for the correctness of the calculation,
- b) to transfer the fee to the Fund every three months up to the fifteenth day of next month,
- c) to enable the Fund or the Inspection to see the background data for calculation of the fee if they so request.

#### **Article 16 Penalty for Late Payment**

(1) If the entrepreneur referred to in Article 14 paragraphs 2 to 4 doesn't pay the fee in time and in full amount, is obliged to pay for every day of delay in payment the penalty of 0,05 % of the sum of unpaid fee.

(2) The penalty for unpaid fee is to be the asset of the Fund.

### **FOURTH PART LIABILITY FOR BREACHING THE OBLIGATION**

#### **Administrative Torts Article 17**

The entrepreneur commits the administrative tort by

---

<sup>18)</sup> The Act No. 128/1991 Coll. of the Slovak National Council on the State Environmental Fund of the Slovak Republic.

- a) import or export of the substance without or in conflict with the license of the Ministry of Economy,
- b) not fulfilling the obligation to inform concerning the substances or the products according to Article 4 paragraph 5 and Article 9 paragraph 3,
- c) import of the appliance for recycling of the substance or regeneration of the substance or transport of the substance through the territory of the Slovak Republic without or in conflict with the consent of the Ministry,
- d) performance of the activity referred to in Article 5 paragraph 1 letters b) and c), Article 5 paragraphs 2 and 4 without or in conflict with the consent or opinion,
- e) breaching the obligation set in Article 8 paragraphs 1 and 2 when placing the substances or the products on the market,
- f) not marking the substances or the products according to Article 8 paragraph 3 when placing on the market,
- g) not marking the substances or the products in customs declaration according to Article 8 paragraph 4 when importing or exporting the substances or the products or when exporting the substances,
- h) not keeping or preserving the records on the substances or the products,
- i) performing the activity referred to in Article 10 paragraph 1 and Article 23 paragraph 1 without or in conflict with the certificate of expert qualification for handling,
- j) production of the substances or the products, placing the substances or the products on the market in spite of prohibition according to Article 11 paragraphs 1 and 2,
- k) production of the substances or the products, placing the substances or the products subjected to the certification on the market without valid certificate and in spite of prohibition according to Article 11 paragraphs 1 and 2,
- l) import or export of the substances or import of the products in spite of prohibition according to Article 11 paragraphs 1 and 2,
- m) not fulfilling the obligation according to Article 12 paragraph 4,
- n) not fulfilling the obligation according to Article 15 letter c),
- o) performance of the activity for which the consent is needed according to Article 5 paragraph 1 or Article 5 paragraph 4 letter a) on the day this Act enters into force and by not requesting for issuance of the consent according to Article 23 paragraph 1,
- p) infringement the generally binding regulation issued according to this Act when treating of the substances or by breaching the decision of the Inspection on the measures aimed for removing of the shortages (Article 12 paragraph 2).

#### Article 18

(1) Administrative torts according to Article 18 letters b), d), e), f), h), i), j), k), m), n), o) and p) are negotiated by the Inspection.

(2) The inspection, taking into account the gravity of the endangering of human health or the environment can impose the fine in amount of

- a) up to SKK 10,000 for administrative tort referred to in Article 17 letter n),
- b) up to SKK 50,000 for administrative tort referred to in Article 17 letter e),
- c) up to SKK 200,000 for administrative torts referred to in Article 17 letters b), f) and h),
- d) up to SKK 1,000,000 for administrative torts referred to in Article 17 letters i) and o),
- e) up to SKK 3,000,000 for administrative torts referred to in Article 17 letters d), j) and p).

(3) The Inspection shall levy the fine in amount of SKK 300,000 to SKK 3,000,000 for the administrative tort referred to in Article 17 letter k) considering the gravity of the endangering of human health or of environment.

(4) The Inspection may in its decision on the levying of the fine to impose on obligee person to take the remedy measures in determined time limits. If obligee person doesn't take these measures in determined time limits, next fine may be levied up to the relevant higher threshold multiplied by two.

(5) The fine may be levied within one year since the day the Inspection was informed on the breaching the obligation, but latest within three years since the day the obligation was breached. Next fine according to paragraph 3 may be levied within one year since the day the obligation imposed in decision according to paragraph 3 should be fulfilled.

(6) The incomes of the fines levied for administrative torts according to paragraphs 2 to 4 become the assets of the Fund.<sup>18)</sup>



#### **Article 19**

**(1) Administrative torts according to Article 17 letters a), c), g) and l) are negotiated by customs bodies according to special regulation.<sup>19)</sup>**

#### **Article 20**

##### **Offences**

**(1) The offence is committed by that person who breaches this Act by**

- a) import of the appliances for recycling of the substances or their regeneration without consent,**
- b) import or export of the substances without license,**
- c) import of the products without license or consent.**

**(2) The offences according to paragraph 1 are negotiated by customs bodies according to special regulation.<sup>20)</sup>**

### **FIFTH PART**

#### **COMMON, TEMPORARY AND FINAL PROVISIONS**

##### **Common provisions**

##### **Article 21**

**General provisions on administrative procedure<sup>21)</sup> shall not be applied to the procedure according to Article 3 paragraph 3, Article 4 paragraph 2, Article 5 paragraphs 2 and 3, Article 5 paragraph 4 letter b), Article 7 paragraphs 1 and 2 and Article 10.**

##### **Article 22**

**The Ministry shall set in its generally binding legislation the detail on the way of the handling of the substance when**

- a) producing, repairing, installing, operating and maintaining refrigerating appliances,**
- b) repairing, filling and revising extinguishers containing the substance,**
- c) installing, repairing, and revising stable and semi-stable extinguishing appliances containing the substance,**
- d) taking off the substances,**
- e) collecting the substances,**
- f) recycling the substances and regenerating the substances,**
- g) storing the substances.**

##### **Article 23**

##### **Temporary provisions**

**(1) Person, who performs at the day this Act enters into force the activity for which the consent according to Article 5 paragraph 1 or Article 5 paragraph 4 letter a) is needed, is obliged to send an application for the issuance of such consent to the Ministry or to the district office within three months since the day this Act enters into force.**

**(2) The Ministry or the district office decide on the application according to paragraph 1 within three months since the day this application was sent. After six months expire since the day this Act enters into force the referred activities cannot be performed without consent issued according to this Act.**

**(3) Persons that perform the activities according to Article 10 paragraphs (1) and (2) may perform these activities within one year since the day this Act enters into force; after of this time expire only in the case they obtain the certificate of the expert qualification for handling according to Article 10 of this Act.**

##### **Article 24**

##### **Abrogation**

---

<sup>19)</sup> Articles 247 to 254 of the Customs Act.

<sup>20)</sup> Articles 242 to 246 of the Customs Act.

<sup>21)</sup> The Act No. 71/1967 Coll. on the Administrative Procedure (Administrative Order).

**Following provisions are abrogated:**

**1. Article 4 paragraph 4, Article 5 paragraph 3 and Article 17 letter k) of the Act No. 134/1992 Coll. of the Slovak National Council on the State Administration of Air Protection in wording of the Act No. 148/1994 Coll. of the National Council of the Slovak Republic,**

**2. Provisions on adding the dichlorodifluoromethane, tetrachloromethane, 1,1,1-trichloroethane and trichlorofluoromethane to the Part A of the Annex to the Act No.311/1992 Coll. of the Slovak National Council on the fees for Air Pollution.**

## **Section II**

**Act No. 455/1991 Coll. on Small Business (Small Business Act) in wording of the Act No. 231/1992 Coll., of the Act No. 600/1992 Coll., of the Act No. 132/1994 Coll. of the National Council of the Slovak Republic, of the Act No. 200/1995 Coll. of the National Council of the Slovak Republic, of the Act No. 216/1995 Coll. of the National Council of the Slovak Republic, of the Act No. 233/1995 Coll. of the National Council of the Slovak Republic, of the Act No. 123/1996 Coll. of the National Council of the Slovak Republic, of the Act No.164/1996 Coll. of the National Council of the Slovak Republic, of the Act No. 222/1996 Coll. of the National Council of the Slovak Republic, of the Act No. 289/1996 Coll. of the National Council of the Slovak Republic, of the Act No. 290/1996 Coll. of the National Council of the Slovak Republic and of the Act No. 288/1997 Coll. of the National Council of the Slovak Republic is amended as follows:**

**1. In the Annex 2, in GROUP 202, in the first column – Filling of pressure vessels for gases, there are following words added in the second column "Certificate (Article 10 of the Act No. 76/1998 Coll." and following words are added in third column "it is requested only for the activities according to the Act No. 76/1998 Coll."**

**2. In the Annex 2, in GROUP 205, in the first column – Production, installation and reparations of refrigerating appliances, there are following words added in the second column "Certificate (Article 10 of the Act No. 76/1998 Coll." and following words are added in third column "it is requested only for the activities according to the Act No. 76/1998 Coll."**

**3. In the Annex 2, in GROUP 214, in the first column – Reparations, filling and revisions of extinguishers, there are following words added in the second column "Certificate (Article 10 of the Act No. 76/1998" and following words are added in third column "it is requested only for the activities according to the Act No. 76/1998"**

**4. In the Annex 2, in GROUP 214, in the first column – Projecting, installation, reparations and revision performance of stable and semi-stable of extinguishing appliances, there are following words added in the second column "Certificate (Article 10 of the Act No. 76/1998 Coll." and following words are added in third column "it is requested only for the activities according to the Act No. 76/1998 Coll."**

**5. In the Annex 3, in GROUP 314, in the first column – Undertaking in the area of waste handling, there are following words added in the second column "Certificate (Article 10 of the Act No. 76/1998 Coll." and following words are added in third column "it is requested only for the activities according to the Act No. 76/1998 Coll."**

## **Section III**

**This Act enters into force on 1<sup>st</sup> April 1998.**

**Michal Kováč sign manual**

**Ivan Gašparovič sign manual**

**Vladimír Mečiar sign manual**

INDEX OF SUBSTANCES

Item of customs tariff	Name	Chemical formula	Label
------------------------	------	------------------	-------

I. Halons

2903 46 20	bromotrifluoromethane	CF <sub>3</sub> Br	(halon-1301)
2903 46 90	dibromotetrafluoroethane	C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>	(halon-2402)
2903 46 10	bromochlorodifluoromethane	CF <sub>2</sub> BrCl	(halon-1211)

II. Fully halogenated chloroflorohydrocarbons

2903 41 00	trichlorofluoromethane	CFCl <sub>3</sub>	(CFC-11)
2903 42 00	dichlorodifluoromethane	CF <sub>2</sub> Cl <sub>2</sub>	(CFC-12)
2903 43 00	trichlorotrifluoroethane	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	(CFC-113)
2903 44 10	dichlorotetrafluoroethane	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	(CFC-114)
2903 44 90	chloropentafluoroethane	C <sub>2</sub> F <sub>5</sub> Cl	(CFC-115)

Perhalogenated halogenderivates of acyclic hydrocarbons

2903 45 10	chlorotrifluoromethane	CF <sub>3</sub> Cl	(CFC-13)
2903 45 15	pentachlorofluoroethane	C <sub>2</sub> FCl <sub>5</sub>	(CFC-111)
2903 45 20	tetrachlorodifluoroethane	C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(CFC-112)
2903 45 25	heptachlorofluoropropane	C <sub>3</sub> FCl <sub>7</sub>	(CFC-211)
2903 45 30	hexachlorodifluoropropane	C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub>	(CFC-212)
2903 45 35	pentachlorotrifluoropropane	C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub>	(CFC-213)
2903 45 40	tetrachlorotetrafluoropropane	C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub>	(CFC-214)
2903 45 45	trichloropentafluoropropane	C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub>	(CFC-215)
2903 45 50	dichlorohexafluoropropane	C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub>	(CFC-216)
2903 45 55	chloroheptafluoropropane	C <sub>3</sub> F <sub>7</sub> Cl	(CFC-217)

2903 14 00	III. carbon tetrachlorid	CCl <sub>4</sub>	
------------	--------------------------	------------------	--

2903 19 10	IV. 1, 1, 1 – trichloroethane	C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub>	
------------	-------------------------------	---	--

V. Not fully halogenated chloroflorohydrocarbons

2903 49 10	Halogenderivates of acyclic hydrocarbons containing two or more different halogens halogenated only by fluorine and chlorine, and from them halogenderivates of methane, and ethane or propane		
	dichlorofluoromethane	CHFCl <sub>2</sub>	(HCFC-21)
	chlorodifluoromethane	CHF <sub>2</sub> Cl	(HCFC-22)
	chlorofluoromethane	CH <sub>2</sub> FCl	(HCFC-31)
	tetrachlorofluoroethane	C <sub>2</sub> HFCl <sub>4</sub>	(HCFC-121)
	trichlorodifluoroethane	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	(HCFC-122)
	dichlorotrifluoroethane	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	(HCFC-123)
	chlorotetrafluoroethane	C <sub>2</sub> HF <sub>4</sub> Cl	(HCFC-124)
	trichlorofluoroethane	C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub>	(HCFC-131)
	dichlorodifluoroethane	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-132)
	chlorotrifluoroethane	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	(HCFC-133)
	chlorotrifluoroethane	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	(HCFC-133)
	dichlorofluoroethane	C <sub>2</sub> H <sub>3</sub> FCl <sub>2</sub>	(HCFC-141)
	chlorodifluoroethane	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	(HCFC-142)

Item of customs	Name	Chemical	Label
-----------------	------	----------	-------

tariff		formula	
	chlorofluoroethane	$C_2H_4FCI$	(HCFC-151)
	hexachlorofluoropropane	$C_3HFCl_6$	(HCFC-221)
	pentachlorodifluoropropane	$C_3HF_2Cl_5$	(HCFC-222)
	tetrachlorotrifluoropropane	$C_3HF_3Cl_4$	(HCFC-223)
	trichlorotetrafluoropropane	$C_3HF_4Cl_3$	(HCFC-224)
	dichloropentafluoropropane	$C_3HF_5Cl_2$	(HCFC-225)
	chlorohexafluoropropane	$C_3HF_6Cl$	(HCFC-226)
	pentachlorofluoropropane	$C_3H_2FCI_5$	(HCFC-231)
	tetrachlorodifluoropropane	$C_3H_2F_2Cl_4$	(HCFC-232)
	trichlorotrifluoropropane	$C_3H_2F_3Cl_3$	(HCFC-233)
	dichlorotetrafluoropropane	$C_3H_2F_4Cl_2$	(HCFC-234)
	chloropentafluoropropane	$C_3H_2F_5Cl$	(HCFC-235)
	tetrachlorofluoropropane	$C_3H_3FCI_4$	(HCFC-241)
	trichlorodifluoropropane	$C_3H_3F_2Cl_3$	(HCFC-242)
	dichlorotrifluoropropane	$C_3H_3F_3Cl_2$	(HCFC-243)
	chlorotetrafluoropropane	$C_3H_3F_4Cl$	(HCFC-244)
	trichlorofluoropropane	$C_3H_4FCI_3$	(HCFC-251)
	dichlorodifluoropropane	$C_3H_4F_2Cl_2$	(HCFC-252)
	chlorotrifluoropropane	$C_3H_4F_3Cl$	(HCFC-253)
	dichlorofluoropropane	$C_3H_5FCI_2$	(HCFC-261)
	chlorodifluoropropane	$C_3H_5F_2Cl$	(HCFC-262)
	chlorofluoropropane	$C_3H_6FCI$	(HCFC-271)

VI. Not fully halogenated bromofluorohydrocarbons

2903 49 30

Halogenderivates of acyclic hydrocarbons containing two or more different halogens halogenated only by fluorine and bromine, and from them halogenderivates of methane, and ethane or propane

	dibromofluoromethane	$CHFBr_2$	(HCFC-22B1)
	bromodifluoromethane	$CHF_2Br$	
	bromofluoromethane	$CH_2FBr$	
	tetrabromofluoroethane	$C_2HFBr_4$	
	tribromodifluoroethane	$C_2HF_2Br_3$	
	dibromotrifluoroethane	$C_2HF_3Br_2$	
	bromotetrafluoroethane	$C_2HF_4Br$	
	tribromofluoroethane	$C_2H_2FBr_3$	
	dibromodifluoroethane	$C_2H_2F_2Br_2$	
	bromotrifluoroethane	$C_2H_2F_3Br$	
	dibromofluoroethane	$C_2H_3FBr_2$	
	bromodifluoroethane	$C_2H_3F_2Br$	
	bromofluoroethane	$C_2H_4FBr$	
	hexabromofluoropropane	$C_3HFBr_6$	
	pentabromodifluoropropane	$C_3HF_2Br_5$	
	tetrabromotrifluoropropane	$C_3HF_3Br_4$	
	tribromotetrafluoropropane	$C_3HF_4Br_3$	
	dibromopentafluoropropane	$C_3HF_5Br_2$	
	bromohexafluoropropane	$C_3HF_6Br$	
	pentabromofluoropropane	$C_3H_2FBr_5$	
	tetrabromodifluoropropane	$C_3H_2F_2Br_4$	
	tribromotrifluoropropane	$C_3H_2F_3Br_3$	

Item of customs tariff	Name	Chemical formula	Label
	dibromotetrafluoropropane	$C_3H_2F_4Br_2$	
	bromopentafluoropropane	$C_3H_2F_5Br$	
	tetrabromofluoropropane	$C_3H_3FBr_4$	

tribromodifluoropropane	$C_3H_3F_2Br_3$
dibromotrifluoropropane	$C_3H_3F_3Br_2$
bromotetrafluoropropane	$C_3H_3F_4Br$
tribromofluoropropane	$C_3H_4FBr_3$
dibromodifluoropropane	$C_3H_4F_2Br_2$
bromotrifluoropropane	$C_3H_4F_3Br$
dibromofluoropropane	$C_3H_5FBr_2$
bromodifluoropropane	$C_3H_5F_2Br$
bromofluoropropane	$C_3H_6FBr$

2903 30 33

VII. bromomethane

$CH_3Br$

CONDITIONS OF APPLICATION

for approval or statement

- I. **Approval for operation of device for substances recovery and substances regeneration [Art. 5, par. 1, letter a) of the Act]**
  1. category of substance participating on recovery or regeneration in the device,
  2. capacity of device for substances recovery or substance regeneration (t/year/substance),
  3. efficiency of device for substances recovery or substance regeneration (%).
- II. **Approval for operation of stationary device for substances offtake [Art. 5, par. 1, letter b) of the Act]**
  1. technology description,
  2. specification of operational device for substance offtake.
- III. **Approval for transit of substances through territory of the Slovak Republic [Art. 5, par. 1, letter c) of the Act]**
  1. substance category,
  2. quantity of substance,
  3. origin state,
  4. destination state,
  5. single or repeated transport,
  6. kind of transport,
  7. packaging way,
  8. statement if load will be renewed by another kind of commodity, or if other commodity discharged on territory of the Slovak Republic is transported together with the substance.
- IV. **Approval for substances storage [Art. 5, par. 4, letter a) of the Act]**
  1. category of stocked substances,
  2. maximum storage capacity (t) by substance category,
  3. supposed quantity of stocked substances (t) by their category,
  4. certification (document) on convenience of using storage in view of safety and protection of health at work and fire safety.
- V. **Opinion on establishment and change of facilities for substances production or production of products [Art. 5, par. 2, letter a), and b) of the Act]**
  1. planned quantity of substance production (t/year) and products (pcs/year),
  2. substance category in production of substances,
  3. category and quantity of substances (t/year) used in production of products,
  4. supposed way of product disposal.
- VI. **Opinion on establishment and change of facilities for substances recycling or substances regeneration [Art. 5, par. 2, letter c) of the Act]**
  1. category of substance recycling or regenerated in device,
  2. capacity of device for substances recycling or substance regeneration (t/year/substance),
  3. efficiency of device for substances recycling or substance regeneration (%).
- VII. **Opinion on establishment and change of facilities for substances offtake [Art. 5, par. 2, letter d) of the Act]**
  1. technology description,
  2. projected capacity of technological device (pcs/year),
  3. specification of manipulation with obtained substance.

- VIII. Opinion on establishment and change of facilities for substances disposal [Art. 5, par. 2, letter e) of the Act]**
- 1. disposal technology description,**
  - 2. projected capacity of technological device,**
  - 3. specification of manipulation with substance.**
- IX. Opinion on operation of device for substances disposal [Art. 5, par. 3) of the Act]**
- 1. disposal technology description,**
  - 2. projected capacity of technological device,**
  - 3. specification of manipulation with substance.**
- X. Opinion on establishment and change of facilities for substances storage [Art. 5, par. 3, letter b) of the Act]**
- 1. category of stocked substances,**
  - 2. maximum storage capacity (t) by substance category,**
  - 3. supposed quantity of stocked substances (t) by their category,**
  - 4. certification (document) on convenience of using storage in view of safety and protection of health at work and fire safety.**
- XI. Opinion on import or export of substances [Art. 4, par. 2, and 3 of the Act]**
- 1. name and address of applicant (residence) and identification number,**
  - 2. valid license for business activity,**
  - 3. way of import or export, description of process, way of transport and packaging,**
  - 4. way of storage, approval for storage of substances and certificate of professional qualification of persons manipulating with substance,**
  - 5. category and quantity of imported or exported substance,**
  - 6. state of origin and destination,**
  - 7. quality certificate of substance, declaration of supplier of substance that it is regenerated substance (only for selected substances published in Journal of Office for standardization, metrology and testing) in case of regenerated substance too,**
  - 8. certification of substance nature as well as results of its analysis and declaration of supplier of substance, that it is recycled or contaminated substance at import of recycled substance or contaminated substance appointed for regeneration,**
  - 9. way of using of substance, in the case of its sale valid contracts with purchaser too.**