

Act No. 393/1998

of 16 December 1998

amending Act No. 309/1991 Coll. concerning air protection against pollutants (The Act on Air) as amended and concerning amendment of Act No. 134/1992 Coll. of the Slovak National Council concerning state administration of air protection as amended

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

Chapter I

Act No. 309/1991 Coll. concerning air protection against pollutants (The Act on Air) as amended by Act No. 218/1992 Coll., Act No. 148/1994 Coll. of the National Council of the Slovak republic and Act No. 256/1995 Coll. of the National Council of the Slovak republic shall be amended as follows:

1. The title of Article 5 shall be:

"Pollution limits and emission quotas".

2. In Article 5 shall be added paragraphs (7) to (12), which shall be:

"(7) The Ministry may define maximum acceptable quantities of pollutants, that can be released to air during calendar year from large and medium source of pollution (hereinafter only "emission quotas"). The Ministry shall define emission quotas for the Slovak Republic with classification to individual districts by generally binding regulation so that they shall be announced at least 18 months before beginning of the year, for which they are defined.

(8) If the Ministry defines emission quotas according to paragraph (7), the competent body of air protection ^{2a)} shall define emission quotas for pollutants released from individual large and medium sources of pollution so that they do not exceed emission quotas for district and decision on their definition shall be issued at least nine months before beginning of the year for which they are defined. When defining emission quotas, competent body takes into consideration particularly emission quantity released from source for precedent years, business objective of source operator, expected regional need of warmth, program of reduction of emission from source of pollution ^{2b)} and district environmental action program. Emission quota shall be valid only for calendar year for which it is defined.

(9) Operators of large and medium sources of pollution may apply for change of emission quotas or its parts based on the contract of mutual share of their emission quotas or its parts; this shall be valid equally for changes of emission quotas in the frame of several sources of one operator. It is possible to exceed emission quotas defined for district in the case of emission quotas change of operators of pollution sources according to provisions defined by the act.

(10) It shall be forbidden to shift emission quotas or their parts

a) from sources of pollution on unloaded territories to the source on pollution of loaded territories;^{2c)}

b) among sources of pollution on loaded territories from different regions of loaded territories. ^{2c)}

(11) Application for change of emission quotas shall be submitted by operators of large and medium sources of pollution at the latest by December 31 of the year, for which the rates were defined, to the air protection body, which defined their emission quotas. If two different air protection bodies defined emission quotas, the competent body is the air protection body of the closest level superior to both of them.

(12) If proposed change of emission quotas is in compliance with the act, air protection body (paragraph 11) shall confirm this change by decision; at the same time it shall change or repeal precedent decisions of applicants' corresponding emission quotas definition."

Footnotes 2a to 2c shall be:

^{2a)} Article 5 of Act No. 134/1992 Coll. of the Slovak National Council concerning state administration of air protection as amended.

^{2b)} Decree No.208/1996 Coll. of the Ministry of Environment of the Slovak Republic concerning the program of emission reduction.

^{2c)} Article 2(2) and Article 5(1) of Decree No. 112/1993 Coll. of the Ministry of Environment of the Slovak Republic concerning specification of area requiring special air protection and concerning operation of smog warning and control systems."

3. In Article 7(1) point b) these words shall be inserted to the end: "and prove their observance as defined in separate legislation;^{2d)}".

Footnote 2d shall be:

^{2d)} Decree No. 41/1997 Coll. of the Ministry of Environment of the Slovak Republic concerning quantity detection of released pollutants and data on compliance with defined limits of pollution."

4. In Article 7 paragraph (1) shall be completed by point n), which shall be: "n) to comply with defined emission quotas (Article 5(8) and (12))."

5. In Article 12(2) word "orders" shall be replaced by words "may order".

6. In Article 12 paragraph 2 shall be completed by point d), which shall be: "d) repeatedly exceeds defined emission rate (Article (8) and (12))."

7. In Article 14 paragraph (1) shall be: "Emission limits, pollutant matters limits, deposition limits and emission quotas for separate pollutants define acceptable level of air pollution."

8. In Article 14 paragraph2 words "have to comply with the best available technologies" shall be replaced by words "result from possibilities of the best available technologies".

9. Article 14 shall be completed by paragraph (5), which shall be :

"(5) Emission quotas shall be defined with objective to regulate overall quantity of released pollutant in accordance with needs resulting from international treaties on air protection, that are binding for the Slovak Republic."

10. In Article 18 paragraph 2 point a) words "Article 7(1) points a), b), c), f), i), and l)" shall be replaced by words "Article 7 paragraph1 points a), b), c), f), i), l), and n)".

11. In Article 18 paragraph 6 words "in Article 7 paragraph 1 points a), b), c), f), i), and l)" shall be replaced by words "in Article 7paragraph 1 points a), b), c), f), i), l), and n)".

12. Articles 20 and 20a shall be inserted beyond Article 19a, which shall be:

"Article 20

(1) Pollutants released to air from separate places of pollutants' release from large and medium sources of pollution shall be categorized to group A or to group B from January 1, 1999 according to whether technical status of technological devices of the source permits to comply with defined emission limits^{4d)}.

(2) Pollutants released from large or medium sources of pollution, of which technical status does not allow compliance with defined emission limits after January 1, 1999 and operator of which submits the application according to paragraph 4 may be classified into group B. Subject of classification in group B shall always be particular pollutant released from particular place of its release from the source of pollution.

(3) All released pollutants from all places of their release from existing large and medium sources of pollution, which are not classified in group B, and all pollutants from all places of their release from new large and medium sources of pollution shall be classified in group A.

(4) Operator of pollution source shall submit an application for pollutant classification into group B to competent air protection body. ^{2a)} Application shall contain:

- a) source name and its classification; ^{4e)}
- b) exact place identification of pollutant release from the source of pollution, kind of pollutant classified in group B, and defined emission limit; ^{4d)}
- c) updated program of emission reduction for sources of pollution; ^{2b)}
- d) measures prepared according to special regulation for large and medium sources of pollution; ^{4f)}
- e) results of first single measurement, ^{2d)} showing compliance with requirements for classification of released pollutant into group B, if it was performed.

(5) Pollutant shall be classified into group B by issuing its classification confirmation by competent air protection body. Pollutant shall remain in group B until measurement according to special regulation^{2d)} proves compliance with defined emission limit, but not later than to December 31, 2006.

(6) Operator of pollution source shall notify measurement result according to paragraph 5 to competent air protection body. Pollutant released to air from the place of release shall be classified into group A by issuing its classification confirmation by competent air protection body or based on the Act on January 1, 2007.

(7) Air protection body shall inform competent health protection body and Slovak Environmental Inspectorate on confirmations issued according to paragraphs 5 and 6.

Article 20a

(1) Provisions of Article 7 paragraph 1 point b) with exception of duty to perform first single measurement^{2d)} and of Article 12 paragraph 2 point b) shall not apply to operator of source of pollution, who releases pollutant classified to group B to air in the place of its release.

(2) Provision concerning duty of operator of pollution source to install monitoring system and to detect the quantity of released pollutant and data on compliance with defined emission limit by continual monitoring in the place of pollutants release, in which some pollutant is classified to the group B according to Article 7 paragraph 1 points b), d), i) and separate regulation ^{2d)}, shall not apply until all pollutants in given place of release will be transferred from the group B to the group A.

(3) In the case according to paragraph 2

- a) the quantity of released pollutant classified in group A and the quantity of released pollutant classified in group B shall be detected by single measurement according to separate regulation; ^{2d)} first single measurement shall be performed within defined period for monitoring system installation according to separate regulation ^{4g)} and repeated measurement in periods according to separate regulations; ^{4h)}
- b) single measurement according to separate regulation ^{2d)} shall detect data on compliance with defined emission limit for pollutant classified in group A; first single measurement of pollutants classified in group A and pollutants classified in group B shall be performed within period defined by separate regulation; ⁴ⁱ⁾ repeated measurement of pollutants classified in group A shall be performed within periods according to separate regulation. ^{4j)}

(4) If pollutant in place of its release from the source of pollution classified in group B is transferred to group A according to Article 20(5) on January 1, 2007 and according to Article 7(1) point b) and separate regulation ^{2d)} a duty for source operator to prove compliance with emission limit by single measurement results from it. This measurement shall be performed before December 31, 2006."

Footnotes 4d to 4f shall be:

^{4d)} Article 4(1) and (2) of Regulation No. 92/1996 Coll. of the Government of the Slovak Republic.

^{4e)} Article 3(2) of Regulation No. 92/1996 Coll. of the Government of the Slovak Republic.

^{4f)} Article 3(1) point d) and e) of Decree No. 208/1996 Coll. of the Ministry of Environment of the Slovak Republic.

^{4g)} Article 15(1) to 4 of Decree No.41/1997 Coll. of the Ministry of Environment of the Slovak Republic.

^{4h)} Article 4(8) point c) of Decree No.41/1997 Coll. of the Ministry of Environment of the Slovak Republic.

⁴ⁱ⁾ Article 15(6) of Decree No.41/1997 Coll. of the Ministry of Environment of the Slovak Republic.

4j) Articles 9, 10 and 11 of Decree No.41/1997 Coll. of the Ministry of Environment of the Slovak Republic."

Chapter II

The Act No. 134/1992 Coll. of the Slovak National Council concerning state administration of air protection as amended by the Act No. 148/1994 Coll. of the National Council of the Slovak Republic, Act No. 256/1995 Coll. of the National Council of the Slovak Republic, Act No. 222/1996 Coll. of the National Council of the Slovak Republic and Act No. 76/1998 Coll. shall be amended as follows:

1. New points m) and n) shall be inserted into Article 2 after point l), which shall be:
"m) defines emission quotas for the Slovak Republic according to particular districts; ^{6a)}
n) decides on amendment of emission quotas of operators of large and medium sources of pollution ^{6b)}, if these sources are situated on the territory of different regions;"

Present point m) shall be marked as point o).

Footnotes 6a and 6b shall be:

^{6a)} Article 5(7) of the Act No. 309/1991 Coll. as amended by the Act No. 393/1998 Coll.

^{6b)} Article 5(9) to (12) of the Act No. 309/1991 Coll. as amended by the Act No. 393/1998 Coll."

2. In Article 4 paragraph 1 shall be completed by point e), which shall be:
"e) decides on amendment of emission quotas ^{6b)} of operators of large and medium sources of pollution, if these sources are situated on the territory of different districts."

3. In Article 4(3) word "orders" shall be replaced by words "may order".

4. In Article 4 paragraph 3 shall be completed by point d), which shall be read:
"d) repeatedly exceeds defined emission quota. ^{9b)}".

Footnote 9b shall be:

^{9b)} Article 5(8) to (12) of the Act No. 309/1991 Coll. as amended by the Act No. 393/1998 Coll."

5. In Article 5 paragraph 2 shall be completed by points h) to j), that shall be:
"h) defines emission quotas of pollutants released from particular large and medium sources of pollution; ^{11a)}
i) decides on change for emission quotas of operators of large and medium sources of pollution, if these sources are situated on the territory of one district;
j) confirms pollutant classification in the place of its release from large and medium sources of pollution to the group B and its transfer to the group A. ^{11b)}".

Footnotes 11a and 11b shall be:

^{11a)} Article 5(8) of the Act No. 309/1991 Coll. as amended by the Act No. 393/1998 Coll.

^{11b)} Article 20(5) and (6) of the Act No. 309/1991 Coll. as amended by the Act No. 393/1998 Coll."

6. Words "and emission quota" shall be inserted into Article 10 in first paragraph after word "limits"

7. In Article 11 paragraph 2 shall be:

"(2) General provisions on administration proceeding except provisions concerning local competence shall not apply for legal acts performed by air protection body according to Article 2(2) points e), g), h), i), l), m), Article 4(1) points b), c), Article 5(1) points a), c), Article 5(2) points d) and j), and Article 6 point a) of the Act."

8. Article 11 shall be completed by paragraphs 8 and 9, that shall be:

"(8) Rights and duties defined by decision or approval of air protection body concerning authorizations and conditions for operation of source of pollution shall proceed to new operator if operator of source of pollution changes.

(9) Applicant for authorization awarding shall bear charges for professional skill attestation according to Article 2(2) point e).".

Chapter III

This Act shall enter into force on January 1, 1999.

Jozef Migaš, s.m.

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