

111/1993 Coll.
REGULATION
of the Ministry of the Environment of the Slovak Republic
on April 26, 1993
on issuing expertises in matters
of air protection or waste,
on appointing persons authorized to issue expertises
and on verifying expert qualifications of these persons
Amendment: 53/1995 Coll.

The Ministry of the Environment of the Slovak Republic (hereafter “the ministry”) according to Article 11 par. 5 of the Act of the Slovak National Council No. 494/1991 Coll. on the state administration for waste management and Article 17h of the Act of the Slovak National Council No. 134/992 Coll. on the State Administration for Air Protection establishes:

Article 1

The Subject of Regulation

This Regulation defines

- a) in which cases the expertise on the impact of the planned activity or equipment on the environment is a part of the application for the issuance of the approval and statement in waste matters, 1)
- b) the procedure for appointing legal entities and physical persons who are authorized to issue expertises in matters of air protection or waste, 2)
- c) conditions for the verification of expert qualifications of entities that issue expertises.

1) Article 11 par. 5a of the Act of the Slovak National Council No. 494/1991 Coll. on the State Administration for Waste Management.

2) Article 11 par. 3 of the Act No. 309/1991 Coll. on Air Protection against Polluting Substances (the Act on Air).

Article 11 par. 5b of the Act of the Slovak National Council No. 494/1991 Coll.

Article 2

Expert Qualifications

Expert qualification is a summary of theoretical knowledge, practical experiences and knowledge of the current condition of technology, of general legally binding legislation and other provisions that define air protection and waste management.

Article 3

The Authorized Person

(1) The appointment of a person who is authorized to issue expertises in matters of air protection or waste (hereafter the “authorized person”) is carried out after his expert qualifications are verified by issuing a certificate in expert qualifications (hereafter the “certificate”).

(2) A person other than the authorized person may issue expert opinions in matters of air protection or waste (hereafter the “expert opinion”) only on special occasions under conditions established in Article 14 of this Regulation.

(3) Legal entities and natural persons who have a trade license 3) can issue expertises only through an authorized person.

3) Article 2 of the Act No. 513/1991 Coll. of the Commercial Code in wording of the Act No. 264/1992 Coll.

Article 4

Requirements for Having the Certificate Issued

(1) The certificate may be issued to a person who

- a) is competent in legal acts,
- b) has the required qualification and professional experience in giving expert opinions according to par. 2 and 3,
- c) proves that he has the means and the possibility to use the technical equipment necessary to issue expertises,
- d) has a clean record,
- e) has completed professional training that was provided by the organization designated by the ministry,
- f) successfully passed the examination according to Article 7.

(2) The following is understood to be the required qualification and professional experience for giving expertises

- a) for evaluating medium and small sources of air pollution, a complete secondary school training in the appropriate technical field and at least nine years of professional experience or a university education in a technical field or natural sciences and at least three years of professional experience or a bachelor's degree in a technical field or natural science and at least six years of professional experience,
- b) for evaluating large sources of air pollution, a university education in a technical field or natural sciences and at least six years of professional experience,
- c) in matters of waste, a complete secondary school training in the appropriate technical field and at least nine years of professional experience or a university education in a technical field or natural sciences and at least four years of professional experience or a bachelor's degree in a technical field or natural science and at least six years of professional experience.

(3) The professional experience according to par. 2 is understood to be experience in such a field or in a similar field where the verification of expert qualification is required.

(4) For the purpose of this Regulation, the person with a clean record is someone who was not legally convicted of an intentional criminal offence or a criminal offence where he endangered the environment. 4)

4) Article 181a, 181b of the Criminal Code No. 140/1961 Coll. in wording of later provisions (the complete wording No. 392/1992 Coll.).

Article 5

The Application for the Verification of Expert Qualifications

(1) The application for the verification of expert qualifications (hereafter the "application") is sent to the ministry by the applicant.

(2) In the application the applicant states

- a) the name, surname, permanent residence and personal identification number,
- b) the definition of the activity within the framework of the field in which he applied for the issuance of the certificate in matters of air protection, 5)
- c) the definition of the activity in matters of waste according to Annex No. 1 of this Regulation and according to special provisions. 6)

(3) The applicant attaches to the application

- a) a copy of the criminal record that must not be more than 3 months old,
- b) a certified document stating the completion of education,
- c) a document or statutory declaration that proves the length of his professional experience,
- d) a document or statutory declaration that he has the means and the possibility to use the technical equipment necessary to issue expertises,
- e) an overview of his publications, scientific or other professional activity in connection with the field in which he applied for the issuance of the certificate,
- f) a document stating his completion of a professional training course that was provided by the designated organization,
- g) a document that proves other special expert qualifications if they were obtained. 7)

(4) If the application does not contain the appropriate information according to par. 2 and 3 or if the verification of expert qualifications requires further necessary information, the ministry shall call upon the applicant to complete them.

5) Article 11 par. 1a, c, f, g, h of the Act No. 309/1991 Coll. Annex No. 2 of the measure of the Federal Commission for the Environment of October 1, 1991 of the law No. 309 on air protection against polluting substances published in the part 84/1991 Coll. in wording of the measure of the Federal Commission for the Environment of June 23, 1992 published in the part 84/1991 Coll.

Annex No. 2 point I of the Regulation of the Slovak Commission for the Environment No. 407/1992 that defines the classification list of the pollution sources and the list of polluting substances and their limits and establishes details for determining emission limits for existing sources of air pollution.

6) For example the measure of the Federal Commission for the Environment of August 1, 1991 through which the classification and the catalogue of waste published in the part 69/1991 Coll. .

7) For example the Act No. 36/1967 on experts and interpreters, the Act of the Slovak National Council No. 138/1992 Coll. on authorized architects and authorized construction engineers, the Regulation of the Slovak Geological Institute No. 415/1995 Coll. on granting the license for the performance of geological works and on methods of verification of expert qualifications of workers.

Article 6

The Examination Committee

- (1) Expert qualifications are verified by an examination before an examination committee of the ministry for matters of air protection or before an examination committee of the ministry for matters of waste (hereafter the “examination committee”).
- (2) The examination committee consists of a chairman who is appointed and recalled by the Minister of the Environment of the Slovak Republic (hereafter the “minister”) from workers of the ministry, and members that are appointed and recalled by the minister on the motion of the chairman of the examination committee from workers of authorities of the state administration for air protection and waste management and organizations managed by the ministry. A consultant may also be appointed as a member of the examination committee.
- (3) Consultants are appointed and recalled by the minister on the motion of the chairman of the examination committee from experts in the area of theory and practice.
- (4) The examination committee has an odd number of members.
- (5) The examination committee has a quorum if at least three members are present and passes resolutions with a majority of votes of present members.

(6) Details about the activities of the examination committee and about taking examinations shall be defined by examination regulations.

(7) Participation in the activities of the examination committee is considered to be another action in the public interest. 8)

8) Article 124 par. 2 of the Labour Code

Article 22 par. 4 of the Governmental Regulation of the Czechoslovak Socialist Republic No. 223/1988 Coll. through which the Labour Code is carried out.

Part I d of the Annex of the Regulation of the Federal Ministry of Labor and Social Matters No. 18/1991 Coll. on Other Acts in the Public Interest.

Article 7

The Examination

(1) The date, place, and form of taking the examination shall be announced by the ministry in writing to the applicant at least 30 days before the exam date.

(2) The examination consists of a written and an oral part; the examination committee may establish another form of taking the examination.

(3) The examination is evaluated with the grading “pass” and “fail” marks. The examination committee shall prepare a report about the course and results of the examination.

(4) The examination committee verbally notifies participants of the examination about the result of the examination on the day of taking the examination; it advises the participant of the examination who was evaluated with the “fail” mark about the possibilities and conditions of repeating the examination.

Article 8

The Certificate

(1) The ministry shall issue on the motion of the chairman of the examination committee a certificate within 30 days of passing the examination to the applicant who received the “pass” mark and demonstrated the fulfillment of requirements according to Article 4 par. 1 of this Regulation; by receiving the certification he becomes an authorized person according to this Regulation.

(2) The ministry may issue the certificate to the consultant without his completion of the professional training course and without his taking the examination; other provisions of this Regulation shall be reasonably applied.

(3) The certificate contains

a) the name of the organ that issued the certificate,

b) the number of the certificate,

c) the name, surname, permanent residence, and personal identification number of the authorized person,

d) the scope of the certificate,

e) conditions on issuing expertises,

f) the expiration date of the certificate,

g) the place and the date of issue of the certificate,

h) the signature of the chairman of the examination committee,

i) the official seal of the ministry.

(4) The expiration date of the certificate is 5 years from the date of issue unless an earlier date is stated in the certificate.

(5) At the request of the authorized person the ministry may extend the expiration of the certificate at most by 5 years if the authorized person in the previous period issued expertises. The expiration of the certification can be extended only once in this manner.

Article 9

The Obligation to Inform

The authorized person is required to immediately inform the ministry of changes in the information and documents mentioned in Article 4 par. 1c, d, and Article 5 par. 2a of this Regulation.

Article 10

The ministry may require that the authorized person undergo a new verification of expert qualifications if significant changes in conditions of technologies and machinery, general obligatory legislation, and other provisions that define air protection or waste management occur.

Article 11

The Amendment and Cancellation of the Certificate

- (1) The ministry may change the certification if the authorized person requests the reduction or extension of its scope in writing. Provisions of this Regulation reasonably apply to the reduction or extension of the scope of the certificate.
- (2) The ministry may reduce the scope or cancel the certificate
 - a) for not complying with the obligation to inform according to Article 9 of this Regulation,
 - b) if such circumstances occur due to which the authorized person cannot duly issue expert opinions
 - c) of such a person who provably and repeatedly gave an opinion that was inconsistent with conditions for issuing expertises stated in Annex No. 2 of this Regulation or did not adhere to the appropriate information for expert opinion according to Annex No. 3 or Annex No. 4 of this Regulation.
- (3) The ministry cancels the certificate if the authorized person
 - a) was deprived of the competence for legal act or if his competence for legal act was restricted,
 - b) was legally convicted of a criminal offence mentioned in Article 4 par. 4 of this Regulation,
 - c) obtained the certificate based upon intentionally incorrect information stated in the application and its enclosures,
 - d) does not undergo the verification of expert qualifications according to Article 10 of this Regulation
- (4) The Amendment and cancellation of the certificate shall enter into force on the day of delivery of the changed certification or of the notice of cancellation of the certification to the authorized person.

Article 12

The Expiration of the Certificate

- (1) The certificate expires
 - a) in the case of death of the authorized person,
 - b) on the date of expiration of the certificate unless the authorized person requests its extension at least 30 days before the expiration date of the certificate,
 - c) in case of deletion from the list according to Article 13 of this Regulation unless the authorized person requests its cancellation in writing.
- (2) The expiration of the certificate shall enter into force according to par. 1c on the day of deletion from the list according to Article 13 of this Regulation.

Article 13

The List of Authorized Persons

- (1) The authorized person is added to the list of persons who are authorized to issue expertises (hereafter the "list") which is kept by the ministry. The information according to Article 8 par. 3b through g of this Regulation is added to the list.

(2) Anyone can view the list at all Slovak Environmental Agencies that perform the state administration for air protection and for the waste management. 9)

(3) The authorized person whose certificate was cancelled or expired shall be deleted from the list by the ministry.

9) Article 4 and 5 of the Act of the Slovak National Council No. 134/1992 Coll. on the state administration for air protection. Article 4 and 5 of the Act of the Slovak National Council No. 494/1991 Coll.

Article 14

Issuing Expertises in Exceptional Cases

(1) In exceptional cases the ministry may authorize the person to issue an expertise who is not an authorized person if he has proper professional requirements to issue the expertise.

(2) By the exceptional case, the following is understood to be

- a) when no authorized person is established for a particular matter of air protection or waste or
- b) when no authorized person can issue the expertise.

(3) The ministry verifies professional requirements of the person as necessary according to par. 1 while it reasonably applies to provisions of this Regulation.

Article 15

Expertises in Matters of Waste

Cases in which the expertise on the influence of the potential activity or device on the environment is a part of the application for the issue of approval and statement in matters of waste are stated in Annex No. 1 of this Regulation. 1)

1) Article 11 par. 5a of the Act of the Slovak National Council No. 494/1991 Coll. on the State Administration for Waste Management.

Article 16

The Preliminary Provision

From the day when this Regulation comes into force until June 30, 1994 expertises can also be issued by legal entities that are recorded on a special list that is published by the ministry in the Official Journal of the ministry.

Article 17

Entry into Force

This Regulation comes into force on June 1, 1993.

The Regulation No. 53/1995 Coll. comes into force on April 1, 1995.

Jozef Zlocha, sign manual

ANNEX 1

Cases in which the Expertise on the Influence of the Potential Activity or Device on the Environment is or Could be a Part of the Application for the Issuance of Approval and Statement in Matters of Waste

I. The expertise is required for

1. the issuance of permission by the ministry for the import of hazardous waste onto the territory of the Slovak Republic according to Article 2 par. 2e of the Act of the Slovak National Council No. 494/1991 Coll. on the state administration for waste management (hereafter the "Act"),

2. the issuance of the approval by a Subdistrict Environmental Office for the operation of a device that disposes waste according to Article 5 par. 1a of the Act

- a) dumping,
- b) by incineration,

3. the issuance of approval by a Subdistrict Environmental Office for disposal of hazardous waste according to Article 5 par. 1b of the Act for

- a) the disposal of hazardous waste by dumping,
- b) the disposal of hazardous waste by incineration,
- c) the treatment of hazardous waste,

4. the issuance of approval by a Subdistrict Environmental Office for the issue of operational regulations of the device that disposes waste according to Article 5 par. 1c of the Act

- a) by dumping,
- b) by incineration,

5. the issuance of approval by a Subdistrict Environmental Office for establishing a device that disposes hazardous waste by incineration according to Article 5 par. 2a of the Act,

6. the determination by the Subdistrict Environmental Office whether the waste is hazardous according to Article 10 par. 2 of the Governmental Regulation of the Slovak Republic No. 606/1992 Coll. on the disposal of waste (hereafter the "Regulation").

II. The expertise may be required for

1. the issuance of approval by the ministry for

- a) the transit transport of special waste including hazardous waste through the territory of the Slovak Republic according to Article 2 par. 2d of the Act,
- b) the import of special waste with the exception of hazardous waste onto the territory of the Slovak Republic according to Article 2 par. 2e of the Act,
- c) the export of hazardous waste according to Article 2 par. 2f of the Act,
- d) the transport of hazardous waste that exceeds the district territory according to Article 2 par. 2g of the Act,

2. the issuance of approval of the District Environmental Office for the transport of hazardous waste that exceeds the subdistrict territory according to Article 4a of the Act,

3. the issuance of a statement by the District Environmental Office about facilities and activities whose range exceeds the subdistrict territory, according to Article 4b of the Act; the expertise is required only for the category of special waste including hazardous waste,

4. the issuance of a statement by the Subdistrict Environment Office to establish a device for the disposal

- a) of waste by dumping according to Article 5 par. 2a of the Act,
- b) of other waste and special waste with the exception of hazardous waste by incineration according to Article 5 par. 2a of the Act,

5. the issuance of a statement by the Subdistrict Environmental Office

- a) about a construction that concerns waste management according to Article 5 par. 2b of the Act; for the category of special and including hazardous waste,
 - b) about preparatory changes in the production process or production that concerns the change in the disposal of special waste including hazardous waste according to Article 5 par. 2c of the Act,
6. the analysis of characteristics of hazardous waste according to Article 10 par. 1 of the Regulation,
 7. the analysis of the composition of waste according to Article 10 par. 3 of the Regulation
 8. the proposal for the scope of the analysis of the composition of hazardous waste according to Article 29 par. 1f of the Regulation.

ANNEX 2

Conditions for Issuing Expertises

When issuing expertises the authorized person complies with the following conditions:

1. At the time of preparation of the expertise, he has the knowledge of the current condition of equipment and the knowledge of general obligatory legislation, technical standards and other provisions from the field for which he requests the verification of expert qualifications.,
2. issues an expertise in accordance with the issued certificate,
3. keeps the expertise, its changes and amendments, materials and basic documents that document conditions of issuing the opinion and original findings for a period of at least 5 years from issuing the expertise,
4. at the request of the authority of the state administration for air protection or waste management, he explains the expertise in greater depth,
5. with the exception of procedure according to point 4 he preserves the confidentiality in matters that constitute a trade or professional secret that he learned during the performance of the evaluation,
6. shall not issue an expertise if there is a doubt about his impartiality toward the matter, organs that execute the action, participants or their representatives,
7. at the end of a year he shall send a list of issued expertises to the ministry that shall contain the information according to points 4, 5, 6, and 12 of Annex No. 3 of the Regulation and the date of issue of the opinion; in the case of waste he shall only send a copy of the issued expertises.

ANNEX 3

The Appropriate Information for the Expertise

A. The expertise contains the following information:

1. the name and surname of the authorized person,
2. the number of the certificate,
3. the participation of other entities on the evaluation,
4. the reason for the preparation of the expertise; in the case of waste including the title and number of the case of the evaluating activity according to Annex No. 1,
5. the identification information of the applicant for whom the expertise was prepared,
6. the subject of evaluation; in the case of waste also an overview of documents and background documents that were evaluated and submitted for the evaluation,
7. characteristics of the evaluated subject,
8. procedures and methods of evaluation,
9. other important facts,
10. the evaluation result,
11. conclusions that follow from the evaluation result,
12. the conclusion of the expertise (a clear recommendation-refusal, or the proposal of conditions

for the approval by the authority of the state administration),

13. the date of issue of the expertise, signature of the authorized person; in the case of a law entity or physical person with a trade license also the name and signature of the statutory organ with the official seal.

B. The expertise has numbered pages, the number of pages shall be stated in the conclusion of the expertise. The expertise shall be bound with a ribbon and the ends shall be sealed or every page shall be certified.

C. The authority of the state administration for which the expertise is intended may furthermore specify the required factual content of the expertise.

ANNEX 4

The Appropriate Information for the Expertise in Matters of the Analysis of Characteristics of Hazardous Waste and Analysis of Waste Composition

A. The expertise contains the following information:

1. the name and surname of the authorized person,
2. the number of the certificate,
3. the participation of other entities in the evaluation,
4. the reason of the preparation of the expertise including the title and the case number of the evaluated activity according to Annex No. 1,
5. the identification information of the applicant for whom the expertise was prepared,
6. the result of the analysis including the protocol from the analytic control,
7. conclusions that follow from the result of the analysis,
8. the number and the list of annexes,
9. the date of issue of the expertise, description of the authorized person and in the case of a law entity also the name and signature of the statutory body and the official seal.

B. The expertise has numbered pages, the number of pages shall be stated in the conclusion of the expertise. The expertise shall be bound with a ribbon and the ends shall be sealed or every page shall be certified.

C. The required factual content of the expertise may be furthermore specified by the authority of the state administration for which the expertise is intended.