

# **The No.309 law of the Slovak National Council**

**dated 6<sup>th</sup> May, 1992**

on charges levied for waste deposition

The Slovak National Council has passed the following law:

## ***Article 1***

### ***Mandatory Charges***

Charges for the deposition of waste at waste disposal sites (hereinafter referred to as "charges") are payable by waste producers (hereinafter referred to as "producers").<sup>1)</sup>

## ***Article 2***

### ***Type and amount of charges***

1. Charges consist of basic charges and surcharges to the basic charges (hereinafter referred to as "surcharges").
2. Basic charges are payable for the amount of waste deposited at the disposal site. They are calculated as the product of waste amount and the charge rate for the given waste category or type as specified in Annex 1 of this Law.
3. Surcharges are payable for deposition of waste at sites which fail to meet technical conditions as specified by special regulations for the operation of waste disposal sites. They are calculated as the product of the basic charge and an index value shown in Annex 2 of this Law.

## ***Article 3***

### ***Determination of Waste Amounts, Categories and Types***

1. For the purpose of charge determination in accordance with this Law, producers shall classify their wastes into categories or types pursuant to Annex 1 of this Law, and calculate the amount of charges.
2. Waste disposal site operators are responsible for the accuracy of calculations of charge amounts.
3. The amount of waste shall be determined by the site operator by weighing for charge calculation purposes. In case the disposal site has no weighing devices available, the amount of waste shall be estimated on the base, among others, of data shown in the transport notes<sup>2)</sup> and in the hazardous waste record sheets, maintained by the producers in compliance with special regulations. For this purpose the waste producer shall present the transport notes and the hazardous waste record sheets to the disposal site operator for inspection.
4. In case the site operator detects, in the course of waste acceptance, the presence of components chargeable at a higher rate in an extent exceeding 50%, or the presence of hazardous waste,<sup>3)</sup> the entire amount of accepted waste shall be classified as belonging into the category or type subjected to the highest rate of charges. Change of the waste classification shall not constitute a waiver of the liability to pay fines pursuant to Article 11 of the law on wastes.

**Article 4**  
**Payment and Delivery of Charges**

1. The basic charges are payable by each waste producer.
2. Surcharges are payable only by those producers who have deposited waste at disposal sites which fail to meet technical conditions as specified by special regulations for the operation of waste disposal sites.
3. The waste producer shall pay the charges to the site operator within 15 days from the waste deposition, unless differently agreed upon with the operator but until the day of charge delivery as specified by Section 7 below.
4. The site operator is under obligation to collect payment of charges for the deposition of waste.
5. The basic charges form the budgetary revenue of the municipality whose territory the waste disposal site is located in. In case the site is located in the territory of two or more municipalities, basic charges shall be divided among their respective budgets proportionally to the sizes of their land participating in the site. The use of such budgetary income is linked to the purpose of creation and protection of the municipal environment.
6. Surcharges are a form of revenue of the State environmental fund of the Slovak Republic<sup>4)</sup> (hereinafter referred to as "Fund").
7. The site operator shall deliver quarterly, until the 15<sup>th</sup> of the following month the sum of accepted:
  - a. basic charges into the budget of the municipality whose territory the site is located in,
  - b. surcharges into the Fund and shall at the same time notify the environmental authority of jurisdiction on the amount of basic charges and surcharges delivered as above.
8. The site operator shall upon request enable inspection of documents used in the calculation of charges to the municipality whose territory the site is located in, and to the Fund.

**Article 5**  
**Postponement of Charge Payments**

1. In case the producer is carrying out measures with the objective to reduce the amount or danger class of his waste, particularly by modifying or changing the technological process or by waste revaluation, the environmental authority of jurisdiction<sup>5)</sup> shall upon request of the producer decide on postponement of payments of charge parts for the period of 24 months maximum.
2. In the determination of the part of charges whose payment may be postponed the environmental authority shall consider the expected reduction of the average amount of waste per month, or of its danger class.

**Article 6**  
**Postponement of the Surcharge Delivery**

1. In case the site operator is carrying out measures with the objective to meet technical conditions of waste disposal site operation specified by special regulations, the environmental authority of jurisdiction<sup>5)</sup> shall upon request of the site operator decide on postponement of delivery of a part of the charges for the duration of such measures.
2. The environmental authority of jurisdiction may postpone delivery of the following maximum parts of the total amount of surcharges:
  - a. 70% until 1 year from coming into force of this law,
  - b. 50% until 2 years from coming into force of this law,
  - c. 30% until 3 years from coming into force of this law,
  - d. 10% until 4 years from coming into force of this law.
3. The part of surcharge obtained by the site operator through postponement of delivery pursuant to Section 1 above may only be used for purposes of improvement of the technical conditions of the disposal site operation.

***Article 7***  
***Remittance and Repayment of Charges***

1. If, following to implementation of measures pursuant to Article 5, Section 1 and Article 6, Section 1 hereto, the conditions for postponement were met, the environmental authority of jurisdiction<sup>5)</sup> shall decide upon remittance of the part of charges payable by the producer, or upon abstention from exacting part of surcharges payable by the site operator.
2. In case of failure to meet the conditions specified for postponement of payments of charges or of the delivery of a part of surcharges the environmental authority of jurisdiction<sup>5)</sup> shall decide on the obligation to repay or to deliver part of charges or surcharges, increased by the discount rate for the applicable time period to the date specified by the authority.

***Article 8***  
***Sanctioning***

1. Failure of the producer to pay charges or of the site operator to deliver such accepted charges as stipulated by Article 4, Sections 3 and 7 of this Law in full and in good time shall result in their liability to pay a penalty amounting to 0.1% of the sum of charges not paid or delivered.
2. The environmental authority of jurisdiction<sup>6)</sup> or the Slovak Environmental Inspectorate<sup>7)</sup> may impose fines from SK 5,000 to 200,000 upon waste disposal site operators who have allowed waste producers to deposit waste, and failed to observe Article 4, Section 4 of this Law.
3. Fines pursuant to Section (2) above may be imposed upon within one year from the date when the respective transgression became known to the environmental authority of jurisdiction or to the Slovak Environmental Committee, but within 3 years at most from the deposition of waste.
4. Penalties for failure to pay charges are income of the waste disposal site operator. Penalties pertaining to unpaid basic charges are municipal revenue, those pertaining to unpaid surcharges are Fund revenue.

5. Fines pursuant to Section (2) above are Fund revenue.

***Temporary Stipulations***  
***Article 9***

1. Unless the waste disposal site had been scheduled for liquidation, methods of fulfilment of liabilities imposed upon site operators by this Law shall be determined by the environmental authority of jurisdiction.<sup>8)</sup>
2. Until the promulgation time of a special regulation on conditions of waste deposition such conditions shall be determined by the environmental authority of jurisdiction:
  - a. for existing sites pursuant to Article 4, Section 1, Subsection (a) of the law on wastes,
  - b. for new sites in the statement of viewpoint pursuant to Article 4, Section 2, Subsection (a) of the law on wastes.

***Article 10***

In Article 5, Section 3, Subsection (e) of the No.494/1991 (Collection of Laws) law of the Slovak National Council the words "on implementation" are replaced with "in matters".

***Article 11***  
***Validity***

This Law shall come into force on the day of promulgation.

Signs manual, **F.Miklosko, J.Carnogursky**

**Annex No. 1**

Rates for the basic fee for the storage of waste at landfills

Categories of waste	Rate in Sk per ton				
	1992	1993	1994	1995	1996
I. Soil and spoil categorised as "other waste"	0	0	1	1	1
II. Other waste except for soil and spoil	2	4	6	8	10
III. Municipal waste (group 91)	4	8	12	16	20
IV. Separate waste except for hazardous waste and that mentioned as under III.	8	16	24	32	40
V. Hazardous waste	50	100	150	200	250

**Annex No. 2**

The surcharge index to the basic rates for the storage of waste at landfills that do not meet the requirements on the landfill operation as set forth in the separate regulations

Categories of waste <sup>1</sup>	Surcharge index
I. Soil and spoil categorised as “other waste“	2
II. Other waste except for soil and spoil	9
III. Municipal waste (group 91)	14
IV. Separate waste except for hazardous waste and that mentioned as under III.	11
V. Hazardous waste	30