

**273**  
**DECREE**  
**of the Ministry of Environment of the Slovak Republic**

of 2 July 2001

**on authorisation, on the issue of expert opinions in matters of waste, on designation of persons authorised to issue expert opinions and on examination of professional qualification of such persons**

The Ministry of Environment of the Slovak Republic (hereinafter referred to as the "Ministry") according to Article 68, paragraph 3, letters b) through d) and f) of Act No. 223/2001 Coll. on Waste and on Amendment of Certain Acts (hereinafter referred to as the "Act") establishes:

Article 1  
Scope of regulation

This Decree shall regulate

- a) details on technical, material and staff assurance of authorised operation and on content and way of the examination of professional qualification;
- b) content and way of keeping a registry of professionally qualified persons for authorisation;
- c) content and way of keeping the registry of persons, to whom authorisation was granted,
- d) Cases where an expert opinion on the impact of the operation or an installation on the environment is or may be a part of an application to issue a decision or an opinion of a state administration body in waste management and to grant authorisation;
- e) details on the procedure of designation of authorised persons,
- f) essentials of the expert opinion,
- g) details on conditions of the execution of expertise activity,
- h) details on keeping the registry of authorised persons.

Authorisation

Article 2

Technical and material assurance

- (1) Requirements for technical and material assurance of authorised operation in the area of spent batteries and accumulators handling are set out in Annex 1.
- (2) Requirements for technical and material assurance of authorised operation in the area of waste oils handling are set out in Annex 2.
- (3) Requirements for technical and material assurance of authorised operation in the area of collection and treatment of end-of life vehicles are set out in Annex 3.

### Article 3

#### Staff assurance

Staff assurance of authorised operation requires:

- a) the establishment of suitable organisational and qualification structure,
- b) designation of managing and professional competencies and qualification requirements;
- c) appointment of a professionally qualified person, <sup>1)</sup>
- d) description of working activities carried out;
- e) delimitation of personal responsibility for individual working activities under letter d).

### Article 4

#### Application for examination of professional qualification for authorisation

(1) Professional qualification for authorisation is examined on the basis of the application of a natural person for examination of professional qualification for authorisation, sent to the Ministry.

(2) The application for examination of professional qualification for authorisation includes:

- a) name, surname, title, date and place of birth, domicile and personal identification number,
- b) data on working activity, which the applicant is actually executing;
- c) indication of activity, for which he (she) requires the examination of professional qualification for authorisation.

(3) The application pursuant to paragraph 2 shall be accompanied by:

- a) a certified document of achieved education,
- b) document or statutory declaration proving the length of professional practice;
- c) extract from the criminal record not older than three months.

(4) If the application does not comprise essentials pursuant to paragraphs 2 and 3 or if other necessary data are required for examination of professional competency the district office shall invite the applicant to complete the application.

### Article 5

#### Board of examiners

(1) The examination shall be executed in presence of a board of examiners designated by the Minister of Environment of the Slovak Republic (hereinafter referred to as the "Minister") among employees of the Ministry, state administration authority in waste management, organisations controlled by the Ministry and experts from the practice.

(2) The board of examiners meets whenever necessary; details on the activity of the board of examiners and on the execution of examinations are established by the examination procedure.

---

<sup>1)</sup> Article 11 of Act No. 223/2001 Coll. on Waste and on Amendment of Certain Acts.

## Article 6 Examination

- (1) An applicant meeting requirements shall be admitted to the examination. <sup>2)</sup>
- (2) The examination consists of written and oral part.
- (3) The result of the examination shall be evaluated using classification degrees "passed" or "failed". The board of examiners shall execute the minutes on the course and the result of the examination.
- (4) The board of examiners shall inform the examinee about the result of examination verbally on the day of examination and in writing within 30 days. The examinee, who was rated by the classification degree "failed", shall be instructed on possibilities and conditions of repetition of the examination.

## Article 7 Certificate of professional qualification for authorisation

- (1) To an applicant for examination of professional qualification for authorisation, who was rated at the examination by classification degree "passed", the Ministry shall issue within 30 days of the examination a certificate of professional qualification for authorisation (hereinafter referred to as "certificate for authorisation"); by acceptance of the certificate the applicant becomes a professionally qualified person.
- (2) The certificate of professional qualification for authorisation comprises:
  - a) the name of authority, which has issued the certificate for authorisation;
  - b) the number of certificate for authorisation;
  - c) name, surname, domicile and personal identification number of the professionally qualified person for authorisation;
  - d) the type of authorised operation;
  - e) term of validity of the certificate for authorisation;
  - f) place and date of the issue of the certificate for authorisation;
  - g) signature of the chairman of the board of examiners;
  - h) imprint of a stamp of the Ministry.
- (3) The certificate for authorisation is valid five years from its issue, unless it indicates a shorter term of validity.

## Article 8

### Modification and cancellation of the certificate for authorisation

- (1) The Ministry shall modify the certificate for authorisation if a professionally qualified person for authorisation applies in writing for reduction or extension of its scope. The provisions of this Decree apply to reduction and extension of the scope of certificate for authorisation *mutatis mutandis*.

---

<sup>2)</sup> Article 11, paragraph 2, letters a) and b) of Act No. 223/2001 Coll.

- (2) The Ministry shall cancel the certificate for authorisation if
- a) a professionally qualified person was deprived of legal capacity or if his legal capacity was limited;
  - b) a professionally qualified person was legally convicted of a crime;<sup>3)</sup>
  - c) a professionally qualified person has obtained a certificate for authorisation on the basis of intentionally false data indicated in the application or its enclosures;
  - d) circumstances occur for which the professionally qualified person for authorisation is unable to properly execute the operation;
  - e) a professionally qualified person requests in writing for cancellation of professional qualification.

(3) The effects of modification and cancellation of the certificate for authorisation arise from the day of their entry into the registry of professionally qualified persons for authorisation (hereinafter referred to as "registry O").

#### Article 9

##### Extinction of professional qualification for authorisation

- (1) Professional qualification for authorisation shall become extinct by
- a) the death of professionally qualified person,
  - b) the expiry of the term of validity of the certificate of professional qualification for authorisation.
- (2) A professionally qualified person for authorisation, whose professional qualification has become extinct pursuant to paragraph 1, shall be deleted from the registry O.

#### Article 10

##### Registry of professionally qualified persons for authorisation

- (1) A professionally qualified person for authorisation is entered in the registry O kept by the Ministry.<sup>4)</sup> Data pursuant to Article 7, paragraph 2, letters b) through f) are entered in the registry O.
- (2) The registry O is available to the public at district offices, regional offices and at the Ministry.

#### Article 11

##### Registry of persons, to whom authorisation was granted

- (1) A holder of authorisation is entered in the registry of authorised persons, to whom authorisation was granted (hereinafter referred to as "registry A"), which is kept by the

---

<sup>3)</sup> Article 9, paragraph 3 of Act No. 223/2001 Coll.

<sup>4)</sup> Article 11, paragraph 5 of Act No. 223/2001 Coll.

Ministry. <sup>5)</sup> Data pursuant to Article 13, paragraphs 1 and 2 of the Act are entered in the registry A.

(2) The registry A is available to public at district offices, regional offices and at the Ministry.

(3) A holder of authorisation, to whom authorisation has become extinct or was cancelled, shall be deleted by the Ministry from the registry A.

### Expert opinions in matters of waste

#### Article 12

##### Opening clause

Cases, in which an expert opinion on the impact of considered operation or installation on the environment may include the application for the issue of decision, the application for the issue of opinion of the state administration body in waste management and the application for the granting of authorisation, are specified in Annex 4.

#### Article 13

##### Application for examination of professional qualification for the issue of expert opinions

(1) Professional qualification for the issue of expert opinions is verified upon request of a natural person for examination of professional qualification (hereinafter referred to as "applicant"), sent by the applicant to the Ministry.

(2) The application shall comprise:

- a) name, surname, title, date and place of birth, domicile and personal identification number,
- b) scope of operation under Annex 4.

(3) The application pursuant to paragraph 2 shall be accompanied by:

- a) an extract from the criminal record not older than three months;
- b) certified document on achieved education;
- c) a document or statutory declaration proving the length of professional experience;
- d) document or statutory declaration that he can use means and technical equipment necessary for the execution of expertise activity;
- e) review of publication, scientific or other professional activity in respect of the specialisation, in which the issue of certificate is requested;
- f) a certificate of completion of training;
- g) a certificate of other professional qualification, <sup>6)</sup> if any.

---

<sup>5)</sup> Article 13, paragraph 7 of Act No. 223/2001 Coll.

<sup>6)</sup> e. g., Decree of the Ministry of Environment of the Slovak Republic No. 52/1995 Coll. on the list of professionally qualified persons for assessment of impacts of operations on the environment and the Decree of the Ministry of Environment of the Slovak Republic No. 141/2000 Coll. by which the Geological Act is executed.

Article 14  
Board of examiners

- (1) The examination is executed in presence of a board of examiners appointed by the Minister among employees of the Ministry, state administration bodies in waste management, organisations controlled by the Ministry and experts from the practice.
- (2) The board of examiners meets whenever necessary; details on the activity of the board of examiners and on passing examinations shall be established by the examination procedure.

Article 15  
Examination

- (1) An applicant meeting requirements shall be admitted to the examination. <sup>7)</sup>
- (2) The examination consists of written and oral parts.
- (3) The result of the examination is evaluated using classification degrees "passed" or "failed". The board of examiners shall execute the minutes on the course and the result of the examination.
- (4) The board of examiners shall inform the examinee about the result of examination verbally on the day of examination and an examinee, who was rated by the classification degree "failed", shall be instructed on possibilities and conditions of repetition of the examination.
- (5) An examinee who has failed may repeat the examination two times.

Article 16  
Certificate of expert

- (1) To an examinee, who was rated by classification degree "passed", the Ministry shall issue in 30 days from the date of examination and after payment of administrative fee upon a proposal of the chairman of the board of examiners a certificate of professional qualification for the issue of expert opinions (hereinafter referred to as "certificate of expert"); by the entry in the registry of authorised persons (hereinafter referred to as "registry P") he becomes authorised person under this Decree.
- (2) The certificate of expert shall comprise:
- a) name of body which has issued the certificate of expert;
  - b) number of the certificate of expert;
  - c) name, surname, domicile and personal identification number of authorised person;
  - d) scope of the certificate of expert;
  - e) term of validity of the certificate of expert;
  - f) place and date of the issue of the certificate of expert;
  - g) signature of chairman of the board of examination;
  - h) imprint of a stamp of the Ministry.

---

<sup>7)</sup> Article 76, paragraph 3, letters a) through c) of Act No. 223/2001 Coll.

(3) Upon request of the authorised person the Ministry may extend the validity of the certificate of expert no more than by five years, if the authorised person executed the expertise activity in the elapsed period. The application for extension of the validity of the certificate of expert may be filed no later than three months before the expiry of its validity.

## Article 17

### Modification and cancellation of the certificate of expert

(1) The certificate of expert may be modified, if the authorised person applies in writing for reduction or extension of its scope. The provisions of this Decree shall apply to reduction and extension of the scope of the certificate of expert *mutatis mutandis*.

(2) The scope of the certificate of expert may be reduced if

- a) circumstances occur due to which the authorised person is unable to properly execute the expertise activity;
- b) the authorised person has provably repeatedly issued an opinion contrary to Article 20.

(3) The certificate of expert may be cancelled for reasons pursuant to paragraph 2, or if the authorised person fails to meet his obligation to notify.<sup>8)</sup>

(4) The certificate of expert shall be cancelled if the authorised person

- a) was deprived of legal capacity or its legal capacity was limited;
- b) was legally convicted of a crime,<sup>3)</sup>
- c) obtained a certificate of expert on the basis of intentionally false data indicated in the application and its enclosures;
- d) fails to undergo retraining or new examination of professional qualification,<sup>9)</sup>
- e) applies in writing for cancellation of the certificate of expert.

(5) The effects of the modification and cancellation of the certificate of expert arise from the date of their entry into the registry P.

(6) If the scope of the certificate of expert was reduced according to paragraph 2, or the certificate of expert was cancelled pursuant to paragraph 3, the applicant may again apply for original scope of the certificate of expert or for the issue of a new certificate of expert no sooner than after expiration of two years.

## Article 18

### Extinction of professional qualification for the issue of expert opinions

(1) Professional qualification for the issue of expert opinions shall become extinct by

- a) the death of the authorised person;
- b) the expiry of the term of validity of the certificate of expert.

(2) The authorised person whose professional qualification has become extinct pursuant to paragraph 1, shall be deleted from the registry P.

---

<sup>8)</sup> Article 77, letter a) of the At No. 223/2001 Coll.

<sup>9)</sup> Article 77, letter c) of the Act No. 223/2001 Coll.

## Article 19

### Registry of authorised persons

(1) An authorised person is entered in the registry P, which is kept by the Ministry. <sup>10)</sup> The registry P includes data pursuant to Article 16, paragraph 2, letters b) through f).

(2) The registry P is available to the public at district offices, regional offices and at the Ministry.

## Article 20

### Execution of expertise activity

At the execution of expertise activity the authorised person shall

- a) issue an expert opinion only within the scope of granted certificate of expert;
- b) keep the expert opinion, its modifications and amendments, materials and bases documenting conditions of assessment and original findings, at least during five years since the date of issue of the expert opinion;
- c) complete the expert opinion at the request of the state administration body in waste management;
- d) not issue the expert opinion, if there might be doubts on his impartiality because of his relation to the matter, to state administration bodies in waste management, to the participants or to their representatives;
- e) send its original copy to the Ministry in 30 days from the issue of the expert opinion and a list of issued expert opinions after expiration of the year, before 31 January of the following calendar year.

## Article 21

### Items of expert opinion

The expert opinion must comprise items set out in Annex 5.

### Final provisions

## Article 22

(1) The authorised persons appointed under the existing regulations shall be considered as authorised persons under this Decree.

(2) The validity of certificates of experts issued before the date, on which this Decree entered into force, shall not be extended.

---

<sup>10)</sup> Article 76, paragraph 9 of Act No. 223/2001 Coll.

## Article 23

The following provisions shall be repealed:

Article 1, letter a); Article 4, paragraph 2, letter c); Article 5, paragraph 2, letter c); Article 15 and Annexes 1 and 4 of the Decree of the Ministry of Environment of the Slovak Republic No. 111/1993 Coll. on the issue of expert opinions in matters of the air protection or wastes, the appointment of persons authorised to issue opinions and on the examination of professional qualification of such persons, as amended by the Decree No. 53/1995 Coll..

## Article 24

Entry into force

This Decree shall enter into force on 15 July 2001.

László Miklós, m. p.

**Annex 1**  
**To Decree No. 273/2001 Coll.**

**Requirements for technical and material assurance of authorised operation in the area of spent battery and accumulator handling**

A. Collection site:

1. handling area reinforced, roofed and secured against the effect of acids and against leakage of harmful substances to the environment,
2. reinforced access road for heavy means of transport;
3. special collection container secured against alienation;
4. spreading material and working means for the event of an accident;
5. contractual assurance by the municipality;
6. contractual assurance with the producer;
7. contractual assurance with the carrier, who owns means of transport for the shipment of hazardous waste.

B. Carrier:

1. adequate means of transport for the shipment of hazardous goods under special regulation<sup>1)</sup>;
2. special acid-resisting containers lined with an insulating layer protecting from a short circuit of residual currents.

C. Final treatment facility:

1. technology compliant with generally binding legal regulations in the field of the environmental protection;
2. technology already tested in operation;
3. acceptance area with scales for the determination of waste quantity and with a possibility of control analysis of composition;
4. each new technology must have parameters of the environmental protection at least equal or better than the technology already introduced in the Slovak Republic;
5. suitable storage premises with processing capacity at least for two months;
6. waste waters from operating and technological premises may not be discharged;
7. certificate of compliance with the relevant STN (standards) issued by the authorised person under a special regulation.<sup>2)</sup>

---

<sup>1)</sup> Decree of the Minister of Foreign Affairs No. 64/1987 Coll. on the European Agreement concerning the international carriage of dangerous goods by road (ADR).

Decree of the Minister of Foreign Affairs No. 8/1985 Coll. on the Convention on International Railway Transport (COTIF).

Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 15/2001 Coll. on adoption of amendments to the Rules for International Railway Transport of Dangerous Goods (RID).

<sup>2)</sup> Act No. 264/1999 Coll. on technical requirements for products and on conformity assessment and on amendment of certain acts.

Regulation of the Government of the Slovak Republic No. 400/1999 Coll., establishing details on technical requirements for the other determined products.

**Annex****2****To Decree No. 273/2001 Coll.****Requirements for technical and material assurance of authorised operation  
in the area of waste oil handling****A. Collection site:**

1. handling area reinforced, roofed and secured against the effect of oils and against leakage of harmful substances to the environment,
2. reinforced access road for heavy means of transport;
3. special collection container secured against alienation;
4. spreading material and working means for the event of an accident;
5. contractual assurance by the municipality;
6. contractual assurance with the producer;
7. contractual assurance with the carrier, who owns means of transport for the shipment of hazardous waste.

**B. Carrier:**

1. adequate means of transport for the shipment of hazardous goods under special regulation<sup>1)</sup>;

**C. Final treatment facility:**

1. technology compliant with generally binding legal regulations in the field of the environmental protection;
2. technology already tested in operation;
3. acceptance area with scales for the determination of waste quantity and with a possibility of control analysis of composition;
4. each new technology must have parameters of the environmental protection at least equal or better than the technology already introduced in the Slovak Republic;
5. suitable storage premises with processing capacity at least for two months;
6. in case of material utilisation a certificate of compliance with relevant STN (standards) issued by an authorised person under a special regulation,<sup>2)</sup>
7. energy utilisation in:
  - a) power equipment - provision with adequate alkaline smoke gas washing and equipment for continual monitoring of the content of acid components (compounds of sulphur and chlorine), heavy metals and dioxins in waste gases released to the air;
  - b) rotary cement kilns a certificate of state testing laboratory on compliance of cement quality and process of its production under a special regulation.<sup>3)</sup>

---

<sup>1)</sup> Decree of the Minister of Foreign Affairs No. 64/1987 Coll. on the European Agreement concerning the international carriage of dangerous goods by road (ADR).

Decree of the Minister of Foreign Affairs No. 8/1985 Coll. on the Convention on International Railway Transport (COTIF).

Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 15/2001 Coll. on adoption of amendments to the Rules for International Railway Transport of Dangerous Goods (RID).

<sup>3)</sup> Act No. 90/1998 Coll. on construction products.

**Annex 3**  
**To Decree No. 273/2001 Coll.**

**Requirements for technical and material assurance of authorised operation  
in the area of collection and treatment of end-of life vehicles**

A. Collection site:

1. handling area reinforced, roofed and secured against effect and against leakage of harmful substances to the environment,
2. reinforced access road for heavy means of transport;
3. spreading material and working means for the event of an accident;
4. contractual assurance by the municipality;
5. contractual assurance with the producer;
6. contractual assurance with the carrier, who owns means of transport.

B. Carrier:

1. adequate means of transport for the shipment of hazardous goods under a special regulation <sup>1)</sup>;

C. Final treatment facility:

1. technology compliant with generally binding legal regulations in the field of the environmental protection;
2. technology already tested in operation;
3. acceptance area with scales for the determination of waste quantity and with the possibility of control analysis of composition;
4. each new technology must have parameters of the environmental protection at least equal or better than the technology already introduced in the Slovak Republic;
5. suitable storage premises with processing capacity at least for two months;
6. certificate of compliance with relevant STN (standards) issued by an authorised person under a special regulation. <sup>2)</sup>

---

<sup>1)</sup> Decree of the Minister of Foreign Affairs No. 64/1987 Coll. on the European Agreement concerning the international carriage of dangerous goods by road (ADR).

Decree of the Minister of Foreign Affairs No. 8/1985 Coll. on the Convention on International Railway Transport (COTIF).

Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 15/2001 Coll. on adoption of amendments to the Rules for International Railway Transport of Dangerous Goods (RID).

<sup>2)</sup> Act No. 264/1999 Coll. on technical requirements for products and on conformity assessment and on amendment of certain acts.

Regulation of the Government of the Slovak Republic No. 400/1999 Coll., establishing details on technical requirements for the other determined products.

**Annex 4**  
**To Decree No. 273/2001 Coll.**

**Cases where an expert opinion on the impact of the operation or an installation on the environment is or may be a part of an application to issue a decision or an opinion of a state administration body in waste management and to grant authorisation**

**I. An expert opinion is required to:**

1. grant consent for operation of an facility for waste disposal under Article 7, paragraph 1, letter a) of Act No. 223/2001 Coll. on Waste and on Amendment of Certain Acts (hereinafter referred to as "the Act");
2. grant consent for waste disposal under Article 7, paragraph 1, letter b) of the Act;
3. grant consent for operation of an facility for waste recovery under Article 7, paragraph 1, letter c) of the Act; an expert opinion is only required for the category of hazardous wastes;
4. grant consent for adaptation and reconstruction facilities for waste recovery and waste disposal, except for waste collection, under Article 7, paragraph 1, letter c) of the Act;
5. issue of operating instructions for a waste disposal facility and hazardous waste recovery facility under Article 7, paragraph 1, letter f) of the Act;
6. grant consent for handling of hazardous waste, except for the shipment, under Article 7, paragraph 1, letter g) of the Act;
7. grant consent of the Ministry for application of a technology for handling of hazardous waste in mobile installations, including general conditions for the operation of the mobile installation, under Article 7, paragraph 1, letter h) of the Act;
8. grant consent for the first introduction of a technology for hazardous waste handling in the market of the Slovak Republic under Article 7, paragraph 1, letter i) of the Act;
9. grant consent for shut down of a landfill or a part thereof, performance its reclamation and its subsequent monitoring under Article 7, paragraph 1, letter k) of the Act;
10. grant authorisation by the Ministry under Article 9, paragraph 4 of the Act;
11. evaluate the state of fulfilment of technical requirements, as well as requirements and conditions established in the decision to grant authorisation under Article 13, paragraph 3 of the Act;
12. issue opinion to the establishment of a waste incineration plant or a waste co-incineration plant or to their adaptations under Article 16, letter a) of the Act;
13. grant permit of the Ministry for import of hazardous waste in the territory of the Slovak Republic under Article 68, paragraph 2, letter c) of the Act;
14. give decision of the regional office on waste classification in case where the waste holder cannot clearly classify waste according to the Waste Catalogue under Article 70, letter h) of the Act.

**II. An expert opinion may be requested to**

1. grant consent for operation of an facility for waste recovery under Article 7, paragraph 1, letter c) of the Act for the category of other wastes;
2. grant consent for accumulation of waste by the waste holder without any previous sorting, where – with a view to the following way of its recovery or disposal – sorting or separated accumulation is not possible or efficient;
3. grant consent for collection and treatment of end-of life vehicles under Article 7, paragraph 1, letter l) of the Act;
4. issue opinion of construction pertaining to waste management under Article 16, letter b) of the Act; expert opinion may be required for the category of hazardous wastes only;
5. issue opinion to prepared changes in production related to a change in waste handling under Article 16, letter c) of the Act; an expert opinion may be required for the category of hazardous wastes only;
6. for a decision of the regional office in case of a doubt whether an object is or is not waste under Article 70, letter c) of the Act.

**Annex 5**  
**To Decree No. 273/2001 Coll.**

**Items of expert opinion**

- A. Expert opinion shall comprise the following data:
1. first name and name of the authorised person;
  2. number of the certificate of expert;
  3. a mention on the participation of other persons on assessment;
  4. reason of the elaboration of the expert opinion including the name and the number of the case of assessed operation or installation under Annex 4;
  5. identification data of the applicant, for which the expert opinion is elaborated;
  6. object of assessment, as well as list of assessed documents and bases submitted for assessment,
  7. characteristics of assessed object;
  8. assessment procedure and method;
  9. other relevant information,
  10. result of assessment,
  11. conclusions from the result of assessment;
  12. conclusion of expert opinion (recommendation or non-recommendation, or proposal for conditions of the consent of a state administration body in waste management);
  13. date of the issue of expert opinion, signature of authorised person in case of a legal entity or an individual authorised to conduct business, as well as name and signature of statutory body, with imprint of a stamp.
- B. The expert opinion must have numbered pages; the number of pages shall be indicated in the final part of the expert opinion. The expert opinion is bound by thread, the ends of which shall be sealed, or each page shall be signed.