

A C T

of 19 August 2002

on Packaging and Amendments of Some Acts

The National Council of the Slovak Republic has passed the following Act:

Article I

Section 1

Object of the Act

(1) This Act stipulates the composition, properties and marking of packaging, the rights and obligations of legal and natural persons concerning the use of packaging and the packaging waste collection and recovery¹, the competence of state administrative authorities concerning packaging and packaging waste, and the responsibility for the breach of obligations concerning packaging with a view

- a) to prevent the incidence and harmfulness of packaging waste, and to reduce the volume and risk of packaging,
- b) to preclude trade barriers, distortions of competition.

(2) This Act applies to all types of packaging which are placed on the market² and into circulation in the Slovak Republic, packaging waste regardless the place of origin, the use and used materials.

(3) Requirements for the properties of packaging and packaging materials, and conditions for their use stipulated by special laws³ shall not be affected by this Act.

Section 2

Definitions

(1) “Packaging” shall mean any product⁴ to be used for the packing, protection, handling, supply of goods and placing products into circulation, from the producer to the user or consumer; disposable parts of packaging used for the stated purposes shall also be considered packaging.

¹ Section 2 (1) of the Act No.223/2001 Coll. on Waste and Amendments of Some Acts.

² Section 2 (1) (e) of the Act No.264/1999 Coll. on Technical Requirements on Products, on Compliance Evaluation and Amendments of Some Acts.

³ Act No.264/1999 Coll.

Act No.163/2001 Coll. on Chemical Substances and Chemical Preparations.

Act No.140/1998 Coll. on Medicine Products and Health Aids, and amending the Act No. 455/1991 Coll. on Small Business (Small Business Act) as subsequently amended, and amending the Act of the National Council of the Slovak Republic No.220/1996 Coll. on Advertising as subsequently amended.

Act, No. 634/1992 Coll. on Consumer Protection as subsequently amended.

Act of the National Council of the Slovak Republic No.152/1995 Coll. on Foodstuffs as subsequently amended.

⁴ Section 2 (a) of the Act No.264/1999 Coll.

(2) “Reusable packaging” shall mean any packaging primarily determined to accomplish a minimum number of trips or rotations within its life cycle which is refilled or used for the same purpose for which it was determined, with or without the support of auxiliary products which are present on the market, making possible to refill packaging; such reused packaging will become packaging waste when no longer subject to reuse.

(3) For the purposes of this Act:

- a) “reuse” shall mean any operation whereby packaging which has been primarily determined and designed to accomplish a minimum number of trips or rotations within its life cycle is refilled or used for the same purpose for which it was determined, with or without the support of auxiliary products which are present on the market enabling the packaging to be refilled,
- b) “the obliged person” shall mean an entrepreneur⁵ placing on the market packaging or packaged products,
- c) “placing packaging into circulation” shall mean the delivery of packaging or packaged products to another person, with or without charge, for the purposes of distribution or use, with the exception of packaging or packed product marketing.

Section 3 Prevention

(1) “Prevention” shall mean

- a) the reduction of the quantity and of the harmfulness of materials and substances contained in packaging and packaging waste for the environment,
- b) the reduction of the quantity of packaging and packaging waste at production process, sale, distribution or use, especially concerning the development of pure products and technologies.

(2) For the purposes of prevention, obliged persons with annual production exceeding ten tons of packaged products shall draw a prevention programme including

- a) quantitative objectives for prevention,
- b) measures to achieve objectives,
- c) supervisory mechanism to check fulfilment of objectives.

(3) An obliged person that produces packaging or products packaged in packaging from polyvinyl chloride shall draw a prevention programme including measures for consistent reduction and replacement of polyvinyl chloride with other types of plastic or other materials.

(4) Food facilities with permanent installation of hot water using incidental utensil shall draw a prevention programme including measures for consistent reduction of the use of incidental utensil, and measures for replacement of the use of incidental utensil with reusable dishes or dishes made of biologically decomposable materials. Dishes made of biologically decomposable materials can only be used in case collection and material appreciation are ensured.

(5) The obliged person and an operator of food facility shall draw a prevention programme and send it to a competent district office within six months since the beginning of activities referred to in paragraphs 2 to 4.

⁵ Section 2 of Commercial Code.

(6) In case the obliged person and an operator of food facilities changed activities influencing contents of a prevention programme, they shall draw and send to a competent district office within four months since such change a new prevention programme.

(7) A prevention programme shall be draw for the period of four years. Persons refereed to in paragraphs 2 to 4 shall be responsible for fulfilment of measures as adopted in their prevention programme according to technical and economic possibilities.

(8) A person placing into circulation beverages in packaging that is not reusable through sale to consumers shall also place into circulation, in the place of sale, beverages of the same kind, in reusable packaging, provided such beverages are marketed in the Slovak Republic. Such obligation does not apply to persons placing beverages into circulation in the selling area not exceeding 100m².

Section 4 Types of Packaging

(1) Packaging is differentiated to consumer packaging, grouped packaging and transport packaging.

(2) “Consumer packaging” shall mean packaging, which creates the immediate protection of an individual product or group of products and constitutes a sale unit for a final user or consumer at the place of purchase.

(3) “Grouped packaging” shall mean packaging intended to group a certain number of sales units at the place of purchase, regardless of whether it serves for the sale to a final user or consumer, or whether it serves as a means to refresh products on offer during sale; it can be removed from the product without affecting its characteristics.

(4) “Transport packaging” shall mean packaging intended to facilitate the handling and transportation of certain volume of sales units or grouped packaging in order to prevent physical damage during handling and transportation; road, railway, shipping and aviation containers are not transport packaging or third packaging.

Section 5 Requirements for Composition and Characteristics of Packaging

(1) The sum of lead, cadmium, mercury and compounds of hexavalent chromium contents present in packaging shall not exceed

- a) 600 ppm by weight after 31 December 2004,
- b) 250 ppm by weight after 31 December 2005,
- c) 100 ppm by weight after 31 December 2007.

(2) Requirements refereed to in paragraph 1 do not apply to packaging made wholly of lead crystal glass.

(3) Requirements referred to in paragraph 1 do not apply to plastic boxes and plastic pallets provided

a) they were made within controlled recycling process in which recycled materials come only from such plastic boxes or plastic pallets, and in which the use of other materials is technically less likely, and they constitute no more than 20% of total weight, or
b) the sum of lead, cadmium, mercury and compounds of hexavalent chrome contents is exceeded explicitly because of adding recycled materials containing lead, cadmium, mercury or compounds of hexavalent chrome (hereinafter referred to as the „regulated metals“).

(4) Plastic boxes and plastic pallets which contain regulated metals, and to which paragraph 3 applies, and which can not be reused, must be recycled in the recycling process in which recycled materials are made only from plastic boxes or plastic pallets within circulation, and in which application of other materials is technically less likely, maximum up to 20% of total weight.

(6) The requirement referred to in paragraph 1 (c) does not apply to packaging made of glass provided

a) no intentional application of regulated metals occurs during production process,
b) the sum of lead, cadmium, mercury and compounds of hexavalent chrome contents is not exceeded explicitly because of addition of recycled materials containing regulated metals, or
c) the producer carries out regular monthly controls of standard or regular production activity on a glass basin focused to determine the concentration of lead, cadmium, mercury or compounds of hexavalent chrome; results of measuring from such controls and applied methods of measuring must be anytime at disposal to a state administration authority.

(7) Intentional application of regulated metals referred to in paragraph 6 (a) shall mean their use at production since their presence in packaging is needed to ensure required characteristics, appearance or quality of packaging; intentional application of regulated metals shall not mean the use of recycled materials containing regulated metals such as raw materials for the production of packaging materials.

(8) The obliged person that makes packaging of glass, or makes products in packaging made of glass shall notify the volume of regulated metals in packaging made of glass to a competent district office when the average level of metals concentration referred to in paragraph 1 during 12 consecutive controls carried out pursuant to paragraph 6 (c) exceeds 200 ppm of limited weight. The notification on the volume of regulated metals in packaging made of glass shall state the measured values of the sum of contents of metals referred to in paragraph 1, the characterization of applied measuring methods, assumed sources of present level of the sum of contents of these metals and the detailed description of adopted measures to reduce the level of contents of these metals.

(9) Packaging must be designed, made and placed on the market or into circulation so that it satisfies basic requirements for their composition, characteristics and reuse or recovery including recycling.

(10) A generally binding legal regulation of the Ministry for Environment of the Slovak Republic (hereinafter referred to as the „Ministry“) shall provide for details on requirements on the composition and characteristics of packaging.

Section 6 Packaging Marking

- (1) The obliged person shall ensure packaging marking which shall include particulars on
 - a) materials from which the packaging is manufactured,
 - b) whether it is reusable packaging or returnable deposit packaging which is not reusable,
 - c) handling of packaging.
- (2) Marking referred to in paragraph 1 must be clearly visible and easily readable and must be appropriately durable and lasting even when packaging is open.
- (3) Only packaging or packaged products which are marked in compliance with this Act may be placed on the market.
- (4) A generally binding legal regulation issued by the Ministry shall provide for details for packaging marking.

Section 7

Returnable Deposit Packaging

- (1) Returnable deposit packaging shall mean packaging of products where, upon this Act, a special financial amount is charged to the price, and such amount relates to a packaging used for sale of products (hereinafter referred to as the „deposit charge“); the refund of such deposit charge to the consumer returning such packaging is guaranteed on return.
- (2) The deposit charge shall be placed on reusable packaging for beverages.
- (3) The deposit charge shall be placed on packaging which is not reusable and which is dangerous for the environment regarding the volume, characteristics and composition.
- (4) The obliged person or a person placing products in returnable deposit packaging into circulation by selling to the consumer shall observe the amount of the deposit charge referred to in paragraph 10.
- (5) The obliged person or a person placing products in returnable deposit packaging into circulation shall repurchase the packaging without any quantity limitation and without conditioning such repurchase to the purchase of goods, shall comply with the amount of the deposit charge stated in an implementing decree pursuant to paragraph 10 and refund the deposit charge to the full amount.
- (6) The obliged person or a person placing products in returnable deposit packaging by selling them to the consumer in an outlet⁶ shall ensure that this packaging is repurchased in this outlet at any time during its working hours, and at the same, such persons shall inform the consumer, in proper manner, of the amount of the deposit charge for particular types of packaging and of any changes in the types of returnable deposit packaging.
- (7) The obliged person or a person placing products in returnable deposit packaging into circulation in a manner other than by selling them to the consumer shall inform persons that place products in such packaging into circulation by selling them to the consumer of prepared changes in the type of returnable deposit packaging at least three months prior enforcing such change.

⁶ Section 17 of the Act No.455/1991 Coll. on Small Business (Small Business Act).

(8) In case the obliged person or a person placing into circulation products in returnable deposit packaging discontinue to use hitherto returnable deposit packaging, they shall immediately disclose such decision in a proper manner, particularly in media, and if possible, also by a notice directly in a shop; an obliged person and a person that placed this packaging into circulation shall repurchase this packaging under the same conditions, during at least six months since the disclosure of such decision.

(9) The consumer does not have to prove charging the deposit on packaging.

(10) A generally binding regulation issued by the Ministry shall provide for the list of returnable deposit packaging which is not reusable, the amount of the deposit charge for such packaging and the amount of the deposit charge for reusable deposit packaging.

(11) The obliged person or a person placing into circulation products in reusable deposit packaging shall ensure the reuse of returned packaging.

Section 8 Packaging Waste Collection and Recovery

(1) For the purposes of reducing the volume and danger of packaging waste for the environment, the Government of the Slovak Republic, upon a regulation, shall provide for binding limits for the extent of packaging waste recovery⁷ and for the extent of packaging waste recycling⁸ in relation to the total weight of packaging waste.

(2) The obliged person shall ensure packaging waste collection, recovery or recycling⁹ within the extent of binding limits stipulated in a regulation of the Government of the Slovak Republic pursuant to paragraph 1.

(3) The obligation referred to in paragraph 2 does not apply to handling of packaging waste to which obligations concerning hazardous waste handling¹⁰ apply, and to handling of waste from packaging which is contaminated by unused residue of dangerous chemical substances and preparations.¹¹

(4) A person ensuring packaging waste collection shall inform, in a proper manner, consumers of the way ensuring packaging waste collection.

Section 9 Register of Obligated Persons

(1) The obliged person subject to obligation referred to in Section 8 (2) shall apply for entry in the Register of Obligated Persons (hereinafter referred to as the „Register“).

⁷ Section 2(6) of the Act No.223/2001 Coll.

⁸ Section 18(2) (c) of the Ministry of Environment of the Slovak Republic Decree No.283/2001 Coll. concerning the implementation of some provisions of the Act on Waste.

⁹ Section 56 (3) and (4) of the Act No. 223/2001 Coll.

¹⁰ Section 40 of the Act No. 223/2001 Coll.

¹¹ Section 3 of the Act No.163/2001 Coll.

(2) The obliged person shall submit the application for entry in the Register to the Ministry in writing in Slovak language, within two months since the emergency of the obligation referred to in paragraph 1.

(3) The obliged person that is a natural person shall state in the application for entry in the Register the following particulars:

- a) the business name and the location of business activity,
- b) the first name and surname, date of birth, permanent residency address (hereinafter referred to as the „personal data“),
- c) the identification number,
- d) the method of how to ensure the obligation of packaging waste collection referred to in Section 8 (2),
- e) the method applied to inform consumers pursuant to Section 8 (4),
- f) the types of packaging for which the obliged person ensures the obligation of packaging waste repurchase,
- g) the method of how packaging waste recovery and recycling are ensured.

(4) The obliged person that is a legal person shall state in the application for entry in the Register the following particulars:

- a) the business name and registered office,
- b) the identification number,
- c) personal data of persons that are the statutory body of the obliged person or members of the statutory body,
- d) the method of how to ensure the obligation of packaging waste collection referred to in Section 8 (2),
- e) the method applied to inform consumers pursuant to Section 8(4),
- f) the types of packaging for which the obliged person ensures the obligation of packaging waste repurchase,
- g) the method of how packaging waste recovery and recycling are ensured.

(5) If the application for entry in the Register was submitted in compliance with this Act, the Ministry shall enter the obliged person in the Register, and shall issue a confirmation on entry in the Register for such person.

(6) The obliged person shall notify the Ministry of any changes in the particulars stated in the application on entry in the Register within 15 days since such change occurs.

(7) A generally binding legal regulation issued by the Ministry shall provide for the contents and method of how to keep the Register, and for the form of the application on entry in the Register.

Section 10 Packaging Records

(1) The obliged person shall

- a) keep records of packaging placed on the market and of the fulfilment of obligatory limits for packaging waste recovery and recycling,
- b) report particulars from records referred to in subparagraph a) for the preceding calendar year to the Ministry by 15 February of the following calendar year at the latest,

- c) verify fulfilment of the obligation referred to in subparagraph b) at the request of the Ministry or the Slovak Environmental Inspection (hereinafter referred to as the „Inspection“),
- d) save documents referred to in subparagraphs a) and b) for a minimum period of five years.

(2) A generally binding legal regulation issued by the Ministry shall provide for details on packaging records and keeping such records.

State administrative authorities in the extent of packaging and packaging waste and their competence

Section 11 Basic Provisions

State administrative authorities in the extent of packaging and packaging waste are as follows:

- a) the Ministry,
- b) the Inspection,
- c) regional offices,
- d) district offices,
- e) the Ministry of Economy of the Slovak Republic.

Section 12 Ministry

(1) The Ministry is a central body of state administration in the extent of packaging and packaging waste.

(2) The Ministry

- a) shall manage and supervise state administration in the extent of packaging and packaging waste,
- b) is a state supervisory body in the extent of packaging and packaging waste (Section 19),
- c) shall keep aggregated records of packaging, and shall report to competent European Union authorities,
- d) shall keep the Register.

Section 13 Inspection

The Inspection

- a) is a state supervisory authority in the extent of packaging and packaging waste (Section 19),
- b) levies a penalty (Section 17).

Section 14 Regional Office

A regional office is a state supervisory body in the extent of packaging and packaging waste.

Section 15 District Office

A district office, in matters concerning state administration in the extent of packaging and packaging waste,

- a) is a state supervisory body in the extent of packaging and packaging waste (Section 19),
- b) keeps records of notifications on particulars referred to in Section 5 (8),
- c) levies penalties (Section 17).

Section 16

The Ministry of Industry of the Slovak Republic

In cases of doubt as to whether or not a product is packaging, the Ministry of Industry of the Slovak Republic, after discussion with the Ministry, shall make decisions.

Section 17

Penalties

(1) The competent state administrative authority in the extent of packaging and packaging waste shall levy a penalty of up to SKK 100,000 on the obliged person or on a person placing products into circulation if such person

- a) does not notify a state administrative authority in the extent of packaging and packaging waste pursuant to Section 5 (8),
- b) places packaging or packaged products which do not comply with requirements referred to in Section 6 on the market,
- c) breaches obligations referred to in Section 5 (4),
- d) does not ensure information of consumers on the method of how collection of packaging waste pursuant to Section 8 (4) is ensured.

(2) The competent state administrative authority in the extent of packaging and packaging waste shall levy a penalty of SKK 100,000 to SKK 1,000,000 on the obliged person or on a person placing products into circulation if such person

- a) does not draw a prevention programme, or does not send such programme to a competent office pursuant to Section 3(2) to (7), or does not fulfil a current prevention programme,
- b) breaches the obligation pursuant to Section 3 (7),
- c) places on the market packaging or packaged products which do not comply with requirements referred to in Section 5,
- d) breaches the obligation concerning the collection of returnable deposit packaging which is not reusable as referred to in Section 7 (3), and obligations concerning the collection of returnable deposit reusable packaging referred to in Section 7 (5) to (7),
- e) breaches obligations concerning the collection of returnable deposit packaging referred to in Section 7 (8),
- f) breaches obligations referred to in Section 7 (10),
- g) breaches obligations referred to in Section 8 (2) and (4),
- h) does not allow state administrative authorities in the extent of packaging and packaging waste to carry out control,
- i) does not ensure collection of packaging waste and its consistent recovery including recycling in the extent determined by the Regulation of the Slovak Government (Section 8 (2)),
- j) does not apply for entry in the Register, or does not notify changes of particulars referred to in Section 9.

Section 18

Levying Penalties

- (1) The competent state administrative authority in the extent of packaging and packaging waste shall levy a penalty referred to in Section 17 to an entrepreneur within one year as of the date the competent state administrative authority learnt of the breach of an obligation, but not later than three years as of the date when the breach of an obligation occurred.
- (2) The seriousness and duration of illegal action, the extent of the threat to human health and environment, eventually the degree of damage, in particular, shall be taken into consideration when levying penalties.
- (3) In case an entrepreneur repeatedly breaches the same obligation for which a penalty has already been levied within one year as of the date when the decision to levy a penalty enters into force pursuant to this Act, or does not carry out corrective measures, the competent authority shall levy another penalty up to double amount of the upper limit of the penalty stated by this Act.
- (4) A penalty is payable within 30 days of the date when the decision levying the penalty enters into force provided such decision does not state longer period of maturity.
- (5) The penalty proceedings are carried out by an authority which commences proceedings first. In case two or more authorities commence the proceedings concurrently, and they do not come to an agreement which authority will complete the proceedings, the closest common authority of higher level shall be competent to complete such proceedings, however, the Inspection shall complete the proceedings in case it is one of these authorities.
- (6) Penalties shall be the income of the state budget.
- (7) A generally binding regulation on administrative proceedings¹² shall apply to the penalty proceedings, and to the decision-making whether a product is or is not packaging (Section 16).

Section 19

State Supervision in the Extent of Packaging and Packaging Waste

- (1) State supervision in the extent of packaging and packaging waste means checking how this Act, generally binding regulations for its implementation, and obligations resulting from decisions issued upon this Act are observed.
- (2) In case a state supervisory authority finds out the breach of any obligation or any other failure as regards activities of the checked subject, it shall warn the subject and shall impose corrective measures.
- (3) A person who carries out state supervision may, in relation to such activity, enter grounds and operating premises of the checked subject, to inspect operational records and documents of such subject, carry out necessary detections including sampling, making photo documents and video documents and require necessary data and explanations; such person shall show a

¹² Act No.71/1967 Coll. on Administrative Proceedings (Administrative Order).

licence or full powers of a state supervisory authority provided a special law does not require a permit.¹³

(4) A checked person shall enable persons carrying out state supervision and invited persons to enter grounds and operational premises, constructions and installations, to inspect operational records and documents, to carry out necessary detection including sampling, to make photo documents and video documents and to provide necessary papers, explanations and true and complete information related to waste management.

(5) A special regulation shall apply to the state supervision performance.¹⁴

(6) The Slovak Trade Inspection shall also supervise issues concerning packaging and packaging waste within its competence pursuant to special laws.¹⁵

Section 20 Transitional Provisions

(1) Any packaging or packaged products which were produced before this Act entered into effect, and which do not comply with requirements referred to in this Act, may be placed on the market or into circulation within three years since this Act becomes effective.

(2) Exemptions pursuant to Section 5 (3) to (5) shall apply by 1 January 2012. Exemptions pursuant to Section 5 (6) and (8) shall apply by 30 June 2006.

(3) Obligated persons and operators of food facilities shall draw a prevention programme referred to in Section 3 for the first time within six months since this Act becomes effective.

Article II

The Act No.223/2001 Coll. on Waste and Amendments of Some Laws as amended by the Act No.553/2001 Coll., Act No.96/2002 Coll., Act No.261/2002 Coll. and Act No.393/2002 Coll. shall be amended as follows:

1. Section 1 shall be supplemented with paragraph 4 which shall be read:

“(4) This Act shall also apply to the handling of packaging waste if not provided otherwise by special laws^{8a}.”.

Footnote to reference 8a shall be read:

“8a Act No.529/2002 Coll. on Packaging and Amendments of Some Laws.”

2. In Section 5 (4) the following sentence shall be added at the end:

“Objectives focused to reduce the volume of packaging waste and measures to achieve such objectives must be introduced in a separate part of the Programme of the Slovak Republic.”.

¹³ Act of the National Council of the Slovak Republic No.100/1996 Coll. on Protection of State Secrecy, Service Secrecy and on Encrypted Information Protection and on Amendment of the Penal Act as subsequently amended.

¹⁴ Act of the National Council of the Slovak Republic No.10/1996 Coll. concerning the Control in State Administration as amended by the Act No.502/2001 Coll.

¹⁵ Act No. 128/2002 Coll. on the State Control of the Internal Market concerning Consumer's Protection and Amendments of Some Other Laws as subsequently amended by the Act No.284/2002 Coll.

3. In Section 23 new paragraph 3 shall be inserted after paragraph 2 and shall be read:
“(3) Waste which accrues in the Slovak Republic and which is intended for recovery must be primarily recovered in the Slovak Republic provided in the territory of the Slovak Republic, there is installation with technology for waste recovery which complies with criteria of the best available technology.”.

Present paragraphs 3 and 4 shall be indicated as paragraphs 4 and 5.

4. In Section 23 (4)(d) words “R9” shall be replaced with words “R1”.

5. In Section 41 paragraph 12 words “of paragraph 12” shall be replaced with words “of paragraph 11”.

6. In Section 41 paragraphs 13 to 15 shall be read:

“(13) The producer shall pay the contribution to the Recycling Fund for the period of a calendar quarter. He shall determine such contribution pursuant to Section 56 upon the real production volume in the quarter for which the contribution applies. The contribution shall be paid by the twentieth day of the following quarter.

(14) The importer shall pay the contribution to the Recycling Fund for a calendar quarter. He shall determine the contribution pursuant to Section 56 for imports realised in the quarter for which the contribution applies. The contribution shall be paid by the twentieth day of the following quarter.

(15) The producer and the importer shall register themselves in the Recycling Fund, and shall enable state supervisory authorities in the extent of waste management (Section 73) to check such registration, the accuracy of the calculated contribution and the payment of such contribution.”.

7. In Section 41 paragraph 16 words “of paragraph 10” shall be replaced with words “of paragraph 9”.

8. In Section 43 (6) words “R2” shall be replaced with words “R3”.

9. After Section 44, Section 44a shall be inserted and read including the title as follows:

“Section 44a
Contribution to the Recycling Fund for Metal Packaging

(1) The producer and the importer of metal packaging and the importer of products which are packaged in such packaging shall pay a contribution to the Recycling Fund in the amount determined pursuant to Section 56.

(2) The producer and the importer that place products referred to in paragraph 1 on the market in the Slovak Republic shall pay a contribution and shall account for its calculation.

(3) The producer shall pay a contribution pursuant to Section 41 paragraph 13. The importer shall pay a contribution pursuant to Section 41 paragraph 14.

(4) The producer and the importer shall enable state supervisory authorities in the extent of waste management (Section 73) to check whether the contribution is calculated correctly and to check its payment.

(5) The producer and the importer of metal packaging and the importer of products which are packaged in such packaging shall

- a) keep records on the volume of production, imports, exports and reexports,
- b) notify stated data from records each quarter to the Recycling Fund and to the competent district office.

(6). Any person that ensures the collection, recovery or disposal of packaging waste referred to in paragraph 1 shall

- a) keep records of such waste and recovery volume from waste collection in the territory of the Slovak Republic,
- b) notify stated data from records each quarter to the Recycling Fund and to the competent district office.”.

10. In the title below Section 45 words “products of consumer electronics” shall be replaced with words “electric and electronics equipment”.

11. In Section 48 paragraph 1 words “Paper and cardboard producer and importer and the importer of products which are packaged in cardboard” shall be replaced with words “Paper and cardboard producer and importer and the importer of products which are packaged in paper and cardboard (including printing products) and the importer of products which are packaged in paper and cardboard except hygienic and sanitary paper and paper products which are used for hygienic and sanitary purposes, cigarette paper, carbon copy paper, filtering paper and paper and cardboard used for production of tarred or bitumen paper”.

12. In Section 55, paragraph 1 shall be supplemented with subparagraph k) which shall be read:

“k) of metal packaging waste.”.

13. In Section 55 paragraph 2 shall be supplemented with new subparagraph k) which shall be read:

“k) of metal packaging.”.

Present subparagraph k) shall be indicated as subparagraph l).

14. At the end of Section 56 paragraph 2 the following sentence shall be added:

“A contribution referred to in paragraph 1 is reduced in the amount equal to the volume of real export of products.”.

15. In Section 58 paragraph 2 the word “fifteen” shall be replaced with the word “seventeen”.

16. In Section 58 paragraph 2 (a) words “ten” shall be replaced with words “eleven” and words “Section 55 paragraph 2 (a) to (j)” shall be replaced with words “Section 55 paragraph 2 (a) to (k)”.

17. In Section 58 paragraph 2 shall be supplemented with subparagraph e) which shall be read:

“e) the Minister of Industry of the Slovak Republic shall appoint and recall one member.”.

18. In Section 58 paragraph 6(f) words “and the Supervisory Board shall be omitted”.

19. In Section 59 paragraph 1 shall be read:

“(1) The Supervisory Board is a control and supervisory body of the Recycling Fund which monitors the management of the Recycling Fund, particularly the provision and use of resources of the Recycling Fund and activities of the Supervisory Board and the Director.”.

20. In Section 59 paragraph 7 (d) words “and the Supervisory Board” shall be omitted.

21. In Section 59 paragraph 7 shall be supplemented with subparagraphs g) to i) which shall be read:

“g) approves the Rules of Procedure of the Supervisory Board,

h) approves the selection of an auditor,

i) imposes measures on the Supervisory Board to eliminate insufficiencies which are found concerning control activities performed by the Supervisory Board.”.

22. In Section 61 paragraph 3 (g) words “15 February” shall be replaced with words “31 March”.

23. In Section 61 paragraph 3 (h) words “1 March” shall be replaced with words “30 April”.

24. In Section 62 paragraph 1, subparagraph a) shall be supplemented with the eleventh point which shall be read:

“11. production and imports of metal packaging (Section 44a paragraph 1).”.

25. In Section 62 paragraph 1 (c) words “(Section 64 paragraph 11)” shall be replaced with words “(Section 64 paragraph 12)”.

26. In Section 62 paragraph 1, after subparagraph c), subparagraphs d) to f) shall be inserted and read:

“d) interests on credits which the Recycling Fund grants,

e) earnings coming from the management of own assets,

f) interests of the Recycling Fund’s resources deposited in banks,”.

Present subparagraph d) shall be indicated as subparagraph g).

27. In Section 63 paragraph 1 (c) words “(Section 57 paragraph 6)” shall be replaced with words “(Section 53 paragraph 6)”.

28. In Section 63, paragraph 1 shall be supplemented with subparagraph f) which shall be read:

“f) payment of expenditures concerning packaging waste withdrawal and their recovery or recycling.”.

29. In Section 63 paragraph 4 shall be read:

“(4) Expenditures for the management of the Recycling Fund except expenditures for bank accounts management and bank services, and expenditures for material facilities shall not exceed three percent of the Fund’s annual income from the previous year. They are paid

pursuant to a budget which is approved by the Supervisory Board, from resources of the general sector.”.

30. In Section 64 paragraph 7 the first sentence shall be read: “The Supervisory Board shall make decision concerning the provision of resources from the Recycling Fund within 60 days since the delivery of an application, within 90 days since the delivery of an application in justified cases.”.

31. In Section 65 paragraph 2 words “on separate account in the National Bank of Slovakia” shall be replaced with words “on separate accounts in a bank within the territory of the Slovak Republic”.

32. In Section 65 paragraph 3 the word “sub accounts” shall be replaced with the word “accounts”.

Article III

The Act No.238/2001 Coll. Customs Act as amended by the Act No.553/2001 Coll. and Act No.237/2002 Coll. shall be amended as follows:

In Section 99 paragraph (d) words “the receipt concerning the contribution to the Recycling Fund”.

Article IV

The Act No.634/1992 Coll. on Consumer’s Protection as amended by the Act of the National Council of the Slovak Republic No.220/1996 Coll., Act No.137/1998 Coll. and Act No.310/1999 Coll. shall be amended as follows:

1. Section 18 shall be omitted.
2. In Section 24 paragraph 4 words “and Section 18” shall be omitted.

Article V Effectiveness

This Act shall take effect on 1 January 2003 except Article 1 Section 6 paragraph 3 which shall take effect on 1 January 2006, and Article II which shall take effect on 1 January 2002 except Section 44a.

Jozef Migas
Mikulas Dzurinda