

**ACT**

of 17 March 2015

**on waste and on amendments to certain acts**

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

**Article I**

**PART ONE**

**BASIC PROVISIONS**

**§ 1**

**Subject matter**

(1) This Act governs

- a) programming documents for the waste management system,
- b) waste prevention measures,
- c) rights and obligations of legal and natural persons related to waste prevention and waste management,
- d) extended producer responsibility,
- e) management of specified products and waste streams,
- f) management of municipal waste,
- g) transboundary movement of waste,
- h) waste management information system,
- i) scope of competence of administrative authorities and municipalities in matters of the state waste management administration
- j) liability for breaches of obligations in the area of waste management, and
- k) the operation and process of winding up and terminating the Recycling Fund.

(2) This Act does not apply to

- a) manure,<sup>1)</sup> straw or other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from this material through processes or methods which do not harm the environment or endanger human health,
- b) handling of air polluting substances,<sup>2)</sup>
- c) management, capture, transport and permanent geological storage of carbon dioxide according to a specific regulation,<sup>3)</sup>
- d) management of waste from precious metals,<sup>4)</sup>

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<sup>1)</sup> Article 3(20) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14 November 2009) as amended.

<sup>2)</sup> § 2b) of Act No 137/2010 on air.

<sup>3)</sup> Act No 258/2011 on permanent geological storage of carbon dioxide and on amendments to certain acts.

<sup>4)</sup> § 2(1) of Act No 94/2013 on hallmarking and testing of precious metals (Hallmarking Act) and on amendments to certain acts.

- e) management of radioactive waste,<sup>5)</sup>
- f) management of decommissioned explosives and residues from the manufacture of explosives,<sup>6)</sup>
- g) land (in situ), including unexcavated contaminated soil and buildings<sup>7)</sup> permanently fixed to the ground,
- h) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated,
- i) sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation, if it is proved that the sediments do not have hazardous properties according to Annex of a specific regulation.<sup>8)</sup>

(3) Unless specific regulations<sup>9)</sup> provide otherwise, this Act shall apply to

- a) management of extractive waste,<sup>10)</sup>
- b) deposition of waste in sludge-deposition sites,
- c) handling of carcasses or parts thereof of animals that have died other than by being slaughtered for human consumption, including animals killed to eradicate epizootic diseases and disposed of in accordance with a specific regulation,<sup>11)</sup>
- d) handling of animal by-products, including derivative products, as defined in a specific regulation,<sup>12)</sup>
- e) management of wastewater and specific waters.<sup>13)</sup>

(4) This Act shall apply whenever the animal by-products, including derivative products, referred to in (3)(d) are incinerated, landfilled or used for biogas or compost production.

## **Basic definitions**

### **§ 2 Waste**

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<sup>5)</sup> § 2 k) of Act No 541/2004 Coll. on the peaceful use of nuclear energy (Atomic Act) and on amendments to certain acts.

<sup>6)</sup> § 44 of Act No 58/2014 Coll. on explosives, explosive articles and ammunition and on amendments to certain acts.

Act No 514/2008 on the management of waste from extractive industries and on amendments to certain acts, as amended.

<sup>7)</sup> § 43 of Act No 50/1976 on land-use planning and the building code (Building Act), as amended.

<sup>8)</sup> Commission Regulation (EU) No. 1357/2014 of 18 December 2014, replacing Annex III to the Directive of the European Parliament and of the Council 2008/98/EC on waste and repealing certain Directives (OJ.V. L 365, 19.12.2014).

<sup>9)</sup> Act No 44/1988 on the protection and use of mineral resources (Mining Act), as amended.

Act No 51/1988 Coll. on mining activity, explosives and state mining administration, as amended.

Act No 364/2004 on waters and on amendments to Slovak National Council Act No 372/1990 on offences, as amended (Waters Act), as amended.

Act No 39/2007 Coll. on veterinary care, as amended.

<sup>10)</sup> § 2 c) of Act No 514/2008 Coll. on the management of waste from extractive industries and on amendments to certain acts, as amended by Act No 255/2011 Coll.

<sup>11)</sup> Article 19 (1) a) and e) of Regulation (EC) No 1069/2009 as amended.

<sup>12)</sup> Regulation (EC) No 1069/2009 as amended.

<sup>13)</sup> § 2 of Act No 364/2004 on waters and on amendments to Slovak National Council Act No 372/1990 on offences, as amended (Waters Act), as amended.

(1) Waste means a movable object or substance which the holder discards or intends or is required to discard under this Act or a specific regulation<sup>14)</sup>.

(2) The following shall not be considered waste

- a) a substance or object which is a by-product,
- b) specific waste that has reached the end-of-waste status,
- c) waste which has undergone the process of preparing for reuse and meets the requirements for products placed on the market laid down in a specific regulation,<sup>15)</sup> or
- d) waste presented for household use.

(3) Waste stream means a group of types of waste that have similar properties making it possible to manage them further together.

(4) By-product is a substance or object which meets the conditions below:

- a) it is a result of a production process, the primary aim of which is not the production of that item,
- b) its further use is certain,
- c) it can be used directly without any further processing other than normal industrial practice,
- d) it is produced as an integral part of a production process,
- e) its further use complies with this Act and specific regulations laying down the requirements for products,<sup>14)</sup> protection of the environment and human health for the specific use and the product will not cause overall adverse environmental or human health impacts,
- f) it meets specific criteria, if determined for the substance or object under specific regulations, and
- g) a permit has been granted [§ 97(1)o)].

(5) End-of-waste status is the condition reached by certain specified waste when it has undergone a waste recovery operation, including recycling, and if it is waste for which specific criteria have been established in a specific regulation<sup>16)</sup> or an implementing regulation [§ 105(3)p)] , and which satisfies these criteria.

(6) Biodegradable waste means waste degradable anaerobically or aerobically, such as, in particular, food waste, paper and cardboard waste, and waste from gardens and parks.

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<sup>14)</sup> For example Act No 355/2007 on the protection, promotion and development of public health and on amendments to certain acts, Act No 362/2011 on medicinal products and medical devices and on amendments to certain acts, as amended.

<sup>15)</sup> For example § 2(1)i) of Act No 264/1999 on technical requirements for products and conformity assessment and on amendments to certain acts, as amended by Act No 254/2003.

<sup>16)</sup> For example Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council (OJ L 94, 8 April 2011), Commission Regulation (EU) No 1179/2012 of 10 December 2012 establishing criteria determining when glass cullet ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council (OJ L 337, 11.12.2012), Commission Regulation (EU) No 715/2013 of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council (OJ L 201, 26 July 2013).

(7) Bio-waste means biodegradable waste from gardens and parks, food and kitchen waste from households, restaurants, caterers and retail premises and comparable waste from food processing plants.

(8) Biodegradable municipal waste means all types of biodegradable waste that can be classified in category 20 Municipal waste [§ 105(3) b)].

(9) Hazardous waste means waste which displays one or more of the hazardous properties listed in Annex of a specific regulation.<sup>8</sup>

### **§ 3**

#### **Management and other handling of waste**

(1) Waste management system means a set of activities aimed at preventing and reducing the generation of waste and reducing the hazard that waste poses to the environment, as well as at managing waste in compliance with this Act.

(2) Waste management means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker.

(3) Storage of waste means the preliminary storage of waste prior to a waste recovery or waste disposal operation in the facility where the waste is to be recovered or disposed of.

(4) Gathering of waste means the preliminary storage of waste by the waste holder prior to further management thereof that is not storage of waste.

(5) Waste collection means the gathering of waste from another person, including the preliminary sorting and preliminary storage of waste, for the purposes of transport to a waste treatment facility.

(6) Waste purchasing means the collection of waste by a legal person or a sole trader for an agreed price or other consideration.

(7) Waste sorting means the segregation of waste according to types, categories or other criteria or separation of waste components that can be classified as separate types of waste after separation.

(8) Separate collection means the collection of separated waste.

(9) Waste treatment means an activity leading to modification of the chemical, biological or physical properties of waste in order to make possible or facilitate the transport, recovery or treatment of waste, or for the purposes of reducing the volume or hazardous properties of waste.

(10) Preparing of waste for reuse means a checking, cleaning or repairing recovery operation, by which products or components of products that have become waste are prepared so that they can be reused without any other pre-processing.

(11) Waste treatment means a waste recovery or disposal operation, including the preparation of waste prior to recovery or disposal, unless provided otherwise in this Act.

(12) Reuse means any operation by which products or components of products that are not waste are used again for the same purpose for which they were conceived.

(13) Waste recovery means an operation the principal result of which is waste serving a useful purpose by replacing other materials in production activities or in the wider economy, or waste being prepared to fulfil that function; a list of waste recovery operations is provided in Annex 1.

(14) Recycling means any recovery operation by which waste is reprocessed into products, materials or substances whether for the original or other purposes; it includes reprocessing of organic material. Recycling does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations, unless provided otherwise in § 42(12), § 52(18) and (19) and § 60(15).

(15) Waste disposal means an operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy; a list of waste disposal operations is provided in Annex 2.

(16) Landfilling means the deposition of waste at a landfill.

(17) The best available techniques are provided in a specific regulation.<sup>17)</sup>

#### **§ 4**

#### **Waste producer and persons performing waste management**

(1) A waste producer is

- a) any original producer whose activities produce waste, or
- b) anyone who carries out processing, mixing or other operations resulting in a change in the nature or composition of this waste.

(2) Waste holder means the producer of the waste or person who is in possession of waste.

(3) For the purposes of this Act, dealer means any undertaking which acts in his/her own name and on his/her own responsibility to purchase and subsequently sell waste, including such dealers who do not take physical possession of the waste.

(4) For the purposes of this Act, broker means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.

#### **§ 5**

#### **Waste management facilities**

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<sup>17)</sup> § 21) of Act No 39/2013 on integrated pollution prevention and control and on amendments to certain acts.

(1) Waste collection installation means an area bounded by a fence or located within a structure or otherwise adequately secured against misappropriation of waste or entry of unauthorised persons, in which waste collection is carried out.

(2) Waste recovery installation means an installation intended for the performance of at least one of the operations referred to in Annex 1, which comprises of a technical unit with a set of machinery and equipment operated according to the respective documentation, while the operations carried out with them relate to each other and have a technical connection; if, due to its design, such an installation is fixed to the structure, the area in which the installation is located shall also be considered a waste recovery installation.

(3) Waste disposal installation means an installation intended for the performance of at least one of the operations referred to in Annex 2, which comprises of a technical unit with a set of machinery and equipment operated according to the respective documentation, while the operations carried out with them relate to each other and have a technical connection; if, due to its design, such an installation is fixed to the structure, the area in which the installation is located shall also be considered a waste disposal installation.

(4) For the purposes of this Act, a mobile installation means a waste recovery installation or a waste disposal installation if the installation is operated in one location for a period shorter than six consecutive months and

- a) it is, by design and technically, adapted to frequent movement between locations,
- b) it is, due to its design, not intended to be and is not fixed to the ground or a structure,
- c) it is intended for waste recovery or waste disposal in particular at the location where the waste is generated, and
- d) no building permit or notification under a specific regulation is required for the installation.<sup>18)</sup>

(5) Landfill means a site with a waste disposal installation where waste is permanently deposited onto or into land. An internal landfill where waste is disposed of by a waste producer at the site of production or a site permanently, i.e. for a period longer than one year, used for the preliminary storage of waste, shall also be considered a landfill. An installation or a site with an installation where waste is stored for the purpose of preparing it before any further transfer to another location where it will be processed, recovered or disposed of shall not be considered a landfill if the period preceding the recovery or processing thereof does not, as a rule, exceed three years or the period preceding the disposal thereof does not exceed one year.

## **§ 6**

### **Waste management system hierarchy, targets and binding limits**

(1) The waste management system hierarchy shall follow a priority order as follows:

- a) prevention of waste,
- b) preparing for reuse,
- c) recycling,
- d) other recovery, for example energy recovery, and
- e) disposal.

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<sup>18)</sup> § 57 and 66 of Act No 50/1976.

(2) Only specific waste streams may depart from the waste management system hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste and if so provided in this Act.

(3) Waste prevention means measures taken before a substance, material or product has become waste, that reduce

- a) the quantity of waste, including through the reuse of products or the extension of the life span of products,
- b) the adverse impacts of the generated waste on the environment and human health, or
- c) the content of harmful substances in materials and products.

(4) Prevention of packaging waste means the reduction of

- a) the quantity of materials and substances contained in packaging and in packaging waste and their harmfulness for the environment and
- b) the quantity of packaging and packaging waste and their harmfulness for the environment at production process level and at the marketing, distribution, utilisation and elimination stages; prevention will be achieved, in particular, by developing products and technology that are more environment-friendly.

(5) Legal persons and sole traders who manufacture products shall take into account

- a) when producing them, the need to give priority to technology and processes saving natural resources and reducing the generation of unusable, especially hazardous, waste from these products,
- b) the need for informing the public about the method of recovery or disposal of waste from the product and its parts, in particular when designing the product packaging, instructions for use or other product documentation.

(6) Waste producers shall prevent the generation of waste from their operations and reduce its quantity and hazardous properties. Waste that cannot be prevented must be recovered or disposed of in accordance with paragraph 1 in a manner that does not pose a threat to human health and the environment and that complies with this Act and other acts of general application.

(7) If waste prevention is impossible or inappropriate, it is necessary to utilise the materials and products by reusing them.

(8) Waste recovery by recycling that allows for raw materials to be extracted is permissible if waste prevention or the procedure referred to in paragraph 7 is impossible or inappropriate.

(9) Waste can be used as a source of energy if waste prevention or the procedure referred to in paragraphs 7 and 8 is impossible or inappropriate.

(10) Waste may be disposed of in a manner that does not pose a threat to human health and does not damage the environment if waste prevention or the procedure referred to in paragraphs 7 through 9 is impossible or inappropriate.

(11) The targets and binding limits for the waste management system are provided in Annex 3.

**PART TWO**  
**WASTE MANAGEMENT SYSTEM PROGRAMMING DOCUMENTS**

**§ 7**

**Waste prevention programme**

(1) Waste prevention programme is a programming document drawn up by the Ministry of the Environment of the Slovak Republic (hereinafter the “Ministry”) in cooperation with the central government authorities concerned. After the environmental impact assessment<sup>19)</sup> of the programme has been carried out, the waste prevention programme shall be subject to approval by the Government of the Slovak Republic (hereinafter the “Government”) and once approved, it shall be published in the Journal of the Ministry of the Environment of the Slovak Republic (hereinafter the “Journal”) and on its website.

(2) As a rule, the Ministry shall draw up the waste prevention programme for the period of 10 years.

(3) The waste prevention programme shall contain waste prevention objectives, including packaging waste, the existing measures to achieve these objectives and, if appropriate, proposals for new measures to achieve these objectives. The objectives and measures under this programme shall be aimed at breaking the direct link between economic growth and the adverse environmental impacts associated with the generation of waste. The waste prevention programme shall include an assessment of the effectiveness of the measures referred to in Annex 4 or other existing measures.

(4) The waste prevention programme shall contain specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress made, together with specific qualitative or quantitative targets and indicators.

(5) No later than within six years of the entry into force of the waste prevention programme, the Ministry shall present to the Government an interim assessment of the implementation of the objectives of the waste prevention programme based on an evaluation of the qualitative or quantitative targets and indicators.

(6) If appropriate, the Ministry shall ensure that the waste prevention programme is updated.

**Waste management plans**

**§ 8**

**Basic provisions**

(1) Waste management plan (hereinafter the “plan”) means a programming document drawn up for a geographical entity in accordance with the hierarchy and targets of the waste management system containing an analysis of the current situation of the waste management system in the geographical entity concerned, as well as the measures that need to be taken to improve environmentally sound preparing for reuse, recycling, recovery and disposal of waste

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<sup>19)</sup> Act No 24/2006 on environmental impact assessment and on amendments to certain acts, as amended.



and an evaluation of how the plan will support the implementation of these targets and provisions of this Act.

(2) The plan shall be drawn up for waste listed in the Catalogue of Waste and for polychlorinated biphenyls and equipment containing polychlorinated biphenyls.

(3) The plan shall contain

- a) the name of the authority drawing up the plan and basic information about the territory for which the plan is drawn up or basic information about the holder of polychlorinated biphenyls or municipality drawing up the plan,
- b) the characteristics of the current state of the waste management system,
- c) a binding part and a guiding part,
- d) an assessment of the previous plan.

## **§ 9**

### **Plan for the Slovak Republic and regional plans**

(1) As a rule, the plan for the Slovak Republic shall be drawn up by the Ministry for the period of 10 years on the basis of, in particular, supporting documents provided by district offices in regional capitals, other district offices, municipalities and self-governing regions. After the environmental impact assessment has been carried out<sup>19)</sup>, the plan for the Slovak Republic shall be subject to approval by the Government and, once approved, it shall be published by the Ministry in its Journal and on its website.

(2) The plan for the Slovak Republic shall contain, in particular

- a) the characteristics of the current state of the waste management system and an estimate of development of specified waste streams in the future,
- b) information about the types, quantity and sources of waste generated within the territory of the Slovak Republic broken down into regions, information about the waste likely to be shipped from, through or to the Slovak Republic,
- c) a description of the existing waste collection systems,
- d) the distribution of waste treatment facilities,
- e) the target state of management of specified waste streams and the quantities of waste at a specified point in the future, as well as the measures to achieve them,
- f) the target state of management of polychlorinated biphenyls and equipment containing polychlorinated biphenyls at a specified point in the future, as well as the measures to achieve it,
- g) measures to reduce the quantity of biodegradable municipal waste deposited at landfills,
- h) measures to increase preparation for reuse and recycling of municipal waste,
- i) measures to increase preparation for reuse and recycling of construction and demolition waste,
- j) a special chapter on the management of packaging and packaging waste, including support for preventive measures and systems for the reuse of packaging,
- k) an assessment of the need to build new, increase the capacity of or close down existing waste treatment facilities,
- l) an assessment of the need to build new waste collection systems,
- m) proposals to build waste management facilities of superregional significance,
- n) an assessment of the usefulness of the measures adopted,

- o) information about the use of public awareness-raising campaigns in the field of waste management,
- p) the financial requirements of the plan.

(3) The binding part of the plan for the Slovak Republic shall contain information referred to in paragraph 2e) through j). The guiding part of the plan for the Slovak Republic shall contain information referred to in paragraph 2e) through p).

(4) District offices in regional capitals shall, within three months of approval of the plan for the Slovak Republic under paragraph 1, present for environmental impact assessment a draft regional programme<sup>19)</sup>; the draft regional programme shall be drawn up, in particular, on the basis of supporting documents provided by district offices and municipalities and self-governing regions. After the environmental impact assessment<sup>19)</sup>, the binding part of the regional plan shall be issued by the district office in the regional capital in the form of a generally applicable decree for a period identical with the validity period of the plan for the Slovak Republic and forward it to the Ministry for publication.

(5) The regional plan must comply with the plan for the Slovak Republic and contain the facts referred to in paragraph 2, with the exception of g), (m) and o), while focusing on the territory of the region for which it is drawn up. The binding part of the regional plan shall contain information referred to in paragraph 2e), f) and j). The guiding part of the regional plan shall contain information referred to in paragraph 2k) and l), together with proposals to build waste management facilities of regional significance.

(6) The plan for the Slovak Republic and regional plans in force shall serve as a basis for measures aimed at waste prevention, waste management and decontamination and for drawing up land-use planning documentation.

(7) The decisions and opinions of waste management administrative authorities issued under this Act must not conflict with the relevant regional plans.

(8) If, at a time after the plan for the Slovak Republic and the regional plan have been issued, the circumstances decisive for the content of the plan for the Slovak Republic and the regional plan change significantly, the Ministry and the district office in the regional capital shall update the plans drawn up by them. The provisions of paragraphs 1 through 6 shall equally apply to the updates of these plans.

(9) Waste management administrative authorities or persons empowered by them are authorised to request information needed for drawing up and updating the plans from anyone who handles packaging, is a waste holder, manages waste or is a holder of polychlorinated biphenyls. This shall be without prejudice to the specific regulations for data protection<sup>20)</sup>.

(10) The Ministry shall present to the Government for approval an evaluation of the implementation of the plan for the Slovak Republic once every five years after the date of approval thereof.

## § 10

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<sup>20)</sup> For example §17 through 20 of the Commercial Code.

## **Municipal plan**

(1) Any municipality in whose territory the quantity of municipal waste generated, including minor construction waste, exceeds 350 tonnes or whose population exceeds 1 000, shall draw up a municipal plan.

(2) The municipal plan shall contain, in particular

- a) the characteristics of the current state of the waste management system,
- b) the estimated quantity of municipal waste and minor construction waste generated,
- c) information about the system of collection of municipal waste and minor construction waste and conditions for separate collection of municipal waste,
- d) the targets and measures aimed at reducing the quantity of municipal waste generated and increasing the share of separate collection and subsequent recovery of municipal waste,
- e) measures to reduce the quantity of biodegradable municipal waste deposited at landfills,
- f) measures to ensure residents' awareness of separate collection of municipal packaging waste and of the meaning of the symbols on packaging showing that the packaging can be recovered,
- g) information about the availability of facilities for the processing of municipal waste and about what types of treatment facilities for municipal waste it would be appropriate to build,
- h) information about the use of public awareness-raising campaigns in the field of management of municipal waste,
- i) the financial requirements of the plan.

(3) The binding part of the municipal plan shall contain information referred to in paragraph 2d) through f). The guiding part of the municipal plan shall contain information referred to in paragraph 2g) through i). The municipal plan must comply with the binding part of the relevant regional plan.

(4) The municipality shall draw up the municipal plan within four months of publication of the regional plan and present it to the competent administrative authority for assessment of compliance with the provisions of this Act and the binding part of the regional plan. The competent administrative authority shall advise the municipality of the outcome of the assessment within 30 days of receipt of the municipal plan; the outcome of the assessment shall be binding on the municipality. If the outcome of the assessment by the competent administrative authority is positive, the municipality shall

- a) present the municipal plan for environmental impact assessment<sup>19)</sup>, provided that the municipal plan is subject to such an assessment, and, after the assessment has been completed, approve it,
- b) approve the municipal plan, if not subject to environmental impact assessment.

(5) If, in the assessment referred to in paragraph 4, the municipality is notified by the competent administrative authority of a conflict with the provisions of this Act or the binding part of the relevant regional plan, the municipality shall amend this plan. The approval of a municipal plan that does not comply with this Act shall be invalid.

(6) The publication of a new plan shall render the previous municipal plan invalid.

(7) The municipality shall draw up the municipal plan so that its validity period is the same as that of the regional plan; in the case referred to in paragraph 9, the municipality shall ensure that the end of the plan's validity period is the same as that of the regional plan.

(8) If the municipality's obligation referred to in paragraph 1 arises during the validity period of a regional plan, this municipality shall meet this obligation in compliance with and within the time limits referred to in paragraphs 4 and 5; these time limits shall commence on the date when this obligation arises.

(9) If, at a time after the municipal plan has been approved, the circumstances decisive for its content change significantly, the municipality shall update and present its plan for consideration to the competent administrative authority without unnecessary delay.

(10) Municipality may draw up their municipal plans in cooperation with one or more municipalities on the basis of a cooperation agreement.<sup>21)</sup> Targets may be established individually for each municipality in the joint plan.

(11) When drawing up and updating the municipal plan, the municipality has the right to request that anyone who holds municipal waste or minor construction waste or handles municipal waste or minor construction in its territory provide, free of charge, the information necessary for drawing up and updating the municipal plan. This shall be without prejudice to the specific regulations for data protection<sup>20)</sup>.

(12) The municipality shall publish the approved municipal plan within 30 days of approval on its website.

## **§ 11**

### **Plan of a holder of polychlorinated biphenyls**

(1) A holder of polychlorinated biphenyls who possesses polychlorinated biphenyls or equipment containing polychlorinated biphenyls shall draw up, without unnecessary delay, a plan of a holder of polychlorinated biphenyls focusing on the decontamination of equipment containing polychlorinated biphenyls and, in order to manage used polychlorinated biphenyls, present the plan for approval to the competent waste management administrative authority. The holder of polychlorinated biphenyls shall adhere to the approved plan of a holder of polychlorinated biphenyls.

(2) The plan of a holder of polychlorinated biphenyls shall contain the required information [§ 105(3) a)].

(3) If the facts provided in the plan of a holder of polychlorinated biphenyls under paragraph 2 change, holders of polychlorinated biphenyls shall, within four months, draw up and present for approval a new plan of a holder of polychlorinated biphenyls, provided that despite the change in the facts referred to in paragraph 2 they continue to be holders of polychlorinated biphenyls.

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<sup>21)</sup> For example § 20 of Slovak National Council Act No 369/1990 on municipalities as amended by Act No 453/2001.

## **PART THREE**

### **OBLIGATIONS OF LEGAL AND NATURAL PERSONS**

#### **§ 12**

##### **General obligations related to waste management**

- (1) Anyone who manages or otherwise handles waste shall do so in accordance with this Act; those on whom obligations have been imposed through a decision issued on the basis of this Act shall also adhere to this decision when managing or otherwise handling waste.
- (2) Anyone who manages or otherwise handles waste shall do so in a manner which does not pose a threat to human health and does not harm the environment in order to avoid
- a) risk to water, air, soil, the rock environment and plants and animals,
  - b) causing a nuisance through noise or odours, and
  - c) adversely affecting the countryside or places of special interest.<sup>22)</sup>
- (3) The obligation to bear the cost of waste management activities and activities directed towards waste management shall be met by persons in the order below, unless provided otherwise in paragraph 4
- a) the waste holder for whom waste management is being carried out, if known, or
  - b) the last known holder.
- (4) The provisions under paragraph 3 shall not apply to components of municipal waste collected separately that are part of a specified waste stream [§ 27(3)], to which the extended responsibility of producers, who bear the cost of waste management activities and activities directed towards waste management, applies within the defined scope.
- (5) If the waste holder is known but not present in the Slovak Republic, waste management shall be ensured by the waste management administrative authority in the territory of which the waste is located, at the expense of the waste holder.
- (6) Natural persons may not manage or otherwise handle other than municipal waste and minor construction waste, with the exception of handling waste under § 63(1) and § 72.

#### **§ 13**

##### **Prohibitions**

It shall be prohibited to

- a) deposit or leave waste at a site other than that intended for this purpose in accordance with this Act,
- b) dispose of or recover waste in a manner other than in accordance with this Act,
- c) dispose of waste by means of operations D4, D6 and D7 referred to in Annex 2,

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<sup>22)</sup> For example Act No 49/2002 on heritage protection, as amended, Convention Concerning the Protection of the World Cultural and Natural Heritage (Notice No 159/1991), Act No 543/2002 on nature and landscape protection, as amended.

- d) perform, without or in conflict with the permit under § 97(1), an operation for which the permit is required,
- e) dispose of, by landfilling
  - 1. liquid waste,
  - 2. waste which, when landfilled, is explosive, corrosive, acidifying, highly flammable or flammable,
  - 3. healthcare and veterinary care waste, the catalogue number of which prior to processing is listed in Annex 8; processing of and the consequent change in the catalogue number of such waste shall have no effect on the prohibition of landfilling thereof,
  - 4. waste pneumatic tyres, except tyres used as construction material in the construction of a landfill, bicycle tyres and tyres with an outer diameter greater than 1 400 mm,
  - 5. waste with a content of harmful substances exceeding the limit values of concentration of harmful substances under Annex 5,
  - 6. separated biodegradable kitchen and canteen waste,
  - 7. separated components of municipal waste to which extended producer responsibility applies with the exception of waste which cannot be recovered after final sorting,
  - 8. biodegradable municipal waste from gardens and parks, including biodegradable cemetery waste with the exception of waste which cannot be recovered after final sorting,
- f) dilute or mix waste in order to meet the limit values of concentration of harmful substances under Annex 5,
- g) dispose of biodegradable waste by incineration, unless a permit has been granted under § 97(1)(b),
- h) burn municipal waste in the open or in household heating systems.

## § 14 Obligations of waste holders

- (1) Waste holders shall
  - a) classify waste correctly or arrange for the correct classification thereof in accordance with the Waste Catalogue,
  - b) gather waste separated according to types and secure it against deterioration, theft or other undesired movement,
  - c) gather hazardous waste separately according to types, label it in the specified manner and manage it in compliance with this Act and specific regulations,<sup>23)</sup>
  - d) ensure that waste treatment follows the waste management system hierarchy, specifically by
    - 1. preparing it for reuse in the context of their activities; offering waste not used in this manner for preparation for reuse by another party,
    - 2. recycling it in the context of their activities, if preparing it for reuse is impossible or inappropriate; offering waste not used in this manner for recycling by another party,

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<sup>23)</sup> For example Act No 355/2007 on the protection, promotion and development of public health and on amendments to certain acts, Act No 541/2004, Regulation of the Government of the Slovak Republic No 345/2006 concerning the basic safety requirements for the health protection of workers and the general public against ionising radiation

3. recovering it in the context of their activities, if recycling it is impossible or inappropriate; offer waste not used in this manner for recovery by another party,
  4. disposing it, if recycling or other recovery thereof is impossible or inappropriate,
- e) present waste only to person empowered to carry out waste management under this Act, unless provided otherwise in paragraph 5, § 38(1)(a) and (d), § 49(a) and (b) and § 72, and unless they ensure the recovery or disposal thereof themselves,
  - f) keep and retain records of the types, quantities and management of waste,
  - g) report the recorded data to the competent waste management administrative authority and retain the reported data,
  - h) at the request of the previous waste holder, present documents that contain complete and true information showing how the waste was managed, no later than within 30 days of receipt of a written request; also provide copies of the documents at the request of the previous holder,
  - i) store waste for no longer than one year or gather waste for no longer than one year prior to the disposal thereof or for no longer than three years prior to recovery thereof; the waste management administrative authority may only grant a permit for the gathering of waste for a longer period to a waste producer,
  - j) secure waste against access by brown bears (*Ursus arctos*) in the specified areas [§ 105(3)q],
  - k) enable state waste management system supervisory authorities to access land, structures, premises and equipment, collect waste samples and, at their request, present the relevant documentation and provide true and complete information related to the waste management system; this shall be without prejudice to specific regulations,<sup>24)</sup>
  - l) carry out any remedial measures imposed by state waste management system supervisory authorities [§ 116(3)],
  - m) ensure, on the basis of an opinion of the competent waste management administrative authority, the recovery of waste resulting from a processing operation under the inward processing procedure,<sup>25)</sup> or export it in accordance with this Act,
  - n) at the request of state waste management administrative authorities or a person appointed by them, provide information needed for drawing up and updating a plan or waste prevention programme.

(2) The provisions under paragraph 1 shall not apply to natural persons who are not sole traders with the exception of j).

(3) If the waste holder is a person operating a transport service for the needs of others or for his or her own needs (hereinafter the “carrier”), only the provisions under paragraph 1h) and j) through l) shall apply to such a person when transporting waste.

(4) The obligations of waste holders referred to in paragraph 1a), b), c), i) and j) shall not apply to dealers and brokers who do not take physical possession of the waste. The

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<sup>24)</sup> For example Act No 281/1997 on military districts and Act amending National Council of the Slovak Republic Act No 222/1996 on the organisation of local state administration and on amendments to certain acts, as amended, Act No 215/2004 on the protection of classified information and on amendments to certain acts, as amended.

<sup>25)</sup> Article 114 of Council Regulation (EEC) No 2913/92 establishing the Customs Code of the Community (OJ, Special Edition, Chapter 2/vol. 4, as amended).

obligations referred to in paragraph 1 shall apply to dealers and brokers who take physical possession of the waste.

(5) A waste holder who has been granted a permit under § 97(1)(n) may present the waste to a person other than that referred to in paragraph 1e), if the waste is suitable for household use as a material or fuel<sup>26)</sup> or other items intended for final consumption, with the exception of hazardous waste, WEEE, waste pneumatic tyres, and spent batteries and accumulators; final consumption means consumption resulting in the generation of municipal waste. When the above procedure is applied, the obligations under paragraph 1d) and e) shall not apply to the waste holder. This shall be without prejudice to the provisions of specific regulations<sup>27)</sup>.

(6) The person who has been presented waste under paragraph 5 shall handle the waste in a manner and for the purpose referred to in paragraph 5; after collecting the item from the waste holder in accordance with paragraph 5, this item is no longer considered waste.

(7) If the holder of waste pneumatic tyres, WEEE or spent batteries and accumulators is a distributor who provides take-back but does not provide servicing thereof, only the provisions under paragraph 1b), e), i), k) and l) shall apply.

(8) If a permit has been granted to a waste producer under paragraph 1i), the waste gathering site at the waste producer's premises shall not be considered a landfill.

## **§ 15**

### **Responsibility for illegal placement of waste**

(1) Any natural or legal person may report placement of waste on a property in conflict with this Act (hereinafter the "illegal placement of waste") to the competent waste management administrative authority or the municipality in the territory of which the property is located.

(2) Immediately after becoming aware that waste has been placed illegally on their property, the owner, administrator or tenant of this property shall report this fact to the authority referred to in paragraph 1.

(3) The municipality and the waste management administrative authority shall inform each other of any notifications made under paragraphs 1 and 2 within seven working days from the day of the announcement.

(4) If, according to the notification referred to in paragraph 1 and 2, waste has been placed unlawfully into a water stream or on a coastal area or floodplain, the recipient of the notification shall immediately inform the competent water administrative authority of this fact.

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<sup>26)</sup> Implementing Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic No 362/2010 laying down the requirements for the quality of fuels and for maintaining operational records of fuels.

<sup>27)</sup> For example Act No 264/1999, Act No 250/2007 on consumer protection and on amendments to Slovak National Council Act No 372/1990 on offences, as amended, as amended and Act No 137/2010 on air as amended.



(5) On the basis of notification from the owner, administrator or tenant of the property on which waste has been placed illegally, on its own initiative or the initiative of another administrative authority, the competent waste management administrative authority shall verify whether the extent of the illegal placement of waste<sup>28)</sup> is such that a criminal offence may have been committed<sup>29)</sup> and issue an expert opinion.<sup>30)</sup>

(6) If it may be assumed from a notification made by a person other than that referred to in paragraph 5 that a criminal offence has been committed, the competent waste management administrative authority shall proceed according to paragraphs 5 and 7.

(7) If the competent waste management administrative authority becomes aware of any facts suggesting that a criminal offence has been committed, it shall make a notification thereof in accordance with a specific regulation<sup>31)</sup> and the procedure for determining the responsible person shall not be commenced.

(8) If the competent waste management administrative authority does not become aware of any facts suggesting that a criminal offence has been committed, it shall commence the procedure for determining the responsible person, while proceeding in accordance with paragraphs 9 through 12.

(9) In the procedure for determining the responsible person, the competent waste management administrative authority

- a) identifies the person responsible for the illegal placement of waste,
- b) identifies whether the owner, administrator or tenant of the property on which waste has been placed illegally have neglected the obligation to take all measures to protect their property under a specific regulation<sup>32)</sup> or an obligation deriving from a court decision,<sup>33)</sup> or whether they had a material or other gain from the placement of the waste, if the person referred to in a) is not identified.

(10) If, in the procedure for determining the responsible person, the competent waste management administrative authority identifies the person responsible for the illegal placement of waste in accordance with paragraph 9a), it shall designate this person as the person liable to ensure management of the illegally placed waste.

(11) If, in the procedure for determining the responsible person, the competent waste management administrative authority discovers that the circumstances referred to in paragraph 9b) have occurred, it shall designate the owner, administrator or tenant of the property on which waste was placed illegally as the person liable to ensure management of the illegally placed waste.

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<sup>28)</sup> For example § 124(3) of the Criminal Code, Act No 17/2004 on waste deposition fees, as amended.

<sup>29)</sup> § 300 through 302 of the Criminal Code.

<sup>30)</sup> § 126 of the Criminal Code.

<sup>31)</sup> § 3(2) of the Code of Criminal Procedure.

<sup>32)</sup> Implementing Decree of the Slovak Occupational Safety Office No 59/1982 laying down the basic requirements for ensuring safety at work and safety of technical equipment, as amended.

Implementing Decree of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No 147/2013 laying down the details of ensuring health and safety in construction and related work and details of the professional qualifications for the performance of certain work activities.

<sup>33)</sup> Civil Code.

(12) If the person liable to ensure management of the illegally placed waste has not been determined through the procedure under paragraphs 10 and 11, the competent waste management administrative authority shall conclude the procedure for determining the responsible person with a decision in which this fact will be stated.

(13) The person designated as the person liable for management of the illegally placed waste under paragraphs 10 or 11 shall ensure the recovery or disposal of this waste in accordance with this Act at his/her own expense; in the case of municipal waste or minor construction waste, this person shall do so exclusively through a person who has entered into a contract for this activity with the municipality under § 81(13) or through the municipality, if the municipality carries out this activity itself.

(14) In the case referred to in paragraph 12, the recovery or disposal of the waste shall be ensured in compliance with this Act and at their own expense by

- a) the municipality in the territory of which the waste was placed in conflict with this Act, in the case of municipal waste or minor construction waste,
- b) the competent waste management administrative authority, in the case of waste other than that referred to in Point a).

(15) If, after notification under paragraph 7, a police authority notifies the waste management administrative authority that recovery or disposal of the illegally placed waste can be ensured, the procedure referred to in paragraph 14 shall be followed.

(16) The person who has ensured the recovery or disposal of the waste under paragraph 14 shall be entitled to compensation of the costs incurred by the person responsible for the illegal placement of waste.

(17) In the procedure referred to in paragraph 9, the competent waste management administrative authority may request assistance from police authorities in the investigation of the illegal placement of waste.

(18) Municipalities may ensure recovery or disposal of illegally placed waste in accordance with this Act, provided that it is municipal waste or minor construction waste, immediately after becoming aware of it; in such a case, the procedure under paragraphs 3 through 17 shall not be used; the municipality shall inform the competent waste management administrative authority of this within three working days.

## **§ 16**

### **Waste collection and waste purchasing**

(1) In addition to the obligations under § 14(1), anyone who carries out waste collection or waste purchasing shall

- a) make public the types of waste collected or purchased, including the terms and conditions of waste collection or waste purchasing,
- b) mark the waste collection or waste purchasing installation.

(2) In addition to the obligations under paragraph 1, anyone who carries out waste collection or waste purchasing from a natural person shall

- a) classify the waste collected from such a person as municipal waste; this provision shall not apply to the collection of end-of-life vehicles and waste pneumatic tyres,
- b) report to the municipality in the territory of which the waste collection or waste purchasing takes place information about the type and quantity of waste collected or purchased. [§ 105 (3) d)].

(3) Anyone who carries out the collection of a specified waste stream [§ 27(3)] in a waste collection installation or without a waste collection installation shall enter into a contract with the relevant producer responsibility organization, a relevant third person or a producer of the relevant specified product; the above shall not apply to the collection of end-of-life vehicles, persons referred to in paragraph 4 and distributors providing waste take-back.

(4) Anyone who is engaged in the purchasing of a specified waste stream shall, within 15 working days of the end of a quarter, report the type and quantity of waste purchased and information about recovery thereof in the first waste recovery installation through operations R1 through R11 referred to in Annex 1 or in the first other waste recovery installation in the territory of another state, in which it is ensured that the outcome of waste recovery will be equivalent to that of recovery operations R1 through R11 referred to in Annex 1,

- a) in the case of packaging waste and waste from non-packaging products, to the relevant responsible producing organization which has signed a contract with the municipality in which the purchasing is carried out,
- b) in the case of WEEE and spent batteries and accumulators, to the relevant coordination centre, if established.

(5) It shall be prohibited to collect or purchase metal waste in a manner other than provided in paragraphs 6 through 8.

(6) Anyone who carries out the collection or is engaged in the purchasing of metal waste shall collect or purchase metal waste

- a) originating from components and parts of rail overhead line, safety and communication technology, rolling stock and railroad equipment or appearing to have originated from such equipment, only from railroad operators and businesses cooperating with them on the basis of a contract,
- b) originating from traffic signs and traffic equipment or crash barriers or appearing to have originated therefrom, only from road administrators and businesses cooperating with them on the basis of a contract,
- c) originating from sewer and sewer inlet covers, only from owners or operators of water supply and sewer systems,
- d) originating from irrigation equipment, irrigation pumping stations, agricultural and forestry machinery and its parts, agricultural technical equipment and metal parts of structural parts of buildings, or appearing to have originated therefrom, only from agricultural and forestry businesses, private farmers or businesses cooperating with them on the basis of a contract,
- e) comprising electrical wiring, electrical transformers and their parts or appearing to have originated therefrom, only from entities authorised to work with them or businesses cooperating with such entities on the basis of a contract.

(7) Anyone who is engaged in the purchasing of metal waste shall purchase metal waste originating

- a) from end-of-life vehicles and their parts and components or appearing to have originated therefrom, only from persons authorised to handle such vehicles, and from vehicles and their parts and components or appearing to have originated therefrom, only from the holder of the vehicle or businesses engaged in the servicing of vehicles,
- b) from WEEE [§ 32(6)] and its parts or components or appearing to have originated therefrom, only from persons authorised to manage WEEE or businesses cooperating with them on the basis of a contract.

(8) Anyone who carries out the collection of metal waste under paragraph 6 or is engaged in the purchasing of metal waste under paragraph 7 shall

- a) require that persons from whom waste is collected or purchased, if this concerns
  - 1. a natural person, provide proof of identity, including full name, permanent address and identity document number, by presenting their identity document,
  - 2. a natural person who is a responsible representative of a legal person or sole trader, a person authorised to act on their behalf, or a sole trader, provide proof of identity within the same scope as referred to in Point 1 by presenting their identity document, as well as provide the business name, organization identification number and registered address of the legal person or place of business of the sole trader,
- b) keep and retain records of the persons from whom waste is collected or purchased within the scope referred to under a) and the types and quantity of metal waste collected or purchased from them,
- c) keep and retain description and documentation, consisting of photographs or video footage capturing the metal waste from entering the waste collection installation to its final placement in the waste collection installation,
- d) make payments for the purchase of metal waste in the form of a money order or a non-cash payment,
- e) when making payments for the purchase of metal waste from a natural person, calculate and pay tax in accordance with a specific regulation,<sup>34)</sup>
- f) when determining the weight of the metal waste collected, only use weighing instruments that are classified as designated meters and satisfy the requirements for a designated meter<sup>35)</sup>
- g) gather the metal waste collected for at least seven days from the date of receipt thereof before presenting it to another holder for further management,
- h) monitor the area where metal waste is placed using a camera system, retain recordings from the camera system for the period of 14 days after they were made and provide these recordings to waste management administrative authorities at their request.

(9) Paragraph 8c), f), g), and h) shall not apply to the collection of metal waste referred to in paragraph 7, which is not purchasing of waste.

## **§ 17**

### **Obligations of waste recovery or waste disposal installation operators**

(1) In addition to satisfying the obligations under § 14, operators of a waste recovery or waste disposal installation (hereinafter “installation”) shall

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<sup>34)</sup> § 43 of Act No 595/2003 on income tax, as amended.

<sup>35)</sup> § 8 of Act No 142/2000 on metrology and on amendments to certain acts, as amended by Act No 431/2004.

- a) recover or dispose of waste in accordance with the decision authorising them to operate the installation,
- b) operate the installation in accordance with the approved rules of operation,
- c) keep operating documentation for the installation,
- d) make public the terms and conditions under which waste is collected for the installation,
- e) put into service and operate machinery and technology, as well as carry out eligible activities in accordance with the applicable documentation and technical requirements,
- f) perform their registration and reporting obligations and the obligation to retain records and reported data; in the case of an installation for the disposal of polychlorinated biphenyls, this shall include the content of polychlorinated biphenyls in waste,
- g) fulfil the obligations of a waste producer in respect of the waste they produce,
- h) in the case of mobile installation operators, notify in writing, no later than seven days in advance, the waste management administrative authority in the territorial area of which they will recover or dispose of waste of the location where these activities will be carried out, the type, category and anticipated quantity of waste to be recovered or disposed of, and the estimated period of time for which the activities will be carried out,
- i) make public the types of waste for the disposal or recovery of which they are authorised, [§ 105 (3) d)]
- j) in the case of an installation for the disposal of polychlorinated biphenyls, issue proof of receipt to the holder of polychlorinated biphenyls or holder of equipment containing polychlorinated biphenyls who delivered them to the installation,
- k) in exceptional cases, in particular if necessary in the interest of safeguarding human health and the environment, dispose of or recover waste on the basis of a decision of a waste management administrative authority, if technically possible for the operator; costs incurred in the recovery or disposal of waste on the basis of such a decision shall be paid by the waste holder,
- l) notify immediately the competent waste management administrative authority of a refusal to collect for the installation waste to be disposed of through operations D1, D5 and D10 referred to in Annex 2,
- m) make public on its website all applicable decisions issued to them under this Act.

(2) If under paragraph 1k), the waste holder is unknown or unable to pay the costs associated with waste disposal or recovery within a reasonable time and in full, such a case shall be deemed as an accident and the procedure under a specific regulation may be applied in the compensation of the costs.<sup>36)</sup>

## **§ 18**

### **Waste incineration**

(1) Incineration of municipal waste in municipal waste incineration plants shall be considered as waste recovery operation R1 referred to in Annex 1, provided that the energy, in the form of heat or electricity, is generated for commercial purposes and that the energy efficiency of the installation is equal to or above

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<sup>36)</sup> § 9 of Act No 587/2004 on the Environmental Fund and on amendments to certain acts, as amended.

- a) 0.60, for installations granted authorisation to operate before or on 31 December 2008, in accordance with acts of general application<sup>37)</sup> or
- b) 0.65, for installations granted authorisation to operate on or after 31 December 2008.

(2) Incineration of waste other than municipal waste in waste incineration plants shall be considered as waste recovery operation R1 referred to in Annex 1, if the conditions below are met:

- a) it is an operation referred to in § 3(13),
- b) the purpose of waste incineration is to generate power,
- c) the energy obtained through waste incineration is greater than the energy consumed through the incineration process,
- d) the majority of the waste must be consumed during waste incineration, and
- e) the majority of the energy produced during waste incineration must be recuperated and actually used, and this either immediately, in the form of heat obtained by incineration, or after it has been processed, in the form of electricity.

## § 19

### Obligations of landfill operators

- (1) In addition to the obligations under § 14 and 17, landfill operators shall
  - a) develop and have approved project documentation for closure, reclamation and monitoring, and ensure after-care of the landfill; the project documentation developed shall be attached by the applicant for a permit to operate a landfill under § 97(1) a) to the application for this permit,
  - b) ensure that the landfill is operated by a person in an employment or other legal relationship<sup>38)</sup> who, as a minimum, has secondary school education with the school leaving examination certificate and at least three years of experience in the field, unless this condition is satisfied by the landfill operator him- or herself,
  - c) provide professional and technical training to the personnel of the landfill,
  - d) close, reclaim, monitor and ensure after-care of the landfill in accordance with the approved project documentation,
  - e) notify the competent waste management administrative authority of any adverse situation or environmental impacts that they become aware of while monitoring the landfill after its closure,
  - f) eliminate the adverse situations and impacts that they become aware of while monitoring the landfill,
  - g) at the request of the competent waste management administrative authority or municipality in the cadastral area of which the landfill is located, demonstrate, within three working days, the current amount of the special-purpose financial reserve (§ 24),
  - h) each calendar year, no later than on 15 February, present to the competent waste management administrative authority a statement, signed by the operator, for the special account held with a financial institution, in which the funds committed as the special-purpose financial reserve are being accumulated, showing movements on this account for the preceding calendar year,

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<sup>37)</sup> Act No 39/2013 Coll. as amended  
Act No 137/2010 Coll. as amended

<sup>38)</sup> For example, § 566 and 577 of the Commercial Code, § 724 of the Civil Code.

- i) retain monitoring records made during the operation of the landfill and after its closure and, every year, by 31 January of the following year, report the results of the monitoring to the competent waste management administrative authority,
- j) perform their registration and reporting obligations and the obligation to retain records of the reported data and of the placement of hazardous waste in the landfill,
- k) ensure, as necessary, random sample checks and tests and analyses of waste to verify the data declared by the waste holder regarding the origin, properties and composition of waste.

(2) A proposal for the method of closure, reclamation, monitoring and after-care of the landfill must be presented as part of the environmental impact assessment documentation.<sup>19)</sup>

(3) No later than within six months of the date the full capacity of the landfill has been reached or the date of expiry of the permit for operation under § 97(1)(a), landfill operators shall apply for the permit referred to in § 97(1)(j).

### **Management of metallic mercury**

#### **§ 20 Basic provisions**

(1) The provisions of this Act concerning the management of metallic mercury shall apply to metallic mercury referred to in a specific regulation,<sup>39)</sup> which is, effective from 15 March 2011, considered waste (hereinafter “mercury”) and which must be disposed of.

(2) Mercury shall be disposed of through operations D 12 or D 15 referred to in Annex 2 in a manner ensuring a high level of protection of the environment and human health.

(3) Mercury may be temporarily stored for more than one year in above-ground facilities dedicated to and equipped for this purpose, in salt mines adapted for this purpose or in deep underground, hard rock formations providing a level of safety and confinement equivalent to that of those salt mines (hereinafter “temporary mercury storage facilities”) under conditions laid down in this Act.

(4) The provisions of this Act concerning landfills and the special-purpose financial reserve (§ 24) shall apply by analogy to temporary mercury storage facilities, unless provided otherwise in § 20 through 22.

#### **§ 21 Obligations of a temporary mercury storage facility operator**

(1) A temporary mercury storage facility operator shall manage mercury and operate the temporary mercury storage facility in compliance with the permit granted for the operation thereof [§ 97(1) q)] and this Act.

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<sup>39)</sup> Article 2 of Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14 November 2008).

(2) It shall be prohibited to operate a temporary mercury storage facility which does not satisfy the requirements under paragraph 1.

(3) In addition to the obligations of an operator of an installation referred to in § 17, temporary mercury storage facility operators shall

- a) develop and have approved project documentation for closure, reclamation, monitoring and after-care of the temporary mercury storage facility; the project documentation developed shall be attached by the applicant for a permit to operate a temporary mercury storage facility under § 97(1)q) to the application for this permit,
- b) ensure that the temporary mercury storage facility is operated by a person in an employment or other legal relationship<sup>38)</sup> who, as a minimum, has secondary school education with the school leaving examination certificate and at least three years of experience in the field, unless this condition is satisfied by the operator of the facility him- or herself,
- c) provide professional and technical training to the personnel of the temporary mercury storage facility,
- d) ensure continuous monitoring of the temporary mercury storage facility throughout the period of its operation, when taking steps to decommission the facility and after it has been decommissioned,
- e) immediately notify the competent waste management administrative authority of any mercury leakage, adverse situations or environmental impacts that they become aware of while monitoring the temporary mercury storage facility after its closure,
- f) immediately eliminate any adverse situations or environmental impacts that they become aware of while monitoring the temporary mercury storage facility and caused by the leakage of mercury and restore the safety of the temporary storage of mercury,
- g) when mercury leakage is detected, immediately take actions, in addition to the obligations under e) and f), which will prevent any further emissions of mercury to the environment,
- h) at the request of the competent waste management administrative authority or municipality in the cadastral area of which the temporary mercury storage facility is located, demonstrate, within three working days, the current amount of the special-purpose financial reserve,
- i) each calendar year, no later than on 15 February, present to the competent waste management administrative authority a statement, signed by the operator, for the special account held with a bank or a branch of a foreign bank, in which the funds committed as the special-purpose financial reserve are being accumulated, showing movements on this account for the preceding calendar year
- j) store containers which contain mercury in a manner ensuring
  1. easy and safe access to all containers which contain mercury, without posing a threat to health and life of people and
  2. that the containers are stored in collecting basins suitably coated so as to be free of cracks and gaps and impervious to mercury with a containment volume adequate for the quantity of mercury stored,
- k) immediately notify the competent waste management administrative authority of a refusal to collect a container, which contains mercury,
- l) ensure that the temporary mercury storage facility and containers are inspected at least once a month by the person responsible for the operation of the facility,
- m) close, reclaim, monitor and ensure after-care of the temporary mercury storage facility in accordance with the approved project documentation,



- n) present a proposal for the method of closure, reclamation, monitoring and after-care of the temporary mercury storage facility as part of the environmental impact assessment documentation.<sup>19)</sup>
  - o) retain monitoring records made during the operation of the temporary mercury storage facility and after its closure and, every year, by 31 January of the following year, report the results of the monitoring to the competent waste management administrative authority.
  - p) perform their registration and reporting obligations and the obligation to retain records and reported data,
  - q) retain the documents required for the receipt of mercury for the facility under § 22 (3) and (4),
  - r) draw up records of any removal from storage and handover of mercury, forward it immediately to the competent waste management administrative authority and retain the records
  - s) request that documents referred to in § 23(6) are presented and retain them,
  - t) store mercury separately from other waste.
- (4) Any mercury leakage shall be considered an incident with significant environmental effects.

## **§ 22**

### **Handing over and accepting mercury by a temporary mercury storage facility**

- (1) Anyone who is a holder of mercury shall hand it over to a temporary mercury storage facility or ensure permanent storage thereof in accordance with the provisions of this Act concerning the management of metallic mercury.
- (2) A temporary mercury storage facility operator is only authorised to accept for temporary storage exclusively mercury with mercury content more than 99.9 per cent by weight, which is free of impurities that may cause corrosion of carbon steel or stainless steel, such as, in particular, nitric acid and chloride salts solutions.
- (3) A temporary mercury storage facility operator is authorised to accept mercury for temporary storage only after the documents below have been presented
- a) documentation on the quantity of the mercury,
  - b) hazardous waste accompanying sheet and identification sheet,
  - c) information about the properties and composition of the mercury, and
  - d) certificates concerning the container.
- (4) The temporary mercury storage facility operator and the holder of mercury shall enter into a written contract for temporary mercury storage. The contract shall be concluded for a fixed period of no more than five years, with the possibility of extending it by a further five years.
- (4) The temporary mercury storage facility operator is authorised to accept for temporary storage only mercury placed in an undamaged, sealed and non-corroded metal container.
- (5) The temporary mercury storage facility operator shall, prior to accepting it, visually inspect the container in which the mercury is placed. He or she shall refuse to accept for temporary storage damaged, leaking or corroded containers.

## **§ 23**

### **Removal of mercury from storage**

- (1) Anyone who has handed over mercury for temporary storage (hereinafter the “original holder of mercury”) shall ensure that the mercury is taken back from the temporary mercury storage facility operator and subsequently permanently stored.
- (2) Temporary mercury storage facility operators shall, no later than at the end of the period of temporary mercury storage, remove the mercury from storage and hand it over to the original holders of the mercury, their legal successors or, with their consent, to another person authorised for managing mercury, and this solely for the purpose of subsequent permanent storage thereof.
- (3) If the original holder of mercury has died or ceased to exist without a legal successor, the temporary mercury storage facility operator shall meet the obligation under paragraph 2 by removing the mercury from storage and handing it over to a person authorised for managing mercury for the purpose of subsequent permanent storage thereof.
- (4) Temporary mercury storage facility operators shall, at the request of the original holders of metallic mercury or their legal successors or, with their consent, at the request of another person authorised for managing mercury, remove mercury from storage prior to the expiry of the period for which it was temporarily stored and hand it over to this person for the purpose of subsequent permanent storage thereof.
- (5) Mercury removed from storage shall be handed over by the temporary mercury storage facility operator, strictly in person, at the site of the temporary mercury storage facility, to a person referred to in paragraphs 2 or 3, or the person who has requested the removal of the mercury from storage under paragraph 4, provided that the persons receiving the mercury removed from storage are authorised for managing it and have adequately demonstrated this fact to the temporary mercury storage facility operator; in the case of a failure to demonstrate this fact, the procedure under paragraph 3 shall apply by analogy.
- (6) Anyone who is being handed over mercury removed from storage as referred to in paragraph 5 shall demonstrate to the temporary mercury storage facility operator that he or she has concluded a contract to ensure permanent storage of the mercury and, at the operator’s request, present a document demonstrating this fact, which shall be issued and signed by the person who will provide for the permanent storage of the mercury.
- (7) Temporary mercury storage facility operators shall ensure that mercury is removed from storage and handed over to and collected by the receiving party, including the drawing up of the record thereof, on the same day.

### **Special-purpose financial reserve**

## **§ 24**

- (1) In the course of operating a landfill, the landfill operator shall accumulate a special-purpose financial reserve to cater for closure, reclamation, monitoring and after-care of the landfill, as well as for operations related to averting an accident or reducing the consequences

of an accident that may occur or has occurred after closure of the landfill. Anyone who operates more than one landfill shall accumulate a special-purpose financial reserve for each landfill separately.

(2) The special-purpose financial reserve shall be accumulated annually as an expenditure item (expense)<sup>40)</sup> and amount to the defined percentage of the total cost of closure, reclamation, monitoring and after-care of the landfill.

(3) The annual amount of the special-purpose financial reserve shall be calculated using the specified method [§ 105(3) h)].

(4) The special-purpose financial reserve funds shall be kept in a separate account or separate accounts of the landfill operator. Prior to making their first contribution towards the special-purpose financial reserve, landfill operators shall ensure that a separate account or separate accounts be opened in a bank or branch of a foreign bank and blocked in favour of the Ministry, to which they will make their contributions towards the special-purpose financial reserve on an annual basis, while ensuring that the funds contributed towards the special-purpose financial reserve can only be used for the purpose referred to in paragraph 1.

(5) Landfill operators must not dispose of the special-purpose financial reserve funds contributed by them towards accumulating the special-purpose financial reserve and credited to the special account. This shall not apply to the interest earned from the special-purpose financial reserve funds.

(6) When permit under § 97(1)j) has been granted, the special-purpose financial reserve funds may be used for activities for which the permit has been granted. The amount of the special-purpose financial reserve funds used shall not exceed the amount specified in the written confirmation by the competent waste management administrative authority confirming in advance that the funds may be used.

(7) Landfill operators shall pay the annual contribution towards the special-purpose financial reserve by 31 January of the following calendar year. As of the day of filing the application for a permit to close a landfill or part thereof or to carry out reclamation and monitoring and ensure after-care of a landfill [§ 97(1) j)], the amount of the special-purpose financial reserve shall have reached the total cost of closure, reclamation, monitoring and after-care of the landfill or part thereof.

(8) If a landfill operator decides to cease business activities without a legal successor prior to completing closure, reclamation, monitoring and after-care of the landfill, any rights and obligations related to closure, reclamation, monitoring and after-care of the landfill shall be transferred, effective from the day preceding the operator's entry into liquidation or the day of cancellation of the trade licence, to the municipality in the territory of which the majority of the landfill is located; on the day the rights and obligations are transferred to the municipality, it shall also become entitled to dispose of the special-purpose financial reserve funds accumulated in accordance with paragraph 6. The obligations related to closure, reclamation, monitoring and after-care of the landfill shall be transferred to the municipality only to an extent proportionate to the amount of the special-purpose financial reserve accumulated.

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<sup>40)</sup> § 20 of Act No 595/2003, as amended.

(9) If a landfill operator has been declared bankrupt, a bankruptcy petition has been dismissed due to a lack of assets, or if the landfill operator has been allowed to undergo debt restructuring<sup>41)</sup> prior to completing closure, reclamation, monitoring and after-care of the landfill, any rights and obligations related to that closure, reclamation, monitoring and after-care of the landfill shall be transferred, effective from the day preceding the date the decision on the declaration of bankruptcy, decision on dismissal of a bankruptcy petition due to a lack of assets, or decision allowing for debt restructuring becomes final, to the municipality in the territory of which the majority of the landfill is located; on the day the rights and obligations are transferred to the municipality, it shall also become entitled to dispose of the special-purpose financial reserve funds accumulated in accordance with paragraph 6. The obligations related to closure, reclamation, monitoring and after-care of the landfill shall be transferred to the municipality only to an extent proportionate to the amount of the special-purpose financial reserve accumulated.

(10) Landfill operators referred to in paragraph 8 or 9 shall, effective from the day preceding the date of entry into liquidation, or the date of cancellation of the trade licence, or the date the decision on declaration of bankruptcy, decision on dismissal of a bankruptcy petition due to a lack of assets, or decision allowing for debt restructuring becomes final, transfer the accumulated special-purpose financial reserve funds to an account of the municipality, to which the right to dispose of these funds is transferred in accordance with paragraph 6.

(11) On the day the decision on termination of bankruptcy proceedings or<sup>42)</sup> the court decision on completion of restructuring becomes final,<sup>43)</sup> all rights and obligations related to closure, reclamation, monitoring and after-care of the landfill shall be transferred back to the landfill operator, including the right to dispose of the special-purpose financial reserve funds that had been transferred to the municipality under paragraph 9; this shall not apply if, as a result of closing the bankruptcy proceedings, the operator is being wound up under a specific regulation.<sup>44)</sup> The landfill operator shall immediately notify the municipality of the transfer from the municipality to the operator of the rights and obligations related to closure, reclamation, monitoring and after-care of the landfill, including the transfer of the right to dispose of the special-purpose financial reserve funds.

(12) The municipality to which the rights and obligations, including the right to dispose of the special-purpose financial reserve funds, had been transferred under paragraph 9, shall transfer the special-purpose financial reserve funds to the special account of the landfill operator within 14 days of receipt of the notification referred to in paragraph 11.

(13) After monitoring of the landfill has been completed, the owner of the special-purpose financial reserve funds shall be entitled, after the period specified in the permit under § 97(1)(j) and on the basis of confirmation from the competent waste management administrative authority, to dispose freely of the unused part of the special-purpose financial reserve.

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<sup>41)</sup> § 116 of Act No 7/2005 on bankruptcy and restructuring and on amendments to certain acts, as amended.

<sup>42)</sup> § 102 of Act No 7/2005.

<sup>43)</sup> § 153 of Act No 7/2005.

<sup>44)</sup> § 68(3)e) of the Commercial Code.

(14) The landfill operator or municipality, to which rights and obligations relating to closure, reclamation, monitoring and after-care of the landfill have been transferred, shall enable waste management system supervisory authorities and the competent administrative authorities in the area of taxes and fees to inspect the accuracy of accumulating and using the special-purpose financial reserve.

(15) The special-purpose financial reserve funds may not be subject to a debt recovery order or enforcement under specific regulations.<sup>45)</sup>

(16) In the event of a change of landfill operator, the previous landfill operator shall transfer the special-purpose financial reserve funds in full to the special-purpose financial reserve account of the new landfill operator within 45 days of the date on which the change of the landfill operator occurred.

(17) Prior to the commencement of operation of a landfill, the landfill operator shall make a one-off payment of a part of the special-purpose financial reserve amounting to at least 5 % of the estimated cost of closure, reclamation, monitoring and after-care of the landfill.

(18) The obligation to accumulate the special-purpose financial reserve also applies to temporary mercury storage facility operators and is to be used for the purposes of closing, reclaiming, monitoring and ensuring after-care of the facility, as well as for operations related to averting an accident or reducing the consequences of an accident that may occur or has occurred after closure of the facility.

## **§ 25**

### **Management of hazardous waste**

(1) It shall be prohibited to dilute and mix

- a) different types of hazardous waste,
- b) hazardous waste with non-hazardous waste, and
- c) hazardous waste with substances or materials that are not waste.

(2) Paragraph 1 shall not apply if mixing of different types of hazardous waste

- a) is necessary to increase the safety of waste recovery or disposal,
- b) conforms to best available techniques,
- c) will not pose a threat to human health and the environment and the conditions laid down § 12 (2) are complied with, and
- d) conforms to the permit granted under § 97(1) i).

(3) If, in conflict with paragraphs 1 and 2, waste has been mixed, the competent waste management administrative authority shall decide on the obligation to separate hazardous waste, provided that this is technically and economically feasible and if necessary to protect human health and the environment.

(4) When collecting, transporting and storing hazardous waste, it must be packed in

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<sup>45)</sup> For example § 251 of the Code of Civil Procedure, National Council of the Slovak Republic Act No 233/1995 on court enforcement officers and enforcement activities (Enforcement Code) and on amendments to certain acts, Act No 563/2009 on the administration of taxes (Tax Code) and on amendments to certain acts, as amended.

appropriate packaging<sup>46)</sup> and properly labelled in accordance with a specific regulation.<sup>47)</sup>

(5) If any new type of hazardous waste or waste resulting from the treatment of hazardous waste is generated, as well as prior to the recovery or disposal of hazardous waste produced, the hazardous waste producer shall, for the purposes of identifying the hazardous properties and more detailed conditions for management thereof, arrange for the collection of samples and analysis of its properties and composition by a qualified person<sup>48)</sup>, unless the hazardous properties and detailed conditions for management thereof can be obtained from the safety data sheet for the product<sup>49)</sup> or the accompanying documentation for the product if the safety data sheet is not available.

(6) Hazardous waste shall be recovered and disposed of in preference to other waste.

(7) In the defined cases [§ 105(3)d)], it shall be prohibited to landfill hazardous waste without prior treatment significantly reducing the level of hazard, volume or weight thereof; this shall be without prejudice to the prohibition under § 13(6)f).

(8) The provisions of this Act concerning management of hazardous wastes shall apply to the management of waste containing one or more pollutants and meeting at least one of the criteria for assessing hazardous properties in accordance with the Waste Catalogue.

(9) The qualifications required<sup>50)</sup> in order to carry on business in the field of management of hazardous waste are bachelor or master university degree in technical, scientific, pharmaceutical, agricultural, veterinary or medical fields and at least three years of experience in the field of management of hazardous waste, or secondary education in technical, agricultural or medical fields and at least five years of experience in the field of management of hazardous waste.

(10) Hazardous waste landfill operators must draw up an emergency plan that will ensure  
a) timely and appropriate response to an accident that is imminent or has occurred or other exceptional incident (hereinafter “incident ”),

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<sup>46)</sup> European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Implementing Decree of the Minister of Foreign Affairs No 64/1987) as amended. Convention concerning International Carriage by Rail (COTIF) (Implementing Decree of the Minister of Foreign Affairs No 8/1985).

Amendments to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) (Notice of the Ministry of Foreign Affairs of the Slovak Republic No 15/2001).

§ 3 of Act No 67/2010 Coll. on the conditions for placing chemical substances and chemical mixtures on the market and on amendments to certain acts (Chemical Act), as amended.

Regulation (EC) No 1272/2008 of 16 December 2008 on the classification, labelling and packaging of substances and mixtures, on the amendment and termination of Directives 67/548/EEC and 1999/45/EC, and the amendment of Regulation (EC) No 1907/2006 (OJ L 353, 31 December 2008), as amended.

<sup>47)</sup> For example Act No 124/2006 Coll. on health and safety at work and on amendments to certain acts, Act No 314/2001 Coll. on fire prevention, as amended, Act No 67/2010 Coll., Regulation (EC) No 1272/2008 of the European Parliament and of the Council.

<sup>48)</sup> § 2. c) of Act no. 505/2009 Coll. on the accreditation of conformity assessment and amending certain acts.

<sup>49)</sup> § 6 of Act No 67/2010 Coll.

<sup>50)</sup> § 7 of Act No 455/1991 Coll. on trades (Trading Act).

- b) the implementation of measures needed to ensure the protection of life, health, property and the environment from the effects of incidents and to limit these effects, including recovery of the damaged environment,
- c) that employees, the public who may be affected by the consequences of an incident, as well as the competent authorities and other parties whose assistance is expected are adequately informed.

(11) An emergency plan drawn up in accordance with specific regulations may also serve as the emergency plan referred to in paragraph 10,<sup>51)</sup> provided that it complies with the requirements of this Act.

(12) Hazardous waste landfill operators shall update the emergency plan and the supporting documents whenever any significant changes in circumstances occur or at least once every three years.

## § 26

### **Obligations relating to the transport of hazardous waste within the territory of the Slovak Republic**

(1) Anyone who has entered into a contract with a carrier which has as its object the transport of hazardous waste<sup>52)</sup> or undertakes the transport of hazardous waste using his or her own means of transport (hereinafter the “hazardous waste consignor”) shall

- a) ensure that hazardous waste is transported in compliance with this Act and, if a permit is required for the transport of hazardous waste under § 97(1)f), in compliance with this permit,
- b) use for the transport of hazardous waste only such means of transport that conform to the provisions of international agreements on the transport of dangerous goods;<sup>53)</sup> if not undertaken by himself or herself, ensure that the transport is undertaken by a carrier authorised under specific regulations.<sup>54)</sup>

(2) The hazardous waste consignor and the person to whom the hazardous waste is consigned (hereinafter the “hazardous waste consignee”) shall

- a) keep and retain records of the hazardous waste transported,
- b) report the required information from the records under a) to the district office competent according to the place where the hazardous waste is loaded and the place where it is unloaded; if the permit for the transport of hazardous waste has been

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<sup>51)</sup> For example Act No 261/2002 Coll. on the prevention of major industrial accidents and on amendments to certain acts, as amended, Act No 514/2008 Coll. on the management of waste from extractive industries and on amendments to certain acts, as amended, Slovak National Council Act No 51/1988 on mining activities, explosives and state mining administration, as amended.

<sup>52)</sup> § 610 through 629 and § 638 through 641 of the Commercial Code (and § 765 through 771).

<sup>53)</sup> European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Implementing Decree of the Minister of Foreign Affairs No 64/1987) as amended. Convention concerning International Carriage by Rail (COTIF) (Implementing Decree of the Minister of Foreign Affairs No 8/1985).

Amendments to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) (Notice of the Ministry of Foreign Affairs of the Slovak Republic No 15/2001).

<sup>54)</sup> For example Act No 513/2009 on railroads and on amendments to certain acts, Act No 56/2012 on road transport, as amended.

granted by the district office in the regional capital, this information shall also be reported to this office,

- c) enable state waste management system supervisory authorities (§ 112) to inspect the waste management practices in the course of transport; at their request, present the relevant documentation<sup>55)</sup> and provide true and complete information relating to the waste management system,
- d) carry out any remedial measures imposed by state waste management system supervisory authorities [§ 116 (3)].

(3) When transporting hazardous waste, the hazardous waste consignors, hazardous waste consignees and carriers shall sign the hazardous waste accompanying sheet.

(4) Hazardous waste consignors shall send a photocopy of the hazardous waste accompanying sheet to the district office competent according to the place where the hazardous waste is loaded and the place where it is unloaded; if the permit for the transport of hazardous waste has been granted by the district office in the regional capital, the photocopy shall also be sent to this office.

(5) Hazardous waste consignees shall send the hazardous waste accompanying sheet signed in accordance with paragraph 3 to the hazardous waste consignor, the district office competent according to the place where the hazardous waste is loaded and the place where it is unloaded; if the permit for the transport of hazardous waste has been granted by the district office in the regional capital, the accompanying sheet shall also be sent to this office.

(6) The obligations referred to in paragraph 2b) and paragraphs 3 through 5 shall not apply to the transport of end-of-life vehicles from the place of collection of end-of-life vehicles or a designated parking area to a processor of end-of-life vehicles.

## **PART FOUR**

### **EXTENDED PRODUCER RESPONSIBILITY**

#### **Subpart One**

#### **§ 27**

#### **Basic provisions**

(1) Specified product means a product falling within a group of products referred to in second and third subpart of this part of the Act to which extended producer responsibility applies.

(2) Producer of a specified product means a producer of EEE (§ 32), producer of batteries and accumulators (§ 42), producer of packaging (§ 52), producer of vehicles (§ 60), producer of pneumatic tyres (§ 69), or producer of non-packaging products (§ 73).

(3) Extended producer responsibility means the sum of obligations of producers of specified products laid down in this part of the Act or in a specific regulation<sup>56)</sup> that apply to these product throughout all stages of their life cycle, aimed at preventing waste from specified

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<sup>55)</sup> For example Act No 56/2012 Coll. as amended.

<sup>56)</sup> Act No 529/2010 on the environmental design and use of products (Eco-design Act).



products (hereinafter the “specified waste stream”) and reinforcing reuse, recycling and other recovery of this waste stream. Extended producer responsibility comprises of the requirements established for material composition or design of a specified product, information on the composition and handling of specified waste streams, the management of specified waste streams and provision of financial cover for these activities.

(4) Producers of specified products shall

- a) register in the Register of Producers of Specified Products and report any changes in the registered data,
- b) designate an authorised representative in accordance with paragraphs 18 through 20, if they are producers of specified products referred to in paragraph 18,
- c) ensure that the material composition, design and labelling of the specified product comply with a separate subpart of this part of the Act, if so required thereunder,
- d) fulfil their information obligation in relation to the public and processors of specified waste streams in accordance with a separate subpart of this part of the Act,
- e) ensure that the targets set out in Annex 3 are met,
- f) ensure management of specified waste streams within the scope and in the manner set out in a separate subpart of this part of the Act,
- g) ensure recovery and recycling of specified waste streams at least at the level of the binding recovery and recycling limits for the specified waste stream set out in Annex 3,
- h) keep and retain records and report to the Ministry information from the records within the required scope and retain the reported data,
- i) fulfil their information obligation in relation to end-users of specified products in accordance with a separate subpart of this part of the Act and an implementing regulation [§ 105(3) i)],
- j) by 30 April, calculate their collection and market shares in accordance with a separate subpart of this part of the Act, on the basis of the data published by the Ministry on its website,
- k) ensure that the whole quantity of a separately collected component of municipal waste falling within a specified waste stream is collected in the municipality in which they are responsible for this specified waste stream; this shall be without prejudice to the provisions under e) and g).

(5) Producers of specified products shall bear all financial costs associated with the collection, transport, preparing for reuse, recovery, recycling, reuse, processing and disposal of separately collected waste falling within a specified waste stream, with the exception of management under § 37(3), § 48(3), § 56(8), § 71(2), and § 73(10). If the above obligation is fulfilled by way of reimbursement of costs incurred by a person authorised for waste collection or waste recovery, the amount of this reimbursement shall be reduced by the amount of this person’s proceeds from management of the specified waste stream. Expenditures on building or construction of waste collection installation, a waste recovery or waste disposal installation, including mobile installation, as well as costs for the acquisition of equipment and technology for the implementation of the activities mentioned are not considered financial costs as per the first sentence; provisions of § 81 (4) are not affected by this.

(6) Unless provided otherwise in a separate subpart of this part of the Act, producers of specified products shall ensure the fulfilment of the obligations laid down in paragraph 4 d) through k) (hereinafter “specified obligations”) in one of these ways:

- a) creating a system of individual management of a specified waste stream (hereinafter “individually”) or
- b) through a responsible producing organization and its system of collective management of a specified waste stream (hereinafter “collectively”).

(7) The obligations referred to in paragraph 6 and paragraph 4, with the exception of a), c), g) and h), shall not apply to producers of specified products if

- a) this product is being placed on the market solely for the needs of the their own commercial activities,
- b) they ensure that they will continue to be in possession of this product throughout its service life,
- c) they will become the producers of waste from this specified product, and
- d) the holder thereof ensures management of the waste from this product in compliance with this Act.

(8) Producers of specified products referred to in paragraph 7 shall report to the coordination centre for the specified waste stream:

- a) information about the quantity of their production, cross-border transport from another Member State to the Slovak Republic, import, cross-border transport to another Member State from the Slovak Republic, or export of a specified product,
- b) the type and quantity of waste from specified products, and
- c) the type and quantity of waste from a specified product for which they, being the holders thereof, have ensured collection and recovery in the first waste recovery installation by means of operations R1 through R11 according to Annex 1.

(9) The system of individual management of a specified waste stream is a set of interconnected, interrelated and interdependent activities of parties engaged in market competition within the waste management system, the objective of which is to ensure comprehensive collection and treatment of a specified waste stream, including preparing for reuse and recycling of the specified waste stream; this system is formed by contractual relationships entered into between producers of specified products performing the specified obligations individually, within the scope of the authorisation granted, and other parties engaged in market competition within the waste management system other than producer responsibility organizations for the purpose of fulfilling the specified obligations.

(10) The system of collective management of a specified waste stream is a set of interconnected, interrelated and interdependent activities of parties engaged in market competition within the waste management system, the objective of which is to ensure comprehensive collection and treatment of a specified waste stream, including preparing for reuse and recycling of the specified waste stream; this system is formed by contractual relationships entered into between a producer responsibility organization, within the scope of the authorisation granted, and other parties engaged in market competition within the waste management system for the purpose of fulfilling the specified obligations.

(11) When a producer of a specified product and the relevant responsible producing organization enter into a contract for the performance of specified obligations, the responsibility of the producer of a specified product for fulfilling the specified obligations is

transferred to this producer responsibility organization, with the exception of the obligations referred to in paragraph 4 e) and g).

(12) In relation to the responsible producing organization with which they have entered into a contract for the performance of the specified obligations, producers of specified products performing the specified obligations collectively shall,

- a) pay the actual cost, after deducting the proceeds from management of the relevant specified waste stream, incurred in relation to ensuring the collection, transport, preparing for reuse, recovery, recycling, processing and disposal of separately collected waste falling within a specified waste stream from their products,
- b) provide true and complete information and information necessary for the performance of the specified obligations on behalf of this producer, as well as the necessary assistance,
- c) report immediately any changes in identification details, legal status or scope of business activities, or the type, composition, quantity and properties of the specified product, if this may affect the proper performance of the specified obligations,
- d) if so requested, present documents demonstrating the accuracy of the information provided about the quantity of the specified product placed on the market in the Slovak Republic, within 30 days of receipt of a written request.

(13) A responsible producing organization that does not disclose proper and timely information from the activity report according to § 28 (4) p) shall allow producers of specified products with whom they have entered into a contract for the performance of the specified obligations to exercise, at their expense, proper control of the organization's cost efficiency within 30 days of receipt of a written request.

(14) Producers of specified products may terminate the contract for the performance of the specified obligations entered into with the producer responsibility organization

- a) within 30 calendar days of becoming aware of a breach of an obligation of the responsible producing organization arising from § 28(4) a) through c), e) through g), k) or o); the notice period shall be 30 calendar days and shall commence on the day following receipt of the notice of termination,
- b) effective from 31 December of a calendar year, without providing a reason.

(15) A municipality may terminate its contract with a responsible producing organization effective from 31 December of a calendar year, without providing a reason.

(16) The notice of termination referred to in paragraph 14b) and paragraph 15 must be served to the responsible producing organization no later than 60 calendar days before termination of the contract.

(17) Anyone who carries out or arranges for the collection of a specified waste stream from municipal waste and, at the same time, from other than municipal waste shall ensure that the collection of the relevant specified waste stream from municipal waste is separate and independent from the collection of the specified waste stream from other than municipal waste, both in terms of funding and record-keeping; cross-financing of the costs of collection of a specified waste stream shall be prohibited.

(18) Producers of specified products who do not have their registered office or place of business in the Slovak Republic shall designate an authorised representative to perform the

obligations imposed under this Act by means of authorisation under paragraph 19; this shall be a legal person or a sole trader with registered office or place of business in the Slovak Republic.

(19) The authorisation must be granted in writing and within a scope providing the authorised representative access to all rights and obligations of the producer of a specified product arising from this Act. The authorisation shall be granted for a minimum of 1 year.

(20) On the basis of the authorisation under paragraph 19, the authorised representative, acting in his/her own name, shall be responsible for the fulfilment of all obligations of the producer of a specified product under this Act.

(21) Waste may be handed over for recovery and recycling in another Member State of the European Union (hereinafter “Member State”), or a state other than a Member State, only if the person providing for cross-border transport or export thereof<sup>57)</sup> demonstrates that the transport or export of the waste complies with a specific regulation<sup>58)</sup> and a written document exists confirming that the recovery and recycling thereof will take place under conditions equivalent to those under this Act. Such a handover shall be considered as recovery and recycling in accordance with this Act.

## § 28

### **Producer responsibility organizations and performance of the specified obligations**

(1) Responsible producing organization means a legal person with registered office in the Slovak Republic established, owned and operated exclusively by producers of specified products with registered office in a Member State. In accordance with the authorisation granted, a responsible producing organization shall ensure, on the basis of a contract for the performance of the specified obligations, the performance of these obligations on behalf of the represented producers of specified products. The responsible producing organization shall not be operated for profit.

(2) The founder, owner or operator of a responsible producing organization shall not be a person who

- a) holds, directly or indirectly, any ownership, decision-making or voting rights in an owner or operator of a facility for the collection, recovery, recycling, processing or disposal of a specified waste stream falling within the scope of the organization’s authorisation; the above shall not apply to facilities for the treatment of waste originating from their own activities using operation R12 referred to in Annex 1,
- b) holds, directly or indirectly, any ownership, decision-making or voting rights in another responsible producing organization authorised for operations with the same specified waste stream,

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<sup>57)</sup> Article 2(15) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 190, 12 July 2006), as amended.

Commission Regulation (EC) No 1418/2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4 December 2007), as amended.

<sup>58)</sup> Regulation (EC) No 1013/2006 as amended.

Regulation (EC) No 1418/2007 of 29 November 2007 (OJ L 316, 4 December 2007), as amended.

- c) is linked to an organization referred to in b) through persons serving on any of the bodies of this organization,
  - d) holds, directly or indirectly, any ownership, decision-making or voting rights in an owner or operator of a facility referred to under a) operating in another Member State.
- (3) No responsible producing organization may establish, participate in the equity, be personally involved, hold voting rights or be linked by means of ownership or personally to
- a) a person who carries out management of the same specified waste stream,
  - b) another responsible producing organization for the same specified waste stream.
- (4) Producer responsibility organizations shall
- a) create, finance, operate and maintain a functional system of collective management of a specified waste stream throughout the period of their authorised operation,
  - b) enter into, under non-discriminatory conditions, contracts for the performance of the specified obligations with producers of specified products falling within the scope of its authorisation, if such a producer expresses such an interest, with the exception of the cases referred to in paragraph 8,
  - c) comply with the conditions of the authorisation granted,
  - d) fulfil universally, on behalf of all represented producers, their specified obligations and, as regards
    - 1. registration and reporting obligations
      - 1.1. also keep records separately for each represented producer,
      - 1.2. submit summary reports on behalf of all represented producers and retain the reported data,
      - 1.3. at the request of the waste management administrative authority, present records kept separately for each represented producer,
    - 2. provide for management of a specified waste stream on behalf of the represented producers to an extent corresponding to the aggregate volume of the obligations of each individual represented producer transferred to the responsible producing organization and ensuring that their the obligations under § 27(4)e) through g) are fulfilled,
  - e) ensure that the whole quantity of a separately collected component of municipal waste falling within a specified waste stream is collected in the municipality in which they are responsible for this specified waste stream,
  - f) enter into a contract with the coordination centre competent for the specified waste stream, if established, and fulfil the obligations arising from this contract,
  - g) carry out nationwide promotional and educational activities focusing on end-users and concerning the management of a specified waste stream, separate collection of municipal waste and waste prevention,
  - h) each year, by 31 January of the calendar year, deliver to the Ministry an up-to-date list of the represented producers,
  - i) by 31 March of the calendar year at the latest, inform the represented producers of the scope to which the specified obligations under § 27(4)e) and g) performed on their behalf in the preceding calendar year have been fulfilled,
  - j) regularly verify the accuracy of the data provided by the represented producers under § 27(11)b) and c) covering no less than five per cent of the number of the represented producers over the period of three years and, subsequently, report to the coordination centre and the Slovak Environmental Inspection authority (hereinafter “inspection “) any shortcomings identified through this verification,

- k) each year, by 30 April of the calendar year at the latest, send to the Ministry a list of municipalities with which they have entered into a contract concerning participation in the system of collective management of a specified waste stream for the respective calendar year, in a case of WEEE, waste batteries and accumulators and waste tires, also a list of collection places,
- l) immediately inform the Ministry that events leading to the termination of their operations have occurred,
- m) use any profit from operations relating to the collective management of a specified waste stream within the meaning of this Act exclusively for the performance of tasks arising from this Act,
- n) each year, by 31 July of the calendar year at the latest, deliver to the Ministry the report referred to in paragraph 9 for the preceding calendar year,
- o) retain the data that served as a basis for drawing up the report referred to in paragraph 9 for at least three years from the receipt thereof by the Ministry,
- p) each year, by 31 July of the calendar year at the latest, make public on its website data for the preceding year from the report referred to in paragraph 9, within the scope laid down in paragraph 10,
- q) perform the tasks arising from the distribution of responsibilities determined by the coordination centre in relation to that part of a specified waste stream collected by the respective responsible producing organization from a municipality in accordance with e), producer of the specified products that performs his responsibilities individually or through a third person which exceeds the aggregate collection share (hereinafter the “excess quantity”) of the producers represented by the respective responsibility organization for producers of specified products and producers represented by a third person and the tasks arising from being designated as an obligated person by the coordination centre in accordance with the procedures under § 31(11) d) and (12) a) and c),
- r) report excess quantities to the coordination centre; on the basis of the terms of the contract under f), these quantities may be provided for the benefit of producer responsibility organizations, producers represented by a third person and producers of specified products who perform the specified obligations individually and are members of a coordination centre (hereinafter “clients”),
- s) immediately inform the represented producers of any penalties imposed for a breach of this Act,
- t) report to the coordination centre any represented producer who is in delay with the payment of any liabilities arising from the contractual relationship with the organization for a period longer than 30 calendar days,
- u) enclose in the contract of producer responsibility organization of WEEE with the principal producer the obligation to deduct payments payable by the producer for performance of listed duties for quantities of electrical and electronic equipment at which he will demonstrate cross-border transport to a Member State or export to a non-Member State.

(5) Throughout the period of their authorised operation and, for the first time, upon applying for authorisation to operate as a producer responsibility organization, producer responsibility organizations shall demonstrate to the Ministry that they have created, finance, operate and maintain a functional system of collective management of a specified waste stream, in particular

- a) by presenting a legal document providing evidence that the responsible producing organization has been formed, including evidence of compliance with the condition referred to in paragraph 1,
- b) by specifying the specified waste stream that will be the subject of the system of collective management of a specified waste stream, with differentiation between municipal waste and waste other than municipal waste,
- c) by presenting the list of represented producers,
- d) by indicating data on the activities ensured within the system of collective management of a specified waste stream, specifically
  - 1. by providing a description of how these are ensured, including a description of the technical capacity demonstrating its technical competence for implementing the activities at least within the scope of collection, transport, processing, recovery and disposal of a specified waste stream, including preparation for reuse and recycling,
  - 2. in relation to collection, in addition to information referred to in the first point, by indicating the method of collection, collection capacity and points of collection, as well as by demonstrating how the collection targets or binding limits established for specified waste streams in Annex 3 will be met,
- e) by presenting a list of contractual partners providing collection, transport, preparation for reuse, recovery, recycling, processing and disposal of the specified waste stream for the producer responsibility organization,
- f) by presenting a list of municipalities with which the responsible producing organization has entered into a contract concerning the collective management of a separately collected component of municipal waste falling within a specified waste stream; producer responsibility organizations for packaging shall demonstrate that the above contractual framework covers a volume of collection guaranteeing that the specified obligations will be fulfilled within the scope of the aggregate collection share of the represented producers under § 52(25),
- g) by specifying the cost of ensuring management of a specified waste stream in compliance with the authorisation granted; at the Ministry's request, also present a specification of the cost of the operations carried out within the system of collective management of a specified waste stream; this shall be without prejudice to the provisions of a specific regulation<sup>20)</sup>,
- h) by specifying the measures to promote the development of systems for separate collection of municipal waste and demonstrating the implementation thereof, if they provide management of a specified waste stream which is municipal waste; this shall be without prejudice to the provisions of a specific regulation<sup>20)</sup>,
- i) by providing data on the scope of territorial coverage of the Slovak Republic for the purposes of ensuring the collection of a specified waste stream.

(6) When filing the application for authorisation to operate as a producer responsibility organization, compliance with the conditions referred to in paragraph 5d) through i) shall be demonstrated, in respect of the condition

- a) under d), by indicating the intended method of compliance with these conditions, in particular by signing binding letters of intent,
- b) under e), by presenting a list of contractual partners according to the contracts referred to in a),
- c) under f), by demonstrating that the binding letters of intent have been signed,
- d) under g), by providing a cost estimate,

- e) under h), by specifying the intended measures,
- f) under i), by providing information about the anticipated scope of territorial coverage.

(7) After compliance with the conditions has been demonstrated using the procedure under paragraph 6, the responsible producing organization shall, within three months of the date the authorisation granted by the Ministry becomes valid, demonstrate compliance with the conditions using the procedure under paragraph 5d) through i).

(8) Producer responsibility organizations shall not be obliged to enter into a contract for the performance of the specified obligations referred to in paragraph 4b) with a producer of a specified product falling within the scope of its authorisation, if the producer of a specified product

- a) is not willing to accept their general terms and conditions uniformly applied in relation to represented producers,
- b) is bankrupt,
- c) has any outstanding liabilities to any responsible producing organization recorded in the register maintained by the relevant coordination centre, or
- d) is a person carrying out activities within a scope that would present an undue risk for the responsible producing organization of not being able to perform its contractual commitments towards the existing producers of specified products in a proper and timely manner, in particular to meet the relevant collection targets and binding limits for the waste management system in accordance with Annex 3 to this Act.

(9) Producer responsibility organizations shall deliver to the Ministry the Report on the Operations of Producer Responsibility Organizations referred to in paragraph 4 for the preceding calendar year, which shall contain in particular

- a) information about the quantity of the specified waste stream for which they provided collection, transport, preparation for reuse, recovery, recycling, processing and disposal, broken down into individual types of waste,
- b) identification of the persons through which the activities referred to in a) were ensured, with specification of the types and quantity of waste for each person; the above shall also apply to the identification of persons operating outside the territory of the Slovak Republic, if the above activities have been ensured through them,
- c) information about the method of ensuring the collection, recovery, recycling, processing and disposal of a specified waste stream,
- d) information about meeting the targets and binding limits established in Annex 3 and excess quantities,
- e) information about the quantity of specified products placed on the market by the producers that they represent,
- f) information about the method of financing and the cost of operations carried out within the system of collective management of a specified waste stream,
- g) information about the proposed appropriation of the profit or treatment of the loss,
- h) the amount of funds used for promotional and educational activities and a brief description of these activities,
- i) a list of sites and facilities through which the collection of a specified waste stream is ensured.



(10) Producer responsibility organizations shall make public the report under paragraph 9a) and c) through h). This shall be without prejudice to specific regulations concerning the protection of personal data.<sup>59)</sup>

(11) Producer responsibility organizations shall make it possible for local systems of management of municipal waste in the municipalities in which they provide for the collection of a specified waste to participate in the system of collective management of this specified waste stream operated by the producer responsibility organization.

## **§ 29**

### **Performing the specified obligations individually**

(1) In relation to the specified waste stream originating from their specified products, producers of specified products performing the specified obligations individually shall, in addition to the obligations under § 27(4),

- a) create, operate and maintain a functional system of individual management of a specified waste stream throughout the period of individual performance of the obligations,
- b) comply with the conditions of the authorisation granted,
- c) enter into a contract with the coordination centre relevant for the specified waste stream originating from their specified products, if established, and fulfil the obligations arising from this contract,
- d) carry out promotional and educational activities in the district in which they provide for waste collection focusing on end-users and concerning the management of a specified waste stream, separate collection of municipal waste and waste prevention,
- e) at the request of the Ministry or the coordination centre, present documents demonstrating that the data and information provided under § 27(4)h) are accurate,
- f) immediately inform the Ministry that events leading to the termination of their operations have occurred,
- g) each year, by 31 July of the calendar year at the latest, deliver to the Ministry the Report on the Functioning of the System of Individual Management for the preceding calendar year,
- h) each year, by 31 July of the calendar year at the latest, make public on its website data for the preceding year from the report referred to in g) within the required scope,
- i) retain the data that served as a basis for drawing up the report referred to in g) for at least three years from the receipt thereof by the Ministry,
- j) notify the Ministry of any changes in the system of individual management of a specified waste stream within 30 days of occurrence thereof and, at the Ministry's request, provide evidence for the changes notified,
- k) perform the tasks arising from the distribution of responsibilities determined by the coordination centre in relation to the excess quantity and from being designated as an obligated person by the coordination centre in accordance with the procedures under § 31(11)c),
- l) report excess quantities to the coordination centre; on the basis of the terms of the contract under c), these quantities may be provided for the benefit of other clients of the coordination centre.

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<sup>59)</sup> For example Act No 122/2013 on the protection of personal data and on amendments to certain acts, as amended by Act No 84/2014, § 17 through 20 of the Commercial Code.

(2) Throughout the period of performing the specified obligations individually and, for the first time, upon applying for authorisation to perform the obligations individually, producers of specified products who perform the specified obligations individually shall demonstrate to the Ministry that they have created, operate and maintain a functional system of individual management and handle a specified waste stream, in particular

- a) by specifying the specified product for which they will ensure the performance of the specified obligations,
- b) by specifying the specified waste stream that will be the subject of the system of individual management of a specified waste stream,
- c) by indicating data on the activities ensured within the system of individual management of a specified waste stream, specifically
  1. by providing a description of how these are ensured, including a description of the technical capacity demonstrating its technical competence for implementing the activities at least within the scope of collection, transport, processing, recovery and disposal of a specified waste stream, including preparation for reuse and recycling,
  2. in relation to collection, in addition to the matters listed in the first paragraph, providing a description of the method of collection, collection capacity and collection places, as well as proving the manner of fulfilling the targets and binding limits set forth for specified waste streams in Annex 3,
- d) by presenting a list of contractual partners providing for their system of individual management of a specified waste stream the collection, transport, preparation for reuse, recovery, recycling, processing and disposal of the specified waste stream,
- e) by specifying the cost of ensuring management of a specified waste stream in compliance with the authorisation granted; at the Ministry's request, also present a specification of the costs; this shall be without prejudice to the provisions of a specific regulation<sup>20)</sup>,
- f) by providing data on the scope of territorial coverage of the Slovak Republic for the purposes of ensuring the collection of a specified waste stream,
- g) in the case of a producer of EEE, by demonstrating the amount and type of the security in the form of a certificate from a bank or branch of a foreign bank that the corresponding amount has been deposited in the account blocked in favour of the Environmental Fund<sup>60)</sup> or certificate from an insurance company that an appropriate policy has been effected.

(3) When filing the application for authorisation to perform the obligations individually, compliance with the conditions referred to in paragraph 2c) through f) shall be demonstrated, in respect of the condition

- a) under c), by indicating the intended method of compliance with these conditions, in particular by signing binding letters of intent,
- b) under d), by presenting a list of contractual partners according to the contracts referred to in a),
- c) under e), by providing a cost estimate,
- d) under f), by providing information about the anticipated scope of territorial coverage.

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<sup>60)</sup> Act No 587/2004 Coll. as amended.

(4) After compliance with the conditions has been demonstrated using the procedure under paragraph 3, the producer of a specified product shall, within three months of the date the authorisation granted by the Ministry becomes valid, demonstrate compliance with the conditions using the procedure under paragraph 2c) through f).

### **§ 30**

#### **Entry into and deletion from the Register of Producers of Specified Products of producers of specified products**

(1) Producers of specified products shall, prior to placing a specified product on the market, deliver to the Ministry a written application for entry into the Register of Producers of Specified Products accompanied by a declaration that they will perform the specified obligations individually or by the certificate referred to in paragraph 3. Producers of specified products who perform their obligations in relation to a specified product in accordance with § 27(7) shall attach to the application for entry into the Register of Producers of Specified Products the declaration referred to in paragraph 4. Producers of specified products not entered in the Register of Producers of specified waste streams may not place a specified product on the market.

(2) Producers of specified products intending to perform the specified obligations individually shall, no later than within six months of the date of entry into the Register of Producers of Specified Products, obtain authorisation to perform the obligations individually. The registration of producers of specified products who fail to obtain the above authorisation within this period shall be valid if they present the certificate referred to in paragraph 3 within that period.

(3) Producers of specified products intending to perform their specified obligations collectively shall attach to the application referred to in paragraph 1 confirmation that they have entered into a contract for the performance of the specified obligations with a producer responsibility organization. Producers of batteries and accumulators intending to perform their specified obligations through a third person shall also attach to the application referred to in paragraph 1 confirmation that they have entered into a contract for the performance of the specified obligations with a third person.

(4) The declaration attached by producers of specified products intending to perform their obligations in relation to a specified product in accordance with § 27(7) shall contain

- a) an indication of the specified products for which they will perform their obligations in a special manner,
- b) evidence of the ability to comply with the conditions referred to in § 27(7).

(5) The Ministry shall enter the producer of a specified product into the Register of Producers of Specified Products within 10 working days of receipt of an application complying with paragraph 1 and issue a certificate of entry to the producer of a specified product within 10 working days of making the entry.

(6) Producers of specified products shall notify the Ministry of any changes in the information provided in the application referred to in paragraph 1 or in the attachments thereto within 30 days of the date the changes occur and, at the Ministry's request, provide adequate evidence for the changes notified.

(7) If the changes referred to in paragraph 6 concern a transition to performing the specified obligations individually, performing the specified obligations collectively, performing the specified obligations through a third person, or performing the specified obligations in accordance with § 27(7), the producers of specified products shall report such changes within 15 days of the date the changes occur. If the changes concern a transition to performing the obligations collectively or performing the obligations through a third person, the producers of specified products shall, together with this notification, present the certificate referred to in paragraph 3. If the changes concern a transition to performing the obligations in accordance with § 27(7), the producers of specified products shall, together with this notification, present the declaration referred to in paragraph 4.

(8) The Ministry shall make changes in the registered information on the basis of the notification from the producer of a specified product under paragraph 6 or on its own initiative, if the registered information is not consistent with the actual situation. The Ministry shall issue to the producer of a specified product a new certificate of registration if the change concerns the registered information in the certificate.

(9) The Ministry shall delete a producer of a specified product from the Register of Producers of Specified Products at the latest within 30 days of the date one of the following occurs:

- a) the Ministry becomes aware that a registered producer of a specified product has ceased to exist,
- b) the deletion has been requested by a registered producer of a specified product,
- c) a producer of a specified product has failed to meet the obligation under paragraph 2,
- d) a producer of a specified product has failed to meet the obligation under paragraph 7,
- e) a producer of a specified product no longer fulfils his or her specified obligations in accordance with the provisions of § 27(6) or (7) or § 44 (2), and
  1. has failed to present the certificate referred to in paragraph 3,
  2. has failed to obtain authorisation to perform the obligations individually, or
  3. has not become or is not a person complying with the conditions referred to in § 27(7).

(10) The Register of Producers of Specified Products shall be publicly accessible on the Ministry's website, with the exception of data protected under specific regulations.<sup>20)</sup>

## **§ 31 Coordination centre**

(1) The coordination centre is a legal person established under specific regulations<sup>61)</sup> in order to perform the tasks laid down in this Act for a specified waste stream that is not operated for profit.

(2) Only one coordination centre may be established for each specified waste stream; in the case of WEEE, irrespective of the categories provided in Annex 6, in the case of spent batteries and accumulators, irrespective of the classification provided in § 42(3). Only a single common coordination centre may be established for packaging waste and waste from non-packaging products.

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<sup>61)</sup> The Commercial Code.

Act No 213/1997 Coll. on non-profit organisations providing services of general interest, as amended.

(3) A coordination centre for a specified waste stream may only be established by producer responsibility organizations and producers of specified products who perform the specified obligations individually for that particular specified waste stream; in the case of spent batteries and accumulators, it may also be founded by a third person (§ 44).

(4) The coordination centre for a specified waste stream shall be established jointly by all persons referred to in paragraph 3 who have, within one month of publication of the Ministry's call on its website, notified the Ministry of their interest in participating in establishing a coordination centre. Immediately after the expiry of this period, the Ministry shall provide all interested producers of specified products and producer responsibility organizations with the identification and contact details of the interested persons.

(5) If the coordination centre is not established within four months of the date of publication of the call under paragraph 4, the Ministry shall impose the obligation to establish a coordination centre for the relevant specified waste stream on the designated producer responsibility organizations and producers of specified products who perform the specified obligations individually so that in total they represent producers of specified products with an aggregate market share of at least 60 %. In the case of a coordination centre for the stream of packaging waste and waste from non-packaging products, only market shares referred to in § 52 (24) shall be counted in this market share.

(6) The founders of a coordination centre shall immediately inform the Ministry of the establishment thereof.

(7) If no coordination centre is established in accordance with paragraphs 4 and 5, the Ministry shall appoint an independent third party to perform the functions of a coordination centre with prior consent of the person.

(8) The agreement establishing a coordination centre shall contain, in particular

- a) the name and registered office of the coordination centre,
- b) specification of the scope of competence with regard to the performance of the tasks under paragraph 11 through 14,
- c) its bodies, their scope of competence and the method of setting them up,
- d) a list of persons founding the coordination centre and the method of demonstrating compliance with the condition under paragraph 3,
- e) identification details of the initial members of the coordination centre's bodies,
- f) the system for identifying the level of participation of producers of specified products performing the specified obligations individually and producer responsibility organizations in financing the operation of the coordination centre,
- g) the method of providing excess quantities for the benefit of other clients of the coordination centre and the subsequent distribution of responsibility in relation to excess quantities,
- h) the principles of management and administration of the coordination centre's property,
- i) the method and form of commencement and termination of membership of the coordination centre,
- j) the method and form of voluntary dissolution of the coordination centre

(9) The agreement entered into between the coordination centre for a specified waste stream and a producer of a specified product who performs the specified obligations individually and from whose products the waste stream originates [§ 29(1)c)], a responsible producing organization associating producers of specified products [§ 28(4)f)], or a third person [§ 44 (8) d)] may only be terminated due to revocation or termination of the authorisation under § 94 (2) through (5).

(10) The details of the coordination centre's organizational structure shall be laid down in its statutes, which shall be made public by the coordination centre on its website.

(11) Coordination centres shall

- a) set up and operate a phone line for municipalities, waste producers and waste holders,
- b) on the basis of the data provided by producers of specified products performing the specified obligations individually, third persons and producer responsibility organizations, keep record of and assess the scope of territorial coverage of the Slovak Republic by systems of third persons, systems of individual management of specified waste streams and systems of collective management of specified waste streams with the aim of identifying municipalities not included in these systems,
- c) distribute the responsibility, including financial responsibility, in relation to the excess quantities offered, among producer responsibility organizations, third persons and producers of specified products who perform the specified obligations individually by determining their individual share of responsibility in accordance with the agreement establishing the coordination centre, under non-discriminatory terms and according to their market shares.
- d) receive information about failures to provide for collection, including interruptions in the continuity of collection, of separately collected waste from the points of collection thereof designated in accordance with this Act and ensure that such situations be remedied by appointing a person responsible for substitute collection; if collection is not provided for as a result of breach of contractual obligations, the cost of such collection shall be borne by the person who breached the obligation; this obligation shall not apply to end-of-life vehicles
- e) receive and process data from producer responsibility organizations, third persons and producers of specified products performing their obligations individually on the quantity of specified products they have placed on the market and the quantity of waste originating from their products, for which they have provided collection,
- f) maintain and update a register of defaulters reported under § 28(4)t) and provide information from the register at the request of a responsible producing organization for the purposes of verifying the financial credibility of a particular producer of a specified product.
- g) on the basis of the data received from producer responsibility organizations, third persons and producers of specified products performing the specified obligations individually, provide the Ministry with supporting documents for the purposes of fulfilling its reporting obligations to the European Union,
- h) cooperate with the Ministry and the inspection authority in identifying producers of specified products not entered into the Register of Producers of Specified Products and producers of specified products failing to perform the specified obligations laid down by this Act,
- i) immediately inform the Ministry and the inspection authority of any irregularities found in respect of the activities of the individual producer responsibility organizations and

third persons, and in the records and reporting of data by producers of specified products performing the specified obligations individually,

- j) ensure that any person, who is in an employment or other similar legal relationship with the coordination centre and who, in the context of this relationship, comes into contact with information about its clients, is obliged to maintain confidentiality.

(12) In addition to the obligations under paragraph 11, the coordination centre for the stream of packaging waste and waste from non-packaging products shall

- a) at the request of a municipality, determine, using the procedure referred to in c), the responsible producing organization responsible for the collection of a separately collected component of municipal waste falling within a specified waste stream from a municipality which has not entered into a contract with any producer responsibility organization,
- b) at the request of a municipality, mediate and coordinate communication with all producer responsibility organizations for a specified waste stream with the aim of enabling the municipality to enter into a contract with a producer responsibility organization,
- c) hold a drawing of lots to determine the contractual partner for a specified waste stream from among producer responsibility organizations for a municipality with which no responsible producing organization has voluntarily entered into a contract for inclusion in the system of collective management of packaging waste and waste from non-packaging products,
- d) ensure, if necessary, an independent person<sup>62)</sup> to settle disputes related to the conclusion of contracts between municipalities and producer responsibility organizations selected by drawing of lots in accordance with c).

(13) In addition to the tasks under paragraph 11, the coordination centre for the WEEE stream shall

- a) distribute responsibilities related to historical WEEE from households by determining the shares of responsibility of the individual producer responsibility organizations and producers of specified products according to their market shares,
- b) distribute the quantities of WEEE reported under § 16(4)b) and § 41n) between the relevant responsibility organizations for producers of EEE and the relevant producers of EEE who perform the specified obligations individually on the basis of their market shares in accordance with § 32(28); these persons may use the quantities assigned to them to demonstrate compliance with the obligation referred to in § 27(4)e).

(14) In addition to the tasks under paragraph 11, the coordination centre for the stream of spent batteries and accumulators shall

- a) make public, within 25 days of the end of a calendar quarter, the quantity of spent batteries and accumulators collected and recycled in the given calendar quarter broken down into the types referred to in § 42(3),
- b) distribute the quantities of spent batteries and accumulators reported under § 16(4)b) among the relevant responsibility organizations for producers of batteries and accumulators, the relevant third persons and the relevant producers of batteries and accumulators who perform the specified obligations individually on the basis of their market shares in accordance with § 42(20); these persons may use the quantities

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<sup>62)</sup> For example Act No 420/2004 Coll. on mediation and on amendments to certain acts.

assigned to them to demonstrate compliance with the obligation referred to in § 27(4)e).

(15) If a coordination centre for a specified waste stream ceases to exist, the Ministry shall publish a call in accordance with paragraph 4 and the procedure under paragraphs 4 to 7 shall be applied in order to proceed with the establishment of a coordination centre.

## **Subpart Two EEE AND WEEE**

### **§ 32 Basic provisions**

- (1) Unless provided otherwise in this subpart, the general provisions of this Act shall also apply to the processing of waste electrical and electronic equipment (elsewhere referred to as “WEEE”), the management of WEEE and the management of waste from the processing of WEEE. The provisions of this subpart shall be without prejudice to the specific regulations laying down the requirements for safety and health,<sup>63)</sup> chemical substances<sup>64)</sup> and eco-design.<sup>55)</sup>
- (2) The provisions of this subpart shall apply
- a) until 14 August 2018, to electrical and electronic equipment (elsewhere referred to as “EEE”) listed in part I of Annex 6,
  - b) from 15 August 2018, to all EEE listed in part II of Annex 6.
- (3) The provisions of this subpart shall not apply to the management of EEE
- a) related to the protection of the essential interests of the security of the Slovak Republic, including arms, munitions and war material intended for specifically military purposes,
  - b) specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this subpart, which can fulfil its function only if it is part of that equipment,
  - c) which is filament bulbs.
- (4) From 15 August 2018, the provisions of this subpart shall not apply, in addition to EEE referred to in paragraph 3, to the management of the following EEE
- a) EEE designed to be sent into space,
  - b) large-scale stationary industrial tools,
  - c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations,
  - d) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved,
  - e) non-road mobile machinery made available exclusively for professional use,
  - f) EEE specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis,

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<sup>63)</sup> Act No 355/2007 Coll. as amended.

<sup>64)</sup> Act No 67/2010 Coll. as amended.



- g) medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices.
- (5) EEE means equipment which is dependent on electric current or electromagnetic field in order to work and equipment for the generation, transfer and measurement of such current and field and designed for use with a voltage rating not exceeding 1 000 V for alternating current and 1 500 V for direct current.
- (6) WEEE means EEE which is waste, including all components, subassemblies and consumables which are part of the product at the time it is being discarded by the holder.
- (7) WEEE from private households means WEEE which comes from private households and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households; waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households.
- (8) WEEE other than from private households shall be any WEEE not referred to in paragraph 7.
- (9) Historical WEEE means WEEE originating from EEE placed on the market before 13 August 2005.
- (10) Large-scale stationary industrial tool means a large-size assembly of machines, equipment and components, functioning together for a specific application, permanently installed and de-installed by persons exercising a professional activity at a given place, and used and maintained by persons exercising a professional activity in an industrial manufacturing facility or research and development facility.
- (11) Large-scale fixed installation means a large-size combination of several types of apparatus and, where applicable, other devices, which
- a) are assembled, installed and de-installed by persons exercising a professional activity,
  - b) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location, and
  - c) can only be replaced by the same specifically designed equipment.
- (12) Non-road mobile machinery means machinery with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working.
- (13) Removal means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream or are an identifiable part of a stream within the treatment process. A substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment.
- (14) Making EEE available on the market means any supply of EEE for distribution, consumption or use on the market in the Slovak Republic in the course of a commercial activity, whether in return for payment or free of charge.

(15) Placing EEE on the market means the first making available of EEE on the market in the Slovak Republic in the context of a commercial activity.

(16) Producer of EEE means any sole trader or legal person who, irrespective of the selling technique used, including mail order and internet sale,

- a) has his or her registered office or place of business within the territory of the Slovak Republic and manufactures EEE under his or her own name or trademark, or has EEE designed or manufactured and markets it under his or her own name or trademark,
- b) has his or her registered office or place of business within the territory of the Slovak Republic and resells within the territory of the Slovak Republic, under his or her own name or trademark, EEE manufactured by other suppliers; a reseller shall not be regarded as the producer if the brand of the producer appears on the EEE, as provided for under a),
- c) has his or her registered office or place of business within the territory of the Slovak Republic and places, in the context of commercial activity, on the market in the Slovak Republic EEE from another Member State or a state other than a Member State,
- d) sells within the territory of the Slovak Republic EEE by means of distance communication directly to private households or other users and has his or her registered office or place of business in another Member State or a state other than a Member State (hereinafter “foreign producer of EEE”),
- e) has his or her registered office or place of business within the territory of the Slovak Republic and in the context of his or her commercial activity, on the basis of a distance contract, sells EEE directly to a user in another Member State (hereinafter “distant producer of EEE”).

(17) For the purposes of this Act, in the case of EEE, specified product means a category of EEE in accordance with Annex 6.

(18) A person who exclusively provides financing under or pursuant to any finance agreement referred to in paragraph 18 shall not be deemed to be a producer of EEE unless he or she also acts as a producer of EEE within the meaning of paragraph 16.

(19) Finance agreement means any loan, lease, hiring or deferred sale agreement or other arrangement relating to any equipment whether or not the terms of that agreement or arrangement, collateral agreement or collateral arrangement provide that a transfer of ownership of that equipment will or may take place.

(20) Distributor of EEE means any sole trader or legal person in the supply chain, who make EEE available on the market in the context of his or her commercial activity; a distributor may at the same time be a producer of EEE.

(21) Treatment of WEEE means any activity after the WEEE has been handed over to a processor for depollution, disassembly, shredding, recovery, environmentally sound disposal and any other operation carried out for the recovery and environmentally sound disposal of those components of WEEE that cannot be otherwise materially recovered.

(22) Very small WEEE means WEEE with external dimensions of no more than 25 cm.

- (23) Take-back of WEEE means the collection of WEEE from private households from the holder thereof directly by the distributor of EEE
- a) at the time of sale of new EEE, on a one-to-one basis, free of charge or other consideration, as long as the equipment WEEE comes from EEE of equivalent category and has fulfilled the same functions as the EEE being sold,
  - b) in the case of very small WEEE and WEEE from light sources, at retail shops with sales areas relating to EEE of at least 400 m<sup>2</sup>, or in their immediate proximity, free of charge and with no obligation to buy EEE of an equivalent category.
- (24) Separate collection means the collection of WEEE according to the classification under Annex 6.
- (25) WEEE collection point means a place designated under a contract with a producer of EEE or a responsible producing organization representing producers of EEE, set up in an accessible location, in proximity to the end-user, where end-users may hand over, free of charge, very small WEEE or WEEE from light sources by placing it in a container designated for this purpose; the location where take-back of WEEE is provided shall not be a collection point.
- (26) Lighting equipment and photovoltaic panels shall not be considered part of large-scale fixed installations.
- (27) WEEE processor means an undertaking that has been granted authorisation for the treatment of WEEE.
- (28) Market share of a producer of EEE means the percentage of the quantity of EEE placed on the market by the producer of EEE in a given calendar year in the total quantity of EEE placed on the market in a given calendar year.
- (29) Collection share of a producer of EEE means the percentage of the quantity of WEEE collected by the producer of EEE in a given calendar year in the total quantity of WEEE collected by producers of EEE in a given calendar year.
- (30) Medical devices are defined in a specific regulation.<sup>65)</sup>
- (31) In vitro diagnostic medical devices are defined in a specific regulation.<sup>66)</sup>
- (32) Active implantable devices are defined in a specific regulation.<sup>67)</sup>

### **§ 33 Prohibitions**

It shall be prohibited to

- a) dispose of WEEE handed over to the systems of WEEE take-back or separate collection of WEEE before it has been processed,

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<sup>65)</sup> § 2 (19) of Act No 362/2011 Coll.

<sup>66)</sup> § 2 (20) of Act No 362/2011 Coll.

<sup>67)</sup> § 2 (22) of Act No 362/2011 Coll.

- b) mix WEEE with other components of municipal waste,
- c) disassemble or otherwise interfere with WEEE prior to handing it over to a person authorised to prepare WEEE for reuse or a WEEE processor; this prohibition shall not apply to person authorised to reuse WEEE and to WEEE processors.

### **§ 34**

#### **Obligations of producers of EEE**

- (1) In accordance with the obligations referred to in § 27(4), producers of EEE shall
  - a) ensure that EEE is manufactured and designed in compliance with a specific regulation<sup>68)</sup> so as to facilitate disassembly and recycling, in particular the reuse and recycling of WEEE, and, in particular, they shall not use specific design features or manufacturing processes that would prevent WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages with regard to the protection of the environment or requirements for ensuring health and safety,
  - b) when placing EEE on the market, mark it with a trademark or brand name used by the producers to identify themselves and provide the date information indicating that the EEE was placed on the market after 13 August 2005; the obligation to mark EEE with date information may also be fulfilled by marking the EEE with the graphic symbol provided under c),
  - c) place on the market EEE marked with the graphic symbol,
  - d) at the time of sale of EEE, indicate on the packaging or label thereof, or the tax or other similar document issued upon the sale thereof, the amount of the recycling fee intended to cover the cost of collecting, transporting and processing WEEE from private households originating from this EEE; the amount of the recycling fee may not exceed the best estimate of the actual costs incurred and the revenue from the recycling fee may not be used by the producers of EEE in conflict with the purpose thereof,
  - e) provide for the collection of WEEE throughout the territory of the Slovak Republic by means of the following forms
    - 1. in the case of WEEE from private households
      - 1.1 take-back of WEEE,
      - 1.2 separate collection from municipal waste in municipalities,
      - 1.3 separate collection through an undertaking authorised to collect WEEE with which they have entered into a contract, at least at one location in each district,
      - 1.4 collection at a WEEE collection point,
    - 2. in the case of WEEE other than from private households
      - 2.1 collection through a producer of EEE supplying EEE replacing historical WEEE that is being handed over, unless provided otherwise in this subpart [§ 36(2)],
      - 2.2 separate collection through an undertaking authorised to collect WEEE with which they have entered into a contract, at least at one location in each district,
    - 3. in the case of WEEE from light sources
      - 3.1 take-back of WEEE, at least at one take-back point per 5 000 inhabitants,

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<sup>68)</sup> For example Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Decision 93/465/EEC (OJ L 218, 13 August 2008); Act No 264/1999, Act No 529/2010.

- 3.2 separate collection through an undertaking authorised to collect WEEE with which they have entered into a contract, at least at one point of separate collection in each district,
- 3.3 separate collection from municipal waste in municipalities,
- 3.4 collection at a WEEE collection point, at least at one collection point per 5 000 inhabitants,
- f) ensure preferential reuse of WEEE through preparing WEEE for reuse,
- g) ensure that WEEE not suitable for preparation for reuse is handed over for processing in compliance with this Act,
- h) ensure that the WEEE collected is handed over to a WEEE processor,
- i) ensure that the collection, treatment and recycling of WEEE is carried out using best available techniques in terms of the protection of health and the environment,
- j) ensure, within the scope of Annex 3, complete processing of WEEE, including the reuse of those components of WEEE that are suitable for reuse, recovery of waste from the processing of WEEE, in particular by recycling, and the disposal of unusable residues,
- k) ensure a seamless link between the various forms of collection, transport, handover to the WEEE processor and processing WEEE,
- l) fulfil the obligations under b) through g) so as to prevent making the reuse or recycling of WEEE more difficult, facilitate preparation for reuse, recycling of components or WEEE as a whole and isolation of hazardous substances and, where possible, ensure the separation of WEEE suitable for preparation for reuse from other WEEE prior to any further transfer,
- m) ensure that information about preparation for reuse and correct and environmentally sound treatment of WEEE is provided in respect of each type of new EEE placed on the market for the first time within one year of placing the EEE the market to all WEEE processors who have been granted authorisation under Points 4 through 6 of § 89(1)a); the producers shall provide this information to the relevant entities in the form of a manual or by means of electronic media.

(2) The obligations of producers of EEE referred to in paragraph 1 and in subpart one of part four shall not apply to distant producers of EEE, with the exception of the obligation referred to in § 27(4)b) and c).

(3) Distant producers of EEE placing EEE on the market in another Member State shall, in order to perform the obligations imposed on them as producers of EEE in the given Member State and always only for one Member State on the market of which the EEE is being placed, select and authorise a legal person or a sole trader selected with registered office or place of business in that Member State of the European Union to perform those obligations.

(4) Producers of EEE may enter into a contract with only a single responsible producing organization representing producers of EEE for each category of EEE according to Annex 6.

(5) Producers of EEE supplying EEE to end-users on the basis of mail order, including electronic sales, shall provide at least one point of take-back of WEEE at the location where the goods are stored or handed out.

(6) Producers of EEE placing on the market lighting equipment shall ensure, at their own expense, the management of WEEE individually or collectively, irrespective of the place of origin and date of placement of the EEE on the market.

### **§ 35**

#### **Management of WEEE from private households**

(1) Producers of EEE shall ensure, at their own expense, individually or collectively, the management of WEEE from private households that has been handed over to them [first and third point of § 34(1)e)], if it comes from EEE that was placed on the market after 13 August 2005 and manufactured, sold, transported across the border from another Member State to the Slovak Republic, or imported by them.

(2) Producers of EEE shall ensure, at their own expense, collective management of historical WEEE from private households according to the market share of producers of EEE on the market in a calendar year as determined by the coordination centre in accordance with § 31(13) for each category of EEE on the basis of the reports referred to in § 27(4)h).

(3) Producers of EEE may not, at the expense of other producers of EEE, perform collective management of historical WEEE from private households in excess of their market shares for each category and subcategory of EEE in a calendar year, in accordance with the obligations referred to in § 27(4)j). § 28(4)q).

### **§ 36**

#### **Management of WEEE other than from private households**

(1) Producers of EEE shall ensure, at their own expense, individually or collectively, the management of new WEEE other than from private households that has been handed over to them [second point of § 34(1)e)], if it comes from EEE that was placed on the market after 13 August 2005 and manufactured, sold, transported across the border from another Member State to the Slovak Republic, or imported by them.

(2) Producers of EEE shall ensure, at their own expense, individual management of historical WEEE other than from private households if such WEEE comes from EEE of equivalent category and has fulfilled the same functions as the EEE substituting it, when this EEE is being sold [second point of § 34(1)e)].

(3) Management of historical WEEE other than from private households not referred to in paragraph 2 shall be ensured by the holder thereof.

(4) Upon the sale of EEE, producers of EEE and users of EEE may agree, on the basis of a written contract, to share the responsibilities of the producer of EEE and holder of WEEE originating therefrom for the management of WEEE other than from private households in a manner other than provided for in paragraphs 1 through 3.

### **§ 37**

#### **Obligations and rights of distributors of EEE**

(1) Distributors of EEE shall

a) at the time of sale of EEE, indicate the recycling fee [§ 34(1)d)], if indicated by the producer of the EEE when placing the EEE on the market,

- b) inform end-users, in a place visible to and accessible by the public at the time of sale of EEE, about the possibility of free take-back of WEEE,
- c) provide for the take-back of WEEE at their points of sale throughout their opening hours,
- d) ensure, in accordance with the contract with the producer of EEE or a producer responsibility organization, that the WEEE collected is handed over to a collection point or the location agreed in the contract with a producer of EEE performing the management of WEEE individually or with a responsible producing organization providing collective management of WEEE, or to a WEEE processor; at the request of a producer of EEE, always ensure that WEEE from private households that comes from the manufacture, sale, cross-border transport from another Member State to the Slovak Republic or import of EEE placed on the market by the distributor after 13 August 2005 is handed over to that producer of EEE or a responsible producing organization authorised by the producer,
- e) fulfil the obligations under c) and d) so as to prevent making the reuse or recycling of WEEE more difficult, facilitate preparation for reuse, recycling of components or WEEE as a whole and isolation of hazardous substances and, where possible, ensure the separation of WEEE suitable for preparation for reuse (§ 40) from other WEEE prior to any further transfer,
- f) provide for take-back of WEEE at the location where EEE is handed out or the location where it is stored, if they distribute EEE to end-users on the basis of mail order, including electronic sales; if no such storage location exists, this shall be provided at a location agreed with the producer of EEE.

(2) Distributors of EEE may

- a) refuse to take back WEEE if the WEEE being handed over does not contain the basic components of the EEE it comes from or if, due to contamination, it poses a risk to the health and safety of personnel, or if it contains waste other than WEEE; the obligations of a holder of waste under part three of this Act shall apply to further management of refused WEEE,
- b) carry out the take-back of WEEE in accordance with § 32(23)b) in a retail shop or in its immediate proximity, if the sales area relating to EEE is less than 400 m<sup>2</sup>, if so provided in the contract with the producer of EEE or the responsible producing organization representing producers of EEE..

(3) If a distributor of EEE supplies directly to end-users EEE that comes from producers of EEE not entered in the Register of Producers for the relevant commodity, the obligations of a producer of EEE under this Act in relation to this EEE and the waste therefrom shall be transferred to the distributor.

## **§ 38**

### **Obligations of holders of WEEE**

(1) Holders of WEEE from private households shall hand over this WEEE

- a) to the distributor in the context of take-back of WEEE,
- b) at a location designated by the municipality in the context of the system of separate collection of WEEE from municipal waste introduced in the municipality by a producer of EEE or a responsible producing organization representing producers of EEE,
- c) to a person authorised to collect WEEE,

- d) in the case of WEEE from light sources and very small WEEE, in addition to the locations listed in a) through c), at a WEEE collection point.
- (2) Holders of WEEE other than from private households shall provide for management of this WEEE, if
    - a) the share of responsibility of a producer of EEE and holder of the WEEE originating therefrom with regard to management of this WEEE, as agreed in writing upon the sale of the EEE between the producer of EEE and the end-user, is other than the full responsibility of the producer of EEE for the management thereof, or
    - b) this is historical WEEE referred to in § 36(3).
  - (3) Holders of WEEE other than from private households shall hand over this WEEE only to a person authorised to collect WEEE. If this is a holder of WEEE referred to in paragraph 2, this person may also hand over this WEEE to a WEEE processor.

### **§ 39 Collection of WEEE**

- (1) WEEE may only be collected separately from other types of waste.
- (2) The permit under § 97 or registration under § 98 are not required in order for a distributor of EEE to provide take-back of WEEE and to operate a WEEE collection point.
- (3) Collection of WEEE from WEEE collection points, from distributors providing take-back of WEEE or directly from end-users may only be provided by a person who has entered into a contract with a producer of EEE managing WEEE individually or with a responsible producing organization representing producers of EEE, and this within the scope of this contract.
- (4) In addition to the obligations under § 14 and 16, anyone who collects WEEE from WEEE collection points, from distributors providing take-back of WEEE or directly from end-users shall
  - a) ensure that the collected WEEE, which he or she has undertaken to collect on the basis of a contract with a producer of EEE managing WEEE individually or with a responsible producing organization providing collective management of WEEE, is handed over to WEEE processor; this shall be without prejudice to the provisions under c),
  - b) in the course of collection and transfer of WEEE, create optimal conditions for and facilitate the preparation for reuse, recycling of components or WEEE as a whole and isolation of hazardous substances,
  - c) ensure the separation of WEEE suitable for preparation for reuse from other WEEE prior to any further transfer and hand it over to a person authorised to prepare WEEE for reuse,
  - d) keep and retain records of the quantity of WEEE collected in kilograms according to categories; indicate the quantity and category of WEEE from private households separately,
  - e) report the required information from the records referred to in d) quarterly to the producer of EEE or responsible producing organization representing producers of EEE with which they have entered into a contract.



(5) Producers of EEE and the responsible producing organization representing producers of EEE shall ensure that the collection of WEEE at the WEEE collection point designated under the contract with the organization complies with this Act.

#### **§ 40**

##### **Preparation of WEEE for reuse**

(1) Facility providing the preparation of WEEE for reuse (hereinafter the “facility for the preparation for reuse”) means a facility operated by a sole trader or a legal person in which WEEE suitable for preparation for reuse is prepared for reuse, including storage, sorting or testing, or separation thereof from WEEE that cannot be reused.

(2) In addition to the obligations under § 14 and 17, operators of facilities for the preparation for reuse shall

- a) takeover the WEEE under paragraph 1 in the facility for the preparation for reuse and subject it to that operation,
- b) in relation to WEEE that has undergone preparation for reuse and is placed again on the market as EEE, perform the obligations of a producer of EEE under this Act and comply with the requirements for electrical and environmental safety of EEE under specific regulations.<sup>14)</sup>

#### **§ 41**

##### **WEEE processor**

In addition to the obligations under § 14 and 17, WEEE processors shall

- a) process WEEE in accordance with the permit [§ 97(1)c)] and the authorisation [Point 4 of § 89(1)a)] granted and comply with the requirements for processing WEEE,
- b) keep records, based on the records report specified details to the government authority of waste economy, producer of EEE that performs specified duties individually and producer responsibility organization for electrical and electronic equipment, with who, he has a contract, and to keep the records including reporting data,
- c) keep operating documentation on the processing of WEEE and retain the documentation in writing or in electronic form for at least five years,
- d) make public the terms and conditions under which WEEE is collected for processing,
- e) fulfil the obligations of a waste producer in respect of the waste they produce,
- f) when building or modernising a WEEE processing facility, use best available techniques, while taking the proportionality of acquisition and operating costs into consideration,
- g) put into service and operate machinery and technology in the WEEE processing facility in accordance with the applicable documentation and the conditions specified in the permit and authorisation granted,
- h) ensure that all WEEE that they have undertaken to process under a contract with a producer of EEE or a responsible producing organization representing producers of EEE is processed,
- i) process the WEEE referred to in h) completely, including ensuring the reuse of those components of WEEE that are suitable for preparation for reuse, recovery of waste from the processing of WEEE, in particular by recycling, and disposal of unusable residues,

- j) manage WEEE in a manner ensuring that, in particular, substances hazardous for the environment are removed from the waste, remove, as a matter of priority, any liquids and components, and take further measures to reduce adverse impacts on the environment,
- k) prior to and in the course of processing, store and handle WEEE in accordance with technical requirements,
- l) as a matter of priority, remove from WEEE any spent batteries and accumulators, if included, and ensure that they are handed over to the processor designated in the contract under h),
- m) report quarterly and free of charge, within 20 days of the end of the calendar quarter, to the coordination centre for spent batteries and accumulators the quantity of spent batteries and accumulators removed under l), classification thereof into types according to § 42(3) and the name of the processor to whom they have been handed over,
- n) report quarterly and free of charge, within 20 days of the end of the calendar quarter, to the coordination centre for WEEE the quantity and category of WEEE other than from private households collected from the holders thereof in accordance with § 38(3).

**Subpart Three**  
**BATTERIES AND ACCUMULATORS**

**§ 42**  
**Basic provisions**

(1) This subpart shall apply to all batteries and accumulators placed on the market, regardless of their shape, volume, weight, material composition or use and without prejudice to the provisions concerning end-of-life vehicle and WEEE. This part of the Act shall not apply to the management of batteries and accumulators used in equipment connected with the protection of essential security interests of the Slovak Republic, arms, munitions and war material, except products not intended for specifically military purposes and used in equipment designed to be sent into space, and to the management of waste from those batteries and accumulators.

(2) Unless provided otherwise in this subpart, the general provisions of this Act shall also apply to the processing of batteries and accumulators referred to in paragraph 1, the management of spent batteries and accumulators and the management of waste from spent batteries and accumulators.

(3) Battery or accumulator means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable). Batteries and accumulators are broken down into

- a) portable,
- b) automotive, and
- c) industrial.

(4) In the case of batteries and accumulators, each individual type of batteries and accumulators according to the classification under paragraph 3 shall be a specified product.

(5) Battery pack means a set of batteries or accumulators that are connected together or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to disassemble.

(6) Spent battery or accumulator means a battery or accumulator which is waste within the meaning of § 2(1).

(7) Portable battery or accumulator means a battery, button cell, battery pack or accumulator that

- a) is hermetically sealed,
- b) can be hand-carried, and
- c) is neither an industrial battery or accumulator nor an automotive battery or accumulator.

(8) Button cell means a small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes, in particular in hearing aids, watches, small portable equipment and back-up power.

(9) Automotive battery or accumulator means a battery or accumulator used for automotive starter, lighting or ignition power of vehicle<sup>69)</sup> and illumination thereof.

(10) Industrial battery or accumulator means a battery or accumulator designed for exclusively industrial or professional uses or used in electrically powered vehicles.

(11) Treatment of spent batteries and accumulators means any activity carried out on spent batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal.

(12) Recycling of spent batteries and accumulators' means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery.

(13) Processor of spent batteries and accumulators means an entrepreneur who has been granted authorisation for the treatment and recycling spent batteries and accumulators.

(14) Producer of batteries and accumulators means a person who, in the context of his or her commercial activity, irrespective of the selling technique used, including sales on the basis of distance contracts,<sup>70)</sup> places batteries and accumulators manufactured within the territory of the Slovak Republic or obtained abroad, including batteries and accumulators incorporated into appliances or vehicles, on the market for the first time.

(15) Distributor of batteries and accumulators means a person that provides batteries and accumulators to an end-user in the context of his or her commercial activity.

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<sup>69)</sup> § 2 a) and b) of Act No 725/2004 Coll.

<sup>70)</sup> § 2(1) of Act No 102/2014 on the protection of the consumer in the sale of goods or the provision of services on the basis of a distance contract or a contract negotiated away from business premises and on amendments to certain acts.

(16) Placing on the market means supplying or making batteries and accumulators available to another person, whether in return for payment or free of charge, in the Slovak Republic.

(17) Appliance means EEE which is fully or partly powered by batteries or accumulators or is capable of being so.

(18) Cordless power tool means a hand-held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities.

(19) Economic operator means a producer of batteries and accumulators, distributor of batteries and accumulators, operator of a collection point, an undertaking authorised to collect spent batteries and accumulators, or a processor of spent batteries and accumulators.

(20) Market share of a producer of batteries and accumulators for a given calendar year means the proportion of the quantity of batteries and accumulators placed by him or her on the market in the Slovak Republic in the preceding calendar year in the total quantity of batteries and accumulators placed on the market in the Slovak Republic in the preceding calendar year. The market share of a producer of batteries and accumulators shall be calculated separately for each type of batteries and accumulators according to the classification under paragraph 3.

(21) Collection rate of spent portable batteries and accumulators within the territory of the Slovak Republic in a given calendar year means the percentage obtained by dividing the total weight of spent portable batteries and accumulators collected in that calendar year by the average weight of portable batteries and accumulators that producers of batteries and accumulators sell directly to end-users or deliver to distributors of batteries and accumulators during that calendar year and the preceding two calendar years. Spent portable batteries and accumulators placed on the market as batteries and accumulators incorporated into appliances shall also be included in the collection rate.

(22) Collection point for spent portable batteries and accumulators means a place designated under the contract with a producer, a third person or a producer responsibility organization, set up in an accessible location, in proximity to the end-user, where end-users may hand over, free of charge, spent portable batteries and accumulators by placing them in a container designated for this purpose; the location where take-back of waste is provided shall not be a collection point.

(23) Take-back of spent batteries and accumulators means the free collection of spent portable batteries and accumulators from the holders thereof and spent automotive batteries from motor vehicles not used for commercial purposes and owned by a natural person provided by a distributor of batteries and accumulators without making this collection conditional on the purchase of a new battery or accumulator or other goods.

### **§ 43 Prohibitions**

- (1) It shall be prohibited to place on the market
- a) batteries or accumulators, including those incorporated into appliances, that contain more than 0.0005 per cent of mercury by weight; until 1 October 2015, this

prohibition shall not apply to button cells with mercury content not exceeding two per cent by weight,

- b) portable batteries or accumulators, including those incorporated into appliances, that contain more than 0.002 per cent of cadmium by weight; this prohibition shall not apply to portable batteries and accumulators intended for use in emergency and alarm systems, including emergency lighting and medical devices, and, until 31 December 2016, to portable batteries intended for use in cordless power tools,
- c) batteries or accumulators that do not comply with the requirements of this Act.

(2) Batteries and accumulators which were placed on the market before 26 September 2008 and do not comply with the requirements referred to in paragraph 1 may be marketed until stocks are exhausted.

(3) It shall be prohibited to

- a) mix spent batteries and accumulators with other types of waste,
- b) dispose of or recover energy from spent batteries and accumulators, except disposal of non-recoverable residues of spent batteries and accumulators that have undergone the process of treatment and recycling by means of operations D1 and D10 referred to in Annex 2,
- c) compromise the integrity of batteries and accumulators, including spent batteries and accumulators; this prohibition shall not apply to processors of spent batteries and accumulators.

#### **§ 44**

##### **Special provisions concerning the performance of the specified obligations**

(1) Third person means an undertaking with registered office in the Slovak Republic that is authorised to collection or treat and recycle spent batteries and accumulators and has been granted authorisation to operate as a third person and that, on the basis of a contract for the performance of the specified obligations, ensures the performance of the specified obligations for a producer of batteries and accumulators.

(2) When a third person and a producer of batteries and accumulators enter into a contract for the performance of the specified obligations, the responsibility of this producer for fulfilling the specified obligations is transferred to this third person, with the exception of the obligations referred to in § 27(4) e) and g).

(3) Producers of batteries and accumulators performing their specified obligations through a third person shall fulfil the obligations to this person referred to in § 27(12).

(4) Producers of batteries and accumulators may terminate the contract for the performance of the specified obligations entered into with a third person

- a) within 30 calendar days of becoming aware of a breach of an obligation referred to in paragraph 8a), b, e), f), k) or l); the notice period shall be 30 calendar days,
- b) effective from 31 December of a calendar year, without providing a reason.

(5) If a municipality has entered into contract with a third person in respect of management of spent portable batteries and accumulators or spent automotive batteries and accumulators, the provisions of § 27(15) shall apply to this contractual relationship.

(6) The notice of termination referred to in paragraph 4b) and paragraph 5 must be served to the third person no later than 60 calendar days before termination of the contract.

(7) The obligation referred to in § 27(17) shall also apply to a third person in the case of management of spent portable batteries and accumulators and spent automotive batteries and accumulators.

(8) Third persons shall

- a) create, operate and maintain a functional system of management of spent batteries and accumulators throughout the period of their authorised operation,
- b) comply with the conditions of the authorisation granted,
- c) fulfil universally, on behalf of all represented producers, their specified obligations and, as regards
  1. registration and reporting obligations
    - 1.1. also keep records separately for each represented producer,
    - 1.2. submit summary reports on behalf of all represented producers and retain the reported data,
    - 1.3. at the request of the waste management administrative authority, present records kept separately for each represented producer,
  2. provide for management of spent batteries and accumulators on behalf of the represented producers in the manner laid down in this subpart and within a scope corresponding to the aggregate volume of these specified obligations; and that will assure fulfilment of specific obligations according to § 27(4) e) through g).
- d) enter into a contract with the coordination centre competent for the specified waste stream, if established, and fulfil the obligations arising from this contract,
- e) carry out nationwide promotional and educational activities focusing on end-users and concerning management of this waste,
- f) each year, by 31 January of the calendar year, deliver to the Ministry an up-to-date list of the represented producers,
- g) by 31 March of the calendar year at the latest, inform the represented producers of the scope of the obligations according to § 27(4) e) through g) in respect of this represented producer have been fulfilled in the preceding calendar year,
- h) each year, by 31 July of the calendar year at the latest, deliver to the Ministry the Report on Operations of Third Persons referred to in paragraph 12 for the preceding calendar year,
- i) immediately inform the Ministry that events leading to the termination of their operations have occurred,
- j) retain the data that served as a basis for drawing up the report referred to in paragraph 12 for at least three years from the receipt thereof by the Ministry,
- k) each year, by 31 July of the calendar year at the latest, make public on its website data for the preceding year from the report referred to in paragraph 12,
- l) immediately inform represented producers of any penalties imposed for a breach of this part of the Act,
- m) conclude a contract under non-discriminatory conditions with the producer of the batteries and accumulators belonging into the scope of his authorisation if the producer shows a will to do so, conclude a contract about fulfilling the specified obligations; provision of § 28 (8) shall apply accordingly,

- n) each year, by 30 April of the calendar year at the latest, send to the Ministry a list of municipalities with which they have entered into a contract concerning participation in the system of collective management of spent batteries and accumulators for the respective calendar year,
- o) report to the coordination centre any represented producer who is in delay with the payment of any liabilities arising from the contractual relationship with the third person for a period longer than 30 calendar days,
- p) ensure that the whole quantity of a separately collected spent batteries and accumulators of municipal waste is collected in the municipality in which they are responsible for this specified waste stream,
- q) report excess quantities to the coordination centre; on the basis of the terms of the contract under d), these quantities may be provided for the benefit of other clients of a coordination centre,
- r) perform the tasks arising from the distribution of responsibilities determined by the coordination centre in relation to excess quantities of spent batteries and accumulators in accordance with § 31(11) c) and the tasks arising from being designated as a person obligated to provide substitute removal under § 31(11) d).

(9) Creation, operation and maintenance of a functional system of management of spent batteries and accumulators throughout the period of their authorised operation shall be demonstrated to the Ministry by third persons for the first time when applying for the third person activity authorization and throughout the period of their authorised operation, in particular

- a) by specifying the type of spent batteries and accumulators according to the classification in § 42(3) managed by them,
- b) by presenting the list of represented producers,
- c) by indicating data on the activities ensured within the system of management of spent batteries and accumulators, specifically
  1. by providing a description of how these are ensured, including a description of the technical capacity demonstrating its technical competence for implementing the activities at least within the scope of collection, transport, processing, recovery and disposal of spent batteries and accumulators, including preparation for reuse and recycling,
  2. in relation to collection, in addition to the information referred to in the first point, by indicating the method of collection, collection capacity and points of collection,
- d) by presenting a list of contractual partners providing to the third person the collection, transport, preparation for reuse, recovery, treatment and recycling of spent batteries and accumulators and disposal of the specified waste stream,
- e) by presenting a list of municipalities with which they have entered into a contract concerning management of spent batteries and accumulators collected separately from municipal waste,
- f) by specifying the cost of ensuring management of a waste batteries and accumulators in compliance with the authorisation granted; at the Ministry's request, also present a specification of the costs; this shall be without prejudice to the provisions of a specific regulation<sup>20)</sup>,
- g) by specifying the measures to promote the development of systems for separate collection of municipal waste and demonstrating the implementation thereof, if they provide management of waste batteries and accumulators which belong in municipal waste; this shall be without prejudice to the provisions of a specific regulation<sup>20)</sup>,

- h) by providing data on the scope of territorial coverage of the Slovak Republic for the purposes of ensuring the collection of waste batteries and accumulators.

(10) When filing the application for authorisation to operate as a third person, compliance with the conditions referred to in paragraph 9c) and h) shall be demonstrated, in respect of the condition

- a) under c), by indicating the intended method of compliance with these conditions, in particular by signing binding letters of intent,
- b) under d), by presenting a list of contractual partners according to the contracts referred to in a).
- c) under e), by demonstrating that the binding letters of intent have been signed with contractual partners,
- d) under f), by providing a cost estimate,
- e) under g), by specifying the intended measures,
- f) under h), by providing information about the anticipated scope of territorial coverage.

(11) After compliance with the conditions has been demonstrated using the procedure under paragraph 10, the third person shall, within three months of the date the authorisation granted by the Ministry becomes valid, demonstrate compliance with the conditions under paragraph 9c) and h).

(12) Third persons shall deliver to the Ministry the Report on Operations of Third Persons for the preceding calendar year, which shall contain in particular

- a) data on the quantity of spent batteries and accumulators broken down into portable, industrial and automotive batteries and accumulators, for which they have provided collection, transport, recycling and treatment,
- b) identification of the persons through which the activities referred to in a) were ensured, with specification of the types and quantity of spent batteries and accumulators for each person; the above shall also apply to the identification of persons operating outside the territory of the Slovak Republic, if the above activities have been ensured through them;
- c) information about the method of ensuring the collection, recovery, treatment and recycling of spent batteries and accumulators,
- d) information about the quantity of batteries and accumulators placed on the market by producers represented by them divided according to § 42 (3),
- e) the amount of money spent on their promotional and educational activities and a brief description of these activities,
- f) a list of sites and facilities through which the collection of waste batteries and accumulators is ensured,
- g) information about meeting the targets and binding limits established in Annex 3 and excess quantities,



- h) information about the method of financing and the cost of operations carried out within the system of collective management of waste batteries and accumulators by the third person.

(13) Third persons shall make public the Report on Operations of Third Parties within the scope of paragraph 12 with exception of b) and f). This shall be without prejudice to specific regulations concerning the protection of personal data.<sup>58)</sup>

(14) Third persons shall make it possible for local systems of management of municipal waste in the municipalities in which they provide for the collection of waste batteries and accumulators to participate in the system of collective management of these waste batteries and accumulators operated by the third person.

## **§ 45**

### **Obligations of producers of batteries and accumulators**

(1) In accordance with the obligations under § 27(4), producers of batteries and accumulators shall

- a) mark batteries, accumulators and battery packs with the graphical symbol [§ 105(3)l)],
- b) indicate the capacity of automotive batteries and portable batteries and accumulators on them in a visible, legible and indelible form, in accordance with a specific regulation,<sup>71)</sup>
- c) place on the market batteries, accumulators and button cells marked with the chemical symbol Hg, Cd or Pb in the cases and manner provided in the implementing regulation [§ 105(3)l)],
- d) when placing batteries and accumulators on the market, immediately, at the request of the processor of spent batteries and accumulators, provide information about the chemical composition and material composition of batteries and accumulators for the purposes of determining the technological and technical process of treatment and recycling thereof,
- e) ensure that the spent batteries and accumulators collected are handed over to a processor of spent batteries and accumulators,
- f) ensure that the collection, treatment and recycling of spent batteries and accumulators is carried out using best available techniques in terms of the protection of health and the environment,
- g) immediately notify the coordination centre when the collection target for the relevant calendar year has been met.

(2) Producers of appliances shall

- a) ensure that an appliance being placed on the market is designed and manufactured in such a way that spent batteries and accumulators can be readily removed,
- b) where spent batteries and accumulators cannot be readily removed by the end-user, ensure that they can be easily removed by a qualified professional who is independent of the producer,

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<sup>71)</sup> Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators (OJ L 313, 30 November 2010).

- c) attach to the appliance instructions how batteries and accumulators can be removed safely from the appliance in the cases referred to in Point a) and b) batteries and, where appropriate, information for the final consumer about the type of battery and accumulator incorporated in the appliance.

(3) The obligations under paragraph 2 shall not apply to producers of appliances which, for safety, performance, medical or data integrity reasons, need continuity of power supply and require a permanent connection between the appliance and the battery or accumulator.

(4) Producers of batteries and accumulators shall ensure compliance with the specified obligations individually, collectively or through a third person; the producer may only choose one method of fulfilling the specified obligations for this specified product and use the chosen method exclusively.

#### **§ 46**

##### **Obligations of producers of portable batteries and accumulators**

(1) In addition to the obligations under § 45 and in accordance with the obligations under § 27(4), producers of portable batteries and accumulators shall ensure

- a) collection of spent portable batteries and accumulators from end-users in each district of the Slovak Republic
  - 1. by means of take-back of spent portable batteries,
  - 2. by means of collection at a point of collection of spent batteries and accumulators,
- b) collection of all spent portable batteries and accumulators handed over at the locations referred to in a) and further management thereof,
- c) that they meet their collection shares, which shall correspond to the targets referred to in Annex 3,
- d) treatment and recycling of all spent portable batteries and accumulators the collection of which they are required to ensure,
- e) to the extent of their market share, treatment and recycling of spent portable batteries and accumulators collected in the Slovak Republic in excess of the aggregate volume of collection obligations of producers of portable batteries and accumulators under c) and reported to the coordination centre.

(2) At the time of sale of new portable batteries and accumulators, the producers of portable batteries and accumulators shall not show separately to end-users the costs of collection, treatment and recycling.

#### **§ 47**

##### **Obligations of producers of automotive batteries and accumulators and industrial batteries and accumulators**

(1) In addition to the obligations under § 45 and in accordance with the obligations under § 27(4), producers of automotive batteries and accumulators shall ensure

- a) collection of spent automotive batteries and accumulators from end-users in each district of the Slovak Republic
  - 1. by means of take-back of spent automotive batteries and accumulators,

2. by means of collection provided by at least one person authorised to collect spent automotive batteries and accumulators, which is a person other than the distributor of automotive batteries and accumulators,
- b) collection of all spent automotive batteries and accumulators handed over at the location referred to in a) and further management thereof,
  - c) that they meet their collection shares, which shall correspond to the collection targets referred to in Annex 3,
  - d) treatment and recycling of all spent automotive batteries and accumulators the collection of which they are required to ensure,
  - e) to the extent of their market share, treatment and recycling of spent automotive batteries and accumulators collected in the Slovak Republic in excess of the aggregate volume of collection obligations of producers of automotive batteries and accumulators under c) and reported to the coordination centre.
- (2) In addition to the obligations under § 45 and in accordance with the obligations under § 27(4), producers of industrial batteries and accumulators shall ensure
- a) collection of spent industrial batteries and accumulators collected from end-users throughout the territory of the Slovak Republic, irrespective of their chemical composition and origin, through a person authorised to collect these spent batteries and accumulators,
  - b) collection of all spent industrial batteries and accumulators handed over to the person referred to in a) and further management thereof,
  - c) that they meet their collection shares, which shall correspond to the collection targets referred to in Annex 3,
  - d) treatment and recycling of all spent industrial batteries and accumulators the collection of which they are required to ensure,
  - e) to the extent of their market share, treatment and recycling of spent industrial batteries and accumulators collected in the Slovak Republic in excess of the aggregate volume of collection obligations of producers of industrial batteries and accumulators under c) and reported to the coordination centre.

## **§ 48**

### **Obligations of distributors of batteries and accumulators**

- (1) In relation to spent portable batteries and accumulators, distributors of portable batteries and accumulators shall
- a) provide for the take-back thereof at their points of sale, irrespective of their make and date of placement on the market, throughout their opening hours,
  - b) inform end-users about the possibility of free take-back of portable batteries and accumulators on their website, if it exists, and in a place visible to and accessible by the public at the time of sale thereof,
  - c) provide for take-back of portable batteries and accumulators and, if distributed to end-users exclusively on the basis of mail order, including electronic sale, provide for take-back at the location where the portable batteries and accumulators are handed out or the location where they are stored; if no such location or storage location exist, this shall be provided at a location agreed with the producer of portable batteries and accumulators,
  - d) not show separately the costs of collection, treatment and recycling of spent portable batteries and accumulators at the time of sale of portable batteries and accumulators,

- e) ensure, in accordance with the contract with the producer or producer responsibility organization, that spent portable batteries and accumulators are handed over at the relevant collection point or to a processor of spent batteries and accumulators designated in the contract with the producer of portable batteries and accumulators or producer responsibility organization; if no such contract exists, at any such location or to any such person.
- (2) In relation to spent automotive batteries and accumulators, distributors of automotive batteries and accumulators shall
    - a) fulfil the obligations referred to in paragraph 1a) through c),
    - b) ensure that automotive batteries and accumulators are handed over to a person authorised to collect them or to a processor of spent automotive batteries and accumulators designated in the contract with the producer of automotive batteries and accumulators or producer responsibility organization; if no such contract exists, to any person authorised to collect them or any processor of spent batteries and accumulators.
  - (3) If a distributor of batteries and accumulators supplies directly to end-users batteries and accumulators that come from producers of batteries and accumulators not entered in the register for batteries and accumulators, the obligations of the producer of batteries and accumulators under this Act in relation to these batteries and accumulators and the waste from them shall be transferred to the distributor of batteries and accumulators.

#### **§ 49**

#### **Obligations of holders of spent batteries and accumulators**

Holders of spent batteries and accumulators shall hand over

- a) spent portable batteries and accumulators, at the location indicated under § 46(1)a) or to a person authorised to collect them,
- b) spent automotive batteries and accumulators, at the location indicated under § 47(1)a),
- c) spent industrial batteries and accumulators, at the location indicated under § 47(2)a).

#### **§ 50**

#### **Collection of spent batteries and accumulators**

- (1) Spent batteries and accumulators may only be collected separately from other types of waste, except when part of WEEE or an end-of-life vehicle, in which case they are collected together with this waste.
- (2) The collection of spent automotive batteries from motor vehicles not used for commercial purposes and owned by a natural person may not be made conditional on the purchase of a new battery or accumulator or other goods and must be free of charge for the end-user.
- (3) The permit under § 97 and registration under § 98 are not required in order to operate a point of collection of spent portable batteries and in order for distributors to provide take-back at their premises.
- (4) Operators of points of collection of spent batteries and accumulators and persons

authorised to collect spent batteries and accumulators, in addition to the obligations under § 14 and 16, shall

- a) keep and retain records of the quantities of spent batteries and accumulators collected in kilograms broken down into batteries and accumulators according to the classification under § 42(3),
- b) report quarterly the required information from the records referred to in a) within 20 days of the end of a calendar quarter to producers of batteries and accumulators or the responsible producing organization with which they have entered into contract, as well as to the coordination centre.

## **§ 51**

### **Treatment and recycling of spent batteries and accumulators**

In addition to the obligations under § 14 and 17, processors of spent batteries and accumulators shall

- a) treat and recycle spent batteries and accumulators in accordance with the permit[§ 97 (1) c)] and authorisation granted [Point 1. Of § 89(1) a)] by and comply with the requirements for the treatment and recycling of spent batteries and accumulators,
- b) when building new facilities for treatment and recycling of spent batteries and accumulators or modernising existing facilities, use best available techniques, while taking the proportionality of acquisition and operating costs into consideration,
- c) put into service and operate machinery and equipment for treatment and recycling of spent batteries and accumulators in accordance with the applicable documentation and the conditions specified in the permit and authorisation granted,
- d) carry out any remedial measures imposed by the competent waste management administrative authority,
- e) keep operating documentation on the treatment and recycling of spent batteries and accumulators,
- f) keep records and, based on the records, report the required information to producers of batteries and accumulators performing their specified obligations individually, to the responsible producing organization for batteries and accumulators and the third person with which it has entered into a contract [§ 105(3)l)],
- g) retain the records under f) in writing or in electronic form for the period of at least three years and retain the reported data,
- h) fulfil the obligations of a waste producer in respect of the waste they produce,
- i) calculate and ensure compliance with the minimum recycling efficiencies,<sup>72)</sup>
- j) report recycling efficiencies to the Ministry.

## **Subpart Four**

### **PACKAGING AND PACKAGING WASTE**

## **§ 52**

### **Basic provisions**

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<sup>72)</sup> Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators (OJ L 151, 12 June 2012).

(1) This subpart concerns the requirements for the composition, properties and marking of packaging, as well as the rights and obligations related to the management of packaging with the aim of

- a) preventing the generation and harmfulness of packaging waste and reducing its quantity and hazards to the environment,
- b) avoiding obstacles to trade and distortion and restriction of competition.

(2) Unless provided otherwise in this subpart, the general provisions of this Act shall apply to all types of packaging and the management of waste from packaging placed on the market or distributed in the Slovak Republic, irrespective of its place of origin, use or the material used.

(3) Packaging means a product used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer, which meets the criteria listed in Annex 7; non-returnable items of packaging that are used for the same purposes shall also be considered to constitute packaging.

(4) Consumer packaging means packaging conceived so as to provide immediate protection of goods or a group of goods, which constitute a sales unit to the end-user or consumer at the point of purchase.

(5) Grouped packaging means packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units, regardless of whether the latter is sold as such to the end-user or consumer or it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics.

(6) Transport packaging means packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packagings in order to prevent physical handling and transport damage; transport packaging does not include road, rail, ship or air containers.

(7) Reusable packaging means packaging conceived so as to accomplish within its life cycle a minimum of two trips or rotations, which is refilled or reused for the same purpose for which it was conceived; such packaging will become packaging waste when no longer subject to reuse, specifically at the moment it is discarded.

(8) Reuse means an operation by which used reusable packaging is refilled or used for the same purpose for which it was conceived prior to its first use, with or without the support of auxiliary products present on the market enabling the packaging to be refilled.

(9) Packaging subject to a deposit means packaging of goods for which, when sold, a separate amount linked to the packaging of the goods is charged in addition to the price of the goods (hereinafter the “deposit”), the purpose of which is to ensure that the packaging is returned. The deposit system shall apply to

- a) reusable packaging for beverages,
- b) packaging for beverages which is not reusable and is dangerous to the environment due to its quantity and properties or quantity and composition.

(10) Packaging deposit system means the activity whereby the person paying for goods sold in packaging subject to a deposit is charged a deposit and the activity whereby, when the packaging subject to a deposit is being returned, the deposit is refunded to the person

returning the used packaging; the deposit may also be refunded by offsetting it against another monetary claim.

- (11) Producer of packaging means a sole trader or a legal person who
- a) uses packaging for the packaging of goods or putting goods into packaging and places these goods on the market under his or her trade name or mark,
  - b) is a person for whom goods are packaged or filled and under whose trade name or mark these goods are placed on the market,
  - c) places on the market goods packaged in a manner other than referred to in a) or b),
  - d) as a distributor, delivers, for payment or free of charge, packaging to end-users to be used directly for packaging of goods,
  - e) as a distributor, uses the packaging to package the distributed goods or part thereof, or fills the packaging with the distributed goods, or
  - f) places packaging on the market, except persons supplying empty packaging to persons referred to in a), b), d) and e) or to a person who packages or fills the goods for a person referred to in b).

(12) Placing of packaging on the market in the Slovak Republic means the moment when packaging or packaged goods are transferred for the first time, for payment or free of charge, from the stage of production, cross-border transport from another Member State to the Slovak Republic or import to the stage of distribution or use.

(13) Distribution of packaging means the handing over, for payment or free of charge, of packaging or packaged goods to another person for the purposes of delivery, sale or use of the packaging or packaged goods in the commercial network, including sale to end-users, except the placing on the market thereof.

(14) Distributor of packaging means anyone who carries out distribution as part of the scope of his or her activities.

(15) Packaging waste means packaging or packaging material, which has become waste, except waste from the production of packaging and waste from the process of packaging of goods.

(16) Packaging management means the production of packaging, placement of packaging or packaged goods on the market, distribution and use of packaging, collection of reusable packaging, treatment of packaging and reuse of packaging.

(17) Collection of used reusable packaging means the collection thereof from consumers or end-users within the territory of the Slovak Republic for the purpose of reusing them or removing them from the process of reuse.

(18) Recycling of packaging waste means any reprocessing in a production process of waste materials for the original purpose or for other purposes, including organic recycling but excluding energy recovery.

(19) Organic recycling means the aerobic (composting) or anaerobic (biomethanisation) treatment, under controlled conditions and using micro-organisms, of the biodegradable parts

of packaging waste, which produces stabilised organic residues or methane; landfilling shall not be considered a form of organic recycling.

(20) Energy recovery means the use of combustible packaging waste as a means to generate energy through direct incineration with or without other waste, but with recovery of the heat.

(21) Material flow of packaging waste means the movement of packaging waste from the point of origin to the first waste recovery installation through one of the operations R1 through R11 referred to in Annex 1 or to the first other installation within the territory of another state, in which it is ensured that the outcome of waste recovery will be equivalent to that of recovery operations R1 through R11 referred to in Annex 1.

(22) Point of origin of packaging waste means the location where it was produced by the original waste producer; if it is part of municipal waste, the point of origin shall be the municipality.

(23) Economic operators in relation to packaging mean suppliers of packaging materials, person who import or convert the nature or properties of packaging, producers of packaging, distributors of packaging, traders of packaging, packaging users, authorities and statutory organizations.

(24) Market share of a producer of packaging for a given calendar year means the percentage of the quantity of packaging placed by the producer on the market in the preceding calendar year in the total quantity of packaging placed on the market in the preceding calendar year.

(25) Collection share, for a given calendar year, for packaging waste which is part of municipal waste means the product of the total quantity of packaging waste collected from municipal waste in the Slovak Republic in the preceding calendar year and the market share of the producer of packaging for the preceding calendar year.

(26) The Ministry shall make public on its website the total quantity of packaging placed on the market in the Slovak Republic, as well as the total quantity of packaging waste collected from municipal waste for the preceding calendar year, always by 30 April.

## **§ 53**

### **Requirements for the composition and properties of packaging**

(1) Packaging shall be designed, manufactured and placed on the market or distributed so as to meet the basic requirements for the composition and properties of packaging, allow for reuse or recovery, including energy recovery, recycling and organic recycling, and meet the requirements laid down in harmonised standards.<sup>73)</sup>

(2) Intentional introduction of lead, cadmium, mercury and hexavalent chromium (hereinafter “heavy metals”) means their use during manufacturing where their presence in the packaging is desired to provide the required characteristic, appearance or quality of the packaging; the use of recycled materials containing heavy metals as feedstock for the production of packaging materials shall not be considered as intentional introduction of heavy metals.

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<sup>73)</sup> § 5(5) of Act No 264/1999, as amended by Act No 254/2003.



(3) It shall be prohibited to manufacture and place on the market packaging the sum of concentration levels of heavy metals in which exceeds 100 mg/kg by weight (hereinafter the “limit value”).

(4) The prohibition under paragraph 3 shall not apply to

a) packaging entirely made of lead crystal glass,

b) plastic crates and plastic pallets if

1. heavy metals are not introduced intentionally during the manufacturing process,
2. these are manufactured using a controlled recycling process where the recycled material originates only from such plastic crates or plastic pallets and where the use of other materials does not exceed 20 % of the total weight, or
3. the limit value for heavy metals is exceeded only because of the addition of recycled materials containing heavy metals.

c) glass packaging, if

1. heavy metals are not introduced intentionally during the manufacturing process,
2. the limit value for heavy metals is exceeded only because of the addition of recycled materials containing heavy metals, or
3. the manufacturer carries out regular monthly inspections of manufacturing activities on the glass furnace in order to ascertain the concentration levels of heavy metals; the results of the measurements and the measurement methods used shall be available at the request of the waste management administrative authority at all times.

(5) Plastic crates and plastic pallets with concentrations of heavy metals exceeding the limit value shall be visibly and permanently marked in accordance with a specific regulation.<sup>74)</sup>

(6) Plastic crates and plastic pallets containing heavy metals, as referred to in paragraph 4b), that become waste shall be recycled in a recycling process where the recycled material is manufactured only from plastic crates or plastic pallets and where the use of other materials does not exceed 20 % of the total weight.

(7) Anyone who manufactures packaging referred to in 4b) or the authorised representative of this person shall retain the technical documentation<sup>56)</sup> necessary to demonstrate compliance with the requirements for the placing of packaging on the market for at least four years.

(8) Person manufacturing the packaging from glass, or if such person is not in Slovak republic, the producer of goods that are put into glass packaging shall report the quantities of heavy metals in glass packaging to the waste management administrative authority if the average concentration levels of heavy metals during 12 consecutive inspections conducted according to the third point of paragraph 4c) exceed the limit of 200 mg/kg of weight. The report on the quantities of heavy metals in the glass packaging shall include the measured values of concentration of heavy metals, the methods of measurement applied, the presumed sources of the present total concentrations of heavy metals and a detailed description of the measures taken to reduce the concentration levels of heavy metals.

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<sup>74)</sup> Commission Decision of 28 January 1997 establishing the identification system for packaging materials pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste (97/129/EC) (OJ Special Edition, Chap. 15/vol. 3).

(9) The specific requirements for the properties of packaging and packaging materials and the requirements for the conditions of using them are laid down in specific regulations.<sup>75</sup>

## **§ 54**

### **Obligations of producers of packaging**

(1) In accordance with the obligations referred to in § 27(4), producers of packaging shall ensure

- a) if they decide to mark the packaging, mark the packaging with information about the material composition of the packaging in accordance with a specific regulation;<sup>74</sup> information about management of the packaging may also be indicated [§ 105(3)m)],
- b) marking of packaging as packaging subject to a deposit, when placing on the market goods in packaging subject to a deposit, except where the deposit amount is 0 euro,
- c) that the marking under a) and b) is visible and easily legible and adequately resistant even after the packaging has been opened,
- d) collection, transport, recovery and recycling of waste originating from packaging placed on market or distributed by them, to the full extent or at least to the extent of the binding limits for recovery and recycling set out in Annex 3,
- e) collection, transport, recovery and recycling of packaging waste which is part of separately collected components of municipal waste, to the full extent, at least to the level of their collection share,
- f) providing information to consumers about the management of the waste collection from packaging.

(2) Unless a producer of packaging demonstrates that the packaging that he or she has placed on the market or distributed will be part of municipal waste after consumption, the waste from this packaging shall be considered as part of municipal waste.

(3) Producers of packaging may perform the specified obligations individually only if the waste from packaging placed on the market or distributed by them will not be part of municipal waste; this is without prejudice to the possibility to perform the specified obligations in accordance with § 27(7).

(4) For the purposes of performing the obligations under (1)d), reusable packaging shall be included in the quantity of packaging that a producer has placed on the market or distributed only once, at the time of first use; this shall not apply to wooden pallets, which shall not be included in the quantity of packaging until they become waste.

## **§ 55**

### **Obligations of producers of packaging relating to the packaging deposit system**

(1) Producers of packaging placing on the market goods in packaging subject to a deposit shall apply the deposit system for this packaging and comply with the prescribed deposit amounts [§ 105(3)m)].

(2) Producers of packaging placing on the market goods in reusable packaging subject to a deposit shall collect reusable packaging subject to a deposit of the same kind and type as that

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<sup>75</sup> For example, Act no. 67/2010 Coll. as amended, § 9 of the Act of the National Council of the Slovak Republic no. 152/1995 Coll. on food as amended.

they have placed on the market, without any quantitative restrictions and without making the collection conditional on the purchase of goods, and they shall refund the deposit in full; this shall apply even in the case that they cease to use a certain type of packaging subject to a deposit, for the period of at least six months from the date of making the notice under paragraph 5 public.

(3) Producers of packaging placing on the market goods in reusable packaging subject to a deposit by selling these goods to end-users in an establishment shall provide for collection of packaging in accordance with paragraph 2 in this establishment, throughout the opening hours, and inform end-users in an appropriate manner about the deposit amounts for the different kinds of reusable packaging subject to a deposit and any changes in the kinds of reusable packaging subject to a deposit held. The refund of the deposit to the end-user upon the return of packaging subject to a deposit is guaranteed and the end-user shall not be required to provide proof of payment of the deposit when returning the packaging.

(4) If a producer of packaging, who places on the market goods in reusable packaging subject to a deposit by means other than the sale thereof to the consumer, plans to change the kinds of packaging used for these goods, he or she shall inform packaging distributors who distribute goods in such packaging of the planned changes no less than three months prior to implementing them.

(5) If a producer of packaging who places on the market goods in packaging subject to a deposit ceases to use a certain type of packaging subject to a deposit, he or she shall immediately make this fact public in an appropriate manner, in particular in the media and by means of a notice directly at the point of sale.

(6) Producers of packaging placing on the market goods in reusable packaging subject to a deposit shall ensure that the packaging collected is reused, provided that it is fit for further reuse.

## **§ 56**

### **Obligations of packaging distributors**

(1) Packaging distributors who distribute goods in packaging subject to a deposit shall apply the deposit system for this packaging and comply with the prescribed deposit amounts [§ 105(3)m)].

(2) Distributors of packaging who distribute goods in reusable packaging subject to a deposit shall collect reusable packaging subject to a deposit of the same kind and type as that they have distributed, without any quantitative restrictions and without making the collection conditional on the purchase of goods, and they shall refund the deposit in full; this shall apply even in the case that they cease to use a certain type of packaging subject to a deposit, for the period of at least six months from the date of making the notice under paragraph 5 public. When performing the obligations under the first sentence, packaging distributors shall proceed so as to ensure that there is an adequate number and availability of collection points, which shall correspond to the number of points of sale of packaged goods.

(3) Packaging distributors who distribute goods in reusable packaging subject to a deposit by selling these goods to consumers in an establishment shall provide for collection of packaging

in accordance with paragraph 2 in this establishment, throughout the opening hours, and inform consumers in an appropriate manner about the deposit amounts for the different kinds of reusable packaging subject to a deposit and any changes in the kinds of reusable packaging subject to a deposit held. The refund of the deposit to the consumer upon the return of packaging subject to a deposit is guaranteed and the consumer shall not be required to provide proof of payment of the deposit when returning the packaging.

(4) Packaging distributors who distribute goods in reusable packaging subject to a deposit by means other than the sale thereof to the consumer shall inform other packaging distributors who distribute goods in such packaging of any planned changes in the kinds of reusable packaging subject to a deposit held no less than three months prior to implementing them.

(5) If a packaging distributor who distributes goods in deposit packaging for beverages ceases to use a certain type of packaging subject to a deposit, he or she shall immediately make this fact public in an appropriate manner, in particular in the media and by means of a notice directly at the point of sale. The notice shall be visible throughout the period of collection of this packaging.

(6) Packaging distributors who distribute goods in reusable packaging subject to a deposit shall ensure that the reusable packaging collected is handed over to that producer of packaging or distributor of packaging who charged the deposit.

(7) Packaging distributors who distribute beverages in other than reusable packaging by selling them to consumers shall, at the point of sale thereof, also distribute beverages of the same kind in reusable packaging, if such beverages are available on the market in the Slovak Republic in reusable packaging. This obligation shall not apply to packaging distributors distributing these beverages in a sales area of less than 200 m<sup>2</sup>.

(8) If a packaging distributor supplies directly to end-users packaging that comes from producers of packaging not entered in the Register of Producers for the specified waste stream, the obligations of a producer of packaging under this Act in relation to this packaging and the waste therefrom shall be transferred to the distributor.

(9) For the purposes of performing the obligations under paragraph 8, a producer of packaging shall, on the basis of a written request, provide to the packaging distributor performing the obligations under paragraph 8 on his or her behalf the information necessary to fulfil the obligations under § 27(4)h).

(10) Packaging distributors who have exported reusable packaging outside the territory of the Slovak Republic or removed it from reuse shall immediately inform of this fact the producer of the packaging who placed this packaging on the market or distributed it, provided that the identification details of the producer of the packaging can be found on the packaging.

## **§ 57**

### **Collection and recovery of packaging waste**

(1) The place of origin and the quantity of packaging waste shall be reported, for the purposes of demonstrating the collection thereof and demonstrating the material flow, directly by the original producer of the waste, the municipality if it is municipal waste, or in the case of

purchased municipal waste, the person referred to in § 16(4); each quantity of packaging waste may only be reported in one material flow.

(2) For the purposes of performing the obligations under § 54(1) d), collection, recovery and recycling shall be demonstrated using evidence of the material flow of packaging waste; for the purposes of performing the obligations under § 54(1) e) only the quantities reported by municipalities as quantities collected by them and the quantities of municipal waste in respect of which a notice under § 16(4) has been delivered may be used for the purposes of demonstrating the fulfilment of the collection share. The quantity of collected packaging waste may be included in the material flow of packaging waste only in the year it was collected.

(3) The quantity of packaging waste taken over by a waste recovery installation shall be considered as the quantity of recovered packaging waste for the purposes of performing the obligations under paragraph 2 as long as the operational and technical measures in this installation ensure that the quantity of sorted packaging waste is passed to the process of recovery or recycling without significant losses.

(4) Reusable packaging not fit for reuse shall be treated as waste.

(5) When determining the rate of recovery and recycling rates under Annex 3, the promotion of energy recovery, if, due to environmental and economic reasons, given priority over recycling, shall be taken into account.

## **§ 58**

### **Obligations of holders of packaging waste not part of municipal waste**

(1) Producers of packaging waste which is not part of municipal waste and which comes from packaging not produced by them may only hand it over to a person authorised to collect packaging waste or to a packaging waste recovery installation.

(2) Waste producers referred to in paragraph 1 shall, monthly, no later than 25<sup>th</sup> day of the following month, without being entitled to any form of compensation, report to the coordination centre for packaging waste information about the material flow of the waste that has been handed over. Waste producer is obliged to report to the coordination centre for packaging waste within 30 days of the receipt of the written request, documents proving that the provided information is correct. This doesn't apply if he reports the data about the material flow to the manufacturer from whom he obtained the packaging, if this manufacturer fulfils his duties individually.

(3) If the coordination centre for packaging waste finds out that the waste producer does not comply with the paragraphs 1 and 2, it shall report this to the inspection.

(3) The coordination centre shall distribute the quantities reported under paragraph 2 between the producer responsibility organizations for packaging and packaging producers who perform the specified obligations individually on the basis of the market shares according to § 52(24); producer responsibility organizations and producers of packaging performing the specified obligations individually may use the quantities assigned to them to demonstrate compliance with the obligation referred to in § 54(1)d).

## **§ 59**

### **Obligations and rights of producer responsibility organizations for packaging**

(1) In addition to the obligations under § 28(4), the responsible producing organization in charge of the collective packaging waste management system shall

- a) include in this system the management of waste from non-packaging products in accordance with subpart seven of this part of the Act,
- b) include in this system management of waste from the packaging and collection of packaging waste and waste from non-packaging products which are part of separately collected components of municipal waste, including its collection,
- c) ensure the activities according to § 28(4) f) and k) through the person who performs the separate collection of waste in the municipality.

(2) Producer responsibility organization for packaging operating a system of collective management of packaging waste and waste from non-packaging products separately collected from municipal waste may carry out this activity in a municipality only on the basis of a contract with the municipality.

(3) In the case of municipal waste, the contract referred to in paragraph 2 shall, in addition to the general particulars of contracts, contain in particular

- a) a description of the system of separate collection, including the requirements on the activities for separate collection,
- b) the method of determining the proportion of packaging waste and waste from non-packaging products in separately collected components of municipal waste; this shall be carried out at the expense of the producer responsibility organization,
- c) the method and form of demonstrating the material flow of packaging waste and waste from non-packaging products,
- d) conditions for carrying out information activities in the municipality,
- e) costs for the separate collection of waste in municipality.

(4) The contract between the responsible producing organization for packaging and the person providing for separate collection of packaging waste and waste from non-packaging products in a municipality is concluded within the costs agreed on in the contract according to (2) while following the common business practices, shall contain in particular

- a) an agreement on the specification of the costs of separate collection, the amount of the costs, terms of payment and method of invoicing,
- b) the method of verification of the quantity of separately collected components of municipal waste and activities undertaken in the context of separate collection,
- c) the method and form of demonstrating the material flow of packaging waste and waste from non-packaging products.

(5) The producer responsibility organization for packaging is authorized to carry out in municipality in which it was determined as a contractual partner under § 31 (12) c), verification of the functionality and cost of separate waste collection of the municipality (hereinafter only "verification of the functionality of separate waste collection") at the person responsible for separate waste collection within the municipality under (1) b), in order to determine the adequacy of costs being spent on separate waste collection, transport, recovery

and recycling of packaging waste and waste from non-packaging products located in the separately collected components of municipal waste.

(6) Anyone who performs in a municipality the collection of waste packaging and waste from non-packaging products falling within separately collected components of municipal waste under paragraph 5 is obliged to allow verification of the functionality of separate collection and provide assistance to the responsible producing organization for packaging that carries out the verification process.

(7) The producer responsibility organization for packaging is, based on the verification of the functionality of separate collection under paragraph 5, authorised to propose changes in the system of separate collection referred to in paragraph 1b) to be implemented by the municipality and the person performing the collection in order to increase the effectiveness thereof.

(7) If the municipality or the person who performs separate waste collection in the municipality, fail to implement the changes in the system of separate collection as proposed under paragraph 7, the producer responsibility organization for packaging shall have the right to only reimburse the costs incurred by the person providing for separate collection in the municipality to an extent corresponding to the usual amount of costs in the given region, while the costs exceeding the usual amount shall be reimbursed by the municipality.

(8) Producer responsibility organization for packaging is authorised to carry out continuous control of actual composition of waste collected separately from municipal waste in the collection vessel designated for it; if they found out that its content includes different component of municipal waste than what is designated for in more than 50 %, this organization is not responsible for management of such waste component in the above mentioned collection vessel.

(9) Suggestions for improving the functionality of separate waste collection in the municipality under paragraph 7 may not be in contrary to the specified requirements for separate collection of municipal waste.

## **Subpart Five**

### **Vehicles and end-of-life vehicles**

#### **§ 60**

#### **Basic provisions**

(1) This subpart shall apply to vehicles and end-of-life vehicles, including their components and materials, regardless of what maintenance and repairs have been carried out on the vehicles during their use, and regardless of whether they are equipped with components

supplied by the producer of the vehicle or other components used as spare parts in compliance with specific regulations<sup>76)</sup> applicable to the maintenance or repair of motor vehicles.

(2) Unless provided otherwise in this subpart of the Act, the general provisions of this Act shall apply to the processing and management of end-of-life vehicles and the management of waste from the processing of end-of-life vehicles.

(3) The provisions of § 61, § 64 (2) c) and § 65 (1) l) and n). shall not apply to three-wheeled motor vehicles.

(4) § 65(1) h) and m) shall not apply to special-purpose vehicles<sup>77)</sup>.

(5) For the purposes of this Act, vehicle means a vehicle of category M<sub>1</sub> or N<sub>1</sub>,<sup>78)</sup> as well as three-wheeled motor vehicles other than motor tricycles.<sup>79)</sup>

(6) End-of-life vehicle means a vehicle that has become waste.

(7) For the purposes of this Act, complete end-of-life vehicle means an end-of-life vehicle whose weight is at least 90 % of the weight of the vehicle when it was placed on the market and which comprises of the engine, transmission, axle, body, battery or accumulator and catalyst, provided that they were part of the vehicle when it was placed on the market in the Slovak republic.

(8) Holder of end-of-life vehicle means the person in possession of the end-of-life vehicle.

(9) Producer of vehicles means the manufacturer<sup>80)</sup> or representative of the manufacturer.<sup>81)</sup>

(10) For the purposes of this Act, placing a vehicle on the market in the Slovak Republic means the moment when the vehicle is transferred for the first time, for payment or free of charge, from the stage of production, cross-border transport from another Member State to the Slovak Republic or import to the stage of distribution or use.

(11) Prevention means measures aiming at the reduction of the quantity and the harmfulness for the environment of end-of-life vehicles, their materials and substances.

(12) Collection of end-of-life vehicles means the gathering of end-of-life vehicles prior to handing them over to a processor of end-of-life vehicles.

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<sup>76)</sup> Commission Regulation (EC) No 461/2010 on the application of Article 101(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector.

<sup>77)</sup> § 8(1)b) of Regulation of the Government of the Slovak Republic No 140/2009 laying down the details of type approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for these vehicles, as amended.

<sup>78)</sup> Annex 1 to Regulation of the Government of the Slovak Republic No 140/2009 laying down the details of type approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for these vehicles.

<sup>79)</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2 March 2013).

<sup>80)</sup> § 2ab) of Act No 725/2004.

<sup>81)</sup> § 2ac) of Act No 725/2004.



(13) Processor of end-of-life vehicles means a sole trader or a legal person who has been granted authorisation to process end-of-life vehicles.

(14) Processing of end-of-life vehicles means an activity after the end-of life vehicle has been handed over to a processor of end-of-life vehicles for depollution, dismantling, shearing, shredding, recovery or preparation for disposal of the shredder wastes, and other operations carried out for the recovery or disposal of the end-of-life vehicle and its components.

(15) Recycling of end-of-life vehicles means the reprocessing in a production process of waste materials from the processing of end-of-life vehicles for their original purpose or for other purposes, but excluding energy recovery.

(16) Reuse of components and parts of end-of-life vehicles means any operation by which components and parts of end-of life vehicles are used for the same purpose for which they were manufactured.

(17) Shredder means a device used for tearing into pieces or fragmenting end-of-life vehicles, including devices used for the purpose of obtaining directly reusable metal waste.

(18) Economic operators mean producers of vehicles, distributors, persons authorised to collect end-of-life vehicles, motor vehicle insurance companies, persons authorised to recover or recycle end-of-life vehicles, and other persons authorised to process end-of-life vehicles, including their components and materials.

(19) Dismantling information means all information required for the correct and environmentally sound processing of end-of-life vehicles.

(20) Designated parking area means a parking lot operated by a person who is authorised to collect end-of-life vehicles or by a processor of end-of-life vehicles, which, on the basis of their request, has been designated as a designated parking area by the competent waste management administrative authority.

## **§ 61**

### **Obligations of producers of vehicles**

- (1) Producers of vehicles according to obligations specified under § 27(4), shall
- a) use coding to facilitate the identification of those components of vehicles and materials and equipment used in them which are suitable for reuse and recovery,
  - b) not use in the manufacture of vehicles materials and components and not place on the market vehicles consisting of materials and components containing heavy metals except specified cases under [§ 105(3) n)],
  - c) not use in the manufacture of vehicles such materials, components and structural elements, the use of which is a consequence of a failure to meet the obligations under a specific regulation,<sup>82)</sup>

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<sup>82)</sup> Regulation of the Government of the Slovak Republic No 34/2010 concerning the technical requirements for vehicles with regard to their re-usability, recyclability and recoverability.

- d) provide for the collection of end-of-life vehicles from end-users throughout the territory of the Slovak Republic to the extent of at least one facility for the collection of end-of-life vehicles in each district,
- e) ensure that the persons operating facilities for the collection of end-of-life vehicles,
  - 1. do not refuse to take over end-of-life vehicle from the holders thereof,
  - 2 takeover end-of-life vehicles without requiring a fee, provided that the end-of-life vehicle is complete,
- f) ensure that the end-of-life vehicles collected under d) are handed over to a processor of end-of-life vehicles who complies with the conditions of this Act,
- g) publish information on
  - 1. the design of vehicles and their components with a view to the recoverability of end-of-life vehicles and their components, including the methods of recycling,
  - 2. the development and optimisation of the possibilities and ways to reuse end-of-life vehicles, their components and structural elements, as well as their recovery, including recycling,
 the progress achieved with regard to increasing the rates of recovery and recycling of the components and structural elements of end-of-life vehicles with the aim of reducing the quantity of waste from the processing of end-of-life vehicles to be disposed of,
  - 3. the environmentally sound processing of end-of-life vehicles, in particular dismantling and the removal of all fluids and hazardous parts,
- h) make the information referred to in g) accessible to the prospective buyers of vehicles, usually in promotional literature,
- i) provide processors of end-of-life vehicles with information on the environmentally sound processing of end-of-life vehicles on a technical medium or by means of electronic communication within six months of placing on the market a new model of a vehicle manufactured or imported by them,
- j) inform end-users of vehicles of the need to hand them over for processing and the availability of points of collection.

(2) The certificate of assumption of responsibility for the management of waste coming from a vehicle which is an individually imported vehicle,<sup>83)</sup> whose make is to be entered in the registration certificate and is not owned by a producer of vehicles with registered office or permanent residence within the territory of the Slovak Republic, or individually manufactured vehicle<sup>84)</sup> shall be issued by the coordination centre for end-of-life vehicle at the request of the person referred to in § 62(3). If the coordination centre has not been established, the above certificate shall be issued by any producer of vehicles.

(3) The certificate of assumption of responsibility for the management of waste coming from a vehicle which is an individually imported vehicle<sup>83)</sup> whose make is to be entered in the registration certificate and is owned by a producer of vehicles with registered office or permanent residence within the territory of the Slovak Republic, shall be issued by this producer of vehicles at the request of the person referred to in § 62(3).

(4) The issuance and granting of registration certificate part II for a vehicle by the producer of the vehicle in accordance with a specific regulation<sup>85)</sup> or registration of the vehicle in the

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<sup>83)</sup> § 16 of Act No 725/2004.

<sup>84)</sup> § 14 of Act No 725/2004.

<sup>85)</sup> § 5(8), (13) and (19) and § 6(5), (7) and (9) of Act No 725/2004.

register by means of the electronic service introduced for this purpose under a specific regulation<sup>86)</sup> shall be the act whereby the producer of the vehicle acknowledges responsibility for performing the obligations referred to in paragraph 1 in relation to this vehicle.

(5) The certificate issued under paragraphs 2 and 3 establishes the responsibility of the person who issued the certificate for fulfilling the obligations referred to in paragraph 1 d) through f) in relation to this vehicle.

(6) The issuance of the certificate under paragraphs 2 through 4 may be subject to payment or free of charge. If the certificate is issued in exchange for payment, the amount of the payment shall not exceed the actual costs of ensuring processing of the end-of-life vehicle after deducting the potential revenue from processing the end-of-life vehicle; however, it shall not exceed the amount paid by the producer of the vehicle to the responsible producing organization for ensuring processing thereof.

(7) The provisions under paragraph 1h) through j) shall be without prejudice to the protection of data under specific regulations.<sup>20)</sup>

(8) The obligations of producers referred to in paragraph 1 d) through f) shall also apply to vehicles placed on the market before the entry into force of this Act.

## **§ 62 Obligations and rights of other entities**

(1) The obligations of producers of vehicles referred to in § 61(1)g) shall apply accordingly to producers of vehicle components and producers of materials and equipment used in them.

(2) Producers of vehicle components which are used in vehicles shall immediately, at the request of a processor of end-of-life vehicles, provide the processor on a technical medium or by means of electronic communication information relating to dismantling, disposal and testing of the components that can be reused.

(3) Persons applying for approval of an individually manufactured vehicle<sup>87)</sup> and persons applying for approval of an individually imported vehicle<sup>88)</sup> shall ensure that the certificate under § 61(2) and (3) be issued for this vehicle.

(4) The entities referred to in paragraphs 1 and 2 and operators of installations for the recovery or disposal of waste coming from the processing of end-of-life vehicles shall, at the request of a producer of vehicles, provide the producer the necessary assistance in the performance of the obligations under the second point of § 61(1)g).

(5) The provisions under paragraphs 1, 2 and 4 shall be without prejudice to the protection of data under specific regulations.<sup>20)</sup>

(6) It shall be prohibited to dismantle end-of-life vehicles; this prohibition shall not apply to processors of end-of-life vehicles.

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<sup>86)</sup> § 5(26) and § 6(16) of Act No 725/2004.

<sup>87)</sup> § 14(9) and (10) of Act No 725/2004.

<sup>88)</sup> § 16a(1), (2), (7), (9), (15) and (17) and § 16b (2), (3), (7), (8) and (13) of Act No 725/2004.

## **§ 63**

### **Obligations of holders of end-of-life vehicles**

- (1) Holders of end-of-life vehicles shall immediately hand over the end-of-life vehicle to a person collecting end-of-life vehicles or a processor of end-of-life vehicles.
- (2) The deletion of an end-of-life vehicle from the register of vehicles shall follow the procedure under a specific regulation.<sup>89)</sup>

## **§ 64**

### **Collection of end-of-life vehicles**

- (1) End-of-life vehicles may only be collected by a processor of end-of-life vehicles within the authorisation granted to him under point three of § 89 (1) or a person who has been granted the permit to operate a facility for the collection of end-of-life vehicles under § 97(1) d) and has entered into a contract with a processor of end-of-life vehicles.
- (2) Persons authorised to collect end-of-life vehicles, in addition to the obligations under § 14 and 16 shall
  - a) keep and retain records of the end-of-life vehicles taken over and retain the reported data,
  - b) report the required information from the records under a) quarterly to the competent waste management administrative authority,
  - c) takeover any end-of-life vehicle from the holder thereof; in the case of a complete end-of-life vehicle, without requiring a fee or other consideration,
  - d) upon taking over the end-of-life vehicle, issue a certificate of taking-over the end-of-life vehicle for processing and provide one copy of the certificate to the holder of the end-of-life vehicle,
  - e) perform the collection solely for the purpose of transferring end-of-life vehicles for processing to a processor of end-of-life vehicles, except when collection is performed by the processor of end-of-life vehicles him- or herself,
  - f) hand over, within 30 days, any end-of-life vehicle collected to a processor of end-of-life vehicles who complies with the conditions of this Act,
  - g) only perform the collection of end-of-life vehicles in a facility set up and operated so as to prevent any threat or damage to the environment or misappropriation of end-of-life vehicles or their components,
  - h) takeover from the holder of the end-of-life vehicle the registration number plate, registration certificate part I and registration certificate part II and immediately discard and completely process the registration number plate,
  - i) after taking over an end-of-life vehicle for processing, send in electronic form to the police authority information about the handover of the end-of-life vehicle for processing and subsequently deliver registration certificate part I and part II to the authority,
  - j) when performing the registration procedure, conduct verification checks on the persons, documents and vehicles in publicly accessible investigative information systems of the Ministry of the Interior.

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<sup>89)</sup> § 120 of Act No 8/2009, as amended.

## § 65

### Obligations of processors of end-of-life vehicles

- (1) In addition to the obligations under § 14 and 17, processors of end-of-life vehicles shall
  - a) process end-of-life vehicles in accordance with the permit granted and comply with the requirements laid down in the authorisation for the processing of end-of-life vehicles,
  - b) enter into a contract for the processing of end-of-life vehicles with a producer of vehicles or the relevant producer responsibility organization for vehicles,
  - c) when building or modernising a facility for the processing of end-of-life vehicles, use best available techniques, while taking the proportionality of the acquisition and operating costs into consideration,
  - d) put into service and operate machinery and equipment for the processing of end-of-life vehicles in accordance with the applicable documentation and the conditions specified in the permit and authorisation granted,
  - e) keep operating documentation on the processing of end-of-life vehicles,
  - f) keep records of components and parts that will be reused,
  - g) manage end-of-life vehicles in a manner ensuring that, in particular, substances hazardous for the environment are removed from them and take further measures to reduce adverse impacts on the environment,
  - h) ensure complete processing of end-of-life vehicles within one year of taking them over for processing, including the reuse of components and parts of end-of-life vehicles and recovery of waste from the processing of end-of-life vehicles, in particular recycling of end-of-life vehicles, as well as the disposal of unusable residues,
  - i) as a matter of priority, remove any spent automotive batteries and accumulators if included in the end-of-life vehicle and ensure that they are handed over to a processor of spent batteries and accumulators designated in the contract under b),
  - j) remove any operating fluids and hand them over to a person authorised to manage them designated in the contract under b),
  - k) report to the coordination centre for batteries and accumulators the quantity of spent batteries and accumulators removed under l), classification thereof into types according to § 42(3) and the name of the processor of spent batteries and accumulators to whom they have been handed over,
  - l) when carrying out their activities, ensure compliance with the requirements for recycling, reuse of components and parts of end-of-life vehicles and recovery of waste from the processing of end-of-life vehicles laid down in an implementing regulation [§ 105(3)n)],
  - m) when carrying out their activities, ensure compliance with the binding limits under Annex 3 for the reuse of components of end-of-life vehicles and recovery of waste from the processing of end-of-life vehicles, including the recycling of end-of-life vehicles,
  - n) takeover for processing at their site any end-of-life vehicle from the holder thereof; in the case of a complete end-of-life vehicle, without requiring a fee or other consideration,
  - o) upon taking over the end-of-life vehicle, issue a certificate of taking-over the end-of-life vehicle[§ 105(3)n)] for processing and provide one copy the certificate to the person from whom the end-of-life vehicle was taken over; this obligation shall not

apply when the end-of-life vehicle is taken over from a person authorised to collect end-of-life vehicles,

- p) publish information referred to in the second and third point of § 61(1)g),
- q) at the request of a producer of vehicles, provide the producer the necessary assistance in the performance of the obligations under the second and third point of § 61(1)g),
- r) keep and retain records of the processing of end-of-life vehicles,
- s) report the required information from the records under r) quarterly to the competent waste management administrative authority, the producer of vehicles and the responsible producing organization with which they have entered into a contract and retain the reported data,
- t) fulfil the obligations of a waste producer in respect of the waste they produce,
- u) takeover from the holder of the end-of-life vehicle the registration number plate, registration certificate Part I and registration certificate Part II and immediately discard and completely process the registration number plate,
- v) after taking over an end-of-life vehicle for processing, send in electronic form to the police authority information about the processing of the end-of-life vehicle and subsequently deliver registration certificate Part I and Part II to the authority,
- w) when performing the registration procedure, conduct verification checks on the persons, documents and vehicles in publicly accessible investigative information systems of the Ministry of the Interior of the Slovak Republic (hereinafter the “Ministry of the Interior”).

(2) The provisions under paragraph 1p) and q) shall be without prejudice to the protection of data under specific regulations.<sup>20)</sup>

## **§ 66**

### **Designated parking area**

(1) Designated parking areas shall be designated by the competent waste management administrative authority on the basis of a written application from a person who has been granted a permit to collect end-of-life vehicles under § 97(1) d) or process end-of-life vehicles under § 97(1) c); if the application for designation of a designated parking area forms part of the application for a permit to collect end-of-life vehicles or process end-of-life vehicles, this authority may designate the designated parking area in the decision granting the permit to collect end-of-life vehicles or process end-of-life vehicles.

(2) Designated parking areas shall be set up and operated so as to prevent any threat or damage to the environment or misappropriation of vehicles or their components.

(3) Operators of designated parking areas shall

- a) set up and operate the designated parking area in accordance with paragraph 2,
- b) keep records of vehicles taken over and handed over to the designated parking area,
- c) when performing the registration procedure, conduct verification checks on the vehicles in publicly accessible investigative information systems of the Ministry of the Interior.

(4) Operators of designated parking areas may request reimbursement of economically justified costs related to transporting and placing the vehicle in the designated parking area from

- a) the holder of the vehicle,<sup>90)</sup>
- b) the person who decided on the placement of the vehicle in the designated parking area, if the holder thereof could not be identified or the holder does not exist.

(5) The taking over of an end-of-life vehicle from a designated parking area and processing of the end-of-life vehicle shall be ensured by

- a) the producer of vehicles who issued the certificate under § 61(2) or (3),
- b) the producer of vehicles who issued and granted registration certificate Part II for the vehicle or carried out registration of the vehicle under § 61(6),
- c) the coordination centre, if it issued the certificate under § 61(2).

## § 67

### **Placement of a vehicle in the designated parking area and the related obligations of holders of vehicles**

(1) Holders of vehicles<sup>90)</sup> shall

- a) ensure, at their own expense, the removal of their vehicles from a location in which they harm or pose a threat to the environment or disrupt the aesthetic appearance of a municipality or specially protected natural and landscape area<sup>91)</sup> and
- b) place and keep the vehicles in a location where they do not harm or pose a threat to the environment in order to preserve the aesthetic appearance of a municipality or specially protected natural and landscape area.

(2) If a holder of a vehicle fails to meet the obligation referred to in paragraph 1a) and his or her vehicle causes harm to the environment, the procedure under paragraphs 3 and 4 shall be followed.

(3) The vehicle referred to in paragraph 2 shall be removed and subsequently placed in a designated parking area by

- a) the road administrator, if the vehicle is being removed from a road or public place,
- b) the municipality, with consent of the owner of the property from which the vehicle is being removed, in the case of a location other than that referred to under a), or
- c) the owner of the property referred to under b), if he or she did not give consent to the removal of the vehicle by the municipality.

(4) The person liable under paragraph 3 shall ensure fulfilment of the obligations under paragraph 3 immediately after becoming aware of a case referred to in paragraph 2; the costs incurred shall be borne by the holder of this vehicle. The person who removed the vehicle and placed it in a designated parking area shall immediately notify in writing of this fact

- a) the holder of the vehicle, if known, and at the same time advise him or her on the consequences of his or her inaction,
- b) the owner of the vehicle, if known and not the same as the holder of the vehicle, and advise him or her on the facts under a) and the consequences of inaction of the holder of the vehicle,
- c) the competent waste management administrative authority,
- d) the municipality, unless the obligation under paragraph 3 and under this paragraph is being performed by the municipality.

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<sup>90)</sup> § 2(2)c) of Act No 8/2009 Coll.

<sup>91)</sup> § 2(2)o) of Act No 543/2002 Coll.

(5) If the holder of the vehicle is known but, within one month of the notification, the vehicle is not collected from the designated parking area by the holder or the owner of the vehicle who is other than the holder, immediately after this period has passed the competent waste management administrative authority shall commence proceedings on assumption of ownership of the vehicle by the State. If the competent waste management authority decides that the State assume the ownership of the vehicle, the State shall become the owner of the vehicle on the date this decision becomes final.

(6) If the competent waste management administrative authority decides in the proceedings that the State shall not assume ownership of the vehicle, this decision shall also designate the vehicle as an end-of-life vehicle.

(7) The person whose vehicle has been acquired by the State under paragraph 5 shall be entitled to compensation amounting to the difference between the value of the vehicle determined as at the date the State became the owner of the vehicle and the sum of the costs associated with determining this value, the costs of the proceedings under paragraph 5 and unpaid costs incurred in connection with the procedure under paragraph 4 as reported to the competent waste management administrative authority by the person who incurred these costs. The above compensation may be claimed with the competent waste management administrative authority who issued the decision under paragraph 5 within one year of the date this decision becomes final.

(8) If the costs incurred in connection with the procedure under paragraph 4 have not been reimbursed by the holder of the vehicle, the person who incurred them may claim compensation of these costs with the competent waste management administrative authority which issued the decision under paragraph 5, within one year of the date this decision becomes final and at the amount reported under paragraph 7; once this claim is settled, the obligation of the holder of the vehicle to pay the costs referred to in paragraph 4 shall be considered fulfilled.

(9) If neither the holder nor the owner of the vehicle who is other than the holder can be clearly identified even with the assistance of the police authority<sup>92)</sup> due to the fact that neither the registration number plate nor the vehicle identification number make this possible, the procedure under paragraphs 5 through 8 shall not apply and the vehicle shall be designated as end-of-life vehicle through a decision of the competent waste management administrative authority.

(10) If the holder of a vehicle fails to meet the obligation referred to in paragraph 1a) and the vehicle poses a threat to the environment or disrupts the aesthetic appearance of a municipality or a specially protected natural and landscape area, the person referred to in paragraph 3 shall request the holder of the vehicle to fulfil the obligation under paragraph 1a). The person referred to in paragraph 3 shall also inform the owner of the vehicle, if other than the holder of the vehicle, of this request.

(11) If the holder of the vehicle fails to take corrective action within 60 days of the request under paragraph 10, the procedure under paragraphs 3 to 9 shall be followed.

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<sup>92)</sup> § 113 of Act No 8/2009, Coll. as amended.



(12) The provisions of paragraphs 1 through 8 shall equally apply in the event that the procedure to delete a vehicle from the register of vehicles is being performed without the holder's request.<sup>93)</sup>

## **§ 68**

### **Decision on the non-existence of a vehicle**

(1) The holder of a vehicle that ceased to exist prior to deletion from the register of vehicles in accordance with a specific regulation<sup>89)</sup>, or the holder who is unable to demonstrate how he or she disposed of a vehicle that he or she claims no longer exists, may, for the purposes of this deletion, file a request with the competent waste management administrative authority to issue a decision on the non-existence of a vehicle.

(2) Upon filing the request under paragraph 1, the applicant shall pay a contribution to the Environmental Fund.<sup>94)</sup>

(3) On the basis of the request under paragraph 1, the competent waste management administrative authority shall issue a decision on the non-existence of a vehicle, provided that no substantial reasonable doubt has arisen in the proceedings on the non-existence of the vehicle or over the veracity of the information provided by the applicant on the reasons for the non-existence of the vehicle; otherwise, the proceedings shall be halted.

(4) The decision on the non-existence of a vehicle shall contain

- a) the applicant's identification data,
- b) vehicle identification data, including indication of the vehicle category,
- c) the explanation provided on the reasons for the non-existence of the vehicle,
- d) indication that the information provided by the applicant on the reasons for the non-existence of the vehicle was not called into question in the proceedings.

(5) Paragraph 2 shall not apply to holders who acquire a non-existent vehicle by inheritance.

## **Subpart Six**

### **Pneumatic tyres and waste pneumatic tyres**

## **§ 69**

### **Basic provisions**

(1) This subpart shall apply to pneumatic tyres placed on the market in the Slovak Republic separately or fitted to motor vehicles<sup>95)</sup> and non-motorised vehicles<sup>96)</sup> irrespective of their make and the date of their placing on the market, as well as to used pneumatic tyres for motor and non-motorised vehicles which have been placed on the market in the Slovak Republic by means of cross-border transport from another Member State to the Slovak Republic or import for the purposes of re-treading and management of waste pneumatic tyres.

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<sup>93)</sup> § 121(3) of Act No 8/2009.

<sup>94)</sup> § 3u) of Act No 587/2004.

<sup>95)</sup> § 2(2)l) of Act No 8/2009.

<sup>96)</sup> § 2(2)m) of Act No 8/2009.

(2) Unless provided otherwise in this subpart, the general provisions of this Act shall apply to pneumatic tyres according to paragraph 1 and the management of waste pneumatic tyres.

(3) For the purposes of this Act, pneumatic tyre means a part of a wheel system intended for motor vehicles and non-motorised vehicles, made from natural rubber or synthetic rubber and without the rims. A re-treaded pneumatic tyre is also considered a pneumatic tyre.

(4) Re-treaded pneumatic tyre means a pneumatic tyre whose worn parts have been restored using the cold or hot re-treading method.

(5) Waste pneumatic tyre means a pneumatic tyre which is waste.

(6) Producer of pneumatic tyres means a natural person – entrepreneur or legal person who, in the context of his or her commercial activity, irrespective of the selling technique used, including sales on the basis of distance contracts, places on the market pneumatic tyres manufactured or re-treaded in the Slovak Republic. A person who, in the context of his or her commercial activity, supplies pneumatic tyres for production of motor vehicles or non-motorised vehicles, which are subsequently fitted to these vehicles as part of the standard equipment, shall not be considered as a producer of pneumatic tyres.

(7) For the purposes of this Act, placing a pneumatic tyre on the market means the first transfer of a pneumatic tyre, for payment or free of charge, from the stage of production, cross-border transport from another Member State to the Slovak Republic or import from other than member state to Slovak republic to the stage of distribution, consumption or use on the market in the Slovak Republic in the context of a commercial activity.

(8) Take-back of waste pneumatic tyres means the free collection of waste pneumatic tyre by a distributor of pneumatic tyres from the holder thereof without making this conditional on the purchase of a new pneumatic tyre or other goods.

(9) Distributor of pneumatic tyres means a sole trader or a legal person with place of business or registered office within the territory of the Slovak Republic who supplies, in the context of his or her commercial activity, pneumatic tyres to end-users separately or as part of servicing vehicles; anyone who provides tyre replacement services without selling tyres shall also be considered as distributor of pneumatic tyres.

(10) The market share of a producer of pneumatic tyres for a given calendar year shall be calculated by dividing the quantity of pneumatic tyres placed on the market by the producer in the preceding calendar year by the total quantity of pneumatic tyres placed on the market in the preceding calendar year; quantity of tires is expressed in mass units.

## **§ 70**

### **Obligations of producers of pneumatic tyres**

In accordance with the obligations referred to in § 27(4), producers of pneumatic tyres shall ensure

- a) management of waste pneumatic tyres collected in a given calendar year in the Slovak Republic to the extent of their market share for that calendar year,
- b) take-back of waste pneumatic tyres through the distributor of pneumatic tyres,

- c) taking over of waste pneumatic tyres collected in the context of the take-back of waste pneumatic tyres
- d) handing over of waste pneumatic tyres taken over under c), preferably to a facility for material recovery of waste pneumatic tyres which complies with the conditions under this Act; if this is not possible, hand them over to a facility for energy recovery of waste pneumatic tyres which complies with the conditions under this Act; this shall be without prejudice to e),
- e) that the percentage of waste pneumatic tyres that undergo material or energy recovery in the total quantity of waste pneumatic tyres taken over in accordance with c) is at least equal to the percentages specified in the programme of the Slovak Republic in force; if no programme has been approved for the relevant period, the percentage specified in the preceding programme of the Slovak Republic shall apply until a new programme is approved.

## **§ 71**

### **Obligations of distributors of pneumatic tyres**

(1) Distributors of pneumatic tyres shall

- a) provide for take-back of waste pneumatic tyres at their points of sale, irrespective of their make and date of placement of the pneumatic tyres on the market, throughout their opening hours,
- b) inform end-users of waste pneumatic tyres about the possibility of free take-back on their website, if it exists, and in a place visible to and accessible by the public at the time of sale of pneumatic tyres,
- c) provide for take-back of waste pneumatic tyres at least at one location in each district, if they distribute pneumatic tyres to end-users exclusively on the basis of mail order, including electronic sale,
- d) agree with the end-user an alternative date and method of taking over waste pneumatic tyres, if the quantity of waste pneumatic tyres being handed over by the end-user exceeds their storage capacity,
- e) hand over the waste pneumatic tyres taken over in accordance with § 70c) to a facility for the recovery of waste pneumatic tyres or a facility for the disposal of waste pneumatic tyres,
- f) as of the last day of each calendar quarter, report to the coordination centre for the waste stream of tyres, if established, otherwise to the Ministry, the quantity of waste pneumatic tyres collected.

(2) If a distributor of pneumatic tyres supplies directly to end-users pneumatic tyres that come from producers of pneumatic tyres not entered in the Register of Producers for the Specified Products, the obligations of a producer of pneumatic tyres under this Act in relation to these pneumatic tyres and waste therefrom shall be transferred to the distributor.

(3) The permit under § 97 and registration under § 98 are not required in order for a distributor of pneumatic tyres to provide take-back of waste pneumatic tyres.

## **§ 72**

### **Obligations of other persons**

The end-user of a pneumatic tyre shall, after it has become a waste pneumatic tyre, hand it over to a distributor of pneumatic tyres, except waste pneumatic tyres fitted to an end-of-life vehicle which is being handed over to a person authorised to collect end-of-life vehicles.

## **Subpart Seven**

### **Non-packaging products and waste therefrom**

#### **§ 73**

#### **Basic provisions**

(1) This subpart shall apply to non-packaging products referred to in paragraph 3, which are being placed on the market in the Slovak Republic, and to the management of waste therefrom, which will form part of municipal waste.

(2) Unless provided otherwise in this subpart, the general provisions of this Act shall apply to non-packaging products referred to in paragraph 3 and to the waste therefrom.

(3) Non-packaging product for the purpose of this Act is product [§ 105(3)i)] which is not a packaging or not intended to be used for packaging, and belongs to one of the following groups of products and waste from which will become a part of municipal waste,

- a) articles of plastics consisting of polyethylene terephthalate, except raw materials, preforms and fibres intended for industrial use, and articles of plastics consisting of polyethylene, polypropylene, polystyrene, polyvinyl chloride or polyamide except raw materials, fibres and products intended for industrial use,
- b) paper and paperboard, imported articles of paper and paperboard, including printing products, except
  1. hygienic and sanitary paper,
  2. articles of paper used for hygiene and sanitary purposes,
  3. cigarette paper,
  4. carbon copy paper,
  5. filter paper,
  6. paper and paperboard for the production of tarred or asphalted paper,
  7. fiscal stamps,
- c) glass, including sheet window glass,
- d) multilayer combined paperboard-based materials.

(4) Producer of non-packaging products means a person who, in the context of his or her commercial activity, irrespective of the selling technique used, including sales on the basis of distance contracts, places on the market non-packaging products.

(5) For the purposes of this subpart, placing a non-packaging products on the market means the first transfer of a non-packaging product, for payment or free of charge, from the stage of production, cross-border transport from another Member State to the Slovak Republic or import from other than Member state to the stage of distribution, consumption or use on the market in the Slovak Republic in the context of commercial activity.

(6) For the purposes of this subpart, industrial use of raw materials, preforms, fibres or products means their fixed incorporation into another product of a different nature, thus becoming an integral part of the product, or their incorporation into design or use as components or parts intended for the installation or assembly of other products.

(7) Collection share, for a given calendar year, for waste from non-packaging products which is part of municipal waste means the product of the total quantity of waste from non-packaging products collected from municipal waste in the Slovak Republic in the preceding calendar year and the market share of the producer of non-packaging products for the preceding calendar year.

(8) Material flow of waste from non-packaging products means the movement of waste from non-packaging products from the point of origin to the first waste recovery installation through one of the operations R1 through R11 referred to in Annex 1 or to the first other installation within the territory of another state, in which is ensured that the result of waste recovery will be equal to the result of waste recovery through one of the operations R1 through R11 referred to in Annex 1.

(9) Distributor of non-packaging products means a sole trader or a legal person with place of business or registered office within the territory of the Slovak Republic who supplies, in the context of his or her commercial activity, non-packaging products to the end-user.

(10) If a distributor of non-packaging products supplies directly to end-users non-packaging products that come from producers of non-packaging products not entered in the Register of Producers for the Specified Product, the obligations of a producer of non-packaging products in relation to these non-packaging products and the waste therefrom shall be transferred to the distributor.

(11) For the purpose of fulfilling obligations under paragraph 10, the producer of non-packaging products shall upon written request provide information according to § 27(4) h) to the distributor that ensures in producer's name that the obligations under paragraph 10 are fulfilled.

(12) For the purposes of this Act, multilayer combined materials shall be materials made up of at least two compactly bonded layers and intended for the handling and transport of goods.

## **§ 74**

### **Obligations of producers of non-packaging products**

(1) In accordance with the obligations referred to in § 27(4), producers of non-packaging products shall ensure the collection, transport, recovery, recycling and disposal of waste from non-packaging products that they have placed on the market and are part of separately collected components of municipal waste, to the full extent, at least to the level of their collection share.

(2) Unless a producer of non-packaging products can demonstrate that the non-packaging products that he or she has placed on the market will not form part of municipal waste after consumption, this waste shall be considered as part of municipal waste.

(3) Producers of non-packaging products may only perform the specified obligations laid down in this Act collectively, on the basis of a contract entered into with the responsible producing organization in charge of the collective packaging waste management system.

## **§ 75**

### **Collection and recovery of waste from non-packaging products**

(1) The place of origin and the quantity of waste from non-packaging products shall be reported, for the purposes of demonstrating the collection thereof, directly by the original producer of the waste or the municipality; the quantities reported by municipalities and persons performing waste purchasing as the quantities collected in a municipality shall be used for the purposes of demonstrating the fulfilment of the collection share.

(2) For the purposes of performing the obligations under § 74(1), collection, recovery and recycling shall be demonstrated using evidence of the material flow of waste from non-packaging products; the quantity of collected waste from non-packaging products may be included in the material flow of waste from non-packaging products only in the year of recovery or recycling thereof. For the purposes of performing the obligations under § 74(1), serve solely the quantities declared by the municipality as the quantities collected within the municipality and quantities of municipal waste about which was received a notification according to § 16(4); the quantity of collected waste from non-packaging products may be included in the material flow of waste from non-packaging products only in the year of their collection.

(3) The quantity of waste from non-packaging products taken over by a waste recovery installation shall be considered as the quantity of recovered waste from non-packaging products for the purposes of performing the obligations under paragraph 3 as long as the operational and technical measures in this installation ensure that the quantity of sorted waste from non-packaging products is passed to the process of recovery or recycling without significant losses.

## **PART FIVE**

### **SPECIFIC WASTE STREAMS**

## **§ 76**

### **Management of waste oils**

(1) For the purposes of this Act, waste oils mean any mineral lubricating oils, synthetic lubricating oils or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine lubrication oils, gearbox oils, lubricating oils, oils for turbines and hydraulic oils.

(2) Regeneration of waste oils means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils.

(3) Processor of waste oils means an undertaking that has been granted authorisation for the recovery or disposal of waste oils.

- (4) It shall be prohibited to
- a) mix
    1. waste oils with other kinds of waste,
    2. different kinds of waste oil with each other if this prevents further processing of waste oils,
    3. waste oils with other substance,
  - b) discharge of waste oils and processing residues thereof into surface waters, ground waters and drainage systems,
  - c) deposition or discharge of waste oils and processing residues thereof into the soil,
  - d) incineration of waste oils in installations other than waste incineration plants or waste co-incineration plants.<sup>97)</sup>

(5) The prohibition of mixing under Point 2 of paragraph 4a) shall not apply if this does not prevent further processing of waste oils.

(6) Waste oils may only be collected, transported, recovered and disposed of separately from other types of waste.

(7) Holders of waste oils shall preferably ensure their recovery by means of regeneration, if the technical, economic and organizational conditions so allow. If regeneration is not possible, the holder of waste oils shall ensure their energy recovery. If recovery is not possible, the holder of waste oils shall ensure the disposal thereof.

(8) Holders of waste oil shall ensure the management thereof in accordance with paragraph 7 through a processor of waste oils.

- (9) Producers of waste oils shall hand over waste oils to
- a) a collection yard or, in the case of municipal waste, at a location designated by the municipality,
  - b) a person authorised to collect waste oils, or
  - c) a processor of waste oils.

(10) Waste oils may be handed over for recovery in another Member State of the European Union or a state other than a Member State of the European Union, only if the person providing for cross-border transport or export<sup>57)</sup> thereof demonstrates that the transport or export of the waste complies with a specific regulation<sup>58</sup> and a written document exists confirming that the recovery and recycling thereof will take place under conditions equivalent to those under this Act. Such a handover shall be considered as recovery and recycling in accordance with this Act.

## § 77

### **Management of construction and demolition waste**

(1) Construction and demolition waste means waste generated as a result of construction work,<sup>98)</sup> safeguarding work,<sup>99)</sup> as well as work carried out in the context of maintenance of

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<sup>97)</sup> § 2i) of Act No 137/2010 Coll.

<sup>98)</sup> § 43g of Act No 50/1976.

<sup>99)</sup> § 94 of Act No 50/1976, as amended.

buildings and structures<sup>100)</sup>, modification of buildings and structures,<sup>101)</sup> or removal of buildings and structures<sup>102)</sup> (hereinafter “construction and demolition work”).

(2) In the case of waste generated in the course of servicing, cleaning or maintenance work and construction and demolition work carried out at the location of the registered office or place of business of a legal person or a sole trader or their organizational unit or other site of operation, the legal person or sole trader for whom the work is ultimately being carried out shall be considered the waste producer; if similar work is being carried out for natural persons, the person carrying out the work shall be considered the waste producer. The waste producer shall be responsible for the management of the waste in compliance with this Act and shall perform the obligations under § 14.

(3) The person who was granted the building permit for the construction, maintenance, refurbishment or demolition of a road shall be responsible for management in compliance with this Act of waste resulting from the construction, maintenance, refurbishment or demolition of the road and this person shall also perform the obligations under § 14; the provisions of paragraph 2 shall not apply.

(4) The person referred to in paragraph 3 shall ensure material recovery of the construction waste resulting from this activity and the waste from demolition in the construction, refurbishment or maintenance of roads.

## **§ 78**

### **Management of waste from titanium dioxide industry**

(1) Disposal of waste from the titanium dioxide industry means the following disposal operations referred to in Annex 2

- a) storage pending any of the operations D1 through D14 according to item D15,
- b) operation D1,
- c) operation D3; disposal of waste from the titanium dioxide industry shall also mean the collection, including sorting, and transport and treatment thereof, including treatment necessary for reuse, recovery and recycling.

(2) Environmental pollution by waste from the titanium dioxide industry means the direct or indirect discharge of residues from the process of production of titanium dioxide to the environment, the consequences of which present a hazard to human health and cause damage to nature, the natural environment and ecosystems, specially protected natural and landscape areas, or prevent the use of the environment or its compartments in accordance with specific regulations.<sup>103)</sup>

(3) It shall be prohibited to dispose of by discharging or dumping into any receiving body of water, sea or ocean:

- a) solid waste,

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<sup>100)</sup> § 86 Act No 50/1976, as amended by Act No 237/2000 Coll.

<sup>101)</sup> For example § 87 Act No 50/1976, as amended by Act No 237/2000 Coll.

<sup>102)</sup> § 88 through 93 of Act No 50/1976, as amended.

<sup>103)</sup> For example Act No 543/2002 Coll., Act No 364/2004 Coll., Act No 355/2007 Coll., Act No 137/2010 Coll.



- b) the mother liquors arising from the filtration phase following hydrolysis of the  $\text{TiOSO}_4$  solution from installations applying the sulfate process; including the acid waste associated with such liquors, containing overall more than 0.5 % free sulphuric acid and various heavy metals and including such mother liquors which have been diluted until they contain 0.5 % or less free sulphuric acid,
- c) waste from installations applying the chloride process containing more than 0.5 % free hydrochloric acid and various heavy metals, including such waste which has been diluted until it contains 0.5 % or less free hydrochloric acid,
- d) filtration salts, sludge and liquid waste arising from the treatment (concentration or neutralisation) of the waste referred to under points b) and c) and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5.5.

(4) Anyone who carries out the disposal of waste from the titanium dioxide industry shall follow specific regulations<sup>104)</sup> concerning human health and environmental protection so that he or she does not endanger any of the environmental compartments or deleteriously affect beauty-spots or the countryside and, in particular, shall

- a) comply with the applicable acute toxicity limits,
- b) conduct periodic monitoring of this waste and the environment into which the waste is discharged, deposited or deep injected, and
- c) in their activities, proceed without breaching the conditions of the permit [§ 97(8)c)]

(5) Operators of installations in which titanium dioxide is produced shall follow specific regulations<sup>104)</sup> concerning human health and environmental protection so that they do not endanger any of the environmental compartments or deleteriously affect beauty-spots or the countryside and, in particular, shall

- a) prevent the emission of acid droplets from installations,
- b) in relation to emissions from the installation into the air and water, fulfil, in accordance with specific regulations<sup>105)</sup> the monitoring obligations and the obligation to comply with emission limits,
- c) ensure that the installation conforms to the requirements of best available techniques and, in the production, use materials that are least harmful to the environment and do not cause environmental pollution by waste from the titanium dioxide industry.

(6) When disposing of waste from the titanium dioxide industry using operation D15, by depositing it in a landfill using operation D1 or using operation D3 referred to in Annex 2, the waste management administrative authority or a person appointed by the authority shall conduct periodic monitoring of this waste, as well as the environment into which the waste is discharged, deposited or injected; the provisions under § 112(3) and (4) are not affected by this.

## § 79

### Management of polychlorinated biphenyls

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<sup>104)</sup> Act No 355/2007 Coll., Act No 137/2010 Coll., Point 7.7 of Part B of Annex 6 to Government Regulation No 398/2012 amending and supplementing Government Regulation No 269/2010 Coll. laying down the requirements for achieving the good water status

<sup>105)</sup> For example Act No 364/2004 Coll., Act No 137/2010 Coll.

(1) Polychlorinated biphenyls mean polychlorinated biphenyls, polychlorinated terphenyls, monomethyl-tetrachloro-diphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromo-diphenyl methane, or any of the above substances in a concentration greater than 0.005 per cent by weight.

(2) Unless provided otherwise in this paragraph, the general provisions of this Act shall apply to the management of used polychlorinated biphenyls, equipment containing polychlorinated biphenyls and small equipment containing polychlorinated biphenyls in the volume lower than 5 dm<sup>3</sup> (hereinafter “small equipment containing polychlorinated biphenyls”).

(3) For the purposes of this Act, decontamination means an operation or a set of operations which enable equipment, objects, materials or fluids contaminated by polychlorinated biphenyls to be reused, recycled or disposed of under safe conditions, including operations in which polychlorinated biphenyls are replaced by suitable fluids not containing polychlorinated biphenyls.

(4) Equipment containing polychlorinated biphenyls means equipment containing polychlorinated biphenyls or having contained polychlorinated biphenyls, which has not been decontaminated, in particular transformers, capacitors, receptacles containing residual stocks; equipment of a type which may contain polychlorinated biphenyls shall be treated as if it contains polychlorinated biphenyls unless it is reasonable to assume the contrary.

(5) Used polychlorinated biphenyls mean polychlorinated biphenyls which are waste.

(6) Holder of polychlorinated biphenyls means a person who is in possession of polychlorinated biphenyls, used polychlorinated biphenyls or equipment referred to in paragraph 4.

(7) Disposal of polychlorinated biphenyls means the disposal of used polychlorinated biphenyls and equipment containing polychlorinated biphenyls using operations D8, D9, D10 and D15 referred to in Annex 2. Equipment containing polychlorinated biphenyls which cannot be decontaminated may also be disposed of using operation D12 referred to in Annex 2, if this operation is carried out in safe, deep, underground storage in dry rock formations.

(8) Holders of equipment with a volume of polychlorinated biphenyls greater than 5 dm<sup>3</sup> shall

- a) notify the Ministry of possession of this equipment within one month of the date of acquisition thereof and of any changes in the volume and concentration of polychlorinated biphenyls within 10 days of the date of becoming aware of them,
- b) label such equipment and the doors of premises where such equipment is located.

(9) In the case of power capacitors, the threshold of 5 dm<sup>3</sup> shall mean the sum of all the separate elements of a combined set.

(10) Holders of equipment referred to in paragraph 8 in respect of which it is reasonable to assume that the fluids contain between 0.005 and 0.05 per cent by weight of polychlorinated biphenyls, shall

- a) notify the Ministry of possession of this equipment within one month of the date of acquisition thereof and of any changes in the volume and concentration of polychlorinated biphenyls within 10 days of the date of becoming aware of them,
- b) label such equipment,
- c) dispose of such equipment in accordance with paragraph 7 or decontaminate it.

(11) On the basis of the notifications under paragraphs 8 and 10, the Ministry shall maintain and continuously update an inventory of equipment containing polychlorinated biphenyls. In addition to the reported data, the inventory of equipment containing polychlorinated biphenyls shall also contain the date of receipt of the notification.

(12) Within one month of the date of receipt of the notification under paragraph 8 or 10, the Ministry shall send to the holder of equipment containing polychlorinated biphenyls a certificate of inclusion in the inventory referred to in paragraph 11; if the equipment containing polychlorinated biphenyls forms part of the transmission system,<sup>106)</sup> a copy of the certificate shall also be sent to the Slovak Trade Inspection.

(13) Polychlorinated biphenyls and equipment containing polychlorinated biphenyls shall be decontaminated or disposed of and used polychlorinated biphenyls shall be disposed of as soon as possible.

(14) Holders of equipment containing polychlorinated biphenyls referred to in paragraph 8 who did not ensure the decontamination or disposal thereof by 31 December 2010 shall do so immediately and exclusively in a facility that has been granted a permit for this activity under § 97(1) k) or l), unless the decontamination or disposal is carried out in a facility authorised for such an activity and located in a Member States of the European Union; this obligation shall also apply to anyone who became a holder of such equipment after the date above.

(15) Until handed over to a waste disposal installation, polychlorinated biphenyls, used polychlorinated biphenyls and equipment containing polychlorinated biphenyls shall be managed so as to avoid risk of fire, in particular they shall be kept away from flammable products.

(16) It shall be prohibited to recover equipment containing or suspected of containing small equipment containing polychlorinated biphenyls.

(17) Small equipment containing polychlorinated biphenyls may only be disposed using operation D10 referred to in Annex 2.

(18) The disposal of used polychlorinated biphenyls or equipment containing polychlorinated biphenyls through incineration shall be subject to a specific regulation.<sup>107)</sup> Other methods of disposal may be used only if they achieve a standard of environmental protection that is at least equal to that of incineration and if the technology used correspond to the standard of best available techniques.

(19) Until such time as they are decontaminated, taken out of service or disposed of in

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<sup>106)</sup> The third point of § 2b) of Act No 251/2012 on energy and on amendments to certain acts, as amended.

<sup>107)</sup> Act No 137/2010.

accordance with this Act, the maintenance of transformers containing polychlorinated biphenyls may be carried out only if it is ensured that the transformers are in good working order and do not leak and if the objective of maintenance is to ensure that the polychlorinated biphenyls they contain comply with Slovak technical standards and specifications regarding dielectric quality.

(20) If the equipment referred to in paragraph 16 forms part of another piece of equipment, which is the main equipment, it may be used until the main equipment is taken out of service. After the main equipment has been taken out of service, at the time of decommissioning, recycling or disposal thereof, the holder of the main equipment shall, in relation to equipment containing polychlorinated biphenyls, ensure that it is removed from the main equipment and collected and disposed of separately using operation D10 in Annex 2 or handed over as waste to a person who is authorised to manage such waste.

(21) Transformers containing more than 0.05 per cent by weight of polychlorinated biphenyls may be decontaminated if

- a) the objective of the decontamination is to reduce the concentration of polychlorinated biphenyls to less than 0.05 per cent by weight and, if possible, to no more than 0.005 per cent by weight,
- b) the replacement fluid does not contain polychlorinated biphenyls and entails markedly lesser risks,
- c) the replacement of the fluid does not compromise the subsequent disposal of the polychlorinated biphenyls,
- d) it is ensured that, immediately after its decontamination, the original labelling of the content of polychlorinated biphenyls on the transformer will be replaced by the labelling specified in the implementing regulation.

(22) Transformers the fluids in which contain between 0.005 and 0.05 per cent by weight of polychlorinated biphenyls may only be decontaminated in accordance with the conditions under paragraph 21b) through d); if not decontaminated, the holder of these transformers shall ensure that they are disposed of at the end of their useful lives using the procedure under paragraph 7.

(23) Holders of polychlorinated biphenyls shall enable the waste management administrative authority or a person appointed by the Ministry to carry out monitoring of the quantity of polychlorinated biphenyls reported to the Ministry under paragraph 8 or 10; the provisions under § 112(4) is not affected by this.

(24) It shall be prohibited to

- a) separate polychlorinated biphenyls or used polychlorinated biphenyls from other substances or waste for the purposes of reusing them,
- b) top up transformers with polychlorinated biphenyls,
- c) incinerate polychlorinated biphenyls or used polychlorinated biphenyls on ships.

## **PART SIX MUNICIPAL WASTE**

### **§ 80 Basic provisions**

(1) Municipal waste is household waste generated in the territory of a municipality during the activities of natural persons and waste of similar nature and composition originating from legal persons or sole traders, with the exception of waste generated during the immediate performance of activities which constitute the subject of business or activity of the legal person or sole trader, household waste is deemed to be waste from property serving for the individual recreation of natural persons, such as gardens, cabins or cottages or serving for the parking or storage of vehicles used for household purposes, especially garages, garage spaces and parking spaces. Municipal waste also includes all waste generated in a municipality during the cleaning of public roads and places which are in the property or in administration of the municipality, as well as for the care of public greenery, including parks and cemeteries which are in the property or in administration of the municipality, and other greenery on the properties of natural persons.

(2) A component of municipal waste is a part of it which can be mechanically separated and classified as an individual type of waste. A component of municipal waste is deemed to be sorted if it does not contain other components of municipal waste or other impurities which may be classified as individual types of waste.

(3) Sorted collection of municipal waste is an activity in which components of municipal waste are collected separately.

(4) Mixed municipal waste is unsorted municipal waste or municipal waste after the components of municipal waste have been sorted out.

(5) Minor construction waste is waste from ordinary maintenance work conducted by or for a natural person for which a local fee for municipal waste and minor construction waste is paid.<sup>108)</sup>

(6) A collection yard is a facility for collecting municipal waste and minor construction waste established by municipality or association of municipalities and is operated by a municipality, association of municipalities or person who has concluded a contract for this activity with a municipality or association of municipalities; approval of the competent waste management administrative authority is required for operation of a collection yard. At a collection yard, natural persons can get rid of minor construction waste, bulky waste and separately collected components of municipal waste within the scope of sorted collection specified in the generally binding regulations of the municipality.

(7) Calendar collection is the collection of separately collected components of municipal waste at a specific time defined by the municipality in the generally binding regulations. This method of collection relies on the arrival of a vehicle or collection containers at a specific time on one day, in which the municipality informs the residents of the collection ahead of time in a method which is usual at the location in question.

(8) Large-volume collection is the collection of mixed municipal waste and minor construction waste in which the originator of the waste pays a monthly fee for municipal waste and minor construction waste which is defined by separate legislation<sup>108)</sup> at an amount

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<sup>108)</sup> Act No 582/2004 Coll. on local taxes and on local fees for municipal waste and minor construction waste, as amended.

which is directly proportional to the quantity of the waste produced by the originator of the waste during a given time; this is not affected by the provisions of § 81(12).

## **§ 81**

### **Management of municipal waste and minor construction waste**

(1) Unless this Act determines otherwise, the municipality is responsible for the management of municipal waste and minor construction waste generated in the territory of the municipality.

(2) According to the Waste Catalogue, municipal waste, including separately collected components of municipal waste, is allocated to Group 20.

(3) The initial originator of the waste shall bear the costs for collection containers for mixed municipal waste. The municipality defines the amount of these costs and their inclusion in the local fee for the municipal waste and minor construction waste or defines other methods of paying said fees in its generally binding regulations.

(4) The costs of providing collection containers for the separate collection of components of municipal waste in cases in which the extended responsibility of the producers is applied shall be borne by the producer of the specified product, the applicable organization responsible for the producers or the third person.

(5) The costs of providing collection containers for the separate collection of components of municipal waste in cases in which the extended responsibility of the producers is not applied shall be borne by the municipality and may be included in the local fee for municipal waste and minor construction waste.

(6) It is prohibited to:

- a) deposit other than mixed municipal waste in collection containers which the municipality has defined for the collection of mixed municipal waste, and to deposit a component of municipal waste which the container in question is not intended for into collection containers intended for the separate collection of municipal waste,
- b) deposit separately collected components of municipal waste covered by producers' extended responsibility and sorted biodegradable municipal waste into landfills, with the exception of waste which cannot be recovered after final sorting,
- c) conduct collection of separately collected components of municipal waste belonging to a specified waste stream without allocation to waste collection by a person who does not meet the requirements pursuant to this Act.

(7) In addition to the obligations pursuant to § 11(1) and § 14(1), the municipality is obliged to:

- a) provide for the collection and transport of mixed municipal waste generated within its territory for purposes of recovery or disposal in accordance with this Act, including the provision of collection containers suitable for the system of collecting mixed municipal waste in the municipality,
- b) ensure the implementation and performance of separate collection of

1. biodegradable kitchen waste, as well as waste whose originator is a sole trader or legal person operating a public dining establishment<sup>109)</sup> (hereinafter “kitchen operator”) (§ 83(1)],
  2. edible oils and fats from the household and
  3. biodegradable waste from gardens and parks, including waste from cemeteries,
- c) ensure the implementation and performance of separate collection of municipal waste for paper, plastic, metal and glass in accordance with the requirements established for the separate collection of municipal waste,
  - d) enable producers of WEEE and producers of portable batteries and accumulators, competent third parties or competent responsible producing organizations to conduct the following at their own expense:
    1. introduce and operate on their territory a system for the separate collection of household WEEE and used portable batteries and accumulators.
    2. use existing equipment for collecting municipal waste to the extent necessary for this purpose,
  - e) enable producer responsibility organization for packaging to conduct at their own cost the collection of separated components of municipal waste which are covered by the producer’s extended responsibility based on a contract with the organization; the provisions of paragraph 22 are not affected by this,
  - f) provide information pursuant to § 28(5)(d)(2) at the request of the producer responsibility organization,
  - g) ensure the collection and transport of bulky waste and separately collected components of municipal household waste containing pollutants for the purpose of recovering or destroying them as needed, albeit not less than two times per year; this does not apply to municipalities which have fewer than 5 000 residents and a collection yard established on their territory.
  - h) publish on its website a detailed, generally understandable description of the entire municipal waste management system, including separate collection in the municipality.

(8) Municipalities shall lay down details on the following in its generally binding legislation in accordance with the waste management hierarchy:

- a) management of mixed municipal waste and minor construction waste,
- b) method of collecting and transporting municipal waste,
- c) management of biodegradable municipal waste,
- d) management of biodegradable kitchen and restaurant waste from kitchen operators,
- e) method and conditions of separate collection of municipal waste, in particular the collection of:
  1. household WEEE,
  2. packaging waste and waste from unpackaged products collected together with packaging,
  3. spent portable batteries and accumulators,
  4. veterinary and human medicines not consumed by natural persons, as well as medical devices,
  5. edible oils and fats,
- f) the method of collecting bulky waste and household waste containing pollutants,
- g) the method of reporting illegally deposited waste,

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<sup>109)</sup> § 2(4)(i) of Act No 377/2004 on the protection of non-smokers and amendments to certain other acts, as amended,

- h) operation of a collection yard,
- i) the method of collecting minor construction waste,
- j) reasons not to introduce separate collection in accordance with paragraph 21 for biodegradable kitchen waste.

(9) Producers of municipal waste are obliged to:

- a) manage or otherwise handle said waste in accordance with the generally binding regulations of the municipality,
- b) connect to the municipal waste collection system in the municipality,
- c) use collection containers suitable for the municipal waste collection system in the municipality,
- d) store mixed municipal waste, separately collected components of municipal waste and minor construction work for the purposes of collecting it at the location determined by the municipality and in collection containers suitable for the system for collecting municipal waste in the municipality.

(10) The costs for waste management activities with mixed municipal waste and biodegradable municipal waste, costs of separate collection of components of municipal waste which producers' extended responsibility does not apply to, and costs incurred by inconsistent classification of separately collected components of municipal waste which producers' extended responsibility applies to and costs exceeding the sum of the usual expenses pursuant to § 59(8) shall be compensated for by the municipality from the local fee for municipal waste and minor construction waste pursuant to separate legislation.<sup>108)</sup>

(11) The costs of separate collection of separately collected components of municipal waste belonging to a specified waste stream, including collection and sorting of said components at the collection yard, are to be borne by the producer of specified products, third party or responsible producing organization which is responsible for the management of the specified waste stream in the municipality in question.

(12) When the municipality is establishing the amount of the local fee for municipal waste and minor construction waste<sup>108)</sup> it is based on the actual costs to the municipality for the management of municipal waste and minor construction waste, including the costs specified in paragraph 10. The municipality may not include the costs specified in paragraph 11 in the local fee. The municipality is to use the revenue from the local fee for municipal waste and minor construction waste exclusively for collecting, transporting, recovering and disposing of municipal waste and minor collection waste.

(13) In the territory of the municipality, collection, including mobile collection, and transport of municipal waste, with the exception of biodegradable kitchen and restaurant waste from kitchen operators, may be performed by the municipality itself or by an entity which has concluded a contract for performing this activity with the municipality; this does not apply to distributors conducting take-back and collection of spent batteries and accumulators by way of a collection point. In the case of waste collection from packaging and non-packaging products, only the person who has concluded, in addition to the contract under the first sentence, a contract under § 59(4) with the producer responsibility organization with whom the municipality has a contract according to § 59(2).

(14) The contract between the municipality and the entity conducting the separate collection



of municipal waste for the components paper, plastic, metal and glass must, in addition to general requirements, also cover the method and conditions of providing compensation rendered by the municipality in accordance with § 59(8).

(15) In the contract pursuant to paragraph 13, the municipality shall define in detail the method and conditions of collecting and transporting the waste specified in paragraph 13 so as to comply with the municipal plan in effect and with the municipality's generally binding regulations pursuant to paragraph 8. The contract is to be concluded for a defined period of time, albeit not more than 5 years, or an indefinite period of time with a term of cancellation usually 12 months.

(16) The municipality is entitled to request the information necessary for fulfilling the obligations pursuant to § 14(1)(f) and (g) from a kitchen operator, municipal waste holder and holder of minor construction waste, or from persons managing municipal waste or minor construction waste in the territory of the municipality.

(17) A kitchen operator, municipal waste holder and holder of minor construction waste, or person managing municipal waste or minor construction waste in the territory of the municipality is obliged to provide truthful and complete information related to the management of municipal waste and minor construction waste at the municipality's request.

(18) If the municipality introduces large-volume collection of mixed municipal waste for all municipal waste producers or for certain categories of municipal waste producers in its territory or part thereof, it shall be required to enable municipal waste producers affected by this collection to:

- a) individually determine the interval of transferring the municipal waste from the location determined by the municipality pursuant to paragraph 9(d); in the case of municipal waste other than biodegradable waste, this interval may also be longer than 14 days, or
- b) select the size of the collection container from at least three options, which are determined by the municipality in the generally binding regulations pursuant to paragraph 8; in the case of municipal waste producers who are co-owners of real estate properties, or in cases of residential buildings, the size of the collection container may only be selected upon agreement with all producers; if an agreement cannot be reached, then the municipality shall decide.

(19) A municipality which has not introduced the large-volume collection of mixed municipal waste in its territory shall be obliged upon application to introduce large-volume collection for a legal person or sole trader which demonstrates that:

- a) the volume of municipal waste it produces can be measured precisely,
- b) the municipal waste is suitably secured to prevent loss, theft or other undesired removal until said waste is presented.

(20) The municipality is obliged to introduce large-volume collection for minor construction waste.

(21) The obligation to introduce and provide for separate collection of municipal waste for biodegradable kitchen waste does not apply to municipalities which:

- a) provide for energy recovery from said waste in waste recovery installations via operation R1 specified in Annex 1 demonstrates that at least 50 % of the residents compost their own waste,
- b) demonstrates that technical problems preclude waste collection, particularly in historical centres of cities and sparsely populated areas; this exception applies only to the part of the municipality in question,
- c) demonstrates that it is not economically feasible because the costs of managing said biodegradable kitchen waste cannot be covered, even if the local fee is set at 50 % of the maximum rate for the local fee set by law.

(22) The municipality may only conclude a contract for waste collection from packaging and waste from non-packaged products collected together with packaging waste with a single responsible producing organization for packaging for a period of at least one calendar year.

(23) If the person who perform separate collection of waste form packaging and non-packaging products in the municipality does not conclude a contract according to § 59(4) within 45 days from the contract between the municipality and the producer responsibility organization for packaging under § 59(2) entering into force, despite of the fact that financing of the separate collection of municipal waste is ensured, the municipality is is entitled to terminate the contract under paragraph 13 or part thereof, under which separate collection is secured within its territory; the notice period is 45 days starting from the day following receipt of the notice.

(24) The municipality is obliged to enable persons conducting the collection, transport, recovery and disposal of biodegradable kitchen and restaurant waste for kitchen operators to conduct the following at own expense and in accordance with the applicable generally binding regulations of the municipality:

- a) introduce and operate a system for the separate collection of biodegradable kitchen and restaurant waste in its territory,
- b) use existing installations for collecting municipal waste to the extent needed for this purpose.

## **§ 82 Collection yard**

(1) A natural person may present separately collected components of municipal waste free of charge at a collection yard:

- a) which is located within the municipality in which it pays the fee,
- b) whose operation is provided for by an association of municipalities which the municipality in which it pays the fee is a member of.

(2) The presentation of separately collected components of municipal waste at a collection yard by a person other than the persons specified in paragraph 1 may be remunerated.

(3) In addition to the obligations pursuant to § 14, an operator of a collection yard is obliged to:

- a) keep records of the municipal waste presented at a collection yard and notify the municipality in which district the collection yard is located or association of municipalities data from the records and store the notified data,

- b) inform the competent municipality of components and the quantities of municipal waste which it has assumed from the municipality's residents at the collection yard,
- c) define an area for municipal waste suitable for preparing for reuse,
- d) assume from persons specified in Sections 1 and 2 minor construction waste, bulky waste and separately collected components of municipal waste within the scope of separate collection specified in the generally binding regulations of the municipality.

### **§ 83**

#### **Kitchen operator**

(1) A kitchen operator is responsible for the management of biodegradable kitchen waste and restaurant waste which he produces.

(2) In addition to the obligations pursuant to § 14 and § 81(9) and (16), a kitchen operator is obliged to implement and ensure the performance of separate collection for biodegradable kitchen and restaurant waste which it is the originator of.

(3) Operators are prohibited from:

- a) depositing biodegradable kitchen and restaurant waste which it is the originator of into containers which the municipality designates for the collection of municipal waste,
- b) using a disposal unit for biodegradable kitchen and restaurant waste which is connected to the public sewage system; this prohibition does not apply if the owner of the public sewage system which said waste is being discharged into consents to the use of said disposal unit and said disposal unit is covered in a contract on the discharge of waste water pursuant to separate legislation,<sup>110)</sup>
- c) disposing of used edible oils and fats by discharging them into the sewage system.

## **PART SEVEN**

### **TRANSBOUNDARY MOVEMENT OF WASTE**

#### **§ 84**

##### **Basic provisions**

(1) Transboundary movement of waste from another Member State to the Slovak Republic, transboundary waste transport from the Slovak Republic to another Member State, the importation of waste from a non-Member State to the Slovak Republic, the exportation of waste from the Slovak Republic to a non-Member State and the transit of waste (hereinafter "transboundary waste movement") are governed by separate legislation.<sup>58)</sup>

(2) The Ministry is the competent body<sup>111)</sup> for transboundary movement of waste on the territory of the Slovak Republic. The Ministry simultaneously fulfils the function of correspondent.<sup>112)</sup>

(3) Transboundary movement of waste from another Member State to the Slovak Republic and importation of waste from a non-Member State to the Slovak Republic for the purpose of

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<sup>110)</sup> Act No 442/2002 on public waterways and public sewer systems

<sup>111)</sup> Article 53 of Regulation (EC) No 1013/2006 as amended.

<sup>112)</sup> Article 54 of Regulation (EC) No 1013/2006 as amended.

destroying it is prohibited, unless otherwise determined by an international treaty to which the Slovak Republic is party.

(4) Waste generated in the Slovak Republic is preferably to be destroyed in the Slovak Republic.

(5) It is prohibited to:

- a) arrange or otherwise participate in transboundary movement of waste which is contrary to the provisions of this part of the Act,
- b) transport waste or haul waste in transit on the territory of the Slovak Republic or from the territory of the Slovak Republic contrary to the provisions of this part of the Act.

## **§ 85 Notification**

(1) The notifier<sup>113)</sup> shall give notification of transboundary movement of waste in accordance with separate legislation.<sup>114)</sup>

(2) The notification of a transboundary movement of waste, including supplementary information and supplementary documentation,<sup>115)</sup> shall be submitted to the Ministry in the Slovak language or with an officially verified translation into Slovak. The document on the notification of transboundary waste movement/transport and the document on movement for transboundary waste movements/transports pursuant to separate legislation<sup>116)</sup> may be submitted in a language other than Slovak for the purpose of notifying of transboundary transport of waste from another Member State to the Slovak Republic, importation of waste from a non-Member State to the Slovak Republic and the transit of waste.

(3) If the notifier does not complete his/her notification on the transboundary waste movement within 60 days as of the date of receiving the request to complete the notification, the Ministry may return the notification to the notifier.

## **§ 86 Objections**

(1) The Ministry may raise objections<sup>117)</sup> to notifications on the transport of waste intended for disposal and to notifications on the transport of waste intended for recovery.

(2) If the Ministry raises objections,<sup>117)</sup> it shall start from the binding part of the Slovak Republic's programme.

(3) The Ministry may prohibit the transboundary movement of waste if the notifier, recipient or person authorised to act in the name of the notifier or recipient taking part in said transboundary movement of waste has been lawfully

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<sup>113)</sup> Article 2(15) of Regulation (EC) No 1013/2006 as amended.

<sup>114)</sup> Article 4 of Regulation (EC) No 1013/2006 as amended.

<sup>115)</sup> Annex II to European Parliament and Council Regulation (EC) No 1013/2006 as amended.

<sup>116)</sup> Annexes IA and IB (EC) No 1013/2006 as amended.

<sup>117)</sup> Articles 11 and 12 (ES) No 1013/2006 as amended.

- a) pronounced guilty of committing an offence resulting from an act of unlawful transport,<sup>144)</sup>
- b) pronounced guilty within the past three years of committing an offence resulting from another unlawful act in the field of waste management, as specified in Letter a), or
- c) convicted of a criminal act against the environment within the past three years.<sup>118)</sup>

## **§ 87**

### **Financial security**

(1) The Ministry determines the financial security in the form of financial collateral (hereinafter “collateral”) or insurance policy of equivalent value pursuant to separate legislation<sup>119)</sup> in the case of transboundary movement of waste from the Slovak Republic to another Member State and export of waste from the Slovak Republic to another Member State; the Ministry shall determine additional financial security in cases established in separate legislation.<sup>120)</sup>

(2) The amount of the collateral shall be determined by the Ministry upon examining the demonstrable costs of transport, recovery or disposal including all preliminary activities necessary and the costs of storage up to 90 days and shall be set at one and a half times said costs. The notifier shall deposit the collateral determined by the Ministry at a bank or at a branch of a foreign bank by means of tying up funds for an indefinite period of time to the benefit of the Ministry. The notifier shall submit the original document verifying that the collateral has been deposited to the Ministry before the decision is issued to grant a permit for the transboundary movement of waste pursuant to paragraph 1.

(3) An insurance policy of equivalent value is deemed to be an insurance policy with which the sum of the insurance settlement covers the demonstrable costs of the transport, recovery or disposal including all preliminary activities necessary and the costs of storage for up to 90 days at a sum of one and a half times said costs; the notifier must take out said insurance policy before the decision is issued to grant a permit for the transboundary movement of waste pursuant to paragraph 1. The notifier shall submit the original document verifying that the collateral has been deposited to the Ministry before the decision is issued to grant a permit for the transboundary movement of waste pursuant to paragraph 1. The notifier shall submit the original of the insurance document before issuing the decision granting the consent with transboundary movement of waste under paragraph 1.

(4) The collateral pursuant to paragraph 2 shall be returned to the notifier (except in cases specified in separate legislation<sup>119)</sup>) if the notifier:

- a) submits a request for the return or cancellation of the collateral and confirmation that the waste has been destroyed or recovered in the form of a certified document on transboundary movement/transport of waste or attaches said confirmation to said document,
- b) demonstrates that the transboundary movement of waste from the Slovak Republic to another Member State or the exportation of waste from the Slovak Republic to a non-Member State did not take place or will not take place, or

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<sup>118)</sup> § 300 through 309 of the Criminal Code.

<sup>119)</sup> Article 6 of Regulation (EC) No 1013/2006 as amended.

- c) demonstrates that the transboundary movement of waste from a non-Member State to the Slovak Republic or the importation of waste from a non-Member State to the Slovak Republic did not take place or will not take place.

## § 88

### **Transboundary transport of WEEE and used EEE**

(1) If transport of used EEE is to be carried out or is being carried out, and the holder claims that the EEE which is the subject of said planned or already performed transport is not WEEE and it is suspicious that said equipment is in fact WEEE (hereinafter “suspicious EEE”), then the competent waste management administrative authority will monitor said transport and request the holder of said suspicious EEE to submit the documentation pursuant to paragraph 2.

(2) A holder of used EEE which is the subject of the planned or already performed transboundary transport is obliged to safeguard and store the following documents relating to said used EEE for three years and present them without delay to the competent waste management administrative authority in the event that said used EEE becomes suspicious EEE in the interest of demonstrating that it is not WEEE:

- a) accompanying documents and results of testing or assessment,
- b) applicable transport document pursuant to separate legislation,<sup>120)</sup>
- c) declaration on the assumption of responsibility,
- d) a declaration that none of the materials and equipment that are the subject of transboundary transport are waste.

(3) The holder of the used EEE may substitute the documentation pursuant to paragraph 2(a) with documentation which unambiguously demonstrates that the transboundary movement of used EEE is being or will be carried out in the scope of an agreement on transport between businesses and one of the following conditions has been met:

- a) the used EEE is being sent back to the producer or third party acting on behalf of the producer as defective for repair under warranty with the intent of being reused, or
- b) used EEE for professional use is being sent to the producer, third party acting on behalf of the producer or the facility of a third party in countries covered by separate legislation<sup>121)</sup> for purposes of modernisation or repair based on an applicable contract with the intent of being reused, or
- c) defective used EEE for professional use, such as medical devices or parts thereof, is being sent to the producer or third party acting on behalf of the producer for the analysis of the underlying cause of the defect based on an applicable contract in cases in which said analysis may only be conducted by the producer or third party acting on behalf of the producer.

(4) A holder of used EEE which is the subject of planned or already conducted transboundary transport is obliged to suitably protect said used EEE from damage during transport, handling and unloading, in particular by means of sufficient packaging and cargo securing.

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<sup>120)</sup> Convention on the Contract for the International Carriage of Goods by Road (CMR) (Decree of the Minister of Foreign Affairs No 11/1975 ) as amended.

<sup>121)</sup> Council decision OECD C(2001)107 revising decision C(92)39 on the Control of Transboundary Movements of Wastes Destined for Recovery Operations (OECD Decision) (OJ EU L 16, 23 January 1992).

(5) If a holder of used EEE that has become suspicious EEE fails to demonstrate that said used EEE is not WEEE by means of the documentation specified in paragraphs 2 and 3 or has failed to fulfil the obligation pursuant to paragraph 4, said suspicious EEE shall be deemed to be WEEE and the cargo shall be deemed to be an unlawful shipment. From this moment on, a procedure pursuant to separate legislation governing transboundary movement of waste shall be applied to this shipment.<sup>58)</sup>

## **PART EIGHT**

### **ADMINISTRATIVE INSTRUMENTS**

#### **Subpart One Authorisation**

#### **§ 89**

#### **Authorised activities and issue of authorisation**

- (1) Authorisation means the granting of entitlement to
- a) sole traders for the performance of any waste processing activities (hereinafter “authorisation for processing activities”), specifically for:
    - 1. processing and recycling of spent batteries and accumulators,
    - 2. recovery or disposal of waste oils
    - 3. processing of end-of-life vehicles,
    - 4. processing of WEEE,
    - 5. preparation of EEE for reuse,
    - 6. processing of spent batteries and accumulators for reuse,
  - b) legal persons for the performance of responsible producing organization activities (hereinafter “authorisation for responsible producing organization activities”) or to third parties (hereinafter “authorisation for third-party activity”),
  - c) producers of a specified product for the performance of individual waste management activities with specified waste stream (hereinafter “authorisation for individual obligation fulfilment activities”).
- (2) The activities specified in paragraph 1 are only to be performed on the basis of authorisation issued by the Ministry.
- (3) The Ministry issues authorisation for a limited period of time not exceeding five years; in the case of authorisation pursuant to paragraph 1(b), authorisation is issued so that its term of validity will expire as of 31 December of the calendar year in question.
- (4) In the case of authorisation for individual obligation fulfilment activities requested by the producer of a specified product who fulfils the specified obligations collectively, the Ministry shall only issue the authorisation in accordance with this Act once an agreement on the fulfilment of specified obligations has been concluded.
- (5) The Ministry keeps and continuously updates a list of persons who have been issued the authorisation specified in paragraph 1 (hereinafter the “authorisation holder”). The Ministry publishes the updated list of authorisation holders on its website.

**§ 90**  
**Conditions for granting an authorisation**

- (1) The conditions for authorisation for processing activities to be issued to a sole trader are:
- a) integrity,
  - b) permanent residence in the Slovak Republic or place of residence in any of the Member States or in a state which is part of the European Economic Area,
  - c) appointment of a person qualified for the authorised processing activity, if the applicant for the authorisation for processing activities or authorised representative thereof is not the qualified person in question<sup>122)</sup>,
  - d) provision of the technical, material and human resources needed to conduct the authorised processing activities,
  - e) provision of a system of contractual relationships.
- (2) The conditions for issuing authorisation for processing activities to a legal person are:
- a) the integrity of the chief executive and/or members of the executive board,
  - b) registered office or branch office in the Slovak Republic,
  - c) appointment of a person qualified for the authorised processing activity,
  - d) provision of the technical, material and human resources needed to conduct the authorised processing activity,
  - e) provision of a system of contractual relationships.
- (3) The conditions for granting authorisation pursuant to § 89(1)(b) are
- a) in the case of producer responsibility organization,
    1. the integrity of the chief executive and/or members of the executive board
    2. registered office in the Slovak Republic,
    3. the fulfilment of the conditions established in § 28(1) to (3) and (6) as well,
  - b) in the case of third-party
    1. the integrity of the of a sole trader or chief executive and/or members of the executive board
    2. place of business or registered office in the Slovak republic
    3. authorisation to collect or process and recycle spent batteries and accumulators.
- (4) The conditions for the issue of authorisation for individual obligation fulfilment activities to a producer of a specified product are:
- a) integrity of the sole trader or chief executive and/or members of the executive board,
  - b) place of business, registered office or branch office in the Slovak Republic,
  - c) fulfilment of the conditions established in § 29(3).
- (5) For the purposes of this Act, a person with integrity is deemed to be a person who has not been legally convicted of a criminal act against the environment.<sup>118)</sup>
- (6) Provision of the technical, material and human resources specified in § 89(1)(a) for the activities which the authorisation is being issued for is demonstrated by means of an expert assessment by a person authorised to issue such an assessment in accordance with this Act (§ 100(1)].

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<sup>122)</sup> § 11 and 12 of Act No 455/1991 as amended.



(7) In the case of authorisation for processing activities pursuant to § 89(1)(a)(2), in which waste oils are recovered or disposed of, providing measures for the protection of the environment and human health is also part of the provision of technical, material and human resources; if equipment is involved which is authorised and operated pursuant in accordance with separate legislation<sup>123)</sup>, then the technology used must conform to the level of the best available technology.<sup>17)</sup>

## **§ 91**

### **Decision to issue authorisation**

(1) The applicant must submit the application for authorisation to the Ministry in written form and in the official language.

(2) The Ministry issues authorisation for each activity pursuant to § 89(1) on the basis of an individual decision.

(3) The decision to issue authorisation for processing activities to a sole trader comprises of of:

- a) commercial name and place of business,
- b) personal information on the natural person and his/her authorised representative (if appointed) and personal information on the person qualified to perform the authorised activity,
- c) the activities and types of waste which the authorisation is being issued for,
- d) the period of time for which the authorisation is being issued,
- e) the date upon which the performance of the authorised activity will commence,
- f) the method and procedures for performing the authorised activity.

(4) The decision to issue authorisation for processing activities to a legal person comprises of of:

- a) commercial name and registered office,
- b) personal information on the chief executive and/or members of the executive board, personal information on the authorised representative (if appointed) and personal information on the person qualified to perform the authorised activity,
- c) the activities and types of waste which the authorisation is being issued for,
- d) the period of time for which the authorisation is being issued,
- e) the date upon which the performance of the authorised activity will commence,
- f) the method and procedures for performing the authorised activity.

(5) The decision to issue the authorisation pursuant to § 89(1)(b) comprises of of:

- a) commercial name and registered office,
- b) personal information on the chief executive and/or members of the executive board,
- c) the name of the specified product for whose waste the waste management work will be carried out as a third party or responsible producing organization in the collective packaging waste management system; in the case of EEE, the category of EEE is to be specified in accordance with Annex 6, and in the case of batteries and accumulators, the type of batteries and accumulators is to be specified in accordance with the classification in § 42(3),

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<sup>123)</sup> § 19 of Act No 39/2013

- d) the period of time for which the authorisation is being issued,
- e) the date upon which the performance of the authorised activity will commence,
- f) the method and procedures for performing the authorised activity,
- g) the responsibility to fulfil obligations according to § 31(12)(c) and § 135(26).

(6) The decision to issue authorisation for individual obligation fulfilment activities to a producer of a specified product comprise:

- a) commercial name and registered office or place of business,
- b) personal information on the sole trader and authorised representative thereof (if appointed) or personal information on the chief executive and/or members of the executive board,
- c) the name of the specified product for whose waste the waste management work will be carried out in the individual waste management system; in the case of EEE, the category of EEE is to be specified in accordance with Annex 6, and in the case of batteries and accumulators, the type of batteries and accumulators is to be specified in accordance with the classification in § 42(3),
- d) the period of time for which the authorisation is being issued,
- e) the date upon which the performance of the authorised activity will commence,
- f) the method and procedures for performing the authorised activity.

(7) The Ministry while issuing the decision to grant the authorisation pursuant to § 89(1)(b) for operation of producer responsibility organization for packaging shall monitor if the collection of waste and for waste from non-packaged products from all municipalities is assured.

## **§ 92**

### **Extending the validity of authorisation**

(1) The validity of an authorisation may be extended by not more than the length for which it was issued, unless determined otherwise. The authorisation may be extended multiple times.

(2) An authorisation holder may request the authorisation to be extended no later than six months before the time elapses for which said authorisation was issued. The reasons for the request are to be stated in the application for extending the validity of the authorisation. For each application for the extension of an authorisation, it is necessary to demonstrate a integrity pursuant to § 90(1)(a), (2)(a), (3)(a) and (4)(a).

(3) The Ministry shall extend the validity of the authorisation specified in § 89(1)a) for the same amount of time as the term of validity of the certified environmental management and auditing system pursuant to separate legislation<sup>124)</sup> if the extension of validity is requested by an authorisation holder who has introduced said system on the premises where the activities are performed and if the authorisation submits the Ministry the specified documents.

(4) Once every five years, holders of authorisation for processing activities must obtain an expert assessment on the fulfilment status of the requirements laid down by this Act and other generally binding environmental protection legislation, as well as on the fulfilment status of the conditions and requirements established in the decision to issue authorisation for

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<sup>124)</sup> Act No 351/2012 on environmental inspection and registration of organisations within the European Union for eco-management and auditing, and on amendments to certain Acts.

performing the activities for which the authorisation was issued. The authorisation holder is to send a copy of the expert assessment to the Ministry within 14 days as of its receipt by the authorised person.

(5) The obligation specified in paragraph 3 does not apply to holders of authorisations for processing activities who have introduced the system specified in paragraph 4; if the registration of said holder's system is suspended or revoked, the holder shall be required to obtain an expert assessment and send it to the Ministry within no more than three years as of the date upon which the registration of his/her system was suspended or revoked; however this does not apply if the system specified in paragraph 3 is re-issued to him/her before this deadline elapses.

(6) If the authorisation was extended via the process pursuant to paragraph 3 during the authorisation's term of validity, the registration of the holder's system specified in paragraph 3 is suspended or revoked, the holder shall be required to submit a new application to extend the validity of the authorisation within 30 days as of its withdrawal; the deadline specified in paragraph 2 does not apply in this case.

### **§ 93**

#### **Change of authorisation**

(1) Authorisation holders are required to notify the Ministry of any change to the data specified in the decision to issue the authorisation within 30 days as of the date upon which the change took place.

(2) Based on the notification pursuant to paragraph 1, or at its own initiative, the Ministry shall change the decision to issue the authorisation if:

- a) the change involves the commercial name, registered office, place of business or personal information specified in the decision to issue the authorisation and said information does not correspond to the current state of affairs,
- b) the authorisation holder requests the scope of the activities he/she was authorised to perform to be narrowed, or
- c) technological changes take place in the method of waste management and the authorisation holder encloses with the application an expert assessment demonstrating that the authorised activity is technologically secured,
- d) the method and procedures for performing or providing the authorised activity change.

### **§ 94**

#### **Revocation and expiration of authorisation**

(1) The Ministry will revoke authorisation for processing activities pursuant to § 89(1)(a) if:

- a) the authorisation holder requests it to do so,
- b) the successor fails to proceed in accordance with paragraph 7,
- c) the qualified person appointed for the authorised processing activity has ceased to meet the requirements for professional qualification,
- d) the authorisation holder has ceased to fulfil any of the conditions under which the authorisation was issued,

- e) the authorisation holder did not begin to perform the authorised processing activity within a term of 12 months as of the date of commencement for the authorised processing activity specified in the decision to issue the authorisation,
- f) the authorisation holder submitted to the Ministry false information which is decisive for issuing the authorisation in the application or appendices thereof pursuant to § 91(1) or pursuant to § 92(2) or in the notification pursuant to § 93(1).

(2) The Ministry will revoke authorisation pursuant to § 89(1)(b) for the activities of responsible producing organizations if:

- a) the authorisation holder requests it to do so,
- b) the authorisation holder did not begin to perform the authorised activity within a term of six months as of the date of commencement for the authorised activity specified in the decision to issue the authorisation,
- c) the authorisation holder has ceased to fulfil any of the conditions under which the authorisation was issued,
- d) the authorisation holder submitted to the Ministry false information which is decisive for issuing the authorisation in the application or appendices thereof pursuant to § 91(1) or pursuant to § 92(2) or in the notification pursuant to § 93(1),
- e) the authorisation holder fails to fulfil an obligation specified in § 28(4)(a), (c), (d), (e) through (g), (h) or (r),
- f) the authorisation holder fails to demonstrate fulfilment of an obligation specified in § 28(7),

(3) The Ministry will revoke authorisation pursuant to § 89(1)(b) for the activity of a third party if:

- a) the authorisation holder requests it to do so,
- b) the authorisation holder did not begin to perform the authorised activity within a term of six months as of the date of commencement for the authorised activity specified in the decision to issue the authorisation,
- c) the authorisation holder has ceased to fulfil any of the conditions under which the authorisation was issued,
- d) the authorisation holder submitted to the Ministry false information which is decisive for issuing the authorisation in the application or appendices thereof pursuant to § 91(1) or pursuant to § 92(2) or in the notification pursuant to § 93(1),
- e) the authorisation holder fails to fulfil an obligation specified in § 44(8)(a), (c), (d), (e) or (f).

(4) The Ministry will revoke authorisation for individual obligation fulfilment activities if:

- a) the authorisation holder requests it to do so,
- b) the authorisation holder did not begin to perform the authorised individual obligation fulfilment activity within a term of six months as of the date of commencement for the authorised individual obligation fulfilment activity specified in the decision to issue the authorisation,
- c) the authorisation holder has ceased to fulfil any of the other conditions under which the authorisation was issued and within the given period have not rectified,
- d) the authorisation holder submitted to the Ministry false information which is decisive for issuing the authorisation in the application or appendices thereof pursuant to § 91(1) or pursuant to § 92(2) or in the notification pursuant to § 93(1),

- e) the authorisation holder fails to fulfil an obligation specified in § 29(1) . a) a c), e) alebo k),
  - f) the successor fails to proceed in accordance with paragraph 7,
  - g) the producer of the specified product has repeatedly been penalised with sanctions for failing to fulfil obligations pursuant to § 27(4)(e) through (g) or pursuant to § 29(1)(b).
- (5) Authorisation issued for activities pursuant to § 89(1) will expire
- a) upon the death of the sole trader holding the authorisation, or his/her declaration of death, if an appointed succession administrator or successor does not continue to perform the authorised activity under the conditions specified in paragraphs 6 and 7,
  - b) if the legal person holding the authorisation ceases to exist,
  - c) if the Ministry decides to revoke the authorisation,
  - d) if the time for which it was issued elapses,
  - e) upon closure of bankruptcy proceedings declared by the authorisation holder if the scheduled ruling was fulfilled or if the bankruptcy proceedings were closed because the authorisation holder's assets were sufficient to compensate for the expenditures and remuneration of the bankruptcy asset administrator, or upon rejection of the authorisation holder's proposal to declare bankruptcy due to insufficient assets,
  - f) if three months elapse as of the validity date of the decision to issue authorisation without the obligations established in the provisions of § 29(4) or § 44(11) having been fulfilled.
  - g) in the case of authorisation for individual obligation fulfilment activities, the authorisation will expire upon the entry into effect of a contract on the fulfilment of specified obligations concluded between the producer of the specified product to whom the authorisation was issued and a responsible producing organization or third party,
- (6) If a succession administrator is not appointed in the event of the death of the sole trader who held the authorisation and who did not have an appointed authorised representative, the Ministry shall decide on suspending the performance of the activity for which the processing activity authorisation was issued until the end of the succession proceedings.
- (7) If the successor to a sole trader wishes to continue performing the activity for which the authorisation was issued, he/she must fulfil the conditions for issuing the authorisation pursuant to § 90(1),(3)b) or (4); at the same time, he/she will be required to submit a legally valid document stating that he/she is the successor.

## **§ 95**

### **Person qualified for the authorised processing activity**

- (1) A person qualified for the authorised processing activity pursuant to § 89(1)(a) is responsible for the professional performance of the activities for which the authorisation was issued.
- (2) A person qualified for the authorised processing activity must have:
- a) integrity, which must be demonstrated every three years,
  - b) university education in a technical field or natural science and at least three years of experience in the field of hazardous waste management or a university education in a non-technical field or natural science field, or a secondary school education in a technical field ending in graduation and at least five years of experience in the field of hazardous waste management or has a secondary school education in a non-technical

field ending in graduation and at least eight years of experience in the field of hazardous waste management; years during the course of study do not count as experience — only experience after completion of studies does.

- c) completion of professional preparation provided by an organization authorised by the Ministry,
- d) successfully completed examination pursuant to paragraph 3.

(3) The object of the examination is to verify overall theoretical knowledge and knowledge of the generally binding legislation governing waste management and other related generally binding legislation and related Slovak technical standards. The Ministry shall hold the examination at least once per year.

(4) Upon successful completion of the examination, the Ministry shall confirm the professional qualification for the authorised processing activity by issuing a certificate of qualification for the authorised activity (hereinafter “authorised activity certificate”). The authorised activity certificate may be issued for a maximum period of 10 years. The authorised activity certificate’s term of validity may not be extended. After the authorised activity certificate has expired, a natural person who meets the conditions pursuant to paragraph 2 may request another authorised activity certificate to be issued.

(5) The Ministry keeps a register of persons qualified for the authorised processing activity on its website.

(6) At the Ministry’s request, persons qualified for the authorised processing activity shall take part in retraining or reauthentication of the professional qualification if fundamental changes occur in waste management technology or in the generally binding legal regulations in the field of waste management.

## **§ 96**

### **Change, revocation and expiration of the certification for the authorised activity**

(1) The Ministry will change the certification for the authorised activity if the person qualified for the authorised activity requests in written form for the personal information specified in the authorised activity certificate to be changed, and if said information is not in accordance with the actual state of affairs or if the person requests narrowing the scope granted by the certification for the authorised activity.

(2) The Ministry will revoke the authorised activity certificate if the person qualified for the authorised activity:

- a) has had his/her capacity for legal acts suspended or if his/her capacity for legal acts has been restricted,
- b) is no longer in good repute,
- c) has acquired the certification for the authorised activity by means of providing false information in the application or appendices thereof,
- d) requests it to be revoked in written form,
- e) fails to take part in retraining or reauthentication of the professional qualification pursuant to § 95(6) at the Ministry’s request,
- f) or cannot perform the activity properly.

(3) The change or revocation of the authorised activity certificate for shall enter into effect on the day of being entered into the registry of persons qualified for the authorised activity.

(4) The professional qualification for the authorised activity shall expire upon the death of the person qualified for the authorised activity or once the period of validity of the authorised activity certificate elapses. A person qualified for the authorised activity whose professional qualification has expired shall be deleted from the registry of persons qualified for the authorised activity.

## **Subpart Two**

### **Permits**

#### **§ 97 Granting of permits**

- (1) The waste management administrative authority issues permits for:
- a) the operation of a waste disposal installation other than waste incinerators or waste co-incineration installations and hydraulic works in which special types of liquid waste are disposed of,<sup>125)</sup>
  - b) disposal of waste for which a permit pursuant to Letter a) has not been granted and waste recovery for which a permit pursuant to Letter c) has not been granted, with the exception of the disposal or recovery of waste in waste incinerators and co-incineration installations and waste recovery in hydraulic works in which special types of liquid waste are recovered,<sup>126)</sup>
  - c) operation of waste recovery installations other than:
    1. waste incinerators and co-incineration installations,
    2. hydraulic works in which special types of liquid waste are recovered,<sup>125)</sup>
    3. facilities for recovering biodegradable municipal waste from plant matter with an annual capacity not exceeding 100 tonnes, and
    4. facilities for reducing the volume of municipal waste with an annual capacity not exceeding 50 tonnes,
  - d) operation of waste collection installations for which an operation permit pursuant to Letters a) and c) has not been granted, including collection yards,
  - e) issuing rules of operation for:
    1. waste disposal installations,
    2. waste recovery installations and
    3. mobile waste recovery or disposal installations,
  - f) management of hazardous waste, including transport thereof, if not covered by a permit pursuant to other provisions of this paragraph, specifically in cases in which the producer or holder of the waste manages a total annual volume exceeding 1 tonne or in which the transporter transports a total annual volume exceeding 1 tonne of hazardous waste,
  - g) the gathering of hazardous waste at the producer's location in annual volumes exceeding 1 tonne of hazardous waste,
  - h) waste recovery or disposal by means of mobile installations, in which case the provisions of Letters a) through c) do not apply,

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<sup>125)</sup> § 36 of Act No 364/2004

- i) gathering of waste by the waste holder without prior sorting if sorting and separate gathering are not possible or expedient in light of the subsequent method of recovery or disposal which will be used,
- j) closure of a landfill or part thereof, as well as reclamation and subsequent monitoring thereof,
- k) decontamination,
- l) disposal of used polychlorinated biphenyls or devices containing polychlorinated biphenyls, if not covered by an application pursuant to Letters a), b) or f),
- m) disposal of waste from titanium dioxide production,
- n) transfer of waste suitable for household use,
- o) a substance or object to be deemed to be a by-product and not waste,
- p) preparation for reuse, in which case the provisions of Letters b) and c) do not apply,
- q) operation of a metallic mercury storage facility, in which case the provisions of Letter b) does not apply,
- r) closure of a metallic mercury storage facility or part thereof, and subsequent monitoring thereof,
- s) utilisation of waste for terrain surface treatment,
- t) gathering of waste for longer than one year prior to the disposal thereof or for no longer than three years prior to recovery thereof.

(2) The permit pursuant to paragraph 1 (excepting permits pursuant to paragraph 1(k), (o) and (p)), comprises of of:

- a) the type and category of the waste and, in the case of permits pursuant to paragraph 1(a) through (c), (f), (g), (l), (m), (n), (s) and (t), the volume of the waste as well,
- b) specification of the waste management location; does not apply in the case of permits pursuant to paragraph 1(h), (n), and (o),
- c) specification of the waste management method or, in the case of permits pursuant to paragraph 1(n), the purpose for which the waste is being transferred,
- d) the period of time for which the permit is being granted,
- e) in the case of installations, the method of ending the installations' activities and after-care at the site of performance,
- f) conditions for inspection and monitoring of the performance of the activities, as needed,
- g) further conditions for performing the activities for which the permit is being granted

(3) In addition to the provisions pursuant to paragraph 2, the permit pursuant to paragraph 1(a), (c), (d), (h), and (q) also comprises of:

- a) technical requirements for operating an installation,
- b) safety measures to be taken when operating an installation.

(4) In addition to the provisions pursuant to paragraphs 2 and 3, the permit pursuant to paragraph 1(h) also comprises of requirements for the placement of mobile installations intended for the recovery or disposal of hazardous waste.

(5) In addition to the provisions pursuant to paragraphs 2 and 3, the permit to operate landfills also comprises of:

- a) the category of the landfill,



- b) conditions for operating and monitoring the landfill and procedures for inspecting the operation of the landfill, including an emergency plan,
- c) the parameters to be measured and substances to be analysed in seepage waters and samples from the premises under observation,
- d) approval of the project documentation for closing the landfill, as well as reclaiming and monitoring it after its closure,
- e) the obligation to submit a report on the types and quantities of waste deposited and on the landfill monitoring results to the competent district office each year by 31 January of the following calendar year,
- f) the actual sum of the special-purpose financial reserves.

(6) The permit pursuant to paragraph 1(j) also includes the deadline by which the landfill operator is required to begin closing down and reclaiming the landfill; said deadline may not be longer than six months as of the date upon which said permit entered into legal effect.

(7) The permit pursuant to paragraph 1(k) comprises of:

- a) the type and number of contaminated installations or the type, category and quantity of used polychlorinated biphenyls which are to be decontaminated,
- b) specification of the location and method of decontamination,
- c) the period of time for which the permit is being granted and the method of ending the activities of the installation which is conducting the decontamination,
- d) further conditions for performing the activities for which the permit is being granted.

(8) Permits for disposing of waste from the production of titanium dioxide by means of operation D15 or landfilling by means of operation D1 or D3 specified in Annex 2 may only be granted if:

- a) the waste cannot be disposed of using a more favourable method,
- b) an environmental impact assessment<sup>19)</sup> has indicated that said disposal will not have any immediate or subsequent detrimental effect on the air, soil and groundwater, soil,
- c) the disposal will not have a detrimental effect on recreational activities, raw material extraction, plant and animal life, a habitat, location or area of special scientific interest,<sup>22)</sup> or other legitimate use of the area in question.

(9) The permit pursuant to paragraph 1(o) comprises of:

- a) a description of the by-products and a description of the activities which generate them,
- b) the period of time for which the permit is being granted,
- c) the duty to provide information on any changes concerning the fulfilment of the conditions pursuant to § 2(4)(d) which will reduce the safety of using the by-product in question,
- d) the method of handling the by-product in question or the purpose for which the by-product is being transferred,
- e) further conditions which must be fulfilled when performing the activities for which the permit is being granted.

(10) The permit pursuant to paragraph 1(p) comprises of:

- a) the type, category and quantity of the waste,
- b) specification of the location where the waste is prepared for reuse,
- c) description of the activities associated with preparing the waste for reuse,

- d) the period of time for which the permit is being granted,
- e) the method of using the products or components of the products which underwent preparation for reuse,
- f) further conditions which must be fulfilled when performing the activities for which the permit is being granted.

(11) The permit confirming that a substance or object is deemed to be a by-product and not waste pursuant to paragraph 1(o) is not required if the installation in question is authorised and operated in accordance with separate legislation.<sup>126)</sup>

(12) The permit for the operation of a landfill and the permit for the operation of a metallic mercury storage facility is granted by the competent state waste management administration body once an on-site inspection has been conducted to verify the actual state of affairs in the scope of the application submitted for the permit in question.

(13) The competent waste management administrative authority verifies the closure of a landfill in accordance with paragraph 1(j), including an on-site inspection, and issues confirmation that the landfill has been closed down.

(14) The competent waste management administrative authority verifies the closure of a metallic mercury storage facility with paragraph 1(r), including an on-site inspection, and issues confirmation that the metallic mercury storage facility has been closed down.

(15) The competent waste management administrative authority grants the permit to gather waste for longer than one year prior to the disposal thereof or for no longer than three years prior to recovery thereof to the producer of the waste once it has been demonstrated that there is no installation in the Slovak Republic which is suitable for recovering or disposing of the waste in question, or that due to capacity reason it is efficient.

(16) A permit pursuant to paragraph 1 may only be granted for a limited period of time not exceeding five years.

(17) The validity of a permit pursuant to paragraph 16 shall be extended (also repeatedly) as long as none of the facts which were decisive in the permit being granted have changed, and as long as the application for extending the permit is delivered to the competent waste management administrative authority not later than three months before the validity of the permit expires.

(18) If the proposed method of waste management is not in accordance with this Act and the generally binding legislation issued on the performance thereof or with the binding part of the regional plan, then the permit pursuant to paragraph 1 shall not be granted, or its validity pursuant to paragraph 17 shall not be extended.

### **Subpart Three**

#### **§ 98 Registration**

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<sup>126)</sup> Act No 39/2013

(1) Anyone collecting waste as their subject of business without operating a waste collection or facility or waste transport is obliged to register at the waste management system administrative authority at the location of their registered office or place of business within 14 days as of commencing their activities; this does not apply if a permit pursuant to § 97(1) or authorisation pursuant to § 89(1) is required to collect or transport the waste in question.

(2) The obligation pursuant to paragraph 1 applies equally to dealers and brokers, as long as they do not conduct their activities as part of the activity for which they were granted the permit pursuant to § 97(1) or the authorisation pursuant to § 89(1).

(3) The obligation pursuant to paragraph 1 also applies to operators of installations for recovering biodegradable municipal waste from plant matter with an annual capacity not exceeding 100 tonnes.

(4) The waste management administrative authority conducts registration pursuant to paragraphs 1 through 3 on the basis of written notification from the operator on the commencement of the activities requiring registration and issues confirmation to said operator.

(5) The waste management administrative authority keeps a list of registered persons pursuant to paragraphs 1 through 3.

#### **Subpart Four**

#### **§ 99 Opinions**

- (1) The waste management administrative authority shall issue its opinion on:
- a) waste incineration or co-incineration installations, or changes thereto as a document for granting a permit pursuant to separate legislation<sup>127)</sup>,
  - b) construction concerning waste management, specifically:
    1. the documentation in the territorial proceedings<sup>128)</sup>,
    2. the project documentation in the building proceedings,<sup>129)</sup> if territorial proceedings were not conducted,
    3. the proposed method of waste management in the building demolition proceedings,<sup>130)</sup>
    4. the documentation in the terrain modification proceedings,<sup>131)</sup> if it is expected that construction waste and demolition waste pursuant to § 77(1) will be used,
    5. the documentation in the final inspection proceedings<sup>132)</sup>,
  - c) preparative changes in production related to a change in waste management,

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<sup>127)</sup> § 18(3) of Act No 137/2010

<sup>128)</sup> § 32 to 42 of Act No 50/1976

<sup>129)</sup> § 60 to 65 of Act No 50/1976

<sup>130)</sup> § 88 of Act No 50/1976

<sup>131)</sup> § 71(1)(a) of Act No 50/1976

<sup>132)</sup> § 76 through 84 of Act No 50/1976

- d) the release of waste generated in the processing of imported material under the inward processing procedure to the customs procedure for free circulation in the Slovak Republic,<sup>133)</sup>
- e) documentation or plan for clearing mine works and rubble and on the plan for clearing old mine works submitted in the proceedings for mining activities,<sup>134)</sup> if waste is planned to be used in clearing the mine works or old mine works,
- f) land-use planning documentation during negotiation thereof.<sup>135)</sup>

(2) In the proceedings specified in paragraph 1(b), the waste management administrative authority has the capacity of the authority concerned; in cases of proceedings pursuant to separate legislation,<sup>125)</sup> opinions resulting from said proceedings shall be deemed to be a binding opinion.<sup>136)</sup>

## **Subpart 5**

### **Professional assessment qualification**

#### **§ 100**

#### **Issue of certification of expert assessment qualification**

- (1) In the case of established implementing legislation, an expert assessment by a person authorised to issue expert assessments is part of the application for a decision and opinion from the waste management administrative authority and for the granting of authorisation for processing activities in accordance with this Act.
- (2) The person authorised to issue expert assessments is determined by the Ministry after verifying said person's qualifications to make expert assessments in an examination.
- (3) A person may be appointed as a person authorised to issue expert assessments if he/she:
- a) is in good repute,
  - b) has a second-degree university education in a technical or natural science field and at least three years of experience relating to the field of the activity being assessed, in which he/she is applying for a certification to be issued or has a first-degree university education in a technical or natural science field or has a secondary school education in a technical field ending in graduation and at least five years of experience relating to the field of the activity being assessed in which he/she is applying for a certification to be issued or has a university education and at least six years of experience relating to the field of the activity being assessed in which he/she is applying for a certification to be issued or has a secondary school education ending in graduation and at least 10 years of experience relating to the field of the activity being assessed in which he/she is applying for a certification to be issued; years of study are not counted as experience — only years of experience after completion of studies are,
  - c) has successfully completed an examination,
  - d) has completed professional preparation provided by an organization authorised by the Ministry.

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<sup>133)</sup> Article 114 of Council Regulation (EEC) No 2913/92, laying down the Community Customs Code

<sup>134)</sup> § 6(2)(b), (d) and (f) of Slovak Mining Authority Decree 89/1988 .

<sup>135)</sup> § 20 to 23 of Act No 50/1976

<sup>136)</sup> § 140b of Act No 50/1976 as amended by Act No 479/2005

(4) For the purposes of this Act, professional assessment qualifications refer to education, professional experience and a set of theoretical knowledge and skills of generally binding legislation and the latest technology in the field of waste management system.

(5) The Ministry confirms expert assessment qualifications by issuing certification of expert assessment qualification.

(6) Certification for expert assessment qualification remains valid for a period of not more than five years. The Ministry may only extend the validity of the certification one time by a period of time not exceeding the term for which the certification was originally issued, provided that the authorised person applies for the extension at least three months before the certification's validity expires and simultaneously submits to the Ministry an extract from the criminal register not older than three months; when assessing the application, the Ministry must take into account the authorised person's quality and level of performance in carrying out expert assessments, as well as the fulfilment of the obligations pursuant to § 101.

(7) Legal persons and natural persons authorised to trade may only issue expert assessments by way of a person authorised to issue expert assessments.

(8) In exceptional cases in which it is not possible to issue an expert assessment by way of a person authorised to issue expert assessments, the Ministry may, on the basis of a recommendation from the Examining Committee for Professional Qualification Verification, permit a person who is not authorised to issue an expert assessment on the basis of a one-time permit if said person meets the necessary conditions for issuing an expert assessment.

(9) The Ministry keeps a register of persons authorised to issue expert assessments. Up to date register of persons authorised to issue expert assessments is published on its website.

## **§ 101**

### **Obligations of persons authorised to issue expert assessments**

Persons authorised to issue certification of expert assessment qualification is obliged to:

- a) inform the Ministry without delay of any changes to the information which formed the basis for issuing the certification of expert assessment qualification,
- b) comply with the conditions of performing the assessment activities laid down by this Act,
- c) take part in retraining or reauthentication of the expert assessment qualifications at the Ministry's request if fundamental changes occur in waste management technology or in the generally binding legal regulations in the field of waste management,
- d) amend an expert assessment which it has issued at the request of the waste management administrative authority,
- e) send the Ministry duplicates of all expert assessments, including any amendments to them, issued in the preceding calendar year by 31 January of the calendar year.

## **§ 102**

### **Amendment and revocation of certification of expert assessment qualification**

(1) The Ministry may amend a certification of expert assessment qualification if:

- a) a situation takes place which renders the person authorised to issue expert assessments unable to properly conduct assessment activities in all fields specified in the certification of expert assessment qualification was granted, or
  - b) the person authorised to issue expert assessments has demonstrably issued an insufficiently professional expert assessment in a given field for which he/she is certified on multiple occasions.
- (2) The Ministry may revoke a certification of expert assessment qualification if the person authorised to issue expert assessments:
- a) fails to fulfil the obligation pursuant to § 101(a), (b), (d) or (e),
  - b) has issued an expert assessment in violation of the certification of expert assessment qualification issued to him or her.
- (3) The Ministry will amend a certification of expert assessment qualification if:
- a) there is a change in the personal information specified in the certification of expert assessment qualification and said information no longer corresponds to the actual state of affairs, or
  - b) the authorised person requests the scope of the certification to be narrowed down.
- (4) The Ministry will revoke a certification of expert assessment qualification if the person authorised to issue expert assessments:
- a) has had his/her legal capacity suspended or restricted,
  - b) is no longer deemed to be in good repute on the basis of a legal ruling,
  - c) had obtained the certification on the basis of false information,
  - d) has compiled an expert assessment which does not correspond to the actual state of affairs or is of insufficient professional quality and these circumstances have been demonstrated by a inspectional expert assessment which the Ministry is entitled to have conducted by another person authorised to issue expert assessments,
  - e) has failed to fulfil the obligation pursuant to § 101(c), or
  - f) has submitted a written request for the certification of expert assessment qualification to be revoked.
- (5) If the Ministry has doubts if the person authorised to issue expert assessments has compiled an expert assessment which does not correspond to the actual state of affairs or is of insufficient professional quality, it is entitled to have an inspectional expert assessment on the expert assessment in question by a different person authorised to issue expert assessments.
- (6) If the inspectional expert assessment reveals a fact which is reason to revoke the certification of expert assessment qualification pursuant to paragraph 4(d), then the costs of compiling the inspectional expert assessment shall be borne by the person with expert qualifications whose certification of expert assessment qualification was revoked.
- (7) The certification of expert assessment qualification, extension of its validity period, as well as any amendments to or revocation of a certification of expert assessment qualification shall enter into legal effect on the date they were entered into the register of persons authorised to issue expert assessments.

## **Subpart Six**

## § 103

### Waste management information system

(1) A waste management information system (hereinafter “information system”) is to be established which facilitates the collection of information in the field of waste management and the provision of said information in the defined scope. The information system is part of the integrated environmental information system.

(2) The information system is to be established by the Ministry. The operation of the information system and access to the information it contains shall be provided by the Ministry or an organization appointed by it.

(3) The following is kept in the information system:

- a) reported data from records on waste producers and waste holders,
- b) reported data from records on domestic transport of hazardous waste and on transboundary waste movement,
- c) reported data from records on operators of waste management facilities,
- d) information on permits granted by waste management administrative authorities pursuant to § 97(1) and pursuant to separate legislation<sup>126)</sup> and permits for extending the validity thereof,
- e) reported data from records on producers of specified products,
- f) reported data from records on responsible producing organizations and third parties,
- g) information on issuing authorisation, extending its validity, changes to authorisation, expiration and revocation of authorisation and on suspension of activities,
- h) data on the amount of the local fee for municipal waste,<sup>108)</sup>
- i) data on penalties imposed by waste management administrative authorities,
- j) data on new operators to whom the rights and obligations pursuant to § 114(4) are transferred.

(4) The information system includes a register of:

- a) persons qualified to conduct authorised activities,
- b) persons who were granted authorisation pursuant to § 89(1)(a),
- c) producers of a specified product,
- d) producer responsibility organizations,
- e) producers which fulfil the specified obligations individually,
- f) third parties,
- g) waste recovery installations,
- h) waste disposal installations,
- i) waste collection installations,
- j) collection yards,
- k) entities registered pursuant to § 98(1) and (2),
- l) persons authorised to issue expert assessments,
- m) waste management administrative authorities,
- n) transboundary waste movement,
- o) domestic transport of hazardous waste,
- p) devices containing polychlorinated biphenyls.

(5) The following entities are required to report the following information into the information system:

- a) specified data from records:
  - 1. waste producers and waste holders,
  - 2. waste management facility operators,
  - 3. producers of specified products,
  - 4. responsible producing organizations,
  - 5. recipients and senders of hazardous waste,
  - 6. notifiers, recipients and facilities pursuant to Part Seven of this Act,
- b) waste management administrative authorities are required to report information on
  - 1. permits granted pursuant to § 97(1) and extensions of their validity,
  - 2. authorisations granted, extensions of their validity, changes to authorisations, expiration and revocation of authorisations and suspension of activities,
  - 3. registrations,
  - 4. penalties imposed,
- c) municipalities are required to report data on the amount of the local fee for municipal waste, as well as data on collection yards in their territory,
- d) new operators of installations pursuant to § 114(4) are required to report changes in operator and identification information on the new operator.

(6) Entities required to report information to the information system pursuant to paragraph 5(a) are required to report the specified information to the information system free of charge under defined conditions.

(7) Waste management administrative authorities are required to report the information pursuant to paragraph 5(b) without delay. Municipalities are required to report the information pursuant to paragraph 5(c) once per year by no later than 31 January or in the event of any change to the reported information within no more than 30 calendar days following the date upon which the change took place.

(8) The Ministry or an organization appointed by it is required to provide the information from the information system for public access within a defined scope; this does not affect the provisions of separate legislation.<sup>137)</sup>

## **PART NINE**

### **Waste management administrative authorities**

#### **§ 104 Basic provisions**

(1) Waste management administrative authorities include the:

- a) Ministry,
- b) inspectorate,
- c) district offices in regional capitals,
- d) district office.

(2) State waste management administration is also conducted by the municipalities (§ 109), the Slovak Trade Inspection (§ 110) and the administrative authorities in the fields of taxes,

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<sup>137)</sup> Act No 122/2013 Coll. on the protection of personal data and on amendments to certain acts, as amended by Act No 84/2014 Coll.



fees and customs (§ 111).

## **§ 105** **The Ministry**

- (1) The Ministry is the central waste management administrative authority.
- (2) The Ministry:
- a) manages and inspections the performance of state administration in waste management,
  - b) compiles, issues, updates and publishes the plan for the Slovak Republic,
  - c) issues objections and permits and determines the conditions for transboundary waste movement in accordance with Part Seven of this Act,
  - d) keeps and updates the Register of Producers of a Specified Product, the list of installations containing polychlorinated biphenyls (§ 79(11)] and issues the certificate under § 79(12) ,
  - e) cooperates with central administrative authorities and other legal entities when ensuring the uniform application of the generally binding legislation in waste management,
  - f) is a waste management administrative authority,
  - g) consults with the competent Member State on measures pursuant to § 112(3) in matters concerning activities performed in another state, and may request the Termination of disposal of waste from the production of titanium dioxide via operation D15, landfilling via operation D1 or operation D3 specified in Annex 2,
  - h) keeps records on transboundary waste movement pursuant to Part Seven of this Act and monitors transboundary transport of suspicious EEE, calls for submitting documents under § 88(2),
  - i) grants, extends, amends and revokes the authorisation pursuant to § 89 through 94 and suspends the performance of the activities it authorised (§ 94(6)],
  - j) keeps a register of persons qualified for authorised activities (§ 95(5)], a register of persons granted authorisation (§ 89(5)] and a register of authorised persons (§ 100(9)],
  - k) provides for examinations to be held for expert qualifications for authorised activities (§ 95(3)] and examinations of authorised persons (§ 100(3)(c)] to be held, ensures professional preparation for persons qualified for authorised activities through an authorised organization (§ 95(2)(c) and § 95(6)] and authorised persons, and appoints persons qualified for the authorised activity § 95(4) as well as authorised persons (§ 100(2) and (5)], issues, changes and revokes authorised activity certificates under § 95(4) and § 9((1) and (2),
  - l) ensures that information will be provided from the field of waste management through international institutions which the Slovak Republic is a member of, as well as in cases in which this obligation is based on international agreements which the Slovak Republic is party to,
  - m) provides for the activity of the focal point in cases of waste transport across state borders,<sup>138)</sup>
  - n) provides information on waste recovery and waste disposal installations upon request,
  - o) provides for preparation for performing activities of a person authorised to issue expert assessments by way of an authorised organization (§ 100), issues, changes and

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<sup>138)</sup> Article 5 of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal (Notification No 60/1995 Coll.).

- revokes authorised activity certificates under § 100(5) and (6) and § 102, allows issuing expert assessment to a person under § 100(8) and has a control expert assessment made under § 102(5),
- p) informs the European Commission of the Slovak Republic's plan concerning polychlorinated biphenyls and contaminated facilities and a list of contaminated facilities pursuant to § 79(11),
  - q) enters and deletes producers of specified products in the Register of Producers of Specified Products and issues them confirmation thereof (§ 30),
  - r) keeps records of the information notified pursuant to § 27(4) h) and § 28(4) d), § 41b), § 44(8) c), § 51 f), § 65(1) s), verifies fulfilment of the obligations pursuant to § 27(4) e) and g) on the basis of the notified information, and summarily evaluate fulfilment thereof one time annually for the purposes of notification in relation to the European Union (§ 105(4)],
  - s) presents its opinion on the Slovak Spatial Development Perspective,<sup>139)</sup>
  - t) determines the proportion of EEE producers on the market based on the information notified pursuant to § 27(4) h),
  - u) decides in the event of doubt whether or not a device constitutes an electronic device subject to Subpart Two of Part Seven of this Act,
  - v) keeps records of the information on recycling efficiency notified pursuant to § 51 j),
  - w) monitors fulfilment of the collection limits defined pursuant to Annex 3,
  - x) decides in the event of doubt whether or not a product constitutes packaging,
  - y) provides for the activity of the contact point pursuant to separate legislation,<sup>140)</sup>
  - z) publishes the data needed to calculate the market and collection proportion pursuant to § 27(4)(j) on its website,
  - aa) publishes the regional waste management plan pursuant to § 9(4),
  - ab) requests the responsible producing organization to demonstrate the functionality of the system of collective management for the specified waste stream pursuant to § 28(5),
  - ac) requests the third person to prove functionality of the system of management of waste batteries and accumulators under § 44(9),
  - ad) requests the responsible producing organization to demonstrate the functionality of the collective management system for the specified waste stream pursuant to § 29(2),
  - ae) keeps records on reports of volume, transboundary transport from another Member State to the Slovak Republic, importation, transboundary transport to another Member State from the Slovak Republic and producers' exports pursuant to § 125(6)(b),
  - af) publishes decisions on granting authorisation,
  - ag) publishes a call for the establishment of coordination centre, receives written notifications and fulfil other tasks according to § 31(4), determines the producer responsibility organizations and producers of specified products that fulfil their obligations individually and which are obliged to establish the coordination centre.
- (3) The generally binding legislation which the Ministry issues lays down the following:
- a) details on the content of plans and on the method of developing the plan of regions, municipalities and holders polychlorinated biphenyls and on the content of the waste prevention programme,
  - b) the waste list, list of hazardous characteristics pursuant to the Basel Accords, list of waste categories and pollutants pursuant to the Basel Accords, as well as a list of

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<sup>139)</sup> § 20 to 22 of Act No 50/1976 as amended.

<sup>140)</sup> Article 9 of the Stockholm Convention on Persistent Organic Pollutants (Notification No 593/2004 Z. z.).

- criteria for assessing hazardous characteristics of waste, which makes up the Waste Catalogue,
- c) the content and method of keeping and storing records on waste from waste holders, transporters of hazardous waste, operators of waste recovery installations and operators of waste disposal installations, and the storage term thereof, as well as the content and method of keeping and storing records on waste collection and recovery of certain wastes, and reporting the information thereof and details on obligations to report to the coordination centre pursuant,
  - d) details on waste management, requirements for waste management facilities and the operation thereof, designation of waste management facilities, technology for the management of hazardous waste, gathering of waste and waste storage, details on operating waste management facilities, publication of the conditions for receiving or purchasing waste from natural persons, publishing the types of waste approved for recovery or disposal, a template for the energy efficiency calculation, the scope and method of monitoring waste from the production of titanium dioxide and the area where said waste is discharged, stored or sprayed, toxicity limits, list of wastes that are not allowed to be stored without their prior treatment,
  - e) uniform methods of analytical waste examination,
  - f) details on landfills, operation thereof, landfill inspection and monitoring procedures during operation and during after-care for landfills following closure, procedures for closing down landfills and after-care thereof, details on recording and reporting obligations and on record-storage obligations,
  - g) details on operating temporary mercury storage facilities, details and requirements for the rules of operation, which are subject to approval by the waste management administrative authority, the scope and method of monitoring mercury, the content and method of keeping, notifying and storing records on mercury classified as waste, operators of mercury storage facilities, conditions for the storage of mercury, and confirmation on containers,
  - h) template for calculating the annual amount of the special-purpose financial reserves,
  - i) details on applications for entry into the Register of Producers of a Specified Product and template for the confirmation of entry, details on the obligations of producers of specified products, content and way of keeping records about the volume of the production, transboundary transport from other Member state to the Slovak republic and import of the specified products and waste thereof, and time frame of keeping those records, details on the reporting obligation under § 125 (7) a), details on the duty to provide information in relation to the end-users of a specified product, details on nationwide promotional and educational activities focusing on end-users and concerning management of this waste, separate collection of municipal waste and waste prevention, details on the content of the Report on the Operations of Responsible producing organizations and on the scope of the information published from said report, details on the content of the Report on the Functioning of the System of Individual Management and on the scope of the information published from said report, details on the scope of territorial coverage of the Slovak Republic for the purposes of ensuring the collection of a specified waste stream, details on calculating the amount and type of the security pursuant to § 29(2)(g) and demonstrating it to the Ministry, details on managing the packaging waste and waste from non-packaging products, the list of products that can become non-packaging product,
  - j) details on the method of demonstrating recovery in waste recovery installations in Member States, as well as outside of Member States,

- k) details on managing EEE and WEEE, details on classifying WEEE for separate collection purposes and storing it prior to processing, details on labelling EEE placed on the market with a graphic symbol, details on containers at the collection point, details on the storage of WEEE, including temporary storage, details on the recording and reporting obligations of WEEE processors, details on the technical requirements for processing WEEE, details on keeping operational documentation on processing WEEE, conditions which equipment for preparing waste for reuse must meet, details on information which the processor is to provide on reuse and processing for each type of new EEE, categories of WEEE which are suitable for preparation for reuse and the authorisation of the persons conducting said preparation to reuse WEEE, containers suitable for transferring very small WEEE or EEE from light sources, examples of WEEE other than household WEEE, details on transboundary transport of used EEE, details on accompanying documentation, testing and evaluation of used EEE including the results of testing, content, placement and retention of the records,
- l) details on labelling batteries, accumulators and sets of batteries with a graphic symbol, details on the recording and reporting obligations of processors of batteries and accumulators, requirements for the processing and recycling of spent batteries and accumulators, details on operational documentation on processing and recycling spent batteries and accumulators, details on the method of demonstrating fulfilment of recycling efficiency in waste recovery installations in other Member States, as well as outside of Member States and the degree of efficiency of recycling spent batteries and accumulators,
- m) the amount of the deposit for returnable reusable packaging for beverages and the amount of the deposit for returnable non-reusable packaging for beverages, requirements for the characteristics and components of packaging, details on labelling with information on the material components of packaging, details on labelling packaging as returnable packaging, and details on the method and demonstration of the material flow,
- n) details on requirements for equipment for processing end-of-life vehicles and facilities for collecting end-of-life vehicles, details on the conditions of managing end-of-life vehicles when processing them, details on the recording and reporting obligations of processors of end-of-life vehicles, details on keeping operational documentation on processing end-of-life vehicles, details on keeping documentation on end-of-life vehicles located at a designated car park, details on the method of coding vehicle parts, materials used in vehicles and furnishings used in vehicles and code list, requirements for recycling, recovery of end-of-life vehicles and reuse of parts from end-of-life vehicles, list of materials and components under § 61(1) b), , including the maximum permissible limits of the amount of heavymetals they contain, deadlines for claiming exemptions from this prohibition and cases in which said materials and components are to be separated prior to further processing, including the method of labelling them, template for the confirmation of acceptance of an end-of-life vehicle for processing, details on the scope of the publishing and information obligations of vehicle producers, details on the publishing activities of processors of end-of-life vehicles § 65(1) p), details on the application for a decision that a vehicle has ceased to exist, and details on the amount of the contribution to the Environmental Fund for a decision that a vehicle has ceased to exist,
- o) details on the decontamination of polychlorinated biphenyls, reference methods of determining the polychlorinated biphenyl content in decontaminated equipment, objects, materials and liquids, method of labelling the entrance to an area where there

is contaminated equipment, method of labelling this equipment, method of labelling decontaminated equipment and technical requirements for the method of disposing of polychlorinated biphenyls other than incineration, method and content of notifications of the possession of equipment containing polychlorinated biphenyls, template of confirmation about receiving polychlorinated biphenyls under § 17(1) j),

- p) special criteria for determining end-of-waste status,
- q) delineation of areas inhabited by brown bears which are subject the obligation to secure waste by a suitable means, and details on the means of securing the waste,
- r) the content and method of keeping the list of registered persons (§ 98),
- s) details on the content of the application for the decision and opinion of the waste management administrative authority,
- t) requirement for granting a permit for the utilisation of waste for terrain surface treatment, including details on types of waste suitable for this purpose,
- u) details on the content of the application for authorisation, template thereof and requirements and details on the content and means of keeping the register of persons granted said authorisation,
- v) details on technical and material provision and provision of human resources for authorised processing activities and on the content and means of verifying professional qualifications, providing for the system of contractual relationships, content and method of keeping the register of persons qualified for authorisation, cases in which an expert assessment of the environmental impact of the activity or equipment in question is or may be part of the application for the decision and opinion of the waste management administrative authority, details on the procedure for appointing authorised persons, requirements for expert assessments, details on conditions for performing assessment activities, and details on keeping the registers of authorised persons,
- w) details on equipment for collection yards, requirements for the separate collection of municipal waste, and calculation of the usual costs of collection in a given municipality,
- x) details on the management of biodegradable waste,
- y) conditions for entering data into the information system, and scope of providing access to data from the information system,
- z) rates of counting the contributions to the Recycling Fund, list of products , materials and equipment for which has to be paid contribution to the Recycling Fund and details on requirements for the application for financing from the Recycling Fund.

(4) The Ministry is the notification body for the European Union in matters concerning waste management and notifies the European Commission of the following in particular:

- a) information from the records kept pursuant to paragraph 2 r) every two years,
- b) information and reports based on enquiries, instructions or schedules from the European Commission,
- c) annual information on the proportion of spent batteries and accumulators collected in the previous calendar year and the method how said information was gained, within six months as of the end of the calendar year,
- d) annual information on the efficiency and recycling level achieved for spent batteries and accumulators during the previous calendar year.

## **§ 106** **Inspectorate**

The inspectorate

- a) is a waste management administrative authority (§ 112),
- b) imposes fines (§ 117),
- c) decides in contested cases on whether a given good constitutes waste in the case of transboundary transport,
- d) is authorised to inspect documents in the field of transboundary waste movement pursuant separate legislation<sup>58)</sup> and pursuant to this Act, conduct physical inspections of waste, and take and analyse waste samples at the place of origin of the waste, at the notifier or recipient of the waste, at border crossings and in the entire territory of the Slovak Republic

## **§ 107**

### **District office in the regional capital**

In matters of the state waste management administration, the district office in the regional capital:

- a) compiles, issues, updates and publishes the plan for the Slovak Republic and holds public negotiations on the draft of said plan,
- b) provides upon request information on the existence and location of installations suitable for recovering and disposing of waste within the region,
- c) decides in the event of doubt whether or not an object constitutes packaging, except in cases pursuant to § 106 c),
- d) assesses municipal plans and approves plans of holders of polychlorinated biphenyls which extend beyond the territorial circuit of the district office,
- e) issues its opinion on the establishment of waste incineration or co-incineration installations and on changes to them pursuant to § 99(1) a),
- f) grants its opinion on construction concerning waste management pursuant to § 99(1) b) if the impact thereof extends beyond the territorial circuit of the district office,
- g) grants permits for transporting hazardous waste beyond the territorial circuit of the district office and permits for the transport of hazardous waste beyond the territory of the region, as long as granting such permits is not restricted by the Ministry,
- h) decides on the classification of waste if the waste holder is not able to unambiguously classify the waste according to the Waste Catalogue,
- i) is entitled to prohibit the activities of the following entities until the deficiency in question has been rectified:
  - 1. waste producers, if they have failed to ensure waste recovery or disposal and said failure could result in severe harm to the environment or ecological interests,<sup>141)</sup>
  - 2. operators of waste management facilities failing to fulfil the obligations laid down by the Waste Act or implementing legislation thereof and said failure could result in severe harm to the environment or ecological interests,
- j) keeps records on accompanying documents for hazardous waste pursuant to § 26(2) b),
- k) is a waste management administrative authority,
- l) imposes fines (§ 117),

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<sup>141)</sup> § 10 of Act No 17/1992 on the environment.

- m) demands operators of waste recovery installations and operators of waste disposal installations to recover or dispose of waste in exceptional cases (§ 17(1) k)], keeps records of the information provided under § 17(1) l),
- n) grants permits for waste recovery or disposal using mobile waste recovery or disposal installations (§ 97(1)(h)],
- o) issues its opinion on the release of waste to the customs procedure for free circulation in the Slovak Republic (§ 99(1)(d)],
- p) grants permit to issue operating instructions for mobile waste recovery or waste disposal installations,
- q) issues its opinion on the regions' spatial plans,
- r) grants its approval for a substance or object to be deemed to be a by-product and not waste, as long as it is not installation whose operation must be authorised by pursuant to separate legislation,<sup>126)</sup>
- s) issues permits to conduct preparation for reuse,
- t) performs state administration as the second instance in matters in which the administrative proceedings at first instance were performed by the district offices or district offices at headquarters county.

### **§ 108 District office**

- (1) In matters of the state waste management administration, the district office:
- a) compiles documents for developing the regional plan and plan for the Slovak Republic,
  - b) issues confirmation of the closure of landfills pursuant to § 97(13), confirmation for the use of financial reserve funds pursuant to § 24(6) and confirmation pursuant to § 24(13), if the landfill in question allows, and issues confirmation on the closure of storage facilities pursuant to § 97(14),
  - c) conducts registration pursuant to § 98,
  - d) assesses municipal plans and approves plans of holders of polychlorinated biphenyls which do not extend beyond the territorial circuit of the district office, and issues its opinion on the plan for the management of extractive waste pursuant to separate legislation<sup>142</sup>,
  - e) keeps records on:
    1. reports on the generation and management of waste pursuant to § 14(1) g) and § 17(1) f),
    2. accompanying documents for hazardous waste pursuant to § 26(2) b),
    3. reports on the waste from the products or materials and about the volume of their recovery from the waste collection in the Slovak Republic, pursuant to § 125(7),
    4. decisions issued pursuant to this Act, and
    5. opinions issued pursuant to § 99,
  - f) Approves project documentation on the closure, reclaiming and monitoring of landfills (§ 19) and storage facilities (§ 21),
  - g) decides on obligations to separate hazardous waste (§ 25(3)],
  - h) conducts procedures pursuant to § 67(5) through (9), decides on whether the State gains ownership of vehicles, determines whether or not a vehicle is an end-of-life vehicle and performs action pursuant to § 68,

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<sup>142</sup> Act No 514/2008 Coll. as amended

- i) is a waste management administrative authority (§ 112),
- j) imposes fines (§ 115, 117),
- k) provides upon request information on the existence and location of installations suitable for recovering and disposing of the waste in question and on disposing of the given waste in the territorial circuit of the district office,
- l) conducts hearings on infringements (§ 115),
- m) decides in first-instance administrative proceedings on matters pursuant to this Act and issues its opinion, with the exception of matters belonging to other waste management administrative authorities,
- n) conducts second-instance state administration on matters in which first-instance administrative proceedings are conducted by the municipality,
- o) conducts monitoring pursuant to § 78(6),
- p) issues its opinion on municipalities' spatial plans and zoning plans,
- q) ensures the performance of proceedings pursuant to § 15(8) through (16).

(2) The state administration of waste management, which under this Act does not belong to other administrative authorities of waste management, is carried out by the district office.

### **§ 109 Municipality**

The municipality conducts the following in matters of state waste management administration:

- a) holds hearings for infringements in waste management [§ 115(3)a)] and imposes fines for infringements [§ 115(2) a)],
- b) provides waste holders with information on the location and activities of waste management facilities within the municipality.

### **§ 110 Slovak Trade Inspection**

(1) The Slovak Trade Inspection fulfils the following functions in matters of state waste management administration:

- a) is a waste management administrative authority (§ 112) for the purpose of verifying compliance with the obligations specified in § 34(1) a) through (d), § 43(1), § 45(1) a) through (d), § 45(2), § 53, § 54(1)(a) through (c), § 55, 56, § 61(1) a) through (c) and h), § 79(8), § 79(10) a) and (b), and § 79(21) d) in matters concerning devices which contain polychlorinated biphenyls which are not considered waste according to this Act and which are components of electrical systems or electrical take-off equipment,<sup>143)</sup>
- b) imposes fines (§ 117) for violations of the obligations pursuant to Letter a),
- c) monitors the quantity of polychlorinated biphenyls in devices pursuant to Letter a) notified by their holder pursuant to § 79(8) and (10), and provides the information it obtains on the quantity to the district office.

(2) Inspectors of the Slovak Trade Inspection are authorised to perform the following while

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<sup>143)</sup> § 39 of Act No 251/2012



carrying out state supervision:

- a) enter storage and sales areas,
- b) take samples of devices and products in order to perform tests on them,
- c) request the accompanying documents of devices and products,
- d) inspect the labelling of devices and products placed on the market,
- e) warn producers of deficiencies detected and require them to rectify said deficiencies within a defined period of time,
- f) preclude the transport, sale or use of devices and products which are not in compliance with the provisions of this Act,
- g) demand the recall of EEE or products from the market if it has been demonstrated that they are not in compliance with the provisions of this Act.

## **§ 111**

### **State administrative authorities in the fields of taxes, fees and customs**

(1) In cases of transboundary waste movement by road, the customs authority and Customs Criminal Office verify whether:

- a) the waste is furnished with the documents pursuant to separate legislation,<sup>58)</sup>
- b) transported goods which are not accompanied by the documents required pursuant to the special regulations<sup>58)</sup> are not waste,
- c) the transboundary waste movement is not in violation of separate legislation,<sup>58)</sup>
- d) the waste being transported corresponds to the facts according to the enclosed documents.

(2) During a check, the customs office and Customs Criminal Office are authorised to detain vehicles, command vehicles to stop at a suitable location, inspect documents, the waste being hauled, take and analyse samples and conduct photodocumentation.

(3) If the customs office or Customs Criminal Office determines that the transboundary waste movement constitutes unlawful transport pursuant to separate legislation<sup>144)</sup> or that the transboundary waste movement is being conducted in conflict with the permit, it will order the transport to stop and temporarily detain the vehicle.

(4) If the customs office or Customs Criminal Office detects a violation of separate legislation<sup>57)</sup> during transboundary waste movement, it shall inform the Ministry and inspection without delay. Upon receiving the information, the Ministry or inspection shall decide on further proceedings without delay, in which it may determine a location for the shipper to detain the vehicle until it is returned, recovered or disposed of pursuant to separate legislation.<sup>145)</sup>

(5) The costs connected with interrupting the transport and temporarily detailing the vehicle pursuant to paragraph 3, driving the vehicle to the location determined pursuant to paragraph 4, parking the vehicle and potential transloading, storage or other handling of the waste shall be borne by the shipper. The Ministry, inspection and customs authorities or Customs Criminal Office are not accountable for damages caused to the shipper which took place as a result of detaining the vehicle pursuant to paragraphs 3 and 4.

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<sup>144)</sup> Article 2(35) of Regulation (EC) No 1013/2006 as amended.

<sup>145)</sup> Articles 22 to 25 of Regulation (EC) No 1013/2006 as amended.

## **§ 112**

### **State supervisory authority in waste management**

(1) The state supervisory authority in waste management (hereinafter “state supervisory authority”) monitors compliances with the obligations of legal persons and sole traders (hereinafter “persons under inspection”) in accordance with this Act, the generally binding legislation issued to enforce it and obligations imposed by decisions issued based on this Act. State supervision of persons granted permits (§ 97) or authorisations (§ 89) is conducted at least once every four years.

(2) If the state supervisory authority determines that a person under inspection has violated an obligation imposed by this Act, the generally binding legislation issued to enforce it or obligations imposed by decisions issued based on this Act, then it shall impose a fine pursuant to § 116.

(3) The state supervisory authority is entitled to impose remedial measures on persons disposing of waste from the production of titanium dioxide by means of operation D15 or landfilling by means of operation D1 or D3 specified in Annex 2 if:

- a) results of monitoring indicate that the conditions for the permit pursuant to § 97(1)(m) have not been fulfilled,
- b) results of acute toxicity tests indicate that defined limits have been exceeded (§ 105(3)(d)],
- c) results of monitoring reveal that the situation in the monitored area has deteriorated,
- d) disposal by means of operation D15 or landfilling by means of operation D1 or D3 specified in Annex 2 has a detrimental effect on recreational activities, raw material extraction, plant and animal life, a habitat, location or area of special scientific interest, or other legitimate use of the area in question.

(4) Persons conducting state supervision are entitled to the following when carrying out their tasks:

- a) in the accompaniment of an employee of the person under inspection and in accordance with the instructions for ascertaining safety and health protection in the work of the person under inspection which apply to said person’s workplace and premises and may freely enter the property, operating premises, buildings, facilities and other areas of the person under inspection,
- b) require persons under inspection to prove their identity, the identity of their employees or persons acting on their behalf,
- c) require persons under inspection to submit their operational records and documents, and is entitled to inspect said records and documents, and request copies thereof,
- d) conduct any necessary investigation work, including taking samples, making photo and video documentation and request the necessary data and explanations connected with conducting the inspection.

(5) Persons conducting state supervision are to identify themselves with their service ID, which they are to allow persons to inspect upon request.

(6) Persons under inspection are obliged to:

- a) allow state supervision to be performed,

- b) grant persons conducting state supervision and persons accompanying them entry to the property, operating premises, buildings, facilities and other areas,
- c) prove their identity, the identity of their employees and persons acting on their behalf,
- d) submit original copies of their operating records and documents, allow them to be inspected and make and submit copies of them,
- e) allow any necessary investigation work, including taking samples, making photo and video documentation, and are to provide any necessary written material, explanations and truthful and complete information concerning waste management and the fulfilment of the obligations of producers and importers of specified products.

(7) Police authorities are to provide persons conducting state supervision with cooperation and protection during the performance of state supervision upon request. Cooperation and protection may be request if a justifiable risk is anticipated to the life or health of the persons conducting state supervision or that the performance of state supervision will be obstructed if the life or health of the persons conducting state supervision is at risk or if the performance of state supervision is being obstructed.

(8) State supervision is to be performed in procedures pursuant to separate legislation,<sup>146)</sup> unless paragraphs 1 through 7 state otherwise. The provisions of the special legislation<sup>24)</sup> are not affected by paragraphs 4 and 6.

(9) The date of deliberation on the inspection report is deemed to be the date upon which the state supervisory authority gained knowledge of a violation of an obligation pursuant to this Act.<sup>147)</sup>

### **§ 113 Proceedings**

(1) Unless explicitly stated otherwise in this Act, the general legislation on administrative proceedings shall apply to proceedings pursuant to this Act.<sup>148)</sup>

(2) The general legislation on administrative proceedings (with the exception of the provisions on local competence) do not apply to:

- a) issuing the plan for the Slovak Republic and regional plan pursuant to § 9,
- b) issuing confirmations pursuant to § 97(13) and (14) and § 24(6) and (13),
- c) registration pursuant to § 98,
- d) issuing opinions pursuant to §15 (5) and § 99,
- e) determining the amount of the collateral pursuant to § 87(2),
- f) proceedings pursuant to Part Seven of this Act,
- g) decisions pursuant to § 106(c),
- h) issuing certification of qualification to issue expert assessments pursuant to § 100(5) and to issue the certification of qualification pursuant to § 95(4),
- i) proceedings on entering, amending and deleting producers of specified products in the Register of Producers of Specified Products pursuant to § 30,
- j) proceedings on a vehicle's Termination to exist pursuant to § 68,

<sup>146)</sup> Act of the National Council of the Slovak Republic No 10/1996 on monitoring in state administration.

<sup>147)</sup> § 13(8) of Act of the National Council of the Slovak Republic No 10/1996 as amended by Act No 164/2008

<sup>148)</sup> Act No 71/1967 on administrative proceedings (the Administrative Code of Procedure) as amended.

- k) decisions in the event of doubt as to whether a product constitutes packaging (§ 105(2)(x)],
- l) decisions pursuant to § 111(4),
- m) decisions on providing funds from the Recycling Fund pursuant to § 129,
- n) assessment of the municipality program under §10(4).

(3) Appeals lodged against decisions on waste disposal in exceptional cases pursuant to § 17(1)(k) do not have suspensive effect.

(4) The municipality whose territory the waste disposal or recovery installation is located on or intended to be built on, or whose territory the decontamination or disposal of used polychlorinated biphenyls or contaminated devices is conducted or intended to be conducted is also a participant in the proceedings for issuing a permit pursuant to § 97(1)(a), (c), (d), (j) through (n), (p) through (t).

(5) Proceedings to impose remedial measures or fines are conducted by the authority which first initiated said proceedings. If two or more authorities initiate proceedings simultaneously and an agreement is not reached between them as to who will conclude the proceedings, the next common authority of a higher instance shall be competent for the conclusion of the proceedings; if, however, one of these two authorities is the inspection, then the inspection will conclude the proceedings; if these authorities include one or more district offices and the district office at the regional capital, then the proceedings shall be concluded by the district office at the regional capital.

(6) The local competence of waste management administrative authorities in cases of waste transport is determined by the waste's destination.

(7) The local competence of the waste management administrative authority when issuing permits for waste recovery or disposal using a mobile installation pursuant to § 97(1)(h) is determined by:

- a) the registered office of the business (in the case of legal persons) or
- b) the place of business (in the case of sole traders).

(8) The application for a decision or opinion from waste management administrative authorities must at least make it clear who is submitting it, what types of waste and what waste-management-related activities are involved and what is proposed.

(9) The state administration authority competent for issuing permits pursuant to § 97(1)(a), (c) through (g), (j) and (o), confirmations pursuant to § 97(13), confirmation pursuant to § 99(1)(a) through (c) and confirmations pursuant to § 108(b) is the authority in question in an integrated permit<sup>123</sup>.

(10) The Ministry will stop proceedings to issue authorisation to perform individual management activities with a specified waste flow if producer of the specified product has submitted confirmation pursuant to § 30(2) and simultaneously not withdrawn the application for issuing said authorisation.

(11) Persons whose permit was revoked may only resubmit an application for a permit pursuant to § 97(1)(d) for metallic waste collection facilities may once three years have

elapsed as of the date upon which the previous permit was revoked.

## **§ 114**

### **Change, revocation and loss of a decision's validity**

(1) A waste management administrative authority may do the following to an issued decision at its own initiative or at the proposal of a participant in the proceedings:

- a) change the decision if:
  1. it is required because of environmental protection requirements, animal or human health protection requirements or other important public interests,
  2. changes occur in the circumstances which were of decisive importance in issuing the decision,
  3. the conditions specified in the decision have not been complied with,
- b) revoke the decision:
  1. in the cases specified in Letter a) if serious ecological harm or other serious damage is impending or has already occurred,
  2. if technical equipment is used which is not capable of ensuring fulfilment of the conditions to protect the environment laid down in generally binding legislation or in a technical standard,
  3. if the authorised person does not make use of the permit for a period of over one year without good cause,
  4. if a person under obligations fails to take remedial measures imposed on him/her and continuing the activity will result in immediate threats to the lives or health of persons or animals or the threat of severe ecological harm or other serious damage occurring,
  5. if a landfill operator who has received a fine pursuant to § 117(5) fails to divest the entire amount of funds from the special-purpose financial reserve by the alternative deadline determined in the remedial measure pursuant to § 116(3) or repeatedly fails to divest the annual amount of funds from the special-purpose financial reserve by the deadline pursuant to § 24(7),
  6. if an operator of a waste collection facility who has been granted a permit pursuant to § 97(1)(d) has been issued a fine pursuant to § 117(4) two times, or fails to take remedial measures.

(2) The participant in the proceedings pursuant to paragraph 1 shall bear the costs of the proceedings, except in cases in which the situation occurred at no fault of his/her own; in such case, the costs shall be borne by the party which is at fault in the occurrence of the situation in question. If there are multiple participants in the proceedings, then the costs will be carried by the party which is at fault in the occurrence of the situation in question.

(3) Decisions issued pursuant to this Act shall cease to be valid:

- a) once the time for which it was issued expires,
- b) if the installation for which it was issued ceased to exist,
- c) upon the end of the activity for which it was issued,
- d) if a change in the person operating the installation is not notified by the deadline pursuant to paragraph 4.

(4) Unless the waste management administrative authority stated otherwise in the decision, the rights and obligations established in the decision issued for the operation of the

installation shall be transferred to a new operator of the installation, as long as said installation continues to serve the same purpose for which the decision was issued. The new operator will be required to notify the change in operator to the waste management administrative authority within 30 days as of the date of said change.

## **PART TEN**

### **RESPONSIBILITY FOR VIOLATING OBLIGATIONS**

#### **§ 115**

#### **Offences**

- (1) An offence is committed by a person who:
- a) stores waste at a location other than the location determined by the municipality [§ 13 a)],
  - b) stores waste in a collection container for separate collection of a different type than that which the collection container was intended for [§ 81(6)(a)],
  - c) recovers or disposes of waste in a manner contrary to this Act [§ 13b)],
  - d) fails to fulfil the notification obligation pursuant to § 15(2),
  - e) acts in a manner contrary to § 33(b),
  - f) manages waste tyres in a manner contrary to § 72,
  - g) manages construction or demolition waste in a manner contrary to § 77(4),
  - h) acts in a manner contrary to § 81(6) b),
  - i) acts in a manner contrary to § 81(9),
  - j) acts in a manner contrary to § 81(13),
  - k) fails to provide the municipality with the required data pursuant to § 81(17),
  - l) manages waste other than municipal waste contrary to § 12(7),
  - m) fails to fulfil the obligation to recover or dispose of waste pursuant to § 15(13),
  - n) acts in a manner contrary to § 14(6),
  - o) manages hazardous waste in a manner contrary to § 25,
  - p) manages WEEE in a manner contrary to § 38(1),
  - q) manages spent batteries and accumulators in a manner contrary to § 49,
  - r) if he/she is the holder of an end-of-life vehicle and fails to fulfil the obligation pursuant to § 63(1) and § 67(1),
  - s) manages waste oils in a manner contrary to § 76(9),
  - t) performs transboundary waste movement in a manner contrary to Part Seven of this Act (§ 84 through 88).
- (2) Offences pursuant to:
- a) Paragraph 1(a) through (k) carry a fine of up to EUR 1 500,
  - b) Paragraph 1(l) through (t) carry a fine of up to EUR 2 500.
- (3) Offences pursuant to:
- a) Paragraph 1(a) through (k) shall be heard by the municipality,
  - b) Paragraph 1(l) through (t) shall be heard by the district office.
- (4) The authority empowered to hear offences pursuant to paragraph 3 may order the person responsible for an offence pursuant to paragraph 1 to forfeit items constituting waste which

may be recovered; the proceedings pursuant to paragraph 3 are not affected by this. Forfeited items will become property of the State or municipality depending on whether the district office or municipality decided on the forfeiture of the items.

(5) The authority which ordered the items to be forfeited pursuant to paragraph 4 shall immediately transfer items constituting waste to the person authorised to manage said waste pursuant to this Act; the financial resources gained for transferring the waste shall become revenue of the budget financed by the authority which ordered the forfeiture of the items.

(6) The general legislation on hearing offences shall apply to offences and hearings for them.<sup>149)</sup>

(7) The proceeds from fines imposed for offences pursuant to paragraph 1 and heard pursuant to

- a) Paragraph 3(a) are revenue of the municipality's budget,
- b) Paragraph 3(b) are revenue of the Environmental Fund.

## **§ 116 Imposing fines**

(1) Proceedings on imposing fines upon legal entities or sole traders may be initiated within one year as of the date upon which the state administration authority for waste management gained knowledge that the obligation had been violated, albeit within not more than three years as of the date upon which the violation occurred.

(2) The severity, extent and duration of the unlawful activity shall be taken into account when imposing fines.

(3) When deciding to impose a fine, the waste management administrative authority may simultaneously require the party under obligation to take measures to remedy the results of the unlawful activity for which the fine was imposed. If the party under obligation fails to take said measures within the defined deadline, the waste management administrative authority may impose an additional fine of up to two times the maximum sum of the fine established by this Act.

(4) If, within a period of one year as of the entry into effect of the decision to impose the fine pursuant to this Act, the party under obligation violates the obligation for which the fine was imposed or fails to take the remedial measures, then an additional fine of up to two times the maximum sum of the fine established by this Act shall be imposed.

(5) The fine will be due within 30 days as of the entry into effect of the decision through which it was imposed, unless said decision determines a longer deadline for its payment.

(6) The proceeds from the fines are revenue of the Environmental Fund.

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<sup>149)</sup> Act of the Slovak National Council No 372/1990 on administrative offences, as amended.

**§ 117**  
**Other administrative offences**

(1) The competent state administrative authority for waste management will impose a fine from EUR 500 to EUR 50 000 upon legal persons or sole traders who violate obligations pursuant to:

§ 14(1) a), f), g), h), n); § 15(2),(18); § 16(1),(2); § 16(4); § 16(8) b); § 17(1) c), d), f), h), i), j), l), m); § 19(1) b), c), e), g), h), j); § 21(3) b), c), e), h), i), k), p), q), r), s); § 26(2) a), b); § 26(3),4, 5; § 27(4) h); § 28(4) h), i), k), n),o), p), s), t); § 28(9), (10), (11); § 29(1) e), g), h), i), j); § 30(6), (7); § 34(1) m); § 38(1); § 39(4) d), e); § 41 a), b), c), d), m), n); § 44(8) f), g), h), j), k), l), n), o); § 44(12),(13),(14); § 46(2); § 50 (4); § 51 e), f), g), j); § 53(7), (8); § 54(1) f); § 55(3),(4),(5); § 56(4),(5),(9),(10); § 61(1) h), i), j); § 61(2),(3),(6); § 62(2),(3),(4); § 64(2) a), b), d), i), j); § 65(1) e), f), o), p), q), r), s), v),w); § 67(1),(3),(4); § 74(1) b); § 79(8),(10); § 81(2),(3),(15); § 82(3) a), b); § 92(4); § 93(1); § 103(5),(6); § 125(5),(6),(7).

(2)The competent state administrative authority for waste management will impose a fine from EUR 800 to EUR 80 000 upon legal persons or sole traders who violate obligations pursuant to:

§ 7(6), (7), (8) and (9); § 10(1), (4), (5), (7), (8), (9), (12); § 11; § 16(8) a), d); § 17(1) e); §19(1) i), k); § 21(3) d), o); § 25(5); § 28(4) j); § 37; § 41 e), f); § 48; § 51b), c); § 55(1),(2),(6); § 56(1),(2),(3),(6),(7); § 64(2) c), h); § 65(1) c), d), n), u); § 71; § 81(6), (7), (8), (12), (13), (17), (18), (19), (20), (22), (24); § 82(3) c), d); § 83; § 98; § 135.

(3) The competent state administrative authority for waste management will impose a fine from EUR 1 200 to EUR 120 000 upon legal persons or sole traders who violate obligations pursuant to:

§ 6(10); § 12(1),(2); § 14(1) b), c), d), e), i), j),m); § 14(6); § 15(13); § 16(3); § 16(8) c), e), f), g), h); § 17(1) g); § 21(3) j), l), t); § 22; § 23; § 25(4),(6), (10), (12); § 26(1) b); § 27(4) a), b), c), d), i); § 27(8), (12), (13), (17), (18), (19), (21); § 28(4) a), b), f), g), m), q), r); § 28(5); § 29(1) a), c), d), k), l); § 29(2); § 30(1), (2), (3), (4); § 31(6), (11), (12), (13), (14); § 34(1) a),b), c), d), f), g), h), i), j), k), l); § 34(3), (4), (5), (6); § 35; § 36; § 38(2), (3); § 39(1),(3); § 39(4) a), b), c); § 40(2); § 41 g), h), i), j), k), l); § 44(3); § 4(8) a), d), e), m), q), r); § 44(9); § 45; § 46(1) d), e); § 47(1) d), e); § 47(2) d), e); § 49; § 50(1), (2); § 51 h), i); § 53(1),(5),(6); § 54(1) a), b), c); § 57(2), (3), (5); § 58(1); § 59; § 61(1) a), b), c), d), e), f), g); § 63(1); § 64(2) e), f), g); § 65(1) b), g), h), i), j), k), l), m), t); § 66(2),(3),(5); § 70; § 72; § 74(1) a), (2) and (3); § 75(2), (3); § 76(6), (7),(8), (9), (10); § 77(4); § 78; § 79(15), (19); § 81(9); § 125(1), (2), (3), (4).

(4) The competent state administrative authority for waste management will impose a fine from EUR 1 500 to EUR 200 000 upon legal persons or sole traders who violate or act contrary to:

§ 17(1) a), b) and k); § 19(1) a) and d); § 19(3); § 21(1); § 21(3) a), m) and n); § 26(1) a); § 28(4) c); § 29(1) b); § 44(8) b),c); § 51 a); § 64(1); § 65(1) a); § 89(1); § 97.

(5) The competent state administrative authority for waste management will impose a fine from EUR 2 000 to EUR 250 000 upon legal persons or sole traders who violate obligations pursuant to:



§ 14(1) k) and l); § 16(6) and (7); § 20(2), (3); § 24; § 26(2) c) and d); § 27(4) e), f), g), j) and k); § 27(5) and (6); § 28(4) e) and l); § 28(7); § 29(1) f); § 29(4); § 34(1) e); § 44(8) i), p); § 44(11); § 46(1) a),b),c); § 47(1) a),b),c); § 47(2) a),b),c); § 51 d); § 54(1) d) and e); § 61(1)(d); § 58(2) and (4); § 79(14), (18), (20), (21), (22) and (23); § 84(4); § 88(2) and (4).

(6) The competent state administrative authority for waste management will impose a fine from EUR 4 000 to EUR 350 000 upon legal persons or sole traders who violate obligations pursuant to:

§ 13; § 16(5); § 19(1) f); § 21(2); § 21(3) f) and g); § 25(1),(7); § 33; § 43; § 53(3); § 62(6); § 76(4); § 79(16) and (24); § 84(3) and (5).

## **PART ELEVEN Recycling Fund**

### **CHAPTER ONE Activity of the Recycling Fund**

#### **Subpart One Organization of the Recycling Fund**

#### **§ 118**

(1) The Recycling Fund is a non-governmental special-purpose fund in which financial resources are concentrated to support the concentration, recovery and processing of:

- a) spent batteries and accumulators,
- b) waste oils,
- c) used tyres,
- d) waste from packaging from multilayer combined materials,
- e) EEE,
- f) plastic waste,
- g) paper waste,
- h) glass waste,
- i) end-of-life vehicles,
- j) metallic packaging waste.

(2) The Recycling Fund is internally divided into a headquarters and into sectors for:

- a) spent batteries and accumulators,
- b) oils,
- c) tyres,
- d) packaging from multilayer combined materials,
- e) EEE,
- f) plastic,
- g) paper,
- h) glass,
- i) vehicles,
- j) metallic packaging,
- k) general.

(3) The Recycling Fund is a legal person with registered office in Bratislava which is entered in the commercial register.<sup>150)</sup>

## **§ 119**

### **Bodies of the Recycling Fund**

(1) The bodies of the Recycling Fund include:

- a) administrative board,
- b) supervisory board,
- c) director.

(2) For the purposes of this Act, the business representative refers to a member of the administrative board or supervisory board appointed by the Minister of Economics of the Slovak Republic (hereinafter the “Minister of Economics”) at the proposal of the representative association of employers<sup>151)</sup>, and state representative refers to a member of the administrative board or member of the supervisory board appointed by the Minister of Finance of the Slovak Republic (hereinafter the “Minister of Finance”), the Minister of Economics, with the exception of the business representative or Minister of the Environment of the Slovak Republic (hereinafter the “Minister”), with the exception of the member of the supervisory board appointed at the proposal of a non-governmental organizations active in environmental protection and the representative interest groups of the cities and municipalities with nationwide competence.

## **§ 120**

### **Administrative board**

(1) The administrative board is the supreme body of the Recycling Fund. It conducts the administration of the Recycling Fund and manages its activity.

(2) The administrative board has 16 members, of which:

- a) 10 members are nominated and recalled by the Minister of Economics at the proposal of the representative association of employers in a manner which represents producers or importers from each specific sector (§ 118(2)(a) through (j), in which process the Minister is bound by the proposals submitted,
- b) one member is nominated and recalled by the Minister of the Environment of the Slovak Republic,
- c) one member nominated and recalled by the Minister of Finance,
- d) three members are nominated and recalled by the Minister at the proposal of the interest groups of the cities and municipalities, in which process the Minister is bound by the proposals submitted,
- e) one member nominated and recalled by the Minister of Economics.

(3) Membership in the administrative board cannot be substituted.

(4) A member of the administrative board cannot be a member of the supervisory board, director or employee of the Recycling Fund.

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<sup>150)</sup> § 27 of the Commercial Code.

<sup>151)</sup> § 2(3) of Act No 575/2001 on the organisation of activities of the government and central government, as amended.

(5) The administrative board elects a chairperson and deputy chairperson from among its members. If a business representative is elected to the position of chairperson, then a representative of the interest groups of the cities and municipalities or representative of the State shall be elected as deputy chairperson.

(6) In particular, the administrative board:

- a) approves the budget of the Recycling Fund and decides on major issues concerning the development activities and policies of the Recycling Fund and assumes responsibility for the management of the Recycling Fund's resources,
- b) decides on providing the Recycling Fund's resources in accordance with § 128 and 129,
- c) approves the annual report on the management and activities of the Recycling Fund for each calendar year by no later than 31 May of the following year,
- d) approves and publishes the annual financial statement of the Recycling Fund after being verified by an auditor,
- e) adopts measures to rectify deficiencies in the activities and management of the Recycling Fund,
- f) Approves the Recycling Fund's bylaws and the administrative board's rules of procedure,
- g) nominates and recalls the director and determines his/her remuneration pursuant to separate legislation.<sup>152)</sup>

(7) The Recycling Fund's rules of procedure govern the following in particular:

- a) the tasks of the members of the administrative board and supervisory board,
- b) the establishment of the sectors, their tasks, mutual relations and relations to bodies of the Recycling Fund,
- c) defines the scope of the matters restricted to the decision-making powers of the administrative board and supervisory board,
- d) defines the cases in which an arrangement other than a majority of over half of the members of the administrative board during administrative board decisions,
- e) rules governing the provision of resources from the Recycling Fund,
- f) the principles of managing financial resources,
- g) the frequency of administrative board and supervisory board sessions and the means of convening them,
- h) the organizational structure of the Recycling Fund.

(8) The members of the administrative board shall receive compensation for carrying out their function in accordance with separate legislation.<sup>153)</sup>

## **§ 121 Supervisory board**

(1) The supervisory board is the Recycling Fund's monitoring and supervisory body. It monitors the management of the Recycling Fund, in particular the provision and use of resources from the Recycling Fund and the activity of the administrative board and director.

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<sup>152)</sup> Labour Code.

<sup>153)</sup> Act No 283/2002 on travel reimbursements, as amended.

- (2) The supervisory board has seven members, of whom:
  - a) three members are nominated and recalled by the Minister of Economics, of whom two are nominated at the proposal of the employers' representative association of producers and importers; in the process, the Minister is bound by the proposals submitted,
  - b) three members are nominated and recalled by the Minister, of whom one is nominated at the proposal of the non-governmental organizations active in environmental protection and one is at the proposal of the interest groups of the cities and municipalities with nationwide competence, in which process the Minister is bound by the proposals submitted,
  - c) one member nominated and recalled by the Minister of Finance.
- (3) Membership in the supervisory board cannot be substituted.
- (4) The supervisory board elects a chairperson and deputy chairperson from among its members. If a business representative is elected to the position of chairperson, then a representative of the interest groups of the cities and municipalities, representative of the State or representative of non-governmental organizations active in environmental protection shall be elected as deputy chairperson.
- (5) A representative of the State may not be elected chairperson of the supervisory board if said representative of the State would be chairperson of the administrative board at the same time. A business representative may not be elected chairperson of the supervisory board if said business representative would be chairperson of the administrative board at the same time. A representative of the State may not be elected deputy chairperson of the supervisory board if said representative of the State would be deputy chairperson of the administrative board at the same time. A business representative may not be elected deputy chairperson of the supervisory board if said business representative would be deputy chairperson of the administrative board at the same time.
- (6) A member of the supervisory board cannot be a member of the administrative board, director or employee of the Recycling Fund.
- (7) The supervisory board performs the following tasks in particular:
  - a) supervises the economical and expedient handling of the Recycling Fund's resources,
  - b) examines the budget proposal, annual financial statement and annual report on the management and activities of the Recycling Fund for each calendar year and presents its opinions on them to the administrative board,
  - c) monitors the activity of the director in the fulfilment of the administrative board's decisions and in matters related to activities of the Recycling Fund,
  - d) submits reports on the supervisory board's activities, results of inspections and proposed measures to rectify any deficiencies detected to the competent ministries,
  - e) submits proposals to recall the director to the administrative board,
  - f) submits initiatives to recall a member of the administrative board to the person who proposed to appoint said member to the administrative board,
  - g) approves the supervisory board's rules of procedure,
  - h) approves the selection of the auditor,
  - i) imposes upon the administrative board measures to rectify any deficiencies detected during monitoring activities conducted by the supervisory board.

(8) The members of the supervisory board are entitled to inspect all documents concerning the management and activities of the Recycling Fund.

(9) The members of the supervisory board have a substitute for carrying out their function in accordance with separate legislation. <sup>153)</sup>

## **§ 122**

### **Termination of membership in the administrative and supervisory boards**

- (1) Membership in the administrative or supervisory board shall be terminated:
  - a) once the term for which the member was appointed to the administrative or supervisory board has elapsed,
  - b) if the member in question is recalled from the position,
  - c) if the member in question resigns from his or her position,
  - d) upon the death of the member in question,
  - e) if the member in question is declared dead, or
  - f) on the date upon which the Recycling Fund enters into liquidation.
  
- (2) A member of the administrative or supervisory board will be recalled from his/her position by the minister who appointed him or her if:
  - a) said member was lawfully convicted for a deliberate criminal act or lawfully convicted for a criminal act committed in the fulfilment of his/her function or in direct connection with it,
  - b) said member fails to fulfil the duties required of him/her based on the rules of procedure,
  - c) begins to perform a function which is incompatible with membership in the administrative or supervisory board.
  
- (3) The minister may also recall a member of the administrative or supervisory board who he/she has appointed for reasons other than those pursuant to paragraph 2; in the case of a member who was not appointed as a representative of the State, the minister who appointed him/her will be bound by the proposal to recall said member submitted by the person who proposed to appoint said member.
  
- (4) A new member of the administrative or supervisory board shall be appointed by the minister of the department which appointed the original member to the position; in cases pursuant to § 120(2) a) and § 121(2) a), this shall be done within 10 days of the submission of the representative association of employers, or within 30 days in other cases.
  
- (5) The term in office of the member of the administrative or supervisory board who has relinquished the function in question shall end upon the appointment of the new member pursuant to paragraph 4.

## **§ 123**

### **Director**

(1) The director is the chief executive of the Recycling Fund and acts on its behalf; he/she decides on all matters except those which are restricted to the administrative or supervisory

board in accordance with this Act or the Recycling Fund's rules of procedure. The director should be accountable to the administrative board for his/her activities.

(2) The director is entitled to take part in the deliberations of the administrative board in an advisory capacity.

(3) The director is responsible for:

- a) conducting accounting for the Recycling Fund,<sup>154)</sup>
- b) carrying out the decisions of the administrative board,
- c) releasing resources on the basis of decisions of the administrative board for the purposes pursuant to § 128,
- d) concluding contracts on the provision of the Recycling Fund's resources with applicants for the provision of said resources in accordance with decisions of the administrative board,
- e) monitoring compliance with the contractual conditions during the term of contracts on the provision of the Recycling Fund's resources,
- f) collecting contractual penalties from contracts on the provision of the Recycling Fund's resources and for collecting other receivables of the Recycling Fund,
- g) compiling the Recycling Fund's annual financial statement and submitting it to the administrative board and supervisory board by 31 March of the following year,
- h) compiling the annual report on the management and activities of the Recycling Fund for the calendar year and submitting it to the administrative board and supervisory board by 30 April of the following year,
- i) taking measures to rectify deficiencies in the activities and management of the Recycling Fund,
- j) fulfilling the tasks of the chief executive pursuant to separate legislation,<sup>155)</sup>
- k) fulfilling other tasks assigned by the administrative board.

(4) In addition to the material pursuant to paragraph 3(g) and (h), the director is to submit the following to the administrative board:

- a) the budget proposal for the Recycling Fund,
- b) applications for the provision of resources from the Recycling Fund (§ 129(4)].

(5) The director determines the salaries of the employees and members of the administrative and supervisory boards and decides on rendering compensation for their travel expenses pursuant to separate legislation.<sup>153)</sup>

(6) The director is required to inform the public two times per year of the amount of contributions to the Recycling Fund and the use of resources from the Recycling Fund.

(7) The term in office of the director of the Recycling Fund ends upon the date upon which the Recycling Fund enters into liquidation.

## **Subpart Two Fulfilment of obligations towards the Recycling Fund**

### **§ 124**

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<sup>154)</sup> Act No 431/2002 as amended.

<sup>155)</sup> Such as the Labour Code.

## Definition of terms

(1) The following entities shall be deemed to be a producer for the purposes of this part of the Act:

- a) producers or importers of tyres for motor vehicles and non-motorised vehicle which are sold in the Slovak Republic (either individually or on the wheels of said vehicles), as well as importers of used tyres for motor vehicles and non-motorised vehicle which are intended for re-treading,
- b) producers and importers of multilayer combined cardboard-based materials and importers of products packaged in said materials,
- c) producers and importers of metallic packaging and importers of products packaged in said packaging,
- d) producers and importers of products made from polyethylene terephthalate and importers of products packaged in said material,
- e) producers and importers of products made from polyethylene, polypropylene, polystyrene and poly vinyl chloride, and importers of products packaged in said materials,
- f) producers and importers of paper and cardboard, as well as importers of products made of paper and cardboard (including polygraphic products) and importers of products packaged in paper and cardboard, with the exception of hygienic and sanitary paper and paper products used for hygienic and sanitary purposes, cigarette paper, carbon copy paper, filter paper and paper and cardboard for producing tar or asphalt paper,
- g) producers and importers of glass, including packaging and plate glass for windows, as well as importers of products packaged in glass packaging,
- h) producers of batteries and accumulators,
- i) producers and importers of vehicles, with the exception of producers of individually produced vehicles<sup>87)</sup> and importers of individually imported vehicles;<sup>88)</sup> such entities are not simultaneously subject to the obligations of producers in accordance with this subpart of the Act for parts of a vehicle which constitute components thereof,
- j) producers of EEE,
- k) producers and importers of mineral lubricant oils for combustion motors, transmission oils, oils for turbines and hydraulic oils, as well as importers of equipment which containing said oils.

(2) For the purposes of this part of the Act, a producer of batteries and accumulators is a person who, in the scope of its business activity, places batteries and accumulators manufactured in the Slovak Republic or imported to the Slovak Republic onto the market, including batteries and accumulators integrated into devices or motor vehicles, regardless of the sales method used, including sales based on remotely concluded contracts.

(3) For the purposes of this part of the Act, a producer of EEE is a person who, regardless of the sales technique used, including sales based on remotely concluded contracts,

- a) produces and sells EEE under its brand name,
- b) resells EEE produced by other suppliers under its brand name; a seller who resells is not deemed to be the producer if the EEE bears the brand name of the producer, as established in Letter a),
- c) imports or exports EEE within the European Union in the scope of its business activities.

(4) For the purposes of this part of the Act, industrial use of products is deemed to be the fixed integration of said products into a product of a different nature which said products become an inseparable component of, the integration of said products into a structure or the use of said products as components or parts intended for the construction or assembly of other products.

## **§ 125**

### **Obligations of producers and other entities**

(1) Producers are obliged to pay a contribution to the Recycling Fund via the procedure pursuant to paragraphs 2 and 3. The obligation to pay a contribution to the Recycling Fund does not apply to producers of the products specified in:

- a) § 124(1)(d) if the products in question are raw materials, blanks or fibres intended for industrial use,
- a) § 124(1)(e) if the products in question are raw materials, fibres or products intended for industrial use,
- c) § 124(1)(f), as long as the quantity of products placed on the market does not exceed 10 tonnes per year,
- c) § 124(1)(g) as long as the quantity of products placed on the market does not exceed 10 tonnes per year.
- e) § 124(1)(h) if the products in question are batteries or accumulators incorporated in motor vehicles.

(2) Producers are to pay the contribution for each calendar quarter, payable by the thirtieth day of the following quarter, at the amount determined in accordance with § 126 based on the actual volume of production, transboundary transport from another Member State to the Slovak Republic or import during the quarter being paid for, the exception of the cases specified in paragraph 3.

(3) Producers are to pay the contribution for each calendar year, payable by 20 April of the following calendar year, at the sum determined in accordance with § 126 in the scope of the unfulfilled portion of the defined limit, if the producer in question:

- a) produces or imports packaging pursuant to § 124(1)(c) through (g),
- b) produces or imports portable batteries and accumulators pursuant to § 124(1)(h),
- c) produces or imports EEE which will constitute household WEEE, or EEE which is lighting equipment pursuant to § 124(1)(i).

4) Producers which are obliged to pay a contribution to the Recycling Fund are accountable for the accuracy of their calculations.

(5) Producers are required to register with the Recycling Fund within 30 days as of the commencement of production, transboundary transport from another Member State to the Slovak Republic or importation from another Member State to the Slovak Republic of products or materials specified in § 124(1) for which they are obliged to pay a contribution, and are required to announce changes to the information required for registration to the Recycling Fund within 30 days as of the occurrence of said change, and allow state waste management system supervisory authorities to inspect their registration with the Recycling Fund, check the accuracy of their contribution calculation and payment of said contribution.



(6) Producers are required to:

- a) keep and retain records on the volume their production, transboundary transport from another Member State to the Slovak Republic, importation, transboundary transport to another Member State from the Slovak Republic and exportation,
- b) report the specified recorded data to the Recycling Fund and the competent waste management authority on a quarterly basis,

(7) Entities providing for the collection, recycling or other method or recovery or disposal of waste from the products or materials specified in § 124(1) are required to:

- a) keep and retain records on waste from products or materials and records on the volumes of said products or materials recovered from waste collection within the Slovak Republic,
- b) report the specified recorded data to the Recycling Fund and the competent waste management authority on a quarterly basis.

## **§ 126**

### **Calculation of the producer's contribution to the Recycling Fund**

(1) The producer's contribution to the Recycling Fund is calculated as the sum of the rate and the quantity or weight of the products or materials for which it pays the contribution. The rate is determined based on the anticipated costs of collecting and recovering the waste from the products for which the producer pays the contribution to the Recycling Fund which are placed on the market in the Slovak Republic.

(2) For the purpose of calculating the contribution and determining the rate, the quantity of products transported from the Slovak Republic is not included in the quantity of products placed on the market in the Slovak Republic. The contribution pursuant to paragraph 1 is reduced by the quantity of products actually exported.

(3) The producer's contribution shall be reduced by a contribution corresponding to the quantity of waste from the products and materials for which the contribution to the Recycling Fund is paid and for which the producer demonstrates that it has ensured recovery by a person possessing the necessary authorisation issued by an administrative authority to recover waste by means of any operation from R1 through R11 specified in Annex 1, or for which the producer demonstrates that it has ensured the processing of end-of-life vehicles and that the result of said recovery or processing does not constitute waste; it is not possible to pay a contractual partner for this activity using funds from the Recycling Fund.

(4) If, after having paid the contribution to the Recycling Fund, the producer demonstrates that it will recover waste from the products for which it has paid said contribution by a means pursuant to paragraph 3 over the course of the calendar year, the Recycling Fund shall reimburse the producer for the portion of the contribution paid which is eligible for reduction of the contribution pursuant to paragraph 3, albeit to a total not exceeding the contribution paid. Entitlement to the reimbursement of contributions paid to the Recycling Fund for the production, transboundary transport from another Member State to the Slovak Republic and importation conducted during the calendar year will be forfeited if the producer fails to submit documents which demonstrate that the waste has been recovered and which justify the reimbursement of the contribution paid by the end of the first quarter of the following calendar year.

(5) The Recycling Fund issues confirmation of registration and payment of the contribution to persons who are required to register with the Recycling Fund.

(6) The customs authorities report information from customs statistics on goods subject to the requirement to pay into the Recycling Fund to the Ministry on a monthly basis, by the 10<sup>th</sup> of the following month.

### **Subpart Three**

#### **Acquisition and use of resources from the Recycling Fund during the transitional period**

### **§ 127**

#### **Sources of the Recycling Fund**

(1) The Recycling Fund's sources of revenue include:

- a) producer's contributions for the:
  1. production, transboundary transport from another Member State to the Slovak Republic and importation of spent batteries and accumulators,
  2. production, transboundary transport from another Member State to the Slovak Republic and importation of oils,
  3. production, transboundary transport from another Member State to the Slovak Republic and importation of tyres,
  4. production, transboundary transport from another Member State to the Slovak Republic and importation of multilayer combined materials,
  5. placement of EEE on the market,
  6. production, transboundary transport from another Member State to the Slovak Republic and importation of plastics,
  7. production, transboundary transport from another Member State to the Slovak Republic and importation of paper,
  8. production, transboundary transport from another Member State to the Slovak Republic and importation of glass,
  9. production, transboundary transport from another Member State to the Slovak Republic and importation of vehicles,
  10. production, transboundary transport from another Member State to the Slovak Republic and importation of metallic packaging,
- b) donations and contributions from domestic and foreign legal and natural persons,
- c) Revenue from contractual penalties
- d) interest from loans provided by the Recycling Fund,
- e) revenue from the return of illegitimately used or retained resources from the Recycling Fund,
- f) revenue from equity holdings,
- g) interest from Recycling Fund resources deposited in banks.

(2) 75 % of the Recycling Fund's sources of revenue specified in paragraph 1(a) flow to the sector from which they originated, and 25 % flow to the general sector. The Recycling Fund's sources of revenue specified in paragraph 1(b), (f), (g) flow to the general sector. Sources of revenue pursuant to paragraph 1(c), (d), (e) flow to the sector from which they originated.

**§ 128**  
**Use of resources from the Recycling Fund**

- (1) Resources from the Recycling Fund may be used for the following purposes in accordance with the hierarchy of the waste management system:
- a) coverage of investment and operating costs necessary to ensure the collection and recovery of waste and processing of end-of-life vehicles,
  - b) coverage of economically justified costs associated with the transport of certain end-of-life vehicles, particularly in cases in which the owner is unknown or does not exist,
  - c) coverage of economically justified costs associated with ensuring the operation of a designated car park,
  - d) coverage of expenditures associated with the administration of the Recycling Fund, including activities of the secretariat of the Recycling Fund,
  - e) coverage of the costs of collecting waste originating from waste and the recovery or recycling thereof,
  - f) advertising waste collection and recovery,
  - g) collection and recovery of used tyres from locations specified by the municipality where they are gathered,
  - h) collection of WEEE from locations specified by the municipality where they are gathered,
  - i) assistance in establishing collection yards for associations of municipalities,
  - j) assistance in establishing waste management information systems,
  - k) support of activities aimed at achieving the objectives of state environmental policy at national, regional or local level.
- (2) Resources from the Recycling Fund kept in separate sub-accounts of individual sectors [§ 130(3)] may only be used in accordance with the internal structure of the Recycling Fund; it does not apply for support of activities aimed at achieving the objectives of state environmental policy at national, regional or local level. Resources from the Recycling Fund kept in separate sub-accounts of the general sector may be used for areas in all sectors for purposes pursuant to paragraph 3 and for support of activities aimed at achieving the objectives of state environmental policy at national, regional or local level. The administrative Board is authorised to decide on transfer of resources of the Recycling Fund between the separate sub-accounts of individual sectors.
- (3) Resources from the Recycling Fund kept in a separate account of the general sector may be used for waste from products and materials for which contributions are paid to the Recycling Fund, specifically for:
- a) advertising waste collection and recovery,
  - b) assisting in the separate collection of waste,
  - c) for purposes pursuant to paragraph 1(j), without being bound to individual sectors.
- (4) Expenditures for the administration of the Recycling Fund for each calendar year may not exceed six per cent of the Recycling Fund's available resources according to the financial statement as of 31 December 2014.
- (5) Resources intended for expenditures for the administration of the Recycling Fund pursuant

to paragraph 4 and for expenditures for the liquidation of the fund pursuant to § 133 and 134 (hereinafter “liquidation reserves”) shall be kept in separate accounts. The aforementioned resources and expenditures are resources and expenditures of the general sector as defined by the budget approved by the administrative board.

(6) The Recycling Fund is to transfer 80 % of the available resources kept in the Recycling Fund’s accounts to the Environmental Fund as of 30 June 2016 within no more than 30 days of the aforementioned date.

## **§ 129**

### **Provision of resources from the Recycling Fund**

(1) A municipality becomes eligible for a contribution by plausibly demonstrating the separation and recovery of the commodity in question at a waste recovery installation in which the waste was recovered by means of any operation R1 through R11 specified in Annex 1. The contribution shall be rendered on the basis of a contract which the Recycling Fund must conclude with the municipality. This entitlement does not apply to WEEE originating from household use, nor does it apply to spent batteries and accumulators which constitute municipal waste.

(2) There is no legal entitlement to the provision of resources from the Recycling Fund.

(3) The provision of resources from the Recycling Fund is decided upon by the administrative board, with the exception of the reimbursement of contributions pursuant to § 126(4), which constitutes a legal entitlement.

(4) The administrative board decides on the provision of resources from the Recycling Fund on the basis of a written application from the applicant. Said application must contain:

- a) identification data on the applicant; an extract from the commercial register (in the case of legal persons), or a trade licence or other business authorisation (in the case of natural persons),
- b) the amount of resources requested from the Recycling Fund and the proposed purpose and means of using them,
- c) grounds for the application, including enclosure of the applicable documents and project plans for the activity for which the resources from the Recycling Fund are being requested.

(5) The applicant shall enclose a copy of the decision to grant authorisation (§ 91) if the activity in question requires authorisation pursuant to this Act.

(6) The Recycling Fund can provide resources to the Environmental Fund in order to support activities aimed to achieve the objectives of state environmental policy at state, regional or local level based on a written application that contains the particulars under paragraph 4 a) and b).

(7) Resources from the Recycling Fund for purposes pursuant to § 128(1) a) are provided as a special-purpose grant or loan.

(8) The administrative board shall decide on the provision of resources from the Recycling

Fund within 90 days of receiving the application. If the application does not include the information pursuant to paragraphs 4 or 5 or has other deficiencies, the director shall request the applicant for provision of resources from the Recycling Fund to rectify said deficiencies by a defined deadline within no more than 15 days; if the applicant fails to rectify said deficiencies by the defined deadline, then the administrative board will reject the application.

(9) When deciding on the provision of resources from the Recycling Fund, the administrative board shall primarily take into consideration whether the proposed use of the resources is in accordance with the hierarchy of the waste management system, conformity with the approved budget of the Recycling Fund, the approved priorities of the Slovak Republic's governmental environmental policy and the approved plan for the Slovak Republic. The administrative board's decision to provide resources from the Recycling Fund in the applicable sector must be based on the project for establishing a waste collection and recovery system for the commodity programme of the applicable sector, which must be in conformity with the plan.

(10) If the administrative board decides to provide resources from the Recycling Fund to the applicant, then the director shall submit the administrative board's decision to the minister for signing. If the administrative board does not approve the application, the director shall inform the applicant of this in written form within five days as of the administrative board's decision. If the minister signs the administrative board's decision to provide resources from the Recycling Fund, the director shall request the applicant to sign a contract within 15 days of the date upon which the administrative board's decision was signed by the Minister of the Environment. If the minister does not sign the administrative board's decision to provide resources from the Recycling Fund within 60 days of said decision, he/she shall return the decision to the administrative board and state the grounds for which it was not signed. The administrative board may return to deliberate on the decision which the minister did not sign and approve it. In order to be reapproved, it will require the approval of at least two thirds of all members of the administrative board; if at least two thirds of all members of the administrative board reapprove the decision, then the signature of the Minister of the Environment will not be required.

(11) Based on the administrative board's decision and upon its signing by the Minister of the Environment, or upon its reapproval by at least two thirds of all members of the administrative board, the director will close a written contract on the provision of resources from the Recycling Fund with the applicant for provision of resources from the Recycling Fund. Said contract contains the following in particular:

- a) identification data of the contracting parties,
- b) the purpose, type and amount of resources provided from the Recycling Fund,
- c) the conditions for using the resources from the Recycling Fund,
- d) the means of fulfilling the liabilities between the contracting parties,
- e) security for the liabilities of the applicant for the provision of resources from the Recycling Fund,
- f) the amount of the payment instalments and due dates (if a loan is provided),
- g) the contractual penalty, or other penalties for violating the terms of the contract.

(12) The Recycling Fund's resources may only be used for the purpose for which they were provided as defined by the administrative board's decision, and may only be used under the conditions laid down in the contract on the provision of resources from the Recycling Fund.

The applicant for the provision of resources from the Recycling Fund is required to return any unused resources without delay.

(13) If the applicant used the resources of the Recycling Fund for unauthorised purposes or retained them in violation of the defined or agreed conditions, it will be required to return them to the Recycling Fund and pay the contractual penalty or other penalty for violating the conditions of the contract.

(14) As of 1 July 2016, resources from the Recycling Fund may only be provided for projects which will be completed by no later than the date upon which the Recycling Fund enters into liquidation.

### **§ 130**

#### **Management of the Recycling Fund (during the transitional period)**

(1) The Recycling Fund is managed based on its budget. Within 60 days of the approval of the financial statement for 2015 by the bodies of the Recycling Fund, the administrative board shall approve a single budget for the Recycling Fund which will be in effect until 31 March 2016. Said budget shall include the establishment of a liquidation reserve amounting to two per cent of the Recycling Fund's available resources based on the financial statement of 31 December 2014. Upon approval of the aforementioned budget for the Recycling Fund, the Recycling Fund's budget for the applicable calendar year which was previously in effect will no longer apply.

(2) The Recycling Fund's resources shall be kept in separate accounts at a bank located in the Slovak Republic.

(3) The sources of the Recycling Fund's revenue in the individual sectors specified in § 118(3) shall be kept in separate accounts.

(4) The producer's obligation to pay the contribution to the Recycling Fund and report the specified recorded data to the Recycling Fund for the applicable products and devices specified in § 124(1) produced or imported will expire on the 30<sup>th</sup> June 2016.

### **§ 131**

#### **Information**

(1) Members of bodies of the Recycling Fund, employees of the Recycling Fund and other persons who gain knowledge of confidential information when performing their function or in connection with activities of the Recycling Fund are required to maintain the confidentiality thereof and secure electronic data media to prevent misuse. The confidentiality requirement remains in effect even membership in the bodies of the Recycling Fund has ended, employment with the Recycling Fund has been terminated or a similar relationship has concluded (in the case of other persons).

(2) For the purposes of this Act, confidential information refers to information which the Recycling Fund or applicant for the provision of funds from the Recycling Fund has designated as confidential and specified a period of time during which confidentiality must be

maintained, and which, if disclosed, would be of significant benefit to other persons or have an adverse effect on the person who provided said information or to whom said information pertains.

(3) For reasons of public interest, a person obliged to maintain the confidentiality of confidential information may only be released from this obligation by the person who provided the information in question and designated it as confidential, or by the person to whom said information pertains, or by a court.

(4) Disclosure of information pursuant to separate legislation<sup>156)</sup> is not affected by paragraphs 1 through 3.

(5) On a monthly basis, the Recycling Fund is required to provide the Ministry with an up-to-date, complete and functioning database on the producers registered in it and on the information reported to it from the records of said producers and from the records of the persons ensuring the collection, recycling or other method of waste recovery or disposal.

## **CHAPTER TWO**

### **Abolition of the Recycling Fund**

#### **§ 132**

(1) The Recycling Fund will be abolished on 31 December 2016.

(2) The Recycling Fund will be abolished without a legal successor. The Recycling Fund will enter into liquidation upon the date of its abolition.

(3) Unless this Act states otherwise in § 133 and 134, the provisions of the Commercial Code shall apply accordingly to the liquidation of the Recycling Fund.<sup>157)</sup> The provisions of separate legislation<sup>158)</sup> shall not apply.

#### **§ 133**

(1) The Minister shall appoint a liquidator on the date upon which the Recycling Fund enters into liquidation. The Minister or authorised agent thereof shall submit a proposal to enter the liquidator in the commercial register.

(2) The competence of the bodies of the Recycling Fund will be transferred to the liquidator on the date upon which the liquidator is appointed. The liquidator is obliged to carry out its function with professional diligence and may only perform actions on behalf of the Recycling Fund which are intended to liquidate the Recycling Fun.

(3) Compensation for the liquidator shall be determined pursuant to separate legislation.<sup>159)</sup> Compensation for the liquidator will be paid from the assets of the Recycling Fund.

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<sup>156)</sup> Act No 211/2000 on free access to information (the Freedom of Information Act) and amendments to certain other acts.

<sup>157)</sup> § 70 to 75a of the Commercial Code, as amended

<sup>158)</sup> Act No 7/2005.

(4) The liquidator is accountable to the Minister in the performance of its function. If the liquidator violates the obligations which its position entails, the Minister may recall the liquidator and appoint a new liquidator.

#### **§ 134**

(1) Within 60 days as of being appointed, the liquidator shall submit a liquidation schedule to the Minister for approval, as well as an opening balance sheet verified by an auditor as of the date upon which the Recycling Fund entered into liquidation, and an overview of the Recycling Fund's assets. The liquidator shall conduct the liquidation process based on the approved liquidation schedule.

(2) The liquidator shall submit a report on the course of the liquidation process to the Minister every three months. On the date the liquidation process is concluded, the liquidator shall compile a financial statement verified by an auditor and submit it to the Minister for approval, together with a final report on the course of the liquidation process and a proposal for the distribution of the assets remaining after liquidation (hereinafter the "liquidation balance").

(3) The liquidator shall submit a proposal to expunge the Recycling Fund from the commercial register to the register court within 60 days of concluding the liquidation process.

(4) The liquidation balance is revenue of the Environmental Fund.

### **PART TWELVE**

#### **TRANSITIONAL AND FINAL PROVISIONS**

#### **§ 135**

##### **Transitional provisions**

(1) Proceedings initiated before 1 January 2016 shall be concluded in accordance with the existing legislation.

(2) The currently effective waste prevention programme, plan for the Slovak Republic, regional plans and municipal plans established in accordance with existing legislation shall remain in effect.

(3) Holders of polychlorinated biphenyls who have a plan of a holder of polychlorinated biphenyls which was compiled and approved in accordance with existing legislation will be required to compile and submit a new plan of a holder of polychlorinated biphenyls for approval within six months as of the date upon which the requirements for the contents of said plan are laid down on the basis of this Act.

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<sup>159)</sup> Decree of the Minister of Justice of the Slovak Republic No 526/2004 on the Determination of the Amount of Expenses and Remuneration for the Exercise of the Function of a Liquidator, as amended by Decree of the Minister of Justice of the Slovak Republic No 533/2008.



(4) Decisions which approved waste producers' programmes will cease to be valid on 1 January 2016.

(5) In the case of the holder's obligation pursuant to § 14(1) i) to store waste for not longer than one year or gather waste for not longer than one year before disposal thereof or not longer than three years before recovery thereof, to which this obligation did not apply pursuant to existing legislation, the specified time limit for gathering waste will begin on 1 January 2016.

(6) Entities conducting the collection of a specified waste stream pursuant to existing legislation, for which this Act requires a contractual relationship with the producer of a specified product, responsible producing organization or third person pursuant to § 16(3) shall be required to close a contract with the producer of the product in question or competent responsible producing organization by 30 June 2016; otherwise their activities in collecting a specified waste stream will be deemed to be in violation of this Act.

(7) Entities conducting the collection or purchase metallic waste in accordance with existing legislation which, in accordance with § 16(8) f) of this Act, must be performed through the exclusive use of weighing instruments which are classified as designated meters and satisfy the requirements for designated meters<sup>35)</sup> when determining the weight of the metallic waste being collected, are required to fulfil the aforementioned condition by 30 June 2016; otherwise their activities will be deemed to be in violation of this Act

(8) Anyone collecting a specified waste stream pursuant to existing legislation is required to inform the Ministry thereof by 29 February 2016.

(9) Producers of specified products who do not have their registered office or place of business in the Slovak Republic and who place specified products on the market in accordance with existing legislation as of 1 January 2016 will be required to fulfil the obligation to appoint an authorised representative pursuant to § 27(18) by 30 June 2016; they must fulfil the registration obligation by way of the authorised representative.

(10) Producers deemed to be producers of a specified product as of 1 January 2016 and who, as of this date, place products on the market which are specified products in accordance with this Act, will be required to submit an application for entry to the Register of Producers of Specified Products by 31 January 2016, whereby the requirement specified in § 30(2) through (4) and § 27 (18) and (19) must be fulfilled by 30 June 2016. If the producer in question was registered in the register kept by the Ministry in accordance with existing legislation as of 1 January 2016, said producer shall be deemed to be registered in the Register of Producers of Specified Products, whereby the requirement specified in § 30(2) through (4) and § 27 (18) and (19) must be fulfilled by 30 June 2016. The provisions of the final sentence of § 30(1) shall not apply during this time.

(11) Producers of a specified product who begin to place specified products on the market during the first six months as of 30 June 2016 will be required to submit an application for entry to the Register of Producers of Specified Products within one month of the date of placing the specified product in question on the market, whereby the requirement specified in

§ 30(2) through (4) must be fulfilled by 30 June 2016. The provisions of the final sentence of § 30(1) shall not apply during this time.

(12) Vehicle producers' obligation pursuant to § 66(5) of this Act to the transfer of an end-of-life vehicle from a designated car park and the processing thereof also applies to end-of-life vehicles which are located in a designated car park and have not been transferred to a processor of end-of-life vehicles before 1 January 2016.

(13) Contracts concluded between the municipality and entities operating in the field of waste management whose subject matter is the reimbursement of the municipality's expenses connected with the management of municipal waste and minor construction waste in the municipality or financial assistance in that field and which were concluded in accordance with existing legislation may, in addition to the grounds for termination specified in the contract, be terminated in writing by the contracting parties on account of this Act's entry into legal effect, by no later than 31 December 2016, in which case the term of notice for such termination will amount to one month and begin on the first day of the calendar month following the receipt of the written notice of termination by the other contracting party.

(14) In the case of contracts concluded between the municipality and entities operating in the field of waste management whose subject is the provision of collection, transport, recovery or disposal of municipal waste and minor construction waste in the management system for municipal waste and minor construction waste in the municipality which were concluded in accordance with existing legislation and which are in conflict with this Act, the contracting parties are required to bring said contracts into accordance with this Act by 31 December 2016; if it is not apparent directly from the contract, the entity is required to provide to municipality upon request information necessary for identification and separation of costs under § 81(10) and (11). In the case of contracts concluded for an indefinite period of time, the contracting parties are required to adjust the term of contract to the provisions of § 81(15) so that the remaining term of contract does not exceed 12 months.

(15) The municipality is required to bring its generally binding regulations on the management of municipal waste and minor construction waste issued in accordance with existing legislation into accordance with this Act by 30 June 2016.

(16) The requirement for the producer of specified products on the way of fulfilling specified obligations according to § 27(6) will not apply until 30 June 2016 and instead of fulfilling these obligations individually or collectively, the producer is obliged to fulfil the obligations on his own or through the persons that had the status of certified organization, collective organization or third person under existing regulations. Persons that had the status of certified organization, collective organization or third person under existing regulations are allowed to perform the activity according to the first sentence until 30 June 2016.

(17) Entities performing activities for which a decision from the waste management administrative authority was not required under existing legislation, but for which a decision is required under this Act, must submit a proposal to initiate proceedings to issue a decision to the competent waste management administrative authority by 30 June 2016; otherwise their activity will be deemed to be in violation of this act.

(18) Decisions issued under existing legislation are deemed to be decisions issued under this Act and shall remain in effect, with the exception of decisions which lose their legal effect through the procedure pursuant to paragraphs 19, 21 and 22. In the case of decisions to grant authorisation issued under existing legislation, the term of the authorisation's validity specified in said decision will not be affected by the provisions of § 89(3).

(19) All permits issued under existing legislation which are not required under this Act shall cease to be valid on 1 January 2016, with the exception of those permits specified in paragraph 20.

(20) An entity which, as a producer of hazardous waste, conducts an activity which, under this Act, requires a permit to gather hazardous waste at the premises of a producer to whom the provisions of paragraph 17 do not apply and who is authorised to perform the specified activity, will be authorised to perform said activity as part of the valid permit which the producer was granted under existing legislation for the management of hazardous waste, including the transport thereof. If said permit is amended or extended, then the waste management administrative authority will also amend it based on the provisions of the operative part of the decision by bringing it into accordance with § 97(1)(g).

(21) An entity which conducts an activity which, under existing legislation, required a permit to collect or process end-of-life vehicles, or to collect or process waste from EEE, will be required to request the applicable permit required for this activity under this Act by 31 March 2016; otherwise its activity will be deemed to be in violation of this Act. The aforementioned permits will cease to be valid once this period of time has elapsed.

(22) A holder of a permit for preparation for reuse issued under existing legislation is required to present said permit to the competent waste management administrative authority for inspection by 30 June 2016. Permits which were required to be presented for inspection pursuant to Sentence One, but were not presented, will cease to be valid.

(23) The requirement for producers of the same commodity to establish a responsible producing organization pursuant to § 28(1) or the requirement relating to persons who are founders pursuant to § 28(2) does not apply to legal persons which were established under existing legislation as a collective organization or authorised organization for the purpose of collectively fulfilling the obligations established by existing legislation and who which to operate as a responsible producing organization in accordance with this Act, if they have submitted an application for authorisation for the activity of a responsible producing organization in the timeframe specified under paragraph 24. Other conditions required for authorisation pursuant to § 90 to be granted are not affected by this and must be fulfilled.

(24) Who wants to perform operation of producer responsibility organization from 1 July 2016 has to deliver the application for authorisation to the ministry until 31 March 2016.

(25) The effectiveness of all decisions to grant authorization for the operation of the producer responsibility organization issued on the basis of applications under paragraph 24 will be determined by the Ministry on 1 July 2016; the Ministry shall issue a decision to grant authorization for the operation of the producer responsibility organization according to § 89(1) b) for packaging so as to ensure the collection of packaging waste and waste from non-packaging products from all municipalities.

(26) Until the coordination centre for a stream of packaging waste and waste from non-packaging products is established, the Ministry provides the procedure according to § 31(12) c) and d) in the relation to municipalities and applicants for granting the authorization for operation of producer responsibility organization for packaging under paragraph 24 or in relation to the producer responsibility organization for packaging. The Ministry is obliged to perform a drawing according to § 31(12) c) for the municipalities which are not included in the applications under paragraph 24 by 8 April 2016. The applicant for authorization for operation of producer responsibility organization for packaging and producer responsibility organization for packaging are obliged to respect the results of such drawing.

(27) On the date upon which the Recycling Fund is abolished, the information contained in the Recycling Fund's database concerning producers and importers of particular commodities subject to the requirement to register with the Recycling Fund under existing legislation and other information recorded by the Recycling Fund obtained in connection with the collection and processing of waste from producers, importers, processors, collection companies, cities and municipalities or associations of cities and municipalities shall become property of the State in the administration of the Ministry.

(28) The requirement to protect confidential information under existing legislation is not affected by paragraph 27 and also applies to employees of the Ministry and other persons who gain knowledge of information pursuant to paragraph 27 while carrying out their functions.

(29) The Recycling Fund as defined by this Act is the Recycling Fund established in accordance with Act No 223/2001 Coll. on waste and on amendments to certain other acts, as amended. Members of the Administrative Board appointed in accordance with Act No 223/2001 Coll. on waste and on amendments to certain other acts, as amended, are members of the Administrative Board as defined by this Act. Members of the Supervisory Board appointed in accordance with Act No 223/2001 Coll. on waste and on amendments to certain other acts, as amended, are members of the Supervisory Board as defined by this Act; their term of office lasts until 31 December 2016.

(30) Operators of collection yards under existing legislation are required to apply for a permit pursuant to § 97(1) d) by no later than 30 June 2016.

(31) Landfill operators whose full capacity has been reached by 1 January 2016 or for whom the decision on landfill operation has expired by 1 January 2016 will be required to apply for a permit pursuant to § 97(1) j) by 30 June 2016 if they have not already submitted an application for said permit by 1 January 2016; otherwise their activity will be deemed to be in violation of § 19(3).

(32) Obligations under § 27(4) f) and k) and (5), § 54(1) e), §74(1), §81(4), (10) though (12) do not apply to packaging producers and producers of non-packaging products by 30 June 2016 in relation to municipal wastes from packaging and non-packaging products. Financing and ensuring the operation of separate waste of paper, plastic, metal and glass is performed until 30 June 2016 according to existing regulations.

(33) The Ministry will publish on its website the data necessary to calculate the collection share and market share of producer of specified product for year 2016 for the first time no later than 10 January 2016 while using the data from year 2014.

(34) Certification for authorized activity issued according to existing regulations is deemed to be Certification for authorized activity according to this Act.

(35) Until the coordination centre for a stream of packaging waste and waste from non-packaging products is established, the producer of packaging waste is obliged to report the data about the material flow according to § 58(2) to the Ministry. The Ministry ensures the process under § 58(4) until the coordination centre for packaging waste flow is established.

## **§ 136** **Repealing provisions**

The following shall be repealed:

1. Article I of Act No 223/2001 on waste and amendments to certain acts, as amended by Act No 553/2001, Act No 96/2002, Act No 261/2002, Act No 393/2002, Act No 529/2002, Act No 188/2003, Act No 245/2003, Act No 525/2003, Act No 24/2004, Act No 443/2004, Act No 587/2004, Act No 733/2004, Act No 479/2005, Act No 532/2005, Act No 571/2005, Act No 127/2006, Act No 514/2008, Act No 515/2008, Act No 519/2008, Act No 160/2009, Act No 386/2009, Act No 119/2010, Act No 145/2010, Act No 258/2011, Act No 343/2012, Act No 180/2013, Act No 290/2013, Act No 346/2013, Act No 388/2013 and Act No 484/2013, Act No 399/2014.
2. Article I of Act No 119/2010 on packaging and on amendments to Act No 223/2001 on waste and amendments to certain acts, as amended by Act No 547/2011, Act No 343/2012 and Act No 484/2013.

## **Final provisions**

### **§ 137**

This Act has been adopted in accordance with the legally binding act of the European Union in the field of technical standards and technical regulations.<sup>160)</sup>

### **§ 138**

This Act adopts the legally binding acts of the European Union specified in Annex 9.

## **Article II**

Act No 455/1991 on trade licensing (Trade Licensing Act) as amended by Act No 231/1992, Act No 600/1992, Act of the National Council of the Slovak Republic No 132/1994, Act of the National Council of the Slovak Republic No 200/1995, Act of the National Council of the Slovak Republic No 216/1995, Act of the National Council of the Slovak Republic No 233/1995, Act of the National Council of the Slovak Republic No 123/1996, Act of the National Council of the Slovak Republic No 164/1996, Act of the National Council of the Slovak Republic No 222/1996, Act of the National Council of the Slovak Republic No 289/1996, Act of the National Council of the Slovak Republic No 290/1996, Act

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<sup>160)</sup> European Parliament and Council Directive 98/34/EC of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (Special Edition of the EU Official Journal, Chap. 13/Vol. 20) as amended.

No 288/1997, Act No 379/1997, Act No 70/1998, Act No 76/1998, Act No 126/1998, Act No 129/1998, Act No 140/1998, Act No 143/1998, Act No 144/1998, Act No 161/1998, Act No 178/1998, Act No 179/1998, Act No 194/1998, Act No 263/1999, Act No 264/1999, Act No 119/2000, Act No 142/2000, Act No 236/2000, Act No 238/2000, Act No 268/2000, Act No 338/2000, Act No 223/2001, Act No 279/2001, Act No 488/2001, Act No 554/2001, Act No 261/2002, Act No 284/2002, Act No 506/2002, Act No 190/2003, Act No 219/2003, Act No 245/2003, Act No 423/2003, Act No 515/2003, Act No 586/2003, Act No 602/2003, Act No 347/2004, Act No 350/2004, Act No 365/2004, Act No 420/2004, Act No 533/2004, Act No 544/2004, Act No 578/2004, Act No 624/2004, Act No 650/2004, Act No 656/2004, Act No 725/2004, Act No 8/2005, Act No 93/2005, Act No 331/2005, Act No 340/2005, Act No 351/2005, Act No 470/2005, Act No 473/2005, Act No 491/2005, Act No 555/2005, Act No 567/2005, Act No 124/2006, Act No 126/2006, Act No 17/2007, Act No 99/2007, Act No 193/2007, Act No 218/2007, Act No 358/2007, Act No 577/2007, Act No 112/2008, Act No 445/2008, Act No 448/2008, Act No 186/2009, Act No 492/2009, Act No 568/2009, Act No 129/2010, Act No 136/2010, Act No 556/2010, Act No 249/2011, Act No 324/2011, Act No 362/2011, Act No 392/2011, Act No 395/2011, Act No 314/2012, Act No 321/2012, Act No 351/2012, Act No 447/2012, Act No 39/2013, Act No 94/2013, Act No 95/2013, Act No 180/2013, Act No 218/2013, Act No 1/2014, Act No 35/2014, Act No 58/2014, Act No 182/2014, Act No 204/2014, Act No 219/2014, Act No 321/2014, Act No 333/2014, Act No 399/2014 and Act No 77/2015 shall be amendeded as follows:

In Annex 2 Regulated trades in Group 214 – Reference number 76 in the Demonstration of Qualifications column, the words “in the applicable field” shall be replaced by “in the field of hazardous waste management” and in the Notes column, the words “§ 40(9) of Act No 223/2001” shall be replaced by the words “§ 25 (9) of Act No 79/2015 on waste and amendements to certain acts.”

### **Article III**

Act No 145/1995 on administrative fees, as amended by Act No 123/1996, Act No 224/1996, Act No 70/1997, Act No 1/1998, Act No 538/2005, Act No 117/2006, Act No 232/1999, Act No 468/2000, Act No 96/2002, Act No 583/2003, Act No 3/2000, Act No 142/2000, Act No 211/2000, Act No 468/2000, Act No 553/2001, Act No 118/2002, Act No 96/2002, Act No 215/2002, Act No 237/2002, Act No 418/2002, Act No 457/2002, Act No 477/2002, Act No 465/2002, Act No 480/2002, Act No 217/2003, Act No 245/2003, Act No 469/2003, Act No 190/2003, Act No 583/2003, Act No 5/2004, Act No 450/2003, Act No 199/2004, Act No 204/2004, Act No 347/2004, Act No 434/2004, Act No 382/2004, Act No 533/2004, Act No 572/2004, Act No 541/2004, Act No 633/2004, Act No 578/2004, Act No 581/2004, Act No 653/2004, Act No 656/2004, Act No 725/2004, Act No 5/2005, Act No 725/2004, Act No 15/2005, Act No 171/2005, Act No 8/2005, Act No 93/2005, Act No 342/2005, Act No 331/2005, Act No 341/2005, Act No 308/2005, Act No 558/2005, Act No 468/2005, Act No 473/2005, Act No 491/2005, Act No 538/2005, Act No 572/2005, Act No 573/2005, Act No 610/2005, Act No 14/2006, Act No 15/2006, Act No 24/2006, Act No 117/2006, Act No 126/2006, Act No 342/2006, Act No 124/2006, Act No 224/2006, Act No 672/2006, Act No 693/2006, Act No 21/2007, Act No 43/2007, Act No 95/2007, Act No 220/2007, Act No 193/2007, Act No 279/2007, Act No 295/2007, Act No 342/2007, Act No 355/2007, Act No 359/2007, Act No 344/2007, Act No 358/2007, Act No 342/2007, Act No 309/2007, Act No 343/2007, Act No 460/2007, Act No 517/2007, Act No 537/2007, Act No 548/2007, Act No 571/2007, Act No 577/2007, Act No 661/2007, Act No 647/2007, Act No 92/2008, Act

No 112/2008, Act No 167/2008, Act No 405/2008, Act No 451/2008, Act No 514/2008, Act No 408/2008, Act No 214/2008, Act No 264/2008, Act No 465/2008, Act No 495/2008, Act No 8/2009, Act No 45/2009, Act No 188/2009, Act No 191/2009, Act No 292/2009, Act No 304/2009, Act No 305/2009, Act No 307/2009, Act No 465/2009, Act No 478/2009, Act No 513/2009, Act No 568/2009, Act No 570/2009, Act No 67/2010, Act No 594/2009, Act No 274/2009, Act No 136/2010, Act No 144/2010, Act No 92/2010, Act No 556/2010, Act No 514/2010, Act No 39/2011, Act No 119/2011, Act No 200/2011, Act No 223/2011, Act No 258/2011, Act No 254/2011, Act No 256/2011, Act No 342/2011, Act No 405/2011, Act No 363/2011, Act No 392/2011, Act No 324/2011, Act No 392/2011, Act No 381/2011, Act No 409/2011, Act No 404/2011, Act No 519/2011, Act No 381/2011, Act No 392/2011, Act No 49/2012, Act No 96/2012, Act No 251/2012, Act No 286/2012, Act No 339/2012, Act No 351/2012, Act No 336/2012, Act No 439/2012, Act No 447/2012, Act No 459/2012, Act No 286/2012, Act No 8/2013, Act No 39/2013, Act No 40/2013, Act No 75/2013, Act No 96/2013, Act No 72/2013, Act No 94/2013, Act No 122/2013, Act No 154/2013, Act No 213/2013, Act No 144/2013, Act No 311/2013, Act No 319/2013, Act No 347/2013, Act No 286/2012, Act No 547/2011, Act No 387/2013, Act No 388/2013, Act No 474/2013, Act No 506/2013, Act No 35/2014, Act No 58/2014, Act No 152/2014, Act No 162/2014, Act No 182/2014, Act No 204/2014, Act No 262/2014, Act No 293/2014, Act No 335/2014, Act No 399/2014 and Act No 40/2015 shall be amendeded as follows:

1. Item 162 in Part X. Environmental code of administrative fees shall read as follows:

a) Issue of a decision to grant a permit for the operation of a waste disposal installation <sup>38)</sup> other than waste incinerators or waste co-incineration installations and hydraulic works in which special types of liquid waste are disposed of	<u>EUR 11</u>
b) Issue of a decision to grant a permit for the disposal of waste <sup>38)</sup> for which a permit pursuant to Letter a) has not been granted and waste recovery for which a permit pursuant to Letter c) has not been granted, with the exception of the disposal or recovery of waste in waste incinerators and co-incineration installations and waste recovery in hydraulic works in which special types of liquid waste are recovered	EUR 11
c) Issue of a decision to grant a permit for the operation of a waste recovery installation <sup>38)</sup> other than waste incinerators or waste co-incineration installations and hydraulic works in which special types of liquid waste are disposed of, facilities for recovering biodegradable municipal waste from plant matter with an annual capacity not exceeding 100 tonnes and facilities for reducing the volume of municipal waste with an annual capacity not exceeding 50 tonnes	EUR 11
d) Issue of a decision to grant a permit for the operation of a waste collection installation <sup>38)</sup> for which a permit to operate pursuant to Letters a) and c) has not been granted, including the operation of a collection yard <sup>38)</sup>	EUR 11
e) Issue of a decision to grant a permit to issue rules of operation for a waste disposal installation, installation for the recovery of hazardous waste, and a permit to issue rules of operation for mobile waste recovery or disposal installations <sup>38)</sup>	EUR 11
f) Issue of a decision to grant a permit for the management of hazardous waste, <sup>38)</sup> including transport thereof, if not covered by an application pursuant to other letters of this item, specifically in cases in which the producer or holder of the waste manages a total annual volume exceeding 1 tonne or in which the transporter transports a total annual volume exceeding 1 tonne of hazardous waste,	EUR 11
g) Issue of a decision to grant a permit for the gathering of hazardous waste at the location of the producer or holder in annual volumes exceeding 1 tonne of hazardous waste <sup>38)</sup>	EUR 11
h) Issue of a decision to grant a permit for waste recovery or disposal by means of mobile installations <sup>38)</sup> , in which case the provisions of Letters a) through c) do not apply,	EUR 11
i) Issue of a decision to grant a permit for gathering of waste by the waste holder without prior sorting <sup>38)</sup> if sorting and separate gathering are not possible or expedient in light of the subsequent method of recovery or disposal which will be used,	EUR 11

j) Issue of a decision to grant a permit for closure of a landfill or part thereof, as well as reclamation and subsequent monitoring thereof <sup>38)</sup>	EUR 11
k) Issue of a decision to grant a permit to use waste for terrain surface treatment <sup>38)</sup>	EUR 11
l) Issue of a decision to grant a permit for decontamination <sup>38)</sup>	EUR 11
m) Issue of a decision to grant a permit for disposal of used polychlorinated biphenyls or devices containing polychlorinated biphenyls, if not covered by an application pursuant to Letters a), b) or f) <sup>38)</sup>	EUR 11
n) Issue of a decision to grant a permit for disposal of waste from titanium dioxide production <sup>38)</sup>	EUR 11
o) Issue of a decision to grant a permit for transfer of waste suitable for household use <sup>38)</sup>	EUR 11
p) Issue of a decision to grant a permit for a substance or object to be deemed to be a by-product and not waste, <sup>38)</sup>	EUR 11
r) Issue of a decision to grant a permit for preparation for re-use <sup>38)</sup>	EUR 11
s) Issue of a decision to grant a permit for the closure of a metallic mercury storage facility or part thereof, and subsequent monitoring thereof <sup>38)</sup>	EUR 11
t) Issue of a decision to grant a permit for gathering of waste for longer than one year prior to the disposal thereof or for no longer than three years prior to recovery thereof <sup>38) 38)</sup>	EUR 11
u) Issue of a decision to grant, extend or change authorisation <sup>38)</sup>	EUR 20
v) Issue of a decision to grant authorisation for transboundary waste movement <sup>38)</sup>	EUR 50
x) Issue of a decision on the classification of waste if the waste holder is not able to unambiguously classify the waste according to the Waste Catalogue <sup>38)</sup>	EUR 11
y) Issue of a decision to change permits issued pursuant to Letters a) through s)	EUR 4
aa) Issue of a decision on whether or not a device constitutes WEEE <sup>38)</sup>	EUR 30
ab) Issue of a permit to install automated systems for measuring emissions and air quality and for the operation and modification thereof, as well as for operation after modifications have been conducted <sup>38a)</sup>	EUR 10
ac) Issue of a permit to change fuels and raw materials used, as well as technological equipment of stationary sources and modify the use thereof, as well as to operate stationary sources after modifications have been conducted <sup>38b)</sup>	EUR 5
ad) Issue of a permit to issue a set of technical/operational parameters and technical/operational measures, as well as to conduct modifications on them <sup>38c)</sup>	EUR 10
ae) Issue of a permit to operate technological units for research and development categorised as large or medium-sized sources <sup>38d)</sup>	EUR 10
ae) Issue of a permit to install technological units categorised as large, medium-sized or small sources as well as to conduct modifications on them and operate them, as long as authorisation is not subject to construction proceedings <sup>38e)</sup>	EUR 10
ag) Issue of a permit for a technical calculation of data on compliance with emission limits, technical requirements and conditions for operation, determination of exceptions or special conditions and special deadlines for determining the quantity of pollutants emitted and data on compliance with emission limits, technical requirements and conditions for the operation of stationary sources and monitoring of the air pollution level and for extending a deadline or release from authorised measurements <sup>38f)</sup>	EUR 10
ah) Issue of a decision to permit the continued operation of a waste incineration or co-incineration installation <sup>38g)</sup>	EUR 30
ai) Issue of a decision to change the conditions and requirements determined for the operation and monitoring of a stationary air pollution source <sup>38h)</sup>	EUR 10

The footnotes to references 38) through 38 h) shall read:

<sup>38)</sup> Act No 79/2015 on waste and amendments to certain acts.

<sup>38a)</sup> § 17(1)(b) of Act No 137/2010 on air protection, as amended by Act No 318/2012,

<sup>38b)</sup> § 17(1)(c) of Act No 137/2010 on air protection, as amended by Act No 318/2012,

<sup>38c)</sup> § 17(1)(d) of Act No 137/2010 on air protection, as amended by Act No 318/2012,

<sup>38d)</sup> § 17(1)(e) of Act No 137/2010,

<sup>38e)</sup> § 17(1)(f) of Act No 137/2010,



<sup>38f)</sup> § 17(1)(g) of Act No 137/2010 on air protection, as amended by Act No 318/2012,  
<sup>38g)</sup> § 18(9) of Act No 137/2010 on air protection, as amended by Act No 318/2012,  
<sup>38h)</sup> § 31(2) of Act No 137/2010 on air protection, as amended by Act No 318/2012.”

2. In Item 171 in Part X. in Letter c) Environmental code of administrative fees, the words “and e)” shall be added at the end.

3. Item 171 in Part X. Environmental code of administrative fees Letter g) shall be added which shall read:

“g) Application for the performance of an examination of qualifications to issue expert assessments <sup>38)</sup> and application for retesting”	EUR 20
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#### Article IV

Act No 595/2003 on income tax, as amended by Act No 43/2004, Act No 177/2004, Act No 191/2004, Act No 391/2004, Act No 538/2004, Act No 539/2004, Act No 659/2004, Act No 68/2005, Act No 314/2005, Act No 534/2005, Act No 660/2005, Act No 688/2006, Act No 76/2007, Act No 209/2007, Act No 519/2007, Act No 530/2007, Act No 561/2007, Act No 621/2007, Act No 653/2007, Act No 168/2008, Act No 465/2008, Act No 514/2008, Act No 563/2008, Act No 567/2008, Act No 60/2009, Act No 184/2009, Act No 185/2009, Act No 504/2009, Act No 563/2009, Act No 374/2010, Act No 548/2010, Act No 129/2011, Act No 231/2011, Act No 250/2011, Act No 331/2011, Act No 362/2011, Act No 406/2011, Act No 547/2011, Act No 548/2011, Act No 69/2012, Constitutional Court of the Slovak Republic Ruling 188/2012, Act No 189/2012, Act No 252/2012, Act No 288/2012, Act No 395/2012, Act No 70/2013, Act No 135/2013, Act No 318/2013, Act No 463/2013, Act No 180/2014, Act No 183/2014, Act No 333/2014, Act No 364/2014, Act No 371/2014, Act No 25/2015, Act No 61/2015 and Act No 62/2015 shall be amended as follows:

1. In § 8, paragraph 1 shall be added Letter o), which shall read:

“o) revenue for waste purchases paid for in accordance with special legislation. <sup>37af)</sup>.”

The footnote to Reference 37 af) shall read:

“37af) § 3(6) of Act No 79/2015 on waste and amendments to certain acts.”

2. In § 8(10), the words “and o)” shall be added after the word “m)”.

3. In § 43 (3) shall be added Letter q), which shall read:

“q) revenue for waste purchases paid for in accordance with separate legislation. <sup>37af)</sup> [§ 8(1)(o)].

#### Article V

Act No 582/2004 on local taxes and on local fees for municipal waste and minor construction waste, as amended by Act No 733/2004, Act No 747/2004., Act No 171/2005, Act No 517/2005, Act No 120/2006, Act No 460/2007, Act No 538/2007, Act No 465/2008, Act No 535/2008, Act No 467/2009, Act No 527/2010, Act No 406/2011, Act No 460/2011, Act No 548/2011, Act No 68/2012, Act No 460/2011, Act No 286/2012, Act No 343/2012, Act No 347/2013, Act No 484/2013, Act No 268/2014, Act No 333/2014 and Act No 361/2014

shall be amended as follows:

1. In § 77 (1) shall read:

“(1) The fee is paid for

- a) activities of management with mixed municipal waste,
- b) activities of management of biodegradable municipal waste,
- c) separate collection of municipal waste components to which does not apply extended producer responsibility,
- d) costs due to inconsistent sorting of separately collected components of municipal waste covered by extended producer responsibility and
- e) costs exceeding the usual amount of costs pursuant to a special regulation 26). ”

The footnote to reference 26 shall read as follows:

“26) § 59 (8) Act No. 79/2015 Coll. on waste and on amendment to certain laws. ”.

The footnotes to references 26a and 26b are deleted.

2. In § 77 shall be added paragraph 9 which shall read:

„(9) Municipality in the fee under paragraph 1 may include

- a) the cost to the receptacle on mixed municipal waste,
- b) the costs of providing collection containers for separate collection of municipal waste components where extended responsibility does not apply. ”

3. In § 78, paragraph 1 shall be added letter c) which shall read:

“c) at least 0,015 euros and a maximum of 0,078 euros per kilogram of minor construction waste free of pollutants.”.

## **Article VI**

Act No 725/2004 on conditions of operation of vehicles in road traffic and amendments to certain acts, as amended by Act No 109/2005, Act No 310/2005, Act No 548/2007, Act No 284/2008, Act No 435/2008, Act No 8/2009, Act No 307/2009, Act No 136/2010, Act No 144/2010, Act No 519/2011, Act No 73/2012, Act No 345/2012, Act No 356/2012, Act No 180/2013 and Act No 388/2013 shall be amended as follows:

1. In § 14(10) d), the words “confirmation that the contribution has been paid to the Recycling Fund for the vehicle produced<sup>8b)</sup>” shall be replaced by the words “confirmation of transfer of waste management responsibilities resulting from a vehicle which is an individually produced vehicle<sup>8b)</sup>”.

The footnote to Reference 8b shall read:

“<sup>8b)</sup> § 61(2) of Act No 79/2015 on waste and on amendments to certain acts.”.

2. In § 16a (2) a) point 5 and b) point 7 and § 16b (8) k), the words “confirmation that the contribution has been paid to the Recycling Fund for the imported vehicle<sup>8b)</sup>” shall be replaced by the words “confirmation of transfer of waste management responsibilities resulting from a vehicle which is an individually produced vehicle<sup>8b)</sup>”.

3. § 112g shall be added after § 112f. § 112g, including the heading, shall read:

§ 112g

**Transitional provisions for arrangements effective as of 1 January 2016**

The requirements for the applications specified in § 14(10)(d), § 16a (2) a) point 5 and b) point 7 and § 16b (8) k), which are effective as of 1 January 2016, do not apply to proceedings initiated prior to that date.”.

**Article VII**

Act No 39/2013 on integrated pollution prevention and control and on amendments to certain acts, as amended by Act No 484/2013 and Act No 58/2014 shall be amended and supplemented as follows:

1. In § 3(3) c), point 8 shall be deleted.

2. In § 26 shall be added paragraph 8, which shall read:

“(8) The landfill operator is obliged, within six months from the full capacity of the landfill or from the date of expiry of decision for its operation issued under § 3(3) c) point 1 apply for a consent to conclude a landfill or part of it or to implement its reclamation under § 3(3) c) point 5.”.

3. § 40a shall be followed by the addition of § 40b, which shall read:

“40b

Transitional provisions for arrangements effective as of 1 January 2016

Landfill operators whose full capacity has been reached by 1 January 2016 or for whom the decision on landfill operation has expired by 1 January 2016 will be required to apply for a permit pursuant to § 3(3) e) point 5 for the closure of a landfill or part thereof, or for reclamation thereof by 30 June 2016, if they have not already submitted an application for said permit by 1 January 2016; otherwise their activity will be deemed to be in violation of this Act.”.

**Article VIII**

This Act shall enter into legal effect on 1 January 2016, with the exception of Article I § 13 e) point 6 and Article V first and second point which will enter into legal effect on 1 July 2016 , and Article I § 83(3) b), which shall enter into legal effect on 1 July 2015 and § 83(3)(b), which shall enter into legal effect on 1 January 2017.

**Andrej Kiska** m.p.

**Peter Pellegrini** m.p.

**Robert Fico** m.p.

## WASTE RECOVERY

R1 Use principally as a fuel or other means to generate energy.

R2 Solvent reclamation/regeneration.

R3 Recycling/reclamation of organic substances which are not used as solvents (including composting and other processes of biological transformation). (\*)

R4 Recycling/reclamation of metals and metal compounds.

R5 Recycling/reclamation of other inorganic materials. (\*\*)

R6 Regeneration of acids or bases.

R7 Recovery of components used for pollution abatement.

R8 Recovery of components from catalysts.

R9 Oil rerefining or other reuse of oil .

R10 Land treatment resulting in benefit to agriculture or ecological improvement.

R11 Use of wastes obtained from any of the operations numbered R1 to R10.

R12 Exchange of wastes for processing by way of any of the operations numbered R1 to R11.  
(\*\*\*)

R13 Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection at the site where it is produced). (\*\*\*\*)

Poznámky:

(\*) Also includes gasification and pyrolysis using components as chemical substances.

(\*\*) Also includes the cleansing of soil as a result of replacing it, and recycling of inorganic construction materials.

(\*\*\*) If no other suitable R code exists, this may include preliminary activities prior to recovery, including preliminary treatment, such as breaking, separation, crushing, compression, pelletising, drying, pulverising, conditioning, re-bundling, mixing or stirring prior to processing by way of any of the operations numbered R1 to R11.

(\*\*\*\*) [ § 3(5)]

### WASTE DISPOSAL

- D1 Deposit into the earth or on the surface of the land (e.g. landfill).  
D2 Land treatment, e.g. biodegradation of liquid or sludgy discards in soils.  
D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories).  
D4 Surface impoundment (e.g. placement of liquid or sludgy discards into pits, ponds or lagoons).  
D5 Specially engineered landfill, (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment).  
D6 Release into a water body, except seas/oceans.  
D7 Release into seas/oceans, including sea-bed insertion.  
D8 Biological treatment resulting in final compounds or mixtures which are discarded by any of the operations numbered D1 to D12.  
D9 Physico-chemical treatment resulting in final compounds or mixtures which are discarded by any of the operations numbered D1 to D12 (e.g. evaporation, drying, calcination).
- D10 Incineration on land.  
D11 Incineration on land. (\*)  
D12 Permanent storage (e.g. placement of containers in a mines).  
D13 Blending or mixing prior to submission to any of the operations numbered D1 to D12.  
(\*\*)  
D14 Repackaging prior to submission to any of the operations numbered D1 to D13.  
D15 Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced).  
(\*\*\*)

#### Notes:

(\*) This operation is prohibited by legally binding orders of the European Union and international agreements, such as the Convention on the Protection of the Marine Environment of the Baltic Sea Area.

(\*\*) If no other D-code is suitable, this may include preliminary operations prior to disposal, including preliminary treatment, such as separation, crushing, compression, pelletising, drying, pulverising or conditioning prior to processing by way of any of the operations numbered D1 to D12.

(\*\*\*) § 3(5).

## OBJECTIVES AND BINDING CEILINGS IN WASTE MANAGEMENT

### I. Objectives for the collection of WEEE and minimum objectives in the recovery and recycling of WEEE

#### 1. Objective of WEEE collection

The objective of WEEE collection is the scope of collection which the Slovak Republic must achieve in accordance with the principle of producer responsibility in the given calendar year, specified in the following minimum quantity of WEEE by volume:

a) Four kilograms of household WEEE per inhabitant in 2014 or 2015, or the average volume of WEEE collected in the Slovak Republic in the last three years, whichever is greater

b) In 2016, a volume equivalent to 48 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

c) In 2017, a volume equivalent to 49 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

d) In 2018, a volume equivalent to 50 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

e) In 2019, a volume equivalent to 55 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

f) In 2020, a volume equivalent to 60 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

g) In 2021, a volume equivalent to 65 % of the average volume of EEE placed on the market in the Slovak Republic in the last three years,

#### 2. Minimum objectives in the recovery and recycling of WEEE

2. 1. Minimum objectives applicable by category from 13 August 2012 to 14 August 2015, in relation to the categories specified in Annex 6 Part I:

a) Waste from EEE belonging to category 1 or 10 of Annex 6 Part I shall be:	
- recovered	80 % and
- recycled	75 %

b) Waste from EEE belonging to category 3 or 4 of Annex 6 Part I shall be:	
- recovered	75 % and
- recycled	65 %

c) Waste from EEE belonging to categories 2, 5, 6, 7, 8 or 9 of Annex 6 Part I shall be:	
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- recovered	70 % and
- recycled	50 %

d) Gas lamps shall be recycled:	80 %.
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2. 2 Minimum objectives applicable by category from 15 August 2015 to 14 August 2018, in relation to the categories specified in Annex 6 Part I:

a) Waste from EEE belonging to category 1 or 10 of Annex 6 Part I shall be:	
- recovered	85 % and
- prepared for reuse and recycled	80 %

b) Waste from EEE belonging to category 3 or 4 of Annex 6 Part I shall be:	
- recovered	80 % and
- prepared for reuse and recycled	70 %

c) Waste from EEE belonging to categories 2, 5, 6, 7, 8 or 9 of Annex 6 Part I shall be:	
- recovered	75 % and
- prepared for reuse and recycled	55 %

d) Gas lamps shall be recycled:	80 %.
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2. Minimum objectives applicable by category from 15 August 2018 in relation to the categories specified in Annex 6 Part II:

a) Waste from EEE belonging to category 1 or 4 of Annex 6 Part II shall be	
- recovered	85 % and
- prepared for reuse and recycled	80 %

b) Waste from EEE belonging to category 2 of Annex No 7 Part II shall be:	
- recovered	80 % and
- prepared for reuse and recycled	70 %

c) Waste from EEE belonging to category 5 or 6 of Annex 6 Part II shall be	
- recovered	75 % and
- prepared for reuse and recycled	55 %

d) Waste from EEE belonging to category 3 of Annex 6 Part II shall be:	
- recycled	80 %.

## II. Objectives for the collection of spent batteries and accumulators

1. Objective for the collection of spent batteries and accumulators

1.1. The objective for the collection of spent batteries and accumulators for individual producers of portable batteries and accumulators for the relevant calendar year is a quantity of spent portable batteries and accumulators equivalent to the following proportion of the quantity of portable batteries and accumulators which said producer

has placed on the market in the Slovak Republic in the previous calendar year

- a) 40 % for 2015,
- b) 45 % for 2016,

1.2. The objective for the collection of spent batteries and accumulators for individual producers of portable batteries and accumulators for the relevant calendar year is to achieve a level of collection of spent portable batteries and accumulators amounting to:

- a) 25 % by 26 September 2012,
- b) 45 % by 26 September 2016.

## 2. Objective for the collection of spent automotive batteries and accumulators

The objective for the collection of spent automotive batteries and accumulators for individual producers of automotive batteries and accumulators for the relevant calendar year is the quantity of spent automotive batteries and accumulators equivalent to said producer's market share applied to the total quantity of spent automotive batteries and accumulators placed on the market in the Slovak Republic in the previous calendar year.

## 3. Objective for the collection of spent industrial batteries and accumulators

The objective for the collection of spent industrial batteries and accumulators for individual producers of industrial batteries and accumulators for the relevant calendar year is the quantity of spent industrial batteries and accumulators equivalent to said producer's market share applied to the total quantity of spent industrial batteries and accumulators placed on the market in the Slovak Republic in the previous calendar year.

## 4. Objectives for the recycling of spent batteries and accumulators

The objective for the recycling of spent batteries and accumulators for the relevant calendar year is 100 % of the quantity of spent batteries and accumulators collected in the previous calendar year.

### **III. Objective of waste management in the field of packaging waste management**

The objective of waste management in the field of packaging waste management is to achieve:

a) a total level of recovery of at least:		
1.	60 %	of the volume of packaging waste,

a) a total level of recovery of at least 55 % or more amounting to		
1.	80 %	of the total volume of packaging waste,

c) a level of recovery for individual packaging materials (waste streams) of at least:		
1.	60 %	of the total volume of glass packaging waste,
2.	68 %	of the volume of paper packaging waste (including boxes and cardboard),
3.	55 %	of the volume of metallic packaging waste,
4.	48 %	of the volume of plastic packaging waste,
5.	35 %	of the volume of wood packaging waste,



c) a level of recycling for individual packaging materials (waste streams) of at least:		
1.	60 %	of the total volume of glass packaging waste,
2.	60 %	of the volume of paper packaging waste (including boxes and cardboard),
3.	55 %	of the volume of metallic packaging waste,
4.	45 %	of the volume of plastic packaging waste,
5.	25 %	of the volume of wood packaging waste,

#### **IV. Binding ceilings and deadlines for the extent of reusing parts of end-of-life vehicles, waste recovery from processing of end-of-life vehicles and recycling of end-of-life vehicles**

Limit and deadline for the minimum increase of the activity:<sup>1)</sup>

1. Reuse of parts of end-of-life vehicles and recovery of waste from the processing of end-of-life vehicles (1 January 2006):

a)	Vehicles produced prior to 1 January 1980	75 %
b)	Vehicles produced after 1 January 1980	85 %
c)	All vehicles	95 %

2. Reuse of parts of end-of-life vehicles and recycling of end-of-life vehicles (1 January 2015)

a)	Vehicles produced prior to 1 January 1980	70 %
b)	Vehicles produced after 1 January 1980	80 %
c)	All vehicles	85 %

Note

1) at the average volume of one vehicle per year.

V. The waste management objective in the field of municipal waste is to increase the preparation of waste for reuse and recycling of household waste such as paper, metal, plastic and glass (and from other sources wherever possible, as long as the sources contain waste similar to household waste) by at least 50 % by volume of the waste generated in the preceding calendar year.

VI. The waste management objective in the field of construction and demolition waste is to increase the preparation of waste for reuse, recycling and recovery of construction and demolition waste, including waste from backfilling as a substitute for other materials in a single calendar year to at least 70 % of the volume of the waste generated in the preceding calendar year by 2020; this objective applies to the waste specified in Group 17 of the Waste Catalogue established by the implementing legislation, with the exception of hazardous waste and waste under catalogue number 17 05 04.

VII. Waste which ceases to constitute waste pursuant to § 3(5) (end-of-waste status), § 4(10) (preparation for reuse) or § 14(5) (transferred for household use), also ceases to constitute waste for the purposes of the recovery objectives specified in this Annex if the recovery and recycling activities meet the defined requirements.

## **EXAMPLES OF WASTE PREVENTION MEASURES**

### **Measures which can influence the overall conditions of waste generation**

1. Use of planned measures or other economic instruments promoting efficient use of resources.

2. Support for research and development in the field of achieving cleaner products and technologies, and products and technologies which produce less waste, and spreading and making use of the results of this research and development.

3. Development of relevant indicators of environmental pressures associated with the generation of waste which should contribute to preventing waste on all levels, from product comparisons on the EU level to activities of local authorities and national measures.

### **Measures capable of affecting the state of design, production and distribution**

4. Support for eco-design (systematic integration of environmental aspects into product design with the goal of improving a product's environmental performance over its entire life cycle).

5. Providing information on waste prevention technologies, with the goal of enabling industry to use the best available technology.

6. Organization of training sessions on the level of the competent authorities on integrating requirements relating to waste prevention into permits pursuant to this Act and Act No 39/2013 on integrated pollution prevention and control and on amendments to certain acts.

7. Integration of waste prevention measures at facilities which are not covered by Act No 39/2013. If necessary, such measures could include evaluations or waste prevention programmes.

8. Use of campaigns to increase awareness or provide companies with financial, decision-making or other support. Such measures are especially effective if they are focused on small and medium-sized businesses and designed for them, and if they function through commercial networks which have been introduced.

9. Use of voluntary agreements, consumer-producer committees or industry discussions with the goal of encouraging the relevant business or industrial sectors to determine their own programmes or goals for waste prevention or improve products or packaging which lead to particularly great quantities of waste.

10. Support for credible environmental management systems, including EMAS and technical standards.<sup>161)</sup>

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<sup>161)</sup> STN EN ISO 14001 Environmental management systems. Requirements for user manual (ISO 14001: 2004) (83 9001).

**Measures capable of affecting the state consumption and use**

11. Economic instruments such as stimuli for clean purchasing or the introduction of mandatory payments for consumers for a certain part or element of packaging which would otherwise be provided free of charge.

12. Use of campaigns to increase awareness and provide information focused on the general public or a specific consumer group.

13. Support for credible environmental brands.

14. Agreements with industry, such as the use of committees for products, e.g. committees which were established in the scope of integrated policies for products, or agreements with retailers on the availability of information on waste prevention and products with less impact on the environment.

15. In the context of public procurement, the integration of environmental criteria and waste prevention criteria into calls for tenders and contracts, in line with the Handbook on Environmental Public Procurement published by the Commission on 29 October 2004.

16. Promotion for reuse and/or repair of suitable specified products or parts thereof, in particular by using educational, business, logistic and other means, such as the promotion or establishment of accredited centres and networks for repair and reuse, especially in densely populated areas.

**LIMIT VALUES FOR THE CONCENTRATION OF HARMFUL SUBSTANCES IN  
WASTE**

	Indicator	Limit value in mg/kg dry
1	Total polycyclic aromatic hydrocarbons (PAH)	100
2	Total polychlorinated biphenyls (PCBs)	50
3	Extractable organic halogen compounds (extract)	100
4	Easily released cyanides	10 000
5	Total hydrocarbons (mineral oil) (hexane extract)	50 000
6	Benzene, toluene, xylene	5 000
7	Phenols	10 000
8	Mercaptans	1 000
9	Mercury	3 000
10	Arsenic <sup>1)</sup>	5 000
11	Lead <sup>1)</sup>	10 000
12	Cadmium	5 000
13	Nickel <sup>1)</sup>	5 000
14	Soluble substance content (20 C) <sup>2)</sup>	300 000

<sup>1)</sup> The limit values specified do not apply to waste in glass or semi-glass form (hardened residue of coating substances, enamels, waste processed into glass, ceramic or cement products).

<sup>2)</sup> Specified as vapour of the filtrate after filtering a solution of the waste, in relation to dry matter

## CATEGORIES OF EEE

### **Part I: Categories of EEE which this Act will apply to until 14 August 2018 (transitional period)**

1. Large household appliances
2. Small household appliances
3. Information technology and telecommunication equipment
4. Consumer electronics
5. Light sources
6. Electric and electronic devices (with the exception of large stationary industrial devices)
7. Toys, sports and recreational equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Vending machines.

### **Part II: Categories of EEE which this Act will apply to after 15 August 2018**

1. Temperature exchange equipment
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm<sup>2</sup>
3. Lamps
4. Large equipment (any external dimension more than 50 cm) including, but not limited to: Household appliances; IT and telecommunication equipment; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3.
5. Small equipment (no external dimension more than 50 cm) including, but not limited to: Household appliances; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3 and 6

6. Small IT and telecommunication equipment (no external dimension more than 50 cm).

## CRITERIA PRECISELY DEFINING PACKAGING

### Criterion 1

A product shall be deemed to be packaging, regardless of whether other functions of packaging are concerned, if:

- a) it is a separable part of the product,
- b) it is not necessary to store, support or preserve the product during its life cycle, and
- c) all of its parts are not intended to be used, consumed or disposed of collectively.

Examples for asserting criterion 1

#### Packaging

Candy wrappers

Plastic CD cases

Packaging for mailing catalogues and magazines (with the magazine inside)

Paper baskets for baking sold together with confectionary products

Tubes, pipes and cylinders wrapped in elastic material (such as film, aluminium foil or paper), other than tubes, pipes and cylinders which serve as part of production machines and which are not used to present a product as a retail unit

Flower pots solely intended for use in the sale and transport of plants and not for the entire life of the plant

Glass vials for injection solutions

Cylindrical packages for CDs (sold together with CDs which are not intended for CD archiving)

Clothes hangers (sold together with clothes)

Match boxes

Sterile barrier systems (bags, trays and material used to keep a product sterile)

Capsules used to prepare beverages (such as coffee, cocoa or milk) which remain empty after use

Refillable steel cylindrical tanks used for various types of gases, with the exception of fire extinguishers

#### Non-packaging

Flower pots intended for the entire life of the plant

Tool boxes

Tea bags

Protective wax layers on cheeses

Blood pudding cases

Clothes hangers (sold separately from clothes)

Coffee capsules for preparing beverages, foil bags for coffee and coffee pads made of filter paper which are disposed of together with the used coffee product

Printer cartridges

Cases for CDs, DVDs and videocassettes (sold together with the CDs, DVDs and

videocassettes)

Cylindrical packages for CDs (sold empty, intended for archiving CDs)

Soluble bags for detergents

Luminaries for gravestones (candles with boxes around them)

Mechanical manual mill (simultaneously constitutes a refillable container, such as a refillable pepper mill)

## **Criterion 2**

Items created for the purpose of filling at the place of sale and disposable items created, filled or sold at the place of sale are considered to be packaging, if they fulfil the function of packaging.

Examples for asserting criterion 2

Packaging

Paper or plastic bags

Disposable plates and cups

Film

Lunch bags

Aluminium foil

Plastic film for clothes cleaned at a cleaner

Non-packaging

Pestles for mixing

Disposable cutlery

Packaging paper (sold separately)

Paper moulds for baking (sold empty)

Paper baskets for baking sold without confectionary products

## **Criterion 3**

Packaging components and auxiliary elements integrated into a package are deemed to be part of the package in question. Auxiliary elements directly hung on or connected to a product which fulfil the function of packaging are deemed to be packaging if:

a) they are a separable part of the product and

b) all of their parts are not intended to be consumed and disposed of collectively.

Examples for asserting criterion 3

Packaging

Tags hanging directly on or connected to a product

Parts of packaging

Brushes for make-up which form part of the cap

Stickers connected to a different packaging item

Staples for a stapler

Plastic wrapping for paper



Measuring cups which form part of the cap of a detergent bottle  
Mechanical manual mill (simultaneously constitutes a non-refillable container filled with a product, such as a mill for black pepper filled with black pepper)

Non-packaging

Radio-frequency identification (RFID) tags

**HEALTHCARE AND VETERINARY CARE WASTE WHICH MAY NOT  
BE DISPOSED OF IN LANDFILLS**

- 18 Waste from healthcare or veterinary care, diagnostics, treatment or medical prevention
  - 18 01 Waste from obstetric care, diagnostics, treatment or medical prevention
    - 18 01 01 Sharp objects except 18 01 03
    - 18 01 02 Body parts and organ, blood bags and blood preserves except 18 01 03
    - 18 01 03 Waste whose collection and disposal is subject to special requirements in order to prevent infection
    - 18 01 04 Waste whose collection and disposal is not subject to special requirements in order to prevent infection (e.g. dressings, plaster casts, linen, disposable clothes, nappies)
    - 18 01 08 Cytotoxic and cytostatic medicines
    - 18 01 09 Medicines other than those mentioned in 18 01 08
    - 18 01 10 Amalgam waste from dental care
  - 18 02 Waste from veterinary research, diagnosis, treatment or prevention of disease
    - 18 02 01 Sharp objects except 18 02 02
    - 18 02 02 Waste whose collection and disposal is subject to special requirements in order to prevent infection
    - 18 01 04 Waste whose collection and disposal is not subject to special requirements in order to prevent infection
    - 18 02 07 Cytotoxic and cytostatic medicines
    - 18 02 08 Medicines other than those mentioned in 18 02 07
- 20 01 31 Cytotoxic and cytostatic medicines
- 20 01 32 Medicines other than those mentioned in 20 01 31

**LIST OF ACCEPTED LEGALLY BINDING ACTS OF THE EUROPEAN UNION**

1. Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain directives relating to the environment (Special edition of the EU Official Journal, Chap. 5/Vol. 2), as amended by European Parliament and Council Regulation (EC) No 1882/2003 of 29 September 2003 (Special edition of the EU Official Journal Chapter 1/Vol. 4).
2. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (Special edition of the EU Official Journal Chapter 13/Vol. 13) as amended by European Parliament and Council Regulation (EC) No 1882/2003 of 29 September 2003 (Special edition of the EU Official Journal Chapter 1/Vol. 4), European Parliament and Council Directive 2004/12/EC of 11 February 2004 (Special edition of the EU Official Journal Chapter 13/Vol. 34) European Parliament and Council Directive 2005/20/EC of 9 March 2005 (EU Official Journal L 70, 16 March 2005), as amended by European Parliament and Council Regulation (EC) No 219/2009 of 11 March 2009 (EU Official Journal L 87, 31 March 2009) and Commission Directive 2013/2/EU of 7 February 2013 (EU Official Journal L 37, 8 February 2013).”
3. Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) (Special edition of the EU Official Journal Chapter 15/Vol. 3), as amended by European Parliament and Council Regulation (EC) No 596/2009 of 18 June 2009 (EU Official Journal L 188, 18 July 2009).
4. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (Special edition of the EU Official Journal Chapter 15/Vol. 4) as amended by European Parliament and Council Regulation (EC) No 1882/2003 of 29 September 2003 (Special edition of the EU Official Journal Chapter 1/Vol. 4), European Parliament and Council Regulation (EC) No 1137/2008 of 22 October 2008 (EU Official Journal L 311, 21 November 2008) and Council Directive 2011/97/EU of 5 December 2011 (EU Official Journal L 328, 10 December 2011).
5. European Parliament and Council Directive 2000/53/EC of 18 September 2000 on end-of-life vehicles (Special edition of the EU Official Journal Chapter 15/Vol. 5) as amended by Commission Decision 2002/525/EC of 27 June 2002 (Special edition of the EU Official Journal Chapter 15/vol. 7), Commission Decision 2005/63/EC of 24 January 2005 (EU Official Journal L 25, 28 January 2005), Commission Decision 2005/438/EC of 10 June 2005 (EU Official Journal L 152, 15 June 2005), Council Decision 2005/673/EC of 20 September 2005 (EU Official Journal L 254, 30 September 2005), Commission Decision 2008/689/EC of 1 August 2008 (EU Official Journal L 225, 23 August 2008), European Parliament and Council Directive 2008/33/EC of 11 March 2008 (EU Official Journal L 81, 20 March 2008), European Parliament and Council Directive 2008/112/EC of 16 December 2008 (EU Official Journal L 345, 23 December 2008), Commission Decision 2010/115/EU of 23 February 2010 (EU Official Journal L 48, 25 February 2010) and Commission Directive 2011/37/EU of 30 March 2011 (EU Official Journal L 85, 31 March 2011).

6. European Parliament and Council Directive 2006/66/EC of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (EU Official Journal L 266, 26 September 2006) as amended by European Parliament and Council Directive 2008/11/EC of 11 March 2008 (EU Official Journal L 76, 19 March 2008), European Parliament and Council Directive 2008/12/EC of 11 March 2008 (EU Official Journal L 76, 19 March 2008), European Parliament and Council Directive 2008/103/EC of 19 November 2008 (EU Official Journal L 327, 5 December 2008) and European Parliament and Council 2013/56/EU of 20 November 2013 (EU Official Journal L 329, 10 December 2013).
7. European Parliament and Council Directive 2008/98/EC of 19 November 2008 on waste and repealing certain directives (EU Official Journal L 312, 22 November 2008).
8. European Parliament and Council Directive 2010/75/EU of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (EU Official Journal L 334, 17 December 2010).
9. European Parliament and Council Directive 2012/19/EU of 4 July 2012 on waste electrical and electronic equipment (WEEE) (EU Official Journal L 197, 24 July 2012).