



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
CLIMATE ACTION  
Directorate A - International and Mainstreaming  
**CLIMA.A.2 - Climate Finance, Mainstreaming, Montreal Protocol**

## Reporting form on **Illegal trade**

**According to Article 26(1)(c) of Regulation (EC) No 1005/2009 of the European Parliament and the Council on substances that deplete the ozone layer and Decision XIV/7 of the parties to the Montreal Protocol**

### **1. INTRODUCTION:**

Under Article 28(1) of Regulation (EC) No 1005/2009 Member States are required to conduct inspections on the compliance with the Regulation, including inspections in import and exports.

Parties to the Montreal Protocol are invited to submit a report on illegal trade in ozone depleting substances to the Ozone Secretariat pursuant to Decision XIV/7 of the Parties to the Montreal Protocol.

On the request of Member States both surveys were combined in this form. The Commission, on behalf of Member States, will report to the Ozone Secretariat.

### **2. GENERAL INFORMATION:**

Member State	Slovakia
Reporting period	01 January – 31 December
Reporting year	2019
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Date:	18 June 2020

### **3. GENERAL GUIDANCE FOR COMPLETING THIS FORM:**

Please describe actions taken, other activities, and results of checks in detail. Where legislation or a programme is mentioned, please state the complete reference title and number.

Please provide answers to all questions. If for a certain question there is nothing to report or if the answer is identical to that in previous reports please indicate this clearly e.g. by stating "NIL", "nothing to report" or "see report of year YYYY". Questions without answers will be considered as "not reported".

You can attach supplementary information where appropriate, provided you include a summary in the relevant part(s) of the form.

Please complete and return the report **no later than 30 June** to:

European Commission  
DG Climate Action C2  
1049 Brussels  
Belgium  
E-mail: [clima-ods-reporting@ec.europa.eu](mailto:clima-ods-reporting@ec.europa.eu)

### **4. DECLARATION OF DISCLOSURE:**

#### **4.1. Reporting to UNEP:**

Information provided in this report may be forwarded to the Ozone Secretariat. Details on names of companies or persons involved will not be reported to the Ozone Secretariat without additional agreement of the Member State.

#### **4.2. Publication of the report on CIRCA:**

Unless there is an explicit objection by the Member State, the Commission may publish the report on CIRCA and thus make it available for other Member States for the purpose of sharing good practice.

### **5. QUESTIONS:**

#### **5.1. Proven cases of illegal trade (imports and exports):**

Please report in the table below only proven cases of illegal imports/exports of controlled substances or products and equipments. "Proven cases" are those where some action was taken such as a fine imposed or a court hearing. This includes an investigation which

may have been carried out and that resulted in actions being taken by the competent authority. Report other investigations and their results in question 2 or 3.

Also provide here information for cases whose investigation had not been finished at the time the previous report has been submitted (e.g. due to outstanding court rules). Also include here proven cases of illegal trade from previous years that were not reported in previous reports (e.g. because they have been only discovered during the current reporting period).

Please report all quantities in metric-kg with an accuracy of  $\pm 1$  kg. Always round up to the next kilogram. To avoid confusion do not insert decimals and do not use any thousand dividers. In the column "Comments" state at least:

- Investigating authority
- Date the illegal trade occurred
- Official file reference number

Add more rows if necessary.

Name and quantity of ODS	Results from checks made by Customs Authorities or other activities undertaken	Action taken (e.g. entry denied, seizures, fines, court rules ...)	Comments
"NIL"			

## 5.2. Other cases of illegal trade (imports and exports):

Please report here other cases of illegal trade that were subject to investigations but for whatever reason do not classify as proven cases of illegal trade (e.g. alleged cases with ongoing investigations, cases where an initial suspicion did not turn out to be justified, cases of illegal trade without legal follow up for whatever reason). This information will be used to identify potential areas for improvement or potential gaps in the Regulation.

Also provide information for cases whose investigation had not been finished when the previous report has been submitted.

Please report all quantities in metric-kg with an accuracy of  $\pm 1$  kg. Always round up to the next kilogram. To avoid confusion do not insert decimals and do not use any thousand dividers. In the column "Comments" state at least:

- Investigating authority

- Date the illegal trade occurred
- Official file reference number

Add more rows if necessary.

Name and quantity of ODS	Results from checks made by Customs Authorities or other activities undertaken	Action taken (e.g. entry denied, seizures, fines, court rules ...)	Comments
“NIL”			

### 5.3. Other checks performed:

Please report here on a voluntary basis other investigations related to Regulation (EC) No 1005/2009 (e.g. cases related to illegal placing on the market, violation of minimum requirements or reporting obligations etc.).

No customs offense or administrative offense related to an illegal trade or illegal placing on the market has been found in the year 2019. The Slovak Environmental Inspection and customs authorities not found breaches of the provision Regulation (EC) No 1005/2009 on substances that deplete ozone layer and Act. No 312/2012 Coll. on the protection of the ozone layer, in the year 2019.

### 5.4. Principles of the checks performed:

Please report here on a voluntary basis the general principles and organisation of the relevant checks in your Member State. As the Regulation does not require any particular measure the below list is only indicative:

- Is an electronic customs check system implemented and how does it work?
- Are special check tools available (e.g. x-ray equipment, mobile analysers)?
- What measures are taken to prevent or to discover illegal trade?
- How are accidentally or intentionally false declarations addressed (e.g. use of wrong CN codes, ODS declared as legal chemicals like HFCs)?
- Are there special task forces?

Slovak Environmental Inspection is expert supervisory body performing state supervision in matters on the protection of the ozone layer in accordance with special regulation concerning the control in state administration. The Inspection imposes the measures aimed at removing of shortages found during the control and it controls the compliance with imposed measures. The Inspection, taking into account the gravity of the endangerment of human health or the environment can impose a fine from 300 euro up to 99 581 euro. Persons who carry out state supervision are authorized (at the expense of the controlled entity) to take samples of controlled substances for the purpose of analysis. Controlled entity is obliged to allow the persons who exercising control take a sample of a controlled substance. The undertaking is required to enable the authorities who carry out inspection access to premises, buildings and equipment, on request provide documentation and to provide true and complete information related to the management of a controlled substance, products and equipment. The SEI addresses administrative offense relating to record keeping, the reporting requirement, requirements for service and maintenance of equipment and control leakage without a certificate of expert qualification for handling of the ODS, obligations to ensure the requirements for regular checks for leakage and other. Customs offense concerning to import or export of the substances without license of the European Commission, the violation of the responsibilities of the export or import according relevant Articles Regulation (EC) No 1005/2009 on substances that deplete ozone layer and other are negotiated by customs bodies according to special regulation (Customs Act.) and serious cases is investigating Customs crime bureau.

The Slovak Environmental Inspection and the customs bodies cooperate with Ministry of the Environment at solving problems when it is needs.

#### **5.5. Schedule and results of checks performed:**

Please report here on a voluntary basis the schedule of checks (e.g. all ODS imports/exports subject to documentary checks, x% of the cases are physically checked) for the reporting year and (if available) for coming years. Provide the actual number of performed checks, the type of checking and their results.

Inspections were mainly focused on compliance with the obligations of undertakings arising from Regulation (EC) No 1005/2009 and law on the protection of the ozone layer, particular: ensure regular check for leakage and regular check technical condition of refrigeration and air-conditioning equipments and fire protection systems, data report, record keeping, maintenance or servicing equipments an illegal placing on the market.

Slovak Environmental Inspection (SEI) checks undertakings and persons handling with ozone depleting substances on the regular basis. The Slovak Environmental Inspection carried out 4 inspections regarding to fulfil requirements implicit in the law on the protection of the ozone layer and the Regulation (EC) No 1005/2009. During the 2019 year Slovak Environmental Inspection

- conducted 4 inspections at the undertakings operating refrigeration and air-conditioning equipments. These inspections were focused particularly on compliance with obligations regular checked for leakage and technical condition of equipment containing controlled substances, record keeping, data report, servicing and maintenance.

Environmental Inspection not found breaches of the law and Regulation, not imposed corrective measures or penalties during the year 2019.

The number of inspection carried out to determine compliance with the provisions of Act. No 321/2012 Coll. and Regulation (EC) No 1005/2009 has been declining recently in connection with the gradual reduction the number of equipments containing controlled substances and to ban on the use of controlled substances on servicing and maintenance these equipments. Equipments containing these substances are gradually replaced to equipment containing F-gases or alternative substances.

#### **5.6. Training and promotion:**

Please provide here on voluntary basis, information on training activities that took place for customs officers or other environmental crime investigators during the reporting year. Also include any activity that took place to promote the prevention of illegal trade in ODS. This information is required pursuant to Article 28(4) of the Regulation and Decision XIV/7 point 5 in order to identify and exchange good practices.

“Nothing to report”