

**ANNEX IX**

**ADDITIONAL QUESTIONNAIRE FOR REPORTS BY MEMBER STATES**

**PURSUANT TO ARTICLE 51(2)**

**REFERENCE YEAR: 2015**

**REPORTING COUNTRY: SLOVAKIA**

Article 11(1)(a)	<p><b>Information on the measures taken to prohibit generally or partially shipments of waste between Member States</b> <b>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 2006/12/EC</b></p> <p>Has this provision been applied?                      Yes                      No (please tick <i>✓</i> as appropriate)                      <i>✓</i>                      <input type="checkbox"/></p> <p>If yes, please provide details of the measures taken:</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 23 (3) - transboundary shipments of waste from other Member State to the Slovak Republic and import of waste from other State than Member State to the Slovak Republic destined for final disposal are prohibited unless an international agreement, by which the Slovak Republic is bound otherwise. Slovakia also applies Article 4 (9) of the Basel Convention.</p> <p>The Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended was replaced by a new Act No. 79/2015 Coll. on waste and on amendments to certain acts as amended by Act No. 91/2016 Coll. The new Act was approved by the Slovak Government in the year 2015 and entered into force from 1st January 2016.</p> <p>Additional remarks:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p><b>Information on the measures taken to object systematically to shipments of waste between Member States</b> <b>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 2006/12/EC</b></p> <p>Has this provision been applied?                      Yes                      No (please tick <i>✓</i> as appropriate)                      <i>✓</i>                      <input type="checkbox"/></p> <p>If yes, please provide details of the measures taken:</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 23 (3) - transboundary shipments of waste from other Member State to the Slovak Republic and import of waste from other State than Member State to the Slovak Republic destined for final disposal are prohibited unless an international agreement, by which the Slovak Republic is bound otherwise. Slovakia also applies Article 4 (9) of the Basel Convention.</p> <p>Additional remarks:</p> <p>-----</p> <p>-----</p> <p>-----</p>
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Article 11(1)(e)	<p><b>Information on the prohibition of the import of waste</b></p> <p>Has this provision been applied?      Yes      No  <i>(please tick ✓ as appropriate)</i>      ✓      <input type="checkbox"/></p> <p>If yes, please provide details of the measures taken:</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 23 (3) - transboundary shipments of waste from other Member State to the Slovak Republic and import of waste from other State than Member State to the Slovak Republic destined for final disposal are prohibited unless an international agreement, by which the Slovak Republic is bound otherwise. Slovakia also applies Articles 4 (1), (9) of the Basel Convention. Principles of transboundary movements of waste are in compliance with objectives given in the Waste Management Programme of the Slovak Republic.</p>
Article 11(3)	<p><b>Information on exceptions to the implementation of the principle of proximity, priority for recovery and self-sufficiency</b></p> <p><b>In the case of hazardous waste produced in a Member State of dispatch in such a small quantity overall per year that the provision of new specialised disposal installations within that State would be uneconomic</b></p> <p>Have you asked any Member State to apply this exception?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓</p> <p>If yes, please complete Table 1 and give details below of any bilateral solution found pursuant to Article 11(3):</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>Have you received any request from Member States to apply this exception?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓</p> <p>If yes, please complete Table 1 and give details below of any bilateral solution found pursuant to Article 11(3):</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
Article 11(1)(g)	<p><b>Information on objections to planned shipments or disposal on the basis of their not being in accordance with Directive 2006/12/EC</b></p> <p>Has this provision been applied?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓</p> <p>If yes, please complete Table 2.</p>

Article 12(5)	<p><b>Information on objections to planned shipments or recovery on the basis of their not being in accordance with Article 12(1)(c)</b></p> <p>Has this provision been applied?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓  If yes, please complete Table 3.</p>
Article 14	<p><b>Information on decisions by competent authorities having jurisdiction over specific recovery facilities to issue pre-consents to such facilities</b></p> <p>Has there been any case?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓  If yes, please complete Table 4.</p>
Article 33	<p><b>Information on the Member States' system for the supervision and control of shipments of waste exclusively within their jurisdiction</b></p> <p>Is there a system for the supervision and control of shipments of waste within the jurisdiction?      Yes      No  <i>(please tick ✓ as appropriate)</i>      ✓      <input type="checkbox"/>  If there is such a system, do you apply the system provided for in Titles II and VII of the Regulation?      Yes      No  <i>(please tick ✓ as appropriate)</i>      <input type="checkbox"/>      ✓  If you apply a different system from that provided for in Titles II and VII of the Regulation, please give details of the system applied:</p> <p>The shipments of waste within the Slovak territory is regulated by certain Articles of the national Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 20 – Obligations relating to hazardous waste shipment within the territory of the Slovak Republic.</p> <p>(1) A person who made a contract with carrier which subject is a shipment of hazardous wastes (hereinafter “hazardous waste consigner”) (Articles 610 to 629 and Articles 638 to 641 of the Commercial Code, Articles 765 to 771 of the Civil Code) shall be obliged :</p> <p>a) to ensure hazardous waste shipment in compliance with this Act and in case if an approval under Article 7 is required for hazardous waste shipment also in compliance with this approval; b) to perform hazardous waste shipment by traffic means that meet provisions of generally binding legal regulations on transport of dangerous goods (Decree of the Minister of the Foreign Affairs No. 64/1987 Coll.. on European Agreement concerning the International Carriage of Dangerous Goods (ADR); Decree of the Minister of Foreign Affairs No. 8/1985 Coll. on the Convention on International Carriage by Rail (COTIF); Notification of the Ministry of Foreign Affairs of the Slovak republic No. 15/2001 Coll. on adopting amendments to the Regulations concerning the international carriage of dangerous goods (RID)); if he does not perform transport alone, he is obliged to provide for it by a carrier authorised by special regulations (For example, the Act of the National Council of the Slovak Republic No. 513/2009 Coll. on railways and the Act of the National Council of the Slovak Republic No. 56/2012 Coll. on road transport, as amended);</p> <p>(2) The hazardous waste consignors and one who is under contract referred to in para 1 for hazardous waste (“the recipient of hazardous waste”) are required: a) to keep and maintain record of hazardous wastes shipped; b) to report stipulated data from the records under letter a) to the competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; if the consent for shipment of hazardous waste was issued by a district authorities at the county, then to that authority as well; c) to allow state supervision bodies in waste management (§ 73) check the waste handling during shipment; if requested, submit documents (For example, the Act of the National Council of the Slovak Republic No. 56/2012 Coll. as amended) and provide true and full information relating to the waste management; d) to perform a corrective measure imposed by a state supervision body in waste management (§ 73).</p> <p>(3) When shipping hazardous wastes, the hazardous wastes consigner, the hazardous wastes consignee and the carrier shall be obliged to confirm the consignment note of hazardous wastes [§ 68 para 3 (f)].</p> <p>(4) The hazardous waste consignee shall be obliged to send the consignment note of the hazardous waste confirmed according to para 3 to the hazardous waste consigner, the competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; if the consent for shipment of hazardous waste was issued by a district authorities at the county, then to that authority as well.</p>

Article 24 and Article 50(1)	<p><b>Information on illegal shipments of waste</b></p> <p>Has there been any case? Yes No  <i>(please tick ✓ as appropriate)</i> ✓ <input type="checkbox"/></p> <p>If yes, please complete Table 5.</p> <p>Please provide information on how illegal shipments of waste are prevented, detected and penalised under national legislation:</p> <p>There is a close co-operation among Slovak Environmental Inspection, customs authorities and the Ministry of Environment of the Slovak Republic at a detection of illegal shipments.</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 69 (a) - Slovak Environmental Inspection is a state supervision body in waste management, and (d) - Slovak Environmental Inspection is authorized to carry out inspections of documents related to the transboundary movements of waste by a special regulations</p> <p>(Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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) and by this Act, to execute physical inspection of waste, to sample and analyze waste samples namely on-site of waste generation, in a notifier, in a consignee of waste, at the border checkpoints and at the whole territory of the Slovak Republic.</p> <p>An Article 72 c) of the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended deals with performance of the customs authorities that is associated with transboundary shipments of waste. An Article 72, letter c) customs authorities:</p> <p>(1) Customs authority and customs criminal authority concerning waste shipment inspect whether:</p> <p>a) waste is accompanying by documents under special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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),</p> <p>b) transported goods that is without accompanying documents requested by special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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) is not a waste,</p> <p>c) waste shipment is not in contrariety to special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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),</p> <p>d) transported waste is in conformity with attached documents.</p> <p>(2) In controlling the customs authority and customs criminal authority are authorized to stop the vehicles, to order the shut down of the vehicle at the appropriate place, to inspect documents, transported waste, to take samples and analyzes and do photo documentation.</p> <p>(3) If the customs authority or customs criminal authority finds that waste shipment is illegal shipment under special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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) or waste shipment is carried out in contravention with the permit, order the suspension of transport and temporarily shut down of the vehicle.</p> <p>(4) If the customs authority or customs criminal authority finds a violation of special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, 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) in transboundary movement of wastes shall immediately inform the Ministry and Inspection. Ministry or Inspection determines to the carrier a place on immobilization of the vehicle until its take-back by special regulation (Articles 22 to 25 of the Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended).</p> <p>(5) Costs associated with driving the vehicle at the place designated pursuant to para 4, vehicle parking</p>
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	<p>and possibly trans-loading, storage or other handling of waste shall be borne by the carrier. Ministry, inspection and customs authorities are not liable for damage caused by carrier, which occurred as a result of immobilization of the vehicle pursuant to para 4.</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 78 (3) a fine from 900 € to 165969.59 € shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that</p> <p>(a) performs shipment in conflict with the fourth part of the Waste Act [Article 18 para 3 (d)],</p> <p>(d) do not lodge a financial guarantee according to Article 25 (1 – 3) or do not provide guarantee according to Article 54 h (1),</p> <p>(h) violates duties stipulated by special regulations (Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended, Regulation (EC) No. 1418/2007 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) for transboundary shipments of waste and does not fulfil determined conditions given in the permit issued by the Ministry pursuant to the special regulations (Article 9 of the Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended),</p> <p>(n) violates the prohibition according to Article 18 para 4 s) or t).</p> <p>According to the Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 80 (1) an offence is committed by a person who</p> <p>e) performs illegal transboundary movement of waste/performs transboundary movement of waste in a manner contrary to Act on Waste [§ 18 para 4 (d)].</p>
Article 50(2)	<p><b>Information on spot checks on shipments of waste or on the related recovery or disposal</b></p> <p>Number of checks on shipments of waste or on the related recovery or disposal: 63</p> <p>Number of supposed illegal shipments ascertained during these checks: 7</p> <p>Additional remarks:</p> <p>52 spot checks on shipments of waste were performed and 11 inspections of notifiers were performed.</p>
Article 6	<p><b>Information on a financial guarantee or equivalent insurance covering costs for transport, recovery or disposal and storage of waste, including cases referred to in Articles 22 and 24</b></p> <p>Please provide details on the provisions of national law adopted pursuant to this Article:</p> <p>The Act No. 223/2001 Coll. on waste and on amendment of certain acts as amended, Article 25 - Financial guarantee</p> <p>(1) The notifier is obliged to establish financial guarantee (hereinafter “guarantee”) or an equivalent insurance by special regulation (Article 6 of the Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended) regarding shipment of waste from Slovak Republic to another Member States and an export of waste from Slovak Republic to another as Member States.</p> <p>(2) The amount of guarantee shall be determined by the Ministry after having viewed provable costs of the transport, recovery or final disposal including all necessary interim operations and of the storage during 90 days which is one and a half multiple of those costs. The notifier shall establish guarantee in the amount fixed by the Ministry at a bank or at the foreign bank branch by earmarking funds on behalf of the Ministry for unlimited time period, not later than 3 days before starting shipment of waste. The notifier will submit an original document on bailment to the Ministry before starting shipment of waste.</p> <p>(3) An equivalent insurance is considered as an equivalent insurance that amount fully covers provable costs of the transport, recovery or final disposal including all necessary interim operations and of the storage during 90 days which is one and a half multiple of those costs. The notifier shall establish insurance not later than 3 days before starting shipment of waste. The notifier will submit an original document on establishment of the insurance to the Ministry before starting shipment of waste.</p> <p>(4) Guarantee under point (2) will be released to a notifier when the notifier will submit an application and certificate in the form of confirmed Movement document for transboundary movements/shipments of waste or the attached certificate to this movement document that final disposal or recovery was carried out.</p> <p>(5) Guarantee under point (2) will be released to the notifier except cases given in special regulation (Article 6 of the Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste an amended) as well as in case if notifier proves that the transboundary movement of waste from Slovak Republic to another Member States, an export of waste from Slovak Republic to</p>

	another state as Member States was cancelled or will not be effected.	
Article 55	<b>Information on any customs offices designated by Member States for shipments of waste entering and leaving the Community</b> Has there been any designation?      Yes                      No <i>(please tick ✓ as appropriate)</i> ✓ <input type="checkbox"/> If yes, please complete Table 6.	

***Note for completion of the tables:***

D-codes and R-codes are those referred to in Annexes II A and II B to Directive 2006/12/EC.

Waste identification codes are those referred to in Annexes III, IIIA, IIIB, IV and IVA to this Regulation.

Table 1

INFORMATION ON EXCEPTIONS TO THE IMPLEMENTATION OF THE PRINCIPLES OF PROXIMITY,  
PRIORITY FOR RECOVERY AND SELF-SUFFICIENCY (Article 11(3))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De)/ country of dispatch (Di)	Disposal operation D-code	Referral of the matter to the Commission (Yes/No)

Table 2

## OBJECTIONS TO PLANNED SHIPMENTS OR DISPOSAL (Article 11(1)(g))

Waste identification (code)	Quantity (kg/litres)	Country of transit (T)/ country of dispatch (Di)	Reasons for the objection <i>(please tick ✓ as appropriate)</i>			Facility	
			Article 11(1)(g)(i)	Article 11(1)(g)(ii)	Article 11(1)(g)(iii)	Name <i>(in case of Article 11(1)(g)(ii))</i>	Disposal operation D-code



Table 3

## OBJECTIONS TO PLANNED SHIPMENTS OR RECOVERY (Article 12(1)(c))

Waste identification (code)	Quantity (kg/litres)	Country of destination	Reasons for the objection <i>and details of relevant national legislation</i>	Facility <i>(in the country of destination)</i>	
				Name	Recovery operation R-code

Table 4

## INFORMATION ON DECISIONS BY COMPETENT AUTHORITIES TO ISSUE PRE-CONSENTS (ARTICLE 14)

Competent authority	Recovery facility				Waste identification (code)	Period of validity		Revocation (date)
	Name and No	Address	Recovery operation R-code	Technologies employed		From	To	

Table 5

## INFORMATION ON ILLEGAL SHIPMENTS OF WASTE \* (Article 24 and Article 50(1))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De) and country of dispatch (Di)	Identification of the reason for illegality <i>(possible reference to violated Articles)</i>	Responsible for illegality <i>(please tick √ as appropriate)</i>			Measures taken including possible penalties
				Notifier	Consignee	Other	
03 03 10	45 470 kg	to Wienerberger cihlářský průmysl, a.s., České Budějovice, závod Holice, Czech Republic  from Slovakia	Article 2, 35, b) of Regulation 1013/2006	Metsa Tissue Slovakia s.r.o., Celulózka 3494, 011 61 Žilina Slovakia			penalty 900 eur

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(\*) Information on cases which have been closed during the reporting period

03 03 10		<p>to HELUZ cihlářský průmysl, v.o.s., Dolní Bukovsko, závod Cihelna Hevlín, Czech Republic</p> <p>Wienerberger cihlářský průmysl, a.s., České Budějovice, - závod Holice, - závod Jezernice - závod Novosedly Czech Republic</p> <p>from Slovakia</p>	Article 16 b) of Regulation 1013/2006	Metsa Tissue Slovakia s.r.o., Celulóžka 3494, 011 61 Žilina Slovakia			penalty 2000 eur,
20 01 33	508 467 kg	<p>to BATERPOL S.A., ul. Obrońców Westerplatte 108, 40- 335 Katowice, prevádzka: ul. Chorzowska 109, 41- 601 Świętochłowice, Polland</p> <p>from Slovakia</p>	Article 2, 35, b) of Regulation 1013/2006	G&K s.r.o., 1. Mája 429/44 A, 985 59 Vidiná Slovakia			penalty 1 100 eur
16 02 16 B 1010	28 000 kg	<p>to Syntom AG in Marsberg, Germany</p> <p>from Slovakia</p>	Article 2, 35, b) of Regulation 1013/2006	OTHIRO SLOVAKIA, s.r.o., Zámocká 30, 811 01 Bratislava Slovakia			penalty 5 000 eur

16 02 11 20 01 23	1 550 kg	to PRAKTIK system, s.r.o., Chrastavská 273/30, 460 01 Liberec II – Nové Město, ČR, prevádzka Pod Vinicí 81, 421 27 Stráž pod Ralskem Czech Republic  from Slovakia	Article 2, 35, b) of Regulation 1013/2006	ENVIROPOL s.r.o., organizačná zložka, Lamačská cesta 45, 841 03 Bratislava Slovakia			penalty 1 200 eur
B 3010		to Slovakia  from Hungary	Article 18, 1, a) of Regulation 1013/2006  - not allowed to enter the country				
B 1120		to Slovakia  from Hungary	Article 18, 1, a) of Regulation 1013/2006  - not allowed to enter the country				

Table 6

INFORMATION ON ANY SPECIFIC CUSTOMS OFFICES DESIGNATED BY MEMBER STATES FOR  
SHIPMENTS OF WASTE ENTERING AND LEAVING THE COMMUNITY (Article 55)

Customs office		
Office	Location	Import/export countries controlled
Čierna nad Tisou	Čierna nad Tisou (SK) – Čop (UA) (train/rail)	Import and export
Čierna nad Tisou	Vyšné Nemecké (SK) – Užgorod (UA)	Import and export
Čierna nad Tisou	Ubl'a (SK) – Maly Bereznyj (UA) (road – up to 3.5 t)	Import and export