

**Commission Decision  
of 3 June 1999  
concerning a questionnaire for the reporting obligation of Member States  
pursuant to Article 4(2) of Council Regulation (EEC) No 259/93**

**1999/412/EC**

*Annex*

**Questionnaire for Member States reporting obligation pursuant to  
Council Regulation (EEC) No 259/93**

**Country: SLOVAKIA**

**Date: 28/11/2005**

**YEAR 2004**

<b>Article 1 (3) (d)</b>	<p><b>Information on the control and shipment of wastes listed in Annex II to the Regulation</b></p> <p><b>In exceptional cases, shipments of wastes listed in Annex II may, for environmental or public health reasons, be controlled by Member States as if they had been listed in Annex III or IV.</b></p> <p>Has there been any export case ? <span style="float: right;">Yes ✓      No</span></p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="text-align: right;"> <input style="width: 50px; height: 20px; margin-right: 20px;" type="checkbox"/> <input style="width: 50px; height: 20px;" type="checkbox"/> </div> <p>If yes, please complete Table 1.</p> <p>Has there been any import case? <span style="float: right;">Yes ✓      No</span></p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="text-align: right;"> <input style="width: 50px; height: 20px; margin-right: 20px;" type="checkbox"/> <input style="width: 50px; height: 20px;" type="checkbox"/> </div> <p>If yes, please complete Table 2.</p>
<b>Article 4 (3) (a) (i)</b>	<p><b>Information on measures taken to prohibit generally or partially shipments of waste between Member States</b></p> <p><b>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC</b></p> <p>Has this provision been applied ? <span style="float: right;">Yes ✓      No</span></p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="text-align: right;"> <input style="width: 50px; height: 20px; margin-right: 20px;" type="checkbox"/> <input style="width: 50px; height: 20px;" type="checkbox"/> </div> <p>If yes, please provide details on the measures taken:</p> <p>According to the Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations, Article 23 - an import of all waste types destined for final disposal is banned from all countries to Slovakia.</p> <p>Slovakia also applies Article 4 (9) of the Basel Convention.</p> <p>.....</p> <p>.....</p> <p>.....</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></p> <p><b>In order to implement the principles of proximity, priority for recovery and self-sufficiency at Community and national levels in accordance with Directive 75/442/EEC</b></p> <p>Has this provision been applied ?</p> <p style="text-align: right;">Yes                      No ✓</p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="display: flex; justify-content: flex-end; gap: 20px;"> <div style="text-align: center;"> <input type="checkbox"/> </div> <div style="text-align: center;"> <input type="checkbox"/> </div> </div> <p>If yes, please provide details on the measures taken:</p> <div style="border: 1px dotted black; height: 100px; margin-top: 5px;"></div> <p>Additional remarks:</p> <div style="border: 1px dotted black; height: 100px; margin-top: 5px;"></div>
<p><b>Article 4(3)(a)(ii) and 4(3)(a)(iii)</b></p>	<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?</p> <p style="text-align: right;">Yes                      No ✓</p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="display: flex; justify-content: flex-end; gap: 20px;"> <div style="text-align: center;"> <input type="checkbox"/> </div> <div style="text-align: center;"> <input type="checkbox"/> </div> </div> <p>If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to article 4(3)(a)(iii).</p> <div style="border: 1px dotted black; height: 100px; margin-top: 5px;"></div> <p>Have you received any request from Member States to apply this exception?</p> <p style="text-align: right;">Yes                      No ✓</p> <p style="text-align: right;">(please tick ✓ as appropriate)</p> <div style="display: flex; justify-content: flex-end; gap: 20px;"> <div style="text-align: center;"> <input type="checkbox"/> </div> <div style="text-align: center;"> <input type="checkbox"/> </div> </div> <p>If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to article 4(3)(a)(iii).</p> <div style="border: 1px dotted black; height: 100px; margin-top: 5px;"></div>

	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<b>Article 4(3)(b)</b>	<p><b>Information on objections to planned shipments</b>  <b>On the basis of them not being in accordance with Directive 75/442/EEC</b></p> <p>Has this provision been applied?</p> <p style="text-align: right;">Yes                      No ✓</p> <p>(please tick ✓ as appropriate)                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If yes, please complete Table 4.</p>
<b>Article 9(1) and (2)</b>	<p><b>Information on Decisions by competent authorities having jurisdiction over specific recovery facilities not to raise objections concerning shipments of certain types of waste to a specific recovery facility</b></p> <p>Has there been any case?</p> <p style="text-align: right;">Yes                      No ✓</p> <p>(please tick ✓ as appropriate)                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If yes, please complete Table 5.</p>
<b>Article 13</b>	<p><b>Information on the Member States' system for the supervision and control of shipments of waste within their territory</b></p> <p>Is there a system for the supervision and control of shipments of waste within the national territory?</p> <p style="text-align: right;">Yes ✓                      No</p> <p>(please tick ✓ as appropriate)                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If there is such a system, do you apply the system provided for in Titles II, VII and VIII of the Regulation?</p> <p style="text-align: right;">Yes                      No ✓</p> <p>(please tick ✓ as appropriate)                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If you apply a different system from that provided for in Titles II, VII and VIII of the Regulation, please give details of the system applied:</p> <p>.....</p> <p>The shipments of waste within the Slovak territory is controled under the national Waste Act No 223/2001 Coll. of Laws that is in compliance with the Directive 75/442/EEC on waste as amended.</p> <p>.....</p> <p>.....</p> <p>.....</p>
<b>Article 26</b>	<p><b>Information on illegal traffic of waste</b></p> <p>Has there been any case?</p> <p style="text-align: right;">Yes                      No ✓</p> <p>(please tick ✓ as appropriate)                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>If yes, please complete Table 6.</p> <p>Please, provide information on how illegal traffic of waste is prohibited and punished under national legislation pursuant to this Article.</p> <p>.....</p>

An Article 26 para 1 of the Council Regulation is implemented in the national Waste Act No 223/2001 Coll. of Laws by subsequent regulations, Article 38 - Procedures in Illegal Waste Shipment. Based on the Article 38 of the national Waste Act:

(1) Illegal trans-boundary waste shipment (hereinafter the "illegal waste shipment") shall mean shipment of waste across the state border: - effected without having sent a notification form to all competent authorities concerned in compliance with the Act; - effected without a permit of the Ministry if its issuance is required under the Act; - effected pursuant to a Ministry permit obtained by the notifier based on untrue data or by fraud; - effected contradictory to the requirements stated in the notification form; - ending in waste recovery or waste disposal contradictory to generally binding legal regulations in waste management or international agreements by which the Slovak Republic is bound; - effected contradictory to the provisions of Article 23 (4) (Part IV – Import, export and transit of wastes, Article 23 (4) - the following shall be forbidden: a) Import of wastes destined for disposal, except for import of wastes generated in outward processing, (§ 157 of the Act of the National Council of the Slovak Republic No. 180/1996 Coll. of Laws) the subject of processing being waste; b) Export of wastes destined for disposal except for export to states that are members of the Organisation for Economic Cooperation and Development and also are parties to the Basle Convention Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 60/1995 Coll. of Laws on the Accession of the Slovak Republic to the Basel Convention on Control of Traffic of Hazardous Wastes across State Borders and Their Disposal (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 132/2000 Coll. of Laws on the Adoption of Modifications Contained in Annex I and the Adoption of Two New Annexes VIII and IX of the Basel Convention on Control of Traffic of Hazardous Wastes across State Borders and Their Disposal), unless an international agreement, by which the Slovak Republic is bound, stipulates otherwise. This exception shall not apply where a waste disposal installation is located in the Slovak Republic with a sufficient capacity and with a comparable level of technology; c) Export of hazardous wastes destined for recovery except for export to member states of the Organisation for Economic Cooperation and Development; d) Import of wastes destined for incineration including their exploitation as a fuel or for energy recovery in a way different than under item R1 of Annex 2.

(2) Where an illegal waste shipment was effected by a notifier, the Ministry shall check, no later than 30 days from the date it was informed of the illegal waste shipment or within a period requested by the competent authorities concerned, whether the waste has been taken over by the notifier in compliance with Article 34 (1) to (3), or provide for procedure under Article 34 (4).

(3) Where an illegal waste shipment was effected by the waste consignee, the Ministry shall provide, no later than 30 days from the date it was informed of the illegal waste shipment or within a period requested by the competent authorities, that the waste consignee recover or dispose of the waste in compliance with generally binding legal regulations in waste management, or the Ministry shall provide for the waste recovery or disposal. For the purpose of compliance with that obligation, the Ministry shall cooperate with other competent authorities concerned.

(4) Where the illegal waste shipment does not fall under (2) and (3), the Ministry shall cooperate with other competent authorities concerned with the aim of providing for that waste recovery or disposal in a way not damaging the environment. The costs of that waste disposal shall be borne by the notifier or the waste consignee, or both, following a decision of the Ministry.

In accordance with the Waste Act No. 223/2001 Coll of Laws, Part IX – Accountability for failure to comply with obligations, Article 78 - Administrative Torts (3) (a), (d) A fine up to SKK 5,000,000 shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that (a) performed illegal waste shipment [§ 18 paragraph 3 letter d)] and (d) violated a ban or obligations stipulated in Articles 23, 25 through 38 applicable to waste import, export and transit.

#### Article 27

**Information on financial guarantees or equivalent insurance covering costs for shipment of waste covered by this Regulation, including cases referred to in Articles 25 and 26, and for disposal or recovery**

Please, provide details on the national system established pursuant to this Article.

In accordance with the Act No 443/2004 Coll of Laws, Article 24 – Financial surety

(1) Financial surety of transboundary movement creates a financial guarantee (hereinafter

“guarantee”) or an equivalent insurance.

(2) The amount of guarantee shall be determined by the Ministry after having viewed provable costs of the waste shipment including transport by special regulation (Articles 25 and 26 of the Council Regulation No 259/93/EC in valid wording) and to their disposal or recovery, which is one and a half multiple of those costs. The notifier shall furnish guarantee in the amount fixed by the Ministry at a bank or at the foreign bank branch (an Article 2 (1), (5) and (8) of the Act No 483/2001 Coll. of Laws on banks and on amendment of certain Acts as amended by subsequent regulations) by earmarking funds on behalf of the Ministry for unlimited time period, not later than 3 days before starting shipment of waste.

(3) An insurance considers an equivalent insurance that amount fully covers provable costs including transport by special regulation (Articles 25 and 26 of the Council Regulation No 259/93/EC in valid wording) and costs to their disposal or recovery, which is one and a half multiple of those costs. The notifier has to furnish this insurance not later than 3 days before starting shipment of waste.

(4) Provisions (2) and (3) are applied to the export of waste from the territory of the Slovak Republic where a permission is needed; in other cases a financial surety of transboundary movement at the territory of other Member state is considered as financial surety by special regulations (Council Regulation No 259/93/EC on the supervision and control of shipments of waste within, into and out of the European Community/Official Journal of the European Communities L 030, 06.02.1993/ in valid wording; Council Regulation No 1420/1999/EC of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste /Official Journal of the European Communities L 166, 01.07.1999/ in valid wording; Commission Regulation (EC) No 1547/1999 of 12 July 1999 determining the control procedures under Council Regulation (EEC) No 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92) 39 final does not apply / Official Journal of the European Communities L 185, 17.07.1999/ in valid wording; Commission Decision 94/774/EC of 24 November 1994 concerning the standard consignment note referred to in Council Regulation (EEC) No 259/93/Official Journal of the European Communities L 310, 03.12.1994/ in valid wording.)

(5) Guarantee under (2) will be returned to a notifier except cases given in special regulation (an Article 27 of the Council regulation (EEC) No 259/93 in valid wording) and also in case if notifier proves that the transboundary movement was cancelled or will not be effected.

Note:

Calculation formula of guarantee: [(length of route\*30) + (costs of disposal\*waste amount for one transport)] \* 1.5

Article 39(1)	<b>Information on the customs posts designated by Member States for shipments of waste in and out of the Community</b>	Please complete Table 7
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*Note for completion of the tables:*

*D and R codes are those referred to in Annexes II A and II B to Directive 75/442/EEC, as amended.*

*Waste codes are those referred to in Annexes II to IV to Council Regulation (EEC) No 259/93, as amended.*

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Table I

**Export of wastes listed in Annex II to the Regulation (Article 1(3)(d))**

Waste code	Reason for control	Amount exported (metric tonnes)	Country of transit (T)/ Country of import (I)	Operations leading to recovery R code
720421	environmental	56.06	Austria (I)	R4
GA050		3472.11	Germany (I)	R4
		23.99	Denmark (I)	R4
720441	environmental	1516.49	Italy (I)	R4
GA080		58.19	Germany (I)	R4
		1.46	Belgium (I)	R4
720449	environmental	70939.75	Czech Republic (I)	R4
GA090		33818.20	Austria (I)	R4
		40705.01	Italy (I)	R4
		18824.11	Germany (I)	R4
		338.40	Poland (I)	R4
		866.26	Hungary (I)	R4
		6325.35	Slovenia (I)	R4
		174.00	Great Britain (I)	R4
740400	environmental	91.15	Austria (I)	R4
GA120		892.21	Germany (I)	R4
		20.38	Italy (I)	R4
		152.55	Belgium (I)	R4
		103.61	Czech Republic (I)	R4
		67.67	Poland (I)	R4
750300	environmental	22.01	Great Britain (I)	R4
GA130				
760200	environmental	479.19	Germany (I)	R4
GA140		150.15	Czech Republic (I)	R4
		70.85	Hungary (I)	R4
		51.86	Poland (I)	R4
		10.00	Austria (I)	R4
790200	environmental	72.28	Germany (I)	R4
GA160				
ex 811220	environmental	890.30	Germany (I)	R4
GA300				
7204	environmental	792.34	Czech Republic (I)	R4
GA430				
GB025	environmental	40.97	Germany (I)	R4
	environmental	85.20	Czech Republic (I)	R4
GC020		209.76	Germany (I)	R4
GC060	environmental	21.83	Czech Republic (I)	R4
GE020	environmental	61.02	Czech Republic (I)	R5
ex 391510	environmental	65.73	Netherlands (I)	R13
GH011		24.31	Germany (I)	
ex 391530	environmental	34.18	Czech Republic (I)	
GH013				
ex 391590	environmental	87.19	Czech Republic (I)	R2
GH014				
470710	environmental	40.30	Czech Republic (I)	R3
GI011		16.17	Germany (I)	R5

470730	environmental	21.00	Germany (I)	R3
GI013		43.40	Hungary (I)	R3
		1984.57	Austria (I)	R3
470790	environmental	12220.00	Czech Republic (I)	R11
GI014		1.44	Germany (I)	R3
510320	environmental	0.15	Hungary (I)	R13
GJ022				
5202	environmental	21.59	Czech Republic (I)	R7
GJ030				
520291	environmental	71.63	Czech Republic (I)	R3
GJ032				
520299	environmental	0.59	France (I)	
GJ033				
550510	environmental	197.69	Czech Republic (I)	R3
GJ111		0.20	Italy (I)	R3
		2.61	Germany (I)	R3
550520	environmental	0.05	Austria (I)	
GJ112				
630900	public health	1.56	Austria (I)	
GJ120		33.28	Moldova (I)	
		306.57	Ukraine (I)	
		20.30	Turkey (I)	
		15.62	Bulgaria (I)	
		380.99	Germany (I)	
		144.20	Czech Republic (I)	
		132.88	Hungary (I)	
ex 631010	public health	0.49	Germany (I)	R13
GJ131		14.73	Czech Republic (I)	R13
		60.91	Italy (I)	
		0.42	Switzerland (I)	R13
ex 631090	environmental	82.35	Germany (I)	R13
GJ132		0.09	Czech Republic (I)	
		0.74	Italy (I)	
		1.18	Switzerland (I)	
		0.16	Slovenia (I)	R13
400400	environmental	0.46	Germany (I)	R3
GK010		225.99	Czech Republic (I)	R3
401220	environmental	0.60	Germany (I)	R2
GK020		0.33	Czech Republic (I)	R2
411000	environmental	0.22	Italy (I)	R3
GN040				

*Note: Based on the Treaty of Accession of the SR to the EU the wastes listed on Green Waste List of OECD are under control of the relevant national authority since 1st May 2004 (Articles 6,7,8 of the Waste Shipment Regulation).*

Table 2

**Import of wastes listed in Annex II to the Regulation (Article 1(3)(d))**

Waste code	Reason for control	Amount imported (metric tonnes)	Country of transit (T)/ Country of origin (O)	Operations leading to recovery R code
720441	environmental	83.48	Czech Republic (O)	R4
GA080				

720449	environmental	11146.62	Czech Republic (O)	R4
GA090		52402.23	Hungary (O)	R4
		17359.33	Poland (O)	R4
		47.40	Ukraine (O)	R4
		12692.29	Germany (O)	R4
		946.90	Romania (O)	R4
740400	environmental	144.54	Czech Republic (O)	R4
GA120		23.42	Hungary (O)	R4
		49.22	Poland (O)	R4
760200	environmental	1222.27	Czech Republic (O)	R4
GA140		363.48	Germany (O)	R4
		401.61	Hungary (O)	R4
		144.24	Slovenia (O)	R4
		552.30	Poland (O)	R4
		36.34	Croatia (O)	R4
700100	environmental	5144.86	Hungary (O)	R5
GE010		315.36	Czech Republic (O)	R5
		30.20	Poland (O)	R5
		38.93	Germany (O)	R5
		32.83	Romania (O)	R5
ex 391510	environmental	2221.35	Austria (O)	R3
GH011				
ex 391590	environmental	31.31	Czech Republic (O)	R3
GH014				
4707	environmental	8297.68	Czech Republic (O)	R3
GI010		1663.45	Poland (O)	R3
		1207.45	Hungary (O)	R3
		6570.15	Austria (O)	R3
		511.44	Germany (O)	R3
470710	environmental	5289.72	Czech Republic (O)	R3
GI011		1127.14	Germany (O)	R3
470720	environmental	2316.94	Austria (O)	R3
GI012		108.45	Poland (O)	R3
470730	environmental	9959.86	Czech Republic (O)	R3
GI013		2529.72	Poland (O)	R3
		789.00	Hungary (O)	R3
		188.79	Germany (O)	R3
520291	environmental	62.84	Czech Republic (O)	R3
GJ032				
630900	public health	162.09	Czech Republic (O)	
GJ120		438.77	Austria (O)	
		1138.13	Germany (O)	
		292.60	Belgium (O)	
		104.52	Italy (O)	
		56.80	Switzerland (O)	
		233.19	Great Britain (O)	
		205.71	Netherlands (O)	
		547.18	France (O)	
		21.88	Hungary (O)	
ex 6310	public health	59.21	Czech Republic (O)	
GJ130				
ex 631010	public health	243.34	Czech Republic (O)	R3
GJ131				





Table 5

**Information on Decisions by competent authorities having jurisdiction over specific recovery facilities not to raise objections concerning shipments of certain types of waste to a specific recovery facility (Article 9(1) and 2))**

Competent authority	Recovery facility				Waste types involved (code)	Period covered		Recovery (date)
	Name	Address	Operations leading to recovery R code	Technologies employed		From	To	

Table 6

**Information on illegal traffic of waste (Article 26)**

Waste types involved (code)	Amount (metric tonnes)	Country of import (I) / Country of origin (O)	Identification of the reason for illegality (please tick ✓ as appropriate)						Responsible for illegality (please tick ✓ as appropriate)			Measures taken including possible sanctions
			Article 26(1)(a)	Article 26(1)(b)	Article 26(1)(c)	Article 26(1)(d)	Article 26(1)(e)	Article 26(1)(f)	Notifier	Consignee	Other	

*Note: The relevant supervision body did not identify any illegal traffic of waste in the year 2004.*

Table 7

**Information on the customs posts designated by Member States for shipments of waste in and out of the Community**

[illegible]