

**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: 26/11/2004

YEAR 2003

Article 1 (3) (d)	<p>Information on the control and shipment of wastes listed in Annex II to the Regulation</p> <p>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.</p> <p>Has there been any export case ? Yes ✓ No</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? Yes ✓ No</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>
Article 4 (3) (a) (i)	<p>Information on measures taken to prohibit generally or partially shipments of waste between Member States</p> <p>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</p> <p>Has this provision been applied ? Yes No ✓</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>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Additional remarks:</p> <p>.....</p> <p>.....</p> <p>.....</p>

	<p>Information on the measures taken to object systematically to shipments of waste between Member States</p> <p>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</p> <p>Has this provision been applied ?</p> <p>(please tick ✓ as appropriate)</p> <p>If yes, please provide details on the measures taken:</p> <p>Additional remarks:</p>
<p>Article 4(3)(a)(ii) and 4(3)(a)(iii)</p>	<p>Information on exceptions to the implementation of the principle of proximity, priority for recovery and self-sufficiency</p> <p>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</p> <p>Have you asked any Member State to apply this exception?</p> <p>(please tick ✓ as appropriate)</p> <p>If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to article 4(3)(a)(iii).</p> <p>Have you received any request from Member States to apply this exception?</p> <p>(please tick ✓ as appropriate)</p> <p>If yes, please complete Table 3 and give details below on any bilateral solution found pursuant to article 4(3)(a)(iii).</p>

Article 4(3)(b)	<p>Information on objections to planned shipments On the basis of them not being in accordance with Directive 75/442/EEC</p> <p>Has this provision been applied?</p> <p style="text-align: right;">Yes No ✓</p> <p>(please tick ✓ as appropriate)</p> <p style="text-align: right;"><input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, please complete Table 4.</p>
Article 9(1)and (2)	<p>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</p> <p>Has there been any case?</p> <p style="text-align: right;">Yes No ✓</p> <p>(please tick ✓ as appropriate)</p> <p style="text-align: right;"><input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, please complete Table 5.</p>
Article 13	<p>Information on the Member States' system for the supervision and control of shipments of waste within their territory</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)</p> <p style="text-align: right;"><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)</p> <p style="text-align: right;"><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>.....</p> <p>.....</p> <p>.....</p>
Article 26	<p>Information on illegal traffic of waste</p> <p>Has there been any case?</p> <p style="text-align: right;">Yes ✓ No</p> <p>(please tick ✓ as appropriate)</p> <p style="text-align: right;"><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> <p>In accordance with the Waste Act No. 223/2001 Coll of Laws, Article 38 - Procedures in Illegal Waste Shipment</p>

(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 Waste Act No. 223/2001 Coll of Laws, Article 24 - Surety

(1) Before starting shipment of waste included in the Amber List of Wastes and in the Red List of Wastes across the state border, the notifier of trans-boundary waste shipment shall be obliged to furnish surety to cover costs related to the return of waste to the state of its origin and its disposal in case where the consignee would accept the waste. The notifier shall be obliged to demonstrate the

compliance with that obligation before consent for waste import or consent for waste export is issued.

(2) The amount of surety shall be determined by the Ministry after having viewed provable costs of the waste shipment and disposal, which is one and a half multiple of those costs.

(3) The notifier shall furnish surety in the amount fixed under (2) at a bank by earmarking funds in its account on behalf of the Ministry in the amount of surety, for an open-end period.

(4) Before effecting the shipment, the notifier shall be obliged to submit a confirmation of the waste receipt by the waste consignee without any delay, no later than 30 days after the shipment is effected. If the notifier fails to effect that shipment, it shall submit a binding declaration that the shipment will not be effected. In both cases, the Ministry shall give its consent to cancelling the deposit established under paragraph 3 no later than 10 days from the submission of the confirmation of the waste receipt by the waste consignee or of the declaration that the shipment will not be effected.

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

Article 39(1)	Information on the customs posts designated by Member States for shipments of waste in and out of the Community	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 1

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
711290 GC020-SRA	environmental	229.70	Germany (I)	R
ex 690000 GF010-SRA	environmental	278.36	Czech Republic (I)	R5
391590 GH014-SRA	environmental	12.35	Czech Republic (I)	R3
630900 GJ120-SRA	public health	17.69 142.42 33.75 149.50	Hungary (I) France (I) Ukraine (I) Czech Republic (I)	
631010 GJ131-SRA	public health	54.62	Czech Republic (I)	R3
400400 GK010-SRA	environmental	779.82	Czech Republic (I)	R3
411000 GN040-SRA	environmental	0.50	Italy (I)	R3

Note: Some wastes listed on Green Waste List of OECD are shifted to national Amber Waste List and the wastes are marked by „SRA“ letters.

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
391510 GH011-SRA	environmental	525.59	Austria (O)	R3
630900 GJ120-SRA	public health	601.44 131.88 781.98 619.32 41.62 175.74 686.26 1201.37 12.60 38.60 29.51	Austria (O) Belgium (O) Czech Republic (O) France (O) Hungary (O) Italy (O) Netherlands (O) Germany (O) Switzerland (O) Sweden (O) Great Britain (O)	
401020 GK020-SRA	environmental	402.90 40.49 61.09 187.48 3.57 5.00 238.00	Austria (O) Czech Republic (O) France (O) Netherlands (O) Germany (O) Switzerland (O) Great Britain (O)	R2; R3 R3 R3 R3 R3 R3

Note: Some wastes listed on Green Waste List of OECD are shifted to national Amber Waste List and the wastes are marked by „SRA“ letters.

Table 3

Information on exceptions to the implementation of the principle of proximity, priority for recovery and self-sufficiency (Article 4(3)(a)(ii) and (iii))

[illegible]

Table 4

Objections to planned shipments (Article 4(3)(b))

[illegible]

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	
630900 GJ120-SRA	14.68	Slovakia/ France		✓					✓			
630900 GJ120-SRA	5.85	Slovakia / Hungary		✓					✓			fine
630900 GJ120-SRA	535.7 398.7 119.1	Czech Republic/ Slovakia Austria/ Slovakia Italy/ Slovakia		✓					✓			fine
630900 GJ120-SRA	1.58	Czech Republic/ Slovakia	✓	✓					✓			fine
630900 GJ120-SRA	6.84	Germany/ Slovakia		✓					✓			fine
401220 GK020-SRA	3.00	Switzerland/ Slovakia		✓					✓			fine

