

WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
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(Presentation of the Slovak Republic)

Concerning the regulation of transboundary movements of hazardous wastes, there are two significant legal regulations in force in regard to shipment of wastes in Slovak Republic.

Firstly, it is the Council Regulation No. 259/93 of the first February 1993 on the supervision and control of shipments of wastes within, into and out of the European Community (Waste shipment regulation).

Secondly, it is the Act No. 223/2001 Coll. on Waste and on amendment of certain Acts as amended.

Concerning the implementation of Waste shipment regulation in conditions of the Slovak Republic, this regulation is binding in its entirety and directly applicable from the first May 2004 in the Slovak Republic, since Slovak republic became a new member state of European Union. This Regulation has been fully transposed to the national legislation. Therefore the Act on Waste only completes provisions of the Waste shipment regulation and regulates only the:

- Competent authorities of import, export and transit of waste – MŽP SR
- Correspondent – MŽP SR
- Import of wastes for disposal into the Slovak Republic – under the terms of the Act on Waste, the import of wastes for disposal into the Slovak Republic shall be prohibited except :
 - a) wastes generated during the processing of materials in outward-processing customs procedure,
 - b) cases, when international treaty, with which the Slovak Republic is bound, enacts otherwise
- Forms of financial guarantee
- Punish of violation of the Waste shipment regulation

At present, the legislation enacted in Slovak Republic in the scope of transboundary shipments of wastes is harmonised with the requirements established by the relevant EU legislation and Basel convention. However, there is still one inconspicuous but very important distinction. It is the provision of article no. 23, paragraph 4 of the Act No. 223/2001 on Waste, which provides for that the hazardous waste originated in Slovak Republic shall be preferentially recovered in Slovak Republic. If it is not possible it shall be preferentially recovered in European Union.

This provision has occurred in the Slovak legislation as a result of the Members of Parliament initiative, despite of the disapproval of the Slovak Ministry of environment.

Ministry of Environment of the Slovak Republic as a competent authority to Council Regulation No. 259/93 (EEC) has difficulties with implementation of this provision likewise Slovak notifiers have problem to exemplify that such recovery is not possible to realize on the territory of the Slovak Republic. So, at present, the Slovak notifier is obliged to prove impossibility of waste

recovery on the territory of the Slovak Republic by the confirmation of recovery facility. Then, the competent authority can issue permit of waste shipment. If it is possible to realize the waste recovery in the territory of the Slovak Republic, the competent authority will raise objections to the planned shipment in accordance with the national legislation.

At the same time, according to the statement of European Commission, this article of the Act on waste is also in contrary to the provisions pursuant to Article no. 4 paragraph 3 of Waste shipment regulation, because the provision referred to in Waste shipment regulation does not apply to the recovery of waste, but only disposal of waste.

According to the mentioned, the further amendment of the Act No. 223/2001 Coll. on Waste presumes the repeal of this provision.

Concerning the procedure applicable rules require as to follow when a shipment of hazardous waste or other waste is exported from our country / or is transiting through our country / or is imported into our country, these are completely in compliance with the Council Regulation No. 259/93.

Every shipment of waste (that is export form / transit through / import into our country) must be verified whether a cargo conforms to the accompanying documents. These documents are: an authorisation of a competent authority as well as the Notification Form and the Movement/ Tracking Form.

The notifier (the original producer, the holder or the person designated by the laws of the State of dispatch in the case of waste imported into or in transit within or through the Community) must apply for authorisation to the competent authorities of destination and send a copy of the application to the authorities of destatch, transit or destination.

The notifier must make a contract with the consignee for the disposal/ for the recovery of the waste. The contract must oblige the notifier to take the waste back if the shipment has not been completed or if it has been affected in violation of this Regulation. It must also oblige the consignee to provide a certificate to the notifier that the waste has been disposed of in an environmentally sound manner.

The mentioned procedure is in the scope of responsibility of a Competent Authority that is The Ministry of Environment of the Slovak Republic.

Within the managing of the transboundary movements of hazardous wastes and other wastes, the other agencies are involved there, too. The Slovak Inspectorate of the Environment ensures particularly the issues of examination. The Slovak Environmental Agency is in charge of collecting data concerned and of preparing information for the Statistic Agency of our country. It is useful to mention that there is no task force to co-ordinate the activities among the mentioned agencies. Co-operation between these agencies is ensured by the organisational structure of the Ministry of Environment of the Slovak Republic.

In case of handling with the suspicious shipments, some safety measures are applied. These are based on the Waste Shipment Regulation and at the same time on the new provision of the Act on Waste. In Article No. 69 there is

enacted that the Slovak Inspectorate of the Environment is empowered to carry out the spot checks, then supervisions at notifiers and receivers of waste, and on the state boundary. The Slovak Inspectorate of the Environment is also empowered to carry out the control of the documents according to the specific regulations, the physical check of waste and further to take away as well as analyse samples.

Regarding the issues on prevention and punishment of illegal traffic of wastes, our legislation has enacted some rules that prevent and punish illegal traffic in hazardous waste and other waste. These are contained in the following:

- it is in Council Regulation No. 259/93
- in the Act. No. 300/2005 Coll. Code Penal
- in the Act No. 223/2001 Coll. on Waste – in particular in an Article No. 78, paragraph 3