

**WORKSHOP ON ILLEGAL TRAFFIC
BRATISLAVA, SLOVAK REPUBLIC
3 TO 5 OCTOBER 2006**

Draft Questionnaire No. 2

Country: Slovakia
Government entity completing the questionnaire: Slovak Inspectorate of the Environment
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Date when Questionnaire Completed (DD/MM/YY): 18. September 2006

Please identify a suspected or proven case of illegal traffic discovered in your country and prepare a presentation providing the following information:

1. Factual description of the case, including any consequences, such as damage to the environment or human health, or costs to remedy such damage;

Illegal transfrontier shipment of waste:

- import of 1.300 tons of municipal wastes from Austria to Slovakia
 - no real damage to the environment or human health yet,
 - no costs to remedy damage yet,
- export of used oil from Slovakia to the Czech Republic – 32,23 tons
 - no real damage to the environment or human health,
 - no costs to remedy damage,
- import of 4 607 tons of mixed plastics wastes from Slovenia to Slovakia
 - no real damage to the environment or human health,
 - no costs to remedy damage.

2. Which provisions of the Basel Convention and/or the EU legislation were contravened?

Article 26, 1 of the Regulation No. 259/93 (Waste Shipment Regulation)

3. What led your authorities to suspect that the shipment was illegal?

Shipments were executed in contradiction to the Regulation No. 259/93 and Act No. 223/2001 Coll on Waste (Slovak Act).

4. What procedure was followed to investigate the case?

All data, documentation etc. related to shipments were verified.

5. Were safety measures taken when handling the shipment?

We found waste already in Slovak Republic, so no safety measures could be taken when handling the shipment.

6. Which governmental agency led the investigation? Were other governmental agencies involved? How did the communication/collaboration between these agencies work?

The investigations were led by Slovak Inspectorate of the Environment.
No other agencies were involved.

7. Were other countries involved? How did you communicate/collaborate with those countries?

No other countries were involved.

8. Did your investigation lead to a prosecution or some other form of punishment (e.g., fine)?

Yes, to above mentioned cases (Question 1.) so far we issued (there will be other procedures yet):

- the decision that imported material is waste,
- the decision on corrective measure to provide imported waste against any deterioration or other undesirable release especially from point of view of environmental or human health damage and for the reason to return back all the amount to the country of origin (Austria),
- the decision on fine (very first one) – we imposed 500.000,- Sk fine (app. 12.500,- EUR).

9. Which governmental agency led the prosecution? Were other governmental agencies involved? How did the communication/collaboration between these agencies work? What was the outcome of the case?

The investigations were led by Slovak Inspectorate of the Environment.
No other agencies were involved.

10. Did you face any problems during the investigation?

In some cases we faced to arrogance of controlled subject.

When we talk about illegal transfrontier shipment of waste, it is very difficult and complicated to find relevant documentation according which we could confirm clearly and without any doubts who is real notifier as it is set by the Regulation No. 259/93, Article 26, 1.

It is often that several subjects are engaged in illegal transfrontier shipment of waste (consignee, transporter, several mediators). Among them we have to find out who is in the moment of waste shipment real notifier.

11. How did you solve the problems faced (Lessons learned).

With inspection in the field. It means to check all subjects which took any sort of part in illegal transfrontier shipment of waste to know their role in the shipment. The result is to have proofs of who is notifier.