

238-1991

of 22 May 1991

Waste Management Act

The Federal Assembly of the Czech and Slovak Federal Republic has passed the following act:

Chapter One General Provisions

Article 1 *The Domain of the Act*

1. The Act shall set down rights and duties of state administration bodies, and duties of legal entities and natural persons in waste handling.
2. Unless it is set down otherwise by special regulations, this Act shall also apply to the handling of:
 - a. waste and special waters, /1/
 - b. atmosphere pollutants, /2/
 - c. precious metal waste, /3/
 - d. radioactive waste, /4/
 - e. waste deposited underground, /5/
 - f. dumpsites, spoil banks and mud settling ponds, /6/
 - g. waste of animal origin. /7/

Article 2 *Basic Concepts*

1. Waste shall be an article intended to be eliminated by its owner (Art. 1, Par. 1 of the Act), or a movable asset to be removed (disposed of) for reasons of the care of the healthy living conditions and the protection of the environment. /8/
2. Special waste shall be a waste requiring a special way of handling, especially for reasons of the economics or the protection of the environment.
3. Hazardous waste shall be a special waste (see Par. 2) injurious or possibly injurious to the health of people or the environment due to its special qualities (namely toxicity, infectiousness, irritantness, explosiveness, flammableness, or chemical qualities, carcinogenity, teratogenity and mutagenity).
4. Secondary raw material shall be a raw material or a material obtained from waste which may be used on an economic or other way, but remaining waste until processed.

5. Waste management shall mean activities intent on preventing and limiting waste creation and waste handling.
6. Waste handling shall mean any activity concerning waste, namely collection, transport, storage and disposal, including a care of waste disposing sites, salvage, purchase, treatment, sorting, processing, and exploitation of waste as a source of secondary raw materials and power.
7. The waste producer (“ the producer” further on) shall be a legal entity or a natural person entitled to run an enterprise whose activities shall lead to a creation of waste. The community shall be considered as the producer of the municipal waste produced on its territory.
8. According to this Act, the waste exporter shall be a legal entity or an natural person who shall, itself or through a transporter, export or intend to export waste abroad. /9/
9. Waste disposal shall include namely waste landfilling, incinerating or neutralization during which a damage to the environment or a menace to the health of people shall not exceed a limit set down in special regulations. /10/

Article 3
Basic Provisions

1. Legal entities and natural persons shall be responsible for waste handling, and shall reduce waste production to a minimum level.
2. During waste handling, everyone shall protect the health of people and the environment, and, simultaneously, create conditions for waste exploitation and disposal.
3. Legal entities and natural persons shall be allowed to deposit or dispose of waste only in rooms, objects and facilities (“the facilities” further on) designed for this purpose.
4. Any import of waste to be disposed of on the territory of the Slovak Republic shall be prohibited. This prohibition shall not apply providing that all following conditions are fulfilled:
 - a. the import shall take place in accordance with a contract on providing a verified waste disposal technology fulfilling world standards of science and technology,
 - b. the relevant technology is already put in permanent operation on the territory of the Slovak Republic,
 - c. all imported waste shall be disposed of, and the total amount or the degree of injuriousness of similar waste produced on the territory of the Slovak Republic shall be reduced,
 - d. the relevant state administration body shall give its approval to the import, transport, and storage of the waste.
5. Any import of waste to be used as a secondary raw material shall be legal only if approved by the relevant state administration body of the Slovak Republic (“the relevant state administration body” further on). This shall not affect any special regulations. /9/

6. Any export of hazardous waste shall be prohibited unless the importing or transit state shall give a written approval to the import or transit of the waste. Any export of hazardous waste shall require an approval of the relevant state administration body. Shall the exported hazardous waste be returned, the waste exporter shall have it disposed of at his own expenses.
7. Any transit of waste across the territory of the Slovak Republic shall be admissible only if approved by the relevant state administration body.

Chapter Two
Rights and Duties of Relevant State Administration Bodies and Duties of Legal Entities and Natural persons in Waste Management Matters

Section I
Rights and Duties of Relevant State Administration Bodies

Article 4

1. Relevant state administration bodies shall give approvals to:
 - a. operating waste disposal facilities,
 - b. hazardous waste handling,
 - c. issuing the operating instructions of waste disposal facilities according to Art. 8 of this Act,
 - d. an import of waste for purposes other than disposal,
 - e. an export of hazardous waste,
 - f. a transit of waste across the territory of the Slovak Republic.
2. Relevant state administration bodies shall make statements on:
 - a. establishments of waste disposal facilities,
 - b. constructions concerning waste management as early as at the stage of the building scheme elaboration order /11/ or its changes,
 - c. arranged changes of a process of production, or a production connected with a change of waste handling,
 - d. for the business activities in the field of the waste management.
3. State administration bodies deciding upon the location, permission or use of buildings, facilities or activities mentioned in Par. 1, in accordance with other legal regulations, shall not make this decision unless an approval according to Par. 1 or a statement according to Par. 2 is delivered by the applicant.
4. The relevant state administration body shall be entitled to:
 - a. approve waste management programmes,

- b. order the waste disposal facility operator to dispose of a specified waste against a payment in justifiable cases (Art. 8, Par. 2, letter e)),
 - c. order the person, who shall infringe duties set down by this Act or on its basis, a measure removing the illegal state; the responsibility for the damage or the criminal liability shall not be affected by this,
 - d. terminate the operation of an establishment according to Art. 9 of this Act.
5. On a request from a producer, the relevant state administration body shall provide information about existence and seats of facilities capable of disposal of the waste produced by the producer.
- (6) General regulations of administrative proceedings shall not apply to the statement of the relevant state administration body according to Par. 2. /12/

Section II

Duties of Legal Entities and Natural persons

Article 5

Duties of Producers

1. A producer shall be obliged to:
 - a. elaborate a waste management program within the scope set down by a special regulation, and submit it to the relevant state administration body to be approved,
 - b. collect produced wastes in accordance with the types, and secure them from deterioration, abstraction, and any other undesired escape,
 - c. collect hazardous wastes separately in accordance with the types, indicate them in a prescribed manner, and handle them in accordance with special regulations, /13/
 - d. report on creation, amount, character and way of exploitation or disposal of special waste to the relevant state administration body according to the seat of the producer; the scope and proprieties shall be set down in a procedural regulation,
 - e. use produced waste as a source of secondary raw material or power, especially for its own activities; offer waste not used this way to another producer,
 - f. secure waste disposal in case it cannot be used,
 - g. register and keep on file the types and amounts of created wastes, their storage, and exploitation or disposal; the scope and proprieties shall be set down in a procedural regulation,
 - h. allow control authorities an access into objects, rooms and facilities, and, if requested, provide all documents and true and full information concerning its waste management.
2. The producer shall state data of the way of exploitation of not used parts of products or containers as a source of secondary raw material or power, or recommended way of disposing of them, in the accompanying documents, on the container, in enclosed instructions for use or in the bill of delivery.

Article 6
Duties of Forwarders, Transporters and Recipients in Waste Transport

1. Forwarders, transporters, and recipients shall be obliged to:
 - a. secure waste transport in accordance with requirements set down in special regulations, /14/
 - b. register and keep on file transported hazardous wastes; the scope and proprieties shall be set down in a procedural regulation,
 - c. report on the amount and type of hazardous waste and way of its transport to the relevant state administration body according to the seat of the transporter; the scope and proprieties shall be set down in a procedural regulation,
 - d. enable control authorities an examination during the waste transport, and, if requested, provide all documents and true and full information concerning the waste management.
2. A transport of hazardous waste shall be approved by the relevant state administration body according to Art. 4, Par. 1, letter b) of this Act.

Article 7
Salvage, Purchase and Treatment of the Waste

1. Salvage, purchase and treatment of the waste shall be approved by the relevant state administration body according to Art. 4, Par. 1, letters b) and d) of this Act.
2. A legal entity or an natural person licensed according to Par. 1, shall be obliged to:
 - a. state and publish sorts of salvaged waste and conditions of its salvage and purchase,
 - b. collect or purchase all published sorts of waste,
 - c. fulfill duties set down in Art. 5, Par. 1, letters b) and h) of this Act.

Article 8
Duties of Waste Disposal Facility Operators

1. Operating a waste disposal facility shall be approved by the relevant state administration body according to Art. 4, Par. 1, letter a) of this Act.
2. Running a facility according to Par. 1, the operator shall obliged to:
 - a. dispose waste according to the approved operating instructions, and secure it from abstraction or any other undesired escape,
 - b. publish a list of sorts of waste he is authorized to dispose of,
 - c. register the amount, sorts, and origin of the waste taken over to be disposed of, as well as the way of treatment and placing in a landfill; the scope and proprieties shall be set down in a procedural regulation,

- d. report on the amount, character and the way of disposal of hazardous waste to the relevant state administration body according to the seats of the waste disposal facility operator; the scope and proprieties shall be set down in a procedural regulation,
- e. dispose of a waste, as long as it is technically feasible, on basis of a decision of the relevant state administration body, in extraordinary cases, namely when necessary from the point of view of the health of the people or the environment; expenses resulting from this decision shall be covered by the producer or, in case he shall be unknown, by the state administration body which shall make the decision,
- f. enable activities of control authorities according to Art. 5, Par. 1, letter h).

Article 9

Termination of Producer and Waste Disposal Facility Operator Activities

- 1. Shall a producer not ensure exploitation or disposal of waste according to Art. 5, Par. 1, letter e) or f), and a serious environmental damage may result from this, the relevant state administration body shall prohibit the producer from the activity causing the waste creation.
- 2. Shall an operator of a waste disposal facility not fulfill his duties set down in this Act or a procedural regulation, and a serious environmental damage may result from this, the relevant state administration body shall prohibit operation of the waste-processing facility.

Chapter Three Charges and Fines

Article 10 Charges

Legal entities and natural persons shall pay charges for waste landfilling, the way, scope and amount set down by acts of the National Councils.

Article 11

Fines imposed upon Legal Entities and Natural Persons Entitled to Run an Enterprise

- 1. The relevant state administration body shall impose a fine ranging between 10.000 and 300.000 Sk on a legal entity or a natural person entitled to run an enterprise who:
 - a. shall not elaborate a waste management programme according to Art. 5, Par. 1, letter a), or shall not fulfill it,
 - b. shall not secure a collection of wastes in accordance with the types, or shall not secure waste from deterioration, abstraction or any other escape according to Art. 5, Par 1, letter b),
 - c. shall not ensure waste exploitation or disposal according to Art. 5, Par. 1, letters e) and f),
 - d. shall not register or keep on file according to Art. 5,Par. 1, letter g), Art. 6, Par. 1, letters b) and c), or Art. 8, Par. 2, letter c),
 - e. shall infringe the duties set down in Art. 5, Par. 2 or Art. 7, Par. 2, letter b),

- f. shall not publish types of salvaged waste and conditions of the salvage and purchase, or a list of types of waste he is authorized to dispose of according to Art. 7, Par. 2, letter a) and Art. 8, Par. 2, letter b),
 - g. shall not secure waste from abstraction or any other undesired escape according to Art. 8, Par. 2, letter a),
 - h. does not meet the measure aimed at the abrogation of the illegal status that has been imposed according to Art. 4, Par. 4, letter c).
2. The relevant state administration body shall impose a fine ranging between 20.000 and 500.000 Sk on a legal entity or a natural person entitled to run an enterprise who:
- a. shall not allow control authorities an access into objects, rooms and facilities, and shall not, on request, provide all documents and true and full information concerning waste management, according Art. 5, Par. 1, letter h), Art. 6, Par. 1, letters a) and d), Art.7, Par. 2, letter c), or Art. 8, Par. 2, letter f),
 - b. shall perform salvage, purchase or treatment of waste according to Art. 7, Par. 1 without an approval from the relevant state administration body, or at variance with it,
 - c. shall dispose of waste without an approval from the relevant state administration body according to Art. 8, Par. 1, or at variance with it,
 - d. shall dispose of waste without any approved operating instructions according to Art. 8, Par. 2, letter a), or at variance with them,
 - e. operates with the hazardous waste without consent of the concerned state administration authority according to Art. 4, Par. 1, letter b),
 - f. carries out the transit of waste across the territory of the Slovak Republic without consent of the concerned state administration authority according to Art. 4, Par. 1, letter g).
3. The relevant state administration body shall impose a fine ranging between 100.000 and 10.000.000 Sk on a legal entity or a natural person entitled to run an enterprise who:
- a. shall infringe the duties set down in Art. 3, Pars. 4,5 and 6 concerning waste import and export,
 - b. shall not secure a separate accumulation of hazardous wastes, according to Art. 5, Par. 1, letter c), or shall not handle them in accordance with relevant regulations,
 - c. shall not fulfill the duty of reporting set down in Art. 5, Par. 1, letter d) and Art. 8, Par. 2, letter d),
 - d. shall perform transportation of hazardous waste at variance with the approval or without any approval from the relevant state administration body according to Art. 6, Par. 2,
 - e. shall not fulfill a duty imposed upon him by the relevant state administration body according to Art. 8, Par. 2, letter e).

(4) The relevant state administration body shall impose a fine ranging between 10.000 and 500.000 Sk on a legal entity or a natural person entitled to run an enterprise who shall handle waste or dispose of it at variance with Art. 3, Par. 2 or 3.

(5) Imposing a fine according the preceding paragraphs shall not affect provisions of special regulations concerning damages. /15/

Article 12 ***Imposing Fines***

1. A legal entity and a natural person entitled to run an enterprise shall be charged within one year after the relevant state administration body shall have learned about the breach of the duty, but not later than three years after it shall have occurred
2. The state administration body who shall impose the fine shall also set down the conditions and deadlines for a remedy.
3. In determination of the height of a fine, the consequences of the menace to the health of people and the environment, or the degree of the damage shall be taken into account.
4. Shall a legal entity or a natural person infringe the duty he was charged for again within one year since the fine imposing decision according to this Act took effect, another fine shall be imposed up to double of the height set down by this Act.

Chapter Four **Authorizations**

Article 13

1. The Government of the Slovak Republic shall provide by issue:
 - a. waste registration, including a register of landfills established before this Act takes effect,
 - b. details of waste handling.
2. The categorization and the catalogue of waste shall be declared by the Regulation of the Ministry of the Environment of the Slovak Republic by agreement with the concerned central state administration authorities.

Chapter Five **Common, Temporary and Concluding Provisions**

Article 14 ***Common Provisions***

If not set down explicitly otherwise, general regulations of administrative proceedings shall apply to proceedings according to this Act. /12/

Article 15 ***Temporary Provisions***

1. The relevant state administration body shall set down special conditions by its own decision for a necessary period of time for:
 - a. producers who shall be not able to fulfill the duties set down in Art. 5, Par. 1, letters b),c),e) and f) after this Act takes effect,
 - b. waste disposal facilities operators who shall be not able to fulfill the duties set down in the Act after it takes effect.
2. The period of time during which the special conditions according to Par. 1 may be set down shall not exceed
 - a. July 31st 1996 for the cases given in the Art. 5, Par. 1, letter b) and c);
 - b. July 31st 2000 for the cases given in the Art. 5, Par. 1, letter e) and f) and in the Art. 15, Par. 1, letter b).

Article 16
Annulment Provisions

The following shall be annulled:

1. the Governmental Provision No. 68/1960 of the Collection of Laws, of metal waste and secondary raw material management,
2. the Promulgation of the Ministry of Metallurgy and Ore Mines No. 106/1960 of the Collection of Laws, of metal waste management, in wording of the Regulation No. 103/1981 of the Collection of Laws, which amends and completes the Regulation of the Ministry of Metallurgy and Ore Mines No. 106/1960 of the Collection of Laws, of metal waste management,
3. the Regulation of the Ministry of Metallurgy and Heavy Engineering No. 103/1981 of the Collection of Laws, which amends and completes the Regulation of the Ministry of Metallurgy and Ore Mines No. 106/1960 of the Collection of Laws, of metal waste management.

Article 17
Effect

This Act shall take effect on 1 August 1991

Footnotes:

/1/ The Act. No. 138/1973 of the Collection of Laws, of waters (the water act).

/2/ The Act. No. 35/1967 of the Collection of Laws, of measures against atmosphere polluting.

/3/ The Regulation of the Ministry of Metallurgy and Ore Mines No. 93/1962 of the Collection of Laws, of state attendance for precious metals, in wording of the Regulation No. 34/1968 of the Collection of Laws, and the Regulation No. 154/1980 of the Collection of Laws.

/4/ The Regulation of the Czechoslovak Committee for Nuclear Power No. 67/1987 of the Collection of Laws, of ensuring nuclear safety in radioactive matter handling.

The Regulation of the Ministry of Health Matters of the CSR No. 59/1972 of the Collection of Laws, of the protection of the health against ionizing radiation.

The Regulation of the Ministry of Health Matters of the SSR No. 65/1972 of the Collection of Laws, of the protection of the health against ionizing radiation.

/5/ The Act No. 44/1988 of the Collection of Laws, of the protection and exploitation of mineral wealth (the mining act).

/6/ The Act No. 44/1988 of the Collection of Laws.

The Act of the SNC No. 61/1988 of the Collection of Laws, of mining activities, explosives, and state mining management.

The Act of the SNC No. 51/1988 of the Collection of Laws, of mining activities, explosives, and state mining management.

/7/ The Act No. 87/1987 of the Collection of Laws, of veterinary treatment.

The Regulation of the Federal Ministry of Agriculture and Sustenance No. 121/1987 of the Collection of Laws, of securing health irreprochability of animal products.

The Regulation of the Federal Ministry of Agriculture and Sustenance No. 117/1987 of the Collection of Laws, of animal health treatment.

/8/ The Act No. 131/1989 of the Collection of Laws, of the Collection of Laws, in wording of the Act No. 426/1990 of the Collection of Laws.

/9/ The Act No. 42/1980 of the Collection of Laws, of economic intercourse with foreign countries, in wording of the Act No. 102/1988 of the Collection of Laws and Act No. 113/1990 of the Collection of Laws.

/10/ E.g. the Act No. 20/1966 of the Collection of Laws, of the care of the health of people, the Act No. 35/1967 of the Collection of Laws, the Act No. 138/1973 of the Collection of Laws, the Provision the Government of the CSR No. 25/1975 of the Collection of Laws, which sets down factors of acceptable degree of water pollution, the Provision of the Government of the CSR No. 192/1988 of the Collection of Laws, of poisons and other substances injurious to the health, the Provision of the Government of the SSR No. 30/1975 of the Collection of Laws, which sets down factors of acceptable degree of water pollution, the Provision of the Government of the SSR No. 206/1988 of the Collection of Laws, of poisons and other substances harmful to the health, the Provision of the Ministry of Health Matters No. 45/1966 of the Collection of Laws, of the creation and protection of healthy life conditions, in wording of the Regulation No. 185/1990 of the Collection of Laws, the Regulation of the Ministry of Forestry and Waters of the CSR No. 6/1977 of the Collection of Laws, of the protection of the quality of surface and underground waters, the Regulation of the Ministry of Forestry and Waters of the SSR No. 23/1977 of the Collection of Laws, of the protection of the quality of surface and underground waters.

/11/ Art. 3 of the Regulation No. 43/1990 of the Collection of Laws, of reparation of building schemes.

/12/ The Act No. 71/1967 of the Collection of Laws, of the administrative procedure (the

administrative act).

/13/ The Act No. 20/1966 of the Collection of Laws.

The Provision of the Government of the CSR No. 192/1988 of the Collection of Laws.

The Provision of the Government of the SSR No. 206/1988 of the Collection of Laws.

The Regulation No. 59/1972 of the Collection of Laws.

The Regulation No. 65/1972 of the Collection of Laws.

The Regulation No. 67/1987 of the Collection of Laws.

/14/ The Act No. 68/1979 of the Collection of Laws, of road transport and domestic forwarding.

/15/ Art. 145 and the following of the Economic Code No. 109/1964 of the Collection of Laws, in wording of later regulations.

Art. 421 of the Civil Code No. 40/1964 of the Collection of Laws, in wording of later regulations.