

ANNEX IX

ADDITIONAL QUESTIONNAIRE FOR REPORTS BY MEMBER STATES

PURSUANT TO ARTICLE 51(2) – **Reporting year 2010**

Article 11(1)(a)	<p>Information on the 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 2006/12/EC</p> <table style="width: 100%;"><tr><td style="width: 50%;">Has this provision been applied?</td><td style="width: 25%; text-align: center;">Yes</td><td style="width: 25%; text-align: center;">No</td></tr><tr><td>(please tick <i>✓</i> as appropriate)</td><td style="text-align: center;"><i>✓</i></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table> <p>If yes, please provide details of the measures taken:</p> <p>According to the Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations, Article 23 (3) - transboundary shipments of waste from other Member State to Slovak Republic and import of waste from other State than Member State to Slovak Republic destined for final disposal are forbidden unless an international agreement, by which the Slovak Republic is bound otherwise. Slovakia also applies Article 4 (9) of the Basel Convention.</p> <p>Additional remarks:</p> <p>-----</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 2006/12/EC</p> <table style="width: 100%;"><tr><td style="width: 50%;">Has this provision been applied?</td><td style="width: 25%; text-align: center;">Yes</td><td style="width: 25%; text-align: center;">No</td></tr><tr><td>(please tick <i>✓</i> as appropriate)</td><td style="text-align: center;"><i>✓</i></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table> <p>If yes, please provide details of the measures taken:</p> <p>According to the Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations, Article 23 (4) – Hazardous waste originated in Slovak Republic shall be preferentially recovered in Slovak Republic in accordance with Waste Management Programme of the Slovak Republic (an Article 4 para 1 of the Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations). If it is impossible to apply any recovery method in Slovak Republic the waste will be preferentially recovered in some of Member States.</p> <p>Additional remarks:</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>	Has this provision been applied?	Yes	No	(please tick <i>✓</i> as appropriate)	<i>✓</i>	<input type="checkbox"/>	Has this provision been applied?	Yes	No	(please tick <i>✓</i> as appropriate)	<i>✓</i>	<input type="checkbox"/>
Has this provision been applied?	Yes	No											
(please tick <i>✓</i> as appropriate)	<i>✓</i>	<input type="checkbox"/>											
Has this provision been applied?	Yes	No											
(please tick <i>✓</i> as appropriate)	<i>✓</i>	<input type="checkbox"/>											

Article 11(1)(e)	<p>Information on the prohibition of the import of waste</p> <p>Has this provision been applied? Yes No <i>(please tick ✓ as appropriate)</i> ✓ <input type="checkbox"/></p> <p>If yes, please provide details of the measures taken:</p> <p>According to the Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations, Article 23 (3) - transboundary shipments of waste from other Member State to Slovak Republic and import of waste from other State than Member State to Slovak Republic destined for final disposal are forbidden unless an international agreement, by which the Slovak Republic is bound otherwise. Slovakia also applies Articles 4 (1), (9) of the Basel Convention. Principles of transboundary movements of waste are in compliance with objectives given in the Waste Management Programme of the Slovak Republic.</p>
Article 11(3)	<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? Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓</p> <p>If yes, please complete Table 1 and give details below of any bilateral solution found pursuant to Article 11(3):</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>Have you received any request from Member States to apply this exception?</p> <p>Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓</p> <p>If yes, please complete Table 1 and give details below of any bilateral solution found pursuant to Article 11(3):</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p> <p>-----</p>
Article 11(1)(g)	<p>Information on objections to planned shipments or disposal on the basis of their not being in accordance with Directive 2006/12/EC</p> <p>Has this provision been applied? Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓</p> <p>If yes, please complete Table 2.</p>

Article 12(5)	<p>Information on objections to planned shipments or recovery on the basis of their not being in accordance with Article 12(1)(c)</p> <p>Has this provision been applied? Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓ If yes, please complete Table 3.</p>
Article 14	<p>Information on decisions by competent authorities having jurisdiction over specific recovery facilities to issue pre-consents to such facilities</p> <p>Has there been any case? Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓ If yes, please complete Table 4.</p>
Article 33	<p>Information on the Member States' system for the supervision and control of shipments of waste exclusively within their jurisdiction</p> <p>Is there a system for the supervision and control of shipments of waste within the jurisdiction? Yes No <i>(please tick ✓ as appropriate)</i> ✓ <input type="checkbox"/> If there is such a system, do you apply the system provided for in Titles II and VII of the Regulation? Yes No <i>(please tick ✓ as appropriate)</i> <input type="checkbox"/> ✓ If you apply a different system from that provided for in Titles II and VII of the Regulation, please give details of the system applied:</p> <p>The shipments of waste within the Slovak territory is regulated by certain Articles of the national Waste Act No 223/2001 Coll. of Laws as amended by subsequent regulations, Article 20 – Obligations relating to hazardous waste shipment within the territory of the Slovak Republic.</p> <p>(1) A person who made a contract with carrier which subject is a shipment of hazardous wastes (hereinafter “hazardous waste consigner”) (Articles 610 to 629 and Articles 638 to 641, Articles 765 to 771 of the Commercial Code) shall be obliged: a) to ensure hazardous waste shipment in compliance with this Act and in case if an approval under Article 7 is required for hazardous waste shipment also in compliance with this approval; b) to perform hazardous waste shipment by traffic means that meet provisions of generally binding legal regulations on transport of dangerous goods (Decree of the Minister of the Foreign Affairs No 64/1987 Coll. on European Agreement concerning the International Carriage of Dangerous Goods (ADR); Decree of the Minister of Foreign Affairs No 8/1985 Coll. on the Convention on International Carriage by Rail (COTIF); Notification of the Ministry of Foreign Affairs of the Slovak republic No 15/2001 Coll. on adopting amendments to the Regulations concerning the international carriage of dangerous goods (RID)); if he does not perform transport alone, he is obliged to provide for it by a carrier authorised by special regulations (For example, the National Council of the Slovak Republic No 164/1996 Coll. on railways and amending Act No 455/1991 Coll. on trades (Trades Act) as amended and the Act of the National Council of the Slovak Republic No 168/1996 Coll. on road transport, as amended);</p> <p>(2) The hazardous waste consignors and one who is under contract referred to in paragraph 1 for hazardous waste (“the recipient of hazardous waste”) are required: a) to keep and maintain record of hazardous wastes shipped; b) to report stipulated data from the records under letter a) to the competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; where the consent for shipment of hazardous waste was issued by a regional authority, then to that authority as well; c) to allow state supervision bodies in waste management (§ 73) check the waste handling during shipment; if requested, submit documents (For example, the Act of the National Council of the Slovak Republic No 168/1996 Coll. as amended) and provide fair and full information relating to the waste management; d) to perform a corrective measure imposed by a state supervision body in waste management (§ 73).</p> <p>(3) When shipping hazardous wastes, the hazardous wastes consigner, the hazardous wastes consignee and the carrier shall be obliged to acknowledge the consignment note of hazardous wastes [§ 68 paragraph 3 letter f)].</p> <p>(4) The hazardous waste consignee shall be obliged to send the consignment note of the hazardous waste acknowledged according to paragraph 3 to the hazardous waste consigner, the</p>

	competent district authority according to the seat or place of business of the hazardous waste consigner and the hazardous waste consignee; where the approval to shipment of hazardous waste was issued by a regional environmental authority, to that authority as well.			
Article 24 and Article 50(1)	<p>Information on illegal shipments of waste</p> <table><tr><td>Has there been any case? (please tick <i>✓</i> as appropriate)</td><td>Yes <i>✓</i></td><td>No <input type="checkbox"/></td></tr></table> <p>If yes, please complete Table 5. Please provide information on how illegal shipments of waste are prevented, detected and penalised under national legislation:</p> <p>There is a close co-operation among Slovak Environmental Inspection, customs authorities and the Ministry of Environment of the Slovak Republic at a detection of illegal shipments. Under the Waste Act No 223/2001Coll. of Laws as amended by subsequent regulations, Article 69 (a) - Slovak environmental inspection is a state supervision body in waste management, and (d) - Slovak environmental inspection is authorized to carry out inspections of documents related to the transboundary movements of waste by a special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations) and by this Act, to execute physical inspection of waste, to sample and analyze waste samples namely on-site of waste generation, in a notifier, in a consignee of waste, at the border checkpoints and at the whole territory of the Slovak Republic.</p> <p>An Article 72, letter c) of the Waste Act No 223/2001Coll. of Laws as amended by subsequent regulations deals with performance of the customs authorities that is associated with transboundary shipments of waste. An Article 72, letter c) customs authorities:</p> <p>(1) Customs authority and customs criminal authority concerning waste shipment inspect whether: a) waste is accompanying by documents under special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations), b) transported goods that is without accompanying documents requested by special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations) is not a waste, c) waste shipment is not in contrariety to special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations), d) transported waste is in conformity with applied documents.</p> <p>(2) In controlling the customs authority and customs criminal authority are authorized to stop the vehicles, to order the shut down of the vehicle at the appropriate place, to inspect documents, transported waste, to take samples and analyzes and do photo documentation.</p> <p>(3) If the customs authority or customs criminal authority finds that waste shipment is illegal shipment under special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations) or waste shipment is carried out in contravention with the permit, order the suspension of transport and temporarily shut down of the vehicle.</p> <p>(4) If the customs authority or customs criminal authority finds a violation of special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations) in transboundary movement of wastes shall immediately inform the Ministry and Inspection. Ministry or Inspection determines to the carrier a place on immobilization of the vehicle until its take-back by special regulation (Articles 22 to 25 of the Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations).</p> <p>(5) Costs associated with driving the vehicle at the place designated pursuant to paragraph 4, vehicle parking and possibly trans-loading, storage or other handling of waste shall be borne by the carrier. Ministry, inspection and customs authorities are not liable for damage caused by carrier, which occurred as a result of closure of the vehicle pursuant to paragraph 4.</p> <p>According to the Waste Act No 223/2001Coll. of Laws as amended by subsequent regulations, Article 78 (3) a fine up to 165969.59 € shall be imposed by the competent state administration authority in waste management to a legal entity or an individual – entrepreneur that (a) performs shipment in conflict with the fourth part of the Waste Act [Article 18 para 3 (d)], and (h) violates</p>	Has there been any case? (please tick <i>✓</i> as appropriate)	Yes <i>✓</i>	No <input type="checkbox"/>
Has there been any case? (please tick <i>✓</i> as appropriate)	Yes <i>✓</i>	No <input type="checkbox"/>		

	duties stipulated by special regulations (Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording and as amended by subsequent regulations) for transboundary shipments of waste and does not fulfil determined conditions given in the permit issued by the Ministry pursuant to the special regulations (an Article 9 of the Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording).
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Article 50(2)	<p>Information on spot checks on shipments of waste or on the related recovery or disposal</p> <p>Number of checks on shipments of waste or on the related recovery or disposal: No spot checks were performed.</p> <p>Number of supposed illegal shipments ascertained during these checks: None</p> <p>Additional remarks: Slovak Environmental Inspection does not perform spot checks on shipments of waste or on the related recovery or disposal. Executed inspections are planned or operative.</p>						
Article 6	<p>Information on a financial guarantee or equivalent insurance covering costs for transport, recovery or disposal and storage of waste, including cases referred to in Articles 22 and 24</p> <p>Please provide details on the provisions of national law adopted pursuant to this Article: In accordance with the Waste Act No 223/2001 Coll. of Laws as amended by Act No 386/2009 Coll of Laws, Article 25 - Financial surety</p> <p>(1) The notifier is obliged to furnish financial surety (hereinafter “guarantee”) or an equivalent insurance by special regulation (Annex II of the Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording) regarding shipment of waste from Slovak Republic to another Member States and an export of waste from Slovak Republic to another as Member States.</p> <p>(2) The amount of guarantee shall be determined by the Ministry after having viewed provable costs of the transport, recovery or final disposal including all necessary provisional activities and of the storage during 90 days 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. The notifier will submit an original document on bailment to the Ministry before starting shipment of waste.</p> <p>(3) An insurance considers an equivalent insurance that amount fully covers provable costs of the transport, recovery or final disposal including all necessary provisional activities and of the storage during 90 days 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. The notifier will submit an original document on furnishing of the insurance to the Ministry before starting shipment of waste.</p> <p>(4) Guarantee under (2) will be released to a notifier when the notifier will submit application form and certificate in the form of confirmed Movement document for transboundary movements/shipments of waste or the attached certificate to this movement document that final disposal or recovery was carried out.</p> <p>(5) Guarantee under (2) will be released to the notifier except cases given in special regulation (an Article 6 of the Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording) as well as in case if notifier proves that the transboundary movement of waste from Slovak Republic to another Member States, an export of waste from Slovak Republic to another as Member States was cancelled or will not be effected.</p>						
Article 55	<p>Information on any customs offices designated by Member States for shipments of waste entering and leaving the Community</p> <table><tr><td>Has there been any designation?</td><td>Yes</td><td>No</td></tr><tr><td>(please tick \checkmark as appropriate)</td><td>\checkmark</td><td><input type="checkbox"/></td></tr></table> <p>If yes, please complete Table 6.</p>	Has there been any designation?	Yes	No	(please tick \checkmark as appropriate)	\checkmark	<input type="checkbox"/>
Has there been any designation?	Yes	No					
(please tick \checkmark as appropriate)	\checkmark	<input type="checkbox"/>					

Note for completion of the tables:

D-codes and R-codes are those referred to in Annexes II A and II B to Directive 2006/12/EC.

Waste identification codes are those referred to in Annexes III, IIIA, IIIB, IV and IVA to this Regulation.

Table 1

INFORMATION ON EXCEPTIONS TO THE IMPLEMENTATION OF THE PRINCIPLES OF PROXIMITY,
PRIORITY FOR RECOVERY AND SELF-SUFFICIENCY (Article 11(3))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De)/ country of dispatch (Di)	Disposal operation D-code	Referral of the matter to the Commission (Yes/No)

Table 2

OBJECTIONS TO PLANNED SHIPMENTS OR DISPOSAL (Article 11(1)(g))

Waste identification (code)	Quantity (kg/litres)	Country of transit (T)/ country of dispatch (Di)	Reasons for the objection <i>(please tick ✓ as appropriate)</i>			Facility	
			Article 11(1)(g)(i)	Article 11(1)(g)(ii)	Article 11(1)(g)(iii)	Name <i>(in case of Article 11(1)(g)(ii))</i>	Disposal operation D-code

Table 3

OBJECTIONS TO PLANNED SHIPMENTS OR RECOVERY (Article 12(1)(c))

Waste identification (code)	Quantity (kg/litres)	Country of destination	Reasons for the objection <i>and details of relevant national legislation</i>	Facility <i>(in the country of destination)</i>	
				Name	Recovery operation R-code

Table 4

INFORMATION ON DECISIONS BY COMPETENT AUTHORITIES TO ISSUE PRE-CONSENTS (ARTICLE 14)

Competent authority	Recovery facility				Waste identification (code)	Period of validity		Revocation (date)
	Name and No	Address	Recovery operation R-code	Technologies employed		From	To	

Table 5

INFORMATION ON ILLEGAL SHIPMENTS OF WASTE * (Article 24 and Article 50(1))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De) and country of dispatch (Di)	Identification of the reason for illegality (possible reference to violated Articles)	Responsible for illegality (please tick <input checked="" type="checkbox"/> as appropriate)			Measures taken including possible penalties
				Notifier	Consignee	Other	
B1110	92 875	Estonia (Di)	Waste import without notification to competent authorities concerned as well as without their consent Article 2 para 35 in line with Article 63 para 3 of the Regulation (EC) No 1013/2006 of the European Parliament and Council in valid wording	√			2000 € fine ¹⁾
B1110	23 700	Lithuania (Di)					
B1010	70 280	Lithuania (Di)					
B1010	45 000	Italy (Di)					
B1010	7 500	Hungary (Di)					
B1010	95 640	France (Di)					
B1070	47 290	France (Di)					
B1010	20 000	Germany (Di)					
B1010	47 247	Slovenia (Di)					
B1010	79 130	Romania (Di) Slovakia (De)					

¹⁾ An illegal shipment was carried out in 2010 but a decision on imposing a fine was issued in 2011.

(*) Information on cases which have been closed during the reporting period

Table 6

INFORMATION ON ANY SPECIFIC CUSTOMS OFFICES DESIGNATED BY MEMBER STATES FOR
SHIPMENTS OF WASTE ENTERING AND LEAVING THE COMMUNITY (Article 55)

Customs office		
Office	Location	Import/export countries controlled
Čierna nad Tisou	Čierna nad Tisou (SK) – Čop (UA) (train/rail)	Import and export
Čierna nad Tisou	Vyšné Nemecké (SK) – Užgorod (UA) (road)	Import and export
Čierna nad Tisou	Ubl'a (SK) – Maly Bereznyj (UA) (road – up to 3.5 t)	Import and export