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ACT

as of 10 September 2014

on the Competence of State Administration Bodies on Explosives Precursors Issues and on Modifications and Amendments to Certain Acts

The National Council of the Slovak Republic has agreed on the following Act:

Art. I**§ 1****Subject matter**

This Act shall define

- a) the competence of state administration bodies regarding the following issues:
1. making available, importing, possession and use of restricted explosives precursors,
 2. reporting of suspicious transactions of explosives precursors,
- b) measures to control dealing with explosives precursors.

§ 2**State Administration Bodies
in the Explosives Precursors Issues**

The state administration bodies in the explosives precursors issues¹⁾ shall include

- a) the Ministry of Economy of the Slovak Republic (hereinafter referred to as the "Ministry of Economy"),
- b) the Ministry of Interior of the Slovak Republic (hereinafter referred to as the "Ministry of Interior"),
- c) the Slovak Trade Inspection,
- d) customs authorities.

§ 3**Ministry of Economy**

(1) The Ministry of Economy in the explosives precursors issues

- a) manages the performance of state administration in the explosives precursors issues,
- b) cooperates with the European Commission and the EU Member

States and other states that are the contracting parties to the Agreement on the European Economic Area under a special regulation,²⁾

- c) publishes on its web site information for economic operators³⁾ in accordance with a special regulation,⁴⁾
- d) issues single licences for the import⁵⁾ of restricted explosives precursors⁶⁾ listed in a special regulation⁷⁾ for a member of the general public⁸⁾ based on an application pursuant to § 7 (7); when deciding on issuing a single licence the Ministry of Economy follows the procedure under a special regulation,⁹⁾
- e) discusses offences and imposes penalties pursuant to § 9.

(2) When deciding on a single licence pursuant to paragraph 1 d), the Ministry of Economy shall also refuse an application due to the grounds related to refusing a suspicious transaction under a special regulation.¹⁰⁾

(3) The Ministry of Economy shall issue, in accordance with a special regulation¹¹⁾, a generally binding legal regulation, with which it shall define

- a) a change in limit values of restricted explosives precursors,
- b) the list of substances that are not restricted explosives precursors and, in respect of which, there are reasonable grounds for suspecting that they might be misused for the illicit manufacture of explosives, including concentration limit values of these substances, for the purposes of their restriction or prohibition of their being made available¹²⁾ on the market for a member of the general public,
- c) concentration limit values of substances listed under a special regulation¹³⁾ for the purposes of their restriction or prohibition of their being made available on the market for a member of the general public.

§ 4**Ministry of Interior**

(1) The Ministry of Interior on the explosives precursors issues collects and evaluates information on reported

¹⁾ Annex I and Annex II of Regulation (EU) No 98/2013 of the European Parliament and the Council of 15 January 2013 on the Marketing and Use of Explosives Precursors (OJ L 39, 9. 2. 2013).

²⁾ Art. 4 (4) and Art. 13 (4) of Regulation (EU) No 98/2013,

³⁾ Art. 3 (9) of Regulation (EU) No 98/2013,

⁴⁾ Art. 9 (5) and (6) of Regulation (EU) No 98/2013,

⁵⁾ Art. 3 (5) of Regulation (EU) No 98/2013,

⁶⁾ Art. 3 (10) of Regulation (EU) No 98/2013,

⁷⁾ Art. 4 (3) of Regulation (EU) No 98/2013,

⁸⁾ Art. 3 (7) of Regulation (EU) No 98/2013,

⁹⁾ Art. 7 of Regulation (EU) No 98/2013,

¹⁰⁾ Art. 9 (3) of Regulation (EU) No 98/2013,

¹¹⁾ Art. 13 (1) to (3) of Regulation (EU) No 98/2013,

¹²⁾ Art. 3 (4) of Regulation (EU) No 98/2013,

¹³⁾ Annex II of Regulation (EU) No 98/2013.

suspicious transactions,¹⁴⁾ refused suspicious transactions, losses and thefts provided to the Ministry of Interior by an economic operator under a special regulation.¹⁵⁾

(2) The contact point¹⁶⁾ shall be set up by the Ministry of Interior for the purposes of collecting information pursuant to paragraph 1.

§ 5

Slovak Trade Inspection

The Slovak Trade Inspection

- a) controls meeting the conditions for making restricted explosives precursors available under a special regulation¹⁷⁾ when carrying out controls of their sale and provision of services to consumers,¹⁸⁾
- b) discusses administrative offences and imposes penalties pursuant to § 8.

§ 6

Customs Office

(1) The Customs Office carries out controls of importing restricted explosives precursors to members of the general public as part of customs supervision under a special regulation.¹⁹⁾

(2) The Customs Office shall not release a restricted explosives precursor in the customs regime "free circulation", if a member of the general public fails to submit a single licence according to § 3 (1) d).

(3) If a customs offence was committed when importing a restricted explosives precursor²⁰⁾ and the imported restricted explosives precursor belongs to the offender, the Customs Office shall always impose the sanction of forfeiture of goods or items in the customs offence proceedings; in such case, the Customs Office may impose the sanction of forfeiture of goods or items in the customs offence proceedings separately or together with a penalty.

(4) If the Customs Office does not impose the sanction of forfeiture of goods or items in the customs offence proceedings pursuant to paragraph 3, it shall always decide on confiscation of a restricted explosives precursor under a special regulation.²¹⁾

§ 7

Rights and Duties of the Economic Operator and the Member of the General Public

(1) An economic operator may make restricted explosives precursors available to a member of the general public only under the conditions of a special regulation.⁷⁾

(2) An economic operator who makes available restricted explosives precursors to a member of the general public pursuant to paragraph 1 shall be obliged to maintain the register of transactions in accordance with a special regulation.²²⁾

(3) An economic operator who makes available or uses²³⁾ explosives precursors shall be obliged to report immediately to the contact point pursuant to § 4 (2) any suspicious transaction or attempted transaction, rejected suspicious transaction, loss or theft, under a special regulation.¹⁵⁾

(4) A member of the general public may possess or use a restricted explosives precursor only if it has been made available to such member pursuant to paragraph 1.

(5) When importing a restricted explosives precursor, a member of the general public shall be obliged to submit his or her single licence for import to the Customs Office, issued pursuant to § 3 (1) d).

(6) The written application for issuing the single licence pursuant to § 3 (1) d) may be filed with the Ministry of Economy by a member of the general public older than 18 years.

- (7) The application pursuant to paragraph 6 shall include
- a) the name, surname, address, and date of birth of the member of the general public, along with the number of their identity card,
 - b) the name and the amount of a restricted explosives precursor or mixture in which it is contained including its concentration,
 - c) the purpose of use of a restricted explosives precursor,
 - d) the date and place of importing a restricted explosives precursor.

§ 8

Administrative Offences

- (1) The Slovak Trade Inspection shall impose a penalty from EUR 500 to EUR 5,000 to the economic operator who
- a) has made available a restricted explosives precursor contrary to this Act or a special regulation,²⁴⁾
 - b) has labelled a restricted explosives precursor contrary to this Act or a special regulation,²⁴⁾
 - c) does not maintain a register of transactions pursuant to § 7 (2),
 - d) has not provided the contact point with information pursuant to § 7 (3).

(2) When determining the amount of penalties, seriousness of unlawful conduct, method, time and consequences of unlawful conduct shall be taken into consideration.

(3) The proceedings to impose penalties may be initiated within three years from the day when the administrative body

¹⁴⁾ Art. 3 (8) of Regulation (EU) No 98/2013,

¹⁵⁾ Art. 9 (1), (3) and (4) of Regulation (EU) No 98/2013,

¹⁶⁾ Art. 9 (2) of Regulation (EU) No 98/2013,

¹⁷⁾ Art. 4 (3) and (7), Art. 5, 6, 8 and 9 of Regulation (EU) No 98/2013,

¹⁸⁾ Act No 128/2002 Coll., on State Control of the Internal Market in Consumer Protection Issues and on Modifications and Amendments to Certain Acts, as subsequently amended.

¹⁹⁾ § 3 of Act No 199/2004 Coll., the Customs Act, and on Modifications and Amendments to Certain Acts, as subsequently amended.

²⁰⁾ § 71 of Act No 199/2004 Coll., as subsequently amended.

²¹⁾ Act of the Slovak National Council No 372/1990 Coll., on Offences, as subsequently amended.

²²⁾ Art. (8) of Regulation (EU) No 98/2013,

²³⁾ Art. 3 (6) of Regulation (EU) No 98/2013,

²⁴⁾ Art. 4 (1), (3) and (7) of Regulation (EU) No 98/2013,

²⁵⁾ Art. 5 of Regulation (EU) No 98/2013.

learnt of a breach of the duty, however, not later than within ten years from the day when the duty was breached.

(4) The revenues from penalties shall become the state budget income.

§ 9

Offences

(1) An offence is committed by a member of the general public who

- a) has obtained a restricted explosives precursor contrary to this Act or a special regulation,²⁶⁾
- b) holds a restricted explosives precursor contrary to this Act or a special regulation,²⁶⁾

(2) The Ministry of Economy shall always impose the sanction of forfeiture of an item and a penalty of up to EUR 5,000 for an offence pursuant to paragraph 1.

(3) The general regulation concerning offences²¹⁾ shall apply to offences and their discussion. A special regulation shall apply to customs offences and their discussion.²⁷⁾

(4) The revenues from penalties imposed for offences pursuant to this Act shall become the state budget income.

§ 10

Cooperation of State Administration Bodies in the Restricted Explosives Precursors Issues

(1) The state administration bodies in the restricted explosives precursors issues pursuant to § 2 shall cooperate in performance of this Act; in particular they shall provide each other with information of all facts related to breaches of this Act or a special regulation.²⁶⁾

(2) If the Ministry of Defence of the Slovak Republic, the Ministry of Agriculture and Rural Development of the Slovak Republic or the Firemen and Rescuers, when fulfilling their tasks under special regulations²⁸⁾, discover incorrect dealing with restricted explosives precursors, they shall inform the Ministry of Economy and the Ministry of Interior immediately of this fact.

§ 11

Joint Provision

(1) An economic operator who makes available restricted explosives precursors and state administration bodies pursuant to § 2 shall be obliged to process the personal data of a member of the general public in accordance with a special regulation.²⁹⁾

(2) For the purposes of this Act, economic operators and state administration bodies shall process the following personal data of a member of the general public

- a) title, name, surname, maiden name,
- b) date and place of birth,
- c) birth certificate number,

- d) permanent address,
- e) temporary address,
- f) nationality,
- g) identity card or passport number.

(3) The general regulation concerning administrative proceedings shall apply to proceedings pursuant to this Act.³⁰⁾

§ 12

Transitional Provision

A member of the general public who has obtained a restricted explosives precursor before this Act came into effect shall be obliged to sell the restricted explosives precursor to an economic operator or destroy it under a special regulation³¹⁾ not later than on 2 March 2016.

Article II

The Act of the National Council of the Slovak Republic No 145/1995 Coll., on Administrative Fees, as subsequently amended by the Act of the National Council of the Slovak Republic No 123/1996 Coll., the Act of the National Council of the Slovak Republic No 224/1996 Coll., the Act No 70/1997 Coll., the Act No 1/1998 Coll., the Act No 232/1999 Coll., the Act No 3/2000 Coll., the Act No 142/2000 Coll., the Act No 211/2000 Coll., the Act No 468/2000 Coll., the Act No 553/2001 Coll., the Act No 96/2002 Coll., the Act No 118/2002 Coll., the Act No 215/2002 Coll., the Act No 237/2002 Coll., the Act No 418/2002 Coll., the Act No 457/2002 Coll., the Act No 465/2002 Coll., the Act No 477/2002 Coll., the Act No 480/2002 Coll., the Act No 190/2003 Coll., the Act No 217/2003 Coll., the Act No 245/2003 Coll., the Act No 450/2003 Coll., the Act No 469/2003 Coll., the Act No 583/2003 Coll., the Act No 5/2004 Coll., the Act No 199/2004 Coll., the Act No 204/2004 Coll., the Act No 347/2004 Coll., the Act No 382/2004 Coll., the Act No 434/2004 Coll., the Act No 533/2004 Coll., the Act No 541/2004 Coll., the Act No 572/2004 Coll., the Act No 578/2004 Coll., the Act No 581/2004 Coll., the Act No 633/2004 Coll., the Act No 653/2004 Coll., the Act No 656/2004 Coll., the Act No 725/2004 Coll., the Act No 5/2005 Coll., the Act No 8/2005 Coll., the Act No 15/2005 Coll., the Act No 93/2005 Coll., the Act No 171/2005 Coll., the Act No 308/2005 Coll., the Act No 331/2005 Coll., the Act No 341/2005 Coll., the Act No 342/2005 Coll., the Act No 473/2005 Coll., the Act No 491/2005 Coll., the Act No 538/2005 Coll., the Act No 558/2005 Coll., the Act No 572/2005 Coll., the Act No 573/2005 Coll., the Act No 610/2005 Coll., the Act No 14/2006 Coll., the Act No 15/2006 Coll., the Act No 24/2006 Coll., the Act No 117/2006 Coll., the Act No 124/2006 Coll., the Act No 126/2006 Coll., the Act No 224/2006 Coll., the Act No 342/2006 Coll., the Act No 672/2006 Coll., the Act No 693/2006 Coll., the Act No

²⁶⁾ Regulation (EU) No. 98/2013.

²⁷⁾ Act No 199/2004 Coll., as subsequently amended.

²⁸⁾ For example, § 14 of Act No. 136/2000 Coll., on Fertilizers, as subsequently amended, § 7 of Act No. 315/2001 Coll., on Firemen and Rescuers, as subsequently amended.

²⁹⁾ Act No 122/2013 Coll., on Personal Data Protection and on amendments and supplements to certain acts, as subsequently amended by Act No 84/2014 Coll.

³⁰⁾ Act No 71/1967 Coll., on Administrative Proceedings (the Administrative Regulations), as subsequently amended.

³¹⁾ Act No 223/2001 Coll., on Waste and on amendments and supplements to Certain Acts, as subsequently amended.

21/2007 Coll., the Act No 43/2007 Coll., the Act No 95/2007 Coll., the Act No 193/2007 Coll., the Act No 220/2007 Coll., the Act No 279/2007 Coll., the Act No 295/2007 Coll., the Act No 309/2007 Coll., the Act No 342/2007 Coll., the Act No 343/2007 Coll., the Act No 344/2007 Coll., the Act No 355/2007 Coll., the Act No 358/2007 Coll., the Act No 359/2007 Coll., the Act No 460/2007 Coll., the Act No 517/2007 Coll., the Act No 537/2007 Coll., the Act No 548/2007 Coll., the Act No 571/2007 Coll., the Act No 577/2007 Coll., the Act No 647/2007 Coll., the Act No 661/2007 Coll., the Act No 92/2008 Coll., the Act No 112/2008 Coll., the Act No 167/2008 Coll., the Act No 214/2008 Coll., the Act No 264/2008 Coll., the Act No 405/2008 Coll., the Act No 408/2008 Coll., the Act No 451/2008 Coll., the Act No 465/2008 Coll., the Act No 495/2008 Coll., the Act No 514/2008 Coll., the Act No 8/2009 Coll., the Act No 45/2009 Coll., the Act No 188/2009 Coll., the Act No 191/2009 Coll., the Act No 274/2009 Coll., the Act No 292/2009 Coll., the Act No 304/2009 Coll., the Act No 305/2009 Coll., the Act No 307/2009 Coll., the Act No 465/2009 Coll., the Act No 478/2009 Coll., the Act No 513/2009 Coll., the Act No 568/2009 Coll., the Act No 570/2009 Coll., the Act No 594/2009 Coll., the Act No 67/2010 Coll., the Act No 92/2010 Coll., the Act No 136/2010 Coll., the Act No 144/2010 Coll., the Act No 514/2010 Coll., the Act No 556/2010 Coll., the Act No 39/2011 Coll., the Act No 119/2011 Coll., the Act No 200/2011 Coll., the Act No 223/2011 Coll., the Act No 254/2011 Coll., the Act No 256/2011 Coll., the Act No 258/2011 Coll., the Act No 254/2011 Coll., the Act No 256/2011 Coll., the Act No 258/2011 Coll., the Act No 324/2011 Coll., the Act No 342/2011 Coll., the Act No 363/2011 Coll., the Act No 381/2011 Coll., the Act No 392/2011 Coll., the Act No 404/2011 Coll., the Act No 405/2011 Coll., the Act No 409/2011 Coll., the Act No 519/2011 Coll., the Act No 547/2011 Coll., the Act No 49/2012 Coll., the Act No 96/2012 Coll., the Act No 251/2012 Coll., the Act No 286/2012 Coll., the Act No 336/2012 Coll., the Act No 339/2012 Coll., the Act No 351/2012 Coll., the Act No 439/2012 Coll., the Act No 447/2012 Coll., the Act No 459/2012 Coll., the Act No 8/2013 Coll., the Act No 39/2013 Coll., the Act No 40/2013 Coll., the Act No 72/2013 Coll., the Act No 75/2013 Coll., the Act No 94/2013 Coll., the Act No 96/2013 Coll., the Act No 122/2013 Coll., the Act No 144/2013 Coll., the Act No 154/2013 Coll., the Act No 213/2013 Coll., the Act No 311/2013 Coll., the Act No 319/2013 Coll., the Act No 347/2013 Coll., the Act No 387/2013 Coll., the Act No 388/2013 Coll., the Act No 474/2013 Coll., the Act No 506/2013 Coll., the Act No 35/2014 Coll., the Act No 58/2014 Coll., the Act No 84/2014 Coll., the Act No 152/2014 Coll., the Act No 162/2014 Coll., the Act No 182/2014 Coll. and the Act No 204/2014 Coll., shall be completed as follows:

In the Annex Schedule of Administrative Fees, Part VIII Financial Administration and Business Activity, Item 154 g),

the words “or a single licence for import of restricted explosives precursors under a special regulation^{36u)} shall be inserted after the words “import of specified substances”.

The footnote line regarding the reference 36u shall read:

^{36u)} § 3(1) d) of Act No 262/2014 Coll., on the Competence of State Administration Bodies on the Explosives Precursors Issues and on Modifications and Amendments to Certain Acts.“.

Article III

Act No 67/2010 Coll., on the Conditions of the Marketing of Chemical Substances and Chemical Mixtures and on Modifications and Amendments to Certain Acts (the Chemical Act), as subsequently amended by Act No 339/2012 Coll. and Act No 319/2013 Coll., shall be amended as follows:

1. § 36 shall read:

“§ 36

The competent inspection body pursuant to § 24(6) shall impose a penalty:

- a) from EUR 500 to EUR 16,500, if it concerns an administrative offence pursuant to § 33(3), § 34(3) h) and j) and(4) b), § 35 c), g) to i),
- b) from EUR 500 to EUR 30,000, if it concerns an administrative offence pursuant to § 33(1) c) to e), § 34(1) g). § 34(2) b) to d) and g), § 34(3) a), c) to g) and k), § 34 (4) a), c) and d), § 34(5), § 35 a), b), d) to f), k), m) to p
- c) from EUR 500 to EUR 50,000, if it concerns an administrative offence pursuant to § 33(1) a) and b), § 33(2), § 34(1) d) to f), k), l), n) and o), § 34(2) a), e) and f), § 34(3) b) and i), § 34(7) and (8), § 35 j), l) and q),
- d) from EUR 1,000 to EUR 99,500, if it concerns an administrative offence pursuant to § 33(1) f), § 34(1) a) to c), h) to j), m) and p) to s), § 34(6), § 35 r).“.

2. After § 40 shall be inserted § 40a that shall read, including its title, as follows:

“§ 40a

Transitional Provision Concerning Modifications
Effective from 1 November 2014

The proceedings to impose a penalty pursuant to § 36 initiated and lawfully not terminated before 1 November 2014 shall be terminated pursuant to the regulations valid so far.“.

Article IV

This Act shall come into effect on 1 November 2014.

Andrej Kiska own signature

Pavol Paška own signature

Robert Fico own signature