

## 144

## ACT

of 21 May 2013

**on trading with designated products the possession of which is limited for safety reasons and amending the Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative fees, as amended**

The National Council of the Slovak Republic has adopted this act:

## Article I

## Section 1

## Subject matter

(1) This Act regulates

- a) conditions of trading with designated products the possession of which is limited for safety reasons (hereinafter referred to as "trading with designated products");
- b) scope of powers of state administration authorities related to trading with designated products;
- c) obligations of holders of the licence for trading with designated products (hereinafter referred to as the "licence");
- d) inspection of trading with designated products;
- e) infringements and other administrative offences.

(2) This Act shall not apply to defence industry products pursuant to a special regulation,<sup>1)</sup> designated products if they are particularly intended for military purposes or if they are intended for armed forces and dual-use items pursuant to a special regulation.<sup>2)</sup>

## Section 2

## Definitions

(1) The following terms shall have the below-stated definitions for the purposes of this Act

a) designated product shall be understood as

1. firearm,<sup>3)</sup> its component<sup>4)</sup> and body,<sup>5)</sup> ammunition,<sup>6)</sup> listed in a separate regulation,<sup>7)</sup>;
2. optical instrument;
3. explosive,<sup>8)</sup>;
4. pyrotechnical product;<sup>9)</sup>
5. a device intended for interference of electronic signals;

b) transfer of designated products shall be understood as any purchase or sale of designated products from a supplier in one EU Member State to a recipient in another EU Member State;

c) transfer of explosives shall be understood as transport of explosives within EU Member States;

d) re-export shall be understood as receiving a transfer or import of designated products and a subsequent dispatch of the transfer or export of designated products;

e) import of designated products shall be understood as any purchase of designated products from the territory of third countries to the customs territory<sup>10)</sup> of the European Union;

f) trading with designated products shall be understood as

1. transfer of designated products;
2. import or export<sup>11)</sup> of designated products;
3. inward processing;<sup>12)</sup>
4. outward processing;<sup>13)</sup>
5. temporary export;<sup>14)</sup>
6. transit;<sup>15)</sup>

7. re-export;

g) illegal trading shall be understood of trading with designated

<sup>1)</sup> Act No. 392/2011 Coll. on Trading with Defence Industry Products and on amendments and supplements to certain acts.

<sup>2)</sup> Act No. 39/2011 Coll. on Dual-Use Items and amending the Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees, as amended.

<sup>3)</sup> Article 2 (1) of the Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ EU L 94, 30 March 2012).

<sup>4)</sup> Article 2 (2) of the Regulation (EU) No. 258/2012.

<sup>5)</sup> Article 2 (3) of the Regulation (EU) No. 258/2012.

<sup>6)</sup> Article 2 (4) of the Regulation (EU) No. 258/2012.

<sup>7)</sup> Annex I to the Regulation (EU) No. 258/2012.

<sup>8)</sup> Section 2 (a) of the Regulation of the Government of the Slovak Republic No. 179/2001 Coll. laying down details of technical requirements and compliance assessment procedures for explosives for civil use.

<sup>9)</sup> Section 1 (2) of the Regulation of the Government of the Slovak Republic No. 485/2008 Coll. on Placing Pyrotechnical Products on the Market.

<sup>10)</sup> Article 3 of the Regulation (EC) No. 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) (OJ EU L 145, 4 June 2008).

<sup>11)</sup> Article 2 (6) of the Regulation (EU) No. 258/2012.

<sup>12)</sup> Articles 52, 53, 136, 142, 143 and 167 to 170 of the Regulation (EC) No. 450/2008.

<sup>13)</sup> Articles 48, 136, 143 and 171 to 174 of the Regulation (EC) No. 450/2008.

<sup>14)</sup> Article 2 (11) of the Regulation (EU) No. 258/2012.

<sup>15)</sup> Article 2 (12) of the Regulation (EU) No. 258/2012.

products in contradiction to a special regulation<sup>16)</sup> or to this Act.

(2) The following shall also be understood for the purposes of this Act:

- a) supplier shall be understood as a natural person - entrepreneur or a legal entity whose registered office or place of business is in the territory of an EU Member State and who is responsible for the transfer of designated products;
- b) recipient shall be understood as a natural person - entrepreneur or a legal entity whose registered office or place of business is in the territory of an EU Member State and who is responsible for receiving the transfer of designated products;
- c) end-user shall be understood as a natural person - entrepreneur or a legal entity who submits declaration of end-use of designated products issued or confirmed by a relevant national authority of the end-user state for export or transfer or a different document issued or confirmed by a relevant national authority of the end-user state confirming the facts specified in the Section 6 (2) and (3).

### Section 3

#### Trading with designated products

(1) Trading with designated products may be carried out only on the basis, to the extent and under the conditions stipulated in this Act and in the decision of the Ministry of Economy of the Slovak Republic (hereinafter referred to as the "Ministry") on granting a licence.

(2) Licence is not required for any

- a) transfer of designated products which are the subject of complaint,<sup>17)</sup> with the exception of designated products specified in the Section 2 (1) (a), Points 3 and 4;
- b) transit of designated products which takes no longer than three business days;
- c) transfer, import or export of designated products which are not of a trading nature;<sup>18)</sup>
- d) trading with designated products in the territory of the Slovak Republic;
- e) export of designated products specified in the Section 2 (1) (a), Point 1 in cases specified in a special regulation.<sup>19)</sup>

(3) For the reasons specified in a special regulation<sup>20)</sup>, the Ministry shall temporarily suspend any export of designated products specified in the Section 2 (1) (a), Point 1.

### Section 4

#### Authorities of inspection of trading with designated products

(1) The central state administration authority which shall inspect trading with designated products is the Ministry.

(2) Other authorities which shall inspect trading with designated products (hereinafter referred to as the "inspection authorities ") are

- a) Ministry of Foreign and European Affairs

of the Slovak Republic (hereinafter referred to as the "Ministry of Foreign and European Affairs");

- b) Ministry of Interior of the Slovak Republic;
- c) Ministry of Defence of the Slovak Republic;
- d) Chief Mining Office;
- e) customs authorities;<sup>21)</sup>
- f) Slovak Information Service;
- g) Slovak Trade Inspection.

(3) When performing inspection of trading with designated products, the Ministry and inspection authorities shall take into consideration

- a) objectives of international institutions acting in the area of international inspection regimes that the Slovak Republic is a member of or the regimes recognized by the Slovak Republic;
- b) foreign-policy, safety or commercial-political interests of the Slovak Republic;
- c) protection of consumer and internal market.

### Section 5

#### Ministry

The Ministry shall

- a) decide on granting, not granting, suspension, change, cancelling of a licence, granting a permission for transfer of designated products pursuant to the Section 2 (1) (a), Point 3, denying an application for granting a licence, denying an application for changing a licence or denying an application for permission of transfer of designated products pursuant to the Section 2 (1) (a), Point 3;
- b) keep records of
  1. applications for granting a licence and changing a licence;
  2. denied applications for granting a licence;
  3. suspended granted licences;
  4. granted and cancelled licences;
  5. permissions for transfer of explosives, and it shall provide these records on request to the Slovak Information Service;
- c) confirm declarations of end-use of designated products;
- d) perform inspection of compliance with a special regulation<sup>16)</sup> and with this Act in cooperation with inspection authorities;
- e) impose sanctions for violation of obligations pursuant to a special regulation<sup>16)</sup> and to this Act;
- f) cooperate, consult with the European Commission, Council of the European Union, relevant authorities of EU Member States and provide them with the necessary information;
- g) cooperate with international institutions and relevant authorities of other states responsible for performance of tasks related to inspection of trading with designated products and provide them with necessary information.

<sup>16)</sup> Regulation (EU) No. 258/2012.

<sup>17)</sup> Sections 619 to 627 of the Civil Code.

<sup>18)</sup> Article 1 (6) of the Commission Regulation (EEC) No 2454/93 of 2 July 1993 implementing provision of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (Special edition OJ EU, Chapter 2/vol. 6, OJ EC L 253, 11 October 1993) in its valid wording.

<sup>19)</sup> Article 9 (1) (a) and (2) of the Regulation (EU) No. 258/2012.

<sup>20)</sup> Article 9 (1) (c), Article 17 (3) of the Regulation (EU) No. 258/2012.

<sup>21)</sup> Section 2 (g) of the Act No. 199/2004 Coll. the Customs Act and on amendments and supplements to certain acts, as amended.

## Licence granting procedure

## Section 6

(1) The Ministry shall decide on granting a licence for trading with designated products based on a written application of a natural person - entrepreneur or a legal entity (hereinafter referred to as "applicant").

(2) Granting a licence shall be conditioned by

- a) written application for granting a licence;
- b) applicant has a contract concluded with a foreign business partner and the subject of that contract is trading with a particular kind, value and volume of designated products;
- c) applicant is an entrepreneur with his/her registered office or a place of business in the territory of the Slovak Republic.

(3) Applications for granting a licence shall contain

- a) business name, registered office or a place of business of the applicant;
- b) applicant's identification number;
- c) business objective of the applicant;
- d) business name and registered office, or name and place of business of a foreign business partner;
- e) sub-item of combined nomenclature of the Customs Tariff;<sup>22)</sup>
- f) name of the designated product, its exact identification or specification;
- g) volume of the designated product expressed in units of measurement;
- h) proposed validity of the licence, name of the country the designated product is dispatched from or the designated product is dispatched to;
  - i) total volume of designated products expressed in EUR;
  - j) identification data of the producer of the designated product, if it is known, and the country of origin of the designated product;
  - k) business name and registered office, or name and place of business of the end-user;
  - l) purpose of use of the designated products;
- m) form of transport and the routes that shall be used for transportation of designated products to or from the territory of the Slovak Republic;
- n) address of the premises in which the applicant stores or will store the designated products;
- o) in the case of pyrotechnical products - volume of pyrotechnical substance contained in the designated product expressed in a unit of weight;
- p) applicant's declaration on oath that the facts specified in the application are complete and truthful;
- q) date of application and applicant's signature.

(4) The following shall be attached to any application for granting a licence:

- a) original copy of written documents of their officially authenticated copies proving the facts specified in the paragraphs 2 and 3;
- b) original copy or an officially authenticated copy of an extract

from the Company Register, not older than 3 months; in the case of natural persons - entrepreneurs, an original copy or an officially authenticated trade licence<sup>23)</sup> not older than three months;

- c) applicant's declaration on oath that he/she will enable performance of inspections in places and premises where designated products are located;
- d) confirmation of compliance issued by an authorized person or a certificate issued by a notified person;<sup>24)</sup>
- e) other documents enabling to assess the particular case in detail, if the Ministry asks to do so.

(5) In the event of export from the territory of the Slovak Republic, an original copy of a declaration of end-use shall be attached which has been issued or confirmed by a relevant national authority of the end-user state or a different document issued or confirmed by a relevant national authority of the end-user state proving the facts specified in the paragraph 2 and 3 which is valid for 6 months after issuing the document and which contains

- a) name of the state of designated products end-user;
- b) business name of the exporter from the territory of the Slovak Republic;
- c) business name of the importer who supplies designated products to the end-user;
- d) business name of the end-user if the end-user is not the importer of designated products;
  - e) exact specification and the volume of designated products;
  - f) clause prohibiting further export of designated products without an approval of the Ministry;
- g) legible name and surname of the representative of the relevant national authority of the end-user state and of the authorized person of the end-user and a stamp of the authority of the relevant national authority of the end-user state.

(6) In the event of a transfer from the territory of the Slovak Republic, an original copy of the declaration of end-use confirmed by the end-user shall be attached, proving the facts specified in the paragraphs 2 and 3 the which is valid 6 months after its issuing and which contains

- a) name of the state of the end-user of designated products;
- b) business name of the supplier of the transfer from the territory of the Slovak Republic;
- c) business name of the receiver of the transfer who supplies designated products to the end-user;
- d) business name of the end-user if the end-user is not the receiver of the transfer of designated products;
- e) exact specification and the volume of designated products;
- f) clause prohibiting further transfer of designated products without an approval of the Ministry;
- g) legible name and surname of the end-user authorized person.

(7) The following shall be attached to any application for awarding a licence for transfer,

<sup>22)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff (Special edition of OJ EU, Chapter 2/vol. 2, OJ EC L 256, 7 September 1987) in its valid wording.

<sup>23)</sup> Section 47 of the Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended. Section 2 (2) (c) of the Commercial Code.

<sup>24)</sup> Sections 12 to 14 of the Act No. 264/1999 Coll. on Technical Requirements for Products and on Compliance Assessment and on amendments and supplements to certain acts, as amended.

import or export of designated products specified in the Section 2

(1) (a), Point 3:

- a) document authorizing the applicant to trade with designated products specified in the Section 2 (1) (a), Point 3;
- b) permission for obtaining designated products specified in the Section 2 (1) (a), Point 3;<sup>25)</sup>
- c) document proving that the applicant or the end-user has proper storage of designated products specified in the Section 2 (1) (a), Point 3, which does not pose a threat to health and safety of persons;<sup>26)</sup>
- d) copy of a certificate of approval of the vehicle for transport of hazardous goods pursuant to a special regulation<sup>27)</sup> or a contract with a carrier on transport of hazardous goods;
- e) statement of compliance<sup>28)</sup> or copies of relevant certificates, and if compliance assessment has been made by a notified person from a different EU Member State, also a confirmation of compliance with the manual for use issued by a notified person from the Slovak Republic;
- f) filled-in accompanying form for transfer of designated products specified in the Section 2 (1) (a), Point 3, within EU Member States pursuant to a special regulation;<sup>29)</sup>
- g) consent of the destination country with export of designated products specified in the Section 2 (1) (a), Point 3.

(8) The following shall be attached to applications for granting a licence for transfer, import or export of designated products specified in the Section 2 (1) (a), Point 4:

- a) document authorizing the applicant to trade with designated products specified in the Section 2 (1) (a), Point 4;
- b) document proving that the applicant is authorized to obtain designated products specified in the Section 2 (1) (a), Point 4 of the class III, IV and sub-class T<sub>2</sub> and categories 4 P<sub>2</sub> and T<sub>2</sub><sup>30)</sup>;
- c) document proving that the applicant or the end-user has proper storage of designated products specified in the Section 2 (1) (a), Point 4, which does not pose a threat to health and safety of persons;<sup>31)</sup>
- d) copy of a certificate of approval of the vehicle for transport of hazardous goods pursuant to a special regulation<sup>27)</sup> or a contract with a carrier on transport of hazardous goods;
- e) statement of compliance<sup>32)</sup> or a copy of relevant certificates, and if compliance assessment has been made by a notified person from a different EU Member State, also a confirmation of compliance with the manual for use issued by a notified person from the Slovak Republic;
- f) the applicant may substitute the document pursuant to (e) by a confirmation from a notified person that

compliance with a technical regulation<sup>33)</sup> issued for this purpose was assessed for products specified in the Section 2 (1) (a), Point 4.

(9) In the event of export of designated products specified in the Section 2 (1) (a), Point 1, beyond the territory of EU Member States, applicant may file an application for granting

- a) one-off export licence;<sup>34)</sup>
- b) multiple export licence;<sup>35)</sup> or
- c) global export licence.<sup>36)</sup>

(10) The following shall be attached to an application pursuant to the paragraph 9:

- a) extract from the criminal records regarding the natural person - entrepreneur or a statutory representative of the applicant, not older than three months as of the application submission date;
- b) documents and data pursuant to a special regulation.<sup>37)</sup>

(11) In the event of re-export of designated products, applicant shall file an application for import or reception of transfer simultaneously with an application for export or dispatch of the transfer.

## Section 7

### Cooperation of the Ministry with inspection authorities

(1) The Ministry may ask a relevant inspection authority for an opinion regarding an application for licence granting, licence change or licence cancellation. If it is required by interest pursuant to the Section 4 (3) (b), the Ministry shall always ask the Ministry of Foreign and European Affairs and the Slovak Information Service for their opinions.

(2) Inspection authorities shall submit opinions to the Ministry which are necessary for it to make a decision on licence granting, licence change or licence cancellation not later than 30 days after receiving an application of the Ministry.

(3) If the period for submission of an opinion pursuant to the paragraph 2 is not sufficient, the relevant inspection authority inform the Ministry thereof and submit its opinion not later than 60 calendar days after receiving an application of the Ministry.

(4) A disapproval of the Ministry of Foreign and European Affairs or the Slovak Information Service regarding granting the licence shall be binding for the Ministry. If inspection authorities do not submit their opinions within the time period pursuant to the paragraph 2 in writing or if they do not act in accordance with the paragraph 3, it shall be assumed that they agree with the licence granting, change or cancellation.

## Section 8

(1) The Ministry shall grant a licence by a decision in the period

<sup>25)</sup> Section 25 of the Act of the Slovak National Council No. 51/1988 Coll. on Mining Activity, Explosives and State Mining Administration, as amended.

<sup>26)</sup> Section 29 of the Act of the Slovak National Council No. 51/1988 Coll., as amended.

<sup>27)</sup> Sections 34 and 35 of the Act No. 56/2012 Coll. on Road Transport.

<sup>28)</sup> Section 6 (1) of the Regulation of the Government of the Slovak Republic No. 179/2001 Coll.

<sup>29)</sup> Regulation of the Government of the Slovak Republic No. 179/2001 Coll., as amended.

<sup>30)</sup> Section 36d (9) of the Act of the Slovak National Council No. 51/1988 Coll., as amended.

<sup>31)</sup> Section 36f of the Act of the Slovak National Council No. 51/1988 Coll., as amended.

<sup>32)</sup> Section 6 (1) of the Regulation of the Government of the Slovak Republic No. 485/2008 Coll. on Placing Pyrotechnical Products on the Market.

<sup>33)</sup> Section 4 of the Act No. 264/1999 Coll., as amended.

<sup>34)</sup> Article 2 (14) (a) of the Regulation (EU) No. 258/2012.

<sup>35)</sup> Article 2 (14) (b) of the Regulation (EU) No. 258/2012.

<sup>36)</sup> Article 2 (14) (c) of the Regulation (EU) No. 258/2012.

<sup>37)</sup> Article 7 (3) and Article 8 of the Regulation (EU) No. 258/2012.

not later than 60 business days after the date of submission of a complete application.

(2) Before granting a licence for export of designated products specified in the Section 2 (1) (a), Point 1, the Ministry shall act pursuant to a special regulation.<sup>38)</sup>

(3) Any granted licence shall contain

- a) business name and registered office of the applicant, in the event of natural persons - entrepreneurs, name and place of business;
- b) applicant's identification number;
- c) licence number;
- d) sub-item of combined nomenclature of the Customs Tariff;<sup>22)</sup>
- e) name and specification of designated products, their number or volume expressed in units of measurement and total value expressed in EUR;
- f) name of the country to or from which the transfer, import or export of designated products is made;
- g) business name and registered office, or name and place of business of a foreign business partner and end-user of designated products, end-user's purpose of use of the designated products;
- h) date of issuing, period and conditions of validity of the licence.

(4) The Ministry shall delimit a space in the licence for records of its use. Data related to use of the licence shall be marked on the back side of the licence in units of measurement by

- a) the person whom the licence has been granted to during trading with designated products in the territory of EU Member States;
- b) relevant customs authority during import and export of designated products.

(5) Applicants shall file an application for permission of transfer of explosives if they wish to transfer explosives. Permission is also requested for any transfer of blank fire or gun powder. The Ministry shall issue permissions for transfer of explosives, blank fire or gun powder for no longer than one year.

(6) The person whom a permission for transfer of explosives, blank fire or gun powder has been granted to, shall, not later than three days before the start of each transfer, notify the Police Corps in writing about the transfer start and termination, specifying the place of dispatch, destination and data about the volume and kind of transported designated products specified in the Section 2 (1) (a), Point 3, blank fire or gun powder.

(7) As far as any transfer of explosives, blank fire or gun powder is concerned, special conditions for safety<sup>39)</sup> shall be met in the territory where the transfer will be carried out. In addition to the data pursuant to the Section 6, the person whom a permission for transfer has been granted to shall notify the Police Corps also of the transfer route, expected rest places, name of the border crossing when entering the territory of the Slovak Republic and the name of the border crossing when leaving the territory of the Slovak Republic.

<sup>38)</sup> Article 7 (1) and (2), Article 10 (1) and (2) of the Regulation (EU) No. 258/2012.

<sup>39)</sup> Section 26 of the Act of the Slovak National Council No. 51/1988 Coll., as amended. Sections 34 and 35 of the Act No. 56/2012 Coll.

## Section 9

### Licence change and extension

(1) Based on a written application of a licence holder filed not later than 30 calendar days before the expiry of the validity of the licence granted, the Ministry shall

- a) extend the validity of the granted licence only once, by no longer than 6 months;
- b) change the value of designated products, if the licence holder has not utilized the number of designated products specified in the granted licence;
- c) change the data in the licence about the licence holder or his/her foreign business partner in the event of any change in the registered office or place of business.

(2) When assessing an application for a licence change, the Ministry shall act in accordance with the Sections 8 and 10.

(3) When filing an application for a licence change, the licence holder shall submit the original copy of the licence, declaration on oath that he/she has met the licence conditions and has not exceeded the permitted value or number of designated products.

## Section 10

### Rejection of applications

(1) The Ministry shall reject an application for granting a licence or an application for a licence change, if

- a) the applicant has not met the conditions pursuant to the Section 6 (2) to (11);
- b) it is justified by interests pursuant to the Section 4 (3) or if it has been required by any EU Member State;
- c) the Ministry of Foreign and European Foreign Affairs or the Slovak Information Service have expressed their disapproval to granting a licence;
- d) when trading with designated products in the last three years, the applicant has violated this Act and special regulations<sup>16)</sup> related to trading with designated products or an international treaty by which the Slovak Republic is bound, or if granting or change of the licence enabled such action;
- e) the applicant for a licence for export of designated products specified in the Section 2 (1) (a), Point 1, has no entry in the criminal records;
- f) the applicant for a licence change has not met the conditions specified in the granted licence by exceeding the licensed value or number of designated products or if the applicant has acted in contradiction to the granted licence;
- g) the validity of the data pursuant to the Section 6 (3) has elapsed at the time of decision-making on the licence change and the applicant for a licence change has not met the deadline or the condition to justify the application for a change, has not submitted valid data and documents together with the application for change;
- h) less than three years have elapsed after rejection of an application for granting a licence and the facts which represented the reason for the rejection of the application have not changed;

- i) less than three years have elapsed after cancelling a licence pursuant to the Section 12 (2) or
- j) at the time of decision-making regarding the licence change, the applicant has violated obligations stipulated in this Act when trading with designated products or in relation to this activity;

(2) Any appeal against a decision on rejecting an application shall not have a suspensory effect.

#### Section 11

##### Obligations of licence holder

(1) Licence holders shall

- a) submit an original copy of the licence to the relevant customs authority in the case of import and export of designated products to confirm licence utilisation;
- b) when trading with designated products in the territory of EU Member States, make an immediate record about licence utilisation on the back side of the original copy of the licence, submit, on request, a record to the Ministry of the status of licence utilisation on the original copy of the licence or mark that the licence has not been utilised;
- c) return the original copy of the licence to the Ministry not later than 15 days after
  - 1. meeting the purpose which the licence has been granted for; or
  - 2. termination of its validity;
- d) immediately notify the Ministry of any theft, loss, destruction or unrecoverable damage to the licence in writing;
- e) immediately notify the Ministry of any change in the registered office or the place of business or any change in the address of the premises where he/she stores the designated products or any other change in the data specified in the granted licence;
- f) allow performance of an inspection pursuant to the Section 16.

(2) Pursuant to this Act, full utilization of the value or of the number of designated products specified in the granted licence shall be considered as meeting the objective which the licence has been granted for.

(3) The licence holder who has performed receipt of a transfer or import and has not subsequently dispatched or exported the transfer based on the granted licence for transfer or export shall notify the Ministry thereof as well as of the storage place of the designated products in writing not later than 15 days after expiry of the licence for dispatching the transfer or export of designated products from the territory of the Slovak Republic, and shall ensure further treatment with the designated products.

(4) License holder is obliged to send a report of licence utilization to the Ministry always not later than 25 days after the elapsed calendar quarter, and, on request of the Ministry and on the date specified in the request, to submit a confirmation of delivery of the volume of designated product to the destination, issued by a relevant authority of the country of destination.

#### Section 12

##### Expiry, cancellation and suspension of licence validity

(1) Licence shall expire

- a) by utilizing the permitted value or number of designated products specified in the licence;
- b) returning the licence to the Ministry;
- c) cancellation;
- d) expiry of validity; or
- e) dissolution of the natural person - entrepreneur or of the legal entity.

(2) The Ministry shall decide on cancelling a licence, if

- a) the licence has been obtained based on false or incomplete data;
- b) it is justified by interests pursuant to the Section 4 (3) (b); c) conditions for granting the licence have not been met;
- d) conditions specified in the granted licence have not been met;
- e) in justified cases, an inspection authority has asked to do so within its real competence for the reason that in the last three years the licence holder has violated a public statute or an international treaty by which the Slovak Republic is bound when trading with designated products or in relation to this activity;
- f) designated products specified in the Section 2 (1) (a), Point 1, are not marked in line with a special regulation;<sup>40)</sup> or
- g) firearms are not marked at least by simple marking enabling identification of the first country of import within the European Union or if firearms have no such marking, by a unique marking for identification of imported firearms.

(3) Not later than ten days after delivery of the decision on cancelling the licence, the licence holder shall return the cancelled licence to the Ministry.

(4) Any appeal against a decision on cancelling the licence shall not have a suspensory effect.

(5) The state shall bear no liability for any damage incurred by cancellation of the licence.

(6) If the Ministry has rejected the application for granting a licence, cancelled, changed a licence or suspended its validity for export of designated products specified in the Section 2 (1) (a), Point 1, a special regulation shall be followed.<sup>41)</sup>

#### Section 13

##### Declaration of end-use of designated products

(1) The Ministry shall confirm a declaration of end-use of designated products to the importer, recipient or licence holder, if a foreign business partner has asked the importer of recipient for its confirmation. Applicant shall ask for its confirmation after a licence has been granted. Declaration of end-use shall not be valid unless it is submitted to a foreign trading partner or to

<sup>40)</sup> Section 37 of the Act No. 190/2003 Coll. on Firearms and Ammunition and on amendments and supplements to certain acts, as amended.

<sup>41)</sup> Article 11 (2) to (3) of the Regulation (EU) No. 258/2012.

relevant foreign authorities not later than 6 months after its issuance date.

(2) If the importer, recipient or licence holder has not utilised the declaration of end-use, he/she shall return it to the Ministry not later than 15 calendar days after its expiry and state the reason for not utilising it.

#### Section 14

##### Issuing an identical copy

(1) The Ministry shall issue an identical copy of a licence, permission or declaration based on a written request and declaration on oath regarding its loss, theft, destruction or unrecoverable damage.

(2) In the identical copy; the licence holder shall mark the current status of utilisation of the licence as of the date of issuing the identical copy and shall send its authenticated copy to the Ministry not later than five business days after the delivery of the identical copy of the licence.

#### Section 15

##### Official language

All applications and annexes shall be submitted in writing in the state language.<sup>42)</sup> If there is a foreign participant in oral proceedings, on his/her request the Ministry shall allow an interpreter listed in the list of interpreters<sup>43)</sup> at the expense of the foreign participant.

#### Section 16

##### Inspection

(1) Compliance with this Act shall be inspected by the Ministry in cooperation with inspection authorities. The Ministry shall be also entitled to perform inspection of persons reasonably suspected to be trading with designated products in contradiction to this Act.

(2) The Ministry shall perform inspection pursuant to the paragraph 1 via authorized employees and invited employees of inspection authorities (hereinafter referred to as "inspectors").

(3) When performing inspection, inspectors shall be entitled to enter the premises, territories and business premises of the inspected persons, request any necessary documents from them as well as any data and written or oral explanations related to acquisition of designated products and they shall be entitled to retain original copies of documents and written materials if violation of this Act is suspected. Inspectors shall be entitled to inspect means of transport, their load, waybills and accompanying documents belonging to the inspected person, if designated products are expected to be located there. Inspectors shall be entitled to inspect also means of transport which do not belong to the inspected person, if they are located in his/her premises, business premises and territories, if designated products

are expected to be located there.

(4) When performing inspection in cooperation with inspection authorities, the Ministry shall have the right to retain designated products of the inspected person directly at the place of inspection. If there is a reasonable concern that the inspected person will handle the designated products also after their retention, the inspectors shall be entitled to store the retained designated products beyond the reach and at the expense of the inspected person. Based on a decision of the Ministry, the inspected person shall hand over the retained designated products. Designated products shall be retained until a lawful decision is taken in this subject matter.

(5) The Ministry shall not be obliged to compensate any inspected person for any costs incurred in relation to the inspection and sampling.

(6) Unless stipulated otherwise in this Act, a special regulation<sup>44)</sup> shall be applied accordingly to the process of inspection carried out by inspection authorities.

#### Section 17

##### Cooperation of third persons

(1) In order to ensure compliance with this Act, the Ministry and inspection authorities shall be entitled to request any data necessary for inspection from other national authorities or legal entities keeping records of property of the persons trading with designated products. Slovak Information Service, Ministry of Interior and custom authorities shall report to the Ministry any findings important for its decision-making activity pursuant to this Act.

(2) On request, the authorities pursuant to the paragraph 1 shall report any outcomes of inspections performed by them, which are related to trading with designated products, to the Ministry and to the Slovak Information Service.

#### Section 18

##### Infringements

(1) If natural person are trading with designated products without a licence it shall be understood as an infringement.

(2) A fine up to EUR 100,000 may be imposed for an infringement pursuant to the paragraph 1.

(3) A special regulation on infringements<sup>45)</sup> shall apply to infringements and proceedings related to them.

#### Section 19

##### Other administrative offences

(1) The Ministry shall impose a fine from EUR 500 to EUR 3,000 to a natural person - entrepreneur or to a legal entity, if they a) have not fulfilled the obligation pursuant to the Section 8 (5) to (7);

<sup>42)</sup> Act of the National Council of the Slovak Republic No. 270/1995 Coll. on State Language of the Slovak Republic, as amended.

<sup>43)</sup> Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on amendments and supplements to certain acts, as amended.

<sup>44)</sup> Sections 11 to 13 and 16 of the Act of the National Council of the Slovak Republic No. 10/1996 Coll. on Control in State Administration, as amended.

<sup>45)</sup> Act of the Slovak National Council No. 372/1990 Coll. on Infringements, as amended.

- a) have not fulfilled the obligation pursuant to the Section 9 (3);
- c) have not submitted an original copy of the licence to a relevant customs authority for confirmation pursuant to the Section 11 (1) (a);
- d) have not fulfilled the obligation pursuant to the Section 11 (1) (c) to (f);
- e) fail to report the data pursuant to the Section 11 (3);
- f) have not fulfilled the obligation pursuant to the Section 14 (2); or
- g) have not handed over designated products to the Ministry pursuant to the Section 16 (4).

(2) The Ministry shall impose a fine from EUR 3,000 to EUR 5,000 to a natural person - entrepreneur or to a legal entity, if they

- a) have not fulfilled the obligation to record utilization of the licence pursuant to the Section 11 (1) (b);
- b) have not returned a cancelled licence pursuant to the Section 12 (3); or
- c) have not returned a declaration of final-use pursuant to the Section 13 (2).

(3) The Ministry shall impose a fine of

- a) EUR 5,000 to EUR 250,000 to a natural person - entrepreneur or to a legal entity, if they have provided incorrect, false or incomplete data in their application for licence pursuant to the Section 6 and in the report of utilization of licence pursuant to the Section 11 (4);
- b) EUR 5,000 - EUR 300,000 to a natural person - entrepreneur or a legal entity if they are trading with designated products without a licence or in contradiction to the granted licence, performing a transfer of designated products specified in the Section 2 (1) (a), Point 2, without a permission for transfer; or
- c) EUR 250 000 to EUR 600,000 to a natural person - entrepreneur or a legal entity, if they cause a major damage<sup>46)</sup> or harm the interest of the Slovak Republic pursuant to the Section 4 (3) (b) by an administrative offence pursuant to (b).

(4) When specifying the amount of the fine, the Ministry shall take into account the severity, form, duration and consequences of an illegal action pursuant to the Section 4 (3) (b).

(5) The fine shall be payable not later than 15 days after the date when the decision on imposing it became effective.

(6) Proceeds from the fines shall form revenues in the state budget.

(7) If any administrative offence pursuant to the paragraph 3 (b) and (c) has been committed, the Ministry may impose forfeiture of designated products independently or together with a fine, if the designated products in the possession of the person who has committed the administrative offence were intended or used for committing an administrative offence or obtained by an administrative offence.

(8) The Ministry shall impose a fine pursuant to the paragraphs (1) to (3) or forfeiture of designated products pursuant to the Section 7 not later than one year after the date when it learnt of the violation of an obligation; however, not later than three years after the date when the obligation was violated.

(9) The state shall become the owner of the forfeited designated products. Administration of the forfeited designated products shall be performed by the Ministry. The Ministry shall decide on destruction or other use of the forfeited designated products.

(10) If administration of the forfeited designated products cannot be performed by the Ministry, the Ministry may conclude a contract on performance of administration of forfeited designated products with a different state administration authority. The contract shall be made in writing and shall contain the amount of remuneration for performance of administration and arrangement of liability for damage caused to administered designated products in the period of performance of its administration; otherwise the contract shall be invalid.

(11) Unless the Ministry has decided on a different use of forfeited designated products, the forfeited designated products shall be destroyed at the expense of the person whom the sanction of forfeiture of designated products has been imposed on.

#### Common provisions

##### Section 20

(1) Licences pursuant to this Act shall be untransferable, unassignable and shall not be the subject of any transfer of rights or enforcement, bankruptcy or inheritance proceedings.

(2) Provision of data and execution of copies of granted licences pursuant to this Act shall not affect provisions of a special regulation on protection of confidential facts.<sup>47)</sup>

##### Section 21

(1) A special regulation<sup>46)</sup> and a general regulation on administrative proceedings<sup>48)</sup> shall apply to any proceedings pursuant to this Act, unless stipulated otherwise by this Act.

(2) If a decision on rejecting an application for granting a licence or a decision on licence cancellation and withdrawal was based foreign-policy or safety reasons, the justification shall inter alia state that it is a foreign-policy or safety interest of the Slovak Republic.

##### Section 22

##### Enabling provision

In a public statute the Ministry shall stipulate

- a) list and categorisation of designated products pursuant to the Section 2 (1) (a);
- b) sample of an application for granting a licence for transfer of designated products;
- c) sample of an application for granting a licence for export or import of designated products;
- d) sample of an application for granting a one-off, multiple or global licence for export of designated products pursuant to the Section 2 (1) (a), Point 1;
- e) sample of an application for permission of transfer of designated products pursuant to the Section 2 (1) (a), Point 3, blank fire or gunpowder;
- f) sample of a declaration of utilization of licence;

<sup>46)</sup> Section 125 (1) of the Penal Code.

<sup>47)</sup> Act No. 215/2004 Coll. on Protection of Confidential Data and on amendments and supplements to certain acts, as amended.

<sup>48)</sup> Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Code), as amended.



g) sample of a declaration of end-use of designated products.

### Section 23

#### Temporary provision

(1) Any licences, permissions and declarations issued until 29 September 2013 shall remain valid until their expiry.

(2) Any proceedings initiated and lawfully not terminated until 29 September 2013 shall be terminated pursuant to this Act.

### Section 24

#### Repealing provision

The following regulations shall be repealed:

1. Act No. 292/2009 Coll. on Trading with Products the Possession of which is Limited for Safety Reasons and on amendments and supplements to certain acts;

2. Decree of the Ministry of Economy of the Slovak Republic of 19 October 2009 No. 8/2009, laying down samples of applications for licence, declaration of licence utilization, declaration of end-user and international import certificate for designated products (notification No. 452/2009 Coll.).

### Article II

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

126/2006 Coll., Act No. 224/2006 Coll., Act No. 342/2006 Coll., Act No. 672/2006 Coll., Act No. 693/2006 Coll., Act No. 21/2007 Coll., Act No. 43/2007 Coll., Act No. 95/2007 Coll., Act No. 193/2007 Coll., Act No. 220/2007 Coll., Act No. 279/2007 Coll., Act No. 295/2007 Coll., Act No. 309/2007 Coll., Act No. 342/2007 Coll., Act No. 343/2007 Coll., Act No. 344/2007 Coll., Act No. 355/2007 Coll., Act No. 358/2007 Coll., Act No. 359/2007 Coll., Act No. 460/2007 Coll., Act No. 517/2007 Coll., Act No. 537/2007 Coll., Act No. 548/2007 Coll., Act No. 571/2007 Coll., Act No. 577/2007 Coll., Act No. 647/2007 Coll., Act No. 661/2007 Coll., Act No. 92/2008 Coll., Act No. 112/2008 Coll., Act No. 167/2008 Coll., Act No. 214/2008 Coll., Act No. 264/2008 Coll., Act No. 405/2008 Coll., Act No. 408/2008 Coll., Act No. 451/2008 Coll., Act No. 465/2008 Coll., Act No. 495/2008 Coll., Act No. 514/2008 Coll., Act No. 8/2009 Coll., Act No. 45/2009 Coll., Act No. 188/2009 Coll., Act No. 191/2009 Coll., Act No. 274/2009 Coll., Act No. 292/2009 Coll., Act No. 304/2009 Coll., Act No. 305/2009 Coll., Act No. 307/2009 Coll., Act No. 465/2009 Coll., Act No. 478/2009 Coll., Act No. 513/2009 Coll., Act No. 568/2009 Coll., Act No. 570/2009 Coll., Act No. 594/2009 Coll., Act No. 67/2010 Coll., Act No. 92/2010 Coll., Act No. 136/2010 Coll., Act No. 144/2010 Coll., Act No. 514/2010 Coll., Act No. 556/2010 Coll., Act No. 39/2011 Coll., Act No. 119/2011 Coll., Act No. 200/2011 Coll., Act No. 223/2011 Coll., Act No. 254/2011 Coll., Act No. 256/2011 Coll., Act No. 258/2011 Coll., Act No. 324/2011 Coll., Act No. 342/2011 Coll., Act No. 363/2011 Coll., Act No. 381/2011 Coll., Act No. 392/2011 Coll., Act No. 404/2011 Coll., Act No. 405/2011 Coll., Act No. 409/2011 Coll., Act No. 519/2011 Coll., Act No. 547/2011 Coll., Act No. 49/2012 Coll., Act No. 96/2012 Coll., Act No. 251/2012 Coll., Act No. 286/2012 Coll., Act No. 336/2012 Coll., Act No. 339/2012 Coll., Act No. 351/2012 Coll., Act No. 439/2012 Coll., Act No. 447/2012 Coll., Act No. 459/2012 Coll., Act No. 8/2013 Coll., Act No. 39/2013 Coll., Act No. 40/2013 Coll., Act No. 72/2013 Coll., Act No. 75/2013 Coll., Act No. 94/2013 Coll., Act No. 96/2013 Coll., and Act No. 122/2013 Coll. shall be amendeded as follows:

1. Item 154 (a) and (b) in the Administrative Fees Tariff, part VIII Financial administration and business activity, shall have the following wording:

- "a) Granting a licence for trading with designated products..... 0.1% of the value of the designated products, at least EUR 33;
- b) Issuing a confirmation in a declaration of end-use of designated products, import certificate of dual-use items  
..... EUR 18".

2. Item 154 (i) and (j) in the Administrative Fees Tariff, part VIII

Financial administration and business activity shall have the following wording:

- "i) Issuing permission for transfer of designated products  
..... EUR 40;
- j) Issuing an identical copy pursuant to (a), (b) and (d) to (i)  
..... EUR 18".

Article III

This Act shall become effective on 30 September 2013.

**Ivan Gašparovič**, with his  
own hand

**Pavol Paška**, with his  
own hand

**Robert Fico**, with his  
own hand