

ACT No. 129

of 1 April 1998

On Prohibition of Chemical Weapons, and On Changes and Amendments to some Acts

The National Council of the Slovak Republic has passed the following Act:

Article I

PART ONE FUNDAMENTAL PROVISIONS

§ 1 Subject Matter

This Act governs primarily the rights and obligations of legal entities and natural persons connected with the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (further "prohibition of chemical weapons) that might be abused to violate the prohibition of chemical weapons, the state administration and application of sanctions in the area of the prohibition of chemical weapons.

§ 2 Definition of Terms

- For the purposes of this Act the following terms shall mean
- a) chemical weapon itself or in combination:
 - 1. toxic chemical and its precursor that might be used for purposes not prohibited by this Act if its toxic character and amount is in the line of these purposes,
 - 2. munitions and devices specially designed to cause death or other harms to the health provided such effects as the result of the toxic character of toxic chemicals which are mentioned in clause 1 released from such munition or device,
 - 3. any specially designed facility for using munitions and devices specified in clause 2;
 - b) toxic chemical means any chemical that can, owing to its chemical effect upon life processes, cause death, temporary incapacitation or permanent harm to the health of humans or animals;
 - c) precursor means any chemical reactant involved at any stage in the production of a toxic chemical;
 - d) scheduled chemical means a toxic chemical and its precursors in classification according to § 8;
 - e) production of scheduled chemicals means their creation by a chemical reaction, biochemical reaction or biologically handled reaction;
 - f) processing a scheduled chemical means a physical process whereby it is not converted into another chemical;
 - g) consumption of scheduled chemical means their conversion into another chemical via chemical reaction;
 - h) the scheduled chemicals handling means their research, development, production, processing, consumption, storage, acquisition, import, export and transit;
 - i) discreet organic chemical means any chemical from the class of chemical compounds comprising all compounds of carbon except for carbon oxides, sulphides, and metal carbonates identified under chemical formula, structural formula, if known and CAS registry number, if exists;

- j) declaration means any written announcement on used chemicals, and facilities where these chemicals are used under the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction ¹(further only Convention);
- k) inspection mandate means instructions to inspection team for the conduct of a particular inspection issued by the Organisation for the Prohibition of Chemical Weapons (further only Organisation);
- l) international inspector means an individual designated by the Director-General of the Technical Secretariat of the Organisation;
- m) national inspector means a citizen of the Slovak Republic designated by the Minister of Economy of the Slovak Republic;
- n) State Party means any state that is a member of the Organisation.

§ 3

State administration in the field of the prohibition of chemical weapons

- (1) State administration in the field of the prohibition of chemical weapons is performed by the Ministry of Economy of the Slovak Republic (further Ministry).
- (2) State administration according to clause 1 is performed by the Ministry in accordance with the Convention through the National Authority for the prohibition of chemical weapons of the Slovak Republic.
- (3) Ministry, in the field of the prohibition of chemical weapons:
 - a) guarantees the co-operation between the Slovak Republic and the Organisation and its member states,
 - b) monitors the compliance of the Act,
 - c) prepares annually the declarations on relevant chemicals and facilities and provide them to the Organisation,
 - d) registers, at the national level, chemicals covered by the declarations under this Act,
 - e) guarantees substantially and technically the activities of national and international inspectors on the territory of the Slovak Republic,
 - f) prepares international treaties and accords with states and international organisations in the field of the prohibition of chemical weapons,
 - g) provides, for foreign persons, end-user certificate on highly dangerous chemicals imported to the Slovak Republic,
 - h) sets up sanctions in case of violation of this Act,
 - i) issues and terminates licences for the use of highly dangerous chemicals,
 - j) issues decisions on changes in licences,
 - k) issues and terminates licences² for export, import and transit of highly dangerous chemicals,
 - l) makes public, in the official bulletin of the Ministry of Economy of the Slovak republic the list of member states of the Organisation,
 - m) designates national inspectors used for conducting in-country inspection in the field of the prohibition of chemical weapons,
 - n) performs other duties covered by this Act.

¹Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Information No.276/1997 Coll.)

²Decree of Ministry of Economy of the Slovak Republic No. 15/1998 Coll. on conditions for granting official licence on export and import goods and services

PART TWO
CHEMICAL WEAPONS AND CHEMICAL WEAPONS PRODUCTION FACILITIES

§ 4
Prohibition of chemical weapons

- (1) Development, production, stockpiling and use of chemical weapons is hereby prohibited.
- (2) Import of chemical weapons to the Slovak Republic or their transit through the territory of the Slovak Republic is hereby prohibited.

§ 5
Chemicals and Chemical Weapons Finding reporting

- (1) Any person finding or having a justified suspicion of finding a material of a nature of a chemical weapon shall immediately report about this fact to the closest Police Office who shall undertake all necessary steps to keep on hold such material or thing and inform without delay the Ministry.
- (2) A natural person or legal entity that is the owner or holder of a chemical weapon shall dispose of it in a manner and within a period specified by the Ministry. If the identity of such person or entity is unknown the Ministry shall arrange for the chemical weapon to be adequately handled.

§ 6
Chemical Weapons Production facilities

- (1) Development, production, import, export, and any other forms of acquisition or ownership of chemical weapons production facilities, as well as designing, building or using facilities to produce chemical weapons is hereby prohibited.
- (2) The provisions of § 5 shall apply to instances of chemical weapons production facilities finding as well.

PART THREE
SCHEDULED CHEMICALS

Chapter I

**HANDLING OF SCHEDULED CHEMICALS FOR NON-PROHIBITED PURPOSES
AND THEIR CLASSIFICATION**

§ 7
Conditions for handling of Scheduled Chemicals

- Scheduled chemicals may be handled only under conditions set forth in this Act, and only for
- a) industrial, agricultural, research, medicinal, pharmaceutical, and other peaceful purposes,
 - b) for protective purposes directly related to protection against toxic chemicals and against chemical weapon,
 - c) military purposes not related to use of chemical weapons and independent to toxicity of chemical warfare agents
 - d) purposes related to the riot control

§8

Category of Scheduled chemicals

- (1) Under the Convention and for the purposes of this Act scheduled chemicals are classified, from the point of view of the danger ensuing from their toxic character or potential abuse for violating the ban hereunder, into three groups:
- a) highly dangerous chemicals,
 - b) dangerous chemicals,
 - c) less dangerous chemicals.

Chapter II

HIGHLY DANGEROUS CHEMICALS

§ 9

Conditions for handling of highly dangerous chemicals

- a) Highly dangerous chemicals may be handled only by legal entity on the basis of a licence granted by the Ministry.
- b) Purposes of their use, number of facilities for their use and the overall number present on the territory of the Slovak Republic comply with the Convention .

§10

Granting a Licence for highly dangerous chemicals

- (1) Granting a licence for highly dangerous chemicals to a legal entity by the Ministry shall be conditional upon that entity:
- a) having its seat on the territory of the Slovak Republic,
 - b) having established a responsible representative,
 - c) using highly dangerous chemicals in its own name and for its own purposes
- (2) The license shall not be granted when the overall amount of highly dangerous chemicals on the territory of the Slovak Republic exceed at any time within the calendar year the limit of 1 tonne, or the number of facilities in which the production is to proceed exceed the number specified in the Convention.

§ 11

Responsible Representative

- (1) For the purposes of this Act responsible representative shall be a natural person appointed by a legal entity as responsible for due performance of activities covered by the granted licence.
- (2) The responsible representative shall satisfy the following conditions:
- a) have university degree in the field of Chemistry or Pharmacy,
 - b) be a citizen of the Slovak Republic,
 - c) reside on the territory of the Slovak Republic,
 - d) be sound in body and mind,
 - e) have a clean criminal record,
- (3) A person may act as responsible representative on behalf of only one legal entity.
- (4) A member of the Supervisory Board or an analogous supervisory body of a legal entity is not eligible to become a responsible representative of that entity.

§ 12
Clean Criminal Record

A person shall be deemed to have a clean criminal record for the purposes hereof if such person, who:

- a) was not convicted for an offence whose merits are connected with the activity to be licensed,
- b) was not convicted for deliberate offence.

§ 13
Licence Application for highly dangerous chemicals

(1) An application for a licence for highly dangerous chemicals (further application for licence) shall be submitted by the legal entity to the Ministry

(2) An application for a licence shall contain the following:

- a) business name, seat of the legal entity, legal form of the entity, identification number, if available, name and surname of statutory persons, their personal identification number, and domicile as well as name and surname, personal identification number and domicile of the responsible representative and authorised agent,
- b) the name of the highly dangerous chemical, its quantity, specifications concerning the intended purpose of use and its final destination,
- c) specification of the production facilities, if the application seeks to obtain a licence on production facilities or re-activation of facility
- d) specifications concerning export and import of highly dangerous chemicals,
- e) the proposed term of the licence.

(3) The following shall be attached to the application:

- a) a verified copy of the contract or deed on establishment of the legal entity involved and, if a body is registered in the Companies' Register, an excerpt from the Companies' Register not older than three months,
- b) an excerpt from the Penal Register, not older than three months, of the responsible representative,
- c) documentation evidencing the university degree of the responsible representative,
- d) relevant technical documentation serving as a basis for filling a declaration obligations of the Slovak Republic in accordance with the Convention,
- e) relevant data items from the records of highly dangerous chemicals in case the applicant is obliged to keep such records pursuant to § 26,
- f) evidence that legal entity is not under bankruptcy or settlement proceedings,
- g) audited financial statements as of a date no more than three months prior to the application date, except newly established legal entity, issued by the auditor.

(6) The applicant for a licence shall file an application, if the application seeks a licence covering production of highly dangerous chemicals or activation of facilities for such production not later than seven months before the expected start of production, in case of other activities not later than four months prior to the beginning of the calendar year in which the highly dangerous chemical is to be handled.

§ 14
Granting a Licence

(1) The Ministry shall grant a licence within 60 days after the application has been filed.

(2) The decision on granting the licence shall contain:

- a) business name, the seat, legal form of the entity and the identification number, if known, the name and surname, the personal identification number, and domicile of the statutory persons as well as of responsible representative,
- b) identification number of the Licence

- c) subject matter and scope of the licence,
- d) name of the highly dangerous chemical involved and its amount,
- e) other terms and conditions ensuing from international obligations,
- f) opening date for the use of the licence.

§ 15 Licence Refusal

A licence can be refused by the Ministry if:

- a) conditions under § 9 and 10 are not met,
- b) three-year term is not expired after bankruptcy proceedings or judiciary refusal on the proposed bankruptcy proceedings due to lack of property,
- c) foreign policy and security interests of the Slovak Republic requires this step,

§ 16 Licence Modification

- (1) In the case of a change in the facts specified in § 14 section 2 the Licensee shall file with the Ministry a written application requesting a modification of the licence without delay after becoming aware of such change. Application shall contain Licence identification number and verified causes of the requested modification.
- (2) Ministry decides on License modification on the basis of justified reasons provided by the Licensee which change the facts led to the issuance of original license.

§ 17 Licence Termination

- (1) Licence shall terminate:
 - a) as of the date of dissolution of the legal entity - the Licensee,
 - b) by an announcement on a termination of the licensed activities,
 - c) upon expiration of its term.
- (2) The Ministry shall withdraw a licence if:
 - a) licence has been granted on the basis of incorrect or incomplete data,
 - b) Licensee ceased to meet the conditions of the licence hereunder,
 - c) foreign policy and security interests of the Slovak Republic requires this step,
 - d) Licensee enters into bankruptcy proceedings
 - e) Licensee has violated more than ones this Act
 - f) responsible representative has ceased to perform its activities and the Licensee does not establish new representative without delay and does not requested the Ministry for license modification.
- (3) Ministry shall specify, in the Decree of Licence termination, the manner of handling with highly dangerous chemical and terms of cessation all activities with regard to highly dangerous chemicals
- (4) Appeal to the Licence termination under section 2 has no delay effect.

§ 18

Licensee Obligations

Each Licensee is obliged to:

- a) use highly dangerous chemicals in the scale of issued licence,
- b) provide training for its employees on handling of highly dangerous chemicals,
- c) use highly dangerous chemicals in a way to avoid their abuse or misplacement, and any misplacement shall be reported to Police and the Ministry without delay,
- d) keep and preserve records on highly dangerous chemicals and present them on request to the national and international inspectors during the inspection,
- e) transport highly dangerous chemicals only in specially designed transport containers complying with specific rules on packing and transporting³,
- f) to enable the international and national inspectors to install control instruments that allow permanent and uninterrupted monitoring of highly dangerous chemicals in the facilities and equipment used for their production, and provide them access at any time to such instruments.
- g) transfer to the Ministry, in the case of termination or expiration of the licence, the decision on granting licence and all records covering use of highly dangerous chemical.

§ 19

Import and Export of Highly Dangerous Chemicals

- (1) Highly dangerous chemicals may be exported or imported only by a Licensee on the basis of the Licence issued for export and import of highly dangerous chemicals (further licence).
- (2) Highly dangerous chemicals may be exported/imported only to/from the member states of the Organisation and only to be used for the research, medical, pharmaceutical or protective purposes.
- (3) The licensee shall file an individual application for each envisaged import or export of highly dangerous chemicals 60 days prior to export or import realisation.
- (4) Export may take place when it is evident that the country of destination agrees with import of highly dangerous chemical.
- (5) Export and import of highly dangerous chemicals through parcels addressed to general storage place, custom storage or addressed to other person different from the Licensee is prohibited.
- (6) Import can be allowed when the aggregate amount of highly dangerous chemicals within a calendar year on the territory of the Slovak Republic does not exceed one tonne.

§ 20

Export and import Licence for Highly Dangerous Chemicals

- (1) Process of granting export and import licence for highly dangerous chemical is regulated by the special Decree⁴ if this Act does not state otherwise.
- (2) Process under the Special Decree is excluded from § 21 to §23.

³For example Decree of the Minister of Foreign Affairs No.64/1987 Coll. on the European Agreement on international road transport of dangerous goods, Basel Convention, Decree of the Government of the Slovak Republic No. 206/1988 Coll. on poisons and other harmful items

⁴Decree of the Government of the Slovak Republic No. 390/1997 Coll on custom duties

§ 21
Licence Application

- (1) A written application for licence shall be submitted by Licensee on highly dangerous chemical (further applicant).
- (2) An application is submitted by the applicant under the Agreement on export or import of highly dangerous chemical concluded with foreign partner.
- (3) The following shall be attached to the application:
 - a) business name and the seat of the applicant,
 - b) identification number of the applicant, if known,
 - c) business name and seat or name and business place of a foreign contractual partner,
 - d) number and date of issuance of licence for use of highly dangerous chemicals,
 - e) number, eventually item or sub-item of combined description from the custom journal
 - f) name of highly dangerous chemical involved and its amount,
 - g) name of a country where import or export of highly dangerous chemical should take place
 - h) name and seat of end-user and the name and surname of its statutory representative
 - i) subject of export or import of highly dangerous chemical
 - j) proposed term for the use of the licence
 - k) place of crossing custom point from or to the Slovak Republic
- (4) In case of export, application for licence shall contain a certificate on end-user verified by state institution of an end-user country not older than six month after the issuance of such certificate.

§ 22
Decision on Granting a Licence

- (1) Decision on granting a licence contains
 - a) business name, seat, identification number and tax identification number of an applicant,
 - b) number of licence under § 14 clause 2 b),
 - c) item from the custom journal of the exported or imported highly dangerous chemical
 - d) name of highly dangerous chemical involved, its amount and subject of export or import,
 - e) country of origin, business name and seat or place of business activities of foreign contractual partner and end-user of highly dangerous chemical
 - f) term for the use of the licence
- (2) Applicant who has received licence (further licence holder) shall return to the Ministry the original written decision on granted but unused licence or licence successfully used or licence with expired term.
- (3) licence holder shall submit original licence to the relevant custom office for recording movement of good, otherwise highly dangerous chemical will not be freed for export or import.

§ 23
Licence Refusal

Ministry shall refuse licence application when the applicant has not met requirements under §18.

§ 24
Licence Withdrawal

- (1) Ministry shall withdraw licence if
 - a) licence has been granted on the basis of incorrect or incomplete data,
 - b) foreign policy and security interests of the Slovak Republic requires this step,
 - c) licence term has expired.
- (2) In case under clause (1) a) and c) state is not responsible for any potential damage suffered by Licensee as a result of withdrawal.
- (3) Appeal to the decision under clause (1) b) has no delay effect.

§ 25
Transit of Highly Dangerous Chemicals

- (1) Transit of highly dangerous chemical through the Slovak Republic shall take place only with certificate provided by the Ministry to the transport contractor. Copy of the certificate is forwarded by the Ministry to the country of exporter as well as to the country of importer. Certificate specifies place of the beginning and end of transit. Any changes in place of beginning or end of transit shall be written in the certificate.
- (2) Transport contractor shall submit together with application for transit the export permission from exporting country as well as import permission from importing country. Country of exporter shall also certify suitability of transport contractor to carry out highly dangerous chemical.
- (3) Any action that may cause changes in highly dangerous chemicals during term of transit is prohibited.
- (4) Transport of highly dangerous chemicals by plane over the territory of the Slovak Republic without stop-over is not understood as a transit.

§ 26
Highly Dangerous Chemicals Recording

- (1) Each Licensee shall be obliged to file the written records on highly dangerous chemicals and submit them upon request to the Ministry and inspection authorities for a period of five years following the end of highly dangerous chemicals handling
- (2) The records must be kept in classification by the facilities employed to handle them and individual types of highly dangerous chemicals together with their amounts.
- (3) In case of termination or withdrawal of licence the Licensee shall be obliged to submit records on highly dangerous chemicals handling to the Ministry by day of termination or withdrawal of licence.

§ 27
Highly Dangerous Chemicals Declaration

- (1) Each Licensee shall submit to the Ministry declaration on the preceding calendar year not later than on 31 January of the current year, and anticipated data referring to the next calendar year not later than on 31 August of the current year annually in the form of:
 - a) type and amount of highly dangerous chemical,
 - b) facilities where the declared activities have taken place.

- (2) Declaration is obligatory for newly established facilities for production, processing or consumption of highly dangerous chemical as well.

§ 28

Loss or Theft of highly dangerous chemicals

Licensee shall be obliged to report without delay any loss or theft of highly dangerous chemicals to the nearest department of the police and to the Ministry. At the same time the Licensee shall communicate all data that must be known in order to undertake measures in case of highly dangerous chemicals escaping to the environment or affecting human beings or animals.

§ 29

Find of highly dangerous chemicals

- (1) Anybody shall be obliged to inform without delay about a find of highly dangerous chemical or chemical which might be highly dangerous chemical the nearest department of the police which inform about finding the Ministry.
- (2) The Ministry shall decide on handling of highly dangerous chemical.

Chapter III

DANGEROUS CHEMICALS

§ 30

Dangerous Chemicals Use and Declaration

- (1) A legal entity or natural person that handles dangerous chemicals in quantities covered by declaration shall be obliged to report to the Ministry data referring to the preceding calendar year not later than on 31 January of the current year, and data anticipated for the next calendar year by 31 August of the current year, in classification by
- a) dangerous chemicals as per the Schedule and their amounts,
 - b) production facilities employed in the reported activities.
- (2) The Reporting Duty refers also to new facilities for production, processing, or consumption of dangerous chemicals.
- (3) If a change takes place in the data projected for the following calendar year the legal entity or natural person shall be obliged to fulfil the Reporting Duty within 14 days preceding realisation.

§ 31

Dangerous Chemicals Recording

Legal entity and natural person using dangerous chemicals in the amount covered by declaration shall keep records on their handling in accordance of § 26.

§ 32

Import and Export of dangerous Chemicals

- (1) Export of dangerous chemicals is allowed only to States Parties to the Convention.
- (2) Import of dangerous chemicals is allowed only from States Parties to the Convention.

Chapter IV

LESS DANGEROUS CHEMICALS

§ 33

Less Dangerous Chemicals Use and Declaration

- (1) A legal entity or natural person that handles less dangerous chemicals in quantities covered by the declaration a year shall be obliged to report data to the Ministry for the preceding calendar year not later than on 31 January of the current year, and for the following calendar year by 31 August of the current year in classification by:
 - a) less dangerous chemicals according to the Schedule and amount,
 - b) facilities to be employed for the reported activities.
- (2) If a change takes place in the data projected for the following calendar year the natural person or legal entity under section 1 shall be obliged to fulfil the Reporting Duty within 14 days preceding realisation.
- (3) the Reporting Duty refers also to new facilities for the production, processing and consumption of less dangerous chemicals.

§ 34

Less dangerous Chemicals Recording

Legal entity and natural person using less dangerous chemicals in the amount covered by declaration shall keep records on their handling in accordance of § 26.

§ 35

Export and Import of less dangerous chemicals

Export and import of less dangerous chemicals is regulated by special Act⁵

Chapter V

DISCREET ORGANIC CHEMICALS

§ 36

- (1) A legal entity or natural person that has produced during a calendar year discreet organic chemical not included among scheduled chemicals specified in §8, in amount covered by declaration shall report these data for preceding year to the Ministry not later than on 31 January of the following year in classification by:
 - a) type of discreet organic chemical and its amount,
 - b) production facilities employed in the reported activities.

⁵ Act of the National Council of the Slovak Republic No. 10/1996 Coll on control in state administration.

- (2) The provisions of the above sections 1 do not apply to production of explosives and hydrocarbons.

Chapter VI

RIOT CONTROL AGENTS

§ 37

- (1) Ministry of Defence of the Slovak Republic, Ministry of Internal Affairs of the Slovak Republic, Ministry of Justice of the Slovak Republic and Ministry of Transport, Mailing and Telecommunication of the Slovak Republic which are in charge of appropriate armed and security forces and security staff that may handle chemical which can produce rapidly in human sensory irritation or disabling physical effects which disappear within a short time following termination of exposure (further riot control agent) are obliged to report to the Ministry initial declaration, containing chemical and structural formula.
- (2) Ministries under clause (1) shall declare any changes in used riot control agents within 10 days after such change becomes effective.

PART FOUR

VERIFICATION OF COMPLIANCE

§ 38

Verification

- (1) Legal entities and natural persons that in any way handle scheduled chemicals or discreet organic chemicals in amounts covered by declarations or in connection with which a justified suspicion of doing so without declaration has arisen (further Supervised Persons) shall be subject to verification by national and international inspectors (further inspectors).
- (2) Supervised Person shall enable the inspectors to photograph and provide documents related to the subject of verification, of the facilities that serve for producing, processing, or consuming scheduled chemicals or discreet organic chemicals (further verified chemicals), the corresponding storage facilities, and sites where scheduled chemicals are handled.
- (3) Supervised Person shall be entitled to retain a part of all samples taken or in the presence of inspectors take duplicate samples, and be present during their on-site analysis.
- (4) Inspectors shall have the right access to the sites where scheduled chemicals are used as well as to non-production facilities related with handling of these chemicals.
- (5) Inspectors shall submit prior to verification the inspection mandate issued by the Organisation or mandate for conducting inspection issued by the Ministry.
- (6) Inspectors have the right to verify sites under clause (2), to interview any facility personnel of legal entity of natural person, having contact with production, processing and consumption of scheduled chemicals, to verify data and records, take samples and make on-site analysis, take photographs of the facility, install monitoring equipment and establish facts relevant to compliance with this Act.
- (7) Inspectors have the right to request from Supervised persons all information and data including protected trade data⁶ or restricted industrial know-how, if these data are related to the verification of the compliance of this Act.
- (8) If verification of the compliance with this Acts as well as compliance with the international obligations of the Slovak Republic require submission of data or records under the highly protected

⁶ § 17-20 of the Act No.513/1991 Coll.

nature, protected nature and sensitive nature, these data can be provided under the conditions stipulated in specific Act⁷.

- (9) Unless provided for otherwise herein, the rights and obligations of the inspection authorities and the Supervised Persons shall be governed by a separate Act⁸

§ 39

Limitation of monitoring

- (1) Monitoring under § 38 in the facilities of Ministry of Defence of the Slovak Republic, Ministry of Internal Affairs of the Slovak Republic, Ministry of Justice of the Slovak Republic, Ministry of Transport, Mailing and Telecommunication of the Slovak Republic and the Slovak Information Service shall be performed only upon advanced notice to these Ministries and the Slovak Information service.

§ 40

Third party co-operation

- (1) State institutions shall be obliged to report to the Ministry inspection results related to the use of scheduled chemicals.
- (2) Statistical Office and Custom services shall be obliged to provide, on request, to the Ministry relevant data allowing full control of the compliance with this Act.

PART FIVE

FINES AND THEIR IMPLEMENTATION

§ 41

- (1) On legal entities the Ministry may impose a fine
- a) from Sk 2,000.000 to Sk 5,000.000 - for highly dangerous chemicals handling without a licence,
 - b) from Sk 1,000.000 to Sk 5,000.000 - for violation of the obligations under § 19 and 25,
 - c) from Sk 100.000 to Sk 1,000.000 - for violation of the obligations under § 26 and 28.
 - d) from Sk 20.000 to Sk 3,000.000 - for violation of the obligations under § 18
- (2) On legal entity or natural person the Ministry may impose a fine of
- a) from Sk 10.000 to Sk 5,000.000 - for violation of the obligations under § 4 , § 5 clause 2, and § 6 clause 1,
 - b) from Sk 10.000 to Sk 5,000.000 - for violation of the obligations under § 5 clause 1 and § 6 clause 2,
 - c) from Sk 50.000 to Sk 500.000 - for violation of the obligations under § 27, 30, 33, 36 and 37,
 - d) from Sk 5.000 to Sk 50.000 - for violation of obligations under § 31 and § 34.
- (3) Ministry may impose a fine up to Sk 100.000 on natural person, who does not report without delay to the Police department finding of:
- a) material or good, which may be taken as a chemical weapons (§ 5 clause 1)
 - b) highly dangerous chemical or dangerous chemical which may be taken as highly dangerous chemical (§29 clause 1)
- (4) Ministry may impose a fine up to Sk 100.000 on natural person up to Sk 20.000 for violation of the obligations under § 30 and 31 as well as a fine up to Sk 10.000 for violation of the obligations under § 33 and 34.

⁷ Act of the National Council of the Slovak Republik No. 100/1996 Coll. on sensitive information and on changes and amendments in Penal Code. Act No. 513/1991 Coll.

⁸ Act of the National Council of the Slovak Republic No.10/1996 on control in state administration

- (5) The seriousness, mode, duration, consequences and extent of the potential or factual damage shall be taken into consideration in determining the amount of the fine.
- (6) Together with imposing the fine on legal entity or natural person the Ministry may also impose a timeframe during which entity or person shall undertake measures to redress the situation which cause the fine.
- (7) A fine may be imposed within one year after the date on which the violation has been established by the Ministry, but not later than three years after the date on which the violation took place.
- (8) Fines under this Act shall inure to the benefit of the state budget.

PART SIX COMMON, TRANSITORY AND FINAL PROVISIONS

§ 42 Common provisions

- (1) Unless specified otherwise herein administration proceedings under this Act shall proceed under general regulations governing administration proceedings⁹.
- (2) §19, 25, 32 and 35 do not affect rights and obligations of persons handling some goods and technologies stipulated by special decree.
- (3) Legally binding Decree issued by the Ministry stipulates details on:
 - a) category of scheduled chemicals (§8)
 - b) licence application for highly dangerous chemicals (§13)
 - c) Licence Application for export and import of highly dangerous chemicals (§21)
 - d) scheduled chemicals recording (§ 26, 31 and 34)
 - e) amounts of highly dangerous chemicals covered by declaration and subject and scope of these declaration (§27)
 - f) amounts of dangerous chemicals covered by declaration and subject and scope of these declaration (§30)
 - g) amounts of less dangerous chemicals covered by declaration and on subject and scope of these declaration (§33)
 - h) amounts of discreet organic chemicals covered by declaration and on subject and scope of these declaration (§36)
 - i) amounts of riot control agents covered by declaration and on subject and scope of these declaration (§37)
 - j) limitation on export and import of scheduled chemicals

§43 Transitory provisions

- (1) Legal entity or natural person that used highly dangerous chemicals on the basis of Trade Authorisation may continue to use them on the above basis not longer than six months after entry into force of this Act.
- (2) Legal entities handling highly dangerous chemicals and intending to continue to do so are obliged to apply for a licence to the Ministry not later than three months after entry into force of this Act.
- (3) Legal entities or natural persons can export less dangerous chemicals to non-member states of the Organisation or import them from these states only by 29 April 2000
- (4) Legal entity or natural person exporting less dangerous chemicals to non-member states of the Organisation shall submit to the Ministry certification of these chemicals issued by country of destination with end-use, names and addresses of end-users, types and amounts of these chemicals,

⁹ Act No. 71/1987 Coll on administration proceedings

certified documents that these chemicals will not be re-exported and will be used for purposes stipulated under § 7.

Article II

Act No. 455/1991 Coll. on activities under Trade authorisation (Trade authorisation) in text of Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/194 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll. and Act No. 288/1997 Coll. is hereby amended as follows:

In § 3 section 2 is added u) with the following text: u) "use of highly dangerous chemicals"

Article III

Act No. 140/1961 Coll. Penal Code in the text of Act No.120/1962 Coll., Act No.53/1963 Coll., Act No. 56/1965 Coll., Act No. 81/1966 Coll., Act No. 148/1969 Coll., Act No. 45/1973 Coll., Act No. 43/1980 Coll., Act No. 159/1989 Coll., Act No. 47/1990 Coll., Act No. 84/1990 Coll., Act No. 175/1990 Coll., Act No. 457/1990 Coll., Act No. 545/1995 Coll., Act No. 490/1991 Coll., Act No. 557/1991 Coll., Act of the National Council of the Slovak Republic No. 177/1993 Coll., Act of the National Council of the Slovak Republic No. 248/1994 Coll., Act of the National Council of the Slovak Republic No. 102/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 100/1996 Coll. is hereby changed and added as follows:

1. In §185 section 2 is followed by new section 3 with the text:
“(3) Similarly to section 2 one shall be penalised for project, building or use of chemical weapons production facility.”

Current section 3 becomes section 4.

2. In § 185 item 4 a) shall be:
“a) if conduct an act under section 2 and 3 as a member of organised group.”

Current item 4 becomes item 5.

3. Title above § 187 shall be: " Non-permitted production and acquisition of nuclear materials and highly dangerous chemicals".
4. In §187 section 1 after the word "material" is appended: "or highly dangerous chemical, or good aimed at its production".

Article IV.

This Act shall enter into force on 1 July 1998.

Ivan Gašparovic by hand
Vladimír Meciar by hand