

# Waste Management Planning

Slovakia

Legal Analysis

*Justice and Environment 2011*

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#### Legal Analysis

##### Introduction

[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on **waste** and repealing certain Directives regulates in a general manner the waste management planning framework in the Member States. The purpose of the current questionnaire is **to have a snapshot view by answering 5 + 1 questions** on the status of waste management planning in the respective Member State.

##### **Q1**

**Please describe the legal framework regulating waste management planning in your country!**

**Please list relevant national laws and the most important provisions relating to government-organized waste management planning!**

In the Slovak Republic to this date has not been transposed Directive 2008/98/EC. At present is preparing a new law on waste, which should implement the directive, but it is not clear when this happens.

The valid Act 223/2001 Coll. on Waste has implemented repealed Directive 1975/442/EHS on waste, and the following text is to be read in the light of these facts.

The waste management plan specifies the objectives of waste management of the Slovak Republic, or the territorial unit and originator of the waste. The waste management plan identifies measures for meeting them. It is prepared for those wastes that are defined in the Waste Catalogue, as well as for PCBs and contaminated equipment.

It must contain

- the name of the authority which issues the plan,
- basic data on the territory where the plan is issued,
- basic information about the originator of the waste, if the plan is obliged to develop, (legal or natural person - operator, which produces more than one ton of hazardous wastes per year or ten tons of other wastes per year, unless otherwise stated),
- basic data on the holder of PCBs, if the plan is obliged to prepare,
- basic information about municipality where the plan is required to develop,
- characteristics of the current status of waste management,
- waste management budget,
- obligatory part and
- target part.

Obligatory part of the plan includes

- target approach of handling for different types and quantities of waste (waste streams), for PCBs and for contaminated equipment in the specified time,
- measures to reduce the amount of biodegradable municipal waste, which has to be sent to landfill,
- measures to reduce waste (for plan elaborated by waste producers) and
- measures for the decontamination or disposal of contaminated equipment, the date by which the decontamination or disposal is executed and in case of transformers containing polychlorinated biphenyls information on their service life (for plan processed by holder of polychlorinated biphenyls).

Objectives focused at reducing the amount of packaging waste, the quantity of PCBs and contaminated equipment and measures to achieve them must be shown in a separate part of the plan.

### **The relevant legislation and the relevant provisions:**

The Act no. 223/2001 Coll. on Waste

#### **§ 4**

*(1) Waste Management Plan ("Plan") defines the objectives of waste management of the Slovak Republic, of the territorial unit or its part or of waste producer and measures for their implementation in accordance with this Act. The plan is developed for wastes listed in the Catalogue of Waste [§ 68 paragraph. 3 point. e)] and for PCBs and for contaminated equipment.*

*(2) The plan includes the name of the body, which plan is issued, the basic data on the territory for which the plan is issued, the basic data on waste producers, the holder of polychlorinated biphenyls and municipality, drawn by the plan, the characteristics of the current status of waste management, waste management budget, binding part and target part.*

#### **§ 5 ods. 1**

*(1) The plan for the Slovak Republic prepare Ministry of Environment of the Slovak Republic ("Ministry"), particularly on the basis of data from the regional environmental offices and district environmental offices and is approved by government. Plan of the Slovak Republic Ministry shall publish in the Bulletin of the Ministry of Environment of the Slovak Republic.*

Decree no. 283/2001 Coll, on implementing certain provisions of the Act on Waste.

#### **§ 5**

*(1) The obligatory part of plan of the region and district contains*

*a) data on waste streams, divided in the following commodities:*

1. spent batteries and accumulators,
2. waste oils,
3. waste tires,
4. management of multi-layer combination of materials,
5. electronic scrap,
6. waste from polyethylene terephthalate,
7. waste from polyethylene,
8. waste from polypropylene,
9. waste from polystyrene,
10. waste from polyvinyl chloride,
11. waste from lamps of mercury containing,
12. waste from paper,
13. waste from glass,
14. old vehicles
15. polychlorinated biphenyls, which are waste (hereinafter referred to as "used PCBs").

*b) details of biodegradable waste,*

*c) organizational, and technological measures to reduce production of waste,*

*d) measures to reduce the amount of biodegradable of waste deposited in landfill, expressed in units of mass in the source and destination in order to achieve reduction of depositing waste in landfills as follows:*

1. up to 9 years after entry into force of this decree reduce the amount of landfilled biodegradable municipal waste to 75% of the total amount (by weight) of biodegradable municipal waste generated in 1995,
2. up to 12 years after entry into force of this decree reduce the amount of landfilled biodegradable municipal waste to 50% of the total amount (by weight) of biodegradable municipal waste generated in 1995,
3. up to 19 years after entry into force of this decree reduce the amount of landfilled biodegradable municipal waste to 35% of the total amount (by weight) of biodegradable municipal waste generated in 1995.

*e) information about the content of contaminated equipment and the PCBs contained therein.*

The Act no. 214/2006 Coll, on the environmental impact assessment.

#### **§ 4**

##### **Object and scope of impact assessment of strategic documents**

*Subject to impact assessment of strategic documents is a strategic document prepared for agriculture, forestry, fisheries, industry, energy, transport, **waste management**, water management, telecommunications, tourism, spatial planning and land use, regional development and environment, as well as the strategic document financed by the European Union, which are likely to have significant impact on the environment while creating a*

*framework for approval of any proposed activities listed in Annex. 8 in addition to strategic documents which define the use of small areas at local level.*

The Act no. 245/2003 Coll, on integrated pollution prevention and control environment.

Under the provision of § 11 par. 2 application for integrated permit shall include a waste management plan or its proposal.

*WFD Article 28*

*Waste management plans*

*1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 4, 13 and 16, one or more waste management plans. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.*

**Q2**

**Please describe according to what territorial distribution the waste management plans are prepared by the government (national, sub-national, regional, sub-regional, etc.)!**

**Public authorities** processed the following waste management plan:

Ministry of Environment processes waste management plan for the whole territory of the Slovak Republic.

Regional Environmental Office processes the waste management plan for this region.

*WFD Article 28*

*2. The waste management plans shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Directive.*

*3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:*

*(a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;*

*(b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;*

*(c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16, and, if necessary, the investments related thereto;*

*(d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;*

**Q3**

**Please detail how the national waste management plan deals with future landfill capacities and how much such capacity it is planning for the future within the country!**

The draft of Waste Management Programme for the years 2011 - 2015 (to this day not approved) - Section 4.2 (Waste disposal facilities).

So far, the most common method of waste management in the Slovak Republic is landfill operating. Within the Slovak Republic is a 118 operating landfills, of which 89 are destined for landfill waste which is not hazardous (other), 12 for hazardous waste and 17 for inert waste. As shown by the analysis in section 2.3.1., Capacity currently operated landfills is sufficient, therefore there is no need to build new landfills. The deployment of operating landfills is not uniform throughout the territory of Slovakia.

*WFD Article 28*

*3. (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.*

*4. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:*

*(a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;*

*(b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;*

*(c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;*

*(d) historical contaminated waste disposal sites and measures for their rehabilitation.*

**Q4**

**Please detail to what extent the national waste management plan deals with historical contaminated waste disposal sites and what does it say about them!**

During the years 1992 - 2000 has been operated and gradually closed 665 landfills. They were mostly common landfills, incurred primarily in the mining field depressions of different raw materials, the erosion grooves and the former basins of rivers.

317 landfills that were in operation in the years 1992 to 2000 appearing in the register of environmental burdens, which is part of the information system of environmental burdens and available at website <http://www.enviroportal.sk>. Among the confirmed environmental burdens were enrolled only 33 landfills that were operated during that period. For lack of monitoring, the majority of 317 landfills is considered only for the likely environmental burden (based on geological information on subsoil permeability and consequent threats to groundwater, based on the threat of surface flow near the dwellings, etc.). 138 landfills that were in operation in the period 1992 to 2000, were included in the reclamation sites.

According to published information, were from the Environmental Fund, or from European Union structural funds for 2010 provided funds for the reclamation of 144 landfills operated in this period.

Out of the 72 landfills that finished operation during the period from 2001 to 2009, the register of environmental burdens included 33 landfills, of which was 14 recultivated sites and 13 confirmed sites of environmental burdens. Funding from the Environmental Fund or European funds were provided to eighteen operators.

Register of environmental burdens, which updates on the basis of additional information and changes, and which is still ongoing, contains information about 802 landfills. Public information are available on 320 reclaimed landfill and 91 landfill, where was confirmed by monitoring the contamination of the environment. Most records (484) is on the landfill, where the contamination the environmental components while monitoring were not confirmed or analytical results were older than 10 years.

#### *WFD Article 28*

*5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.*

#### *WFD Article 30*

##### *Evaluation and review of plans and programmes*

*1. Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Articles 9 and 11.*

*2. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.*

#### **Q5**

**Please detail if the previous national waste management plan has been reviewed after 6 years pursuant to the obligation set by the Directive!**

The waste management plan is approved for a period of 5 years. Last valid waste management plan has been approved for the years 2005 to 2010. The waste management plan for the years 2011 to 2015 has not been approved to this date. Its proposal is published and public comments was held already.

## WFD Article 31

### Public participation

Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

(1). They shall place the plans and programmes on a publicly available website.

#### Q+1

**Please describe if there has been sufficient public participation in the most recent waste management planning process on the national or sub-national level and if the waste management plans are publicly available on the internet!**

Waste management plans are subject to mandatory impact assessment of strategic documents under the Act on the environmental impact assessment.

Also Regional Environmental Office is obliged to publish a draft of the plan as usual at least for 30 days to take enable to inform the public of the affected area. Public (including municipalities) have the right to make written comments within this period. Regional Environmental Office is obliged to hold a public hearing draft of the program and take into account written comments submitted to the processing of the plan.

Waste management plans approved for the Slovak Republic are available on the Internet.

Waste management plans approved for the territory of the region are not available on the Internet.

Only some of the waste management plans approved for the municipalities are available on the Internet.

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