

# SLOVAKIA

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Slovakia in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (\*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Slovakia
Article	
5	x
6(1)	x <sup>1</sup>
6(2)	x
6(3)	x
7(1)	x
7(2)	x
7(3)	
7(5)	
8(1 and 2)	
9(2)	x
9(6)	x
10	x
11(1 and 3)	
12(1)	
12(2)	x
13(1-5)	
14(1)	x
14(6)	x
14(7)	x
17(1 and 2)	x
18(1 to 3)	x
19(1 and 2)	
20(2)	
21(1)	x
21(2)	
21(3)	
22(1)	x
22(2)	x
24(2)	
25(1)	
26(1)	x
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	

<sup>1</sup> The provision itself was not explicitly adopted, however, there is a sanction in national legislation for not complying with the obligation arising from this provision; the sanction is defined by general reference to the Regulation. This model was applied for almost all of the checked provisions.

Country	Slovakia
Article	
29(3)	X
30(2)	
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	
37(2)	
37(3)	X
37(4)	X
37(5)	
37(6)	
37(7)	
38(1)	X
38(2)	X
38(3)	X
38(4)	
40(4)	X
41(4)	X
46(2)	X
49(a)	
50(2-3)	X
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	X
61(1)	X
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

## 2. Types of offences related to REACH in Slovakia

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Slovakia. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;

- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<b>Offences related to the registration requirements</b>	<ul style="list-style-type: none"> <li>- failure to register before manufacturing or placing on the market of substances, substances contained in articles or substances contained in preparations (Article 5),</li> <li>- failure to submit a registration of substance or of substance contained in preparation (Article 6),</li> <li>- failure to submit a registration to the Agency concerning substances contained in articles (Article 7),</li> <li>- failure to provide the information to the Agency on substances contained in articles (Article 7),</li> <li>- failure to notify the Agency on higher threshold of manufacturing or importing registered substance (Articles 12(2), 24),</li> <li>- failure to assess chemical safety of substance and to prepare chemical safety report (Article 14),</li> <li>- failure to submit a registration of isolated intermediates (Article 17, 19),</li> <li>- failure to submit a registration of transported isolated intermediates (Article 18, 19),</li> <li>- starting of manufacturing or importing of substances or articles within the time period which is shorter than three weeks since submitting registration (Article 21),</li> <li>- failure to update registry data (Article 22),</li> <li>- failure to seek information at the Agency concerning the registration of phase-in substance or concerning the registration of the substance which was not pre-registered, whether there was not submitted registration for the identical substance (Article 26(1)),</li> <li>- failure to notify the Agency on relevant data or failure to update these data (Articles 7(2), 9(2), 22, 26, 46(2)).</li> <li>- failure to provide Agency with information in given time period (Art. 40(4), 41(4))</li> <li>- failure to notify the Agency about the cessation of manufacturing or import of the substance or the article, or about the cessation of using of substance or article by downstream user (Article 50(2))</li> <li>- failure to provide proof of the cost or the study itself (Article 30(6))</li> </ul>	<ul style="list-style-type: none"> <li>- illegal manufacturing, import, export, transfer, purchase, sale, exchange, modification, use, or procuring highly dangerous chemical substance without permission (Articles 5, 6, 7)</li> </ul>
<b>Offences related to authorisation and restrictions requirements</b>	<ul style="list-style-type: none"> <li>- failure to safeguard that the exposure of the substance, which was authorised, is reduced (Art. 60(10)),</li> <li>- failure to review valid authorisation for placing on the market or using substance within required time limit (Art. 61(1)),</li> <li>- failure to provide number of authorisation on the sticker or label or tag before phasing-in of the substances or preparations containing substances (Art. 65),</li> <li>- failure to complete duties within given time limits,</li> <li>- manufacturing, placing on the market or using substances, preparations or articles without complying with the stipulated conditions (Art. 56(1), 60)</li> <li>- failure to comply with the Regulation in manufacturing, placing on the market or using of the substance (Art. 67).</li> </ul>	N/A
<b>Offences related to the</b>	<ul style="list-style-type: none"> <li>- failure to provide safety data sheet (Article 31),</li> <li>- failure to provide safety data sheet upon request of</li> </ul>	N/A

<b>supply chain requirements</b>	receiver regarding to the preparation which is not classified as dangerous (Art. 31(3)), - failure to update safety data sheet (Art. 31(9)), - failure to provide receiver of substances contained in preparation, for which there is no duty to provide safety data sheet, relevant information, or failure to update this information (Art. 32), - failure to inform receiver of the article containing substances, which meet criteria for safe using of the article (Art. 33), - failure to inform consumer (upon request) on safe using of the article (Art. 33(2)), - failure to gather and store data on testing, registration, other relevant findings on substances and preparations and on on-site isolated intermediates (Art. 36)	
<b>Offences related to the downstream user requirements</b>	- failure to comply with duties within given time limits (40(4), 41(4), 46(2)), - failure to prepare chemical safety report (Art. 37), - failure to notify the Agency about information which shall be provided by the downstream user (Art. 38), - failure to notify the Agency within given time-limit (Art. 40(4)), - failure to reduce exposure of the substance (Art. 60(10)), - failure to safeguard review of the valid authorisation for using the substance within given time-limit (Art. 61), - failure to provide number of authorisation on the sticker or label or tag before phasing-in of the substances or preparations containing substances (Art. 65), - failure to inform the Agency about using the substance (Art. 38), - failure to comply with the stipulated conditions before the substance, preparation or article is placed on the market or is used (Art. 67).	N/A

### 3. Sanctions applicable to legal persons in Slovakia

This table mentions whether or not Slovakia applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	<b>Sanctions applicable to legal persons</b>	<b>Criteria</b>	<b>Sanctions applicable to other groups</b>
Slovakia	Y	Y – identical to natural persons, Not for criminal penalties	N

### 4. REACH related administrative and criminal penalties in Slovakia

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Slovakia. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;

- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
<b>Penalties related to infringement of registration requirements</b>	<p>Depending on the infringement the law provides range of the administrative fines:</p> <ul style="list-style-type: none"> <li>- A penalty of 16 596,99 to 29 874,527 EUR (breach of Articles 14,50(2))</li> <li>- A penalty of 29 874,560 to 43 152,094 EUR (breach of Articles 7(2), 12(2), 22(1), 24, 30(6))</li> <li>- A penalty of 43 152,128 to 99 581,757 EUR (breach of Articles 5, 6, 7, 9(2) and (6), 17(1), 18(1), 19, 21(3), 46(2))</li> </ul> <p>Besides administrative fines, the relevant Inspection Authority may decide that the substances, preparations or articles shall be removed from the market if a person responsible does not fulfil duties imposed by the Authority within given time. These duties refer to rectifying consequences of illegal conduct of a responsible subject such as:</p> <ul style="list-style-type: none"> <li>• failure to fulfil the obligations concerning classification, packing or labeling,</li> <li>• failure to follow prohibitions or restrictions concerning placing on the market or using of dangerous substance or preparation</li> </ul>	<ul style="list-style-type: none"> <li>• imprisonment for one to five years</li> <li>• imprisonment for three to ten years (if the crime is conducted in a more serious way or from the special motif),</li> <li>• imprisonment for ten to twenty years (if the offender is member of dangerous group, or if serious harm to health or a death is caused, or if the offender gains large profit),</li> <li>• imprisonment for 20 to 25 years, or for life (in case of serious harm to health or death of more than one person, or if the offender gains extensive profit, or if the crime is committed during crisis).</li> </ul> <p>A natural person is criminally liable also for manufacturing, gaining for him/herself or for other person, or keeping article which is designated for illegal manufacturing of highly dangerous chemical substance:</p> <ul style="list-style-type: none"> <li>• imprisonment for one to five years,</li> <li>• imprisonment for three to eight years (depending on seriousness of the consequences and/or circumstances),</li> <li>• imprisonment for four to ten years,</li> <li>• imprisonment for 10 to 15 years.</li> </ul>
<b>Penalties related to infringement of authorisation requirements</b>	<p>Depending on the infringement the law provides range of the administrative fines:</p> <ul style="list-style-type: none"> <li>- A penalty of 29 874,560 to 43 152,094 EUR, breach of Articles 61(1), 65(1)</li> <li>- A penalty of 43 152,128 to 99 581,757 EUR breach of Articles 56(1), 60(10), 67.</li> </ul>	N/A
<b>Penalties related to infringement of the supply chain requirements</b>	<p>Depending on the infringement the law provides range of the administrative fines:</p> <ul style="list-style-type: none"> <li>- A penalty of 16 596,99 to 29 874,527 EUR, breach of Articles: 31(3), (9), 32, 36</li> <li>- A penalty of 29 874,560 to 43 152,094 EUR, breach of Articles 31(1), 33,</li> </ul> <p>Besides administrative fines the relevant Inspection Authority may decide that the substances, preparations or articles shall be removed from the market if a person responsible does not fulfil duties imposed by the Authority within given time. These duties refer to rectifying consequences of illegal conduct of a responsible subject such as:</p> <ul style="list-style-type: none"> <li>• failure to provide data safety card,</li> </ul>	N/A
<b>Penalties related to infringement of the downstream users requirements</b>	<p>Depending on the infringement the law provides range of the administrative fines:</p> <ul style="list-style-type: none"> <li>- A penalty of 16 596,99 to 29 874,527 EUR (breach of Articles 38, 40(4), 41(4), 46(2), 65(1), 67)</li> <li>- A penalty of 29 874,560 to 43 152,094 EUR, (breach of Articles 37)</li> </ul>	N/A

*Please note that as the criminal sanctions provided for by Slovakian law mentioned above refer to very general offences of environmental law, they are not considered as REACH penalties as such. Therefore, as discussed and agreed with the Commission, we have decided not to keep these in the table, but rather to refer to it more generally in an explanatory paragraph in the report.*

## **5. Short description of REACH sanctions and related issues in Slovakia**

Infringements of the obligations stipulated by the REACH Regulation are in the Slovak Republic punished by administrative sanctions, namely by fines.

The law stipulates four range categories of penalties, where the lowest penalty is 9 958,176 EUR and the highest penalty can reach the amount ten times higher, i.e. 99 581, 757 EUR. The actual amount of penalty is decided by the Inspection Authority with regard to the seriousness of administrative offence, the way of conducting the offence, its harmful consequences on human health and/or environment, and with regard to other circumstances of the offence.

The administrative penalty may be imposed only if the proceedings on the offence begin within two years after the Inspection Authority get acquainted with wrongdoing, but no later than five years of actual committing of the offence.

The legislation also stipulates provisions on enabling inspectors to provide inspection; the law stipulates procedural fines for obstructions during inspection. The amount of fine may be up to 3 319, 391 EUR, while the total amount may not be higher than quintuple of the fine.

Besides administrative fines the relevant Inspection Authority may decide that the substances, preparations or articles shall be removed from the market if a person responsible does not fulfil duties imposed by the Authority within given time. These duties refer to rectifying consequences of illegal conduct of a responsible subject such as:

- failure to fulfil the obligations concerning classification, packing or labelling,
- failure to provide data safety card,
- failure to follow prohibitions or restrictions concerning placing on the market or using of dangerous substance or preparation.

The decision of the Inspection Authority is issued in administrative proceedings. An appeal filed against the decision has no suspensive effect.

There is also a general criminal provision stating that natural persons are criminally liable for manufacturing, import, export, transfer, purchase, sale, exchange, modification, use, or procuring highly risky chemical substances without permission. Such a person may be punished by imprisonment from one to five years, or up to life imprisonment, depending on circumstances, motif and consequences.

A natural person is also criminally liable for manufacturing, gaining for him/herself or for another person, or keeping article which is designated for illegal manufacturing of highly dangerous chemical substance. The punishment is from one to five years, or even up to 15 years of imprisonment, depending on consequences, motif and other circumstances.

Legal entities are not criminally liable in the Slovak Republic.