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# FINANCIAL LAW NEWS

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## DECREE IMPLEMENTING MINING ACT

(Decree of the Ministry of Economy and Construction of the Slovak Republic No. 325/2010 Coll., stipulating Details on the Committee Negotiation and the Procedure of the Committee at the Evaluation of the Proposals Submitted for the Selection Procedure for the Designation of Mining Area and for the Selection Procedure for Transfer of the Mining Area to Other Organization)

This Decree has been on the basis of empowering provision of the Mining Act and stipulates details regarding selection proceeding for the designation of the mining area and selection proceeding for the transfer of the mining area to other organization.

Pursuant to this Decree, at the selection proceeding for designation of the mining area/selection proceeding for transfer of the mining area to other organization a committee meets in session, the members of which elect the chairman of the committee and the minute keeper from the members of the committee.

Each member of the committee evaluates the proposals pursuant to criteria stated in the announcement on the commencement of the selection proceeding on a separate, so-called evaluation letter.

The committee shall designate the order of the proposals pursuant to evaluation letters of the committee members on an aggregate evaluation letter. The aggregate evaluation letter is attached with the report on results of the selection proceedings.

Specimens of evaluation letter of the committee member and aggregate evaluation letter are enclosed to the Decree.

This Decree became effective on 1 August 2010.

## DECREE ON HANDLING WITH ELECTRIC FACILITIES AND ELECTRIC WASTE

(Decree of the Ministry of Environment of the Slovak Republic No. 315/2010 Coll. on Handling with Electric Facilities and Electric Waste)

This Decree has been issued on the basis of the empowering provision of the Act on Waste and stipulates details on handling with electric facilities and electric waste.

This Decree governs details on the designation of the electric facility brought to the market by a graphic symbol, as well as details on the separation of the electric waste for the purpose of separate collection and storage before its processing, details on storage including temporary storage, as well as details on technical requirements for processing of the electric waste.

The Decree simultaneously governs the geographical areas determined for the purpose of securing of the accessibility of the facilities for collection of electric waste, details on recording duty and notification duty of the electric facilities producer and electric waste processor, as well as the highest admissible concentration values and permitted use of lead, mercury, cadmium, polybrominated biphenyls, polybrominated diphenyl ethers and hexavalent chromium.

The Decree also governs details on the amount of the rate, warranty calculation method and warranty return method at the individual fulfilment of the duties of the electric facilities producer.

The Decree further stipulates the data registered with the register of electric facilities producers and register of collective organizations that are kept in electric form and are publicly accessible.

The Decree also governs in its attachment the list of facilities pursuant to categories to which the eighth part of the Act on Waste applies.

This Decree became effective on 15 July 2010.

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### DECREE FOR IMPLEMENTATION OF ACT ON AIR

(Decree of the Ministry of Environment of the Slovak Republic No. 314/2010 Coll. Stipulating the Content of the Emissions Decrease Program from the Stationary Sources of Air Pollution and Contents of Data and Method of Information of the Public)

This Decree has been issued on the basis of empowering provision of the Act on Air.

This Decree stipulates the content of the emissions decrease program of the operator of the stationary sources of air pollution. This program shall contain especially the essential identification data of the operator of the stationary sources of air pollution, categorization of the stationary source and its location, year of commencement of production and production capacity of the stationary source, as well as technical-technological data.

It also contains the evaluation of the effect of the stationary source to the level of air pollution in its surroundings before the implementation of the program and after implementation of the program, the procedure by which the operation of the stationary source shall be harmonized with the requirements of the valid legislation regarding the air protection, as well as measures resulting from the above-stated procedure and its effect on the air quality.

If some part of the program forms a trade secret of the operator of the major/medium source of air pollution, such operator will announce this fact to the competent district environmental office.

Further, pursuant to this Decree the operator of the major and medium air pollution source that will elaborate or update the program will inform public on air pollution and on the upcoming and performed measures for the limitation of air pollution and shall publish the parts of the program on its website by a usual way.

This Decree becomes valid on 15 July 2010.

### EDICT ON STANDARDS FOR PUBLIC ADMINISTRATION INFORMATION SYSTEMS

(Edict of the Ministry of Finance of the Slovak Republic No. 312/2010 Coll. on Standards for Public Administration Information Systems)

This Edict has been issued on the basis of empowering provision of the Act on Public Administration Information Systems.

This Edict stipulates the technical standards related to hardware, network infrastructure and software resources, and standards for interconnection, namely standards for access to electronic services, standards for web services and standards for data integration.

This Edict also governs the standards of accessibility and functionality of web sites related to the application software according to the Act, standards of files using related to formats of data exchange, terminology standards of electronic services related to network infrastructure, safety standards relating to hardware, network infrastructure, software and data.

The Edict also governs data standards relating to the data, registers and codebooks, standards of public administration electronic services relating to data, registers, codebooks and application software according to the Act, standards of project management relating to the procedures and conditions associated with creating and development of public administration information systems.

This Edict became effective on 15 July 2010 with exception of several provisions which shall become effective on 15 July 2011 and with exception of Section 18(d), which becomes effective on 15 July 2012.

### DECISION OF PRESIDENT ON ANNOUNCEMENT OF REFERENDUM

(Decision of the President of the Slovak Republic No. 311/2010 Coll. on Announcement of Referendum)

This referendum has been announced on the basis of citizens' petition.

Referendum will pursuant to this decision

take place on 18 September 2010 and the entitled citizens will decide via this referendum on the following questions:

1. Do you agree that the National Council of the Slovak Republic (i.e. Slovak Parliament) by the act abolishes the obligation of individuals and legal entities to pay compensation for service provided to public by Slovak Television and Slovak Radio?
2. Do you agree that the National Council of the Slovak Republic by act extends the possibility to hear the acting of the member of the National Council of the Slovak Republic as small offence for all small offences under the Small Offences Act?
3. Do you agree that the National Council of Slovak Republic by constitutional act reduces the number of members of the National Council of the Slovak Republic to 100 with effect from the next election period?
4. Do you agree that the National Council of the Slovak Republic Act by act stipulates that public authorities may procure personal motor vehicles with acquisition price of maximum EUR 40,000?
5. Do you agree that the National Council of the Slovak Republic establishes the possibility to elect the members of the National Council of the Slovak Republic and Members of European Parliament via the internet?
6. Do you agree that the National Council of the Slovak Republic by act excludes persons performing public authority from application of the right for reply according to the Press Act?

#### **REGULATION OF GOVERNMENT IMPLEMENTING LABOUR CODE**

(Regulation of the Government of the Slovak Republic No. 309/2010 Coll. amending Regulation of the Government of the Slovak Republic No. 286/2004 Coll. stipulating List of Works and Workplaces Prohibited to Teen Employees and stipulating Several Duties to Employers at Employing Teen Employees)

This Regulation has been issued on the basis of the empowering provision of the Labour Code, whereby it amends Regulation of the Government of the Slovak Republic No. 286/2004 Coll., stipulating the

list of work and workplaces which are prohibited for teen employees, and stipulating several duties to employers at employing teen employees, as amended.

By virtue of this regulation are in the list of works and workplaces prohibited for teen employees expressly enlisted the works and workplaces in the process of taking care of the breeding bull, breeding boar, breeding ram, breeding billygoat, other wild animal or poisonous animal at which there is a direct contact with such animal.

By virtue of this regulation is to the Slovak law implemented the Directive of the Council No. 94/33/EC of 22 June 1994 on protection of young people at work.

This Regulation becomes effective on 1 September 2010.

#### **Other significant legal regulations published in the Collection of Laws in the month of July 2010 are as follows:**

- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 331/2010 Coll. on Acceptance of the European Agreement on International Transport of Hazardous Goods on Inland Waterways (ADN),
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 330/2010 Coll. on Conclusion of Treaty on Abolition of Visa Obligation for the Holders of Diplomatic Passports and Service Passports between the Government of the Slovak Republic and the Government of the Republic of Indonesia,
- Announcement of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No. 329/2010 Coll. on Deposition of the Collective Agreement of Higher Degree and Amendment to the Collective Agreement of Higher Degree,
- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 326/2010 Coll. on Conclusion of Treaty between the Government of the Slovak Republic and the Republic of Macedonia on the Police Cooperation at the Fight Against Criminality,

- Announcement of the Ministry of Foreign Affairs of the Slovak Republic No. 324/2010 Coll. on the Conclusion of Memorandum of Understanding between the Government of the Slovak Republic and the Government of Italian Republic on Agreements Governing the Bilateral Slovak-Italian Relationships,
- Decree of the Statistical Office of the Slovak Republic No. 323/2010 Coll. issuing the Statistic Classification of Constructions,
- Regulation of the Government of the Slovak Republic No. 322/2010 Coll. on System of Identification and Monitoring of the Explosives for Civil Use,
- Regulation of the Government of the Slovak Republic No. 321/2010 Coll. amending and supplementing the Regulation of the Government of the Slovak Republic No. 329/2007 Coll. issuing the List of Active Substances Compliant for the Insertion to the Biocide Products, as amended,
- Regulation of the Government of the Slovak Republic No. 320/2010 Coll. governing the Activities of the Testing Workplaces Activities of the Inspectors Performing the Inspections, Audit and Control of the Observance of Principles of Good Laboratory Practice,
- Decree of the Ministry of Environment of the Slovak Republic No. 313/2010 Coll. stipulating the Details on the Preliminary Assessment of the Floods Risk and its Re-assessment and Updating,
- Regulation of the Government of the Slovak Republic No. 310/2010 Coll. amending the Regulation of the Government of the Slovak Republic No. 272/2004 stipulating the List of Works and Workplaces Prohibited to Pregnant Women, Mothers till the End of Ninth Month after the Labour and for Breastfeeding Women, List of Works and Workplaces with Special Risk for Pregnant Women, Mothers till the End of Ninth Month after the Labour and for Breastfeeding Women and Stipulating Several Duties of the Employers Employing these Women,
- Announcement of the Ministry of Health of the Slovak Republic No. 308/2010 Coll. on issuance of Measure amending the Measure of the Ministry of Health of the Slovak Republic dated 30 December 2003 No. 07045/2003 stipulating the Scope of Price Regulation in the Field of Healthcare, as amended,
- Announcement of the Ministry of Health of the Slovak Republic No. 307/2010 Coll. on issuance of Measure issuing the List of Active Substances and Medicaments Fully Reimbursed or Partially Reimbursed by Virtue of the Public Health Insurance,
- Announcement of the Ministry of Health of the Slovak Republic No. 306/2010 Coll. on issuance of Measure issuing the List of Dietetical Food Fully Reimbursed or Partially Reimbursed By Virtue of the Public Health Insurance,
- Announcement of the Ministry of Health of the Slovak Republic No. 305/2010 Coll. on issuance of Measure issuing the List of Medical Devices Fully Reimbursed or Partially Reimbursed By Virtue of the Public Health Insurance.

### JUDICIAL DECISIONS

In this part are stated quotations from opinions of selected judicial decisions and statements in civil, labour and business matters, which were recently published in From Court Practice journal (in Slovak: Zo súdnej praxe):

#### **PROTECTION OF PERSONALITY AND RIGHT TO PRIVACY; MONETARY COMPENSATION OF NON-PECUNIARY DAMAGE**

(Resolution of the Supreme Court of the Slovak Republic No. 3 Cdo 137/2008, published in the journal Zo súdnej praxe 3/2010, page 85)

Section 11 to 13 of the Civil Code

The right to privacy is the right of an individual to independently decide on its sole discretion, whether and to what extent to make available to others or to publish the facts of his/her life. The infringement of right to protection of privacy is not only in the event of an unauthorized acquisition of knowledge and information of individual's

privacy, but also in the event of dissemination of such knowledge and information.

The enumeration of grounds for granting of compensation in Section 13(2) of the Civil Code is only exemplificative; the law stipulates only a single condition for granting compensation for non-pecuniary damage, which is satisfied if the non-material satisfaction does not seem sufficient.

The breach of right to privacy is different from the cases of unauthorised encroachment of the right to honour, dignity and respect in society. Unauthorised encroachment of the right to dignity and honour has serious consequences if it

significantly decreased the dignity or respect of the individual in society. Unauthorised encroachment of the right to privacy can have the same effect (decrease of dignity and respect in the society to a substantive extent); the negative - defamation effect is not the only legally acceptable expression (the only legally relevant form of expression) of the seriousness of the injury caused to an individual to these protected rights.

In the case of unauthorised encroachment of the right to privacy no procedural obligation arises to the plaintiff to prove that the unauthorised encroachment had a defamation effect and caused the decrease of the respect and dignity in society.

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Advokátska kancelária Čechová & Partners

Združenie advokátov: JUDr. Katarína Čechová (evidenčné číslo v zozname advokátov vedenom Slovenskou advokátskou komorou: 0339/317 831 63) poverená vedením účtovníctva združenia pod IČ DPH SK1020333083, JUDr. Simona Haláková (5503/318 195 41), Mgr. Ing. Michaela Jurková (4286/307 989 57), Mgr. Tomáš Mareta (1601/318 172 11), Mgr. Tomáš Rybár (3988/307 967 76).

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