

KOŠICE DISTRICT OFFICE

ENVIRONMENTAL CARE DIVISION

Department of Nature Protection and Protection of Selected Environmental Elements

Komenského 52, 041 26 Košice

File number

OU-KE-OSZP3-2022 / 004738-004



Košice

24. 01. 2022

Decision

Statement

The Košice District Office of the Environmental Care Division (hereinafter referred to as the "District Office"), as the competent body of the state administration of waste management in accordance with Section 5 (1) of Act no. 525/2003 Coll. on the State Administration of Environmental Care and on the amendment to certain laws as amended, in connection with Section 108 (1)(m) of Act no. 79/2015 Coll. on Waste and on amendments to certain laws, as amended (hereinafter referred to as the "Waste Act"), acting in accordance with the relevant provisions of Act no. 71/1967 Coll. on Administrative Procedure (Administrative Procedure Code) as amended (hereinafter referred to as the "Administrative Procedure Code"),

c h a n g e s

the Decision of the District Office no. OU-KE-OSZP3-2021 / 042122-006 of 30.11.2021, which granted consent for the operation of waste collection facilities, in accordance with the provisions of Section 114 (1)(a) of the second point of the Waste Act,

for the applicant:

BEP s.r.o. Toryská 3,040 11 Košice;
Organization ID: 36826677;

Operation: Waste collection facility Jarmočná IV.2953-5/A, Košice;

in the operative part as follows:

1. According to the Decree of the Ministry of the Environment of the Slovak Republic no. 365/2015 Coll., which establishes the Waste Catalog as amended by Decree no. 320/2017 Coll., add the following wastes to the "other" category to the list of wastes, in point no. 1, covered by the consent:

"20 01 36 - discarded electrical equipment other than the one specified in 20 01 21, 20 01 23 and 20 01 35".

Other terms of Decision no. OU-KE-OSZP3-2021 / 042122-006 of 30.11.2021, which granted consent for the operation of a waste collection facility, remain in force unchanged.

This Decision forms an integral part of Decision no. OU-KE-OSZP3-2021 / 042122-006 of 30.11.2021.

Recital

On 16.12.2021, the District Office received a request from BEP s.r.o., Toryská 3, Košice to change the Decision no. OU-KE-OSZP3-2021 / 042122-006 of 30.11.2021, which granted consent to the applicant to operate waste collection facility in the Waste collection facility Jarmočná IV.2953-5 / A, Košice. The requested change concerns the addition of a list of collected waste based on the requirements of operational practice.

On the day the application was delivered to the District Office, the administrative procedure was initiated pursuant to Section 18 of the Administrative Procedure Code in the present case.

The applicant processed the application within the scope of Section 22, subsections 1 and 4, of the Decree of the Ministry of the Environment of the Slovak Republic no. 371/2015 Coll., which implements some provisions of the Waste Act, as amended.

The following documents were submitted with the application:

- Applicant's identification data:
- List of treated waste by type; description of the method to ensure the collection of electrical waste and its transport for treatment.
- Copy of the Decision of the District Office no. OU-KE-OSZP3-2021/042122-006 of 30.11.2021.
- A copy of the measures to apply in the event of an accident during waste management, which are part of the facility operating rules dated 01.10.2021.
- A copy of the purchase contract no. 4/2019/PO with the company SAKER, s.r.o., Horný Hričov 298, Žilina, which is authorized to process electrical waste.

The District Office informed the parties of the procedure about initiating the administrative procedure by letter no. OU-KE-OSZP3-2021/047425-002 of 17.12.2021, in accordance with Section 18 of the Administrative Procedure Code and, given the knowledge of the operating conditions from previous inspections, the District Office abandoned the local investigation and oral hearing. At the same time, in accordance with the wording of Section 23 of the Administrative Procedure Code, the District Office allowed the parties to the administrative procedure to inspect the file, comment on the documents, or propose their amendment. No comments or objections were raised within the respective deadline.

By letter no. OU-KE-OSZP3-2022/004738-003 of 13.01.2022, the District Office extended an opportunity to the parties to the procedure to become familiar with the documents for the Decision before it was issued and to comment on them within 5 working days from the date of delivery of this notice, in accordance with Section 33 (2) of the Administrative Procedure Code. The parties did not comment on the grounds for the Decision.

Based on the review of the documents, the District Office found that the applicant had requested a change in the Decision granting consent to operate the waste collection facility because the facts that were crucial for granting the consent changed, thus fulfilling the legal conditions for changing the Decision laid out in the Section 114 (1) (a) of the second point of the Waste Act.

Based on the abovementioned facts and the submitted documents, the District Office reached the decision stated in the operative part of the Decision.

Applicant paid the respective administrative fee of € 4,0 by e-stamp in pursuance of item no. 162 (y) of the Tariff of administrative fees according to Act no. 145/1995 Coll. on administrative fees, as amended.

Guidance

An appeal may be lodged against this Decision in accordance with Section 53 and Section 54 of the Administrative Procedure Code, Košice District Office, Environmental Care Division, Komenského 52, 041 26 Košice, within 15 days from the date of delivery of this Decision. A timely appeal has a suspensive effect.

This Decision is subject to judicial review only after the ordinary appeal has been exhausted.

JUDr. Henrieta Halászová
Head of Division

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