



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,
the Secretary-General has the honour to communicate the following legislative text / texts*

SLOVAKIA

Communicated by the Government of Slovakia

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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*Note by the Secretariat: These documents are a direct reproduction of the text / texts communicated to the Secretariat.



Code of Criminal Procedure (Extracts)¹
[...]

CHAPTER THREE
GENERAL PROVISIONS CONCERNING PROCEDURES IN CRIMINAL
PROCEEDINGS

Section 53

/1/ Courts, prosecutors, investigators and police bodies shall, as a rule, perform individual procedures of criminal proceedings within their district under their own competence. As regards the procedures of criminal proceedings to be carried out outside of their district, they shall address a letters rogatory to a district court, prosecutor, investigator or police body in whose district the procedure is to be performed and, when applicable, to a military court or a military prosecutor; however, in urgent cases and if proper examination of the matter makes it absolutely necessary, they shall perform the procedure even outside of their district.

/2/ In performing individual procedures, the supreme court and a regional court may also address letters rogatory to the district court within whose jurisdiction the procedure is to be performed; to this effect, the supreme court may address letters rogatory also to a regional court.

/3/ Military courts and military prosecutors may carry out individual procedures of criminal proceedings also by means of addressing letters rogatory to the district court or district prosecutor in whose jurisdiction the procedure is to be performed.

Section 54

[...]

/1/ Letters rogatory shall include the data from the files that are necessary for the proper performance of the procedure. Whenever necessary, the requesting body shall enclose the files and point to those sections thereof that give the necessary information. Depending on the nature of the case and facts ascertained through the procedures concerned, the body that was addressed the request shall have the right and the duty to perform other procedures that could contribute to a rapid and proper hearing of the case, in particular to interrogate other persons and inquire about facts not specified in letters rogatory.

/2/ At the court addressed the letters rogatory, the procedures shall be carried out by a professional judge; he shall have the rights and duties of the presiding judge of a panel.

¹ Note by the Secretariat: other sections of this law were previously published as E/NL.2004/50.

301/2005 Coll.**ACT**
of 24 May 2005**amending THE CODE OF CRIMINAL PROCEDURE¹**

The National Council of the Slovak Republic has agreed to adopt the following Act:

Title Six**Interception, opening and swapping of the content of mail consignments, controlled delivery and pretended transfer*****Section 108******Interception of mail consignments***

(1) If the clarification of the facts relevant for criminal proceedings requires the identification of the content of as yet undelivered telegrams, letters or other consignments sent by or addressed to the accused, the post office or the legal person effecting their delivery shall be requested to surrender them on the order issued by the presiding judge; in pre-trial proceedings, such order shall be issued by the prosecutor or police officer with prior consent of the prosecutor.

(2) In criminal proceedings held in respect of serious crimes, corruption, abuse of power of public officials or legalisation of the proceeds of crime, the post office or the legal person effecting the delivery of consignments shall be ordered to surrender the consignment that may be reasonably suspected to have been used to commit a crime or of being related to a crime, if the clarification of the facts relevant for criminal proceedings requires the identification of its content; the order shall be issued by the presiding judge of a panel or, at the pre-trial stage, by the pre-trial judge on a motion from the prosecutor.

(3) In the absence of the order pursuant to paragraph 2, the delivery of the consignment may be suspended on the order of the prosecutor or police officer, but only where the order pursuant to paragraph 2 could not have been obtained in advance, or where the matter bears no delay. If, within three days, the post office or the legal person effecting the delivery of the consignment do not receive the order to surrender the consignment from the presiding judge of a panel or from the pre-trial judge in pre-trial proceedings, the post office or the legal person may not continue suspending the delivery of the consignment. Letter consignments or other carriers of information between the counsel and the accused may not be intercepted.

(4) The order to surrender consignments pursuant to paragraphs 1 or 2 shall have to be issued in writing and shall always be served on the post office or the legal person effecting their delivery. The order to surrender consignments pursuant to paragraph 2 shall have to be supported by a justification.

Section 109***Opening of consignments***

(1) Mail consignments surrendered under Section 108 paragraphs 1 or 2 may be opened only by the presiding judge of a panel or, in pre-trial proceedings, by the prosecutor or police officer with prior consent of the pre-trial judge.

(2) The opened mail consignment shall be delivered to the addressee together with a note stating that it has been opened or, if the addressee cannot be located, to one of his close persons; otherwise it shall be returned to the sender. If, however, the consignment is deemed to be important for criminal proceedings or if there is a reason to believe that its delivery or return could hinder or

¹ Note by the Secretariat: see also E/NL.2004/50 and E/NL.2007/22 (code of criminal procedure).

seriously prejudice criminal proceedings, the consignment shall be attached to the file if its size and character allow; otherwise it shall be placed in safekeeping. The addressee shall be notified of the content of the consignment, unless such notification could hinder criminal proceedings. If the addressee cannot be located and there are no other impediments, one of the addressee's close persons shall be notified of the content of the consignment, or the consignment shall be destroyed unless it is necessary for further proceedings and cannot be returned.

(3) If the consignment contains one of the items referred to in Section 110, it shall be treated in accordance with specific legislation.

(4) If it is not deemed necessary to open the consignment, the consignment shall be handed over to the addressee without delay or shall be returned to the post office or the organisation that surrendered it.

Section 110 ***Swapping the content of consignments***

(1) In order to identify persons involved in the handling of consignments containing narcotic drugs, psychotropic substances, poisons, nuclear or similar radioactive materials, high-risk chemicals, forged or altered money, forged or altered securities, forged, altered or illicitly manufactured duty postage stamps, stickers and postmarks, firearms or mass effect weapons, ammunition, explosives, cultural heritage items, other items requiring special permit, items designed to be used in the commission of a crime or obtained through a crime, the presiding judge of a panel may order that the content of such consignments, surrendered pursuant to Section 108 paragraphs 1 or 2, be swapped and replaced and that the consignments thus altered be released for further delivery; prior to the commencement of prosecution or in pre-trial proceedings, such order shall be issued by the prosecutor or the police officer with prior consent of the prosecutor.

(2) The swapping shall be performed by the body authorised by

(a) the Minister of Interior of the Slovak Republic in case of the Police Force,

(b) the Minister of Justice of the Slovak Republic in case of the Corps of Prison and Court Guard,

(c) the Minister of Finance of the Slovak Republic in case of customs authorities,

(d) the Minister of Defence of the Slovak Republic in case of Military Police,

(e) the Minister of Transport, Post and Telecommunications of the Slovak Republic in case of the Railway Police.

(3) The body referred to in paragraph 2 shall produce a protocol on the swap, secure its insertion in the file, and ensure the safekeeping of swapped items or materials. Swapped items shall be treated as seized items.

(4) The treatment of items obtained by swapping the content of consignments shall be governed, as appropriate, by the provisions of Section 109.

(5) It shall be possible to use, as appropriate, the means for recording the procedure pursuant to paragraph 1.

Section 111 ***Controlled delivery***

(1) Controlled delivery means the surveillance of movements of a consignment from consignor to consignee during its import, export or transit, if the circumstances of the case warrant the assumption that the consignment contains without authorisation narcotic drugs, psychotropic substances, poisons, precursors, nuclear or other similar radioactive materials, high-risk chemicals, forged or altered money, forged or altered securities, falsified, forged, altered or illicitly manufactured duty stamps, postage stamps, stickers or postmarks, electronic means of payment or other payment cards or other items fulfilling such function, firearms or mass effect weapons, ammunition or explosives, cultural heritage items or other items requiring special permits, or things that are to be used to commit a crime, or things obtained through a crime, with a view to identifying the persons who have a connection to the consignment.

(2) The order to use the procedure pursuant to paragraph 1 shall be issued by the presiding judge of a panel; before the commencement of prosecution or in pre-trial proceedings, the order shall be issued by the prosecutor.

(3) Surveillance of a delivery shall be performed by the Police Force acting in conjunction with customs authorities, which must be notified in advance of the use of this procedure.

(4) In the absence of the order pursuant to paragraph 2, the Police Force may initiate surveillance of a consignment only when the matter bears no delay and it has not been possible to obtain a prior order. The Police Force shall immediately notify the prosecutor of such fact. Where the prosecutor fails to issue an order pursuant to paragraph 2 within 48 hours, surveillance of a consignment shall have to be discontinued. In such case, information obtained through surveillance may not be used in further proceedings and shall have to be immediately destroyed in the prescribed manner.

(5) During surveillance of a consignment, the Police Force may use such measures as are necessary to ensure the movement of the consignment or items replacing it from the territory of the Slovak Republic to a another country or from another country to a third country, transiting through the territory of the Slovak Republic.

(6) The Police Force shall discontinue surveillance of a consignment on a written order from the prosecutor or if it is evident that the handling of the consignment creates a serious risk to health or life, or the risk of damage to property, or if there is a serious reason to believe that further surveillance of the consignment, including without a written order, will not be possible. Where appropriate, and concurrently with discontinuing surveillance of the consignment, the Police Force shall take the steps needed to release the items contained in the consignment; this shall not apply if the consignment under surveillance crosses national borders and its surveillance is taken over by the competent body of another state in the framework of international cooperation.

(7) It shall be possible to use, as appropriate, the means for recording the procedure pursuant to paragraph 1.

Section 112 Pretended transfer

(1) Pretended transfer means simulating the purchase, sale or other method of transferring the object of the transaction whose possession requires a special permit or is prohibited, or which was obtained through a crime or is intended to commit a crime. Pretended transfer may be employed in criminal proceedings held in respect of an intentional criminal offence for which the law prescribes imprisonment for a maximum period of more than three years, corruption or other intentional act which constitutes a crime under an international treaty, if there are reasonable grounds to believe that it will help reveal facts relevant for criminal proceedings.(2) The order to carry out a pretended transfer shall be issued in writing by the presiding judge of a panel; before the commencement of prosecution or in pre-trial proceedings, it shall be issued by the prosecutor.(3) Pretended transfer shall be carried out by the body referred to in Section 110 paragraph 2.

(4) The order to carry out a pretended transfer may be issued only upon a written request from the police officer or the body referred to in paragraph 3. The request must be justified by the suspicion of concrete criminal activity and, where available, by the data on persons and things affected by the pretended transfer.(5) In the absence of the order pursuant to paragraph 2, pretended transfer may take place only where the matter bears no delay and a prior written order could not have been obtained; however, the body referred to in paragraph 3 is obliged to request the order without delay. If the order is not issued within 48 hours, the body referred to in paragraph 3 must terminate the pretended transfer. No information obtained through the aforesaid procedure may be used and any such information must be immediately destroyed.

(6) The procedure that must be applied if the record on the pretended transfer is to be used as evidence is set out in Section 115 paragraph 6.(7) It shall be possible to use, as appropriate, the means for recording the procedure pursuant to paragraph 1.

Section 115 Interception and recording of telecommunications traffic

(1) In the criminal proceedings held in respect of a serious crime, corruption, abuse of power of a public official, legalisation of the proceeds of crime or intentional criminal offence that constitutes a crime under an international treaty, it is possible to issue an order to intercept and record telecommunications traffic if there are reasonable grounds to believe that this will reveal facts relevant for criminal proceedings. If the information obtained during the interception and recording of telecommunications traffic concerns communications between the accused and his counsel, it cannot be used for the purposes of criminal proceedings and must be destroyed without delay in a prescribed manner; this shall not apply to information related to a case in which the lawyer does not act as counsel for the accused.

(2) The order to intercept and record telecommunications traffic shall be issued by the presiding judge of a panel; before the commencement of prosecution or in pre-trial proceedings, it shall be issued by the pre-trial judge on a motion from the prosecutor. If the matter bears no delay and it has not been possible to obtain prior order by the pre-trial judge, the prosecutor shall have the power to issue such order before the commencement of prosecution or in pre-trial proceedings provided that the interception and recording of telecommunications traffic does not involve the entry into a dwelling; however, unless such order is endorsed by the pre-trial judge within 24 hours of its issuance, it becomes null and void and information obtained on its basis may not be used for the purposes of criminal proceedings and must be destroyed without delay in a prescribed manner.

(3) The order to intercept and record telecommunications traffic must be issued in writing and justified by factual circumstances, separately for each subscriber's station or device. The order must specify the subscriber's station or device and, where known, the identity of the person whose telecommunications are to be intercepted and recorded, as well as the duration of interception and recording of telecommunications traffic. The duration of interception and recording may not exceed six months. In pre-trial proceedings, the pre-trial judge may extend its duration on a motion from the prosecutor by another two months, even repeatedly. Interception and recording of telecommunications traffic shall be performed by the competent Police Force unit.

(4) The police officer or the competent Police Force unit shall have a duty to systematically verify whether the grounds for issuing the order to intercept and record telecommunications traffic continue to apply. If the grounds no longer apply, interception and recording of telecommunications traffic must be discontinued even before the expiry of the period referred to in paragraph 3. This fact shall be notified without delay to the issuer of the order to intercept and record telecommunications traffic; in pre-trial proceedings, it shall also be notified to the prosecutor.

(5) In the criminal proceedings held in respect of other intentional criminal offences than those set out in paragraph 1, the order to intercept and record telecommunications traffic may be issued by the presiding judge of a panel; prior to the commencement of prosecution or in pre-trial proceedings, it may be issued by the pre-trial judge on a motion from the prosecutor only with the consent of the user of the telecommunications equipment concerned.

(6) Where the recording of telecommunications traffic is to be used as evidence, it will have to be accompanied by its verbatim transcription, where feasible; the transcription shall be produced by the police officer who performed the interception, stating the place, time of and legal grounds for the interception. The transcription of the recording of telecommunications traffic, which is not of confidential nature, signed by the police officer that produced it, shall be inserted into the file; if the verbatim transcription of the recording of telecommunications traffic contains confidential data, it shall be treated pursuant to specific legislation. A recording of telecommunications traffic may be used as evidence only after the termination of interception and recording of telecommunications traffic. Where the circumstances of the case warrant it, the recording of telecommunications traffic may be presented to the court in pre-trial proceedings even without a transcription, provided that the accompanying report indicates the place, time of and legal grounds for interception and persons concerned by the recording of telecommunications traffic, and that the recording of telecommunications traffic is intelligible.

(7) The recording of telecommunications may be used in a different criminal matter than the one for which the interception and recording of telecommunications traffic had been ordered only if criminal proceedings held in that other matter concern a criminal offence referred to in paragraph 1.

(8) Should the interception and recording of telecommunications traffic fail to produce any facts relevant for criminal proceedings, the law enforcement body or the competent Police Force unit must destroy the recording without delay in a prescribed manner. The protocol on the destruction of the recording shall be inserted into the file. The destruction of the recording shall be notified to the person referred to in paragraph 3 who does not have the right to view the file under this Act by the body that issued the final decision on the matter or, in judicial proceedings, by the presiding judge of a panel of a first-instance court within three years from the termination of prosecution in the matter; this shall not apply to particularly serious crimes or crimes committed by organised groups, criminal groups or terrorist groups, or to crimes committed by several persons at least one of whom is still under prosecution, or if such notification could obstruct the purpose of criminal proceedings.

(9) The provisions of paragraphs 1 to 8 shall apply, as appropriate, to content data or operational data transmitted on-line by means of a computer system.

Section 116

(1) An order may be issued in criminal proceedings held in respect of an intentional criminal offence to identify and report the data on telecommunications traffic, which are subject to telecommunications secrecy or covered by personal data protection, if they are necessary for the clarification of the facts relevant for criminal proceedings.

(2) The order to identify and report data on telecommunications traffic shall be issued in writing by the presiding judge of a panel; before the commencement of prosecution or in pre-trial proceedings, such order shall be issued by the pre-trial judge on a motion from the prosecutor, which must be substantiated by factual circumstances; the order shall be served on the persons referred to in paragraph 3.

(3) Legal persons or natural persons that ensure telecommunications traffic shall surrender the data concerning the telecommunications traffic to the presiding judge of a panel or the prosecutor or police officer in pre-trial proceedings.

(4) The provisions of paragraphs 1 to 3 shall apply, as appropriate, to content data or operational data transmitted on-line by means of a computer system.

Section 117

Agent

(1) The perpetrators of serious crimes, corruption, abuse of power of public officials or legalisation of the proceeds of crime may be disclosed, identified and convicted with the help of an agent. The use of agents shall only be allowed if it would otherwise be much more difficult to discover, identify and convict the perpetrators of the aforesaid criminal offences and if the available knowledge warrants the assumption that such a criminal offence has been or is to be committed.

(2) The actions of an agent must be in conformity with the purpose of this Act and proportionate to the gravity of unlawful conduct whose perpetrator the agent helps to discover, identify or convict. The agent must not encourage the commission of a crime; this shall not apply to the corruption of public officials or foreign public officials where the available knowledge indicates that the perpetrator would commit the crime even if the order to use an agent were not issued.

(3) The agent operates under a temporary or a permanent legend or without a legend. The legend represents a summary of cover data of the agent, in particular data on his identity, family status, education and employment.

(4) Where the creation or maintenance of the legend makes it necessary, it shall be possible to issue, produce and use cover documents in conformity with the requirements set out in specific legislation.

(5) The order to use an agent shall be issued by the presiding judge of a panel; before the commencement of prosecution or during pre-trial proceedings, it shall be issued by the pre-trial judge on a motion from the prosecutor, which must be supported also by factual circumstances.

(6) If the matter bears no delay and unless the use of the agent includes the entry into a dwelling of another person, the order referred to in paragraph 5 may be issued prior to the commencement of

prosecution or in pre-trial proceedings by the prosecutor as a preliminary measure, including as an oral order. However, unless the order is endorsed by the pre-trial judge within 72 hours of its issuance, it shall become null and void. This shall not apply to the procedure pursuant to paragraph 2 where the order to use an agent may be issued only by the pre-trial judge.

(7) The order pursuant to paragraphs 5 and 6 shall have to be in writing and specify the duration of the agent's assignment. The time limit for the use of agents may not exceed six months. The presiding judge of a panel or the pre-trial judge acting on a motion from the prosecutor in pre-trial proceedings may extend this time limit by another two months, even repeatedly.

(8) Written materials obtained in connection with the use of agents shall be included into the file only after a prosecutor has made a motion in the indictment that the facts ascertained by the agent be used as evidence.

(9) When acting under a legend, agents may enter a home with the consent of an entitled person. Such consent, however, may not be obtained on the basis of pretending to have the right of entry.

(10) The true identity of agents acting under a legend shall have to remain secret even after the termination of their assignment. True identity of the agent shall be disclosed upon request to the prosecutor or the pre-trial judge having the decision-making competence pursuant to paragraphs 5 and 6, and to the presiding judge of a panel in judicial proceedings.

(11) In pre-trial proceedings, the prosecutor may conduct the examination of the agent concerning the facts relevant for criminal proceedings pursuant to Section 134 paragraph 1, as appropriate, taking care not to disclose his identity; the court may exceptionally examine the agent only pursuant to Section 134 paragraph 1, Section 136 and Section 262, as appropriate, taking care not to disclose his identity. The agent shall be summoned to the court hearing through the Police Force Presidium. The summons shall be served on the agent by a member of the Police Force assigned this task by the President of the Police Force. If the task of the agent is performed by a person other than a member of the Police Force or a police officer of another country who consents to the disclosure of his identity, his participation shall be governed by the provisions of Sections 127 to 134 about witnesses.

(12) The facts related to criminal offences that are not linked to the case to which the agent was assigned may be used as evidence in other proceedings only if such proceedings are held in respect of a serious crime, corruption, abuse of power of public official or legalisation of the proceeds of crime.

(13) The procedure pursuant to paragraph 1 may involve the use of the means of electronic surveillance. In such case, paragraph 8 shall apply as appropriate.

(14) The agent may also perform tasks on the territory of another state. The decisions on foreign assignments of agents shall be made, subject to previous consent by the competent authorities of the state on the territory of which the agent is to operate and based on an order issued pursuant to paragraph 5, by the president of the Police Force unless an international treaty provides otherwise. The same procedure shall be used in case of foreign nationals who are to operate as agents in the territory of the Slovak Republic.

300/2005 Coll.
ACT
of 20 May 2005
amending the Criminal Code¹

The National Council of the Slovak Republic has agreed to adopt the following Act:

Section 135
Possession of drugs for personal use

(1) Possession of narcotic drugs, psychotropic substances, poisons or precursors for personal use means unauthorised possession for personal use for any length of time of narcotic drugs, psychotropic substances, poisons or precursors whose quantity corresponds to no more than three single doses.

(2) Possession of a larger quantity of narcotic drugs, psychotropic substances, poisons or precursors for personal use means unauthorised possession for personal use for any length of time of narcotic drugs, psychotropic substances, poisons or precursors whose quantity corresponds to no more than ten single doses.

**Unauthorised manufacture, possession of and trafficking in narcotic drugs
and psychotropic substances, poisons and precursors**
Section 171

(1) Anyone who possesses without authorisation narcotic drugs, psychotropic substances, poisons or precursors for personal use shall be punishable by imprisonment for a term not exceeding three years.

(2) Anyone who possesses without authorisation a larger quantity of narcotic drugs, psychotropic substances, poisons or precursors for personal use shall be punishable by imprisonment for a term not exceeding five years.

Section 172

1) Anyone who without authorisation

- (a) manufactures,
- (b) imports, exports, transits or procures the transit of,
- (c) purchases, sells, exchanges, obtains or
- (d) possesses for any length of time

narcotic drugs, psychotropic substances, poisons or precursors, or who brokers these activities, shall be punishable by imprisonment for a term of four to ten years.

(2) The offender shall be punishable by imprisonment for a term of ten to fifteen years if he commits the offence referred to in paragraph 1

- (a) and had already been convicted of the same type of offence,
- (b) in respect of a person in drug treatment, or
- (c) by a serious breach of conduct,
- (d) against a protected person, or
- (e) at a larger scale.

(3) The offender shall be punishable by imprisonment for a term of fifteen to twenty years if he commits the offence referred to in paragraph 1

- (a) causing grievous bodily harm or death,
 - (b) against a person under fifteen years of age, or through the intermediary of such person,
- or

¹ Note by the Secretariat: see also E/NL.2004/49 amending the penal code.

(c) at a considerable scale.

(4) The offender shall be punishable by imprisonment for a term of twenty to twenty-five years or life imprisonment if he commits the offence referred to in paragraph 1

(a) causing grievous bodily harm to or death of more than one person,

(b) as a member of a dangerous grouping, or

(c) at a large scale.

Section 173

(1) Anyone who procures for himself or for another person or who possesses an object to be used for illicit manufacture of narcotics drugs, psychotropic substances, poisons or precursors, shall be punishable by imprisonment for a term of one to five years.

(2) The offender shall be punishable by imprisonment for a term of three to eight years if the offence referred to in paragraph 1 brings substantial gains for himself or for another person.

(3) The offender shall be punishable by imprisonment for a term of four to ten years if the offence referred to in paragraph 1 brings considerable gains for himself or for another person.

(4) The offender shall be punishable by imprisonment for a term of ten to fifteen years if the offence referred to in paragraph 1 brings large-scale gains for himself or for another person.

Section 174

Spreading addiction

(1) Anyone who incites another person to abuse addictive substances other than alcohol or who supports such habits, or who otherwise incites or spreads the abuse of such substances, shall be punishable by imprisonment for a term of one to five years.

(2) The offender shall be punishable by imprisonment for a term of three to eight years if he commits the offence referred to in paragraph 1

(a) against a protected person, or

(b) publicly.

Section 211

Endangering moral education of young people

(1) Anyone who, including through negligence, causes a person under eighteen years of age to face the risk of moral corruption by

(a) enticing such person to idle or immoral life,

(b) enabling such person to lead idle or immoral life,

(c) enabling such person to commit acts that constitute criminal offences under this Act,

(d) preventing that person's compulsory school attendance

shall be punishable by imprisonment for a term not exceeding two years.

(2) The same punishment as in paragraph 1 shall be imposed on anyone who employs, in contravention of generally binding legal regulations, a child under fifteen years of age, and prevents the child's compulsory school attendance.

(3) The offender shall be punishable by a term of imprisonment of between six months and five years if he commits the offence referred to in paragraphs 1 or 2

(a) by a serious breach of conduct, or

(b) for a special reason.

Legalisation of the proceeds of crime

Section 233

(1) Anyone who, with the intention to conceal income or other property obtained through crime, to disguise the criminal source of such income or items, to cover up their intended or actual use for

committing a crime, or to prevent their seizure for the purposes of criminal proceedings, their forfeiture or confiscation,

- (a) transfers the ownership title to such income or other property to himself or another person, lends, borrows, transfers in a bank or in a subsidiary of a foreign bank, imports, transits, brings, relocates, leases or otherwise procures for himself or for another person, or
- (b) possesses, keeps, conceals, uses, consumes, destroys, alters or damages such income or other property,

shall be punishable by imprisonment for a term of two to five years.

(2) The offender shall be punishable by imprisonment for a term of three to eight years if he commits the offence referred to in paragraph 1

- (a) for a special reason, or
- (b) thus obtaining larger gains for himself or for another person.

(3) The offender shall be punishable by imprisonment for a term of seven to twelve years if he commits the offence referred to in paragraph 1

- (a) as a public official,
- (b) thus obtaining considerable gains, or
- (c) by a serious breach of conduct.

(4) The offender shall be punishable by imprisonment for a term of twelve to twenty years if he commits the offence referred to in paragraph 1

- (a) thus obtaining large-scale gains for himself or for another person,
- (b) in respect of items that represent the proceeds of trafficking in narcotic drugs, psychotropic substances, nuclear materials or high-risk chemicals, weapons or persons, or the proceeds of another particularly serious crime, or
- (c) as a member of a dangerous grouping.

Section 289

Endangerment under the influence of addictive substances

(1) Anyone who, while in a state of self-induced incapacity due to addictive substance abuse, performs employment or other activities whereby he could endanger human lives or health or cause considerable damage to property,

- (a) although he had been convicted of the same type of offence, or released after having completed his sentence imposed for the same type of offence during the last twenty-four months,
- (b) although he had been punished for a similar offence he committed under the influence of addictive substance during the last twenty-four months, or
- (c) has caused, including through negligence, bodily harm or greater damage to another person's property,

shall be punishable by imprisonment for a term not exceeding one year.

(2) The offender shall be punishable by imprisonment for a term of one to five years if, in a state of self-induced incapacity caused by addictive substance abuse, he performs activities or employment duties that could endanger human lives or health or cause considerable damage to property, and if his conduct under the influence of the addictive substance presents a particular danger, especially if he drives a means of public transportation.

Section 363

Drunkennes

(1) Anyone who, including through negligence, brings himself into a state of insanity by ingesting or using an addictive substance and commits an act that meets the elements of a criminal offence shall be punishable by imprisonment for a term of three to eight years; if, however, he commits an act that otherwise meets the elements of a criminal offence for which the law prescribes a less severe punishment, he shall receive such less severe punishment.

(2) The provisions of paragraph 1 and Section 23 shall not apply if the offender brought himself into a state of insanity with the intent to commit a criminal offence.

CHAPTER TEN
CRIMINAL OFFENCES AGAINST MILITARY PREPAREDNESS,
AGAINST CIVILIAN SERVICE, AGAINST SERVICE IN THE ARMED FORCES AND
AGAINST THE DEFENCE OF THE HOMELAND

Title One
Criminal offences against military preparedness

Section 379
Impeding the fitness for military service

- (1) Anyone who causes himself or another person to be permanently or temporarily unfit for military service or other duties relating to the defence of the homeland shall be punishable by imprisonment for a term of between six months and five years.
- (2) The offender shall be punishable by imprisonment for a term of three to ten years if he commits the offence referred to in paragraph 1 in a crisis situation.

Title Two
Criminal offences against military service obligation

Avoiding execution of service duties or performance of military service
Section 401

- (1) Anyone who attempts to avoid the execution of service duties by self-inflicted bodily harm, malingering, forging a deed, abusing an addictive substance or by other deceitful means shall be punishable by imprisonment for a term not exceeding one year.
- (2) The offender shall be punishable by imprisonment for a term not exceeding two years if he commits the offence referred to in paragraph 1 as a member of the armed forces deployed outside of the territory of the Slovak Republic.
- (3) The offender shall be punishable by imprisonment for a term of five to fifteen years if he commits the offence referred to in paragraph 1 in a crisis situation.

Section 402

- (1) Anyone who attempts to avoid the performance of military service or execution of military duties by self-inflicted bodily harm, malingering, forging a deed, abusing an addictive substance or by using other deceitful means, or who refuses to perform the military service or fulfil military duties shall be punishable by imprisonment for a term of between six months and five years.
- (2) The offender shall be punishable by imprisonment for a term of two to eight years if he commits the offence referred to in paragraph 1 as a member of the armed forces deployed outside of the territory of the Slovak Republic.
- (3) The offender shall be punishable by imprisonment for a term of five to fifteen years if he commits the offence referred to in paragraph 1 in a crisis situation.

Section 403

Anyone who, while on a duty shift, brings himself to a state that makes him completely or partly unfit to fulfil service duties by the intake of alcohol or other addictive substances, although he had been punished for a similar offence at least twice in the last twelve months shall be punishable by imprisonment for a term not exceeding one year.

Section 404

Anyone who causes himself to be unfit including through negligence to perform the service by ingesting alcohol or other addictive substance in a crisis situation shall be punishable by imprisonment for a term of one to five years.

331/2005 Coll.**ACT**
of 23 June 2005**on state administration bodies with competence for drug precursor matters, amending and supplementing certain other acts**

The National Council of the Slovak Republic has agreed to adopt the following Act:

Article I***Section 1***
Object of the Act

This Act lays down the scope of competence of state administration bodies for drug precursor matters,¹⁾ outlines the measures for supervising and monitoring the movements and handling of drug precursors, and imposes administrative sanctions and penalties for infringement of duties by operators.²⁾

Section 2***State administration bodies with competence for drug precursor matters***

State administration in drug precursor matters shall be exercised by

- (a) the State Institute for Drug Control (hereinafter referred to as the 'Institute'),³⁾
- (b) the Ministry of Economy of the Slovak Republic (hereinafter referred to as the 'Ministry of Economy'),
- (c) the Ministry of Interior of the Slovak Republic (hereinafter referred to as the 'Ministry of Interior'),
- (d) the Customs Directorate of the Slovak Republic (hereinafter referred to as the 'Customs Directorate'), customs offices and the Customs Crime Office.⁴⁾

Section 3***Scope of competence of the Institute***

(1) The Institute shall

- (a) control and assess the adequacy of material, spatial and staffing conditions for performing the activities of the type and scope specified in the application; control and assess administrative and technical measures aimed at preventing the use of scheduled substances in the illicit manufacture of narcotic drugs and psychotropic substances, introduced by operators who have applied for the authorisation for transactions involving scheduled substances⁵⁾ which they intend to place on the market⁶⁾, export⁷⁾, import⁸⁾, or for which they want to provide export or import brokerage⁹⁾,
- (b) grant licences, special licences, registrations or special registrations pursuant to specific legislation¹⁰⁾ on the basis of applications lodged by operators and of the findings from the controls pursuant to subparagraph a),
- (c) enter modifications of data in licences, special licences, registrations or special registrations, temporarily suspend the activities of operators, revoke licences, and decide on the termination of licences,
- (d) keep records of licence holders and registration holders,
- (e) control compliance with this Act and with specific legislation¹⁾ falling under its competence,
- (f) report and notify any irregularity to the Ministry of Economy with a proposal to impose a fine pursuant to Section 9,

- (g) provide, upon request, information on the fulfilment of its official duties under this Act to the Joint Unit of the Ministry of Interior and of the Customs Directorate (hereinafter referred to as the 'Joint Unit') set up in accordance with Section 5 paragraph 2.
- (2) The Institute shall perform its official duties referred to in paragraph 1 (b) and (c) pursuant to specific legislation.¹¹⁾
- (3) When granting special licences to operators who are providers of pharmaceutical care, the Institute shall take account of the documentation submitted in licence applications pursuant to specific legislation.¹²⁾
- (4) The Institute, besides serving the originals of its decisions on granting licences or special licences, or notices of registrations or special registrations on operators pursuant to paragraph 1 (b), or the originals of its decisions or notices about entering modifications pursuant to paragraph 1 (c), shall serve copies of its decisions and notices on the Joint Unit.

Section 4 ***Scope of competence of the Ministry of Economy***

- (1) The Ministry of Economy shall
- (a) issue, temporarily suspend or revoke export authorisations for the scheduled substances (hereinafter referred to as 'export authorisations'), and perform pre-export notifications pursuant to specific legislation,¹³⁾
 - (b) issue, temporarily suspend or revoke authorisations for importing the scheduled substances (hereinafter referred to as 'import authorisations') pursuant to specific legislation,¹⁴⁾
 - (c) oversee compliance with this Act and specific legislation 1) within the scope of its competence,
 - (d) impose fines under Section 9 on the basis of its own findings pursuant to subparagraph c) and act in the matters involving the imposition of fines based on notifications pursuant to Section 3 paragraph 1 (f) and Section 5 paragraph 1 (e),
 - (e) keep records of and evaluate notifications from operators¹⁵⁾ for the purpose of compiling summary reports pursuant to subparagraph (g), and inform state administration bodies about the results of evaluation of notifications concerning the scheduled substances pursuant to Sections 3 and 5; the Ministry of Economy shall notify the Institute of the operators who repeatedly fail to submit notifications, proposing the withdrawal of their authorisations
 - (f) keep records of
 - 1. exports and exporters of the scheduled substances to third countries and to Member States of the European Union (hereinafter referred to as the 'Member States') and imports and importers of the scheduled substances from third countries and from the Member States,
 - 2. operators handling the scheduled substances of category 1 or category 2, or exporting the scheduled substances of category 3 on the basis of the copies of licence or registration decisions issued by the Institute, within the scope of the data given in the licence or in the registration notice,
 - (g) draw up summary reports on international trade in scheduled substances and on placing scheduled substances on the market, and submit them to the European Commission (hereinafter referred to as the 'Commission') together with other data required provided for in specific legislation,¹⁶⁾
 - (h) collect specialised information about scheduled substances and provide them to competent state administration bodies,
 - (i) provide the Joint Unit with requested information related to the fulfilment of its duties under this Act,
 - (j) inform the Commission and the Member States about the scope of competence of state administration bodies pursuant to specific legislation.¹⁷⁾

(2) If the Ministry of Economy finds that an exporter has exceeded maximum quantity of scheduled substances of category 3 allowed in his export authorisation pursuant to specific legislation¹⁸⁾, it shall notify the Institute and the Joint Unit thereof.

(3) For the purpose of compiling summary reports for the Commission pursuant to paragraph 1 (g), the Statistical Office of the Slovak Republic shall provide the Ministry of Economy within 10 days of receiving its request the data concerning¹⁹⁾

(a) the export transaction, the country of destination, the trade between Member States, the Member State of dispatch or the Member State of destination,²⁰⁾ import transaction, and the country of origin of each scheduled substance, and

(b) every operator who carried out such import, export or trade transaction between the Member States.

(4) The scope, form and the timetable of notifications pursuant to paragraph 1 (e) shall be laid down in a generally binding legal provision to be issued by the Ministry of Economy.

Section 5

Scope of competence of the Ministry of Interior, the Customs Directorate, customs offices and the Customs Crime Office

(1) The Ministry of Interior and the Customs Directorate shall

(a) collect and evaluate all data about operators and other entities that handle scheduled substances with or without authorisation, and about all facts related to scheduled substances,

(b) verify and document the activities whereby operators infringe the provisions of this Act and of specific legislation,²¹⁾

(c) verify information provided by operators, state administration bodies referred to in Section 2 or other sources concerning scheduled and non-scheduled substances²²⁾,

(d) control compliance with the provisions of this Act and with specific legislation, 1)

(e) inform the Ministry of Economy of irregularities found during inspections, proposing penalties pursuant to Section 9,

(f) collect and evaluate information received from operators as provided for in specific legislation,²³⁾

(g) inform operators with whom they concluded agreements on voluntary cooperation about the guidelines developed by the Commission as provided for in specific legislation,²⁴⁾

(h) notify the Commission of seizures or forfeitures of scheduled substances, or of the suspension of placing on the market of scheduled substances in conformity with specific legislation.²⁵⁾

(2) The body in charge of coordinating and supporting the execution of the tasks set out in paragraph 1 shall be a Joint Unit for Drug Precursor Surveillance, set up by agreement of the Ministry of Interior and the Customs Directorate.

(3) Customs offices and the Customs Crime Office shall have the authority to

(a) control the handling of scheduled substances pursuant to specific legislation,²⁶⁾

1. including during their transport from the territory of the Slovak Republic to the territory of another Member State,²⁷⁾ where the final user of the transported scheduled substance is an operator authorised to acquire scheduled substances under legal regulations of the Member State to the territory of which scheduled substances are being transported, or during the transport of scheduled substances from the territory of another Member State to the territory of the Slovak Republic, where the final user of the scheduled substance is an authorised operator under this Act,

2. including controls of operators handling scheduled substances of category 1 who are not required to have a licence provided for in specific legislation,²⁸⁾ and of operators handling scheduled substances of category 2 who are not required to register pursuant to specific legislation,²⁹⁾

- (b) control compliance with specific legislation³⁰⁾ and with this Act in connection with imports and exports of scheduled substances; for this purpose, they may request information from persons handling scheduled substances; in case they identify an infringement of specific legislation³¹⁾ and of this Act, they shall propose that the Ministry of Economy impose a fine pursuant to Section 9,
- (c) suspend the transport of a scheduled substance in case of incomplete transport and shipping documents³¹⁾, and suspend all other activities of operators who are not required to hold a licence pursuant to specific legislation,²⁸⁾ for handling scheduled substances of category 1, and of operators who are not required to register pursuant to specific legislation for handling scheduled substances of category 2.²⁹⁾
- (4) If the documents required by the customs office or by the Customs Crime Office pursuant to specific legislation³²⁾ are not completed, the custom office or the Customs Crime Office shall propose that a fine be imposed on the operator concerned by the Ministry of Economy pursuant to Section 9.
- (5) Customs offices shall
- a) place scheduled substances under the export customs procedure,³³⁾ provided that
 1. the operator or the agent thereof submit, along with the customs declaration, the original of the export authorisation issued on the trade name of the operator or, in case of indirect representation, on the trade name of the represented person, which is valid as on the date of the receipt of customs declaration,
 2. the quantity of scheduled substances does not exceed the quantity specified in the export authorisation,
 - b) complete, as necessary, the data pursuant to specific legislation³⁴⁾ or other necessary data relevant for placing the scheduled substances under the export customs procedure,
 - c) prohibit the placement of scheduled substances under the proposed customs procedure pursuant to specific legislation,³⁵⁾
 - d) in case of seizure of a scheduled substances, notify the Joint Unit thereof.

Section 6

Cooperation between state administration bodies

- (1) State administration bodies referred to in Sections 3 to 5, including state administration bodies referred to in paragraph 3, shall exchange information about all facts related to the violation of the provisions of this Act and ensure the protection of these data from misuse.
- (2) State administration bodies referred to in Sections 3 to 5 shall cooperate with the Commission and with state administration bodies of the Member States pursuant to specific legislation.³⁶⁾
- (3) If the Ministry of Labour, Social Affairs and Family of the Slovak Republic and other state administration bodies involved in labour inspection pursuant to specific legislation,³⁷⁾ the Ministry of Defence of the Slovak Republic (hereinafter referred to as the 'Ministry of Defence'), the Ministry of Justice of the Slovak Republic, the Corps of Prison and Court Guard,³⁸⁾ the Ministry of Transport, Post and Telecommunications of the Slovak Republic,³²⁾ the Ministry of Agriculture of the Slovak Republic, or the Fire and Rescue Service carrying out their tasks pursuant to specific legislation³⁹⁾ find any irregularities in the handling of scheduled substances, they shall immediately notify them to the Ministry of Economy, the Institute and the Joint Unit. This shall be without prejudice to the powers of control bodies referred to in Section 7.
- (4) When the state administration bodies referred to in paragraph 3 and in Section 2 performing the activities under this Act establish or suspect that the scheduled substances have been used in the illicit manufacture of narcotic drugs and psychotropic substances, they shall notify the law enforcement bodies and shall send an equal copy of the notice also to the Joint Unit.

Section 7

Control activities

- (1) Within the scope of their competence, state administration bodies referred to in Section 2 shall control compliance with the provisions of this Act and with the duties of operators pursuant to specific legislation,¹⁾ as well as compliance with their decisions and measures, and shall issue binding measures for rectifying the irregularities.
- (2) The authorities performing control activities shall be governed by specific legislation,⁴⁰⁾ unless this Act provides otherwise.
- (3) The employees of the authorities performing control activities shall have the following control powers:
- a) to use technical means necessary for the documentation of inspected structures,
 - b) to collect samples of scheduled substances, mixtures or preparations containing scheduled substances as follows:
 1. the first part of the sample, which cannot be divided without endangering the purpose of sampling, shall be collected by the employee of the authority performing control activities,
 2. the second part of the same type as the aforesaid sample shall be kept by the operator who is obliged to secure it against damage, and
 3. the third part which serves as a sample to be used in case of litigation shall be secured against damage by the employee of the state administration authority performing control activities in order to enable its use as the means of evidence for the court pursuant to Section 10 paragraph 2; the analysis of samples shall be performed by a specialised unit of the Ministry of Interior.
- (4) Employees of the authorities performing control activities shall have a duty to produce written protocols on taking the sample specifying the reasons for sampling and the size of the sample.
- (5) In the cases set out in specific legislation⁴¹⁾, the control authority may propose the Institute to order the suspension of the activities specified in the licence.
- (6) The employees of the authorities performing control activities may enter the premises of the Ministry of Interior, the Ministry of Defence, the Slovak Intelligence Service and the premises of remand detention and prison institutions only with prior consent of statutory bodies of these establishments.

Section 8

Sale of forfeited or seized scheduled substances and their disposal

- (1) Seized or forfeited scheduled substances⁴²⁾ may be sold to the operator or disposed of under the supervision of customs offices at the costs of the operator or of the entity from which the scheduled substance has been seized, or which possessed or owned the scheduled substance in conflict with this Act or specific legislation.¹⁾
- (2) The customs office may sell the scheduled substances of category 1 only to operators holding a licence,¹⁰⁾ and the scheduled substances of category 2 only to operators holding a registration.¹⁰⁾
- (3) Scheduled substances of category 1 may be disposed of only by an operator holding a licence.
- (4) Scheduled substances of category 2 exceeding the threshold quantities pursuant to specific legislation,⁴³⁾ may be disposed of only by the operator holding a registration.
- (5) Scheduled substances are disposed of as waste in conformity with specific legislation.⁴⁴⁾

Section 9

Penalties

- (1) The Ministry of Economy shall impose the operator a fine of
- (a) up to SKK 500,000.- for breaching the duties connected with keeping the documentation pursuant to specific legislation,⁴⁵⁾
 - (b) up to SKK 2,000,000.- for breaching the duties pursuant to specific legislation,⁴⁶⁾
 - (c) up to SKK 5,000,000.- for breaching the duties connected with the labelling of scheduled substances and with the provision of aggregate annual quantities of scheduled substances pursuant to specific legislation,⁴⁷⁾

- (d) up to SKK 10,000,000.- for repeated breach of duties pursuant to subparagraphs (a) to (c).
- (2) On the basis of notifications from the authorities performing control activities pursuant to Section 7 and of its own findings, the Ministry of Economy shall impose a fine on the operator who has failed to rectify the irregularities found by the authorities performing control activities; the amount of the fine shall correspond to the 1.5-multiple of the fine that may have been imposed pursuant to paragraph 1 (a) to (c).
- (3) When imposing fines pursuant to paragraphs 1 and 2, the Ministry of Economy shall consider the seriousness of the breach of duties and the scope of their detrimental consequences.
- (4) The fine may be imposed within one year of the date on which the Ministry of Economy gained knowledge of the breach of duty, but no later than within three years of the date on which the breach of duty occurred.
- (5) Income from the fines constitutes revenues for the state budget.

Section 10 ***Proceedings***

The proceedings in the matters falling under the scope of this Act shall be governed by general provisions on administrative procedure,³²⁾ unless this Act provides otherwise.

Section 11 ***Final provisions***

Where generally binding legal regulations⁴⁸⁾ use the term precursors in connection with narcotic drugs or psychotropic substances, it shall mean drug precursors pursuant to specific legislation.¹⁾

Section 12 ***Repealing provisions***

This Act repeals:

1. Act No. 219/2003 Coll. on handling chemicals that may be diverted for illicit manufacture of narcotic drugs or psychotropic substances amending Trade Licensing Act No. 455/1991 Coll. as amended,¹
2. Decree of the Ministry of Economy of the Slovak Republic No. 349/2003 Coll. implementing certain provisions of Act No. 219/2003 Coll. on handling chemical substances that may be diverted for illicit manufacture of narcotic drugs and psychotropic substances amending Trade Licensing Act No. 455/1991 Coll. as amended by Decree No. 101/2004 Coll. of the Ministry of Economy of the Slovak Republic.

Article II

Act No. 652/2004 Coll. on National Customs Authorities amending and supplementing certain other acts shall be supplemented as follows:

In Section 3 paragraph 1 (a), the text 'and in the internal market if so provided by specific legislation', 4(a) shall be inserted after the text 'with third countries'.

Footnote 4a shall read:

4a) For instance, Act No. 331/2005 Coll. on state administration bodies with competence for drug precursor matters and on amending and supplementing certain other acts, Council Regulation (EC) No. 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors of 22 December 2004 (OJ EU L 022 of 26.1.2005) and Regulation (EC) No. 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ EU L 047 of 18.2.2004).

¹ Note by the Secretariat: E/NL.2000/50 contains a previous amendment of Act No. 455/1991.

Article III

Road Transport Act No. 168/1996 Coll. of the National Council of the Slovak Republic as amended by Act No. 386/1996 Coll. of the National Council of the Slovak Republic, Act No. 58/1997 Coll., Act No. 340/2000 Coll., Act No. 416/2001 Coll., Act No. 506/2002 Coll., Act No. 534/2003 Coll. and Act No. 114/2004 Coll. shall be amended as follows:

Section 31 paragraph 3 shall read:

(3) Customs authorities in the territory of the Slovak Republic shall be authorised to verify whether the vehicles are equipped with the documents pursuant to this Act. Should they find any irregularities that shall prohibit further transport using the vehicle concerned until their rectification.

Article IV

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees as amended by Act No. 123/1996 Coll. of the National Council of the Slovak Republic, Act No. 224/1996 Coll. of the National Council of the Slovak Republic, Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll., Act No. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No. 118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll., Act No. 190/2003 Coll., Act No. 217/2003 Coll., Act No. 245/2003 Coll., Act No. 450/2003 Coll., Act No. 469/2003 Coll., Act No. 583/2003 Coll., Act No. 5/2004 Coll., Act No. 199/2004 Coll., Act No. 204/2004 Coll., Act No. 434/2004 Coll., Act No. 533/2004 Coll., Act No. 541/2004 Coll., Act No. 572/204 Coll., Act No. 578/2004 Coll., Act No. 581/2004 Coll., Act No. 633/2004 Coll., Act No. 653/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 5/2005 Coll., Act No. 8/2005 Coll., Act No. 15/2005 Coll., Act No. 93/2005 Coll., Act No. 171/2005 Coll. and Act No. 308/2005 Coll. shall be amendeded as follows:

1. In the annex, List of Administrative Fees, Part VIII Financial Administration and Trade Activities, item 151(a) and (b) shall read

(a) Issuance of the authorisation to handle narcotic drugs and psychotropic substances and the scheduled substances of category 1 and of the registration of operators handling scheduled substances of category 2 and category 3 SKK 1,000

(b) Modification of the authorisation or registration issued pursuant to (a) SKK 500

2. In the annex, List of Administrative Fees, Part VIII Financial Administration and Trade Activities, item 154(a) and (b) shall read

(g) Issuance of the authorisation to export scheduled substances or of the authorisation to import scheduled substances SKK 1,000

Article V

Trade Licensing Act No. 455/1991 Coll. as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act No. 132/1994 Coll. of the National Council of the Slovak Republic, Act No. 200/1995 Coll. of the National Council of the Slovak Republic, Act No. 216/1995 Coll. of the National Council of the Slovak Republic, Act No. 233/1995 Coll. of the National Council of the Slovak Republic, Act No. 123/1996 Coll. of the National Council of the Slovak Republic, Act No. 164/1996 Coll. of the National Council of the Slovak Republic, Act No. 222/1996 Coll. of the National Council of the Slovak Republic., Act No. 289/1996 Coll. of the National Council of the Slovak Republic, Act No. 290/1996 Coll. of the National Council of the Slovak Republic, Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No.

142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll. and Act No. 93/2005 Coll. shall be amendeded as follows:

In Section 3 paragraph 2 (j), the text ‘scheduled substances of group I, scheduled substances of group II, and export of scheduled substances of group III 22a)’ shall be replaced by the text ‘scheduled substances of category 1, scheduled substances of category 2, and export of scheduled substances of category 3’ 22a).

Footnote 22a shall read

22a) Act No. 331/2005 Coll. on State administration bodies with competence for drug precursor matters amendng and supplementng certain other acts.

Article VI

Act No. 140/1998 Coll. on Medicinal Products and Medical Devices amendng Trade Licensing Act No. 455/1991 Coll. as amendng and amendng and supplementng Advertisement Act No. 220/1996 Coll. of the National Council of the Slovak Republic as amendng by Act No. 104/1999 Coll., Act No. 264/1999 Coll., Act No. 370/1999 Coll., Act No. 119/2000 Coll., Act No. 147/2001 Coll., Act No. 416/2001 Coll., Act No. 488/2001 Coll., Act No. 553/2001 Coll., Act No. 216/2002 Coll., Act No. 457/2002 Coll., Act No. 256/2003 Coll., Act No. 9/2004 Coll., Act No. 434/2004 Coll., Act No. 578/2004 Coll. and Act No. 633/2004 Coll. shall be supplementng as follows:

1. In Section 58 paragraph 2, the text ‘and drug precursors’ shall be insertng after the text ‘pharmacy’ 19aa) .

Footnote 19aa shall read

19aa) Act No. 331/2005 Coll. on State administration bodies with competence for drug precursor matters amendng and supplementng certain other acts.

2. In Section 64 paragraph 1 (a), the text ‘and drug precursors’ shall be insertng after the text ‘pharmacy’.

Article VII

This Act shall enter into effect on 18 August 2005.

Ivan Gašparovič, in his own hand

Pavol Hrušovský, in his own hand

Mikuláš Dzurinda, in his own hand

[notes]

1) Council Regulation (EC) No. 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ EU L 022, 26.1.2005) and Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors (OJ EU L 047, 18.2.2004).

2) Article 2 (f) of Council Regulation (EC) No. 111/2005 and Article 2 (d) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.

3) Section 58 paragraph 1 (c) and paragraph 2 of Act No. 140/1998 Coll. on Medicinal Products and Medical Devices amendng Trade Licensing Act No. 455/1991 Coll. as amendng, and amendng and supplementng Advertisement Act No. 220/1996 Coll. of the National Council of the Slovak Republic as amendng by Act No. 9/2004 Coll.

4) Sections 8, 9 and 11 of Act No. 652/2004 Coll. on National Customs Authorities amendng and supplementng certain other acts.

- 5) Article 2 (a) of Council Regulation (EC) No. 111/2005 and Article 2 (a) of Regulation No. 273/2004 (EC) of the European Parliament and of the Council.
- 6) Article 2 (c) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.
- 7) Article 2 (d) of Council Regulation (EC) No. 111/2005.
- 8) Article 2 (c) of Council Regulation (EC) No. 111/2005.
- 9) Article 2 (e) of Council Regulation (EC) No. 111/2005.
- 10) Article 3 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Articles 6 to 8 of Council Regulation (EC) No. 111/2005.
- 11) Article 3 and Article 14 (a) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.
- 12) Sections 3 to 8 and Sections 34 to 38a of Act No. 140/1998 Coll. as amended.
Sections 4 to 10 of Act No. 139/1998 Coll. on Narcotic Drugs, Psychotropic Substances and Preparations as amended.
- 13) Articles 11 to 19 of Council Regulation (EC) No. 111/2005.
- 14) Articles 20 to 25 of Council Regulation (EC) No. 111/2005.
- 15) Article 8 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 9 of Council Regulation (EC) No. 111/2005.
- 16) Article 13 paragraph 1 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 32 of Council Regulation (EC) No. 111/2005.
- 17) Article 11 paragraph 1 of Regulation No. 273/2004 of the European Parliament and of the Council (EC) and Article 27 of Council Regulation (EC) No. 111/2005.
- 18) Article 7 paragraph 2 of Council Regulation (EC) No. 111/2005.
- 19) Section 30 paragraph 3 (a) Section 31 paragraph 1 (d) of Act No. 540/2001 Coll. on State Statistics as amended by Act No. 215/2004 Coll.
- 20) Regulation (EC) No. 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No. 3330/91 (OJ EU L 102, 7.4.2004).
- 21) The Penal Code.
- 22) Article 2 (b) of Council Regulation (EC) No. 111/2005 and Article 2 (b) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.
- 23) Article 9 paragraph 1 of Council Regulation (EC) No. 111/2005 and Article 8 paragraph 1 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.
- 24) Article 10 of Council Regulation (EC) No. 111/2005 and Article 9 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council.
- 25) Article 14 (f) of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 28 of Council Regulation (EC) No. 111/2005.
- 26) Article 26 paragraph 4 of Council Regulation (EC) No. 111/2005.
- 27) Section 2 (b) of Act No. 199/2004 Coll. – Customs Act – amending and supplementing certain other acts.
- 28) Article 6 paragraph 1 of Council Regulation (EC) No. 111/2005.
- 29) Article 7 paragraph 1 of Council Regulation (EC) No. 111/2005.
- 30) Council Regulation (EC) No. 111/2005.
- 31) Road Transport Act No. 168/1996 Coll. of the National Council of the Slovak Republic as amended.
Decree No. 64/1987 Coll. of the Minister of Foreign Affairs on the European Agreement concerning the International Carriage of Dangerous Goods by Road, commonly known as ADR.
Act of the National Council of the Slovak Republic No. 315/1996 Coll. on Road Traffic as amended.
Act of the National Council of the Slovak Republic No. 164/1996 Coll. on Railway Tracks and on amending Trade Licensing Act No. 455/1991 Coll. as amended.
Decree No. 8/1985 Coll. of the Minister of Foreign Affairs of the Czechoslovak Socialist Republic on the Convention concerning International Carriage by Rail (COTIF) as amended.
Civil Aviation Act 143/1998 Coll. amending and supplementing certain other acts as amended.
Act No. 338/2000 Coll. on Inland Navigation amending and supplementing certain other acts as amended by Act No. 580/2003 Coll.

Act No. 435/2000 Coll. on Maritime Transport as amended by Act No. 581/2003 Coll.

32) Act No. 71/1967 Coll. on Administrative Procedure (Code of Administrative Procedure) as amended.

33) Articles 161 and 162 of Council Regulation (EEC) No. 2913/1992 of 12 October 1992 establishing the Community Customs Code (OJ EC L 302, 19. 10.1992), current version.

34) Article 14 paragraph 1 of Council Regulation (EC) No. 111/2005.

35) Article 26 paragraph 1 of Council Regulation (EC) No. 111/2005.

36) Articles 11 and 16 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 27 of Council Regulation (EC) No. 111/2005.

37) Act No. 95/2000 Coll. on Labour Inspection amending and supplementing certain other acts as amended.

38) Section 18 of Act No. 4/2001 Coll. on the Corps of Prison and Court Guard as amended by Act No. 537/2004 Coll.

39) Section 7 of Act No. 315/2001 Coll. on Fire and Rescue Service as amended by Act No. 180/2004 Coll.

40) Act No. 10/1996 Coll. of the National Council of the Slovak Republic on Control in State Administration as amended.

41) Article 3 paragraph 4 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 6 paragraph 2 of Council Regulation (EC) No. 111/2005.

42) Sections 70 to 84 of Act No. 199/2004 Coll. as amended by Act No. 652/2004 Coll.

43) Annex II to Regulation (EC) No. 273/2004 of the European Parliament and of the Council.

Act No. 223/2001 Coll. on Waste amending and supplementing certain other acts as amended.

45) Articles 4 and 5 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Articles 3 and 4 of Council Regulation (EC) No. 111/2005.

46) Article 8 paragraph 1 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 9 paragraph 1 of Council Regulation (EC) No. 111/2005.

47) Article 7 and Article 8 paragraph 2 of Regulation (EC) No. 273/2004 of the European Parliament and of the Council and Article 5 and Article 9 paragraph 2 of Council Regulation (EC) No. 111/2005.

48) For instance, the Penal Code, the Code of Criminal Procedure and Trade Licensing Act No. 455/1991 as amended.