

133

ACT
of 15 May 2013**on construction products and on amendments of certain acts**

The National Council of the Slovak Republic has passed this Act:

Article I

Article 1

Subject-matter

(1) This Act regulates the

a) designation of a technical assessment body and notification of the procedures for its designation and monitoring its activities to the European Commission (hereinafter referred to as the 'Commission'), other Member States of the European Union and States which are parties to the Treaty on the European Economic Area¹⁾ (hereinafter referred to as a 'Member State') and

b) notification of the legal person (hereinafter referred to as a 'notified body') and communication of the procedure of notifying and monitoring its activities to the Commission and other Member States.²⁾

(2) This Act further provides

a) the conditions for placing and making available construction products³⁾ (hereinafter referred to as the 'product') on the market in the Slovak Republic (hereinafter referred to as the 'domestic market'),

b) for authorisation of the legal person (hereinafter referred to as an 'authorised body') for the technical assessment and the assessment and verification of constancy of the performance of the essential characteristics of the product declared by the manufacturer (hereinafter referred to as the 'assessment of performance'), to which separate legislation does not apply⁴⁾, and sets out the rights and obligations of authorised bodies,

c) for the rights and obligations of manufacturers,⁵⁾

d) the responsibilities of state administrative authorities.

Article 2

Placement of products on the domestic market

(1) Only products which fulfil the following may be placed on the domestic market:

a) the harmonised conditions in accordance with separate legislation⁶⁾, or

b) the conditions in accordance with this Act.

(2) The conditions set out in paragraph 1 need not to be fulfilled by products manufactured as follows

c) individually or processed in a non-serial manner according to the customer's individual requirements on the basis of a specific order in which the builder responsible for safe integration of the product into a construction work does so in accordance with the technical regulations and the manufacturer's instructions and under the responsibility of the construction manager and persons who did the work necessary for processing and integration of the product,

d) directly at the construction site for the purpose of their incorporation into a specific construction work in accordance with the manufacturer's technical specifications and instructions and under the responsibility of the construction manager and the people who did the work necessary for processing and integration of the product,

e) by traditional means using methods in accordance with the requirements of historical building conservation, or using production processes which are not industrial in nature, in particular for repairing buildings under historical conservation protection or buildings in a historical conservation zone, or due to the building's architectural or historical value, if its use is in accordance with the technical and safety regulations.

(3) If performance of the product are based on a harmonised standard or European Technical Assessment⁷⁾ then the Slovak technical standards⁸⁾ determined in accordance with Article 13 (1)(c) as suitable for assessing the product's essential characteristics (hereinafter referred to as the 'defined standard') may not be used for procedures in accordance with this Act, nor may technical assessments issued in accordance with Article 3 (hereinafter referred to as 'SK technical assessments') be used.

(4) If a product manufactured outside the Slovak Republic is placed on the domestic market, then it will be necessary to enclose a translation into the national language⁹⁾ with the instructions on product use, product safety instructions, information on the health and safety risks which the product presents in ordinary use, as well as a declaration of performance of the product under separate legislation.¹⁰⁾

¹⁾ Article 29 of Regulation (EU) of the European Parliament and Council No 305/2011 of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ EU L 88, 04.04.2011).

²⁾ Articles 4 through 6 of Regulation (EU) No 305/2011.

³⁾ Article 2 (1) of Regulation (EU) No 305/2011.

⁴⁾ Regulation (EU) No 305/2011.

⁵⁾ Article 2 (19) of Regulation (EU) No 305/2011.

⁶⁾ Articles 4 to 6 of Regulation (EU) No 305/2011.

⁷⁾ Article 2 (11) and (13) of Regulation (EU) No 305/2011.

⁸⁾ Article 5 (2) of Act No 264/1999 Coll. on technical requirements for products and on assessment of conformity and on amendments of certain acts.

⁹⁾ Articles 4 to 7 of Regulation (EU) No 305/2011.

¹⁰⁾ Article 7 (4) of Regulation (EU) No 305/2011.

Article 3 Technical assessment

(1) The technical assessment is a procedure for issuing an SK technical assessment, which shall be used if there is no harmonised standard, European Technical Assessment or defined standard for the product which the manufacturer intends to place on the domestic market.

(2) The Technical Assessment Documents shall contain

- a) an assessment of performance of the essential characteristics of the product declared by the manufacturer in terms of its effects on at least one basic requirement for construction¹¹⁾ and
- b) a positive assessment of performance of the product in relation to its essential characteristics that are relevant for its suitability for use in a construction work for intended purpose.

(3) Documented performance of the essential characteristics of the product in SK technical assessments is expressed in numerical form by levels, threshold values in classes or using their description. The SK technical assessment is issued in the national language.

(4) The manufacturer shall bear costs of the technical assessment.

Article 4 Assessment of performance

(1) The manufacturer must ensure the implementation of assessment of performance before placing a product on the domestic market.

(2) The assessment of performance shall verify the constancy of performance of the essential characteristics of the product declared by the manufacturer.

(3) The assessment of performance shall use procedures in accordance with the systems of assessment of performance which are established for individual families of products by implementing legislation issued in accordance with Article 13 (2) of this Act.

(4) The manufacturer shall bear costs of the assessment of performance.

Article 5 Simplified assessment of performance

(1) When determining the product-type, the manufacturer may replace type testing or type assessment with SK Specific Technical Documentation which demonstrates that

- a) the essential characteristics of the product achieve the determined level of performance or belong to the determined class of performance without the need for further testing or calculation, or
- b) the product corresponds to a type which has already been tested by another manufacturer and uses the test results obtained by that other manufacturer with his consent and with his vouching for their correctness.

(2) A manufacturer which is a micro-enterprise¹²⁾ may substitute the determination of the product-type based on type testing by the use of test methods which differ from the defined test methods pursuant to the defined standard if the use of the SK Specific Technical Documentation demonstrates that the test methods used were equivalent to the test methods indicated in the defined standard.

(3) The SK Specific Technical Documentation must demonstrate that the product has performance required for it to be considered as a product which achieves the level, class or threshold values under the defined standard.

Article 6 SK declaration of performance

(1) The manufacturer shall declare the performance of the essential characteristics of the product according to the basic requirements for construction works (hereinafter referred to as the 'SK declaration of performance'), if established by the implementing legislation issued in accordance with Article 13 (2), for products placed on the domestic market. The SK declaration of performance shall be compiled in the national language.

(2) The SK declaration of performance shall contain at least

- a) information about the manufacturer, including the business name, registered office and contact address, place of manufacture, company identification number (ID No), as well as the first name and surname of the authorised representative, if designated,
- b) the product-type, batch number, serial number, or other element or information making it possible to identify the product,
- c) the designation of the type and name of the defined standard used or SK technical assessment,
- d) information on the product's intended use in the construction work in accordance with the defined standard or SK technical assessment,
- e) the system(s) used to assess the performance of the product,
- f) information on the authorised body and on the SK certificates issued by this authorised body or on protocols on tests or calculations conducted in accordance with the system used to assess the performance of the product,
- g) information on the place of the technical assessment and designation of the SK technical assessment, if an SK technical assessment was used to assess the performance,
- h) the performance of the essential characteristics of the product declared by the manufacturer, expressed by a level, class or description,
- i) the first name, surname and position of the person authorised to sign the SK declaration of performance on behalf of the manufacturer, that person's signature and the manufacturer's stamp.

(3) If the product in question contains a chemical substance which is hazardous to health or the environment, then the manufacturer must attach to the SK declaration of performance a safety information card¹³⁾.

(4) The manufacturer shall provide the distributor or customer with the written SK declaration of performance when the product is first delivered.

¹¹⁾ Annex I to Regulation of the European Parliament and of the Council (EU) No 305/2011.

¹²⁾ Article 2 (27) of Regulation (EU) No 305/2011.

¹³⁾ Article 31 of, and Annex II to Regulation of the European Parliament and of the Council (EC) No 1907/2006 of 18 December 2006 concerning the registration, evaluation, authorisation and restriction of chemical substances (REACH), establishing the European Chemicals Agency, amending Directive 1999/45/EC and repealing the Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No 1488/94, as well as Council Directive 76/769/EHS and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ EU L 396, 30. 12. 2006).

(5) The product's instructions for use, the safety instructions and any information on health and safety risks which the product presents in ordinary use must be in the national language and must be enclosed with the product when made available on the domestic market.

Article 7

Certification

(1) Certification is a procedure for assessing the performance and verifying the conformity of factory production control. Certification is conducted by an authorised body in accordance with a defined standard or the SK technical assessment. The procedure results in the issue of the SK certificate.

(2) SK certificates in accordance with this Act are:

- a) certificate of constancy of the performance of the essential characteristics of the product (hereinafter referred to as the 'SK product certificate'), and
- b) certificate of conformity of the factory production control (hereinafter referred to as the 'SK certificate of the factory production control').

Article 8

Product-type and tests

(1) The tests for the purposes of assessment of performance are the product-type testing, planned testing and audit-testing. The test results shall be documented in protocols on tests and on calculations.

(2) The product-type¹⁴) shall be determined before the product is placed on the domestic market by means of a type test of product sample taken by the manufacturer, or on the basis of a type calculation, tabulated values or product descriptive documentation according to a defined standard or the SK technical assessment. The authorised body or manufacturer shall conduct the determination of the product-type for individual product groups within the scope set out in the implementing legislation issued in accordance with Article 13 (2).

(3) The performance of the essential characteristics of the manufactured product shall be compared with the performance of the product-type, which has been ascertained in accordance with paragraph 2, by means of audit-testing conducted at intervals set out in a defined standard or the SK technical assessment. The authorised body shall conduct or order audit-testing of samples of products which are being prepared to be made available on the domestic market.

(4) The performance of the essential characteristics of the product shall be compared to the performance ascertained using the type test by means of a planned test in accordance with the test plan prepared by the manufacturer. The manufacturer shall conduct or order the planned test on samples of products which are prepared to be made available on the domestic market.

(5) At the manufacturer's request, or if justified by technical, economic or logistical reasons, the authorised body may conduct product tests at the manufacturer's test laboratory or, with the manufacturer's consent, at the test laboratory of a third person and using that laboratory's testing equipment. Beforehand, the authorised body must verify the

the fulfilment of test method requirements, whether the testing equipment is validly calibrated and whether the quality of the test results is ensured.

Article 9

Taking of samples for test

(1) Product samples needed to conduct the test shall be taken using the methods and procedures according to a defined standard or the SK technical assessment.

(2) The product samples taken must represent the product prepared to be made available on the domestic market and must be marked to prevent their confusion with similar products from different places of manufacture or from different manufacturers. A sampling protocol shall be compiled on the sample taking process.

(3) The marking of the sample taken must contain at least the manufacturer's business name, designation of the place of manufacture and the date and time when the sample was taken. If the marking of the sample taken is encoded, then it must be possible to ascertain this information from the sampling protocol.

(4) If the samples are taken by the authorised body, then the sampling protocol shall contain at least

- a) information on the manufacturer within the scope set out in Article 6 (2)(a) and on the place of manufacture
- b) information on the place at which the samples were taken in production
- c) information on the quantity of identical products in storage or in the batch from which the sample was taken, if this information is important for conducting the test,
- d) information on the number of samples taken,
- e) identification of the product according to the defined standard or the SK technical assessment,
- f) the product marking made by its manufacturer,
- g) the marking of the sample made by the authorised body,
- h) a marking of essential characteristics of the product whose performance constitutes the subject of the test,
- i) the date on which the sample was taken,
- j) the names and surnames of the employees of both the authorised body and the manufacturer who are present during the sampling process as well as their signatures,
- k) the authorised body's registration number.

Article 10

Test protocol

(1) A test protocol shall be compiled on every product test. The test protocol shall contain at least the following:

- a) information on the manufacturer within the scope set out in Article 6 (2)(a) and information on the place of manufacture,
- b) information on the product tested and on the defined standard or SK technical assessment,
- c) information on the method, place and time of taking the product sample and information on the person who took the sample,
- d) the designation of the test laboratory and information on the people who tested the product,
- e) description of the method or procedure according to which the product test was conducted,

¹⁴) Article 2 (9) of Regulation (EU) No 305/2011.

- f) date and designation of the place where the product test was performed,
- g) the product test result and analysis of the product, if the test result is not sufficient,
- h) information on the date and place of the protocol's delivery to the person who applied for the product test,
- i) the registration number of the authorised body who conducted the product test,
- j) signature of the head of the test laboratory.

(2) If information from previous type tests is to be admitted, then the test protocol must contain all the necessary information pertaining to the identity of the samples tested and the testing methods used.

Article 11

Inspections

(1) Inspections for certification purposes include an initial inspection of the place of manufacture and factory production control (hereinafter referred to as the 'initial inspection') and continuous surveillance, assessment and assessment of factory production control (hereinafter referred to as 'continuous surveillance'). The initial inspection and continuous surveillance shall be conducted by the authorised body.

(2) The purpose of the initial inspection is to ascertain whether a factory production control has been introduced at all places of manufacture used by the manufacturer and whether the organisational, human resources and technical prerequisites for maintaining the quality of the product in the long term have been created in the manufacturer's organisation structure. During the initial inspection, the product and conditions of conducting internal control in relation with the production of the specific product, all variants thereof and product groups which are manufactured using the same technology shall be assessed prior to the start of production or after a major change in production technology.

(3) The purpose of continuous surveillance is to monitor during production whether the implemented factory production control is in accordance with the requirements of the defined standard or SK technical assessment and with this Act and whether the manufacturer has fulfilled the conditions imposed by the authorised body during the initial inspection or previous continuous surveillance.

(4) Planned continuous surveillance shall be conducted on the basis of a written report from initial inspection at dates according to a continuous surveillance plan compiled by the authorised body according to the defined standard or the SK technical assessment.

- (5) Unplanned continuous surveillance shall be conducted
- a) if the manufacturer's notifies a change in production technology or a change in the organisation of its internal production control,
 - b) in order to check the rectification of shortcomings detected by a previous continuous surveillance or inspection conducted by the state inspection authority (Article 19 (1)),
 - c) when resuming production after an interruption lasting longer than 12 months.

(6) The time between continuous surveillance inspections under paragraphs 4 and 5 may not be longer than 12 months.

(7) The manufacturer is obliged to inform the authorised body without delay about any changes to production technology, raw materials, semi-finished goods and

components used which affect or may affect the product's characteristics, as well as about any organisational and human resource changes which affect or may affect internal control.

Article 12

Factory production control

(1) Factory production control is the manufacturer's permanent organisation of internal control that ensures the conformity of the production process and the manufactured product with requirements of this Act regarding the constancy of performance of the product in relation to its essential characteristics in accordance with the defined standard or SK technical assessment.

(2) Factory production control encompasses

- (a) issue of operational regulations governing control procedures,

- (b) implementation of control procedures in accordance with the operational regulations,

- (c) recording of controls conducted and their results,

- (d) use of the results of controls and tests conducted to rectify detected discrepancies in the performance of the essential characteristics of the product from the requirements under the defined standard or the SK technical assessment and for modifying control procedures with the aim to eliminate the cause of these discrepancies.

(3) The control procedures shall encompass all or only some of the following activities, depending on the type and composition of the product, its production technology and the sensitivity of performance of the essential characteristics of the product to changes in production:

- a) description and control of the input raw materials, semi-finished goods, components or parts or ingredients thereof,
- b) inspection of the production equipment used in individual intermediate stages of production, in particular machine settings and furnishings.

(4) The manufacturer must organise the implementation of factory production control in such a manner that only products which have passed through all control procedures prescribed in the operational regulations leave production. If a product leaves production and is shipped before the manufacturer has ascertained all results of the control procedures, the manufacturer shall inform his consumer of the situation without delay.

(5) The manufacturer is obliged to compile reports on the results of implemented control procedures and monitor whether the product passed through all control procedures under the operational regulations. The reports must clearly indicate that the product has the performance in relation to its essential characteristics required by the defined standard or the SK technical assessment. Statistical methods shall be used preferably for evaluation of results of the control procedures.

(6) If control procedures in any phase or intermediate stage of production detect that a manufactured product does not have the performance of essential characteristics required by the defined standard or the SK technical assessment, then the manufacturer shall be obliged to make any effort to eliminate the causes of the detected discrepancy without delay. Once the discrepancy has been eliminated, the manufacturer shall repeat the control

procedures prescribed by the operational regulations. The manufacturer shall immediately exclude all products, which do not have the performance in terms of their essential characteristics under the defined standard or the SK technical assessment, from deliveries intended to be made available on the domestic market, mark them suitably and store them separately from other products until a decision on their use has been reached.

(7) The manufacturer is obliged to designate an employee to ensure the procedures of assessing the performance of the product in relation to its essential characteristics, to detect and record all cases of discrepancies from the defined standard and SK technical assessment and to establish measures for eliminating any discrepancies detected for each place of manufacture at which a product, part or ingredient thereof is manufactured and for each stage of production. The designated employee must have the necessary knowledge of factory production control and of production technology.

(8) The manufacturer is obliged to ensure that only equipment which is operational, verified and calibrated is used for the control procedures.¹⁵⁾ The manufacturer must have control, testing and measurement equipment and other required furnishings for the control procedures. If the manufacturer does not have such equipment or furnishings, he shall be obliged to have the control procedures conducted by another person who does have the necessary equipment and furnishings and employees capable of using them.

(9) The manufacturer is obliged to keep documentation of factory production control recording the product description, the date of production, the control procedure used, the results ascertained and the criteria of conformity of the performance of the essential characteristics of the product.

(10) The manufacturer is obliged to store the complete documentation on the product and its individual lots, including production details and information on the performance of the essential characteristics of the product, as well as records on the primary customers to whom the product or lot was shipped, during the whole period of production and for 10 years after its termination. The product and its lots must be clearly identifiable and details on their production must be traceable.

Article 13

Responsibilities of the Ministry of Transport, Construction and Regional Development of the Slovak Republic

(1) The Ministry of Transport, Construction and Regional Development of the Slovak Republic (hereinafter referred to as the 'Ministry')

a) cooperates with other central state administrative authorities in matters concerning harmonised technical specifications, European technical assessments, defined

standards and SK technical assessments and in the process of ensuring the uniform enforcement of statutory regulations on products,

- b) cooperates with the Office of Standards, Metrology and Testing of the Slovak Republic in proposing and creating Slovak technical standards relating to products and when ensuring the repeal of defined standards at the end of the period of their coexistence with the harmonised standards,
- c) determines which Slovak technical standards are defined standards, and repeals their determination as defined standards,
- d) ensures the Slovak Republic's international cooperation with the Standing Committee on Construction¹⁶⁾ and designates the Slovak Republic's representatives in European sector groups for construction, the organisation of technical assessment bodies¹⁷⁾ and the group of notified bodies,¹⁸⁾
- e) fulfils the tasks of the product contact point pursuant to separate legislation,¹⁹⁾
- f) is responsible for
 1. authorising legal entities and for changing and withdrawing authorisations,
 2. designation, monitoring, evaluating and abolition of the technical assessment body pursuant to separate legislation²⁰⁾ and for informing the Commission and Member States of procedures which it implements,
- g) is the notifying authority²¹⁾ and informs the Commission and Member States of the procedure of notifying the authorised body²²⁾ and notifies the Commission and Member States of the notified body,²³⁾
- h) is entitled to submit formal objections to harmonised standards and European Assessment Documents,²⁴⁾
- i) pays authorised bodies an annual remuneration for technical assessment, for the work of the organisation of technical assessment bodies and remuneration for the Slovak representative's participation in said organisation,
- j) publishes the following on its website:
 1. announcements on the award, change and withdrawal of authorisations,
 2. announcements on the issue and cancellation of European Assessment Documents and European technical assessments in the original language and in translation into the national language, as well as SK technical assessments in the national language,
 3. announcements of the coexistence period of defined standards and harmonised standards,
 4. a list of defined standards, which it shall also update,
 5. methodological guidelines concerning the activities of authorised bodies and manufacturers,

¹⁵⁾ Article 19 of Act No 142/2000 Coll. on metrology and amending certain acts, as amended by Act No 431/2004 Coll.

¹⁶⁾ Article 64 of Regulation (EU) No 305/2011.

¹⁷⁾ Article 31 of Regulation (EU) No 305/2011.

¹⁸⁾ Article 55 of Regulation (EU) No 305/2011.

¹⁹⁾ Articles 10 and 11 of Regulation of the European Parliament and of the Council (EC) No 764/2008 of 9 July 2008, laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ EU, L 218, 13. 8. 2008), Article 10 of Regulation (EU) No 305/2011.

²⁰⁾ Article 29 and 30 of Regulation (EU) No 305/2011.

²¹⁾ Article 40 of Regulation (EU) No 305/2011.

²²⁾ Article 42 of Regulation (EU) No 305/2011.

²³⁾ Article 39 of Regulation (EU) No 305/2011.

²⁴⁾ Article 18 and 25 of Regulation (EU) No 305/2011.

- 6. reports on measures issued in accordance with paragraph 3,
- 7. other information and data concerning technical specifications and activities of authorised bodies,
- k) issues, at the manufacturer's request, an opinion on the product's classification in the system of assessment of performance and on whether the product in question is a product, if there is any doubt on this matter in the activities of authorised bodies or during monitoring of the domestic market,
- l) provides, at the authorised body's request, an expert opinion regarding the method of application of statutory regulations, harmonised standards, European technical assessments, defined standards and SK technical assessments.

(2) The Ministry shall issue generally applicable legislation establishing a list of families of products to which the performance assessment, systems of assessment of performance and template of the SK declaration of performance apply.

(3) The Ministry issues measures which are used to define the essential characteristics for products made available on the domestic market whose performance must be declared by the manufacturer in the SK declaration of performance in accordance with the individual harmonised standards, European technical assessments or defined standards.

Authorisation

Article 14

(1) The Ministry may only authorise legal persons with a registered office in the Slovak Republic which

- a) employ the necessary number of employees with expert knowledge and sufficient experience to conduct performance assessments,
- b) have compiled a description of the procedures according to which the performance assessment is conducted and have ensured the transparency and reproducibility of those procedures,
- c) have introduced procedures which distinguish between the tasks of the authorised body and other activities,
- d) have the material means and human resources necessary for the expert and administrative tasks associated with the activities for which they are to be authorised, and have access to the necessary technical furnishings and measurement equipment,
- e) implement a management system ensuring the impartiality of the top management and the employees who conduct the performance assessment,
- f) have introduced a system of rewarding the top management and the employees conducting the tests and production control which is neither based on the number of tasks, nor on their results.

(2) The statutory body or a member of the statutory body of a legal entity under paragraph 1 must be of good repute. People who have been convicted for crimes of corruption, laundering the proceeds of crime, harming the financial interests of the European Community, unauthorised business activities or fraud are not deemed to be of good repute for the purposes of this Act. Good repute shall be demonstrated by means of an extract from the criminal record less than three months old.

(3) There is no legal entitlement to authorisation. The

composition so as to provide sufficient capacity for technical assessments and assessment of performance.

(4) During authorisation the Ministry may acknowledge decisions on accreditation²⁵⁾ or other findings which attest that the requirements for authorisation under paragraph 1 have been met.

(5) The Ministry may authorise a legal entity

- a) for product certification,
- b) for production control certification,
- c) as a test laboratory,
- d) for technical assessment.

(6) The legal entity may be authorised for all activities pursuant to paragraph 5, or only for some of them. A manufacturer may only be authorised as a test laboratory.

(7) An authorised body for product certification shall conduct the determination of the product-type, initial inspection, continuous surveillance and audit-testing in accordance with the relevant system of assessment of performance and issue SK product certificates.

(8) An authorised body for production control certification shall conduct the initial inspection and continuous surveillance in accordance with the relevant system of assessment of performance and issue the SK certificate of the factory production control.

(9) An authorised test laboratory conducts the determination of the product-type.

(10) An authorised body for technical assessment conducts technical assessments and issues SK technical assessments.

(11) Employees of an applicant for authorisation who will be participating in the activities for which the applicant requires authorisation must

- a) have sufficient knowledge of the activities which the authorised body will conduct, including applicable defined standards and the creation of certificates, lists and protocols under this Act,
- b) maintain the confidentiality of the data and information which they gain during their activities; this does not apply in relation to notified bodies and technical assessment bodies of other Member States.

(12) The authorised body may designate another person to perform a certain task in his name within the scope of his authorisation and with the manufacturer's consent. The test protocol and inspection report shall indicate which tasks were performed by a designated person.

(13) The authorised body is obliged to inform the Ministry without delay about changes to the technical basis and the requirements pursuant to paragraph 1 which are relevant for assessment of the capacity to conduct the activity as an authorised body. Based on this information, the Ministry shall decide on changing the decision on authorisation, if the change did not cause the authorised body to be organisationally or technically incapable.

(14) The authorised body is obliged to take out an insurance policy for liability for damages caused by the activities for which he is authorised as of the date of commencing activities, and is obliged to remain insured during the entire time those activities are performed.

²⁵⁾ Article 5 of Act No 505/2009 Coll. on the accreditation of conformity assessment bodies and on the amendment and supplementation of certain acts.

Article 15

(1) The Ministry shall authorise a legal person on the basis of an application. The application for authorisation shall contain

- a) information on the applicant, including the commercial name, company identification number, registered office and contact address,
- b) information on the statutory body or members of the statutory body of the applicant and responsible representative, if designated, including their first name, surname, titles, highest level of education achieved and previous experience in the field of product certification, factory production control certification, technical certification or technical assessment,
- c) information on the applicant's technical basis and equipment,
- d) the required scope of authorisation in accordance with Article 14 (5),
- e) the designation of the family of products for which the authorisation is being applied,
- f) information and documents demonstrating fulfilment of the requirements under Article 14 (1) and under (a) through (e).

(2) If the submitted application is complied with in full scope, the Ministry shall only mark the decision on authorisation in the file and issue the certification of authorisation to the applicant.

(3) The Ministry shall commence proceedings to withdraw the authorisation from its own initiative if it detects that any of the following circumstances has occurred, in spite of a warning from the state monitoring authority and the imposition of a fine:

- a) the authorised body has not been performing the activity for which it was authorised for more than 12 months,
- b) the authorised body is violating the procedures of performance assessment or using unverified or uncalibrated measurement equipment,
- c) the authorised body has lost the ability to impartially and objectively assess the performance of a product and its suitability for use in a construction work for the intended purpose due to a change in executive management or a change in the employees' qualification structure,
- d) the authorised body's technical basis and measurement equipment has become unusable.

(4) The deadline for the decision under paragraphs 1 and 3 is 90 days from the date on which the proceedings commenced.

Article 16

Notification

(1) A notified body is an authorised body about which the Ministry has informed the Commission and other Member States.

(2) The Ministry shall notify an authorised body who meets the requirements specified in paragraphs 3 through 5 and in separate legislation.²⁶⁾ These requirements must be met over the entire time the person is a notified body. If the

²⁶⁾ Article 43 of Regulation (EU) No 305/2011.

²⁷⁾ Article 47 of Regulation (EU) No 305/2011.

notified body has branches or subcontractors it is obliged to ensure that they also meet the requirements specified in paragraphs 3 through 5 and in separate legislation.²⁶⁾

(3) The Ministry may only notify an authorised body who is a member of a trade association or professional union of associated entrepreneurs engaged in the design, production, supply, assembly, use or maintenance of products whose performance he is authorised to assess if it is demonstrated in the notification procedure that the authorised body in question does not depend on bodies of the trade association or professional union when assessing the performance, that the authorised body in question is not a manufacturer, importer, distributor or authorised representative, nor connected personally or financially to a manufacturer, importer, distributor or authorised representative who is placing the product on the domestic market or the European Union internal market, or making it available on said markets, and that the authorised body in question is not in a conflict of interests, in particular by providing consulting services to a trade association, professional union, manufacturer, importer, distributor or authorised representative.

(4) The notified body, its top management and employees conducting the performance assessment may not be project engineers, manufacturers, suppliers, fitters, purchasers, owners, users or maintenance personnel of the products whose performance they are authorised to assess, nor may they be authorised representatives of any of the above; this does not apply in cases concerning the product's use within the scope of the authorised body's activity, or the product's use for the personal purposes of the top management and other employees.

(5) The notified body, its top management and employees performing tasks in the process of performance assessment may not be directly engaged in the design, production, construction execution, sale, assembly, use and maintenance of products whose performance they are authorised to assess, nor may they be authorised to represent people engaged in these activities or provide those people with consultation services.

(6) The Ministry shall conduct notification upon application from the authorised body. The application for notification shall contain

- a) information on the applicant, including the commercial name, company identification number, registered office and contact address,
- b) information on the statutory body or members of the statutory body of the applicant and on responsible representative, if designated, including their first names, surnames, titles, highest level of education achieved and previous experience in certification or testing,
- c) information on the applicant's technical basis and equipment,
- d) information and documents demonstrating fulfilment of the requirements under Articles 3 through 5 and under (a) through (c), and
- e) information pursuant to separate legislation.²⁷⁾

(7) The Ministry shall inform the Commission of the procedure for assessing the applicant for notification and of the notification of the authorised body and of the procedure of monitoring the notified bodies' activities in the process of performance assessment and of changes to those procedures caused by electronic tools developed and administered by

the Commission.

Article 17

Designation of the technical assessment body

(1) A technical assessment body is an authorised body for technical assessment whom the Ministry has notified the Commission and other Member States for one or more production fields in accordance with separate legislation.²⁸⁾

(2) The Ministry may designate an authorised body for technical assessment who meets the requirements specified in separate legislation²⁹⁾ as a technical assessment body. These requirements must be met over the entire time the person is a technical assessment body.

(3) The Ministry designates a technical assessment body on the basis of an application from an authorised body for technical assessment. The application for designation as a technical assessment body shall contain

- a) information on the applicant, including the commercial name, company identification number, registered office and contact address,
- b) information on the statutory body or members of the statutory body of the applicant and on responsible representative, if designated, including their first names, surnames, titles, highest level of education achieved and previous experience in technical assessment or technical certification,
- c) information on the applicant's technical basis and equipment,
- d) information and documents demonstrating fulfilment of the requirements under subparagraphs a) through c), and
- e) information on the fulfilment of the requirements in accordance with separate legislation.²⁹⁾

Article 18

State supervision

(1) The Ministry shall conduct state supervision of the activity of technical assessment bodies, notified bodies and authorised bodies. The Ministry

- a) monitors and evaluates the activities of technical assessment bodies, notified bodies and authorised bodies and implements measures to eliminate shortcomings detected in their activities,
- b) takes care to ensure that new legislation and amendments thereof do not restrict or impair the access of products with the CE marking on the domestic market and to ensure that systems of assessment of performance for products whose performance is based on harmonised technical specifications and European technical assessments are in accordance with that new legislation and amendments thereof,
- c) provides, at the Commission's request, information in connection with the documents for the designation of a technical assessment body and on the maintenance of a technical assessment body's capacity, as well as information in connection with the documents for the notification and maintenance of capacity of a notified

- notified body,
- d) imposes fines for administrative offences under Article 27 (1) through (3).

(2) Employees charged with conducting state supervision under paragraph 1 are

- a) authorised to enter the workplace of a technical assessment body, notified body and authorised body,
- b) authorised to inspect the documentation of a technical assessment body, notified body and authorised body,
- c) authorised to request employees of a technical assessment body, notified body and authorised body for explanations concerning their activities,
- d) obliged to maintain the confidentiality of facts which they gain knowledge of while executing the state supervision, even after the end of their employment relationship; they may be released from this obligation by the person to whom the fact in question relates.

Article 19

Domestic market surveillance

(a) Domestic market surveillance and control of products placed and made available on the domestic market are conducted by the state inspection authority, which is the Slovak Trade Inspection.

(b) The state inspection authority

1. conducts control and imposes measures and fines in accordance with separate legislation³⁰⁾ and in accordance with this Act,
2. takes measures concerning products which present a risk to health and safety,³¹⁾
3. takes measures in the detection of formal discrepancies and informs the Commission and Member States of the results of assessments and adopted measures in accordance with separate legislation,³²⁾
4. may propose an authorised body to cancel an SK certificate or SK technical assessment.

(c) If the state inspection authority detects that a product placed on the domestic market does not provide the sufficient level of safety required by the technical specifications and by this Act, either by means of a control or on the basis of evidence obtained from another Member State, it may refuse its provision on the domestic market and order it to be recalled or withdrawn from the domestic market. It may do so if

- a) it has provided the manufacturer, importer, distributor or authorised representative with written information on the provisions of this Act which prevent the product from being made available on the domestic market and requested him to make a statement within a specified deadline and provide proof that the product has a sufficient level of safety,

²⁸⁾ Annex IV Table 1 of Regulation (EU) No 305/2011.

²⁹⁾ Article 30 and Annex IV Table 2 of Regulation (EU) No 305/2011.

³⁰⁾ Articles 6 through 9 of Act No 128/2002 Coll. on state control of the internal market in matters of consumer protection, amending and supplementing other Acts, as amended.

³¹⁾ Article 20 of Act No 250/2007 Coll. on the consumer protection and amending the Act of the Slovak National Council No 372/1990 Coll. on minor offences, as amended.

³²⁾ Articles 56 through 59 of Regulation (EU) No 305/2011.

b) demonstrated that the product's level of safety is insufficient based on the results of audit-testing of a sample taken in distribution and based on findings obtained on the product's essential characteristics, and

c) taken the statement from the manufacturer, importer, distributor or authorised representative pursuant to subparagraph a) into account before making its final decision.

Proceedings

Article 20

Basic provisions

(1) The general legislation on administrative proceedings³³⁾ shall apply to proceedings under this Act, unless this Act or the separate legislation³⁴⁾ specifies otherwise.

(2) The general legislation on administrative proceedings does not apply to the

- a) issue and cancellation of SK certificates,
- b) issue and cancellation of SK technical assessments,
- c) notification of authorised bodies and cancellation of notification,
- d) designation of authorised bodies as technical assessment bodies and the cancellation of that designation,
- e) determination of which Slovak technical standards are defined standards and the cancellation of their determination as defined standards,
- f) filing of objections against the technical assessment body, notified body and authorised body,
- g) review of the filing of objections by the Ministry.

Article 21

Proceedings for issuing an SK certificate

(1) The proceedings for issuing an SK certificate shall commence on the day when the authorised body for the certification of the relevant product or family of products receives the written application from the manufacturer, his authorised representative or importer.

(2) The application for the issue of an SK certificate shall contain

- a) information on the applicant, including the commercial name, company identification number and contact address,
- b) information on the manufacturer, including the commercial name, company identification number and contact address, if the applicant is not the manufacturer,
- c) the place where the product is manufactured and the factory production control implemented,
- d) information on the product, in particular
 1. its type designation and commercial name,
 2. the designation of all of its types and variants manufactured using the same technology,
 3. the purpose of its use in construction and any potential restrictions in its use,
 4. reference to the defined standard or SK technical assessment which applies to the product,
- e) information on whether product certification or production control certification is sought.

(3) If the application does not contain the information under paragraph 2 nor has another shortcoming which prevents the proceedings from continuing, the authorised body may send the applicant a written request to complete the application or rectify any other shortcomings within it by a specified deadline. If the applicant fails to accomplish this within the specified deadline, the authorised body will not continue in the proceedings and will return the application to the applicant.

(4) The authorised body shall send the applicant a draft of a contract on the conditions of certification within ten business days of the date on which the application is complete. The provisions of the contract on the control activity³⁵⁾ shall apply accordingly to the content and form of the contract. If the applicant rejects the draft of the contract, or if the contract is not concluded for other reasons, the authorised body will not continue in the proceedings and will return the application to the applicant.

(5) The authorised body shall not continue in the proceedings before the contract is concluded and shall return the application to the applicant if

- (a) the applicant withdraws the application,
- (b) the authorised body finds out that
 1. he is not competent for certification within the scope of the submitted application,
 2. his authorisation was withdrawn after the application was submitted,
 3. there is no defined standard or SK technical assessment according to which the certification can be conducted,
 4. the manufacturer ceased to exist without a legal successor after the proceedings had commenced,
 5. the product specified in the application ceases to be manufactured, or its production was prohibited or suspended, or
- (c) certification for the same matter is underway with another authorised body.

(6) The applicant may only withdraw the application before the contract has been concluded.

(7) The applicant may withdraw from the contract if the authorised body fails to fulfil the contract or is inactive for at least two months.

(8) The authorised body may withdraw from the contract if the manufacturer fails to fulfil the contract, is inactive for at least two months and it is impossible to continue fulfilling the contract without his cooperation, or if a hindrance to the fulfilment of the contract under paragraph 5 appears.

(9) If the systems of assessment of performance demonstrate that the performance of the essential characteristics of the product or the factory production control conforms to the performance under the defined standard or SK technical assessment, then the authorised body shall issue the SK certificate.

(10) The authorised body for product certification issues the SK certificate of the product on the basis of tests and inspections in the system of assessment of performance which applies to the family of products in accordance with the implementing legislation issued in accordance with Article 13 (2).

(11) The authorised body for certification of factory

³³⁾ Act No. 71/1967 Coll. on administrative proceedings (Administrative Procedure Code), as amended.

³⁴⁾ Article 47 a 48 of Regulation (EU) No 305/2011.

³⁵⁾ Articles 591 through 600 of the Commercial Code.

production control issues the SK certificate of the factory production control on the basis of the initial inspection and continuous surveillance within the scope according to the implementing regulation issued in accordance with Article 13 (2).

(12) If the systems of assessment of performance do not demonstrate that the performance of the essential characteristics of the product or the factory production controls conform with the performance pursuant to the defined standard or SK technical assessment, then the authorised body will not issue the SK certificate and will inform the applicant of this, stating the reason for which he did not issue the SK certificate.

(13) The SK certificate of the product contains

- a) information on the authorised body, including the commercial name, registered office, company identification number and authorisation number,
- b) designation of the manufacturer, including the commercial name, company identification, number and place of manufacture of the product to which the SK certificate relates,
- c) information on the product, including the type designation, commercial name and the designation of types and variants manufactured using the same technology,
- d) information on the purpose of use in construction work in accordance with the defined standard or SK technical assessment, and information on any potential restrictions in its use,
- e) designation of the defined standard or SK technical assessment based on which the SK certificate was issued, and information on the performance of the essential characteristics of the product which was assessed and whose constancy was verified,
- f) name and number of the SK certificate and date of its issue,
- g) information on the conditions of the SK certificate's validity,
- h) first name, surname and position of the person authorised to sign the SK certificate, his signature and the stamp of the authorised body.

(14) The SK certificate of the factory production control contains

- (a) information on the authorised body, including the commercial name, registered office, company identification number and authorisation number,
- (b) designation of the manufacturer, including the commercial name, company identification number and place of manufacture of the product to which the SK certificate relates,
- (c) information on the product, including the type designation and commercial name,
- (d) information on the purpose of use in construction work in accordance with the defined standard or SK technical assessment, and information on any potential restrictions in its use,
- (e) designation of the defined standard or SK technical assessment based on which the SK certificate was issued,
- (f) the name and number of the SK certificate and date of its issue,
- (g) information on the conditions of the SK certificate's validity,
- (h) first name, surname and position of the person authorised to sign the SK certificate, his signature and the stamp of

specified therein as the date of validity. The SK certificate is issued with an indefinite period of time. If the applicant requests for it the authorised body shall restrict the validity of the SK certificate to the period time which the applicant has specified in the application or asserted during the proceedings. The authorised body may also restrict validity of the SK certificate if

- a) the manufacturer is preparing a change in production technology or a change in the factory production control, in which case the SK certificate shall be valid until the change is made,
- b) the information on the product or factory production control is valid for a limited period of time, in which case the SK certificate shall be valid for the time for which the information is valid,
- c) the rectification of detected insignificant deviation from the defined standard or SK technical assessment requires a systematic change in the production technology or change in the factory production control, in which case the SK certificate shall be valid until it is implemented, albeit not longer than five years.

(16) The SK certificate shall be delivered to the applicant in person, and the authorised body shall publish an announcement of its issue on its website.

(17) The SK certificate may only be copied in whole. It may only be copied in part with the consent of the authorised body who issued it.

(18) The manufacturer may issue and publish an SK declaration of performance no earlier than the day after the SK certificate becomes valid.

(19) If the information which the SK certificate contains changes during the SK certificate's validity, but the change does not constitute a reason to cancel the certificate, then the authorised body shall issue a new SK certificate containing the new information upon application, and the manufacturer shall issue a new SK declaration of performance based on the new certificate.

Article 22

Proceedings for cancelling an SK certificate

(1) The authorised body shall initiate proceedings to cancel an SK certificate if it detects that

- a) the manufacturer failed to rectify a discrepancy of the product or the factory production control within the specified deadline,
- b) the performance of the essential characteristics of the product according to the result of audit-testing does not conform with the performance indicated in the SK declaration of performance or with the results of product-type test,
- c) the factory production control fails to ensure the required level of product control on a long-term basis,
- d) the manufacturer has made a change to the production technology or to the raw materials, semi-finished goods or components used which has such a great effect on the performance of the essential characteristics of the product that new certification is necessary,
- e) the manufacturer prevented the authorised body or subcontractor thereof from conducting continuous surveillance or audit-testing.

(2) The proceedings for cancelling an SK certificate shall

commence when the person who was the applicant in the proceedings for issuing the SK certificate receives notification of the commencement of the proceedings.

(3) If any of the reasons under paragraph 1 are demonstrated in the proceedings for cancelling the SK certificate, then the authorised body shall cancel the SK certificate upon receiving a written statement from the manufacturer on the reason pursuant to paragraph 1. If the manufacturer requests the SK certificate to be cancelled, then the authorised body shall cancel the SK certificate immediately without further investigation.

(4) Notification that the SK certificate has been cancelled shall be delivered to the person who was the applicant for the issue of the SK certificate as well as to the state inspection authority, and shall be published on the authorised body's website. If the SK certificate was issued on the basis of an SK technical assessment, then notification that the SK certificate has been cancelled shall also be delivered to the authorised body for technical assessment.

(5) The SK declaration of performance which was issued on the basis of the SK certificate shall cease to be valid on the date upon which the notification that the SK certificate has been cancelled is received by the applicant.

Article 23

Proceedings for issuing an SK technical assessment

(1) Proceedings for issuing an SK technical assessment shall commence on the day when the competent authorised body for technical assessment receives the written application from the manufacturer, their authorised representative or the importer.

(2) The application for the issue of an SK technical assessment shall contain

- a) information on the manufacturer, including the commercial name, company identification number, registered office and contact address,
- b) information on the product, in particular its designation, classification in a family of products, detailed technical description and technical drawings,
- c) the results of the tests conducted, calculations and other tasks which are significant for issuing the SK technical assessment,
- d) information on the scope of the product's suitability for use in construction work,
- e) information on the manufacturing of the product and places at which the product is manufactured,
- f) information on the factory production control, in particular on its organisation, human resources and technical equipment,
- g) an indication of any technical regulations or technical standards which are not defined standards, but whose contents should be used as a basis for the technical assessment.

(3) If the application does not contain the information pursuant to paragraph 2, then the authorised body shall send the applicant a written request to complete the application by a specified deadline. If the applicant fails to accomplish this within the specified deadline, the authorised body will discontinue the proceedings and return the application to the applicant.

(4) The authorised body shall send the applicant a draft contract on the conditions of the technical assessment

within 30 business days of the date when the application is completed. The provisions of the contract on the control activity³⁵⁾ shall apply accordingly to the content and form of the contract. If the applicant rejects the draft contract or if the contract is not concluded for other reasons, the authorised body shall discontinue the proceedings and return the application to the applicant.

(5) The manufacturer is obliged to grant employees of the authorised body access to all premises where the product is manufactured or stored. Failure to fulfil this obligation is grounds for withdrawal from the contract. The authorised body may also withdraw from the contract if the applicant has failed to pay the contracted sum for the technical assessment tasks or advance payment on said sum by the specified deadline, even after a repeated request.

(6) Before issuing the SK technical assessment, the authorised body shall verify or ensure the verification of the performance of the product in relation to its relevant essential characteristics in terms of the declared use and shall assess or ensure the assessment of the factory production control at the places where the product is manufactured, and shall compare the results ascertained with the regulation or standard pursuant to paragraph 2 (g). If the applicant did not specify any regulation or standard pursuant to paragraph 2 (g) in the application, or if the specified regulation or standard does not indicate the performance of the essential characteristics of the product, the authorised body shall propose them to the applicant and, if the applicant consents to them, the authorised body shall verify or ensure the verification of the performance of the essential characteristics of the product agreed upon, and evaluate or ensure the assessment of the factory production control at the places where the product is manufactured.

(7) If the acts pursuant to paragraph 6 demonstrate a positive assessment of the performance of the essential characteristics of the product in relation to the manufacturer's declared use in construction work, then the authorised body shall issue the SK technical assessment. If the authorised body does not issue the SK technical assessment, he shall notify the applicant of this and state the reasons why it was not issued.

(8) A new SK technical assessment can only be issued once a new technical assessment has been conducted on the basis of a new contract. In the case of a change to an SK technical assessment, the application may only be submitted to the authorised body who issued the SK technical assessment which is to be changed.

(9) The SK technical assessment shall contain

- a) information on the authorised body, including the commercial name, registered office, company identification number and authorisation number,
- b) designation of the manufacturer, including the commercial name, company identification number and place of manufacture of the product to which the SK technical assessment relates,
- c) information on the product, including the commercial name, type designation and the designation of types and variants manufactured using the same technology,
- d) information on the product's purpose and method of use in construction work in accordance with the SK technical assessment, and information on any potential restrictions in its use in construction,
- e) information on the conditions of the SK technical assessment's validity,

- f) the name and number of the SK technical assessment and its date of issue,
- g) first name, surname and position of the person authorised to sign the SK technical assessment, his signature and the stamp of the authorised body,
- h) the designation of the prescribed system of assessment of performance and a list of the product tests and inspections of the factory production control which are to be conducted accordance to said system,
- i) requirements for accompanying information,
- j) appendices
 - 1. a detailed technical description of the product, generally supplemented by diagrams,
 - 2. a description of the relevant detected performance of the essential characteristics of the product,
 - 3. a list of the regulations and standards specified in paragraph 2 (g), if applied,
 - 4. a list of further documents used when issuing the SK technical assessment.

(10) The SK technical assessment is valid from the date specified on it for an indefinite period of time.

(11) The SK technical assessment shall be delivered to the applicant in person, and the authorised body shall publish and announcement of its issue on its website.

(12) The SK technical assessment may only be copied in its entirety. It may only be copied in part with the consent of the authorised body who issued it.

Article 24

Proceedings for cancelling an SK technical assessment

(1) The authorised body shall initiate proceedings to cancel an SK technical assessment if it detects that

- a) a European Technical Assessment has already been issued for the same product from the same manufacturer,
- b) a harmonised standard applies to the same product, or
- c) the generally applicable legislation stipulates that the product, component or part thereof may not be made available on the domestic market or used in a construction work, or that its use is not in accordance with the requirements for personal safety during construction or maintenance work.

(2) The proceedings for cancelling an SK technical assessment shall commence on the date upon which the person who was the applicant in the proceedings for issuing the SK technical assessment receives notification of the commencement of the proceedings.

(3) If any of the reasons pursuant to pursuant to paragraph 1 are demonstrated in the proceedings for cancelling the SK technical assessment, then the authorised body shall cancel the SK technical assessment upon receiving a written statement from the applicant on the reason pursuant to paragraph 1. If the manufacturer requests the SK technical assessment be cancelled, then the authorised body shall cancel the SK technical assessment immediately without further investigation.

(4) Notification that the SK technical assessment has been cancelled shall be delivered to the person who was the applicant for the issue of the SK technical assessment as well as to the Ministry, and shall be published on the authorised body's website.

(5) The SK certificates and SK declaration of performance issued on the basis of the SK technical assessment shall cease to be valid on the date upon which the notification that the SK technical assessment has been cancelled is received by the manufacturer.

Article 25

Proceedings on objections

(1) The applicant has the right to file objections to the procedure and to individual actions of the technical assessment body or authorised body in proceedings pursuant to this Act. Objections shall be submitted to the person whose procedure or action is being contested within 10 business days of the date upon which the procedure or action was conducted, unless a longer term was agreed upon in the contract. Objections do not have a suspensive effect.

(2) The person to whom the objections were submitted is obliged to address the content of the objections and investigate the procedure or action objected to without delay. If the procedure or action concerns a subcontractor or other designated person, then the authorised body shall request a statement and written report on the inspection, test or measurement conducted from that subcontractor or designated person.

(3) If the investigation finds the objections to be justified, then the technical assessment body, notified body or authorised body shall ensure rectification at the expense of the person who caused the shortcomings which were objected to, in particular a repeated audit-test and correction of the test protocol, repeated measurement or other effective redress.

(4) If the investigation finds that the objections are not justified, then the notified body or authorised body shall send written notification of the examination's result to the person who filed the objections within three business days of the end of the examination of the objections' content; this notification shall specify which control measures were conducted and what their results were.

Article 26

Proceedings for reviewing objections filed

(1) An applicant who was notified that his objections were unjustified by the technical assessment body, notified body or authorised body may request the Ministry to review the objections filed if he believes that the examination of the objections were not proceeded with in accordance with this Act, or that all necessary control measures were not taken to properly verify the content of the objections. A review of the objections filed may be requested within 15 business days of the date upon which the notification of the objections filed was received.

(2) The Ministry shall review the completeness and correctness of the objections filed. If it determines that their content was not properly verified or correctly evaluated, it will order the necessary actions to be taken to properly review the procedure or action objected to, otherwise it shall deny the request.

Article 27

Administrative offences

(1) The Ministry shall impose a fine upon the technical assessment body, notified body or authorised body

- a) from EUR 1,000 to EUR 5,000 if said body or person
 - 1. violates the conditions of designation, notification or authorisation despite having been warned,
 - 2. does not conduct the activities for which it was designated, notified or authorised for more than 12 months without good cause,
 - 3. failed to rectify shortcomings in its activity which were detected during the performance of state monitoring of the technical assessment or performance assessment by the specified deadline,
 - 4. failed to notify the Ministry of a change in information which requires the changing or cancellation of the designation, notification or authorisation nor requested the designation, notification or authorisation to be changed, even though it was obliged to do so,
 - 5. fails to keep the documentation resulting from the technical assessment and performance assessment on file for the specified period of time.
- b) from EUR 2,000 to EUR 10,000 if said body or person
 - 1. issued an SK technical assessment or SK certificate outside of the scope of its authorisation or without performing all necessary actions implicit in the specified system of assessment of performance,
 - 2. fails to proceed in accordance with this Act when verifying the content of objections, in particular if it fails to conduct all necessary control measures to properly verify the content of the objections,
 - 3. has not concluded an insurance policy for liability for damages caused by its own activity.

(2) The Ministry shall impose a fine from EUR 200 to EUR 2,000 upon anyone who

- a) duplicates part of an SK technical assessment or SK certificate without the authorised body's consent,
- b) fails, as a manufacturer, to keep documentation concerning the SK declaration of performance, including the associated documentary papers and complete documentation in accordance with this Act for the specified period of time.

(3) The Ministry shall impose a fine from EUR 5,000 to EUR 30,000 upon anyone who has

- a) illegitimately acted as a technical assessment body, notified body or authorised body, or as a subcontractor of any of the above,
- b) forged or altered a European technical assessment, SK technical assessment, certificate or SK certificate,
- c) prohibited or prevented access on the domestic market to a product with the CE marking or the use of such a

product if the performance of the product declared by the manufacturer meets the basic requirements for construction, the general technical requirements pursuant to construction regulations and is suitable for the intended use.³⁶⁾

(4) The state inspection authority shall impose a fine from EUR 5,000 to EUR 50,000 to anyone who has

- a) placed or made available a product without the CE marking on the domestic market in spite of having to mark it in accordance with separate legislation³⁷⁾ or used the CE marking in a form other than that stipulated by the separate legislation,³⁷⁾
- b) illegitimately made an SK declaration of performance or failed to make an SK declaration of performance, in spite of having been obliged to do so,
- c) illegitimately used the CE marking or marked the product with information or marking which could be mistaken for this marking,
- d) failed to stop access to a product on the domestic market, failed to withdraw a product from the domestic market or failed to recall a product which is not suitable for the intended use, in spite of being obliged to do so on the basis of a decision from the state inspection authority,
- e) made a product available on the domestic market without instructions on use, safety instructions, information on the health and safety risks which the product presents in ordinary use, or declaration on performance pursuant to separate legislation³⁸⁾, or in a language other than the national language.

(5) The fines pursuant to paragraphs 1 through 4 may be increased by up to two times the maximum limit if the administrative offence caused an accident with consequences on human life or health, or with significant damage to property or parts of the environment.

(6) The means, duration and consequences of the unlawful situation shall be taken into consideration when determining the sum of the fine.

(7) Proceedings for imposing a fine may commence within six months of the date upon which the administrative authority gained knowledge of the administrative offence and on the person who committed it, but not later than three years after the date on which the administrative offence took place.

(8) The proceeds from fines shall be state budgetary revenue.

Article 28

Mutual recognition clause

(1) The conditions of placing products on the domestic market in accordance with this Act also apply to products manufactured in non-member states; this does not apply to products pursuant to paragraph 2.

³⁶⁾ Article 8 (4) of Regulation (EU) No 305/2011.

³⁷⁾ Chapter IV of, and Annex II to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ EU L 218, 13. 08. 2008).

³⁸⁾ Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment (Special edition of the EC Official Journal, Chap. 11, Vol. 41; OJ EC L 114, 30. 04. 2002), as amended. Decision No 1/2008 of 12 March 2008 of the Committee established under the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment on the inclusion in chapter 16 on construction products in Annex 1 (2008/813/ES) (OJ EU L 282, 25.10.2008).

³⁹⁾ European Parliament and Council Directive 98/34/EC of 22 June 1998, establishing a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (Special edition of the EU Official Journal, chap. 13/vol. 20; OJ EC L 204, 21. 07. 1998), as amended.

(3) The conditions of placing products on the domestic market in accordance with this Act do not apply to products which were manufactured or placed on the market in any Member State, the Swiss Confederation³⁸⁾ or Turkey, or which were manufactured in accordance with the law of any state of the European Free Trade Association which is party to the Agreement on the European Economic Area. The provisions of Article 2 paragraph 4 apply to these products as well.

Article 29

Common provisions

(1) This Act has been adopted in accordance with the legally applicable act of the European Union in the field of technical standards and technical regulations.³⁹⁾

(2) The obligations which manufacturers have in accordance with this Act apply accordingly to importers with a registered office in a non-member state and authorised representatives thereof with a registered office in the Slovak Republic.

Article 30

Transitional provisions

(1) Products which were placed on the domestic market in accordance with previous legislation shall be deemed to be products which meet the requirements of this Act for placing products on the domestic market until 30 June 2013.

(2) Certificates issued before 30 June 2013 shall remain valid until their validity periods expire or until they have been replaced by SK certificates in accordance with this Act.

(3) Technical certificates issued before 30 June 2013 shall be deemed to be SK technical assessments in accordance with this Act until their validity periods expire.

(4) The manufacturer may compile an SK declaration of performance on the basis of a certificate or declaration of conformity which was issued before 30 June 2013.

(5) Authorised bodies in accordance with previous legislation are authorised bodies in accordance with this Act within the scope of the authorisation granted.

(6) Certification sites in accordance with previous regulations perform the activities of the authorised body for technical assessment within the scope of the authorisation granted; they must request authorisation for technical assessment in accordance with this Act by 30 September 2013, otherwise their authorisation shall expire.

Article 31

Annuling clause

1. The following shall be rescinded:

1. Act No 90/1998 Coll. on construction products, as amended by Act No 264/1999 Coll., Act No 413/2000 Coll., Act No 134/2004 Coll. and Act No 173/2008 Coll.,
2. Regulation of the Ministry of Construction and Regional Development of the Slovak Republic No 558/2009 Coll., establishing a list of construction products that must be labelled, systems of conformity attestation, and details on the use of conformity markings, as amended by Regulation No 451/2011 Coll.

Section II

Act No. 338/2000 Coll. on inland navigation and amending certain Acts, as amended by Act No 580/2003 Coll., Act No. 479/2005 Coll., Act No 561/2005 Coll., Act No 193/2007 Coll., Act No 500/2007 Coll., Act No 179/2008 Coll., Act No 435/2008 Coll., Act No 191/2009 Coll., Act No 469/2009 Coll. and Act No 556/2010 Coll. is supplemented as follows:

Annex 1 is supplemented by this paragraph 12:

“12. Commission Directive 2012/45/EU of 3 December 2012, adapting for the second time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (OJ EU L 332, 04.12.2002).”

Section III

Act No 514/2009 Coll. on railway transport, as amended by Act No 433/2010 Coll., Act No. 547/2010 Coll., Act No 313/2011 Coll., Act No. 393/2011 Coll. and Act No 547/2011 Coll. is supplemented as follows:

Annex 5 is supplemented by this new paragraph 5:

“5. Commission Directive 2012/45/EU of 3 December 2012, adapting for the second time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (OJ EU L 332, 04.12.2002).”

Article IV

Act No 56/2012 Coll. on road transport, as amended by Act No 317/2012 Coll. and Act No 345/2012 Coll., is amended and supplemented as follows:

1. In Article 49 (7) words “imposed by inspectors” are inserted behind the words “on-the-spot fine”.

2. The annex is supplemented by this paragraph 5:

“5. Commission Directive 2012/45/EU of 3 December 2012, adapting for the second time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (OJ EU L 332, 04.12.2002).”

Article V

Effective date

This Act enters into legal effect on 1 July 2013.

Ivan Gašparovič m. p.

Pavol Paška m. p.

Robert Fico m. p.