

**355/2007 Coll.**

**ACT**

from 21 June 2007

**on Protection, Support and Development of Public Health and on Amendments and Supplements to Certain Acts**

Amendment: 355/2007 Coll.

The National Council of the Slovak Republic adopted the following act:

Section I

**PART ONE**

**BASIC PROVISIONS**

§ 1

**Scope of Regulation**

This Act provides

- a) organisation and performance of the public health system,
- b) performance of prevention of diseases and other health disorders,
- c) establishment and activity of committees for the examination of professional competence,
- d) requirements for professional competence and issuance of certificates on professional competence,
- e) requirements for healthy living conditions and healthy working conditions,
- f) requirements for radiation protection,
- g) measures of governmental bodies in the sector of public health system (further referred to as "public health system bodies") in case of special events,
- h) duties of natural and legal persons in the protection, support and development of public health,
- i) performance of state health supervision,
- j) misdemeanours and other administrative offences in the sector of public health system.

§ 2

**Basic concepts**

(1) For the purposes of this act

- a) public health system is a system aimed at the protection, support and development of public health,
- b) public health is the level of health of the society respective to the level of provided health care, health protection and support and the economic level of the society,
- b) determinants of health are factors determining health, which are the environment, working environment, genetic factors, health care, health protection and support and lifestyle,
- d) living conditions are physical, chemical and biological factors of the environment in respect of public health, conditions of accommodation, relaxation, body culture, recreation, culture and other interest activities, transport, provision of health care services and provision of other services, nutrition and eating habits and the way of using objects coming in contact with consumables and the objects of general use, conditions of healthy development, education, mental and physical development of children, youth and adults,

s) working conditions are physical, chemical, biological, physiological, psychological and sociological factors affecting human health and work performance of humans in the work process; they are influenced by the working regime, relaxation and technical state of the working environment,

f) healthy living conditions and healthy working conditions are conditions which do not affect human health negatively but protect and affect it positively,

g) factors of the environment and working environment harmful to health are physical, chemical and biological factors that according to recent scientific findings cause or may cause health disorders and factors resulting from living conditions and working conditions causing stress to human organism which affect unfavourably physiological and mental human functions,

h) prevention of diseases and other health disorders is a system of measures focused on the elimination, possibly reduction of the risk of occurrence of diseases and other health disorders which are mostly affected by living, working and social-economic conditions and by lifestyle and measures focused on the protection, support and development of public health,

i) lifestyle is human behaviour based on the mutual effect of living conditions, individual personality traits, social factors and economic factors,

j) evaluation of impacts on public health is a set of instruments with the objective of evaluating direct and indirect effects of human activity on public health,

k) contagious disease is a disease caused by a biological factor which is able to cause individual or mass infection, disease or poisoning for people,

l) hospital infection is an infection of internal or external origin which originated in a causal relationship with a stay or operation in a medical facility or a social services facility,

m) isolation is the separation of persons suffering from a contagious disease during their infectivity from other persons with the objective of preventing the spread of the contagious disease,

n) quarantine measures are quarantine, increased health supervision and medical supervision,

o) epidemiological supervision is a continuous systematic collection, analysis, interpretation and diffusion of data concerning diseases including epidemiological studies on risk factors and methods of occurrence, spread and incidence of diseases in time and space with the purpose of adopting appropriate measures,

p) epidemic is the incidence of at least three cases of a disease, epidemiologically related,

g) pandemics is an extensive epidemic with an uncertain time limitation and practically without limitation in space which affects a large number of people on a large territory,

r) epidemiologically serious activity is a work activity which may cause occurrence or spread of a contagious disease if the procedures of correct practice are neglected or the principles of personal hygiene are not observed,

s) healthy nutrition is nutrition created by an optimum securing of physiological requirements of the organism in given living and working conditions on the basis of scientific findings, recommended nutrition rations and findings of the World Health Organisation,

t) medical supervision is the monitoring and evaluation of health risks and the health condition of the population and its individual groups in relation to the exposure to factors from living and working conditions,

u) risk is the probability of occurrence of a harmful effect on a human caused by the exposure to a dangerous factor,

v) risk assessment is the process of evaluation of the probability and seriousness of a harmful effect on a human caused by the exposure to a dangerous factor under defined conditions from defined sources which consists in the determination of the danger, evaluation of the exposure, judgement of the relation of the ration and the effect and characterization of the risk of the determination of uncertainties of the evaluation,

w) risk management is the decision process which issues from the result of risk assessment and the objective of which is the reduction of risk,

x) hazardous work is the work with an increased risk of occurrence of occupational illness, professional poisoning and other health damage related to work,

- y) exposure is the exposure of a person to a factor from living conditions or working conditions,
- z) limit is the level of exposure which, even though it happens repeatedly during life, will never lead to a negative impact on health, as it can be assumed on the basis of the current state of knowledge,
- za) employer is a legal person or natural person employing at least one natural person in a labour relation, if so provided in a special regulation, and in similar labour relations, and a legal person and a natural person at which practical lessons of pupils and students take place,
- zb) operational instructions are a set of measures for the protection of health of the employee and for the protection of public health in the facility where a risk exists,
- zc) quick alert system is a set of procedures for the identification of the event which has a potential to become a threat for the health of the public, adoption of early measures and informing the general public on the given threat.

(2) In the field of radiation protection

- a) radiation protection is the protection of people and environment from radiation and its effects including the means for its achievement,
- b) ionising radiation is radiation transmitting energy in the form of particles or electromagnetic waves with the wave-length of 100 nm or shorter or the frequency 3.1015 Hz or higher with the capacity to create ions directly or indirectly,
- c) natural ionising radiation is ionising radiation of natural earth or cosmic origin,
- d) irradiation is the exposure to the effects of ionising radiation,
- e) medical irradiation is the irradiation of patients in relation to the determination of their diagnosis or treatment, irradiation of employees in relation with the monitoring of their health condition, irradiation of persons in relation with preventative health programs, irradiation of healthy individuals or patients which are voluntarily participating on medical or biomedical research programs and irradiation of persons in relation with an examination with the purpose of elaboration of a medical opinion,
- f) irradiation limit is the value of annual or five years long effective dose or the equivalent annual dose which corresponds to the upper limit of the acceptable risk of stochastic damage of health caused by irradiation for an individual or a society and which excludes the incidence of deterministic effects of irradiation,
- g) guidance value is the defined value of an indicator or criterion which, if it is not observed or is exceeded, requires the execution of an appropriate measure for ensuring radiation protection,
- h) marginal dose is the limitation of the future dose of an individual which may be caused by a given source of ionising radiation and which is used in the stage of planning or designing in the optimization of radiation protection,
- i) source of ionising radiation is a radioactive emitter, device or installation capable of emitting ionising radiation or produce radioactive substances,
- c) natural source of ionising radiation is a source of ionising radiation of natural earth or cosmic origin,
- c) artificial source of ionising radiation is a source of ionising radiation other than a natural source of ionising radiation,
- l) radioactive emitter is a radioactive substance with an activity and weight activity which exceed the values of the activity and weight activity specified in a special regulation, 1)
- m) closed radioactive emitter is a radioactive emitter with a construction which ensures tightness and under the conditions of common use preventing the leakage of radioactive substances,
- n) open radioactive emitter is a radioactive emitter which does not satisfy the conditions of a closed radioactive emitter,
- o) unused emitter is a radioactive emitter which is no longer used in an activity leading to irradiation and its further use is not considered; a closed radioactive emitter which does not have a valid certificate of a closed emitter for a period longer than 12 months is considered as unused,
- p) abandoned emitter is a closed radioactive emitter which is not under administrative control because

it was never subject to such control or because the control was neglected and the emitter abandoned, lost, incorrectly placed, stolen or given to a new owner without proper notification of the respective body or was given to the recipient without notification,

q) radioactive substance is each substance containing one or more radionuclides the activity or weight activity or volume activity of which is not negligible in terms of radiation protection,

r) radioactive contamination is contamination of any material, surface or environment or individual by radioactive substances; in case of a human body, radioactive contamination is external contamination of skin and internal contamination regardless of the method of reception of radionuclides,

s) controlled zone represents the premises of the workplace with controlled entry on which activities leading to irradiation are carried out, subject to special requirements with the aim of ensuring radiation protection and limiting the spread of radioactive contamination,

t) institutional radioactive waste is radioactive waste produced in activities leading to irradiation with sources of ionising radiation with the exception of burnt nuclear fuel and radioactive waste from nuclear facilities; institutional radioactive waste are also unused emitters,

u) worker is an employee or person with independent earnings exposed in the performance of the work activity to irradiation which may exceed one of the irradiation limits determined for the general population ,

v) external provider of services is a natural person/entrepreneur or a legal person who, on the basis of a contract with the holder of the authorisation for an activity leading to irradiation, carried out activity leading to irradiation in the controlled zone established by the holder of authorisation,

w) external worker is a worker of category A under a special regulation, 2) who carries out activity in the controlled zone and is not an employee of the holder of the authorisation for an activity leading to irradiation.

## **PART TWO**

### **ORGANISATION AND PERFORMANCE OF THE PUBLIC HEALTH SYSTEM**

#### **§ 3**

##### **Public Health Bodies**

(1) Public health bodies are the following within the scope stipulated by this Act

- a) Ministry of Health of the Slovak Republic (hereinafter referred to as the "Ministry"),
- b) the Public Health Authority of the Slovak Republic (hereinafter referred to as the "Public Health Authority"),
- c) regional public health authorities,
- d) the Ministry of Defence of the Slovak Republic,
- e) the Ministry of Interior of the Slovak Republic,
- f) the Ministry of Transport, Post and Telecommunications of the Slovak Republic,
- g) the Slovak Information Service.

(2) In order to ensure a unified procedure of public health bodies

- s) central governmental bodies defined in paragraph 1 letter d) to f) and the Slovak Information Service proceed in close concurrency with the Ministry,
- b) the Public Health Authority informs the central governmental bodies defined in paragraph 1 letter d) to f) and the Slovak Information Service on ordered measures and issued expert regulations in the sector of the public health system.

(3) Public health bodies cooperate within their competence in the protection, support and development of public health

- a) with central governmental bodies and local governmental bodies,
- b) with municipalities and self-governing regions,
- c) with universities, schools, research, educational and educational-training institutions,

- d) with providers of health care,
- e) with professional organisations in the health system,
- f) with health insurance companies and the Social insurance company,
- g) with other legal persons and natural persons,
- h) with international organisations.

(4) In the field of health at work the Public Health Authority cooperates with public health bodies in the field of work inspection 3) and with other bodies of supervision. 4)

#### § 4

##### **The Ministry**

###### The Ministry

- a) defines elementary directions and priorities of state health policy in the sector of public health and submits them for approval to the government of the Slovak Republic,
- b) coordinates cooperation of central governmental bodies and international cooperation in the sector of public health,
- c) is the appeal body in matters decided in first stage by the Public Health Authority,
- d) in accordance with recent scientific findings on the influence of physical, chemical and biological factors on public health, it lays down limits and values of admissible charge by these factors, as well as limits of radiation and conditions for handling radioactive waste in terms of their possible influence on public health,
- e) creates conditions for the integration and coordination of information systems on public health,
- f) approves the establishment of national reference centres and maintains the register of national reference centres in accordance with Article 8,
- g) orders measures in accordance with Article 12 par. 7,
- h) defines the directions of education in the field of protection, support and development of public health,
- i) methodically regulates the performance of state health supervision,
- j) controls the performance of the public health system in the Slovak Republic.

#### § 5

##### **Public Health Authority**

(1) The Public Health Authority is a budgetary organisation of the state with competence on the territory of the Slovak Republic with the registered office in Bratislava, linked with the financial relations to the budget of the Ministry.

(2) The Public Health Authority is managed and its activity falls under the responsibility of the Chief Public Health Officer of the Slovak Republic (hereinafter referred to as the "Chief Public Health Officer") who is also the director of the office. 5) The Chief Public Health Officer is appointed and dismissed upon proposal of the Minister of Health of the Slovak Republic by the director of the office of the ministry. 6)

(3) The Public Health Authority is the supreme office for the regional public health authorities. 7)

###### (4) The Public Health Authority

- a) drafts proposals of elementary directions and priorities of state health policy in the sector of public health,
- b) participates in the solution of national and international programs significant for public health and carries out scientific research in this field,
- c) plans, coordinates and defines the extent of control of contagious diseases,

- d) plans, coordinates and defines the extent and vaccination schemes of the immunization programme,
- e) determines antigens contained in vaccines, approves application procedures in the use of vaccines and orders special vaccination,
- f) carries out the evaluation of impacts on public health at national level and regional level,
- g) fulfils specialized tasks of the public health system in accordance with Article 11,
- h) carries out state administration in first stage in matters exceeding the borders of the territorial district of a regional public health authority and in matters decided in accordance with this act exclusively by the Public Health Authority,
- i) is the appeal body in matters decided in first stage by the regional public health authority,
- j) manages, controls and coordinates the execution of state administration carried out by regional public health authorities,
- k) orders measures for the prevention of diseases in accordance with Article 12 and measures in case of special events in accordance with Article 48 par. 3, if they have to be carried out in an extent exceeding the territorial competence of the public health authority,
- l) grants and revokes the exceptions it has granted, if so provided by this act,
- m) issues binding opinions and decides on the proposals in accordance with Article 13 which exceed the borders of the territorial district of a regional public health authority and in matters under the exclusive competence of the Public Health Authority,
- n) issues licenses for eliminating asbestos and materials containing asbestos from buildings in accordance with Article 41 par. 1,
- o) issues and revokes licenses for the execution of work health service and controls the fulfilment of conditions for the execution of work health service, 8)
- p) establishes committees for the examination of professional competence, issues certificates on professional competence and maintains the register of persons with professional competence for the activities listed in Article 15 par. 1,
- q) maintains the central register of risk works (Article 31 par. 6),
- r) maintains the register of producers and importers of new foodstuffs and ingredients of new foodstuffs, 9) the register of producers and importers of nutritional supplements and foodstuffs for particular nutritional purposes 9) and the register of mineral waters and spring waters,
- s) carries out state health supervision, issues orders and imposes measures for the elimination of shortcomings in the execution of state health supervision in accordance with Articles 54 and 55 in matters exceeding the borders of the territorial district of a regional public health authority and in matters in which it has issued a decision as a first stage governmental body,
- t) discusses misdemeanours and other administrative offences, imposes fines and the duty to reimburse costs in accordance with Articles 56 to 58,
- u) ensures the accessibility of information on the quality of the water intended for swimming (hereinafter referred to as "swimming water") during the swimming season,
- v) assesses the influence of preparations for the protection of plants on the health of people and issues expert opinions,
- w) cooperates with the respective bodies and organisations in the implementation of measures concerning the substances which may be misused for the production of chemical and biological weapons, 10)
- x) within the cooperation with the European Commission (hereinafter referred to as the "Commission") and the member states of the European Union (hereinafter referred to as the "member state")
  1. 1) informs the Commission on the results of the control of the quality of the water intended for human consumption (hereinafter referred to as "drinking water") for which the first exception has been granted and on the justification of the authorisation of the second exception,
  2. drafts for the Commission evaluation reports on the quality of drinking water and evaluation reports on the quality of swimming water in natural swimming pools, which also contain information on each suspension of monitoring and on the reasons of such suspension,
  3. informs the Commission each year before the start of the swimming season about all the waters for

swimming,

4. informs the member states and the Commission which public health bodies issue certificates on professional competence for the work with very poisonous substances and preparations and with poisonous substances and preparations, 11)

5. sends every four years to the member states and the Commission a list of decisions on granting an exception under the provisions of this act indicating the exact reasons and circumstances which led to their issue,

6. sends to the Commission at the intervals required by special regulations 12) a report on practical implementation of minimum health and safety requirements for the protection of employees from the risks related to the exposure to factors of work and working environment together with the opinions of social partners; the report contains the description of the best practice for ensuring the prevention against harmful effects of these factors of work and working environment on public health and other forms of organisation of work together with measures adopted by the state in order to inform other members state about the findings on this best practice.

(5) The Public Health Authority in the field of radiation protection

a) decides on the proposals in accordance with Article 13 par. 5 letter a),

b) defines the conditions for the performance of activities leading to irradiation, activities important in terms of radiation protection and for the release of radioactive substances and radioactively contaminated objects and materials from under administrative control,

c) defines marginal doses for the optimization of radiation protection through individual activities leading to irradiation and individual sources of ionising radiation,

d) issues authorisations for activities leading to irradiation in accordance with Article 45 par. 2 and 6,

e) issues authorisations for the release of radioactive substances and radioactively contaminated objects from under administrative control, if they originated or were used in activities leading to irradiation carried out on the basis of the authorisation of the Public Health Authority (Article 45 par. 5),

f) issues authorisations for activities important in terms of radiation protection in accordance with Article 45 par. 4,

g) carries out state health supervision in nuclear facilities and on workplaces on which activities carried out for which it issued the authorisation,

h) in Trnava region and Trenčín region it carries out state health supervision and in the territorial districts of these regions it issues the authorisation for activities leading to irradiation in accordance with Article 45 par. 3 and decides on the proposals according to Article 13 par. 5 letter b),

i) orders measures for the prevention of diseases in accordance with Article 12 and measures in case of special events in accordance with Article 12 par. 1 letter d) and par. 5 if they have to be carried out in an extent exceeding the territorial competence of the regional public health authority and in the territorial districts of Trnava region and Trenčín region,

j) carries out monitoring of radiation situation and collection of data on the territory of the Slovak Republic for the purposes of evaluation of irradiation and evaluation of the influence of radiation on public health and in cooperation with the Ministry of Interior of the Slovak Republic, Ministry of Transport, Post and Telecommunication of the Slovak Republic, Ministry of Defence of the Slovak Republic, Ministry of Environment of the Slovak Republic, Ministry of Education of the Slovak Republic, Ministry of Agriculture of the Slovak Republic and the Ministry of Economy of the Slovak Republic it creates a radiation monitoring network and ensures and manages the activities of the radiation monitoring network,

k) issues guidelines and directions for ensuring radiation protection in the performance of activities leading to irradiation, activities important in terms of radiation protection and for the release of radioactive substances and radioactively contaminated objects from under administrative control,

l) maintains the register of activities leading to irradiation for which the Public Health Authority or a regional public health authority has issued an authorisation and activities leading to irradiation it registered upon notification,

m) maintains the central register of sources of ionising radiation and the central register of doses,

n) issues personal radiation cards to external workers,

o) provides expert regulations and information to persons who came into contact with a radioactive

emitter or were irradiated,

p) provides information to public on the radiation situation, special events and possible irradiation, on risks caused by irradiation and on measures and interventions for the reduction of irradiation in radiation accidents,

q) searches workplaces and installations on which abandoned radioactive emitters or increased natural ionising radiation can be found and offers information on risks and requirements for ensuring radiation protection to their operators and controls their fulfilment,

r) cooperates with the Commission and the respective bodies and institutions of member states and represents the Slovak Republic in international organisations.

(6) The Public Health Authority in the field of cosmetic products

a) decides

1. on the limitation of putting cosmetic products into circulation by defining special conditions if the cosmetic products meet the requirements of a special regulation, 13) but provably represent risk,
2. on the authorisation for the use of another substance in cosmetic products than the one entered on the lists of permitted substances besides the colouring substance in products intended exclusively for hair dyeing, under the conditions prescribed in a special regulation,
3. on the authorisation not to include a substance in the list of ingredients on the label of cosmetic products for reason of protection of business secret,
4. on the extension of validity of the authorisation according to the second point and third point,
5. on granting an exception from the interdiction of testing an ingredient or a combination of ingredients of a cosmetic product on animals and an exception from the interdiction of testing the final cosmetic product or its prototype on animals with the aim of fulfilling safety requirements of cosmetic products in accordance with a special regulation, 13)
6. on granting an exception from the interdiction to put cosmetic products into circulation if their ingredients, combination of ingredients, final composition or prototype were tested on animals with the aim of fulfilling safety requirements of the cosmetic product in accordance with a special regulation, 13)

b) informs member states and the Commission

1. on the issuance of a authorisation for the use of another substance in cosmetic products than the one entered on the lists of permitted substances, on the extension of its validity and the cancellation within two months of the entry into force of the decision,
2. on the issuance of the authorisation not to include a substance in the list of ingredients on the label of cosmetic products, on the extension of its validity and cancellation, as well as on the refusal of the application for the issuance of an authorisation and the application for the extension of the validity of the authorisation; the information on the issued authorisation includes the name and address of the permanent residence of the applicant, the names of the cosmetic products containing the substance for which the application has been granted and the registration number of this substance,
3. without delay on the issuance of a decision on the limitation of putting cosmetic products into circulation, if the cosmetic products meet the requirements prescribed in a special regulation, 13) but provably represent risk for public health, and on the reasons of this decision,
4. on the body exercising activity in accordance with the second point and in accordance with letter h) and k) and on change of this body,

c) asks from the Commission

1. an opinion, if it makes an objection against the decision of a member state in accordance with letter d),
2. the entry of another substance than the one entered on the list of permitted substances in cosmetic products on the list of permitted substances; it completes the application with documentation on the basis of which a decision has been issued and the purpose of use of another substance or preparation,
3. an opinion on granting an exception from the interdiction of testing an ingredient or a combination of ingredients of a cosmetic product on animals and an exception from the interdiction of testing a final cosmetic product or its prototype on animals with the aim of fulfilling safety requirements of cosmetic products in accordance with a special regulation, 13)
4. an opinion on the decision on the limitation of putting of cosmetic products into circulation by defining special conditions if the cosmetic products meet the requirements of a special regulation, 13) but provably represent risk,
5. an opinion on granting an exception from the interdiction to put cosmetic products into circulation if their ingredients, combination of ingredients, final composition or prototype were tested on animals with the aim of fulfilling safety requirements of the cosmetic product in accordance with a special regulation, 13)

d) recognizes the decisions of a member state on the authorisation or extension of validity of an authorisation for not including a substance in the list of ingredients on the label of cosmetic products,

e) makes objections against decisions of a member state in accordance with letter d),



- f) asks a member state to send the authorisation not to include a substance in the list of ingredients on the label of cosmetic products and the documentation for this authorisation,
- g) sends to the member states and the Commission the authorisation not to include a substance in the list of ingredients on the label of cosmetic products and the documentation for this authorisation,
- h) maintains the register of persons responsible for the placement of cosmetic products on the market and the register of data on the substances used in cosmetic products needed for the purpose of medical treatment and provides data from them,
- i) ensures the fulfilment of the duty of the producer or the person responsible for the placement of cosmetic products on the market to make accessible on demand of the public the data on cosmetic products in accordance with a special regulation, 13)
- j) ensures that the data in accordance with letters f) and g) are not published and are used only for the purposes of state health supervision,
- k) carries out state health supervision over cosmetic products including the cosmetic products containing other substance than the one entered on the lists of permitted substances for which an authorisation has been issued in accordance with letter a) second point, and control the data on cosmetic products in accordance with a special regulation, 13)
- l) assigns a registration number to the substance for which it has issued an authorisation in accordance with letter a) third point.

(7) The Public Health Authority exercises activity in accordance with paragraphs 4 and 5, unless otherwise provided by this Act (Article 7).

## § 6

### **Regional public health authorities**

(1) Regional public health authorities are state budgetary organisations linked with their financial relations to the budget of the Ministry. The registered offices and territorial districts of the regional public health authorities are listed in Annex 1.

(2) Regional public health authority is managed and its activity is under the responsibility of the regional public health officer, who is also the director of the office. The regional public health officer is appointed and dismissed upon proposal of the Minister of Health of the Slovak Republic by the Chief Public Health Officer.6)

- (3) The regional public health authority
- a) participates on the resolution of national and international programs significant for public health and carries out scientific research in this field,
  - c) manages, directs and controls the epidemiological vigilance of contagious diseases and the fulfilment of the immunization programme,
  - c) carries out the evaluation of impacts on public health at regional level and local level,
  - d) fulfils specialized tasks of the public health system in accordance with Article 11,
  - e) orders measures for the prevention of diseases in accordance with Article 12 and measures in case of special events in accordance with Article 48 par. 3,
  - f) issues binding opinions and decides on the proposals according to Article 13,
  - g) establishes committees for the examination of professional competence, issues certificates on professional competence and maintains the register of persons with professional competence for epidemiologically serious activities listed in Article 15 par. 2,
  - h) grants and cancels the exceptions it has granted, if so provided by this Act,
  - i) carries out state health supervision, issues orders and imposes measures in order to eliminate shortcomings discovered during the execution of state health supervision in accordance with Articles 54 and 55,
  - j) discusses misdemeanours and other administrative offences, imposes fines and the duty to reimburse costs in accordance with Articles 56 to 58,

k) maintains the register of risk works (Article 31 par. 6),

l) ensures the accessibility of information on the quality of the swimming water during the swimming season.

(4) The regional public health authority applicable in accordance with paragraph 5 in the field of radiation protection

a) decides on the proposals in accordance with Article 13 par. 5 letter b),

b) issues authorisations for activities leading to irradiation in accordance with Article 45 par. 3,

c) issues authorisations for the release of radioactive substances and radioactively contaminated objects from under administrative control, if they originated or were used in activities leading to irradiation carried out on the basis of the authorisation of the regional public health authority in accordance with Article 45 par. 5,

d) carries out state health supervision and imposes measures for the elimination of the discovered shortcomings,

e) discusses misdemeanours and other administrative offences and imposes fines in accordance with Articles 56 and 57,

f) carries out the monitoring of the radiation situation,

g) searches workplaces and installations on which abandoned radioactive emitters or increased natural ionising radiation can be found and offers information on risks and requirements for ensuring radiation protection to their operators and controls their fulfilment,

h) provides to the public information on the securing of radiation protection and on risks caused by irradiation and professional consulting on radiation protection to persons who came into contact with a radioactive emitter or were irradiated,

(5) In matter of radiation protection the competent public health body is

a) the Regional Public Health Authority Bratislava capital city with the registered office in Bratislava in the territorial district of Bratislava region,

b) the Regional Public Health Authority with the registered office in Nitra in the territorial district of Nitra region,

c) the Regional Public Health Authority with the registered office in Banská Bystrica in the territorial district of Banská Bystrica region and the territorial district of Žilina region,

d) the Regional Public Health Authority with the registered office in Košice in the territorial district of Košice region and the territorial district of Prešov region.

(6) The regional public health authority applicable in the registered office of the region besides the activities listed in paragraph 3

a) professionally and methodically manages and coordinates the activity of the regional public health authorities in the region,

b) establishes committees for the examination of professional competence, issues certificates on professional competence and maintains the register of persons with professional competence for the activities listed in Article 15 par. 3,

c) ensures laboratory activities for all regional public health authorities in the region,

d) carries out and evaluates the control of vaccination at the level of the region,

(7) the Regional Public Health Authority with the registered office in Banská Bystrica maintains also the central register of contagious diseases in the Slovak Republic and the pollen information service.

(8) The regional public health authorities exercise activity in accordance with paragraphs 3, 4 and 6, unless otherwise provided by this Act (Article 7).

## § 7

### **Competence of public health bodies outside the department of public health**

Public health bodies listed in Article 3 par. 1 letter d) to g) in the extent of their competence

- a) cooperate with the Ministry in the resolution of significant programmes of the public health system, in drafting proposals of elementary directions, priorities and conditions of the execution of the public health policy,
- b) carry out the monitoring of the relations of health determinants and public health,
- c) carry out exteriorization and testing of elements of the environment and working environment,
- d) fulfil the tasks in the sector of prevention of diseases and other health disorders in accordance with Article 10,
- b) issue binding opinions in accordance with Article 13 par. 2 and 3 and decide on the proposals according to Article 13 par. 4 letter a) to e), h) to n) and par. 5 letter b),
- f) establish committees for the examination of professional competence and issue certificates on professional competence for the activities leading to irradiation in accordance with Article 15 par. 1 letter c) and for activities important in terms of radiation protection in accordance with Article 15 par. 1 letter e), for work with very poisonous substances and preparations and with poisonous substances and preparations 11) in accordance with Article 15 par. 3 letter a) and for the execution of epidemiologically serious activities in accordance with Article 15 par. 2 letters a) to c),
- g) issue authorisations for activities leading to irradiation in accordance with Article 45 par. 2, 3 and 7 and authorisations for activities important in terms of radiation protection in accordance with Article 45 par. 4,
- h) carry out state health supervision, issue orders and impose measures for the elimination of shortcomings discovered during the execution of state health supervision in accordance with Articles 54 and 55,
- i) discuss misdemeanours and other administrative offences and impose fines in accordance with Articles 56 and 57.

§ 8

**National Reference Centre**

(1) For the purposes of this act the National Reference Centre is a specialized workplace of the Public Health Authority or a regional public health authority for the resolution of tasks of the public health system.

(2) The establishment of national reference centres is approved by the Ministry on the basis of an application of the Public Health Authority or a regional public health authority.

(3) The National Reference Centre

- a) ensures specialized advanced and final laboratory diagnostics and verification of laboratory results,
- b) defines reference methods and standards,
- c) carries out expert, methodical and publication activity,
- d) ensures epidemiological supervision,
- e) stores samples of biological material or other material which contains the agent of the disease and which was obtained from a confirmed case of disease,
- f) cooperates with the respective bodies and organisations of the European Union and the World Health Organisation,
- g) ensures training in new laboratory methodologies.

(4) The Ministry approves the establishment of a national reference centre if the applicant has a certificate on correct laboratory practice or a certificate on accreditation; this does not apply if the national reference centre does not have a laboratory.

(5) The application for approval of the establishment of the national reference centre shall include the following

- a) name and registered office of the applicant,
- b) type of the national reference centre and the place of its operation,

c) certificate on correct laboratory practice or certificate on accreditation; this does not apply if the national reference centre does not have a laboratory,

d) draft of the statute of the national reference centre.

(6) The draft of the statute of the national reference centre contains the activity and the tasks of the national reference centre.

(7) If the applicant satisfies the condition under paragraph 4 and the application has all the required requisites, the Ministry approves the establishment of the national reference centre and makes an entry on the register of national reference centres within 30 days of the establishment.

(8) If the national reference centre ceases to satisfy the condition in accordance with paragraph 4, the Ministry of Health on the basis of an application of the Public Health Authority or a regional public health authority approves the cancellation of the national reference centre.

#### § 9

##### **Radiation monitoring network**

(1) The radiation monitoring network is a controlled system of technically, professionally and personally equipped workplaces, organisationally linked to the needs of monitoring of the radiation situation and the collection of data on the territory of the Slovak Republic, created by the Public Health Authority in cooperation with central governmental bodies listed in Article 5 par. 5 letter j).

(2) The radiation monitoring network ensures

a) measuring of certain parameters in specified elements of the environment in the system of points of measurement according to a time schedule,

b) evaluation of irradiation of the population and the contribution to the irradiation caused by activities leading to irradiation in a normal radiation situation,

c) basis for systematic directing of irradiation of the population,

d) data on radioactive contamination of the environment necessary for deciding on the execution and termination of interventions and measures for the limitation of irradiation in case of a radiation threat,

e) data on the level of irradiation for informing the population and for international exchange of information on the radiation situation on the territory of the Slovak Republic.

### **PART THREE**

#### **PREVENTION OF DISEASES AND OTHER HEALTH DISORDERS**

#### § 10

##### **Tasks in the sector of prevention of diseases and other health disorders**

Unless otherwise provided in this act, the Public Health Authority and regional public health authorities

a) participate on the preparation of all-society and regional programmes of support, protection and development of public health aimed at influencing public health through lifestyle, nutrition factors and prevention of risk factors,

b) participate on the solution of the National Programme of Health Support, National Programme of safety and health protection at work, on programmes and projects of the Health World Organisation, on the realization of the Action Plan for Environment and Health, the Programme of Nutrition Sanitation of the Population of Slovak Republic and the Immunization Programme,

c) fulfil specialized tasks of the public health system in accordance with Article 11,

d) order measures for the prevention of diseases in accordance with Article 12 par. 2 letters b) to m) and par. 3 to 5,

e) carry out assessment activity in accordance with Article 13,

f) carry out the education of the society to health mainly through consulting activity in accordance with Article 14.

§ 11

**Specialized tasks of the public health system**

Unless otherwise provided in this act, the Public Health Authority and regional public health authorities

a) carry out exteriorization, reference and specialized testing and qualitative and quantitative determination of factors of the environment and working environment and biological material for the purposes of the assessment of their possible influence on public health,

b) ensure the development of new measurement methods, field activities, exteriorization and consulting in the public health system,

c) ensure activities of national reference centres in accordance with Article 8,

d) ensure internal control system of the quality of measurements and its compliance with a special regulation, 14)

b) monitor the relation of health determinants and public health,

f) collect basic data in the field of public health protection, ensure their transmission, storage, analysis, evaluation of results, feedback information and publication,

g) keep records and documentation of epidemiological data and other data significant in terms of protection, support and development of public health,

h) carry out the taking of samples of biological material from people and samples of waters, air, soil, waste, consumables and cosmetic products for the determination of their health safety and for the execution of laboratory determination of the agents of contagious diseases including the determination of sensibility to antimicrobial substances,

i) monitor the incidence of contagious diseases and carry out epidemiological supervision,

j) investigate suspicions of occupational diseases,

k) plan and coordinate the control of contagious diseases,

l) plan, coordinate and control the immunization programme, control the correct procedures and manipulation with vaccines at all levels,

m) monitor the quality of drinking water at the consumer and the quality of swimming water in natural swimming pools,

n) monitor the health condition of the population and its groups in relation to living conditions and working condition, lifestyle and work and the health consciousness of people,

o) monitor the influence of nutrition on the health of people and define the recommended nutrition doses of the population and the nutrition policy of the state,

p) carry out the identification of health risks and draft the proposals for their minimisation,

q) process and publish the data on the state of public health and carry out publishing activity in the field of protection, support and development of public health,

r) fulfil specialized tasks in the field of medical microbiology, in the field of protection of health from ionising radiation, in the field of genetic toxicology, in the field of microbiology of environment, in the field of biology of the environment and in the field of chemical analysis and physical factors of living conditions and working conditions,

d) ensure professional preparation for obtaining the certificate of professional competence.

§ 12

**Measures for the prevention of diseases**

(1) The measures for the prevention of diseases are the following

a) measures for the prevention of the occurrence and spread of contagious diseases,

b) measures for the prevention of the occurrence of other diseases with mass incidence and other health disorders and for their limitation,

c) measures for the prevention of the occurrence of diseases conditioned by work and for their limitation,

d) measures for the prevention of the occurrence of diseases and other health disorders caused by ionising radiation,

(2) The measures for the prevention of the occurrence and spread of contagious diseases are the following

a) measure for the protection of the Slovak Republic from the spread of contagious diseases,

b) reporting a contagious disease and the suspicion of a serious or a fast spreading contagious disease,

c) taking of samples of biological material from people and samples of drinking water and swimming water, including the taking of samples of foodstuffs and finished meals, cosmetic products and samples of working environment and internal environment of buildings for the determination of their health safety, execution of laboratory determination of the agents of contagious diseases including the determination of sensibility to antimicrobial substances,

d) individual and special vaccination, vaccination in case of accidents, injuries and non-healing wounds, vaccination before a trip abroad, vaccination of individual groups of population,

e) disinfection and regulation of animal pests,

f) isolation in home environment or a medical facility, or another designated facility, increased health supervision, medical supervision, quarantine measures,

g) measures for the prevention of the spread of diseases transmitted from animals to humans,

h) interdiction or limitation of the execution of profession of persons suffering from a contagious disease or suspect of such disease,

i) interdiction of using water not satisfying the limits of the drinking water quality indicators as drinking water, including the interdiction of using foodstuffs, meals and drinks,

j) interdiction of using water not satisfying the limit values of swimming water quality indicators,

k) ensuring of sufficient quantity of sanitary clean drinking water,

l) measures banning or limiting collective events,

m) interdiction of activities or operation.

(3) The measures for the prevention of the occurrence of other diseases with mass incidence and other health disorders and for their limitation are the following

a) ensuring of sufficient quantity of sanitary clean drinking water,

b) monitoring of the health condition of people with the aim of identification and analysis of factors influencing the occurrence of diseases,

c) interdiction or restriction to put into circulation and use dangerous chemical substances and chemical preparations, cosmetic products and other products representing a threat for public health,

d) interdiction of using foodstuffs, meals and drinks harmful to health,

e) interdiction or restriction of the operation in buildings and facilities which may represent a threat for public health,

j) interdiction of using water not satisfying the limit values of swimming water quality indicators,

g) interdiction or restriction of collective events.

(4) The measures for the prevention of the occurrence of diseases conditioned by work and for their limitation are the following

a) limitation of the action of factors of work and working environment harmful to health on employees by technical, organisational and other protective and preventative measures including the securing of drinking regime for employees where it is required by the protection of life and health,

b) limitation of negative influence of risk works on employees,

c) ensuring of health supervision for employees whose work is connected with an increased risk including

the execution of directed medical preventative examinations, assessment of health capability of employees performing risk works and preventative vaccination for employees exposed to a risk of infection,

d) determination of the minimum extent and frequency of the monitoring of factors of working conditions, deadlines and the minimum content of medical preventative examinations of employees, in case of a special situation, accident or emergency state at the workplace,

e) interdiction or restriction of the production, treatment and use of materials, chemical substances and preparations, instruments, machines, installations, operational and technological procedures which worsen the working environment, work conditions and represent a threat for the health of employees.

(5) The measures for the prevention of the occurrence of diseases and other health disorders caused by ionising radiation are the following

a) delivery of sources of ionising radiation, radioactive waste or the release of radioactive substances from under administrative control or cancellation of the workplace,

b) execution of special measurements, analysis or examinations with the purpose of evaluation of factors harmful to health and their possible influence on health,

c) execution of measures for the limitation of irradiation of employees and the general population by technical, organizational and other protective and preventative measures,

d) the minimum extent and frequency of the monitoring of factors of working conditions, deadlines and the minimum content of medical preventative examinations of employees, in case of a special event,

e) measures for the limitation of volume activity of radon in residential areas or for the limitation of the use of areas with high activities of radon in the air,

f) execution of other justified measure which will reduce irradiation,

g) interdiction or restriction of the execution of an activity leading to irradiation or an activity in an environment with increased irradiation by natural radiation,

h) interdiction or restriction of the use of building materials or delivery of drinking water if their activity is higher than the guidance values prescribed by the executive regulation in accordance with Article 62 letter v),

i) elimination of radioactive residues.

(6) The measures for the prevention of diseases are ordered by the Public Health Authority and regional public health authorities, unless otherwise provided in this act.

(7) The measures under paragraph 2 letter a) are ordered by the Ministry upon proposal of the Public Health Authority.

### § 13

#### **Assessment activity**

(1) For the purposes of this act assessment activity means the process of assessment and evaluation of measures and proposals in terms of their possible negative influence on public health the result of which is the issuance of a binding opinion or decision.

(2) The bodies competent in accordance with special regulations 15) to decide in matters assessed by the respective public health body in terms of their possible negative impact on public health decide only after the issuance of a positive binding opinion of the respective public health body; this does not apply in case of approval in accordance with a special regulation. 16)

(3) Unless otherwise provided in this act, the Public Health Authority or regional public health authority issues a binding opinion on

a) land planning documents, if they were submitted to the Public Health Authority or a regional public health authority,

b) ground plans and the proposals for land-use proceedings,

c) proposals for the final building approval of buildings and proposals for a change in the use of buildings,

d) proposals for the determination of a special regime of lands, 15)

e) proposals for the use of water sources for drinking water supply.

(4) Unless otherwise provided in this act, the Public Health Authority or the regional public a) decides on the proposals for putting the premises into operation including the proposals for a change in their operation, and if it requires exteriorization of factors of the environment or working environment, on the proposals for putting the premises into test operation,

b) approves operational instructions and proposals for their change,

c) decides on the proposals for the introduction of food objects into use,

d) decides on the proposals for recovery events,

e) decides on proposals for water treatment of drinking water including the use of chemical substances for the treatment of drinking water,

f) decides on the proposals for the implementation of new technological and new working procedures in the production of foodstuffs,

g) decides on the proposals for the placement of new foodstuffs and nutrition complements on the market, 9)

h) decides on the proposals for the use of biological factors for the change of their use and for activities which may lead to the exposure of employees to biological factors,

i) decides on the proposals for the storage and manipulation with very poisonous substances and preparations in the workplace including their use in the disinfection, regulation of animal pests and for the protection of plants, 17)

j) decides on the proposals of activities linked with the production, treatment, manipulation, storage, transport and disposal of chemical carcinogens and mutagens in the workplace,

k) decides on the proposals for the elimination of asbestos and materials containing asbestos from buildings,

l) decides on the proposals for handling dangerous waste and for the operation of facilities for the disposal of dangerous waste,

m) decides on the proposals for the classification of work activities in the category of risk works (Article 31 par. 6),

n) decides on the proposals for the establishment and operation of burying-place, funeral service, crematorium and for the activities related to the transport of dead in accordance with special regulations. 18)

(5) In the field of radiation protection

a) the Public Health Authority decides on

1. proposals for the placement and construction of a nuclear facility,

2. proposals for the stages of putting the nuclear facility into operation,

3. proposals for putting the nuclear facility out of service,

4. proposals for building and technological changes significant in terms of radiation protection during the construction of the nuclear facility, during putting the nuclear facility into operation, during operation of the nuclear facility and during putting the nuclear facility out of service,

5. proposals of new technological procedures when putting the nuclear facility out of service,

6. proposals for the tests of technological facilities using radioactive substances for the construction and changes important in terms of radiation protection during the construction or operation of workplaces on which activities leading to irradiation by radioactive emitters shall be carried out or are carried out, for which authorisation are issued by the Public Health Authority,

7. proposals for exceptional irradiation in activities leading to irradiation,

8. proposals of the internal emergency plan for nuclear facilities, 19)

9. proposals for the use of building products 20) for the construction of non-residence buildings intended for a stay of persons longer than 1 000 hours during a calendar year and for the construction of residence buildings when exceeding the guidance value prescribed by the executive regulation in accordance with Article 62 letter v),

10. proposals for the distribution of bottled drinking water and the proposals for the use of water sources for drinking water supply when exceeding the guidance value prescribed by the executive regulation in accordance with Article 62 letter v),

11. proposals for the types of transport installations for the transport of radioactive emitters and radioactively contaminated installations,

12. proposals for the cancellation of the workplace on which activities leading to irradiation by open radioactive emitters or sources of ionising radiation were carried out, during which radioactive



substances are produced, for which authorisation has been issued by the Public Health Authority,

b) regional public health authority, unless otherwise provided in this act, decides on

1. proposals for the construction and changes important in terms of radiation protection during the construction of workplaces on which activities leading to irradiation will be carried out, for which a authorisation is issued by a regional public health authority,
2. proposals for tests of technological installations using radioactive substances in activities leading to irradiation, for which authorisation is issued by a regional public health authority,
3. proposals for building and technological changes important in terms of radiation protection on workplaces, for the operation of which authorisation has been issued by a regional public health authority,
4. proposals for the cancellation of the workplace on which activities leading to irradiation by open radioactive emitters or sources of ionising radiation were carried out, during which radioactive substances are produced, for which authorisation has been issued by a regional public health authority,
5. proposals for drinking water supply when exceeding the guidance value prescribed by the executive regulation in accordance with Article 62 letter v).

(6) The respective public health body issues binding opinions in accordance with paragraph 3 letter b) to e) and decides on the proposals in accordance with paragraph 4 on the basis of an applications which contains the following

a) business name, legal form, registered office and identification number, if it has been assigned, if the applicant is a legal person; name, surname and permanent residence and identification number, if it has been assigned, if the applicant is a natural person - entrepreneur,

j) document on the license to carry out business,

e) name, surname and permanent address or registered office of the person responsible for carrying out the assessed activities,

d) documentation with the description of the activity subject to the proposal for assessment.

(7) The respective public health body decides on the proposals in accordance with paragraph 5 on the basis of an applications which contains the following

a) data in accordance with paragraph 6 letter a),

b) document on the license to carry out business,

c) name, surname and permanent address of the representative for radiation protection (hereinafter referred to as "qualified representative"), if he was designated,

d) description of the proposed activity,

e) documentation in accordance with annex no.2,

(8) The respective public health body may demand other documents necessary for the issuance of a binding opinion and decision.

(9) The period for the issuance of the decision in accordance with paragraph 5 letter a) first point is 60 days; in particularly complicated cases the public health office may extend this period by 60 days. The extension of the period will be notified by the public health authority to the applicant without delay.

#### § 14

#### **Consulting activity**

(1) The Public Health Authority and regional public health authorities carry out counselling activity in the field of support and protection of health, establish and operate consulting centres for the protection and support of health.

(2) The objective of consulting centres for the protection and support of health is the reduction of the incidence of health risks through general and specialized consulting aimed at a positive change of lifestyle using scientifically verified findings and methods from the field of medicine and public health system.

(3) General consulting consists in an active research and determination of risk factors of cardio-vascular, oncogenous and other chronic non-contagious diseases and from the procurement of information in a comprehensible form and on the principles of correct lifestyle and motivation to positive changes in the prevention of the most serious chronic non-contagious diseases.

(4) Specialized consulting is aimed at the prevention of the most serious non-contagious

diseases by influencing the risk factors of lifestyle, in particular smoking, insufficient physical activity, incorrect nutrition, obesity and stress.

(5) Consulting centres for the protection and support of health ensure individual, group and collective consulting.

## **PART FOUR**

### **PROFESSIONAL COMPETENCE**

#### **§ 15**

#### **Committees for the examination of professional competence and certificates on professional competence**

(1) Unless otherwise provided in this act, the Public Health Authority establishes committees for the examination of professional competence and issues certificates on professional competence for

- a) qualitative and quantitative determination of factors of the environment and working environment for the purposes of the assessment of their possible influence on health,

- h) evaluation of health risks from the environment for the purposes of the assessment of their possible influence on health,

- c) activities leading to irradiation in accordance with Article 45 par. 2, 3 and 7,

- d) release of radioactive substances and radioactively contaminated objects and materials which originated or were used in activities in accordance with letter

- c), form under administrative control in accordance with Article 45 par. 5,

- e) activities important in terms of radiation protection in accordance with Article 45 par. 4,

- f) taking of samples from the environment and working environment for the purposes of qualitative and quantitative determination of factors of the environment and working environment,

- g) carrying out embalment and conservation.

(2) Unless otherwise provided in this act, the regional public health authority establishes committees for the examination of professional competence and issues certificates on professional competence for epidemiologically serious activities

- a) in filter plants and in the operation of conveyance structures,

- b) in facilities of human body care,

- c) in the production, manipulation and putting foodstuffs and meals into circulation.

- d) in production of cosmetic products.

(3) Unless otherwise provided in this act, the regional public health authority in the seat of the region establishes committees for the examination of professional competence and issues certificates on professional competence for

- a) work with very poisonous substances and preparations and with poisonous substances and preparations, 11)

- b) work with disinfection preparations for professional use and for work with preparations for the regulation of animal pests for professional use,

- c) purchase, sale and treatment of mushrooms,

- d) operation of a burying-place, operation of a funeral service and operation of a crematorium.

#### **§ 16**

#### **Professional competence and issuance of certificates on professional competence**

(1) Professional competence is a special condition for the performance of professional activities listed in Article 15. Professional competence is proved by a certificate of professional competence. In case of the activities under Article 15 par. 2, professional competence is proved

- a) by a certificate of professional competence or

- b) by a certificate on completing the relevant specialised education 21) or by a certificate on the

recognition of a certificate on education in accordance with special regulations. 22)

Professional competence for activities listed in Article 15 par. 3 letters a) and b) shall be proved by a natural person/entrepreneur and a managing employee.

(3) The certificate of professional competence will be issued by the respective public health body on the basis of an application for the verification of professional competence to a natural person meeting the requirements prescribed hereinafter.

(4) For the performance of the activity stated Article 15 par. 1 letter a) the following requirements shall be met

a) completed university education of second degree with a specialisation in public health, a technical specialisation or a specialisation in natural sciences and at least three years of professional practice,

b) certificate of accreditation of laboratory testing, taking of samples a measurement of physical factors,

c) successfully passed examination before the committee for the examination of professional competence,

(5) For the performance of the activity stated Article 15 par. 1 letter b) the following requirements shall be met

a) completed university education of second degree with a specialisation in public health, a technical specialisation or a specialisation in natural sciences and at least three years of professional practice,

c) successfully passed examination before the committee for the examination of professional competence.

(6) For the performance of the activities listed in Article 15 par. 1 letter c) to e) the following requirements shall be met

a) completed university education of second degree with a medical specialisation, pharmaceutical specialisation, a specialisation in natural sciences or a technical specialisation and at least one year of professional practice or a completed university education of first degree with a specialisation in natural sciences or a technical specialisation and at least two years of professional practice or a completed secondary vocational education with a technical specialisation or health-care specialisation and at least three years of professional practice, unless otherwise provided in paragraphs 7 and 8,

b) professional preparation for the activities under Article 15 par. 1 letter c) to e) according to the performed activity,

c) successfully passed examination before the committee for the examination of professional competence.

(7) The required education and professional practice for the performance of an activity leading to irradiation in nuclear facilities is a completed university education of second degree with a specialisation in natural sciences or a technical specialisation and at least three years of professional practice.

(8) The required education and professional practice for the performance medical irradiation is a completed university education of second degree with a medical specialisation, specialisation in natural sciences or a technical specialisation and at least one year of professional practice.

(9) For the performance of the activity stated Article 15 par. 1 letter f) the following requirements shall be met

a) completed university education of first or second degree with a specialisation in public health, a technical specialisation or a specialisation in natural sciences and at least one year of professional practice or a completed secondary education and at least one year of professional practice,

c) successfully passed examination before the committee for the examination of professional competence.

(10) For the performance of the activity stated Article 15 par. 1 letter g) professional competence shall be required in accordance with a special regulation. 23)

(11) For the performance of the activities listed in Article 15 par. 2 a successfully passed examination before the committee for the examination of professional competence is required; this shall not apply if the natural person shows a document on completing the relevant specialised education 21) or a document on the recognition of a document of education in accordance with special regulations. 22)

(12) For the performance of the activities listed in Article 15 par. 3 letter a) the following requirements shall be met

a) completed university or secondary education and professional practice in accordance with paragraphs 18, 19, 21 or 22,

d) successfully passed examination before the committee for the examination of professional competence, unless otherwise provided hereinafter.

(13) For the performance of the activities listed in Article 15 par. 3 letter b) the following requirements shall be met

a) completed university education of first or second grade with a technical specialisation or a specialisation in natural sciences or a completed secondary education and professional practice in accordance with paragraphs 18, 19, 21 or 22,

d) successfully passed examination before the committee for the examination of professional competence, unless otherwise provided hereinafter.

(14) For the performance of the activities listed in Article 15 par. 3 letter c) a successfully passed examination before the committee for the examination of professional competence is required.

(15) For the performance of the activities listed in Article 15 par. 3 letter d) professional competence shall be required in accordance with a special regulation. 23)

(16) The application for the verification of professional competence shall include

a) name, surname, title, permanent residence and date and place of birth, place of business and identification number, if it has been assigned,

b) statement of the activity for which he demands the certificate of professional competence.

(17) The application for the verification of professional competence shall be accompanied by

a) a document on completed education, if it is required by this act or a special regulation 23) or a document on the recognition of a document of on education in accordance with special regulations, 22)

b) a document on the length of professional practice, if it is required by this act; 23) when terminating the activity of the employer a declaration on honour on the length of professional practice,

j) a document on the license to carry out business, if the applicant is a natural person - entrepreneur,

d) a document of professional competence issued by the respective body of the member state, in case of an applicant under paragraphs 23 and 24,

e) copy of the certificate on completing professional preparation in accordance with paragraph 6 letter b) which shall not be older than two year, if he demands the verification of professional competence for the activities under Article 15 par. 1 letter c) to e),

f) copy of the certificate on accreditation for the activity for which he demands the certificate of professional competence in accordance with Article 15 1 letter a).

(18) The applicant for the verification of professional competence for trading with very poisonous substances and preparations, poisonous substances and preparations, with disinfection preparations for professional use or preparations for the regulation of animal pests for professional use which are intended for delivery to the final consumer in the original package and their distribution does not have to pass an examination before the committee for the examination of professional competence, if he has carried out any of these activities for five succeeding years and he did not end such activity more than two years before the submission of the application for the verification of professional competence. After verification of the fulfilment of this condition the regional public health authority issues to the applicant the certificate of professional competence.

(19) The applicant for the verification of professional competence for trading with very poisonous substances and preparations, poisonous substances and preparations, with disinfection preparations for professional use or preparations for the regulation of animal pests for professional use does not have to pass an examination before the committee for the examination of professional competence, if he has carried out any of these activities for six succeeding years and he did not end such activity more than two years before the submission of the application for the verification of professional competence. After verification of the fulfilment of this condition the regional public health authority issues to the applicant the certificate of professional competence.

(20) The provision of paragraph 19 does not apply to the performance of activities including the use of chemical substances listed in annex no.3.

(21) The applicant for the verification of professional competence for the activities listed in article 18 who has carried out any of these activities for two succeeding years will pass an

examination before the committee for the examination of professional competence. The regional public health authority will issue the certificate of professional competence to the applicant on the basis of a successfully passed examination.

(22) The applicant for the verification of professional competence for the activities listed in article 19 who has carried out any of these activities for three succeeding years will pass an examination before the committee for the examination of professional competence. Unless otherwise provided in this act the regional public health authority will issue the certificate of professional competence to the applicant on the basis of a successfully passed examination.

(23) The applicant for the verification of professional competence for trading with very poisonous substances and preparations, poisonous substances and preparations, with disinfection preparations for professional use or preparations for the regulation of animal pests for professional use which are intended for delivery to the final consumer in the original package and their distribution does not have to pass an examination before the committee for the examination of professional competence, if in another member state

a) has carried out any of these activities independently or as the managing employee for five succeeding years and he did not end such activity more than two years before the submission of the application for the verification of professional competence and owns a document according to paragraph 26,

b) has carried out any of these activities independently or as the managing employee for two succeeding years and owns a document of competence for this activity which entitles him to carry out this activity in a member state,

c) has carried out any of these activities independently or as the managing employee for three succeeding years and before the performance of this activity he has passed professional preparation what he will prove by a document of professional competence recognised by the state or the designated respective professional or commercial body,

d) has carried out any of these activities as a subordinate employee for three succeeding years and owns a document of professional competence for this activity which entitles him to carry out this activity in a member state, or

e) has carried out any of these activities as a subordinated employee for four succeeding years and before the performance of this activity he has passed professional preparation what he will prove by a document of professional competence recognised by the state or the designated respective professional or commercial body.

(24) The applicant for the verification of professional competence for the use of very poisonous substances and preparations, poisonous substances and preparations, disinfection preparations for professional use or preparations for the regulation of animal pests for professional use does not have to pass an examination before the committee for the examination of professional competence, if in another member state

a) has carried out any of these activities independently or as the managing employee for six succeeding years and he did not end such activity more than two years before the submission of the application for the verification of professional competence and owns a document according to paragraph 26,

b) has carried out any of these activities independently or as the managing employee for three succeeding years and owns a document of professional competence for this activity which entitles him to carry out this activity in a member state,

c) has carried out any of these activities independently or as the managing employee for four succeeding years and before the performance of this activity he has passed professional preparation what he will prove by a document of professional competence recognised by the state or the designated respective professional or commercial body,

d) has carried out any of these activities as a subordinate employee for four succeeding years and owns a document of professional competence for this activity which entitles him to carry out this activity in a member state, or

e) has carried out any of these activities as a subordinated employee for five succeeding years and before the performance of this activity he has passed professional preparation what he will prove by a document of professional competence recognised by the state or the designated respective professional or commercial body.

(25) The provisions of paragraph 24 letter a), c) and e) do not relate the performance of activities which include professional use of chemical substances listed in annex no.3. If the applicant has carried out any of the activities according to paragraph 24 letter b) and d) the document of professional competence shall include a specification of the chemical substances that the applicant may use in the member state, and the professional use of the chemical substances shall not be suspended for more than two years before the submission of the application for the verification of professional

competence.

(26) The fulfilment of the conditions in accordance with paragraphs 23 and 24 is proved by a document of professional competence issued by the respective authority or body of the member state in which the applicant for the verification of professional competence has carried out this activity. The document of professional competence contains the data of the type and length of professional practice and the limitations in the performance of the activity, which the applicant shall submit together with the application.

(27) The certificate of professional competence in accordance with Articles 23 and 24 will be issued to the applicant by the respective public health body after submission of the document according to paragraph 26. The respective public health body may determine in the certificate of professional competence the same extent and the same limitations on the performance of the activity as those determined in the document under paragraph 26.

(28) Education under paragraph 4 letter a), paragraph 5 letter a), paragraph 6 letter a), paragraph 7 and 8, paragraph 9 letter a), paragraph 12 letter a) and paragraph 13 letter a) is proved by a document on completing the relevant education or a document on the recognition of education as referred to in special regulations. 22)

(29) The respective public health body issues a certificate of professional competence within 30 days of passing the examination or the day of submission of the application for issuing the certificate, if the applicant does not have to pass the examination before the committee for the examination of professional competence.

(30) A professionally competent person is entered on the register of professionally competent persons. The register of professionally competent persons is accessible to public.

(31) The validity of the certificate of professional competence is five years from its issue.

(32) The respective public health body may revoke the certificate of professional competence, if  
a) it later discovers that the application for the verification of professional competence or its annex contained false data,

b) the holder of the certificate of professional competence seriously or repeatedly breaches the duties prescribed by this act and other generally binding legal regulations regulation the protection of public health.

(33) The certificate of professional competence expires

a) with the death of the holder of the certificate of professional competence or when he is ruled to be legally dead,

b) the expiry of the period of validity.

## **PART FIVE**

### **HEALTHY LIVING CONDITIONS AND HEALTHY WORKING CONDITIONS**

#### **CHAPTER ONE**

#### **COMMON PROVISIONS**

#### **§ 17**

#### **Drinking water**

(1) Drinking water is water in its original state or after treatment intended for drinking, cooking, preparation of food or other domestic purposes without regard to its origin and to whether it was delivered from a distribution network, water tank or as water packed into consumer packaging and water used in food factories in the production, treatment, conservation or sale of products or substances intended for human consumption.

(2) Drinking water is safe for health if it does not change health even when it is permanently consumed or used by the presence of microorganisms and organisms or substances affecting health by acute, chronic or delayed action and its properties perceivable by senses do not prevent its consumption or use. Health safety of drinking water is evaluated and controlled following drinking water quality indicators and their limits.

(3) On the basis of the application of a natural person/entrepreneur or a legal person producing and supplying drinking water and using water sources for drinking water supply, the regional public health authority may temporarily, for a period of three years at maximum, grant an exception for the use of water not satisfying the limits of drinking water quality indicators, 24) unless it is water packed into consumer packaging. Exception may not be granted in the case of water sources for drinking water supply that provide less than 10m<sup>3</sup> of drinking water a day or supply less than 50 persons. The regional public health authority grants an exception only if the drinking water supply may not be ensured otherwise and the health of people will not be threatened. After expiry of the period of validity, in justified cases, the regional public health authority may repeatedly grant an exception for three years at maximum; it will notify the Commission about results of the control together with the justification of the decision on the second exception. In exceptional cases the public health authority may grant a third exception after previous consent of the Commission.

(4) The actual list of exceptions granted under paragraph 3 shall be published by the public health authority on the internet.

(5) The regional public health authority shall provide in an accessible way information on the exceptions granted under paragraph 3 and the results of the quality control of drinking water at the consumer and shall submit the actual list of granted exceptions to the public health authority.

(6) According to local conditions and taking into consideration the epidemiological situation, the regional public health authority, on the basis of its own initiative or upon proposal of a natural person/entrepreneur or a legal person producing and supplying drinking water and using water sources for drinking water supply, may increase the extent and number of drinking water quality indicators by other indicators, the occurrence of which may be assumed, or reduce their number when the values of drinking water quality indicators and its source are provably stable and satisfactory and are supported by a statistically representative number of data.

(7) Natural person/entrepreneur and legal person who produce and supply drinking water and use water sources for drinking water supply shall disinfect the drinking water, unless otherwise provided. The type and method of disinfection of drinking water or its omission shall be assessed by the respective public health body according to Article 13 par. 4 letter e).

(8) Hot water supplied by a system of collective supply, except technological water, may only be produced from drinking water.

#### § 18

##### **Products intended for contact with drinking water**

(1) The products intended for contact with drinking water are in particular products used for the treatment, collection, accumulation, transport, measurement and taking of a quantity of drinking water. These products shall be manufactured in accordance with the correct manufacturing practice so that

- a) under usual and predictable circumstances of use substances in quantities which could represent a threat for the health of people or cause unacceptable changes in the composition of drinking water or affect unfavourably its sensorial properties are not released into drinking water,
- b) they are not the source of microbiological or other water pollution.

(2) When using a technology reducing water hardness it is necessary to observe the least recommended value of calcium and magnesium in water provided by a special regulation. 24)

(3) The quantity of substances which are released from products intended for contact with drinking shall not exceed the limit of the followed drinking water quality indicator, 24) in case of

- a) products intended for short-term contact with drinking water,
- b) products intended for short-term contact with drinking water with a contact area not exceeding 100 cm<sup>2</sup>,
- c) products intended for contact with warm and hot drinking water.

(4) In migration tests the concentration of substances is determined or the presence of substances which are characteristic as a natural component or a possible contamination of the actual product and which represent a risk is detected.

#### § 19

##### **Swimming water, natural swimming pools and artificial swimming pools**

(1) Swimming water is each running or standing water or its part which is used by a large number

of people for swimming and in which swimming is allowed or swimming is not banned.

(2) Natural swimming pool is a reserved natural water area and the related operational areas with facilities forming an integral entity.

(3) Artificial swimming pool is a covered or uncovered building intended for swimming and the related operational areas with facilities.

(4) Swimming water shall not

a) exceed the limit values of swimming water quality indicators prescribed by the executive regulation in accordance with Article 62 letter e),

b) contain toxic water-bloom, tar, materials and objects which could represent a threat for the health of people.

(5) Limit values of swimming water quality indicators do not apply to natural swimming pools in the frontier area if the swimming water quality is influenced by water crossing the borders; in such cases the swimming water quality indicators and their limit values as well as a common procedure in the control will be determined by an agreement with the neighbouring state.

(6) If other pollution factors are detected, the regional public health authority will order their investigation, adoption of measures for the protection of health or will forbid the use of the swimming water.

(7) According to local conditions and taking into consideration the epidemiological situation the regional public health authority may increase the extent and number of swimming water quality indicators by other indicators, the occurrence of which may be assumed, or reduce their number when the values of swimming water quality indicators are provably stable and satisfactory and are supported by a statistically representative number of data.

(8) If the swimming water does not meet the requirements under this act or its use has been banned by the regional public health authority, the natural person/entrepreneur and legal person who operate a natural swimming pool (hereinafter referred to as "operator of a natural swimming pool") are bound to notify it visibly and clearly near such swimming water stating the concrete reason.

(9) In a short-term pollution of swimming water the operator of a natural swimming pool shall make accessible on a visible place near the swimming water

a) the information on a short-term pollution of the swimming water including the information on its short-term pollution in the previous year specifying the duration of the short-term pollution,

b) a warning, if a short-term swimming water pollution is expected or a short-term swimming water pollution persists.

(10) The operator of the natural swimming pool shall reserve the area for swimming and separate it from the area reserved for the use of vessels with combustion engines.

(11) If the natural swimming pool is used free of charge, the duties of the operator of the natural swimming pool shall be fulfilled by the owner of the land 25) on which the natural swimming pool is situated, if he does not signalize an interdiction of swimming on a visible place.

(12) If the water which is used by a large number of people for swimming is not operated as a natural swimming pool, the owner of the land 25) on which the natural swimming pool is situated shall signalize an interdiction of swimming on a visible place if the water does not meet the requirements under this act.

(13) A natural person/entrepreneur and a legal person who operate an artificial swimming pool or a natural swimming pool (hereinafter referred to as "operator of a swimming pool") are obliged to

a) ensure that the swimming water meets the requirements under this Act,

b) ensure the quality control of swimming water,

c) maintain records on the results of the quality control of swimming water and keep them for five years,

d) submit results of the quality control to the regional public health authority,

e) ensure the requirements for the facilities, premises, layout design and operation of the swimming pool,

f) ensure maintenance and cleaning of the premises of the swimming pool,



- g) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions,
- h) make accessible on an accessible place in the immediate vicinity of the swimming water actual information on the quality of the swimming water,
- i) signalize and place on a visible place in front of the entrance into the premises of the swimming pool an announcement banning the entry with animals.

(14) A natural person/entrepreneur and a legal person who operate an artificial swimming pool (hereinafter referred to as "operator of an artificial swimming pool") shall further ensure, besides the duties under paragraph 13

- a) cleaning of swimming pools and examination of sediments and growths in pools,
- b) technical and space requirements for artificial swimming pools and pools,
- c) lighting, thermal-moisture microclimate, heating and ventilation in the operation of a covered swimming pool,
- d) a room for giving first aid and for its operation; on visible places post the instructions for giving first aid and ensure sufficient number of lifeguards for giving first aid.

#### § 20

##### **Internal environment of buildings**

(1) Internal environment of buildings shall meet the requirements for thermal-moisture microclimate, ventilation and heating, requirements for lighting, shining and other kind of optical radiation.

(2) In newly designed buildings permanent supplementing of daily lighting by light from sources of artificial lighting may not be set up

- a) in habitable rooms of flats,
- b) in rooms of accommodation facilities of college type,
- c) in daily rooms of facilities of pre-school education,
- d) in classrooms of schools except special classrooms,
- e) in bedrooms of medical facilities, social services facilities and facilities of social-legal protection of children and social tutorship. 26)

(3) A natural person/entrepreneur and a legal person who operate a building intended for public (hereinafter referred to as "operator of a building") shall ensure the quality of internal air of the building so that it does not represent a risk due to a presence of physical, chemical, biological and other factors harmful to health or it is not organoleptically changed.

#### § 21

##### **Flats of a lower standard and accommodation facilities**

(1) Flats of a lower standard are flats in residential buildings with a residential surface, useful area and equipment which shall correspond at least to the minimum requirements prescribed in accordance with Article 62 letter f).

(2) Accommodation facilities offering collective accommodations may only be operated if they meet the requirements for internal environment, layout, functional arrangement, equipment and for the operation of accommodation facilities prescribed by the executive regulation under Article 62 letter f).

(3) A natural person/entrepreneur and a legal person who operate accommodation facilities (hereinafter referred to as "operator of a accommodation facility") are obliged to

- a) ensure the requirement under paragraph 2,
- g) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions.

#### § 22

##### **Physical educational - sport facilities**

(1) Physical educational - sport facility is a covered or uncovered object intended for physical educational and sport events within physical culture.

(2) Physical educational - sport facility is situated in a way that its activity does not influence unfavourably the surroundings, in particular a residential area, by noise, dust or light.

(3) A natural person/entrepreneur and a legal person who operate accommodation physical educational - sport facilities (hereinafter referred to as "operator of a physical educational - sport facility") are obliged to

a) ensure the requirements for internal environment, layout and functional arrangement, equipment and for the operation of physical educational - sport facilities,

b) use only such physical educational apparatus and equipment to prevent threatening or damaging the health of its users when it is used in accordance with the instructions of the manufacturer,

c) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions.

#### § 23

#### **Facilities of human body care**

(1) Facilities of human body care are in particular hairdressing, barbershop, cosmetics, manicure, pedicure, solarium, massage salons, sauna, tattoo salon, facility for providing regeneration and recondition services.

(2) Facilities of human body care may be operated only if they meet the requirements of building-technical design, layout, equipment and internal arrangement.

(3) A natural person/entrepreneur and a legal person who operate facilities for human body care (hereinafter referred to as "operator of a facility of human body care") are obliged to

a) use such working procedures, instruments, working tools, devices and preparations to prevent a threat or damage to health when providing the service,

b) have a first-aid kit at disposal,

c) inform the person to which services are provided on the risks connected with the provided service,

d) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions.

The operator of a facility of human body care and his employees are not allowed to

a) manipulate with scars,

b) manipulate with birthmarks,

c) carry out operations on eye conjunctiva and cornea.

(5) A natural person/entrepreneur and a legal person who operate a solarium (hereinafter referred to as "operator of a solarium"), besides the duties under paragraph 3, are also obliged to

a) keep the limits of ultraviolet radiation,

b) maintain operational documentation,

c) place on a visible place an instruction for persons to which he provides services.

(6) A natural person/entrepreneur and a legal person who operate a sauna (hereinafter referred to as "operator of a sauna"), besides the duties under paragraph 3, are further obliged to

a) the quality of water in the cooling pool so that it meets the limits of swimming water quality indicators,

b) regular change of water in the cooling pool and its regular cleaning,

c) quality control of the water in the cooling pool.

#### § 24

#### **Facilities for children and youth**

(1) For the purposes of this act facilities for children and youth are facilities which have

the license to carry out education, 27) and the business premises in which a trade is carried on 28) aimed at the care of children younger than six years or education and out-of-school education of children or youth.

(2) Facilities for children and youth are established in an environment suitable for health which is an environment protected from factors of external environment harmful to health, in particular from noise and sources of air pollution, and an environment protected from negative educational influences.

(3) The layout, functional arrangement and equipment for children and youth shall correspond to the age, health condition, degree of physical and mental development, physical proportions of children and youth and the size type and purpose of the facility. Toys, educational devices and other objects dedicated to children and youth shall correspond with their properties to the requirements prescribed by special regulations. 29)

(4) The operational instructions regulate the programme of the day, including activities leading to education, operation of sand pits, catering and drinking regimen which shall take into consideration age, physical and mental particularities of children and youth in the facilities for children and youth.

(5) A natural person/entrepreneur and a legal person who operate facilities for children and youth (hereinafter referred to as "operator of a facility for children and youth") are obliged to

- a) focus the education of children and youth on the protection of health,
- b) when serving food ensure that food is prepared of healthy harmless foodstuffs with the respective energetic and biological value,
- c) ensure regular cleaning and maintaining of external and internal areas of the facility for children and youth so that it does not represent a risk due to microbial and other pollution and observe the highest admissible quantity of microbial and other soil pollution prescribed by the executive regulation under Article 62 letter j),
- d) for cleaning and maintenance use only articles which are not classified as dangerous chemical substances and dangerous chemical preparations, 30)
- e) ensure supply of running drinking water and running hot water for the facility,
- f) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions.

(6) Only a child satisfying the following requirements may be placed in a pre-school facility

- a) it has health capability for staying in a collective,
- b) it does not show symptoms of a contagious disease,
- c) no quarantine measure has been ordered to it.

(7) A health certificate containing also information on obligatory vaccination will be issued to a parent, tutor, guardian, natural person or legal person to which the child has been entrusted on the basis of a court ruling under a special regulation, 31) or to a person which is interested in becoming a fosterer and has the child temporarily entrusted in his/her care under a special regulation 26 (hereinafter referred to as "representative of the child"), by the attending doctor. The health certificate of the child for a stay in collective is submitted by the representative of the child before the first entrance of the child in the pre-school facility.

(8) The facts stated in paragraph 6 letter b) and c) are confirmed by a written declaration by the representative of the child. The declaration shall not be older than one day. The declaration is submitted by the representative of the child before the entrance of the child in the pre-school facility and after an absence of the child in the pre-school facility longer than five days,

(9) A natural person/entrepreneur and a legal person who operate pre-school facilities (hereinafter referred to as "operator of a pre-school facility") are further obliged to

- a) ensure that the fact whether the health condition of the child allows its admission in the facility is verified by a responsible person before admitting the child in the facility,
- b) ensure that the person responsible for daily admission of children in the facility admits a child suspect of a disease only on the basis of an examination of its health condition by the attending doctor,
- c) ensure the isolation of the child from the rest of the children if the child has shown symptoms of an acute contagious disease during the day, temporary supervision over the child and informing the representative of the child.

(10) A natural person/entrepreneur and a legal person who carry on the trade of care for children younger than six years, if they carry on the trade in business premises, shall observe the provisions of paragraphs 2 to 9 and submit proposals defined in Article 13 par.4 letter a) for judgment to the Public Health Authority or a regional public health authority,

(11) A natural person/entrepreneur and a legal person who carry on the trade of education and out-of-school education of children and youth, if they carry on the trade in business premises, shall observe the provisions of paragraphs 2 to 5 and submit proposals defined in Article 13 par. 4 letter a) for judgment to the Public Health Authority or a regional public health authority,

#### § 25

##### **Recovery events**

(1) Recovery event is an organized stay of at least five children and youth up to 18 years for a period longer than four days the purpose of which is the recreation of children and youth, strengthening of their health and increase of their physical ability.

(2) A natural person/entrepreneur and a legal person who organize recovery events (hereinafter referred to as "organizer of a recovery event") are obliged to

a) demand a judgment on the recovery event in writing at least 30 days before the beginning of the recovery event from the regional public health authority competent following the place of the recovery event, or the place of its beginning if it is a travelling recovery event,

b) organize the recovery event so that it fulfils an educational function and reinforces the health of children and take into consideration during its organisation the age and health condition of the children and the character of the recovery event,

c) ensure that the recovery event takes place only in facilities which fulfil the requirements for the location, functional arrangement, layout, accommodation, catering and for the operation of facilities for recovery events,

d) ensure that the child participating on the recovery event fulfils the requirements of health capability,

e) ensure that only persons with health capability and professional competence work at the recovery event,

f) follow the day programme which takes into consideration the age and health condition of children,

g) ensure the catering of children taking into consideration their age, health condition and physical activity and that the served meals are harmless to health and with nutritional value,

h) ensure health care at the recovery event by professionally competent persons, at least one for 130 children,

i) ensure a first-aid kit,

j) ensure medical care accessible from the location of the recovery event and inform him in writing the location and time of the recovery event,

k) ensure the instruction of person at the recovery event on the prevention of diseases and other health disorders, if they have not had such instruction yet,

l) inform the representative of the child on the disease or health disorder of the child at the event and on the possible contact with a contagious disease,

m) maintain documentation on the recovery event and keep it for six months after the termination of the recovery event.

#### § 26

##### **Public catering facilities**

(1) Public catering facilities are facilities which provide catering services linked with the production, preparation and serving of meals or drinks at workplaces, educational facilities, schools, social services facilities, facilities of social-legal protection of children and social tutorship, medical facilities, in operations of public catering, in fast-food stands and other facilities with itinerant sale of meals and drinks and at recovery and other collective events.

(2) The facility of social-legal protection of children and social tutorship in which the ruling

of the court is carried out 32) and the facility of social-legal protection of children and social tutorship which creates conditions for the preparation of food or ensures the serving of food 33) is not a public catering facility for the purposes of this act.

(3) Catering services may only be provided in facilities meeting the requirements of building-technical design, layout, equipment, internal arrangement and for the operation.

(4) A natural person/entrepreneur and a legal person who operate public catering facilities (hereinafter referred to as "operator of a public catering facility") are obliged to

- a) ensure that unauthorised persons do not enter into production and storage areas and prevent the taking and entrance of animals in the premises of the public catering facility except areas intended for the consumption of food into which visually impaired persons may enter accompanied by a guide dog,

- b) in the production of meals they ensure its harmlessness to health and preservation of its nutrition and sensual value and the elimination of undesired effects from the technological procedure of the preparation of meals,

- c) proceed in accordance with the principles of correct production practice in the production of meals and drinks, 9) observe working procedures, places or operations of technological processes which are critical when ensuring health harmlessness of meals and drinks, meet the requirements for the production, preparation and serving of meals and drinks,

- d) ensure continuous control in the acceptance of raw materials of and keep records on the performed control for five years,

- e) ensure and control the conditions of keeping health harmlessness of stored raw materials, semi-products, semi-finished goods, finished meals and drinks,

- f) ensure the protection of finished meals and drinks before their devaluation,

- g) ensure continuous supply of drinking water and hot water into the public catering facility,

- h) ensure the control of drinking water quality control under a special regulation, 24) if the facility is supplied from its own water source,

- i) ensure the nutritional value of finished meals and drinks according to recommended nutrition rations, unless otherwise provided,

- j) ensure the taking of samples of finished meals before serving them, their keeping and maintain documentation on the taken samples, unless otherwise provided,

- k) control the keeping of personal hygiene of employees,

- l) ensure and check the cleanness of the facility and operational areas,

- m) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change of the operational instructions.

(5) The duties under paragraph 4 letter i) and j) do not apply to public catering facilities, fast-food stands and other facilities with itinerant sale of meals and drinks and to collective events.

(6) The operator of the public catering facility intended for children and youth is further obliged to consider the age needs of the group provided with catering when selecting the food, observe suitable selection of raw materials, the season, the time when catering shall be provided and other facts that may affect the health condition of children and youth provided with catering.

## CHAPTER TWO

### HEALTH PROTECTION AGAINST NOISE, VIBRATIONS AND ELECTROMAGNETIC RADIATION IN THE ENVIRONMENT

#### § 27

##### **Noise, infrasound and vibrations in the environment**

(1) A natural person/entrepreneur and a legal person who use or operate sources of noise, infrasound or vibrations (hereinafter referred to as "operator of sources of noise, infrasound or vibrations") are obliged to

- a) ensure that the exposure of the general population and their environment was the shortest possible and did not exceed the admissible values for a day, evening and night prescribed by the executive regulation under Article 62 letter m),

b) ensure the exteriorization and evaluation of noise, infrasound and vibrations once a year.

2) In the project, construction or essential reconstruction of traffic buildings and infrastructure the noise in the related external or internal environment shall not exceed the admissible values for the expected volume of traffic.

(3) In the project, construction or essential reconstruction of buildings it is necessary to ensure protection of the internal environment of buildings against noise from the external environment while maintaining the other necessary properties of the internal environment.

(4) Villages are entitled to exteriorize the exposure of the general population and their environment to noise and vibrations in accordance with the requirements prescribed by the executive regulation under Article 62 letter m). The exteriorization of the exposure of the inhabitants and their environment to noise and vibrations may only be performed by persons with professional competence for the activity under Article 15 par. 1 letter a).

§ 28

#### **Electromagnetic radiation in the environment**

(1) A natural person/entrepreneur and a legal person who use and operate a generator of low frequencies, a generator of high frequencies or installations which contain such generators (hereinafter referred to as „source of electromagnetic radiation“) are obliged to secure technical, organisational and other measures eliminating or reducing the exposure of the general population to the level of limit values prescribed by the executive regulation under Article 62 letter n).

(2) Sources of electromagnetic radiation in the planning and realization of construction shall be ensured so that the limit values of the exposure of the general population are not exceeded.

§ 29

#### **Optical radiation in the environment**

(1) A natural person/entrepreneur and a legal person who use or operate artificial sources of ultraviolet, infrared, laser or other optical radiation for other purposes than lighting in accordance with Article 20 par. 1 (hereinafter referred to as “operator of artificial sources of optical radiation“) are obliged to

a) ensure that the exposure of the general population and their environment does not exceed the limit values prescribed by the executive regulation in accordance with Article 62 letter o),

b) ensure exteriorization and evaluation of optical radiation.

### **CHAPTER THREE**

#### **PROTECTION OF HEALTH AT WORK**

§ 30

#### **Duties in protection of health at work**

1) The employer is under an obligation to:

a) provide for measures which reduce the exposure of employees and the general population to physical, chemical, biological and other factors at work and the working environment to the lowest achievable level, at the least into compliance with the limits as determined by special regulations 34);

b) provide for his employees an assessment of their health in respect of their capacity to work under paragraph 3;

c) submit to the medical practitioner of the health at work service 35) the list of employees to undergo a medical preventative examination in accordance with paragraphs 4 and 5; the list of employees includes: the name and surname of the employee, date of birth, name of workplace, nature of job, length of exposure, factors of work and working environment and results of the evaluation of health hazards;

d) maintain records on the results of the medical preventative examination in relation to the work of employees performing hazardous tasks for a period of twenty years subsequent to termination of the work;

e) submit to the regional public health authority proposals for the classification of work activities in the category of hazardous tasks (Article 31 par. 6);

f) provide notice to the regional public health authority of all the information related to the changes in the health condition of employees in relation to their work, including those which may represent a threat to the public health.

(2) Accordingly, the duties of the employer apply also to natural persons-entrepreneurs which do not employ other natural persons, and to natural persons-entrepreneurs which carry out work with the help of their spouse and children.

(3) The assessment of health in respect of ability to work is performed on the basis of the results of medical preventative examinations in relation to work, and the results of the evaluation of risks deriving from exposure to factors of work and the working environment of the employee or the person who performs tasks classified in the first, second, third or fourth category.

(4) Medical preventative examinations of employees in relation to work are performed by medical practitioner of the health at work service in accordance with paragraph 8:

a) prior to commencement of the work;

b) in relation with the performance of work;

c) prior to a change of position;

d) at the termination of employment for health reasons;

e) after the termination of employment.

5) Medical preventative examinations in relation to work under paragraph 4 letter b) are performed by medical practitioners of the health at work service in accordance with paragraph 8:

a) once per year for work classified in the third or fourth categories and for workers in category A, 2);

b) once in every three years for work classified in the second category.

(6) Medical preventative examinations in relation to work under paragraph 4 letter e) are performed by medical practitioners of the health at work service in accordance with paragraph 8 once in every three years for tasks with risk factors with subsequent consequences to health, classified in the third or fourth category.

(7) The Public Health Authority or regional public health authority may order the employer to perform a special medical preventative examination in relation to work if there is any significant change or risk in the factors at work and the working environment, or if any serious changes occur to the condition of health of employees in relation to the work performed.

(8) Medical preventative examinations are performed by medical practitioners of the health at work service with a specialisation in the specialised field of work medicine, classical work medicine and clinical toxicology and health services at work for employees performing tasks classified in the first, second, third or fourth category. For employees performing tasks classified in the first and second category, medical preventative examinations may also be performed by medical practitioners of the health at work service with a specialisation in the field of specialisation of general medicine. Medical preventative examinations in relation to work of pregnant women, mothers up to the termination of the ninth month after birth and nursing women are performed by a medical practitioner with a specialisation in the field of specialisation of gynaecology and obstetrics. Medical preventative examinations in relation to work of teenagers prior to starting work are performed by a medical practitioner with a specialisation in the field of specialisation of the general care of children and young people. At the requirement of the medical practitioner of the health at work service, other supplementary preventative examinations may also be performed by medical practitioners in appropriate specialisations. 36)

(9) The medical practitioner of the health at work service records all the results of the examinations of the medical preventative examination in relation to work in the medical documentation and prepares an opinion on the health capacity for the performance of a specific activity. 37) He submits the opinion to the employer and sends a copy to the doctor with whom the employee has concluded an agreement for the provision of out-patient healthcare.

(10) The opinion under paragraph 9 contains the name and location of the employer, the name, surname, birth identification number, address of residence, work classification, factor of working environment, category of work of the employee, the conclusion of the judgment and recommendation.

(11) The costs incurred in relation with the assessment of health capacity for work are covered by the employer.

§ 31

**Evaluation of health risks and categorisation of tasks**

(1) The evaluation of health risks according to the level and character of the factors of work and the working environment which may influence the health of employees, and on the basis of changes to the health condition of employees, are divided into four categories.

(2) The first category includes tasks for which there is no risk of damage to the health of the employee from the effects of work and the working environment.

(3) The second category includes tasks for which, after considering the risk, there is no presumption of damage to health, in particular:

a) tasks for which the factors of work and the working environment do not exceed the limits defined in special regulations 34);

b) tasks for which the risk factor is ionising radiation, if construction, technical and organisational measures provide assurance that the irradiation of employees, including also long-term exposure, does not exceed the irradiation limits for employees defined by special regulation 38).

4) The third category includes:

a) tasks for which the exposure of the employee to factors of work and the working environment is not reduced by technical measures to within the level of the prescribed limit and for which to achieve a reduction in the level of risk it is necessary to carry out organisational measures and other specific protection measures, including the use of personal protective work instruments;

b) tasks for which the exposure of the employee to factors of work and the working environment is reduced by technical measures to within the level of the prescribed limit but where the joint combination and effect of the factors of work and the working environment may be injurious to health;

c) tasks for which no limits are prescribed but where the exposure to factors of work and the working environment may cause damage to the health of the employee;

d) tasks performed in a controlled zone for which it is necessary, considering the level and variability of radiation parameters, to use personal protective instruments and carry out additional technical, organisational or other specific protection measures in order to limit the irradiation of workers to within the level of irradiation limits.

5) The fourth category includes, only exceptionally and for a limited period, for a maximum of one year:

a) tasks for which it is not possible to reduce the exposure of the employee to factors of work and the working environment by means of technical or organisational measures to within the level of the prescribed limits, the exposure to factors of work and the working environment exceeds the limits, changes to the health of employees in relation to the active factors are detected and in which it is necessary to carry out technical measures and other specific protection measures, including the use of personal protective work instruments;

b) tasks which belong within the third category according to the extent of exposure to individual factors of work and the working environment, but where the joint combination of factors of work and the working environment increases the risk of damage to health;

c) tasks carried out with activities tending to irradiation, in the course of which the irradiation of workers exceeds the irradiation limits, and where such irradiation has been positively assessed by the Public Health Authority in accordance with Article 13 par. 5 letter a) point seven.

(6) Hazardous work is work classified within the third or fourth categories. The classification of a task in the third or fourth categories is determined by the regional public health authority upon the proposal of the employer or on its own initiative.

7) The employer is under an obligation to:

a) notify the regional public health authority without delay of any change in the conditions of work performance which could affect its classification in the respective category;

b) maintain records on each employee performing hazardous tasks;



c) prepare and submit to the regional public health authority by 31 December of each year information on the results of the evaluation of health risks and on the measures implemented for their reduction or elimination at workplaces where employees perform hazardous tasks.

§ 32

**Protection of employees against noise at work**

(1) The employer using or operating facilities which are the source of noise is obliged, in accordance with special regulation 39) to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees to noise and provide for the health and safety protection of the employees.

(2) If, taking into consideration the character of the work, a full and proper use of hearing protectors could result in a greater risk to health and safety than if they are not used, the Public Health Authority or the regional public health authority may, in exceptional cases, grant an exception. The employer must apply for the granting of an exception.

3) The application for granting an exception is to include:

- a) the reason for the application for the granting of an exception;
- b) the number of employees to whom the exception applies;
- c) measures for the protection of the health of the employees to whom the exception applies.

(4) The Public Health Authority and the regional public health authority may grant an exception under paragraph 2 following discussion with the employer, with the employee representative for safety and protection of health at work and the National Labour Inspectorate or the respective labour inspectorate. In the decision on granting the exception, the Public Health Authority or the regional public health authority is to determine the conditions which, due to the special circumstances, must be met by the employer so as to ensure that the resulting risks are decreased to the lowest possible level, and the employees so exposed undergo due health surveillance. The Public Health Authority or the regional public health authority is to grant the exception for a period of four years and is to withdraw it as soon as the circumstances justifying it no longer obtain. The regional public health authority informs the Public Health Authority without delay on any exceptions granted. The actual list of exceptions granted under paragraph 2 is to be published by the Public Health Authority.

(5) The employer is to notify the Public Health Authority or the regional public health authority without delay of any change in the circumstances which led to the granting of the exception.

§ 33

**Protection of employees against vibrations at work**

(1) The employer using or operating facilities which are the source of vibrations is, in accordance with special regulation 40) to provide for technical, organisational and other measures so as to eliminate or reduce to the lowest possible and achievable extent the exposure of employees to vibrations and to ensure the protection of the health and safety of the employees.

(2) If employees in shipping or air transport are exposed to vibrations throughout the whole body, the Public Health Authority or regional public health authority may grant an exception from the duty of the employer to implement without delay measures for the reduction of exposure to vibrations in accordance with special regulation 40). The employer is to apply for the granting of the exception and demonstrate that he/she utilised all possible technical and organisational measures for the reduction of the exposure to vibrations in accordance with special regulation 40).

(3) If the employees are exposed to vibrations which do not usually exceed the action values of the exposure to vibrations in accordance with special regulation 40) but where the vibrations change over time and may exceed the limit values prescribed for the exposure to vibrations, the Public Health Authority or the regional public health authority may grant an exception from the duty of the employer to implement without delay measures for the reduction of exposure to vibrations. The employer is to apply for the granting of the exception and demonstrate that the average values of exposure to vibrations during the course of a working week are within the limit values prescribed for exposure to vibrations, and that the risks of this type of exposure to vibrations in work are lower than the risks which arise from the exposure to vibrations attaining the limit values.

4) The application for granting an exception is to include:

- a) the reason for the application for the granting of an exception;
- b) in the exposure to vibrations under paragraph 2, the proof that all available measures under paragraph

2 were utilised;

c) in the exposure to vibrations under paragraph 3, the proof that the average values of vibrations and risks comply with the requirements defined under paragraph 3;

d) the number of employees to whom the exception applies;

c) measures for the protection of the health of the employees to whom the exception applies.

(5) The Public Health Authority and the regional public health authority may grant an exception under paragraphs 2 and 3 after discussion with the employer, with the employee representative for safety and protection of health at work and the National Labour Inspectorate or the respective labour inspectorate. In the decision on granting the exception, the Public Health Authority or the regional public health authority shall determine the conditions which, due to the special circumstances, must be met by the employer so that the resulting risks are decreased to the lowest possible level and the employees so exposed undergo health surveillance. The Public Health Authority or the regional public health authority reviews the exception so granted every four years and cancels it as soon as the circumstances justifying it no longer obtain. The regional public health authority informs the Public Health Authority without delay on the exceptions granted. The actual list of exceptions granted under paragraphs 2 and 3 is to be published by the Public Health Authority on the internet.

(6) The employer shall notify the Public Health Authority or the regional public health authority without delay of any change to the circumstances which led to the granting of the exception.

#### § 34

##### **Protection of employees against electromagnetic vibrations at work**

The employer making use of or operating a source of electromagnetic radiation is, in accordance with special regulation 41), to provide for the technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees and the general population and will ensure the protection of the health and safety of the employees.

#### § 35

##### **Protection of health against optical radiation at work**

The employer making use of or operating sources of ultraviolet, infrared, laser or other optical radiation for purposes other than lighting is, in accordance with a special regulation, to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees.

#### § 36

##### **Lighting at work**

(1) The employer is to provide for adequate lighting of working areas.

(2) Workplaces in which mixed lighting is necessary, or workplaces without daylight, may be operated only if daylight cannot be provided for technical, safety or operational reasons.

(3) The employer operating workplaces in accordance with paragraph 2 is to provide for the protection of the health of the employees by an alternative measure as stipulated by the executive regulation under Article 62 letter q).

#### § 37

##### **Health protection against stress from heat and cold at work**

(1) The employer is to provide for measures which will eliminate or reduce the effects of factors of thermal-moisture microclimate detrimental to the health of employees to the lowest possible and achievable extent.

2) The employer is to provide for:

a) in workplaces with continuous work performance, the observance of the permissible values of factors of thermal-moisture microclimate dependent on the thermal production of the employee's organism;

b) working conditions for employees so that sustained thermal stress is not exceeded at workplaces in which the permissible values of factors of thermal-moisture microclimate cannot be observed for reason of thermal stress from technology, as well as in other workplaces during days when the external air temperature measured in the shade exceeds 30 degrees Celsius;

- c) working conditions for employees so that the permissible stress from cold is not exceeded;
- d) compliance with the permissible surface temperatures of solid materials and liquids with which the skin of the employee comes into contact;
- e) suitable personal protective work instruments, protective clothing and drinking regimens in the course of increased stress from heat and cold.

§ 38

**Health protection against physical stress at work, mental stress at work and sensorial stress at work**

1) Within the field of health protection against physical stress, the employer is under an obligation to:

- a) arrange and equip the workplaces and places of work performance in accordance with ergonomic principles and the requirements of work physiology;
- a) observe the highest permissible values for the total and local physical stress of employees;
- c) observe the limit values for muscular forces exerted and frequencies of movement;
- d) observe guidance values for weight in the handling of burdens and other minimum safety and health requirements in the manual handling of burdens, 42);
- e) provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent increased physical stress at work.

2) Within the field of health protection against mental work stress and sensorial stress at work, the employer is under an obligation to:

- a) provide for an evaluation of the mental work stress and sensorial stress of employees;
- b) provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the increased mental work stress and sensorial stress of employees;
- c) observe the minimum health and safety requirements when working with video display units 43).

§ 39

**Protection of employees while working with chemical factors**

The employer who employs employees in activities in which they may be exposed to chemical factors is, in accordance with special regulation 44), to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees to chemical factors.

§ 40

**Protection of employees while working with carcinogenic and mutagenic factors**

The employer who employs employees in activities in which they may be exposed to carcinogenic and mutagenic factors is, in accordance with special regulation 45), to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees to carcinogenic and mutagenic factors.

§ 41

**Protection of employees while working with asbestos**

(1) The removal of asbestos or materials containing asbestos from buildings may be performed only on the basis of a licence issued by the Public Health Authority.

2) The Public Health Authority determines on the granting of the licence referred to under paragraph 1 on the basis of an application which is to contain the following:

- a) business name, legal form, registered office and identification number, if applicable, if the applicant is a legal person; name, surname, permanent address and identification number, if applicable, if the applicant is a natural person/entrepreneur;
- b) documentation on the licence to perform the business;
- c) name, surname and permanent address of the person responsible for carrying out the removal of asbestos

or materials containing asbestos from buildings.

3) The applicant is to attach the following to the application in accordance with paragraph 2:

a) certificate of professional competence of the person responsible for performing the activity under Article 15 par. 1 letter f);

b) documentation with the description of the activity or technology for the removal of asbestos and materials containing asbestos from buildings and with data on the technical equipment.

(4) The Public Health Authority issues a licence to the applicant if the application contains all the requirements under paragraphs 2 and 3 and if the applicant demonstrates that he/she meets the requirements which will preclude the exposure of employees and the general population to asbestos or reduce it to the lowest possible and achievable level.

(5) The licence is valid for five years from the date of issue, unless a shorter period of validity is determined in the authorisation.

(6) The Public Health Authority states, in the licence to remove asbestos or materials containing asbestos, the data under paragraph 2, the type of authorisation, the period of validity and the conditions for the performance of the activity. If a natural person/entrepreneur or a legal person licensed to remove asbestos from buildings seriously or repeatedly breaches the generally binding legal regulations relating to the activity performed and the conditions for the performance of the activity, the Public Health Authority is to revoke the licence.

(7) A natural person/entrepreneur and a legal person licensed to remove asbestos from buildings is to submit for approval to the respective public health body a proposal for the removal of asbestos from buildings prior to commencement of the work in accordance with Article 13 par. 4 letter k) and to refrain from performing the work until after a positive assessment of the proposed activity.

(8) The employer which employs employees in activities in which they may be exposed to asbestos or materials containing asbestos is, in accordance with special regulation 46), to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees to asbestos.

§ 42

#### **Protection of employees while working with biological factors**

The employer who employs employees in activities in which they may be exposed to biological factors is, in accordance with special regulation 47), to provide for technical, organisational and other measures which will eliminate or reduce to the lowest possible and achievable extent the exposure of employees to biological factors.

### CHAPTER FOUR

#### COSMETIC PRODUCTS

§ 43

#### **Production, import and introduction into circulation of cosmetic products**

The producer, importer, distributor and retailer of cosmetic products is under an obligation to:

a) introduce into circulation only those cosmetic products that are safe for the public health;

b) comply with the requirements for the production, import and introduction into circulation of cosmetic products in the interest of consumer protection in the free movement of cosmetic products, in accordance with special regulation 13);

c) observe the correct production practice in the production of cosmetic products;

d) observe the health safety of cosmetic products subsequent also to their placement on the market and sale to the consumer and, subsequent to discovery that the cosmetic product is dangerous, he/she is to notify the Public Health Authority of this fact and implement measures for the elimination of the risk, which include, if necessary, withdrawal from circulation, adequate and effective warning of the consumer or the recall of the product from the consumer.

## **PART SIX**

### **RADIATION PROTECTION**

#### **§ 44**

##### **Activities leading to irradiation**

1) An activity leading to irradiation is a human activity which leads to the irradiation of persons:

- a) by an artificial source of ionising radiation; or
- b) by natural ionising radiation if natural radionuclides are processed for their radioactive, fission or reproduction characteristics.

(2) Human activities associated with the threat of irradiation are not deemed to be activities leading to irradiation.

3) Activities leading to irradiation, according to their seriousness in terms of radiation protection, are:

- a) activities for the performance of which an authorisation is necessary under this Act;
- b) activities which are notifiable under this Act;
- c) activities to which administrative control under this Act does not apply.

(4) The authorisation for an activity leading to irradiation and the notification of an activity leading to irradiation is not required, if it is so provided by special regulation 48).

#### **§ 45**

##### **Authorisation of activities leading to irradiation, key activities in terms of radiation protection, and the release of radioactive substances and radioactively contaminated objects and materials from under administrative control,**

(1) The activities listed in paragraphs 2 to 5 may be performed only on the basis of an authorisation issued by the respective public health body subsequent to an application from a natural person/entrepreneur or a legal person.

2) Unless provided otherwise in this Act, the authorisation of the Public Health Authority is necessary for the performance of the following activities leading to irradiation:

- a) the operation of nuclear facilities and stages leading to the decommissioning of nuclear facilities;
- b) the mining and processing of materials containing natural radionuclides and which are mined or processed for their radioactive, fission and multiplicative characteristics;
- c) the addition of radionuclides in consumer products and objects, in medicines and health products, for the import and export of such products from countries outside the European Union;
- d) the obtention, storage and use of sources of ionising radiation for the irradiation of foodstuffs, objects of common use and other materials;
- e) the obtention, storage and use of open radioactive emitters in workplaces of category III 49) and for the obtention, storage and handling of active nuclear fuels;
- f) the operation of particle accelerators in the operation of which radiation with an energy greater than 1 MeV is created, which are used in the production of radionuclides or research or for other technical purposes;
- g) the installation, maintenance and repair of sources of ionising radiation;
- h) the obtention, storage and modification of radioactive emitters including ionising fire alarms for the purposes of liquidation;
- i) the production, distribution, sale and lease of sources of ionising radiation used in activities for which a notification or authorisation in accordance with this Act is required, the production of ionising fire alarms, the import of sources of ionising radiation from countries outside the European Union and the export of sources of ionising radiation to countries outside the European Union;

j) the transport of a radioactive emitter, unless provided otherwise by this Act, the transport of radioactive waste, spent nuclear fuel and radioactively contaminated objects which, due to their activity, may not be released from under administrative control;

k) the handling of radioactive residues, radioactive waste and spent nuclear fuel;

l) the handling of abandoned emitters, radioactive waste of unknown origin and unused radioactive emitters;

m) medical irradiation in biomedical, diagnostic or therapeutic research programmes;

n) medical irradiation in relation to preventative medical programmes or screening.

3) Unless provided otherwise in this Act, the authorisation of the regional public health authority is necessary for the performance of the following activities leading to irradiation:

a) the use of sources of ionising radiation in medical irradiation and in veterinary practice, including electron accelerators with energy levels from 1MeV to 25MeV;

b) the use of micro-structural X-ray equipment, laboratory and measuring instruments and equipment and technical X-ray equipment for the quality control of products designed in such a way that, in any place with free access within a distance of 0.1 m from the surface of the equipment, the input of an equivalent dose is higher than 10 microSv/hour;

c) the obtention, storage and use of sources of ionising radiation for industrial indicator equipment, borehole works and non-destructive X-ray or gamma materiology, including the use of particle accelerators for non-destructive control of materials, in the operation of which radiation with energy levels from 1MeV to 20 MeV is created;

d) the transport of radioactive emitters for the use of which authorisation is issued by the regional public health authority, unless provided otherwise in this Act;

e) the performance of activities in workplaces with increased natural ionising radiation if, even subsequent to the implementation of measures for the limitation of radiation, the guidance values for the performance of measures under Article 47 par. 2 are still exceeded;

f) the obtention, storage and use of closed radioactive emitters, unless provided otherwise in this Act;

g) the obtention, storage and use of open radioactive emitters in workplaces of category I. and II. 49).

4) Unless provided otherwise in this Act, the authorisation of the Public Health Authority is required for the performance of the following key activities in terms of radiation protection:

a) the performance of tests of sources of ionising radiation;

b) the provision of services of personal dosimetry;

c) the determination of the volume activity of radon in air contained in the soil and the permeability of the foundation soils of a building land, and the volume activity of radon in the atmosphere of buildings;

d) the determination of the content of radionuclides in building products, in water, in elements of the environment, in the food chain and in other materials and objects, for the purposes of the evaluation of the irradiation of persons and the regulation of the consumption of foodstuffs;

e) the issuance of letters accompanying open radioactive emitters and authorisations for closed radioactive emitters;

f) the provision of services for monitoring ionising radiation in the workplace or its surroundings for the purposes of the evaluation of the irradiation of persons;

g) the provision of professional preparation for the performance of activities leading to irradiation, key activities in terms of radiation protection, and for the release of radioactive substances and radioactively contaminated objects and materials from under administrative control.

(5) The authorisation of the Public Health Authority or regional public health authority is required for the release from under administrative control of radioactive substances and radioactively contaminated objects which were created or used in activities leading to irradiation performed on the basis of the authorisation under paragraphs 2, 3 and 7.

(6) If a natural person/entrepreneur or a legal person intends to perform activities leading

to irradiation for which authorisation is issued by the Public Health Authority in accordance with paragraph 2, and at the same time activities leading to irradiation for which authorisation is issued by the regional public health authority in accordance with paragraph 3, the authorisation for all the activities leading to irradiation is to be issued by the Public Health Authority.

(7) If a natural person/entrepreneur or a legal person intends to perform an activity leading to irradiation which is not listed in paragraphs 2 and 3 or in Article 46 par. 1, the Public Health Authority will determine, on the basis of the evaluation of risks related to the performance of this activity, whether the duty of notification applies to this activity or which authority will issue the authorisation for the activity leading to irradiation.

(8) A natural person/entrepreneur and a legal person under paragraph 7 is to request the Public Health Authority to evaluate the risks related to the performance of this activity. The Public Health Authority issues a ruling on the request within fifteen days of the date of the delivery of the application. If the Public Health Authority determines that an authorisation is required for the performance of the activity leading to irradiation under paragraph 7, the conditions prescribed hereinafter also pertain.

(9) A natural person/entrepreneur and a legal person who intends to perform activities under paragraphs 2 to 5 is required to have a designated qualified representative conforming to the requirements under paragraph 10; this is not applicable if the requirements under paragraph 10 are met by the natural person/entrepreneur. The expert representative is to be an employee of the holder of the authorisation.

10) The qualified representative is required to:

- a) have full legal capacity;
- b) have the health capacity for the activity performed;
- c) have moral integrity;
- d) have a certificate of professional competence for the activity for which the natural person or legal person applies for the authorisation.

(11) For the purposes of granting the authorisation for the activities under paragraphs 2 to 5, a natural person is deemed to have moral integrity if such a person has not been found guilty in the final instance of a premeditated criminal offence or a criminal offence committed negligently in relation to the performance of the activity for which the natural person/entrepreneur or legal person applies for the authorisation.

12) The applicant is required to state the following on the application for the authorisation of the activities under paragraphs 2 to 5:

- a) the business name, legal form, registered office and identification number, if applicable, if the applicant is a legal person; the name, surname and place of business and identification number, if applicable, if the applicant is a natural person/entrepreneur;
- b) the activity for which he/she applies for the authorisation;
- c) the place of performance of the activity;
- d) the name, surname and permanent address of the person or persons who are the statutory body, if the applicant is a legal person;
- e) the name, surname and permanent address of the qualified representative, if he/she has been designated.

13) The applicant is required to attach the following to the application for the authorisation of the activities under paragraphs 2 to 5:

- a) extract from the Companies Register, extract from the Commercial Register or other similar register;
- b) the following documents of the qualified representative or the natural person/entrepreneur who is the applicant:
  1. attestation of full legal capacity;
  2. opinion on health capacity for work with sources of ionising radiation;
  3. extract from the criminal register which is to be not older than three months;
  4. certificate on professional competence for the activity for which he/she applies for the authorisation;
  5. specifications of the planned activity and technical equipment;
- c) documentation under annex no.4, to the extent determined by the body competent for the issuance of the authorisation.

(14) The competent public health body will issue the authorisation if the application has the requisite documentation, the applicant or his qualified representative meets the requirements as prescribed under paragraph 10 and the applicant has demonstrated compliance with the requirements prescribed for the securing of radiation protection.

(15) The deadline for the issuance of the decision in accordance with paragraph 2 letters a) to d), j), l) and m) is sixty days; in particularly complicated cases, the public health body may extend this deadline by sixty days. The extension of the deadline will be notified by the public health body in writing to the applicant without delay.

16) The authorisation is to contain:

a) business name, legal form, registered office and identification number, if assigned, if the applicant is a legal person or name; surname and place of business and identification number, if assigned, if the applicant is a natural person/entrepreneur;

b) specification of the authorised activity;

c) place of performance of the authorised activity;

d) period of validity of the authorisation;

e) conditions for the performance of the activity;

f) name, surname and permanent address of the qualified representative, if he/she has been so designated.

(17) The authorisation is valid for a period of five years from the date of its issuance, unless a shorter period of validity is determined in the authorisation.

(18) Upon the request of the holder of the authorisation, the public health body which has issued the authorisation may extend the period of validity of the authorisation by a maximum of five years, if the holder of the authorisation requests an extension of the period of validity, at the latest thirty days prior to the date of expiry of the period of validity of the authorisation.

19) The public health body which issued the authorisation will change the authorisation, if the holder of the authorisation:

a) requests a change to the name of the qualified representative;

b) notifies a change to the business name, legal form or registered office, if it is a legal person, or a change to the business name or place of business, if it is a natural person/entrepreneur.

20) The public health body which issued the authorisation may change the authorisation, if:

a) there is a change in the conditions for the performance of the activity for which the authorisation was issued;

b) there is a change to the place of performance of the activity, the type or number of sources of ionising radiation used, or the technological equipment of the workplace important in terms of radiation protection.

21) The public health body which issued the authorisation may cancel the authorisation, if:

a) the holder of the authorisation requests a cancellation of the authorisation;

b) the holder of the authorisation or his qualified representative no longer comply with the conditions in accordance with paragraph 10;

c) the holder of the authorisation seriously or repeatedly breaches the generally binding legal regulations related to the activity performed and the conditions specified in the authorisation.

22) The validity of the authorisation is to expire:

a) with the expiry of the period of validity of the authorisation, if the holder of the authorisation does not request an extension of its period of validity in accordance with paragraph 18;

b) with the death of the natural person or when he/she is ruled to be legally dead;

c) with the dissolution of the legal person.

(23) The holder of the authorisation is required to notify the public health body which issued the authorisation of any change in the circumstances under which the authorisation was issued, within fifteen days of the occurrence of such a change.

24) The holder of the authorisation who performs the activities according to paragraphs 2 and



3 is under an obligation to:

- a) observe the conditions for the performance of the activity leading to irradiation specified in the authorisation, and proceed in accordance with the programme for ensuring the quality of radiation protection and other documentation attached to the application for the issuance of the authorisation;
- b) observe the basic principles of radiation protection, the requirements for ensuring the radiation protection of workers and the general population in activities leading to irradiation and the requirements for the implementation of the intervention prescribed by special regulation 50);
- c) observe the requirements for ensuring the radiation protection of workers at a workplace with increased natural radiation as prescribed by special regulation 51, if he/she performs activities leading to irradiation in such a workplace;
- d) observe the requirements for ensuring the radiation protection of persons in medical irradiation, as prescribed by special regulation 52), if he/she performs medical irradiation;
- e) observe the requirements for ensuring the control of highly active emitters and abandoned emitters, as prescribed by special regulation 53), if he/she performs activities leading to irradiation by means of a highly active or abandoned emitter;
- f) observe the requirements for ensuring the radiation protection of external workers, in accordance with special regulation 54), if he/she performs activities in a controlled zone through an external provider of services;
- g) create, to an extent consistent with the seriousness of the activity performed, the technical and organisational conditions for ensuring the quality of radiation protection;
- h) provide for continuous supervision of the observance of the requirements for ensuring radiation protection, systematically evaluate the compliance of the activities performed with these requirements and apply the results of the evaluation in practice;
- i) provide for monitoring of ionising radiation and the radionuclides created or released due to the performance of the activity leading to irradiation in the working environment and the environment around the workplace, in accordance with the monitoring plan and to inform the employees of the monitoring results;
- j) verify the efficiency of the technical equipment intended for the protection of the general population and the environment;
- k) secure the sources of ionising radiation against theft;
- l) restrict the creation of radioactive waste to the necessary extent;
- m) regularly submit institutional radioactive waste and unused radioactive emitters to the person licensed for their storage or processing in accordance with this Act, or to the person licensed for their processing or deposition in accordance with a special regulation;
- n) ensure that the activities leading to irradiation are performed only by workers with due health capacity and professional competence;
- o) at least once in five years, take part in professional preparation; this does not apply if the holder of the authorisation has a designated qualified representative;
- p) ensure the informing and training of workers 56) and, at least once in five years, the professional preparation of the qualified representative and workers who manage the performance of the activity leading to irradiation;
- q) keep and maintain documentation to the extent prescribed by the executive regulation under Article 62 letter u), follow, measure, evaluate and verify the parameters and facts significant in terms of radiation protection;
- r) maintain records on radioactive waste according to the type of waste so that their characteristic is evident for their safe treatment, and observe the conditions for the safe handling of radioactive waste and evaluate regularly, at least once a year, their observance;
- s) conclude a liability insurance policy covering damage that may be caused to third parties in connection with the activity performed for which the authorisation has been issued; this insurance is to pertain throughout the period of the validity of the authorisation;
- t) eliminate all sources of ionising radiation and radioactive waste from the workplace and perform the decontamination of working areas and premises, technological and technical equipment in which

activities with open radioactive emitters have been performed, prior to the closure and termination of the workplace using sources of ionising radiation;

u) without delay, notify the public health body which issued the authorisation of any infringement of the radiation limits and each radiation accident or radiation emergency;

v) provide notice of salient facts in terms of health protection against ionising radiation, provide documents and submit reports on providing for health protection against ionising radiation to the public health body which issued the authorisation, to the extent and within the deadlines specified in the authorisation for the performance of activities leading to irradiation;

w) send the recorded data to the central register of sources of ionising radiation and central register of dosages in the extent prescribed by the executive regulation under Article 62 letter u);

c) provide notice of the performance of an activity leading to irradiation at a temporary workplace;

y) comply with the duties under Article 49 par. 5 and 6, in the case of a special radiation event.

25) The holder of the authorisation who performs activities according to paragraph 4 is under an obligation to:

a) observe the conditions for the performance of an key activity in terms of radiation protection, as prescribed in the authorisation;

b) proceed in accordance with the documentation attached to the application for the issuance of the authorisation;

c) provide for a quality system and continuous supervision over the observance of the requirements for performance of the key activity in terms of radiation protection, systematically evaluate the compliance of the activities performed with these requirements and apply the results of the evaluation in practice;

d) at least once in five years, take part in professional preparation; this does not apply if the holder of the authorisation has a designated qualified representative;

e) provide for the informing and training of workers 56) performing key activities in terms of radiation protection and, at least once in five years, provide for the professional preparation of the qualified representative and workers who manage the performance of key activities in terms of radiation protection;

f) maintain the prescribed documentation;

g) provide the recorded data to the central register of sources of ionising radiation and the central register of dosages;

h) give notice to the public health body of key facts in terms of radiation protection and send documents and submit reports on the performance of the activity, to the extent and within the deadline specified in the authorisation.

26) The holder of the authorisation who performs activities according to paragraph 5 is under an obligation to:

a) observe the conditions for the performance of the activity specified in the authorisation;

b) observe the basic principles of radiation protection, the requirements for ensuring the radiation protection of workers and the general population, including the requirements for the introduction of radioactive substances and radioactive materials into the environment stipulated in special regulation 57);

c) ensure that only those radioactive substances and radioactively contaminated substances, of which the activity is so low that its further reduction is not justified on the basis of the optimisation of radiation protection, are released from under administrative control, and the irradiation of the general population caused by them is lower than the permissible values;

d) ensure that radioactive substances containing radionuclides with a short remaining period of half-life are released from under administrative control only following the termination of the radionuclides' half-life;

e) select such methods of release from under administrative control as to ensure the lowest possible stress for the general population and the environment and to ensure that radioactive substances will not become concentrated in levels resulting in unjustified irradiation in the environment;

f) ensure that, prior to the release of radioactive substances from under administrative control, the

radionuclides and their activity are specified in accordance with the operational instructions and conditions specified in the authorisation;

g) maintain records of the radioactive substances released from under administrative control;

h) provide notice of key information in terms of radiation protection, send documents and submit reports on the quantity, properties and method of release of radioactive substances from under administrative control, on the influence of radioactivity on the environment and on the dosage level of the general population caused by the release of radioactive substances from under administrative control to the public health body which issued the authorisation, to the extent and within the deadlines specified in the authorisation.

(27) The qualified representative and the worker who manages the performance of activities leading to irradiation specified in paragraphs 2, 3 and 7, the key activities in terms of radiation protection specified in paragraph 4 and the activity specified in paragraph 5 are to take part, at least once in five years, in a professional preparation directed at the activity they perform.

28) The employees who perform activities leading to irradiation are under an obligation to:

a) observe the regulations for ensuring radiation protection and the regulations for the performance of the activity leading to irradiation, and perform the activities leading to irradiation in accordance with them;

b) proceed in the activities leading to irradiation in such a manner that their irradiation, the irradiation of other employees, external workers and the general population is at the lowest possible level;

c) use the assigned personal protective work instruments and handle them correctly;

d) give notice to the qualified representative and workers who manage the activities leading to irradiation of any facts which affect their health capacity for the performance of activities leading to irradiation, and give notice of key deficiencies in the workplace in terms of radiation protection;

e) consistently augment their professional qualifications and take part in information sessions and training 56).

(29) The professional preparation for activities leading to irradiation, key activities in terms of radiation protection and for the release of radioactive substances and radioactively contaminated objects from under administrative control consists of a general part and a specific part. The general part of the preparation is aimed at the acquisition of knowledge of legal regulations, information on the properties and harmful effects of ionising radiation, the methods of health protection against ionising radiation, on the basic principles, rules and procedures for radiation protection, on the organisation of work and the requirements to maintain documentation. The special part of the preparation is aimed at specific issues depending on the type of activity performed. Professional preparation is performed within the extent of from 8 to 32 hours, according to the character of the activity. Professional preparation may be provided only by natural persons or legal persons who have the authorisation to perform a key activity in terms of radiation protection in accordance with Article 45 par. 4 letter g).

#### § 46

##### **Notification of activities leading to irradiation**

1) A natural person/entrepreneur and a legal person has an obligation to notify the Public Health Authority and the regional public health authority of the performance of the following activities leading to irradiation:

a) the performance of examinations with an X-ray bone densitometer;

b) the use of radionuclides in laboratory examinations utilising the method of radioimmunoanalysis;

c) the use of calibration radioactive emitters with an activity which does not exceed a hundred times the activity prescribed under special regulation 58);

d) the use of micro-structural X-ray equipment, laboratory and measuring instruments and equipment, X-ray fluorescent analysers, X-ray instruments for checking the content of baggage, and the use of technical X-ray equipment for the quality control of products so designed as that, in any place with free access, within a distance of 0.1 m from the surface of the installation, the input dose equivalent is lower than 10 microSv/hour;

e) the use of equipment containing radioactive emitters with an activity which does not exceed by one hundred times the activity which permits the exemption of a radioactive substance from being under administrative control;

f) the use of closed radioactive emitters for which the sum of the proportions of the activities of individual radionuclides and the values of the activities of these radionuclides, which permit the exemption of a radioactive substance from being under administrative control, is greater than one and less than or equal to 100, and at the same time the sum of the proportions of the mass activities of individual radionuclides and the values of the mass activities of these radionuclides, which permit the exemption of a radioactive substance from being under administrative control, is greater than one.

(2) The duty of notification in accordance with paragraph 1 applies also to an external provider of services.

(3) The persons specified in paragraphs 1 and 2 are under an obligation to deliver the notification of the projected performance of the activity leading to irradiation to the Public Health Authority and the regional public health authority at the latest ten days prior to commencement of the projected activity.

4) The notification of the projected performance of the activity leading to irradiation in accordance with paragraph 1 is to include:

a) business name, legal form, registered office and identification number, if assigned, if the notifying person is a legal person or name; business name, place of business and identification number, if assigned, if the notifying person is a natural person/entrepreneur;

b) name, surname and permanent address of the person or persons who constitute the statutory body, if the notifying person is a legal person;

c) description and extent of the activity leading to irradiation;

d) place and date of commencement of the activity leading to irradiation;

e) specification of the sources of ionising radiation, their number and the projected method for terminating the activity leading to irradiation with the sources of ionising radiation.

5) The notification of the external provider of services on the projected performance of the activity leading to irradiation is to include:

a) data in accordance with paragraph 4 letters a) to d);

b) data on the holder of the authorisation for activities leading to irradiation, in whose workplace the activity leading to irradiation will be performed:

1. business name, legal form, registered office and identification number, if assigned, if the holder is a legal person; or

2. name, business name, place of business and identification number, if assigned, if the holder is a natural person/entrepreneur.

c) name, surname, permanent address and citizenship of the qualified representative of the external provider of services, if so designated;

d) copy of the certificate of professional competence of the qualified representative or external provider of services, if he/she does not have a designated qualified representative.

(6) The activities leading to irradiation thus notified will be registered by the Public Health Authority and it will issue a confirmation of registration within thirty days of the date of delivery.

7) A natural person/entrepreneur and a legal person who performs activities in accordance with paragraph 1 on the basis of the notification is obliged to:

a) observe the basic principles of radiation protection and the requirements for ensuring the radiation protection of workers and the general population as stipulated by special regulation 59);

b) use sources of ionising radiation in accordance with the operational instructions;

c) maintain records of the sources of ionising radiation to the prescribed extent for five years after the termination of the activity leading to irradiation;

d) provide notice to the Public Health Authority and the regional public health authority without delay of each change of data under paragraph 4 and the termination of the activity with sources of ionising radiation within three days of the termination;

e) provide notice to the Public Health Authority and the regional public health authority without delay of each acquisition of a source of ionising radiation and its transfer to another person;

f) ensure the safe termination of the activity utilising the sources of ionising radiation.

- 8) The external provider of services who performs activities in accordance with paragraph 1 on the basis of the notification is under an obligation to:
- a) observe the requirements for ensuring the radiation protection of external workers in their activity in the controlled zone in accordance with special regulation 60);
  - b) designate a qualified representative complying with the requirements under Article 45 par. 10 and he/she is to be an employee of the external provider of services; this does not apply if the requirements under Article 45 par. 10 are not met by the external provider of services;
  - c) provide the holder of the authorisation, in whose workplace the activity leading to irradiation will be carried out, prior to commencement of the activity, with the requirements for ensuring the regulation of personal dosages of external workers;
  - d) evaluate and regulate the irradiation of external workers;
  - e) ensure the check of the health capacity of external workers;
  - f) at least once in five years, take part in professional preparation; this does not apply if the external provider of services has a designated qualified representative;
  - g) provide for the informing and training of workers 56) and, at least once in five years, the professional preparation of the qualified representative and the workers who manage the performance of the activity leading to irradiation;
  - h) maintain documentation on securing radiation protection;
  - i) provide the respective medical practitioner with data on the personal dosages of external workers and other data needful for the assessment of the health capacity for the task;
  - j) provide notice to the Public Health Authority and the regional public health authority without delay of each change of data notified in accordance with paragraph 5 and each event exceeding the limits of irradiation;
  - k) provide notice of the results of the personal monitoring of external workers to the central register of dosages;
  - l) provide notice to the Public Health Authority and the regional public health authority of the termination of the activity leading to irradiation within 14 days of the termination of this activity.

§ 47

**Irradiation by natural ionising radiation**

(1) A natural person/entrepreneur and a legal person who performs activities at the workplace where it is suspected that the level of ionising radiation has increased or where such a suspicion exists, except for activities leading to irradiation in accordance with Article 44 par. 1 letter b), is under an obligation to provide for the performance of a measurement of the volume activities of radon and dosage inputs of external gamma radiation.

(2) Activities at the workplace under paragraph 1 are deemed to be activities with an increased level of irradiation from ionising radiation if the guidance value at the workplace is exceeded even after the performance of measures in accordance with special regulation 61).

3) A natural person/entrepreneur and a legal person who produces or imports building products or supplies drinking water is under an obligation to:

- a) provide for the systematic determination of the content of natural radionuclides in building products or drinking water and its evaluation;
- b) maintain records of the results of the determination referred to under letter a);
- a) retain the said records for at least five years after the termination of the production or the realisation of the import;
- c) provide the data from the records referred to under letter b) to the Public Health Authority and the regional public health authority within one month after the receipt of the results of the determination referred to under letter a);
- d) perform measures for the reduction of the content of natural radionuclides in building products

or drinking water when the guidance values prescribed by the executive regulation in accordance with Article 62 letter v) are exceeded.

(4) When the guidance values referred to under paragraph 3 letter d) are exceeded, the building products may be used for the construction of non-residential buildings serving as a residence for persons for more than 1,000 hours during a calendar year and for the construction of residential buildings and the supply of drinking water only on the basis of a positive assessment by the respective public health body in accordance with Article 13 par. 5 letter a) of points nine and ten and letter b) of point five.

(5) A building product may not be used for the construction of buildings if the index of mass activity of natural radionuclides in the building product is higher than the value prescribed by the executive regulation under Article 62 letter v).

(6) The volume activities of selected natural radionuclides in the drinking water supplied are not to exceed the value prescribed by the executive regulation under paragraph 5. If the water contains more radionuclides, the sum of the proportions of the volume activities of individual radionuclides and the values prescribed by the executive regulation under Article 62 letter v) shall not be greater than one.

(7) Residential buildings or buildings with residential rooms on lands with a radon risk which is greater than low are to be protected against the penetration of radon from the geological sub-soil.

## **PART SEVEN**

### **SPECIAL EVENTS**

§ 48

#### **Special event**

(1) A special event, for the purposes of this Act, is each unexpected and uncontrolled threat to the public health from chemical, biological or physical factors.

2) In the case of special events, the Public Health Authority and the regional public health authorities:

- a) provide for field and laboratory analysis;
- b) perform examinations and identification of the biological, chemical and radiation factors;
- c) participate in the evaluation of the special event in terms of health protection;
- d) activate and ensure the use of an early warning system;
- e) identify and respond to new and imminent threats from contagious diseases and other threats to the public health;
- f) put in place and augment the monitoring, detection, information and communication systems for the detection of diseases and exposures to biological, physical and chemical factors;
- g) order measures in accordance with paragraph 3;
- h) provide for the general population within the field of public health protection;
- i) cooperate at national and international levels in the resolution of the special event;
- j) ensure that the Commission and the World Health Organisation are informed.

3) The measures to be taken by the Public Health Authority and the regional public health authorities in the case of special events are as follows:

- a) report the events and cases characterised by a potential to become a threat to the health of the public by means of an early warning system;
- b) immediately inform the public as to the means and method of protection against biological, physical and chemical factors and their possible influences on health;

- c) order the hygienic purification of persons and decontamination of the ground, buildings and material;
- d) impose an interdiction on the production, treatment, storage, transport, import, sale and other handling of products and animals which may cause the spread of a disease within the population, or an order for their non-hazardous elimination;
- e) impose an interdiction or restriction on the contact of some groups of persons with the rest of the population following the detection of serious health reasons;
- f) impose an interdiction or restriction on collective events;
- g) impose an interdiction or restriction on the operation of facilities where the assemblage of persons takes place;
- h) impose an interdiction on the use of water, foodstuffs and meals, items suspected of contamination and animal feeds and regulation of the consumption of certain kinds of foodstuffs and water;
- i) implement a prophylaxis order;
- j) issue an order for the warning marking of items if the measure referred to under letters d) to h) applies to them;
- k) issue an order for the reservation of beds for the provision of hospital treatment of an increased number of sick persons and, in the case of serious infections, for ensuring the isolation of persons suspected of harbouring a disease or suspected of contamination throughout the maximum incubation period of the disease;
- l) issue an order for the special handling of deceased persons, the reservation of sites and determination of the method of interment of an increased number of deceased persons.

§ 49

**Special radiation event**

(1) A special radiation event in activities leading to irradiation is an event in the course of which irradiation or a threat of irradiation occurs.

(2) A radiation event is an special event in the course of which an unplanned or unexpected irradiation of persons occurs due to a breach of the operational instructions or the requirements for ensuring radiation protection at a level higher than 1 mSv or lower than the respective limits of irradiation or a scattering of radioactive substances occurs in the workplace or its surroundings at such a level as to entail that the irradiation of persons caused by the release or dissemination of radioactive substances cannot be within the level of the respective irradiation limits.

(3) A radiation accident is an special event in the course of which the irradiation of workers occurs due to the loss of control over a source of ionising radiation at the level of the limits prescribed under special regulation 40) or greater, or during which an non-permitted release of radioactive substances into the environment or the workplace occurs.

(4) A radiation emergency is an special event in the course of which, due to the loss of control over a source of ionising radiation, an escape of radiation substances or ionising radiation into the environment occurs which may cause the irradiation of the general population at the level of the irradiation limits prescribed for the general population and which requires the implementation of measures for the protection of public health.

5) In radiation emergencies, the Public Health Authority or the regional public health authority submits to the bodies competent in the sector of civil protection 62) a proposal for:

- a) sheltering and termination of sheltering;
- b) evacuation and termination of evacuation;
- c) temporary transfer and termination of temporary transfer;
- d) permanent transfer;
- e) use of prophylactics including iodine prophylaxis or antidotes;
- f) elimination and method of elimination of the radioactive contamination from the ground, buildings and materials so as to achieve a safe level in terms of radiation protection;
- g) implementation of other interventions for limitation of the exposure of persons;

h) regime measures for the general population of a region under threat, or affected, and their termination.

6) In the case of a radiation event, the holder of the authorisation to perform activities leading to irradiation is under an obligation to:

a) implement measures for the prevention of the further development of a radiation event, for the minimisation and for the elimination of its consequences;

b) evaluate the irradiation and the radioactive contamination of persons affected by the radiation event;

c) investigate the causes of the radiation event, determine the circumstances and consequences of the radiation event and adopt measures in order to prevent its repetition;

d) provide notice of the radiation event to the Public Health Authority and the regional public health authority in accordance with the conditions specified in the authorisation to perform the activity leading to irradiation.

7) In the case of a radiation accident or radiation emergency, the holder of the authorisation to perform activities leading to irradiation, except for the duties prescribed by special regulation

63) in the extent determined by the emergency procedure, is also under an obligation to:

a) implement without delay measures preventing further aggravation of the special event;

b) give warning to the employees and the population of the region under threat;

c) immediately provide for the monitoring of the escape of radioactive substances and ionising radiation into the environment and provide for the liquidation of the consequences of the radiation accident or radiation emergency;

d) provide for the health protection of the persons at the location of the radiation accident or radiation emergency, in accordance with the emergency procedure;

e) provide special means of individual protection to persons participating in rescue works, 64);

f) participate in the activity of the radiation monitoring network;

g) perform a preliminary determination of the circumstances and consequences of the situation which has occurred and provide assistance in the intervention;

h) record data on the course of the radiation accident or radiation emergency and data on the measures adopted and implemented;

i) evaluate the irradiation and the radioactive contamination of persons affected by the radiation event;

j) investigate the causes of the radiation accident or radiation emergency and adopt measures in order to prevent its repetition;

k) submit a report on the radiation accident or radiation emergency to the Public Health Authority or regional public health authority within six weeks of its occurrence.

#### § 50

#### **Anti-epidemic committees**

(1) An anti-epidemic committee performs tasks in the case of special events related to the occurrence of an epidemic, other contagious diseases with mass incidence of great importance, or when a danger of their occurrence pertains. In order to prevent the occurrence or spread of an epidemic, and in order to prevent the occurrence of other diseases with mass incidence of great importance, and for their limitation:

a) the National Anti-Epidemic Committee orders measures in accordance with Article 48 par. 3 in the case of special events of national importance;

b) the regional anti-epidemic committee orders measures in accordance with Article 48 par. 3 in the case of special events of regional importance and coordinates the performance of the measures ordered within the region.

(2) The National Anti-Epidemic Committee is established by the Public Health Authority. The regional anti-epidemic committee is established by the regional public health authority.



(3) The members of the National Anti-Epidemic Committee are the representatives of governmental bodies and self-governing bodies at the national level. The presiding officer of the National Anti-Epidemic Committee is the Chief Public Health Officer.

(4) The members of the regional anti-epidemic committee are the representatives of governmental bodies and self-governing bodies at the regional level. The presiding officer of the regional anti-epidemic committee is the regional public health officer.

(5) The National Anti-Epidemic Committee and the regional anti-epidemic committee are required to maintain records on the activity and the exceptional measures ordered and the authority responsible for the respective anti-epidemic committee is required to ensure their storage for five years.

(6) The details of the activity and the composition of anti-epidemic committees are governed by the statute on the National Anti-Epidemic Committee issued by the Public Health Authority and for the regional anti-epidemic committee by the regional public health authority.

## **PART EIGHT**

### **OTHER DUTIES OF NATURAL PERSONS AND LEGAL PERSONS**

#### **§ 51**

##### **Duties of natural persons**

- 1) Natural persons are under an obligation to:
- a) take measures for the prevention of diseases in accordance with Article 12 par. 2 letters a), d) to h) and measures in the case of special events in accordance with Article 48 par. 3 letters c) to f) and h) to j), as ordered by the respective public health body; this obligation does not apply in cases of compulsory vaccination where contra-indications are present;
  - b) cooperate with the Public Health Authority and the regional public health authorities in the implementation of the measures in accordance with letter a);
  - c) without delay, give notice to the attendant medical practitioner and the Public Health Authority or the regional public health authority of all significant facts important for preventing the occurrence and spread of contagious diseases, and provide information important for the epidemiological examination and assessment of diseases in relation to the work performed;
  - d) undergo medical examinations and diagnostic tests in relation to the prevention of contagious diseases which are not dangerous to health, the preventative administration of antidotes and other preparations, compulsory vaccination, treatment of contagious diseases, isolation and quarantine measures.

(2) Natural persons with a contagious disease dispersing germs and natural persons dispersing germs without the symptoms of a contagious disease are under a further obligation to provide information on the acute contagious disease or their contagious condition on admission to a facility where epidemiologically serious activities are performed, to a social services facility or to a facility for the social-legal protection of children and social tutorship.

(3) In the case of a minor, the person responsible for the fulfilment of the duties listed under paragraphs 1 and 2 is the representative of the child.

#### **§ 52**

##### **Duties of natural persons/entrepreneurs and legal persons**

- 1) Natural persons/entrepreneurs and legal persons are under an obligation to:
- a) perform measures for the prevention of diseases in accordance with Article 12 par. 2 letters a) to c), e) and g) to m) and par. 3 to 5, and measures in the case of special events in accordance with Article 48 par. 3, as ordered by the respective public health body;
  - b) submit measures and proposals as prescribed in Article 13 for assessment to the respective public health body and refrain from performing the assessed measures or activities until in receipt of a positive assessment;
  - c) determine, both qualitatively and quantitatively, the factors of the environment and working environment harmful to health which they use in their activity, or which are created in the course of their activity and the use of which and the permissible values are regulated by special regulations 34);

- d) evaluate the health risks arising from the exposure to factors in their working and living conditions in accordance with special regulations 34) and draw up an opinion on risk, if it is so provided by special regulations 34);
- e) prepare the operational instructions, where so provided by this Act, and submit them for approval to the respective public health body, as well as the proposal for a change to the operational instructions;
- f) observe working and technological procedures, the approved operational instructions and the correct production practice;
- g) ensure adequate health supervision for employees with regard to specific risks, including in respect of specific requirements arising from gender differences, so that men and women have an equal possibility for performance of the work;
- h) permit the participation of their employees and school students in compulsory preventative medical examinations in relation to their work, examinations and vaccination, to the necessary extent;
- i) provide conditions in accordance with ergonomic, physiological and psychological work requirements in the workplace;
- j) in order to prevent the occurrence, spread of and to restrict the incidence of contagious diseases, provide for the disinfection and regulation of animal pests;
- k) when performing the disinfection or regulation of animal pests as a standard activity which is a part of cleaning and standard technological and working procedures, use only preparations intended for the given purpose 65) and check the efficiency and effectiveness of the activity performed;
- l) with regard to the character of the work, provide for the equipment of workplaces with equipment for personal hygiene;
- m) without delay, notify the Public Health Authority and the regional public health authority of all significant circumstances for preventing the occurrence and spread of contagious diseases and other diseases conditioned by work, and provide key information for the epidemiological examination and assessment of diseases in relation to the work performed;
- n) provide notice to the regional public health authority in writing of the organisation of collective events combined with the provision of catering or refreshment services;
- o) provide notice to the regional public health authority of occupational poisoning and disorders resulting from work;
- p) provide concurrence to persons performing health supervision within the performance of their competences according to Article 55 par. 1 and refrain from actions which could obstruct the performance of state health supervision;
- q) implement or bear measures imposed for the elimination of any deficiencies identified in accordance with Article 55 par. 2.

(2) Natural persons/entrepreneurs and legal persons who operate sand-pits shall provide for the regular cleaning and maintenance of the sand-pits so that they do not represent a risk of a threat to health due to their microbial and other pollution, and observe the highest permissible quantity of microbial and other soil pollution as prescribed by the executive regulation under Article 62 letter j).

3) Natural persons/entrepreneurs and legal persons whose object of activity is the sale or other treatment of highly toxic substances and preparations or toxic substances and preparations are not allowed to:

- a) sell and issue to natural persons highly toxic substances and preparations;
- b) sell and issue toxic substances and preparations to persons younger than 18 years; in self-service sales, they can be issued only by the vendor;
- c) sell toxic substances and preparations in food and toy stores.

4) Natural persons/entrepreneurs and legal persons who perform the disinfection and regulation of animal pests as their work activity are under an obligation to:

- a) use in their activity only those preparations intended for the given purpose 65);
- b) check the efficiency and effectiveness of the activity performed;

c) notify the regional public health authority in writing of the commencement of each activity, at the latest 48 hours prior to commencement;

d) in the notification referred to under letter c,) specify also the time and place of the performance of the disinfection or regulation of animal pests and the type of preparation to be used and the method to be used for informing the public or persons affected by the activity;

e) provide for the performance of the disinfection and the regulation of animal pests only by persons with due health capacity and professional competence; this is not to apply in the case of disinfection performed by health-workers in medical facilities.

5) Providers of healthcare and health-workers are under an obligation to:

a) report to the Public Health Authority or the regional public health authority the incidence of a contagious disease, the suspected incidence of a contagious disease or germ-carrying in accordance with the list specified in annex no.5 and to the extent specified in annexes nos. 6 to 8; this duty is to apply also to laboratories of clinical microbiology;

b) prevent hospital infections, record the incidence of hospital infections in the medical documentation, perform an analysis of their incidence and the causes of their occurrence and adopt measures for the reduction of their incidence and the prevention of their spread and provide for the ongoing education of employees in the area of the prevention of hospital infections;

c) record all important data in relation to the prevention of the occurrence and spread of contagious diseases in the medical documentation;

d) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change to the operational instructions;

e) observe the approved operational instructions;

f) provide the Public Health Authority and the regional public health authority with data concerning the prevention of contagious diseases in a medical facility;

g) for the fulfilment of their tasks, provide the Public Health Authority and the regional public health authority with information and other data which they have at their disposal or are authorised to detect or require.

6) The operators of social services facilities and operators of facilities for the social-legal protection of children and social tutorship are under an obligation to:

a) report to the Public Health Authority or the regional public health authority any special epidemiological events, occupational poisoning and diseases conditioned by work;

b) prepare the operational instructions and submit them for approval to the regional public health authority, as well as the proposal for a change to the operational instructions;

c) observe the approved operational instructions;

d) provide the Public Health Authority and the regional public health authority with data concerning the prevention of contagious diseases in their facilities;

e) for the fulfilment of their tasks, provide the Public Health Authority and the regional public health authority with information and other data which they have at their disposal or are authorised to detect or require.

§ 53

#### **Duties of municipalities**

Municipalities are obliged to:

a) observe the measures for the prevention of diseases ordered by the Public Health Authority or the regional public health authority;

b) submit the measures and proposals as specified in Article 13 for evaluation to the Public Health Authority and refrain from performing the measures or activities assessed until in receipt of a positive assessment;

c) cooperate with the Public Health Authority and the regional public health authority in the fulfilment of their tasks and provide them with data and information which they have at their disposal or are authorised to detect or require.

## PART NINE

### STATE HEALTH SUPERVISION

#### § 54

(1) State health supervision is supervision of compliance with the provisions of this Act, the generally binding legal regulations issued for its implementation and other generally binding legal regulations regulating the protection of public health.

(2) State health supervision in accordance with paragraph 1 is performed by employees of the Public Health Authority, employees of the regional public health authorities and, within the extent of the competence of public health bodies in accordance with Article 3 par. 1 letters d) to g), by employees or officers of these bodies (hereinafter referred to as the "person performing state health supervision") who are required to show a service card when performing state health supervision.

(3) State health supervision in buildings where physical safety and building safety is required may be performed by persons performing state health supervision always only subsequent to the statutory body of the administrator of the building granting approval, and provided that they show a valid certificate 66) for access to classified information of a degree of confidentiality in the category: Less Confidential.

(4) In the performance of state health supervision over healthy working conditions, public health bodies coordinate their activity with governmental bodies in the field of work inspection. 3)

#### § 55

1) The person performing state health supervision in the performance of his/her activities is entitled to:

- a) require a proof of identity of the persons performing the activities which are the object of the state health supervision;
- b) enter onto lands, business premises, facilities and objects in relation to the object of the state health supervision and to require that they be duly accompanied;
- c) take samples in the quantity and extent necessary for the examination and performance of their qualified assessment;
- d) gather findings including the necessary photo-documentation, video-documentation and recordings;
- e) require information, data, explanations, documents, and consult the respective documents;
- f) impose measures for the elimination of the deficiencies identified at the place of the performance of the state health supervision.

2) The measures for the elimination of the deficiencies identified in accordance with paragraph 1 letter f) are the following:

- a) interdiction on the production, handling or putting into circulation of products which are in contravention of the requirements prescribed by this Act and other generally binding legal regulations regulating the protection of public health;
- b) order for the withdrawal of products from circulation, if they represent a risk of serious damage to the public health;
- c) order for the disposal of products under letter a) after proving that they are harmful to health;
- d) interdiction on the use of drinking water harmful to health if it does not comply with the requirements under this Act and special regulation 24);
- e) interdiction on the use of swimming water if it does not comply with the requirements under this Act and the executive regulation under Article 62) letter e);
- f) interdiction on the use of instruments and equipment which represent an imminent threat to the health of the people;
- g) order for the shut-down of an operation or its part for the necessary period if, during the performance of the supervision, a breach of this Act and other generally binding legal regulations regulating the protection of public health is discovered such as may imminently result in the risk of serious damage

to the health of the people;

h) interdiction on the production and distribution for use of dangerous foodstuffs, prepared meals or other products;

i) order to perform special measurements, analysis or examinations with the purpose of the evaluation of factors harmful to health and their possible influence on health.

(3) When the measures under paragraph 2 are imposed, the person performing the state health supervision is under an obligation to draw up a memorandum on the imposition of the measure with an instruction on the option of lodging objections under paragraph 4 and to provide a copy of the memorandum to the person on whom the measure has been imposed.

(4) Objections to the measure imposed for the elimination of the deficiencies identified are permitted, which do not have the effect of deferral. Objections may be lodged in writing within ten days of the imposition of the measure for the elimination of the deficiencies identified to the public health body whose employee or officer (Article 54 par. 2) has imposed the measure.

(5) The respective public health body is to rule on the objections under paragraph 4 within fifteen days of their delivery. There is no further appeal against the ruling.

## **PART TEN**

### **MISDEMEANOURS AND OTHER ADMINISTRATIVE OFFENCES**

§ 56

#### **Misdemeanours**

- 1) A misdemeanour within the public health sector is committed by a person who:
- a) does not submit to a vaccination resulting from the respective legal regulations, or a prescribed vaccination without showing any serious or other reason substantiated by a medical practitioner;
  - e) does not perform the disinfection and regulation of animal pests, as ordered;
  - c) does not undergo isolation as ordered, or does not submit to increased health supervision or medical supervision as ordered, or does not undergo quarantine measures;
  - d) does not perform measures for the prevention of the spread of diseases transmitted from animals to humans, as ordered;
  - e) does not comply with an interdiction or restriction on execution of profession due to an infection caused by a contagious disease or a suspected contagious disease;
  - f) does not comply with a measure as ordered, in the case of special events in accordance with Article 48 par. 3;
  - g) does not cooperate with the Public Health Authority or the regional public health authority in the fulfilment of the measures ordered for the prevention of diseases;
  - h) breaches the duty of notification or the duty to provide information in accordance with Article 51 par. 1 letter c);
  - i) does not submit to medical examination or diagnostic tests in relation to the prevention of contagious diseases which are not dangerous for health, the preventative administration of antidotes or other preparations, the treatment of contagious diseases, isolation and quarantine measures;
  - j) does not supply information on his/her acute contagious disease or his/her contagious condition on admission to a facility where epidemiologically serious activities are performed, to a social services facility or a facility for the social-legal protection of children and social tutorship;
  - k) does not, as a child's representative, ensure compliance with any of the duties under Article 51 par. 1 and 2;
  - l) performs an activity for which a certificate of professional competence is required in accordance with the provisions of this Act, without being the holder of such a certificate.

(2) For a misdemeanour under paragraph 1, a fine of up to SKK 50,000 may be imposed and up to SKK 3,000 in on-the-spot fines. For a failure to undergo compulsory vaccination, a fine amounting in total to SKK 10,000 may be imposed.

(3) Misdemeanours under this Act are proceeded on within the extent of their competence by the Public Health Authority, the regional public health authority and the public health bodies listed in Article 3 par.1 letters d) to g). Misdemeanours and the proceedings thereof are to be the subjects of special regulation 67).

§ 57

**Other administrative offences**

1) An administrative offence within the public health sector is committed by a natural person/entrepreneur or a legal person who produces and supplies drinking water and uses water sources for the supply of drinking water, if:

a) the water does not meet the requirements for the quality of drinking water and the control of the quality of drinking water in accordance with special regulation 24) and in accordance with Article 17 par. 6.

b) he/she supplies drinking water which does not conform to the limits of drinking water quality indicators, without an exception being granted in accordance with Article 17 par. 3.

c) he/she does not disinfect the drinking water or disinfects it in contravention of Article 17 par. 7.

(2) An administrative offence within the public health sector is committed by a natural person/entrepreneur or a legal person who produces products intended for use in contact with drinking water if he/she does not observe the correct production practice in accordance with Article 18.

(3) An offence within the public health sector is committed by the operator of a swimming pool if he/she is in breach of any of the duties in accordance with Article 19 par. 13.

(4) An offence within the public health sector is committed by the operator of an artificial swimming pool if he/she is in breach of any of the duties in accordance with Article 19 par. 13 and 14.

(5) An offence within the public health sector is also committed by the operator of a natural swimming pool if he/she is in breach of any of the duties in accordance with Article 19 par. 9 and 10.

(6) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person who is the owner of the land in accordance with Article 19 par. 11 or 12 if he/she does not signal the interdiction on swimming in a prominently visible place.

(7) An offence within the public health sector is committed by the operator of a building if he/she fails to ensure the quality of the internal air in accordance with Article 20 par. 3.

(8) An offence within the public health sector is committed by the operator of an accommodation facility if he/she is found to be in breach of any of the duties in accordance with Article 21 par. 3.

(9) An offence within the public health sector is committed by the operator of a physical educational - sports facility if he/she is in breach of any of the duties in accordance with Article 22 par. 3.

(10) An offence within the public health sector is committed by the operator of a facility of human body care if he/she is in breach of any of the duties in accordance with Article 23 par. 3 or performs an activity in contravention of Article 23 par. 4.

(11) An offence within the public health sector is also committed by the operator of a solarium if he/she is in breach of any of the duties in accordance with Article 23 par. 5.

(12) An offence within the public health sector is also committed by the operator of a sauna if he/she is in breach of any of the duties in accordance with Article 23 par. 6.

(13) An offence within the public health sector is committed by the operator of a facility for children and young people if he/she is in breach of any of the duties in accordance with Article 24 par. 5.

(14) An offence within the public health sector is committed by the operator of a pre-school

facility if he/she does not observe any of the requirements for placing a child in a pre-school facility in accordance with Article 24 par. 6 to 8, or any of the duties in accordance with Article 24 par. 9.

(15) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person licensed to perform the business of care for children younger than six years who performs the activity on business premises, if he/she is in breach of any of the duties in accordance with Article 24 par. 10.

(16) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person licensed to perform the business of education and out-of-school education of children and young people who performs the activity on business premises, if he/she is in breach of any of the duties in accordance with Article 24 par. 11.

(17) An offence within the public health sector is committed by the organiser of a recovery event if he/she is in breach of any of the duties in accordance with Article 25 par. 2.

(18) An offence within the public health sector is committed by the operator of a public catering facility if he/she is in breach of any of the duties in accordance with Article 26 par. 4; this shall not apply in the case of a failure to comply with the duties in accordance with Article 26 par. 4 letter i) and j) in a public catering facility, fast-food stand and other facilities with the itinerant sale of food and drink and at collective events.

(19) An offence within the public health sector is committed by the operator of a public catering facility for children and young people if he/she is in breach of any of the duties in accordance with Article 26 par. 4 and 6.

(20) An offence within the public health sector is committed by the operator of sources of noise, infrasound or vibrations if he/she is in breach of any of the duties in accordance with Article 27 par. 1.

(21) An offence within the public health sector is committed by the operator of sources of electromagnetic radiations if he/she does not provide for the technical, organisational and other measures in accordance with Article 28 par. 1.

(22) An offence within the public health sector is committed by the operator of artificial sources of optical radiation if he/she is in breach of any of the duties in accordance with Article 29 par.

23) An offence within the public health sector in the field of the protection of health at work is committed by a natural person/entrepreneur or a legal person if this person:

- a) does not provide for the measures in accordance with Article 30 par. 1 letter a);
- b) does not provide for his/her employees the assessment of health capacity for work in accordance with Article 30 par. 1 letter b) and paragraph 3;
- c) does not submit to the medical practitioner of the work health service the list of employees in accordance with Article 30 par. 1 letter c);
- d) does not maintain records on the results of the preventative medical examination in relation to the work of employees in accordance with Article 30 par. 1 letter d);
- e) does not fulfil the duty of notification in accordance with Article 30 par. 1 letter e);
- f) does not ensure for the employees the special preventative medical examination with relation to work ordered by the Public Health Authority or the regional public health authority in accordance with Article 30 par. 7;
- g) does not comply with any of the duties in accordance with Article 31 par. 7.

24) An offence within the public health sector in the field of the protection of health at work is committed by a natural person/entrepreneur or a legal person who uses or operates facilities which are a source of noise, if this person:

- a) does not provide for technical, organisational or other measures in accordance with Article 32 par. 1;
- b) does not request the granting of an exception in accordance with Article 32 par. 2;
- c) is in breach of the conditions specified in the decision on granting an exception in accordance with Article 32 par. 4;

d) does not comply with the duty in accordance with Article 32 par. 5.

(25) An offence within the public health sector in the field of the protection of health at work is committed by a natural person/entrepreneur or a legal person who uses or operates facilities which are a source of vibrations, if this person:

a) does not provide for technical, organisational or other measures in accordance with Article 33 par. 1;

b) does not request the granting of an exception in accordance with Article 33 par. 2 or 3;

c) is found to be in breach of the conditions specified in the decision on granting an exception in accordance with Article 33 par. 5;

d) does not comply with the duty in accordance with Article 33 par. 6.

(26) An offence within the public health sector in the field of the protection of health at work is committed by a natural person/entrepreneur or a legal person who uses or operates sources of electromagnetic radiation if he/she does not provide for the technical, organisational or other measures in accordance with Article 34.

(27) An offence within the public health sector in the field of the protection of health at work is committed by a natural person/entrepreneur or a legal person who uses or operates sources of optical radiation if he/she does not provide for the technical, organisational or other measures in accordance with Article 35.

(28) An offence within the public health sector in the field of protection of health at work is committed by a natural person/entrepreneur or a legal person if this person:

a) does not provide for the lighting of working areas in accordance with Article 36 par. 1;

d) does not comply with the duty in accordance with Article 36 par. 3;

c) does not provide for the measures to eliminate or reduce the deleterious effects of factors of thermal-moisture microclimate on the health of employees in accordance with Article 37 par. 1 or is found to be in breach of any of the duties in accordance with Article 37 par. 2;

d) is found to be in breach of any of the duties in the field of health protection against physical stress at work or in the field of health protection against mental work stress and sensorial stress at work in accordance with Article 38;

e) does not provide for the technical, organisational or other measures for the protection of employees in work with chemical factors in accordance with Article 39;

f) does not provide for the technical, organisational or other measures for the protection of employees in work with carcinogenic and mutagenic factors in accordance with Article 40;

n) removes asbestos and materials containing asbestos from buildings without being the holder of a licence in accordance with Article 41 par. 1;

h) prior to commencement of the work, does not submit the proposal in accordance with Article 41 par. 7;

i) does not provide for the technical, organisational or other measures for the protection of employees in work with asbestos in accordance with Article 41 par. 8;

j) does not provide for the technical, organisational or other measures for the protection of employees in work with biological factors in accordance with Article 42.

(29) An offence within the public health sector in the field of cosmetic products is committed by the producer, importer, distributor or retailer if he/she is in breach of any of the duties in accordance with Article 43.

(30) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person if he/she performs activities leading to irradiation, the release of radioactive substances and radioactively contaminated objects and materials from under administrative control or key activities in terms of radiation protection without the authorisation in accordance with Article 45 par. 1 to 6, or does not require from the Public Health Authority the assessment of risks related to the performance of an activity leading to irradiation in accordance with Article 45 par. 8.

(31) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who performs activities leading to irradiation in



accordance with Article 45 par. 2 and 3, if this person:

- a) provides false data in the application for issuance of the authorisation;
- b) does not comply with the duty of notification in accordance with Article 45 par. 23;
- c) performs activities leading to irradiation other than those authorised;
- d) performs activities leading to irradiation in a place different from that which was authorised;
- e) is in breach of any of the duties in accordance with Article 45 par. 24;
- f) in relation to the breach of duties, threatens the health of employees or the general population or causes unjustified irradiation or contamination of the environment by radioactive substances;
- g) is in breach of any of the duties in a radiation event, radiation accident or radiation emergency in accordance with Article 49 par. 6 and 7.

(32) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who performs key activities in terms of radiation protection on the basis of an authorisation in accordance with Article 45 par. 4, if this person:

- a) provides false data in the application for issuance of the authorisation;
- b) does not comply with the duty of notification in accordance with Article 45 par. 23;
- c) is in breach of any of the duties in accordance with Article 45 par. 25.

(33) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who releases radioactive substances or radioactively contaminated objects and materials from under administrative control on the basis of the authorisation in accordance with Article 45 par. 5, if this person:

- a) provides false data in the application for issuance of the authorisation;
- b) does not comply with the duty of notification in accordance with Article 45 par. 23;
- c) is in breach of any of the duties in accordance with Article 45 par. 26.

(34) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who performs activities leading to irradiation which are notifiable (Article 46 par. 1), if this person:

- a) does not comply with the duty of notification in accordance with Article 46 par. 1 or does not observe the deadline for notification in accordance with Article 46 par. 3;
- b) provides false data in the notification on the performance of the activity leading to irradiation;
- c) is in breach of any of the duties in accordance with Article 46 par. 7.

(35) An offence within the public health sector in the field of radiation protection is committed by an external provider of services who performs activities leading to irradiation which are notifiable in accordance with Article 46 par. 1, if this person:

- a) does not comply with the duty of notification in accordance with Article 46 par. 1 or does not observe the deadline for notification in accordance with Article 46 par. 3;
- b) provides false data in the notification on the performance of the activity leading to irradiation;
- c) is in breach of any of the duties in accordance with Article 46 par. 8.

(36) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who performs activities in the workplace where it is expected that, or where a suspicion exists that, the level of natural ionising radiation is increased, if he/she does not provide for the performance of measurement of the volume activities of radon and dosage inputs of external gamma radiation in accordance with Article 47 par. 1.

(37) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who performs activities in an environment with increased natural radiation where the volume activity of radon or external gamma radiation did not fall below the guidance values even after performing measures for the limitation of irradiation, if this person did not request the respective public health body to issue an authorisation for the performance of the activity leading to irradiation in accordance with Article 45 par. 3 letter e).

38) An offence within the public health sector in the field of radiation protection is committed by a natural person/entrepreneur or a legal person who produces or imports building products or supplies

drinking water, if this person:

a) is in breach of any of the duties in accordance with Article 47 par. 3.

b) distributes building products or bottled drinking water with an activity greater than the guidance values contrary to Article 47 par. 4.

39) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person if this person:

a) does not comply with the measure ordered for the prevention of diseases in accordance with Article 12 par. 2 letters a) to c), e) and g) to m) and par. 3 to 5 or a measure in the case of a special event in accordance with Article 48 par. 3, or performs an activity in contravention of the measure ordered;

b) does not submit measures or proposals in accordance with Article 13 for assessment to the respective public health body or does not refrain from performing the assessed measures or activities until in receipt of a positive assessment;

c) does not comply with the duty to qualitatively and quantitatively determine factors harmful to health in accordance with Article 52 par. 1 letter c);

d) neglects the duty to evaluate health risks in accordance with Article 52 par. 1 letter d);

e) is in breach of the duty to prepare the operational instructions or the duty to submit them for approval or the proposal for a change to the operational instructions to a public health body;

f) does not observe the approved working or technological procedures or the approved operational instructions or the correct production practice;

g) does not provide for adequate health supervision for employees in accordance with Article 52 par. 1 letter g);

h) does not permit the participation of his/her employees and school students in compulsory medical preventative examinations in relation to their work, examinations and vaccinations, to the necessary extent;

i) does not provide for conditions in accordance with ergonomic, physiological and psychological work requirements in the workplace;

j) for the prevention of the occurrence, spread and limitation of the incidence of contagious diseases, does not provide for the disinfection and regulation of animal pests or performs disinfection or regulation of animal pests in contravention of Article 52 par. 1 letter k);

k) does not provide for the equipment of workplaces in accordance with Article 52 par. 1 letter l);

l) does not comply with the duty of notification in accordance with Article 52 par. 1 letter m) or letter n) or is in breach of the reporting duty in accordance with Article 52 par. 1 letter o);

m) does not provide concurrence to persons performing state health supervision in the performance of their competences in accordance with Article 55 par. 1, or obstructs the performance of state health supervision, or does not comply with or accept the measure imposed for the elimination of deficiencies identified in accordance with Article 55 par. 2.

(40) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person who operates sand-pits, if this person does not comply with the duty in accordance with Article 52 par. 2.

41) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person whose object of activity is the sale or other treatment of highly toxic substances and preparations or toxic substances and preparations, if this person:

a) is in breach of the interdiction to sell or issues to a natural person highly toxic substances and preparations;

b) does not observe the limitation in the sale or issuance of highly toxic substances and preparations in accordance with Article 52 par. 3 letters b) and c).

(42) An offence within the public health sector is committed by a natural person/entrepreneur or a legal person who performs disinfection and regulation of animal pests as a work activity if this person is in breach of any of the duties in accordance with Article 52 par. 4.

(43) An offence within the public health sector is committed by the provider of healthcare if he/she is in breach of any of the duties in accordance with Article 52 par. 5.

(44) An offence within the public health sector is committed by the operator of a social services facility and the operator of a facility for the social-legal protection of children and social tutorship if he/she is in breach of any of the duties in accordance with Article 52 par. 6.

(45) Other offences under this Act are proceeded on and fines for them are imposed within the extent of their competence by the Public Health Authority, regional public health authority and public health bodies listed in Article 3 par. 1 letters d) to g).

46) The respective public health body imposes a fine of:

- a) from SKK 5,000 to SKK 500,000 for the offences listed under paragraphs 1 to 22, 34 to 36 and 38 to 44;
- b) from SKK 50,000 to SKK 1,000,000 for the offences listed under paragraphs 23 to 29;
- c) from SKK 50,000 to SKK 3,000,000 for the offences listed under paragraphs 30 to 33 and 37.

(47) In the determination of the amount of the fine, the public health body takes into consideration the seriousness, method, period of duration and the consequences of the wrongful conduct. In the event of a repeat transgression, the fine may be doubled.

(48) Proceedings for the imposition of a fine may be commenced within two years from the date when the public health body becomes aware of the transgression, but at the latest within three years from the date of the occurrence of such a transgression.

(49) The fine becomes due within thirty days from the date of the entry into force of the decision on its imposition.

(50) The public health body which imposes the fine may permit a delay in payment of the fine or payment in instalments if the circumstances pertain which prevent immediate payment of the fine, or the circumstances justify a payment in instalments.

(51) Revenues from fines imposed by public health bodies shall be deemed to be a budget revenue of the State.

## **PART ELEVEN**

### **COMMON, TRANSITIONAL AND FINAL PROVISIONS**

#### **§ 58**

##### **Compensation of Costs**

(1) The costs incurred in relation to the performance of state health supervision are to be settled by the State.

(2) The costs incurred in relation to compliance with the duties prescribed by this Act and other generally binding legal regulations regulating the protection of public health are to be settled by the person bound to comply with these duties.

(3) If any violation of the provisions prescribed by this Act or other generally binding legal regulations regulating the protection of public health is discovered in relation to the performance of the state health supervision, the respective public health body is to require the partial or full compensation of such costs from the person that violated these duties.

(4) Compensation is not to be provided for samples taken for the purposes of examination in the performance of state health supervision.

#### **§ 59**

##### **Relationship to the Administrative Order**

(1) Unless provided otherwise by this Act, in the proceedings with regard to the rights, interests protected by law or duties of natural persons and legal persons, the public health bodies proceed in accordance with the generally binding regulations on administrative procedure 68).

2) The generally binding rules on administrative procedure do not apply to:

- a) the approval of national reference centres in accordance with Article 8, 2.
- b) the notification and registration of activities leading to irradiation in accordance with Article

46 par.

(3) The deadline for the issuance of the decision in accordance with Article 5 par. 6 letter a) points two, three and five is one hundred and twenty days; in exceptionally complicated cases, the Public Health Authority may extend this deadline by a further sixty days. Written notice of the extension of the deadline is to be provided by the Public Health Authority to the applicant without delay.

§ 60

#### **Information systems, information safety and protection of personal data**

(1) Public health bodies assemble and operate information systems in which they collect, store and process information necessary for the fulfilment of their duties in the field of the protection, support and development of public health.

(2) The provisions of a special regulation apply to the protection of personal data. (69) Public health bodies process personal data to the extent necessary for the fulfilment of their duties in the field of the protection, support and development of public health. The range of persons affected is determined by the needs for the protection, support and development of public health.

(3) Employees of public health bodies are under an obligation to maintain confidentiality with regard to all the facts they learn in relation to the performance of their employment. 70) They may be discharged of this duty only by the respective public health body, by the person to whom the facts relate or by a ruling by a court of law. This provision is not to affect the duty of public health bodies to provide the public with information for the prevention of diseases and in the case of special events. 71)

(4) Information systems under paragraph 1 are administrative sources in accordance with special regulation 72).

§ 61

#### **Professional competence in the fulfilment of the tasks of public health bodies**

Professional activities in the fulfilment of the tasks of public health bodies may be performed only by persons with professional competence in accordance with special regulation 36); other compulsory education is managed for the Ministry by accredited institutions. The function of the Chief Public Health Officer may be performed only by a person with a specialisation in a field of specialisation in compliance with special regulation 73).

§ 62

#### **Enabling Provisions**

The Ministry shall, in generally binding legal regulations, provide:

- a) details for the prevention and control of contagious diseases;
- b) details of the requirements for the operation of medical facilities in terms of health protection;
- c) details of the extent of the knowledge required for the examination of professional competence, details on the establishment and activity of the committees for the examination of professional competence and the content of the certificates of professional competence;
- d) details of the requirements for products intended for contact with drinking water;
- e) details of the requirements for the quality of water in swimming pools, swimming water and its control and for swimming pools;
- f) details of the requirements for the internal environment of buildings, on the minimum requirements for flats of a lower standard and for accommodation facilities;
- g) details of the requirements for physical educational - sports facilities;
- h) details of the requirements for facilities of human body-care;
- i) details of the requirements for facilities for children and young people;
- j) details of the requirements for sand-pits;
- k) details of the requirements for recovery events;

- l) details of the requirements for public catering facilities;
- m) details of the permissible values for noise, infrasound and vibrations and the requirements for the objectification of noise, infrasound and vibrations in the environment;
- n) details of the requirements for sources of electromagnetic radiation and for the limits of the exposure of the general population to electromagnetic radiation in the environment;
- o) details of the limit values for optical radiation and the requirements for the objectification of optical radiation in the environment;
- p) details of the factors for work and the work environment in respect of the categorisation of tasks in respect of health risks and the requirements of the proposal for the classification of tasks;
- q) details of the requirements for lighting at work;
- r) details of health protection against stress from hot and cold at work;
- s) details of health protection against physical stress at work, mental work stress and sensorial stress at work;
- t) details of the radiation monitoring network;
- u) details of the requirements for ensuring radiation protection in activities leading to irradiation and key activities in terms of radiation protection;
- v) details of the requirements for the limitation of irradiation from natural radiation.

§ 63

#### **Transitional Provisions**

(1) The rights and duties of the State employment relation of government employees and the rights and duties of labour relations of employees who perform tasks in the public interest in the Public Health Authority and regional public health authorities are preserved.

(2) The duty to achieve a successful outcome in a selection procedure does not apply to employees under paragraph 1 who hold State employment posts or jobs on the basis of selection procedures in accordance with special regulations 74).

(3) The certificates of professional competence, the licence for the removal of asbestos materials from buildings and the authorisations issued in accordance with the prior regulations expire on the date specified on the certificate, licence or authorisation, but at the latest on 1 September 2012.

(4) In proceedings on the rights, interests protected by law and duties of natural persons and legal persons which have not been lawfully terminated by the date of this Act coming into effect, the public health bodies proceed in accordance with the prior regulations.

(5) The qualified representative in accordance with the prior regulations shall be understood as meaning a qualified representative for radiation protection.

(6) Those proceedings on the rights, interests protected by law and duties of legal persons and natural persons initiated by the Ministry of Justice of the Slovak Republic which have not been lawfully terminated by the date of this Act coming into effect will be terminated by the Ministry of Justice of the Slovak Republic in accordance with the prior regulations.

(7) If the term "Chief Public Health Officer of the Slovak Republic" is used in generally binding regulations, it shall be understood as meaning the "Public Health Authority of the Slovak Republic"; if the term "regional public health officer" is used in generally binding regulations it shall be understood as meaning the "regional public health authority".

(8) If the terms "hygiene service bodies" or "health protection bodies" are used in generally binding legal regulations, they shall be understood as meaning "governmental bodies in the field of the public health system".

§ 64

#### **Adoption of legal norms of the European Communities and the European Union**

The legal acts of the European Communities and the European Union listed in annex no. 9 are adopted by this Act.

§ 65

#### **Revocation Provisions**

This Act repeals:

1. Section I of Act No 126/2006 Coll. on Public Health Care and on Amendments and Supplementation of certain Acts;
2. Regulation of the Government of the Slovak Republic No 247/2006 Coll. on Details of Health Protection against Stress from Warm and Cold Temperatures at Work;
3. Regulation of the Government of the Slovak Republic No 252/2006 Coll. on Details of the Operation of Swimming Pools and Details of Requirements for the Quality of Water in Swimming Pools, Swimming Water and its Control;
4. Regulation of the Government of the Slovak Republic No 269/2006 Coll. on Details of Requirements for Lighting at Work;
5. Regulation of the Government of the Slovak Republic No 298/2006 Coll. on Details of Requirements for Public Catering Facilities;
6. Regulation of the Government of the Slovak Republic No 313/2006 Coll. on Details of Requirements for Physical Educational Facilities and on Requirements for Their Operational Instructions;
7. Regulation of the Government of the Slovak Republic No 325/2006 Coll. on Details of Requirements for Sources of Electromagnetic Field and Limits of Exposure of Individuals to the Electromagnetic Field in the Environment;
8. Regulation of the Government of the Slovak Republic No 331/2006 Coll. on Details of Requirements for the Operation of Medical Facilities in Terms of Health Protection;
9. Regulation of the Government of the Slovak Republic No 334/2006 Coll. on Details for Handling Institutional Radioactive Waste;
10. Regulation of the Government of the Slovak Republic No 337/2006 Coll. on Details of the Prevention and Control of Contagious Diseases;
11. Regulation of the Government of the Slovak Republic No 339/2006 Coll. stipulating Details on Permissible Values of Noise, Infrasound and Vibrations and on Requirements for the Objectification of Noise, Infrasound and Vibrations;
12. Regulation of the Government of the Slovak Republic No 347/2006 Coll. stipulating Details for the Radiation Monitoring Network;
13. Regulation of the Government of the Slovak Republic No 349/2006 Coll. stipulating Details on the Requirements for Ensuring Radiation Protection during the Transport of Radioactive Emitters and Radioactive Substances;
14. Regulation of the Government of the Slovak Republic No 350/2006 Coll. stipulating Details on the Requirements for the Limitation of Irradiation for Natural Radiation;
15. Regulation of the Government of the Slovak Republic No 351/2006 Coll. on Details of Health Protection from the Impacts of Optical Radiation at Work;
16. Regulation of the Government of the Slovak Republic No 352/2006 Coll. stipulating Details on the Requirements of Equipment in Contact with the Human Body during their Operation and the Requirements for their Operating Instructions;
17. Regulation of the Government of the Slovak Republic No 353/2006 Coll. on Details of the Requirements for the Internal Areas of Buildings and Minimum Requirements for Flats of a Lower Standard and Accommodation Facilities;
18. Regulation of the Government of the Slovak Republic No 357/2006 Coll. on Details of Factors of Work and the Work Environment in respect of the Categorisation of Work Activities and on the Requirements of the Proposal for the Classification of Work Activities in respect of Health Risks;

19. Regulation of the Government of the Slovak Republic No 359/2006 Coll. on Details of Health against Adverse Effects of Excessive Physical, Mental and Sensorial Stress at Work;

20. Regulation of the Government of the Slovak Republic No 360/2006 Coll. stipulating Details on the Extent of Knowledge Required for the Examinations of Professional Competence, on the Establishment and Activity of Examination Committees and on the Content of the Certificate of Professional Competence;

21. Regulation of the Government of the Slovak Republic No 361/2006 Coll. stipulating Details of the Requirements for Recovery Events and Requirements for the Use of Foodstuffs constituting an Epidemiological Risk at Recovery Events,

22. Regulation of the Government of the Slovak Republic No 362/2006 Coll. on Details of the Requirements for Educational and Educational Training Facilities for Children and Young people;

23. Regulation of the Government of the Slovak Republic No 89/2007 Coll. stipulating Details of the Requirements for Products Intended for Contact with Water Intended for Human Consumption.

## Section II

Act of the National Council of the Slovak Republic No 145/1995 Coll. on Administrative Fees, as amended by Act of the National Council of the Slovak Republic No 123/1996 Coll. , Act of the National Council of the Slovak Republic No 224/1996 Coll. , 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 347/2004 Coll. , Act No 382/2004 Coll. , Act No 434/2004 Coll. , Act No 533/2004 Coll. , Act No 541/2004 Coll. , Act No 572/2004 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. , Act No 308/2005 Coll. , Act No 331/2005 Coll. , Act No 341/2005 Coll. , Act No 342/2005 Coll. , Act No 473/2005 Coll. , Act No 491/2005 Coll. , Act No 538/2005 Coll. , Act No 558/2005 Coll. , Act No 572/2005 Coll. , Act No 573/2005 Coll. , Act No 610/2005 Coll. , Act No 14/2006 Coll. , Act No 15/2006 Coll. , Act No 24/2006 Coll. , Act No 117/2006 Coll. , Act No 124/2006 Coll. , Act No 126/2006 Coll. , Act No 224/2006 Coll. , Act No 342/2006 Coll. , Act No 672/2006 Coll. , Act No 693/2006 Coll. , Act No 21/2007 Coll. , Act No 43/2007 Coll. , Act No 95/2007 Coll. , Act No 193/2007 Coll. , Act No 220/2007 Coll. , Act No 279/2007 Coll. , Act No 295/2007 Coll. , Act No 309/2007 Coll. , Act No 342/2007 Coll. , Act No 343/2007 Coll. and Act No 344/2007 Coll. shall be amended and supplemented as follows:

1. The footnotes for references 36a and 36b are now to read as follows:

"36a) Article 13 par. 3 to 5 of Act No 355/2007 Coll. On the Protection, Support and Development of Public Health and on Amendments and Supplements to Certain Acts.

36b) Article 15 Act No 355/2007 Coll.".

2. In the tariff of administrative fees in part VIII. FINANCIAL ADMINISTRATION AND COMMERCIAL ACTIVITY, item 150 is to be supplemented by letters t) to x), which are to read as follows:

"t) Issuance of a licence for the removal of asbestos  
or materials containing asbestos  
from buildings 36ba) SKK 15,000

u) Issuance of a copy of the licence under letter t)

v) Issuance of a licence for the performance of work health  
service 36bb) SKK 15,000

x) Issuance of a copy of the licence under letter v) SKK 500 "

The footnotes for references 36ba and 36bb will now read as follows:

"36ba) Article 5 par. 4 letter n) of Act No 355/2007 Coll.

36bb) Article 5 par. 4 letter o) of Act No 355/2007 Coll.".

## Section III

Act No 470/2005 Coll. on Funeral Services and on the Amendment and Supplementation to Act No 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended, is to be amended as follows:

1. Article 27 paragraph 2 is to read as follows:

"(2) Professional competence is demonstrated by way of a certificate of professional competence. 24) For the operation of a funeral service, the operation of a burial-place and the operation of a crematorium, a successful outcome to an examination held in front of the committee for the examination of professional competence is required, after participation in professional preparation in an accredited educational institution. 25) For the operation of embalment and preservation, the following requirements are to be met:  
a) university education completed in the field of general medicine, with a specialisation in the field of specialisation of morbid anatomy;  
b) a successful outcome to an examination held in front of the committee for the examination of professional competence after participation in professional preparation in an accredited institution 25) or 10 years of practice in the field of morbid anatomy."

The footnote to reference 24 is to read as follows:

"24) Article 15 par. 1 letter g) and par. 3 letter d) of Act No 355/2007 Coll. on the Protection, Support and Development of Public Health and on Amendments and Supplements to Certain Acts."

2. In Article 27, after paragraph 2, a new paragraph 3 is to be inserted to read as follows:

"(3) The requirements of the application for the verification of professional competence are to be regulated by special regulation 25a)".

The footnote to reference 25a is to read as follows:

"25a) Article 16 par. 16 and 17 of Act No 355/2007 Coll."

The present paragraph 3 is now to be marked as paragraph 4.

3. In Article 28 par. 4, letter a) is suppressed.

The present letters b) to d) are to be marked as letters a) to c).

#### Section IV

##### **Date of Effect**

This Act shall come into effect on 1 September 2007, with the exception of the provisions listed in Section I Article 5 par. 4 letter f) and Article 6 par. 3 letter c), which shall come into effect on 1 January 2010.

**Ivan Gašparovič, in his own hand**

**Pavol Paška, in his own hand**

**Robert Fico, in his own hand**