



OU-PO-OSZP3-2017/00638-029/OH-Ďu

In Prešov, 2 August 2018



DECISION

The District Office Prešov, the Department of Environmental Care, as the local office of the competent administrative authority, pursuant to Article 5(1) of Act No. 525/2003 of Coll. on the State Administration of Environmental Care and amending and supplementing certain acts as amended and of Article 3 (1)(e) of Act No. 180/2013 of Coll. on the Organization of Local State Authority and on the amendment of certain other acts and, as the competent authority of the State Waste Management Administration pursuant to the provisions of Article 108 (1)(ml) of Act No. 79/2015 of Coll. on waste and on amendments to certain acts on the basis of an administrative procedure under Act No 71/1967 of Coll. on the administrative procedure as amended (hereinafter referred to as „Administrative Procedure Code“) and at the request of the applicant

Business name: FECUPRAL, spol. s r.o.

Registered seat: L. Štúra 17, 082 21 Veľký Šariš

Company Registration Number: 36 448 974

I.

annuls

the decision of the District Office Prešov, the Department of Environmental Care No. OU-PO-OSZP3-2016/012722-003/OH-Ďu of 18 April 2016 pursuant to Article 114 (l)(b, point 1) of Act No. 79/2015 of Coll. on waste and amending and supplementing certain acts as amended, granting the permit for issuance of the rules of operation for waste disposal facility by operation D10 - incineration on land pursuant to the provisions of Article 97(1)(e) of Act No. 79/2015 of Coll. on waste and amending and supplementing certain acts as amended.

II.

grants

permit for issuance of the rules of operation for waste recovery facility by means of operation R1

- use principally as a fuel or other means to generate energy pursuant to provisions of Article 97 (1)(e) of Act No. 79/2015 of Coll. on waste and on amendments to certain acts as amended (hereinafter referred to as „Waste Management Act“) to the applicant:

Business name: FECUPRAL, spol. s r.o.

Registered seat: L. Štúra 17, 082 21 Veľký Šariš

Company Registration Number: 36 448 974

Place of waste management activities: FECUPRAL, spol. s r.o., Jilemnického 2, 080 01 Prešov

The permit shall apply to issuance of the rules of operation for waste recovery facility by means of recovery operation R1 - use principally as a fuel or other means to generate energy,

classified according to the Ministerial Decree of the Ministry of the Environment of the Slovak Republic No 365/2015 of Coll., establishing the Waste Catalogue, amended as follows:

Waste category HAZARDOUS WASTE:

Type of the waste:	Name of the waste:
02 01 08	agrochemical waste containing dangerous substances
03 01 04	sawdust, shavings, cuttings, wood, particle board and veneer containing dangerous substances
03 02 05	other wood preservatives containing dangerous substances
04 02 14	wastes from finishing containing organic solvents
04 02 16	dyestuffs and pigments containing dangerous substances
04 02 19	sludges from on-site effluent treatment containing dangerous substances
05 01 03	tank bottom sludges
05 01 04	acid alkyl sludges
05 01 05	oil spills
05 01 06	oily sludges from maintenance operations of the plant or equipment
05 01 07	acid tars
05 01 08	other tars
05 01 09	sludges from on-site effluent treatment containing dangerous substances
05 01 11	wastes from cleaning of fuels with bases
05 01 12	oil containing acids
05 01 15	spent filter clays
06 02 01	calcium hydroxide
06 02 03	ammonium hydroxide
06 02 04	sodium and potassium hydroxide
06 02 05	other bases
06 06 02	wastes containing dangerous sulphides
06 13 01	inorganic plant protection products, wood-preserving agents and other biocides
07 01 03	organic halogenated solvents, washing liquids and mother liquors
07 01 04	other organic solvents, washing liquids and mother liquors
07 01 07	halogenated still bottoms and reaction residues
07 01 08	other still bottoms and reaction residues
07 01 09	halogenated filter cakes and spent absorbents
07 01 10	other filter cakes and spent absorbents
07 01 11	sludges from on-site effluent treatment containing dangerous substances
07 02 03	organic halogenated solvents, washing liquids and mother liquors
07 02 04	other organic solvents, washing liquids and mother liquors
07 02 07	halogenated still bottoms and reaction residues
07 02 08	other still bottoms and reaction residues
07 02 11	sludges from on-site effluent treatment containing dangerous substances
07 03 03	organic halogenated solvents, washing liquids and mother liquors
07 03 04	other organic solvents, washing liquids and mother liquors
07 03 08	other still bottoms and reaction residues
07 03 11	sludges from on-site effluent treatment containing dangerous substances
07 04 03	organic halogenated solvents, washing liquids and mother liquors
07 04 04	other organic solvents, washing liquids and mother liquors
07 04 08	other still bottoms and reaction residues
07 04 11	sludges from on-site effluent treatment containing dangerous substances
07 04 13	solid wastes containing dangerous substances
07 05 03	organic halogenated solvents, washing liquids and mother liquors
07 05 04	other organic solvents, washing liquids and mother liquors
07 05 07	halogenated still bottoms and reaction residues
07 05 08	other still bottoms and reaction residues
07 05 09	halogenated filter cakes and spent absorbents
07 05 11	sludges from on-site effluent treatment containing dangerous substances

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07 05 13	solid wastes containing dangerous substances
07 06 03	organic halogenated solvents, washing liquids and mother liquors
07 06 04	other organic solvents, washing liquids and mother liquors
07 06 07	halogenated still bottoms and reaction residues
07 06 08	other still bottoms and reaction residues
07 06 11	sludges from on-site effluent treatment containing dangerous substances
07 07 03	organic halogenated solvents, washing liquids and mother liquors
07 07 04	other organic solvents, washing liquids and mother liquors
07 07 07	halogenated still bottoms and reaction residues
07 07 08	other still bottoms and reaction residues
07 07 11	sludges from on-site effluent treatment containing dangerous substances
08 01 11	waste paint and varnish containing organic solvents or other dangerous substances
08 01 13	sludges from paint or varnish containing organic solvents or other dangerous substances
08 01 15	aqueous sludges containing paint or varnish containing organic solvents or other dangerous substances
08 01 17	wastes from paint or varnish removal containing organic solvents or other dangerous substances
08 01 19	aqueous suspensions containing paint or varnish containing organic solvents or other dangerous substances
08 01 21	waste paint or varnish remover
08 03 12	waste ink containing dangerous substances
08 03 14	ink sludges containing dangerous substances
08 03 17	waste printing toner containing dangerous substances
08 04 09	waste adhesives and sealants containing organic solvents or other dangerous substances
08 04 11	adhesive and sealant sludges containing organic solvents or other dangerous substances
08 04 13	aqueous sludges containing adhesives or sealants containing organic solvents or other dangerous substances
08 04 15	aqueous liquid waste containing adhesives or sealants containing organic solvents or other dangerous substances
08 04 17	rosin oil
09 01 01	water-based developer and activator solutions
09 01 02	water-based offset plate developer solutions
09 01 03	solvent-based developer solutions
09 01 04	fixed solutions
09 01 05	bleach solutions and bleach fixer solutions
09 01 06	wastes containing silver from on-site treatment of photographic wastes
11 01 09	sludges and filter cakes containing dangerous substances
11 01 13	degreasing wastes containing dangerous substances
11 01 98	other wastes containing dangerous substances
12 01 08	machining emulsions and solutions containing halogens
12 01 09	machining emulsions and solutions free of halogens
12 01 12	spent waxes and fats
12 01 14	machining sludges containing dangerous substances
12 01 18	metal sludge (grinding, honing and lapping sludge) containing oil
13 01 04	chlorinated emulsions
13 01 05	non-chlorinated emulsions
13 05 01	solids from grit chambers and oil/water separators
13 05 02	sludges from oil/water separators
13 05 03	interceptor sludges
13 05 07	oily water from oil/water separators
13 05 08	mixtures of wastes from grit chambers and oil/water separators
13 07 02	petrol
13 07 03	other fuels (including mixtures)

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13 08 01	desalter sludges or emulsions
13 08 02	other emulsions
14 06 01	chlorofluorocarbons, HCFC, HFC
14 06 02	other halogenated solvents and solvent mixtures
14 06 03	other solvents and solvent mixtures
14 06 04	sludges or solid wastes containing halogenated solvents
14 06 05	sludges or solid wastes containing other solvents
15 01 10	packaging containing residues of or contaminated by dangerous substances
15 01 11	metallic packaging containing a dangerous solid porous matrix (for example asbestos),
15 02 02	absorbents, filter materials (including oil filters not otherwise specified), wiping cloths, protective clothing contaminated by dangerous substances
16 01 07	oil filters
16 01 13	brake fluids
16 01 14	antifreeze fluids containing dangerous substances
16 03 03	inorganic wastes containing dangerous substances
16 03 05	organic wastes containing dangerous substances
16 05 06	laboratory chemicals, consisting of or containing dangerous substances, including mixtures of laboratory chemicals
16 05 07	discarded inorganic chemicals consisting of or containing dangerous substances
16 05 08	discarded organic chemicals consisting of or containing dangerous substances
16 07 08	wastes containing oil
16 07 09	wastes containing other dangerous substances
16 08 02	spent catalysts containing dangerous transition metals (17) or dangerous transition metal compounds
16 10 01	aqueous liquid wastes containing dangerous substances
16 10 03	aqueous concentrates containing dangerous substances
17 02 04	glass, plastic and wood containing or contaminated with dangerous substances
18 01 03	wastes whose collection and disposal is subject to special requirements in order to prevent infection
18 01 06	chemicals consisting of or containing dangerous substances
18 01 08	cytotoxic and cytostatic medicines
18 01 10	amalgam waste from dental care
18 02 02	wastes whose collection and disposal is subject to special requirements in order to prevent infection
18 02 05	chemicals consisting of or containing dangerous substances
19 02 05	sludges from physico/chemical treatment containing dangerous substances
19 02 07	oil and concentrates from separation
19 02 08	liquid combustible wastes containing dangerous substances
19 02 11	other wastes containing dangerous substances
19 08 10	grease and oil mixture from oil/water separation other than those mentioned in 19 08 09
19 08 11	sludges containing dangerous substances from biological treatment of industrial waste water
19 08 13	sludges containing dangerous substances from other treatment of industrial waste water
19 11 02	acid tars
19 11 03	aqueous liquid wastes
19 11 04	wastes from cleaning of fuel with bases
19 13 01	solid wastes from soil remediation containing dangerous substances
19 13 03	sludges from soil remediation containing dangerous substances
19 13 05	sludges from groundwater remediation containing dangerous substances
19 13 07	aqueous liquid wastes and aqueous concentrates from groundwater remediation containing dangerous substances

20 01 13	solvents
20 01 14	acids
20 01 15	alkalines
20 01 17	photochemicals
20 01 19	pesticides
20 01 27	paint, inks, adhesives and resins containing dangerous substances
20 01 29	detergents containing dangerous substances

Waste category OTHER WASTE:

Type of the waste:	Name of the waste:
02 07 02	wastes from spirits distillation
03 03 05	de-inking sludges from paper recycling
08 01 16	aqueous sludges containing paint or varnish other than those mentioned in 08 01 15
15 01 01	paper and cardboard packaging
15 01 02	plastic packaging
15 01 06	mixed packaging
16 01 12	brake pads other than those mentioned in 16 01 11
16 01 15	antifreeze fluids other than those mentioned in 16 01 14
16 01 19	plastic
18 01 02	body parts and organs including blood bags and blood preserves (except 18 01 03)
18 01 04	wastes whose collection and disposal is not subject to special requirements in order to prevent infection (for example dressings, plaster casts, linen, disposable clothing, diapers)
18 01 09	medicines other than those mentioned in 18 01 08
18 02 03	wastes whose collection and disposal is not subject to special requirements in order to prevent infection
18 02 08	medicines other than those mentioned in 18 02 07
19 08 09	grease and oil mixture from oil/water separation containing only edible oil and fats
19 12 01	paper and cardboard
19 12 04	plastic and rubber
19 12 07	wood other than that mentioned in 19 12 06
19 12 08	textiles
19 12 09	minerals (for example sand, stones)
19 12 10	combustible waste (refuse derived fuel)
20 01 01	paper and cardboard
20 01 28	paint, inks, adhesives and resins other than those mentioned in 20 01 27
20 01 30	detergents other than those mentioned in 20 01 29
20 01 32	medicines other than those mentioned in 20 01 31
20 01 39	plastics

Facility capacity is 150 kg per hour, at maximum 950 tons per year.

Waste produced by facility treatment:

Type of the waste:	Name of the waste:	Waste category:
19 01 10	spent activated carbon from flue-gas treatment	N
19 01 11	bottom ash and slag containing dangerous substances	N
19 01 13	fly ash containing dangerous substances	N

Method of Waste Management:

Waste management will consist of waste recovery by means of recovery operation R1 - use principally as a fuel or other means to generate energy.

Waste recovery by means of recovery operation R1 will be carried out in a "Boiler room with built in ecological boiler" - an incineration plant with a rotary tube furnace RSP1000 equipped with APH-M04.10 natural gas burners and with after-burner chamber containing APH-M 10PZ gas burners, designed for direct oxidative two-stage combustion of solid, pasty and liquid waste.

The first stage of combustion is carried out in a rotary furnace (at temperatures above 600 ° C to 900 ° C) and the second stage in the afterburner chamber - a thermo reactor (at 900 ° C to 1650 °C). The thermal energy of combustion gas emitted from the combustion plant is used to produce hot water, which is subsequently passed on for use by contract consumers of thermal energy.

Waste taken into the facility is collected in containers or tanks on a fixed surface under a shelter. The areas are suitably insulated in accordance with relevant legislation, protected against leakage as well as atmospheric impact. Containers and tanks designed for collection of waste must be resistant to chemical agents and mechanical damage, technically suitable for the storage of such waste.

At collection of waste at the collection facility area secured by a lockable entry, all the required documents are subject to checks - the completeness and correctness of the documents is checked and visual inspection of the waste is carried out so that declared origin, properties and composition of waste are verified in order to fulfil the obligations described in Article 5 of Decree Law of the Ministry of the Environment of the Slovak Republic, Act No. 371/2015 of Coll., implementing certain provisions of the Waste Management Act. The delivery of the waste to the collecting site also comprises of a completed form of Hazardous Waste Accompanying Letter, pursuant to Annex 12 of Decree Law of the Ministry of the Environment of the Slovak Republic, Act No. 366/2015 of Coll.

When taking over a specific medical waste, its preferential treatment and swift placement into combustion plant shall be ensured. The combustion plant will be operated in accordance with operating documentation.

An operator of a combustion plant shall arrange for regular transmission of waste generated by the operation of the facility to a person authorized to handle such waste in accordance with applicable legislation.

Method of Termination of Facility Operation:

Upon termination of the operation of the installation, the operator is obliged to notify the competent authority of the state waste management administration. Prior to the termination of operation of the installation, the operator shall ensure treatment of waste located at the facility and waste taken into the installation, with eligible organisations. Waste already deposited in the facility as well as waste resulting from dismantling or alteration of technological equipment must be recovered or disposed of by the operator in accordance with the applicable legislation.

The permit to operate the waste recovery facility is issued for a fixed period until **31 October 2020**.

The local administrative authority may change or revoke the decision when relevant events for granting the permit in question shall change, and this in accordance with Article 114 of Act No. 79/2015 of Coll. on Waste and on amendments to certain acts as amended.

Terms of Decision:

1. Operator of the facility shall take measures to prevent dust when operating the facility - e.g. when storing loose waste (e.g. planting of trees in order to create dust and noise barrier walls, etc.)
2. Restrict handling of dry and dusty materials in case of adverse weather conditions.
3. Transport, manipulation and temporary storage of dusty and dry residues shall be carried out in such a way as to prevent their dispersal into the environment.
4. Consistently ensure tight insulation of floors designed to handle hazardous waste, functionality of the emergency measures (e.g. cleaning of the emergency tanks, emergency equipment, etc.) and

regular inspection (at least once a month) of technical condition of the waste collecting containers and this during the entire period.

5. Operator of the facility is obliged to have valid permission for the incineration plant operation according to specific regulations - air protection, and this during the entire time of operation.
6. Ensure that the rules of operation are in accordance with the specific regulations for the respective equipment and in accordance with expertise, and this during the entire time of operation.
7. During entire time of operation of the waste recovery facility by means of operation R1, the operator must have been granted licenses and have valid licenses as a heat producer under specific regulations. Where appropriate, notify the competent waste management administrative authority of withdrawal or amendments and modifications of the license.
8. The operator will be required to demonstrably ensure the cumulative fulfilment of the conditions stipulated by the legislation of the Slovak Republic for the operation of hazardous waste recovery facilities by means of recovery operation R1. Compliance with the conditions shall be provided on request to the competent authority of the state administration of waste management.
9. Hazardous waste should only be collected in packaging conforming to the legislation and standards for the collection of hazardous waste.
10. Waste disposal sites releasing vapours, pollutants or dust shall be covered and such vapours shall be sucked into the space of furnace.
11. Ensure an optimal way for incineration only of waste permitted by this decision.
12. Take measures to prevent the incineration of substances unsuitable and unidentified for a recovery by means of recovery operation R1.
13. In the event of an accident, malfunction or maintenance of equipment that would make operation of the combustion plant impossible, the operator will be required to ensure the recovery/disposal of waste at the organization authorized to dispose of the waste in accordance with valid legislation.
14. For waste which may be a source of evaporating odour, the gathering time shall not exceed 114 days.
15. Infectious medical waste is fed to a combustion plant without prior mixing with other types of waste and without direct contact with the operator.

Obligations of the Operator:

The facility operator is required to secure financial coverage of its responsibilities for environmental damage in accordance with Article 13(3) of Act No. 359/2007 on the prevention and remedying of environmental damage and amendments to some acts, including forecast costs for remedial activity and remedying environmental damage that could be caused by its occupational activity, continually for the whole time of operation and shall demonstrate the manner of financial coverage to competent authority in accordance with Article 13(4) of the cited Law.

S t a t e m e n t o f R e a s o n s :

FECUPRAL, spol. s.r.o. (hereinafter referred to as „**the Applicant**“) by letter of 31 October 2011 addressed to the District Environmental Office Prešov (at present the District Office Prešov, the Department of Environmental Care) applied for permit to issue the rules of operation for waste recovery facility by means of operation R1 - use principally as a fuel or other means to generate energy for "Boiler room with built in ecological boiler" - an incinerator of hazardous waste", with the registered seat - Jilemnického 2, Prešov.

The Applicant submitted the application together with its appendices - the extract from the Commercial Register, the Rules of Operation for the waste recovery installation, the Decision of the Regulatory Office for Network Industries - authorization No. 2006T 0171 for heat production, and administration fee in stamp duties worth 9.50 EUR.

At present, the permit to issue the rules of operation for the waste disposal facility by means of operation D10 for - "Boiler room with built in ecological boiler" - an incinerator of hazardous waste", with the registered seat - Jilemnického 2, Prešov has been issued.

The permit to issue the rules of operation for the waste disposal facility by means of operation D10 under Article 7(1)(f) Act No. **223/2001 of Coll.** on waste and on amendments to certain acts as amended (hereinafter referred to as "**Waste Management Act**") was granted to the Applicant by decision of the District Environmental Office in Prešov, No. 1/2006/01155-002/OH-Ma of 22 September 2006 for the duration to 15 September 2009. Subsequently, the District Environmental Office in Prešov issued Decision No. 1/2008/01165-002/OH-Ma of 7 July 2008, pursuant to Article 7(1)(f) of Act on waste, granting the permit to issue an Annex No.1 to the Rules of Operation for the waste disposal facility by operation D10.

The Decision of the District Environmental Office in Prešov, No. ŽP 1/2009/00165-002/OH-Ma of 2 March 2009, pursuant to Article 75 (1)(a)(2) of the Waste Act and in compliance with Article 7(8) of the Waste Act, amended the decisions of the District Environmental Office in Prešov No. 1/2006/01155-002/OH-Ma of 22 September 2006 and No. 1/2008/01165-002/OH-Ma of 7 July 2008, granting a permit for issuing the Rules of Operation and an Annex No.1 to the Rules of Operation of the waste disposal facility by means of operation D10. The amendment of the decision consisted of extension of validity of the above mentioned decisions for the period until 31 January 2012, except that the other requirements of the decision of the District Environmental Office in Prešov No. 1/2006/01155-002/OH-Ma of 22 September 2006 and No. 1/2008/01165-002/OH-Ma of 7 July 2008 remained unchanged.

Based on the application of the Applicant, the decision of the District Environmental Office in Prešov No. 1/2009/01988-002/OH-Ma of 29 December 2009 granted the permit for issuance of the rules of operation for the waste recovery facility by means of recovery operation R1. After the decision had become effective, the facility in question has been granted the permit for issuance the rules of operation for the waste disposal facility by means of operation D10 and at the same time, the permit for issuance of the rules of operation for the waste recovery facility by means of operation R1. During the process of granting permits for issuing the rules of operation by means of operation R1, the Regional Department for Environmental Protection in Prešov found a contradiction with Article 40a(7) of the Act on waste -used PCBs and contaminated equipment can only be disposed of by operational activities D8, D9, D10 and D15, and therefore, by a decision of the Regional Department for Environmental Protection No. 1/2011/00199-004/EJ of 2 February 2011, cancelled the permit for issuance of the rules of operation for the waste recovery facility by means of operation R1 and only permit for issuance of the rules of operation for the waste disposal facility by means of operation D10 maintained in force.

Based on the applications of the Applicant, the decision of the District Environmental Office in Prešov No. ŽP 1/2011/01388-002/OH-Ďu of 19 September 2011 and a subsequent decision of the District Environmental Office in Prešov No. 2013/2301-13069/OH-Ďu of 14 August 2013 have substantially renewed the validity of the decision of the District Environmental Office in Prešov No. 1/2006/01155-002/OH-Ma of 22 September 2006, which granted the permit for issuance of the rules of operation for waste disposal facility by means of operation D10 and the decisions of the District Environmental Office in Prešov No. 1/2008/01165-002/OH-Ma of 7 July 2008, as subsequently amended. The validity of the decisions was extended for a fixed period until 31 July 2014 and consequently for a fixed period until 31 July 2016, while the other requirements and conditions of the granted decisions were left unchanged.

During the term of validity of the granted permit for issuance of the Rules of Operation for the waste disposal facility by means of operation D10 and subsequent amendments, the Applicant has repeatedly requested by a letter dated 31 October 2011 for a permit to issue the rules of operation for the waste recovery facility by means of recovery operation R1 - use principally as a fuel or other means to generate energy for the facility "Boiler room with built in ecological boiler" - an incinerator of hazardous waste."

By the decision No. ŽP 1/2012/00058-002/OH-Kn of 17 July 2012 of the District Environmental Office in Prešov the request of the Applicant was not approved of and the permit for issuance of the rules of operation for the waste recovery facility by means of recovery operation R1 was not granted.

The Applicant appealed against the latter's decision, on the basis of which the District Environmental Office Prešov forwarded the appeal in question to a second-instance authority - the Regional Department for Environmental Protection in Prešov. During the examination of the case, the Board of Appeal found that the District Environmental Office Prešov failed to proceed in accordance with Article 47(2) of the Administrative Code, on the basis of which, by its decision No. 2012/1318-6680/EJ dated 6 September 2012, changed the operative part of the decision of the District Environmental Office in Prešov No. ŽP 1/2012/00058-02/OH-Kn dated 17 July 2012 and amended the justification of the decision and at the same time confirmed the decision not to grant the permit.

The Applicant brought an action against the decision of the Regional Department for Environmental Protection in Prešov No. 2012/1318-6680/EJ of 6 September 2012 at the respective Regional Court. By its judgement No. 1 S/81/2012-54, 8012200696, Krajský súd v Prešove (Regional Court in Prešov) annulled the contested decision of the District Environmental Office in Prešov in connection with the decision of the Regional Department for Environmental Protection in Prešov. An appeal of 3 May 2013 of the Regional Department for Environmental Protection in Prešov against the judgement of the Regional Court in Prešov was lodged with the Supreme Court of the Slovak Republic.

By the judgement of the Supreme Court of the Slovak Republic No. 9Sžp/1/2013, the District Environmental Office Prešov decision No. ŽP 1/2012/00058-02/OH-Kn of 17 July 2012 in connection with Regional Department for Environmental Protection in Prešov decision No. 2012/1318-6680/EJ of 6 September 2012 on the denial to grant the permit for issuance of the Rules of Operation for the waste recovery facility by means of operation R1 was annulled and the case was remitted for further proceeding.

District Office Prešov, the Department of Environmental Care, by a letter No. OU-PO-OSZP3-2014/030112-02/OH-Kn dated 11 September 2014, notified the Applicant of the resumption of proceedings on granting permit to issue the rules of operation for the waste recovery facility by means of operation R1 for the operation of the company at - Jilemnického 2, Prešov and at the same time called on the Applicant to supplement the submission of possible new information.

By letter dated 30 September 2014, the Applicant announced that there were no new facts in the relevant procedure on issuance of permit for the Rules of Operation for the waste recovery facility by means of operation R1 and by letter dated 20 October 2014 confirmed the request for the issuance of the relevant permit for issuance of the Rules of Operation for the waste recovery facility by means of operation R1.

By the decision of the District Office of Prešov, the Department of Environmental Care No. OU-PO-OSZP3-2014/030112-05/OH-Kn dated 24 October 2014, the permit for issuance of the rules of operation for the waste recovery facility by means of operation R1 has repeatedly not been granted, against which the Applicant filed an appeal by a letter dated 7 November 2014.

By letter No. OU-PO-OSZP3-2015/001872-09/Oh-Kn dated 2 February 2015, the Applicant's appeal together with the materials of the case were forwarded to the board of appeal - Department of Legal Remedies of the District Office Prešov. By decision of the District Office Prešov, the Department of Legal Remedies No. OU-PO-OOP3-2015/015418-03/SLM of 7 April 2015 in the appeal in question, the decision No. OU-PO-OSZP3-2014/030112-05/OH-Kn of 24 October 2014 was annulled and the case was referred back for further proceedings.

On the grounds of this fact - the file being referred back for further proceeding, the District Office Prešov, the Department of Environmental Care by deficiency letter No. OU-PO-OSZP3-2015/001872-11/OH-Kn dated 2 June 2015 sent to the Applicant, invited the Applicant to supplement the submission of the rules of operation for the waste recovery facility by means of operation code R1. Under the call for supplementation No. OU-PO-OSZP3-2015/001872-11/OH-Kn of 2 June 2015 and of 24 June 2015, the Applicant completed the submission.

By letter No. OU-PO-OSZP3-2015/001872-14/OH-Kn dated 5 August 2015, the District Office Prešov, the Department of Environmental Care acquainted the Applicant with the permit issuance documentation for issuing the rules of operation for the waste recovery facility by means of operation R1 and at the same time proposed not to issue the required permit. The Applicant objected to the non approval of the permit by letter dated 24 August 2015. On the basis of the Applicant's objection to the non approval of the required decision in question, the Department of Environmental Care repeatedly

invited the Applicant to supplement the submission of facts stated in the call for supplementation of the submission by letter No. OU-PO-OSZP3-2015/001872-16/OH-Kn dated 9 November 2015. The Applicant supplemented the submission on 30 December 2015.

Throughout the course of the permit granting proceedings for the operation of the waste recovery facility by means of operation R1, the Applicant has been granted a valid decision for the facility in question - "Boiler room with built in ecological boiler" to issue the Rules of Operation for the waste disposal facility by means of operation D10 and Annex No.1 to the Rules of Operation of the facility in question as amended and on the extension of the validity period of which the Applicant subsequently repeatedly requested. In the context of the amended legislative act - adoption of **the new Act No. 79/2015 of Coll. on waste** and amending and supplementing certain acts as amended with effect from 1 January 2016 (hereinafter referred to as "**New Waste Act**") and at the request of the Applicant as well as on the basis of Article 135(18) of the New Waste Act stating that decisions issued under existing legislation are deemed to be decisions issued under this Act and shall remain in effect, the Department of Environmental Care has, at revalidation of the consent in question, granted permit to issue the rules of operation for the waste disposal facility by means of operation D10 as amended, and agreed to reconcile the operative part of the decision in regard with new valid legislation and this by means of decision No. OU-PO-OSZP3-2016/012722-003/OH-ĎU of 18 April 2016, which annulled all the decisions taken and taking into account Article 135(18) of the New Waste Act, extended the validity of the issued Rules of Operation for the waste disposal facility by means of operation D10 as amended by granting a new permit for issuance of the rules of operation for the waste disposal facility by means of operation D10 by decision No. OU-PO-OSZP3-2016/012722-003/OH-Ďu of 18 April 2016 with validity for fixed term until 31 January 2021.

In the permit granting proceedings to operate the waste recovery facility by means of operation R1, the District Office Prešov, the Department of Environmental Care by a deficiency letter No. OU-PO-OSZP3-2017/000638-21/OH-MM dated 15 February 2017 has invited the Applicant to supplement the submission of additional particulars. The submission was completed by the Applicant by letter dated 24 February 2017 and subsequently supplemented by the Expert Judgement No. 1/2017, built up by Ing. Iveta Machalová, as a fit and proper person for issuing expert opinions on the basis of Certificate of the Ministry of the Environment of the Slovak Republic No. 18/16/P- of 12 October 2016. The Expert Judgement also comprised of assessed Rules of Operation for the waste recovery facility by means of operation R1. It is recommended by the conclusion of the Expert Judgement No. 1/2017 that the relevant departments of the state administration of waste management grants permit for issuance of the rules of operation for the waste recovery facility by means of operation code R1 for it complies with the requirements laid down by the New Waste Act and on amendments to certain acts for granting permit required for waste as set out in the Expert Judgement.

The Applicants completion of the submission was not taken into account by the District Office Prešov, the Department of Environmental Care which terminated the present case procedure by decision No. OU-PO-OSZP3-2017/000638-024 of 27 March 2017, against which the Applicant appealed by letter dated 6 April 2017. In this appeal, the board of appeal - Department of Legal Remedies of the District Office in Prešov issued the decision No. OU-PO-OOP3-2017/027946-02/SLM of 30 June 2017 which annulled the decision No. OU-PO-OSZP3-2017/000638-024 of 27 March 2017 and the case was referred back.

Based on the decision No. OU-PO-OOP3-2017/027946-02/SLM of 30 June 2017 annulling the decision No. OU-PO-OSZP3-2017/000638-024 of 27 March 2017 and referring the case back, the District Office Prešov, the Department of Environmental Care, in order to determine a complete and accurate issues of the facts, proceeded to assessment of the documentation submitted for the issuance of requested decision by the Applicant. At the assessment of the documentation submitted by the Applicant, the administrative authority found the submitted documentation to be sufficient.

The following documentation was submitted by the Applicant to the application for granting a permit in question:

- Extract from the Commercial Register of the District Court Prešov

- Decision of the Regulatory Office for Network Industries No.1775-2008-BA, granting permit No. 2006T 0171 - 1st change to a legal entity FECUPRAL, spol. s r.o. on the subject of business: heat production
- Decision of the District Environmental Office in Prešov No. ŽP 1/2011/01388-002/OH-Ďu of 19 September 2011 - repeated extension of validity of the decision of the District Environmental Office in Prešov No. ŽP 1/2006/01155-002/OH-Ma of 22 September 2006 (D10)
- Decision of the District Environmental Office Prešov No. 1/2009/00165-002/OH-Ma of 2 March 2009 - extension of validity of the decision of the District Environmental Office in Prešov No. 1/2006/01155-002/OH-Ma of 22 September 2006 (D10)
- Decision of the District Environmental Office in Prešov No.1/2008/01165-002/OH-Ma of 7 July 2008 - issuance of Appendix No. 1 to the Rules of Operation for the waste disposal facility by means of operation D10
- Decision of the District Environmental Office Prešov No. 1/2006/01155-002/OH-Ma of 22 September 2006 - permission for issuing the rules of operation for the waste disposal facility by means of operation D10
- Decision of the District Environmental Office Prešov No. ŽP 1/2012/00058-002/OH-Ma of 17 July 2012 - permission for issuing the rules of operation for the waste recovery facility by means of recovery operation R1 was not granted
- Decision of the Regional Department for Environmental Protection No. 1/2011/00199-004/EJ of 2 February 2011 - decision to cancel the decision of the District Environmental Office in Prešov No.1/2009/01988-002/OH-Ma of 29 December 2009
- Decision of the District Environmental Office in Prešov No.2013/2301-13069/OH-Ďu of 14 August 2013 - extension of validity of decisions on issuing the rules of operation for waste disposal facility by means of operation D10
- Decision OU-PO-OSZP3-2016/012722-003/OH-Ďu of 18 April 2016 - granting of permission for issuing the rules of operation for waste disposal facility by means of operation D10 under the new legislative (Act No 79/2015 Of Coll. on waste)
- Decision the Regulatory Office for Network Industries No. 0110/2013/T-PE, granting permit No. 2006T 0171 - 2nd change to a legal entity FECUPRAL, spol. s r.o. on the subject of business: heat production
- Heat production balance at the incineration plant of Fecupral s.r.o
- Expert Judgement No. 1/2017, built up Ing. Iveta Machalová as a fit and proper person for issuing expert opinions on the basis of Certificate of the Ministry of the Environment of the Slovak Republic No. 18/16/P - 1.8, for granting permit for issuance of the rules of operation for the waste recovery facility by means of operation code R1
- The Rules of Operation for the waste recovery facility by means of operation code R1 assessed by Expert Judgement No. 1/2017 of Ing. Iveta Machalová
- The Heat Supply Contract concluded between D.A.H, s.r.o. Prešov and FECUPRAL, s.r.o. as a producer and supplier of heat
- The Heat Supply Contract concluded between PLANS, spol. s r.o. and FECUPRAL, s.r.o. as a producer and supplier of heat
- Decision of the Ministry of Economy No. 1083/99-220, issuing License No. 2000T 0381 - to FECUPRAL, spol. s r.o. on the subject of business - heat production
- Decision of Regulatory Office for Network Industries No. 0075/2017/T of 15 November 2016, approving the heat production price for regulated entity FECUPRAL, spol. s r.o.

When issuing the decision in question, the administrative body has taken factual situation and changes of the existing legislation in state administration of waste management and other general and widely recognized and valid documents into account:

- Act No. 79/2015 Of Coll. on waste and amending certain other acts with effect from 1 January 2016
- Directive of the European Parliament and of the Council No. 2008/98/ES of 19 November 2008 on waste and repealing certain Directives
- generally valid Decrees implementing the Waste Act
- Provisions of the Code of Civil Procedure

- Waste Management Program of the Slovak Republic

At the same time, other submitted documentation was taken into consideration by the administrative authority:

- Extract from the property deed No. 9389 - the owner of the land and the building in which the facility in question is operated is FECUPRAL, s.r.o.
- Decision of the Regional Department for Environmental Protection in Prešov No. 2012/1318-6680/EJ of 6 September 2012
- Judgement of the Regional Court in Prešov No. 1 S/81/2012-54 of 20 March 2013
- Judgement of the Supreme Court of the Slovak Republic case No. 9Sžp/1/2013 of 23 July 2014
- Decision of the Department of Environmental Care No. OU-PO-OSZP3-2014/030112-05/OH-Kn of 24 October 2014
- Decision No. OU-PO-OOP3-2015/015418-03/SLM of 7 April 2015 - decision in appeal
- Decision of the Department of Environmental Care No. OU-PO-OSZP3-2017/000638-024/OH-MM of 27 March 2017 - decision on termination of the procedure
- Decision No. OU-PO-OOP3-2017/027946-02/SLM of 30 June 2017 - decision in II. appeal
- District Environmental Office in Prešov, State Air Protection Administration, No. 1/2012/01945/05-OL of 14 December 2012
- Decision of the Department of Environmental Care No. ŽP SP 572/1999-Bj of 8 March 1999 - construction permission „Reconstruction of boiler room with built in ecological boiler"
- Decision of the Department of Environmental Care No. ŽP SP 12/2000-Bj of 2 February 2000 - construction use permit „Boiler room with built in ecological boiler /incineration/"
- Judgement of the European Court of Justice in Case (Commission v. Luxemburg, C- 458/00 points 32 to 34, criteria) and Commission/Germany (decision of 13 February 2003, C-228/00, ECR I-1439, points 41 to 43)
- Judgement of the European Court of Justice in Case C-251/07
- Judgement of the European Court of Justice (Case C-6/00 ASA (2002))

It follows from the above mentioned facts that, by District Environmental Office Prešov decision No. 1/2009/01988-002/OH-Ma of 29 December 2009, the Applicant was granted a permit to the waste recovery operation by means of recovery operation code R1. On the basis of the complaint, an investigation was carried out by the Regional Department of Environmental Protection in Prešov, where it was found that the issued decision was in conflict with Article 40a(7) Act 223/2001 Of Coll. on waste and amending and supplementing certain acts as amended, - used PCB and contaminated equipment which were included in the issuance decision to issue the rules of operation for waste recovery operation by means of operation code R1, can only be disposed of by operation codes D8, D9, D10 a D1 5 as in accordance with Annex of the cited Law and not by operation R1. Based on the findings and detected conflict with the valid Waste Act, the decision in question was annulled by the decision of the Regional Department for Environmental Protection in Prešov No. 1/2011/00199-004/EJ of 2 February 2011. The decision to issue the rules of operation for waste disposal facility operation by means of operation D10 to the Applicant, was retained. The reason for the non-compliance with the provisions of the applicable legislation was the inappropriateness of the waste types stated in the rules of operation which were removed by the Applicant after the inspection.

The Judgement of the Regional Court in Prešov of 20 March 2013 Case 1 S/81/2012 annulling the contested decisions (the decision of the District Environmental Office Prešov No. ŽP 1/2012/00058-02/OH-Kn of 17 July 2012 in connection with the decision of the Regional Department for Environmental Protection in Prešov No. 2012/1318-6680/EJ of 6 September 2012) on the grounds of their impossibility to be examined streaming from their incomprehensibility and lack of reasons, has been confirmed by the Supreme Court of the Slovak Republic by the Judgement of 23 July 2014 Case 9Sžp/1/2013. Pursuant to Article 250j (7) of Civil Procedure Code, the administrative bodies are bound by the legal opinion of the court.

In the course of the subsequent proceedings, the Applicant submitted granted licences for the production of heat to the applicant (Decision of the Regulatory Office for Network Industries No.

1775-2008-BA granting Permit No. 2006T 0171 - 1st change to a legal entity FECUPRAL, spol. s r.o. on the subject of business: heat production; Decision of the Regulatory Office for Network Industries No. 0110/2013/T-PE granting Permit No. 2006T 0171 - 2nd change to a legal entity FECUPRAL, spol. s r.o. on the subject of business: heat production; the Decision of the Ministry of Economy No. 1083/99-220, issuing License No. 2000T 0381 - to FECUPRAL, spol. s r.o. on the subject of business - heat production), the Decision on pricing (- the Decision of Regulatory Office for Network Industries No. 0075/2017/T of 15 November 2016, approving the heat production price for regulated entity FECUPRAL, spol. s r.o.), the Expert Judgement together with assessed Rules of Operation for the waste recovery facility by means of operation code R1, the Energy Efficiency calculation - heat production balance, The Decision of the competent State Air Protection Administration for the boiler room - incinerator, The Building Decision issued by the District Office Prešov No. ŽP S P 572/1999 - Bj of 8 March 1999 and the Final Building Approval of the District Office Prešov No. ŽP SP 12/2000-Bj of 2 February 2000 "Boiler room with built in ecological boiler" and with operation conditions of the installation.

It is evident from the submitted documentation that the facility at Jilemnického 2, Prešov had a permit to be used by the Building Decision and the subsequent Final Building Approval as "Boiler room with built in ecological boiler" - an incinerator of hazardous waste."

In accordance with Article 18(2) of the New Waste Act and amending and supplementing certain acts as amended, incineration of waste other than municipal waste in waste incineration plants shall be considered as waste recovery operation R1 referred to Annex 1, if the conditions below are met:

- a. it is an operation the principal result of which is waste serving a useful purpose by replacing other materials,
- b. the purpose of waste incineration is to generate power,
- c. the energy obtained through waste incineration is greater than the energy consumed through the incineration process,
- d. the majority of waste must be consumed during waste incineration, and
- e. the majority of the energy produced during waste incineration must be recuperated and actually used, and this either immediately, in the form of heat obtained by incineration, or after it has been processed, in the form of electricity.

These conditions must be met cumulatively when operating an installation.

At the same time, the European Court of Justice in the case *Commission v. Luxembourg*, C-458/00 points 32 to 34, criteria and *Commission/Germany* (decision of 13 February 2003, C-228/00, ECR I-1439, points 41 to 43) laid down three conditions for establishing whether the use of waste as a fuel is a recovery operation of the kind referred to in point R1 of Annex II B to Directive 75/442.

First, the essential purpose of waste processing, referred to by that provision must be the generation of energy.

Secondly, the energy generated by, and recovered from, combustion of the waste must be greater than the amount of energy consumed during the combustion process, and that part of the surplus energy generated during combustion process must effectively be used, and this either immediately in the form of the heat produced by incineration or, after processing, in the form of electricity.

Thirdly, the greater part of the waste must be consumed during the operation, and the greater part of the energy generated must be recovered and actually used.

Furthermore, point 36 provides that the principal characteristic of such waste recovery is that its principal result is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function and thereby save on natural resources.

Point 44 sets out the subsidiary criteria for determining that energy use is the case if the facility plant had to replace the waste with another primary raw material for maintaining the combustion process and that the incinerator should pay for the waste to its originator or the waste holder.

The European Court of Justice in its judgement in Case C-251/07 mentions and refers to SI. 6(1 to 3) and Article 6(6) of Directive No. 2000/76, providing the following:

Article 1. Incineration plants shall be operated in order to achieve a level of incineration such that the slag and bottom ashes total organic carbon (TOC) content is less than 3 % or their loss on ignition is less than 5 % of the dry weight of the material. If necessary appropriate techniques of waste pre-treatment shall be used.

Co-incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the co-incineration of waste is raised in a controlled and homogeneous fashion and even under the most unfavourable conditioned, to a temperature of 850 °C for two seconds. If hazardous wastes with a content of more than 1 % halogenated organic substances, expressed as chlorine, are co-incinerated, the temperature has to be raised to 1100 °C.

Each line of the incineration plant shall be equipped with at least one auxiliary burner. This burner must be switched on automatically when the temperature of the combustion gases after the last injection of combustion air falls below 850°C or 1 100°C as the case may be. It shall also be used during plant start-up and shut-down operations in order to ensure that the temperature of 850°C or 1 100°C as the case may be is maintained at all times during these operations and as long as unburned waste is in the combustion chamber.

During start-up and shut-down or when the temperature of the combustion gas falls below 850°C or 1 100°C as the case may be, the auxiliary burner shall not be fed with fuels which can cause higher emissions than those resulting from the burning of gasoil as defined in Article 1(1) of Council Directive 75/716/EEC, liquefied gas or natural gas.

Article 2. Incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the process is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of 850 °C, s measured near the inner wall or at another representative point of the combustion chamber as authorised by the competent authority, for two seconds. If hazardous waste with a content of more than 1 % of halogenated organic substances, expressed as chlorine, are incinerated, the temperature has to be raised to 1100 °C for at least two seconds.

Article 3. Incineration and co-incineration plants shall have and operate an automatic system to prevent waste feed:

- a) at start - up, until the temperature of 850 °C or 1100°C as the case may be or the temperature specified according to paragraph 4 has been reached;
- b) whenever the temperature of 850 °C or 1100 °C as the case may be or the temperature specified according to paragraph 4 is not maintained;
- c) whenever the continuous measurements required by this Directive show that any emission limit value is exceeded due to disturbances or failures of the purification devices.

Article 6. Any heat generated by the incineration or the co - incineration process shall be recovered as far as practicable.

In assessing of activity, it is necessary to act in accordance with the requirements of the EC legislation currently in force as well as in accordance with the case-law of the European Court of Justice, the legislation of the Member State, taking into account the main purpose of the facility concerned. Consider other factors and criteria not only a single criterion - the energy efficiency of waste incineration, when classifying the facility under consideration.

During the proceedings carried out in the process of FECUPRAL, s.r.o. application for granting the permit for the operation of the waste recovery facility by means of operation R1, there was a change in the valid waste management legislation (New Act No. 79/2015 of Coll. on waste and amending and supplementing certain acts as amended). Under the new provisions, it is possible, subject to the cumulative fulfilment of the conditions laid down in the provisions of Article 18(2) of the New Waste Act, to consider the incineration of other than municipal waste for energy recovery.

Under the Article 3(11) Act No. 79/2015 of Coll. on waste and amending certain other acts, the waste treatment means a waste recovery or disposal operation, including the preparation of waste prior to recovery or disposal

Under the Article 3(13) Act No. 79/2015 of Coll. on waste and on amending certain other acts waste recovery means an operation the principal result of which is waste serving a useful purpose by

replacing other materials in production activities or in the wider economy, or waste being prepared to fulfil that function.

Under the Article 3(15) Act No. 79/2015 on waste and on amending certain other acts, waste disposal means an operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy.

Under the Article 18(2) of the New Waste Act and amending and supplementing certain acts as amended, incineration of waste other than municipal waste in waste incineration plants shall be considered as waste recovery operation R1 referred to Annex 1, if the conditions below are met:

- a. it is an operation the principal result of which is waste serving a useful purpose by replacing other materials,
- b. the purpose of waste incineration is to generate power,
- c. the energy obtained through waste incineration is greater than the energy consumed through the incineration process,
- d. the majority of waste must be consumed during waste incineration, and
- e. the majority of the energy produced during waste incineration must be recuperated and actually used, and this either immediately, in the form of heat obtained by incineration, or after it has been processed, in the form of electricity.

Under the Article 135(1) Act No. 79/2015 and amending and supplementing certain acts as amended, proceedings initiated before 1 January 2016 shall be concluded in accordance with the existing legislation.

In the light of the European Commission's guidelines on the interpretation of the key provisions of Directive 2008/98/ES on waste, " recovery of waste " one hand and " disposal of waste " on the other hand (defined by negation as any operation which is not a recovery operation) together form "waste treatment". Waste treatment can mean either a recovery operation or disposal operation. **However, the European Court of Justice has explicitly ruled that no waste treatment can be classified as disposal and recovery at the same time. (Case C-6/00 ASA (2002)), paragraph 63**

On 11 January 2016, the new Act No. 79/2015 of Coll. on waste and amending and supplementing certain acts as amended, entered into force. The Article 18(2) of the Act lays down conditions that an incineration plant of other than municipal waste must satisfy, in order to be pre-categorized from a waste disposal facility to a waste recovery facility by means of operation R1. Fecupral s.r.o., Veľký Šariš, on the basis of documented evidence for the requested permit as well as on the basis of a positive recommendatory Expert Judgement No. 1/2017 of Ing. Machalová fulfils the conditions pursuant to Article 18(2) of the Law No. 79/2015 Of Coll. on waste.

The Applicant - operator has been granted licenses, which are only granted based on the fulfilment of specific obligations required to be demonstrated in order to be granted such licenses, by the competent authorities as a heat producer and at the same time the Applicant has been issued an approval decision for the prices of the heat supplied.

It implies from the Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, Article 4 - The waste managing hierarchy, that the recovery process (as well as energy recovery) prevails over waste disposal.

Under Article 1 of the abovementioned Directive, when applying to the waste hierarchy, the Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life - cycle thinking on the overall impacts of the generation and management of such waste.

Under Article 3(15) of the Directive, recovery means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

It should be noted that the Applicant is a holder of a valid permit - permits for the line of business - heat production - total installed capacity of 3.89 MW, of which gas fuel 3.89 MW of 26 June 2008.

The Applicant uses state of the art and most advanced technologies - BAT - waste recovery technology that meet BAT technologies when examining the environmental effect in environmental (EIA) studies

According to the European Environment Agency, enhanced efforts are needed to maximize the use of waste and ensure its diversion from landfill through recycling and incineration using energy, which would make a significant contribution to reducing greenhouse gas emissions from municipal waste.

At the same time, however, based on the Judgement of the Court of Justice of the European Union, no handling operation can be classified as disposal and recovery at the same time. (Case C-6/00 ASA (2002), paragraph 63. And in relation to Article 3(11)(13) and (15), the local authority, by granting a permit for issuance of the rules of operation for the waste recovery facility by means of operation R1, annulled the consent given for issuance of the rules of operation for the waste disposal facility by means of operation D10 for the facility in question, as one and the same facility shall not be granted two permits for issuing the rules of operation for waste recovery and waste disposal facility at the same time (see the judgement of the Court of Justice of the European Union (Case C-6/00 ASA (2002))).

Following the assessment of the matters, the District Office Prešov, the Department of Environmental Care, the Division of Environmental Protection and Selected Environmental Areas concludes that the Applicant fulfilled the conditions for issuance of the required permit for the rules of operation for the waste recovery facility by means of operation code R1 in accordance with the Expert Judgement No. 1/2017 of Ing. Machalová. The District Office Prešov simultaneously notes that by granting the permit for issuance of the rules of operation for the waste recovery facility by means of operation code R1, it is not possible to grant one and the same facility a permit for issuance of the rules of operation for waste disposal facility by means of operation D10 - waste incineration on land, and therefore the local authority decided at the time of granting permit for the issuance of the rules of operation for the waste recovery facility by means of operation code R1 to also annul the decision granting the permit for issuing the rules of operation for waste disposal facility by means of operation D10

In the light of the above, the local authority decided in this decision as set out in the operative part of this Decision.

I n s t r u c t i o n :

Appeals against this Decision may be lodged with the District Court Prešov, Department of Environmental Care, Division of Environmental Protection and Selected Environmental Areas Námestie mieru 3, Prešov pursuant to Article 53 of Act No. 71/1967 Of Coll. on the administrative procedure as amended, within 15 days following its receipt pursuant to Article 54 of the cited Law.

Insofar as the Decision, following the exhaustion of all legal remedies available to it, becomes final, its lawfulness may be reviewed by a court.



PaedDr. Miroslav Benko, MBA
Head of the Department

Shall be delivered to:

1. FECUPRAL, spol. s r.o., L. Štúra 17, 082 21 Veľký Šariš
2. For the file