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Act

of 25 June 2013

**on emergency stocks of oil and petroleum products and on dealing with state of
oil emergency and on amendments and supplements to certain acts**

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

Article I

Section 1

Scope of application

This Act shall govern the following:

- a) obligations of the persons active in extraction, production, trading, storing or transporting oil and petroleum products (hereinafter referred to as an “entrepreneur”) and obligations of selected entrepreneurs;
- b) procurement and handling of emergency stocks;
- c) actions to deal with a state of oil emergency;
- d) manner of establishment, status and legal standing of the emergency oil stock agency (hereinafter referred to as the “agency”);
- e) execution of the state administration in the area of emergency stocks;
- f) control and sanctions for breach of the obligations laid down by this Act.

For the purposes of other legal acts,¹⁾ emergency stocks shall be considered as state material reserves. A special legal act²⁾ shall not be applicable to emergency stocks.

Section 2

Basic provisions

For the purposes of this Act:

¹⁾ For example, Act No. 319/2002 Coll. on defence of the Slovak Republic, as amended, Act No. 98/2004 Coll. on excise duty on mineral oil, as amended, Act No. 25/2006 Coll. on public procurement and on the amendments and supplements to certain acts, as amended.

²⁾ Act No. 372/2012 Coll. on State material reserves and on the amendment of Act No. 25/2007 Coll. on electronic toll collection for the utilisation of specified segments of road networks and on amendments and supplements to certain acts, as amended.

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g) oil means crude oil and semi-finished petroleum products specified in Annex 1 and processable in petroleum product refineries;

h) petroleum products mean oil products specified in a special legal act,³⁾

i) selected petroleum products mean petroleum products specified in Annex 1;

j) selected entrepreneur means an entrepreneur who, with regard to selected petroleum products, will:

1. release the selected petroleum products for consumption⁴⁾ within the territory of the Slovak Republic pursuant to a special legal act⁵⁾;

2. transport the selected petroleum products to the territory of the Slovak Republic beyond suspension of excise tax for business purposes;⁶⁾

3. import the selected petroleum products to the territory of the Slovak Republic from third-countries;⁷⁾

4. release the selected petroleum products for consumption, transport or import of the same to the territory of the Slovak Republic for business purposes using other methods than those specified in the previous paragraphs 1 - 3;

k) emergency stocks mean stocks of oil and petroleum products designated to protect the economy, prevent, mitigate, or cope with a state of oil emergency, or to meet international obligations of the Slovak Republic;

l) procurement of emergency stocks means purchasing and borrowing of emergency stocks;

m) handling of emergency stocks means maintenance, borrowing, refreshment, replacement, safeguarding, purchase and sale of emergency stocks, whereas

1. maintenance means the procurement of storage and safeguarding of emergency stocks;

2. refreshment means the replacement of an asset by another asset of the same kind, quality, and quantity;

3. replacement means the replacement of an asset by an asset of another kind or quality, quantity or price, or the replacement of an asset by another asset of the same kind but of other quantity or price;

³⁾ Section 4.1 of Annex B to Regulation (EC) No. 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (EU Official Journal L 304, 14 November 2008), as amended.

⁴⁾ Section 2 paragraph (1) (i) point one, two and four of Act No. 98/2004 Coll. as amended by Act No. 482/2009 Coll.

⁵⁾ Section 19 - 20 and Section 25 of Act No. 98/2004 Coll. as amended.

⁶⁾ Section 31 of Act No. 98/2004 Coll. as amended.

⁷⁾ Section 13 paragraph (1) (h) and (i) of Act No. 98/2004 Coll.

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4. safeguarding means ensuring preservation of the qualitative and quantitative parameters of emergency stocks;

- n) special stocks mean emergency stocks determined pursuant to ;
- o) export means goods leaving the territory of the Slovak Republic which were released for export in a customs procedure within the territory of the Slovak Republic, goods leaving the territory of the Slovak Republic which were released for outward processing in a customs procedure within the territory of the Slovak Republic, goods leaving the territory of the Slovak Republic with an assigned purpose approved by the customs authorities or by using re-export, EU goods⁸⁾ located in customs warehouses, EU goods⁸⁾ located in free warehouses or in free zones, or EU goods⁸⁾ leaving the territory of the Slovak Republic shipped to a European Union member state (hereinafter referred to as a “member state”); export shall not include any non-EU goods⁸⁾ transported through the territory of the Slovak Republic under the transit customs regime and EU goods⁸⁾ only transported through the territory of the Slovak Republic;
- p) import means foreign goods entering the territory of the Slovak Republic from abroad and released for the free circulation customs regime, foreign goods entering the territory of the Slovak Republic from abroad and released for the inward processing procedure customs regime using the drawback or suspensive procedure, foreign goods entering the territory of the Slovak Republic from abroad and released for processing under the customs control customs regime, or EU goods⁸⁾ entering the Slovak Republic from a member state; import does not include any third-country goods released after entering the territory of the Slovak Republic for the transit customs regime and EU goods⁸⁾ only transported through the territory of the Slovak Republic;
- q) net import means a positive difference between the imported and exported oil or petroleum products within one calendar year;
- r) availability of emergency stocks means physical availability of the emergency stocks and the capacity of having the emergency stocks at constant disposal;
- s) state of oil emergency means any serious threat, disruption or suspension of oil and petroleum product supplies within the Slovak Republic;
- t) emergency plan means a plan to release the emergency stocks, which shall be drawn up by taking into consideration the circumstances and terms of the state of oil emergency or situation under Section 14 paragraph (6);
- u) contingency plan means a plan which includes basic procedures to be followed in a state of oil emergency and organisational procedures to be implemented in a state of oil emergency or in situations specified in Section 14 paragraph (6).

Section 3

⁸⁾ Article 4 paragraph (7) of Council Regulation (EEC) No. 2913/92 of 12 October 1992 establishing the Community Customs Code (Special Edition of the EU Official Journal, Chapter 2, Volume. 4), as amended.

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Selected entrepreneurs obligations

A selected entrepreneur shall be obliged to ensure through the agency that the volume of emergency stocks is maintained as specified in paragraph (2) for the purpose of complying with the requirements of this Act and meeting international obligations by which the Slovak Republic is bound; this obligation does not apply to selected petroleum products the aggregate volume of which does not exceed 20 m³ in 12 consecutive calendar months.

(1) The volume of emergency stocks to be maintained by the selected entrepreneur through the agency shall be defined by the agency based on the ratio of the volume of selected petroleum products attributable to the selected entrepreneur for the previous month and the total volume of selected petroleum products of the selected entrepreneurs for the previous month calculated out of one twelfth of the minimum limit of emergency stocks specified pursuant to Section 7.

(2) A selected entrepreneur shall be obliged to notify and prove to the Administration of State Material Reserves of the Slovak Republic (hereinafter referred to as the "Reserve administration") that the obligation under paragraph (1) above has been fulfilled within 30 days after the establishment of the agency. Fulfilment of the obligation under paragraph (1) is proven by presenting a contract on procuring the maintenance of emergency stocks with the effective date postponed until the date on which the emergency stocks are taken over pursuant to Section 25 paragraph (2). A person who becomes a selected entrepreneur is obliged to notify and prove to the Reserve administration the fulfilment of the obligation under paragraph (1) by presenting a contract on procuring the maintenance of emergency stocks within 15 days after the date on which it becomes a covered entity.

Section 4

Contract on procuring the maintenance of emergency stocks

The agency shall procure the maintenance of emergency stocks for the selected entrepreneur based on a contract on procuring the maintenance of emergency stocks. The business terms and conditions of the maintenance of emergency stocks and the price for the service of procuring the maintenance of emergency stocks will be published by the agency on its website. The price for the service of procuring the maintenance of emergency stocks must be non-discriminatory. The price shall cover the costs of procurement and insurance of the emergency stocks, costs of handling of the emergency stocks, interest and other financing costs of the agency, costs related to the establishment of the agency and administrative costs of the agency.

(3) If the selected entrepreneur does not fulfil its obligations under the contract on procuring the maintenance of emergency stocks duly and on time, the agency shall be obliged to initiate the enforcement of such obligations within 60 days after the date on which the obligations of the selected entrepreneur were required to be fulfilled. The agency shall notify the customs authority of any arrears of the selected entrepreneurs which arose from the breach of the obligation to execute timely and due payment to the agency.

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(4) The agency has the right to terminate the contract on procuring the maintenance of emergency stocks if the selected entrepreneur breaches the payment terms agreed in the contract. The termination notice period is 30 days and it shall commence on the first day of the month immediately following the month in which the termination notice was delivered to the selected entrepreneur.

(5) If the agency learns about the selected entrepreneur's failure to fulfil its obligation of executing a contract on procuring the maintenance of emergency stocks, the agency shall request the selected entrepreneur to fulfil the obligation without undue delay. The agency shall also inform the selected entrepreneur of the obligation to notify and prove to the Reserve administration the fulfilment of the obligation of executing a contract on procuring the maintenance of emergency stocks. If, notwithstanding the request, the selected entrepreneur does not fulfil its obligation, the agency shall notify the Reserve administration thereof.

Section 5

Information obligations

Entrepreneurs and relevant state administration bodies are obliged to provide the Reserve administration on request with any and all data needed to:

- v) evaluate the status of the emergency stocks;
- w) evaluate the readiness for implementation of the contingency plan under Section 14 paragraph (4) and the emergency plan under Section 14 paragraph (7);
- x) address the solution of the state of oil emergency.

Section 6

Procurement and maintenance of emergency stocks

For the purpose of procuring and maintaining emergency stocks for the selected entrepreneurs, the agency procures and handles the emergency stocks in accordance with this Act. When procuring and handling the emergency stocks, the agency shall proceed in accordance with the principles of efficiency and purposefulness.

The agency shall provide for:

- y) qualitative parameters of the emergency stocks in accordance with technical standards;⁹⁾
- z) control of the quantity of emergency stocks at a recognised stock keeper in accordance with Section 9 paragraph (5);
- aa) permanent availability of the emergency stocks;
- bb) adequate insurance of the emergency stocks; and

⁹⁾ Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic No. 362/2010 Coll. establishing the requirements for fuels quality and keeping operational records on fuels.

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cc) compliance with the emergency stocks refreshment and replacement plan in accordance with Section 21 paragraph (3).

The agency shall be obliged to procure and maintain emergency stocks to the extent of the minimum limit of emergency stocks to be determined or notified by the Reserve administration in accordance with Section 7 paragraph (7) or Section 10 paragraph (3). The agency shall be obliged to procure and maintain emergency stocks at the level of the minimum limit set for the previous calendar year, unless the minimum limit of emergency stocks for the relevant year is determined by the Reserve administration before 25 February of the calendar year.

Emergency stocks and storage facilities procured from the agency's own resources may be refinanced by bank loans, bonds, or other financial instruments.

Financial proceeds acquired from the sale of emergency stocks pursuant to Section 10 or Section 11 may only be used by the agency to the extent of the procurement price of emergency stocks to procure emergency stocks to top up the emergency stocks up to the minimum limit of emergency stocks or to meet the obligations arising from bank loans, issued bonds, or other liabilities resulting from or related to the funding of emergency stocks or storage facilities owned by the agency.

The agency shall inform the Reserve administration of:

dd) the current state of the emergency stocks in the scope necessary to inform the European Commission each year by 15 February;

ee) qualitative parameters of the emergency stocks each year, as at 30 June and 31 December;

ff) any termination of a contract on procuring the maintenance of emergency stocks entered into with a covered entity without undue delay.

(6) Within 15 days following a request, the agency shall provide the Reserve administration with information about:

gg) the current state of the emergency stocks to the extent necessary to inform the International Energy Agency, the European Commission, the government of the Slovak Republic (hereinafter referred to as the "government"), the National Council of the Slovak Republic, or relevant public administration bodies;

hh) emergency stocks storage place, location of storage facility for emergency stocks, owner of emergency stocks, volume and kind of emergency stocks, and specification of the emergency stocks category pursuant to a special legal act;³⁾

ii) volume and structure of emergency stocks stored outside the territory of the Slovak Republic with specification of the member state or the authority established by the member state, the main purpose of which is procuring, maintaining and selling emergency stocks (hereinafter referred to as "central stockholding entity");

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- jj) volume of the emergency stocks stored within the territory of the Slovak Republic for other member state or for a central stockholding entity of other member state;
- kk) volume of special stocks stored within the territory of the Slovak Republic for each petroleum product category in accordance with Annex 2; and
- ll) volume of special stocks stored within the territory of the Slovak Republic for other member state or central stockholding entity of other member state for each category of petroleum products in accordance with Annex 2, with information about the member state or central stockholding entity, for which such special stocks are stored.

Section 7

Minimum limit of emergency stocks

For the respective calendar year, except for the first three calendar months of the respective year, the minimum limit of emergency stocks shall be the level of emergency stocks corresponding to the higher of the 90-day average daily net imports of oil and petroleum products or the 61-day average daily inland consumption during the previous calendar year. The average daily net import is calculated based on the oil import equivalent in the previous calendar year determined in accordance with Annex 3. The average daily inland consumption is calculated based on the inland oil consumption equivalent in the previous calendar year determined in accordance with Annex 4.

For the first three months of the respective calendar year, the minimum limit of emergency stocks is the level of emergency stocks being the equivalent of the higher of the 90-day average daily net imports of oil and petroleum products or the 61-day average daily inland consumption during the calendar year before the previous year.

The level of emergency stocks cannot fall below the minimum limit of emergency stocks, unless otherwise stipulated by paragraph (5) or (6) of Section 14.

To calculate the minimum limit of emergency stocks, petroleum products shall also include biofuels¹⁰⁾ and additives if blended with the petroleum products. For the purposes of this Act, additives mean non-hydrocarbon compounds added to or blended with a petroleum product with the aim of modifying its properties.

Emergency stocks may also include stocks on board oil tankers released for the free circulation customs regime,¹¹⁾ stocks at the ports of discharge, in tanks at the entry to pipelines and pipeline channels, in barges for inland navigation which transport oil and petroleum products, in refinery tanks, in storage facilities of entrepreneurs including operating stocks if such stocks meet the criteria for the storage of emergency stocks stipulated by this Act. Emergency stocks may also include biofuels¹⁰⁾ and additives blended with emergency stocks petroleum products or biofuels and additives stored within the territory of the Slovak

¹⁰⁾ Section 2 paragraph (4) of Act No. 309/2009 Coll. on supporting renewable energy sources and highly-efficient combined generation and on amendments and supplements to certain acts, as amended by Act No. 492/2010 Coll.

¹¹⁾ Articles 79-83 of Regulation (EEC) No. 2913/92, as amended.

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Republic, intended to be blended with petroleum products stored within emergency stocks and designated for transportation use.

Stocks intended for armed forces, stocks of petrol stations, product and oil pipelines in operation, unextracted domestic oil stocks, stocks in tanks of naval vessels, contents of the tanks of road and railway tankers for the transportation of oil and petroleum products, and stocks held by consumers are not considered emergency stocks. Emergency stocks can also not include any stocks detained by a public authority nor any stocks that are subject to execution proceedings.

The minimum limit of emergency stocks for the respective calendar year is determined by the Reserve administration based on the data acquired during a statistical survey carried out pursuant to Section 21 paragraph (12) each year by 25 February. Each year by 25 February, the Reserve administration will notify the agency of the minimum limit of emergency stocks. After any release of emergency stocks, the minimum limit is determined or notified by the Reserve administration in accordance with Section 10 paragraph (3).

Emergency stocks shall not be subject to the requirement of minimum contents of biofuel¹⁰⁾ in individual types of fuels pursuant to a special legal act¹²⁾ in circumstances where emergency stocks are released to the market under paragraph (5) or (6) of Section 14.

The Reserve administration shall specify the quota for oil in the emergency stocks. Oil shall represent at least 50% of the emergency stocks.

Section 8

Ownership of emergency stocks

Emergency stocks are owned by the agency, unless otherwise provided by paragraph (2) below.

(7) Emergency stocks may also be owned by an entrepreneur providing oil and petroleum product storage and safeguarding services who executes an agreement on storage and safeguarding of emergency stocks with the agency containing the entrepreneur's obligation to use the emergency stocks in accordance with the government decision pursuant to paragraph (5) or (6) of Section 14.

(8) In the agreement on storage and safeguarding of emergency stocks, the entrepreneur shall undertake to store and safeguard the required quantity of emergency stocks having the required quality and to comply with the requirements and obligations laid down by this Act. The entrepreneur cannot assign the storage and safeguarding of emergency stocks to another entrepreneur. Emergency stocks under paragraph (2) may not contain any stocks of oil and petroleum products that are subject to a right of lien¹³⁾, or are owned by an

¹²⁾ Section 14a paragraph (7) letter (b) of Act No. 309/2009 Coll., as amended.

¹³⁾ Section 151a of the Civil Code.

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entrepreneur who is subject to bankruptcy or restructuring proceedings pursuant to a special legal act.¹⁴⁾

(9) Emergency stocks are not subject to bankruptcy proceedings,¹⁵⁾ execution proceedings,¹⁶⁾ or any other form of enforcement proceedings. Emergency stocks cannot be the subject of any right of lien¹³⁾ or easement.

Section 9

Storage of emergency stocks

Emergency stocks are stored in storage facilities either separately or jointly with stocks of the same kind but for other purposes.

A storage facility is a separate tank, block of tanks, warehouse, technological production unit, or any other object if it meets environmental¹⁷⁾ fire¹⁸⁾, and the following technical specifications:

mm) the allowed minimum storage volume is 4,000 m³, except from storage facilities for the storage of fuel oils where the allowed minimum storage volume is 500 m³, with the minimum volume of one tank equal to 95 m³;

nn) a petroleum products storage facility with a volume of up to 20,000 m³ needs to be equipped with input and output equipment to fill the tanks of road or railway tankers with the capacity of at least 70 m³ per hour; this does not apply to fuel oil storage facilities;

oo) a petroleum products storage facility with volume over 20,000 m³ needs to be equipped with input and output equipment to fill the tanks of road or railway tankers with the capacity of at least 140 m³ per hour; this does not apply to fuel oil storage facilities;

pp) storage facilities under letters b) and c) need to be equipped with a measuring device to measure the quantity, density and temperature of petroleum products;

qq) an oil storage facility needs to allow for a connection to the oil pipeline network and measuring of oil input and output volumes;

rr) input and output equipments under letters b) and c) and equipments for pumping into the oil and/or product pipeline must be ready for operation within 24 hours after the agency's notice on the request of emergency stocks withdrawal.

¹⁴⁾ Act No. 7/2005 Coll. on bankruptcy and restructuring and on amendment and supplements to certain acts, as amended.

¹⁵⁾ Section 72 of Act No. 7/2005 Coll.

¹⁶⁾ Section 61a paragraph (1) of Act of the National Council of the Slovak Republic No. 233/1995 Coll. on court executors and execution proceedings (the Execution code) and on the amendment and supplements to certain acts, as amended.

¹⁷⁾ For example, Act No. 364/2004 Coll. on waters and on amendment to Act No. 372/1990 Coll. of the National Council of the Slovak Republic on administrative offences, as amended (the Water act), as amended, Act No. 137/2010 Coll. on air protection, as amended by Act No. 318/2012 Coll.

¹⁸⁾ For example, Act No. 314/2001 Coll. on fire protection, as amended.

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(10) Storage facilities, product and oil pipelines intended for storage and transport of emergency stocks are considered public utility structures.¹⁹⁾ Storage facilities, product and oil pipelines intended for storage and transport of emergency stocks are not subject to bankruptcy¹⁵⁾, execution proceedings¹⁶⁾, or other form of enforcement proceedings.

(11) Emergency stocks may be stored by the agency in its own storage facilities or in the facilities of a recognised stock keeper. If the emergency stocks are stored by the agency in the facilities of a recognised stock keeper, such emergency stocks can only be protected by such recognised stock keeper. Emergency stocks cannot be used for commercial purposes by the recognised stock keeper.

(12) A recognised stock keeper is an entrepreneur selected via public procurement procedures²⁰⁾ who meets the criteria for emergency stock storage pursuant to this Act. A recognised stock keeper is also an entrepreneur pursuant to Section 8 paragraph (2).

(13) A recognised stock keeper shall provide for permanent availability of emergency stocks and upon request of the agency it shall provide appropriate insurance of emergency stocks.

(14) A recognised stock keeper shall provide for the control of both the quantity and the quality of emergency stocks and for this purpose it shall continuously take samples of the emergency stocks so that their quality is verified in accredited laboratories, allow the agency or the Reserve administration to take control samples, and provide access to storage facilities to persons appointed by the agency or the Reserve administration.

(15) A recognised stock keeper shall ensure that the emergency stocks are constantly ready for an immediate release as instructed by the agency. Upon the agency's instruction to dispatch the emergency stocks, the recognised stock keeper shall dispense the emergency stocks to the agency without undue delay.

(16) The agency can procure the storage of emergency stocks or any part thereof outside the territory of the Slovak Republic within the territory of a member state with which the Slovak Republic has an intergovernmental agreement on the storage of emergency stocks; this does not apply to the storage of oil and special stocks.

Section 10

Release of the emergency stocks

Based on a decision of the government, if the emergency stocks need to be used for the purpose specified in paragraph (5) or (6) of Section 14, the agency is obliged to procure the release of the emergency stocks and the recognised stock keeper is obliged to release the emergency stocks. If the agency becomes obliged to release the emergency stocks in accordance with the previous sentence, the agency shall sell the emergency stocks for a price

¹⁹⁾ Section 108 of Act No. 50/1976 Coll. on land-use planning and building code (the Building act), as amended.

²⁰⁾ Act No. 25/2006 Coll., as amended.

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exceeding the price of their procurement. The emergency stocks cannot be released by the agency free of charge.

A proposal for the release of the emergency stocks shall be submitted to the government by the Reserve administration.

When the emergency stocks are released, the level of emergency stocks may temporarily drop below the minimum limit of emergency stocks. If the period of time for restocking the emergency stocks by the Slovak Republic is set by the European Commission, the Reserve administration shall notify the agency of such period and the agency shall restock the emergency stocks within such notified period of time. If the restocking period for the emergency stocks of the Slovak Republic is not laid down by the European Commission, the period for restocking the emergency stocks shall be laid down by the Reserve administration. When laying down the restocking period for the emergency stocks, the Reserve administration shall particularly take into consideration the situation on international oil markets and the availability of funding to the agency. At the same time, the agency shall propose to the Reserve administration a time schedule for restocking the emergency stocks to the minimum limit. The agency shall be obliged to restock the emergency stocks to the minimum limit within the period of time laid down by the Reserve administration.

Section 11

Free handling of the emergency stocks

The agency has the right to handle freely the emergency stocks exceeding 105% of the emergency stocks minimum limit for the relevant calendar year if:

- ss) the sale price exceeds the procurement price of the emergency stocks; and
- tt) as a consequence of the handling of the emergency stocks the level of emergency stocks does not drop below 105% of the emergency stocks minimum limit.

Section 12

Special stocks

The Reserve administration may decide that for at least one year the agency shall maintain special stocks in the form of petroleum products as specified in Annex 2 at the minimum limit calculated according to Annex 4 based on the number of days of average daily inland consumption. The same minimum limit of special stocks shall apply to all special stock categories kept within the territory of the Slovak Republic based on the decision of the Reserve administration.

If decided by the Reserve administration that special stocks have to be maintained pursuant to paragraph (1) above, the agency shall be obliged to maintain such special stocks in accordance with such decision. Special stocks may only be owned by the agency and can

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only be stored within the territory of the Slovak Republic. Requirements of this Act applicable to the emergency stocks shall also apply to the special stocks accordingly.

The sum of oil equivalents of inland consumption of petroleum products in special stocks in the relevant calendar year, except for the first three calendar months, must be at least 75% of the total inland consumption of petroleum products in the previous calendar year calculated in accordance with Annex 4. Such calculated sum of oil equivalents must be complied with by 31 March of the next calendar year.

Without a decision issued by the Reserve administration pursuant to paragraph (1) above on the obligation to maintain throughout the entire calendar year special stocks of at least 30-day average inland consumption, the agency shall maintain at least one third of emergency stocks in the form of petroleum products in accordance with Annex 2.

If the special stocks are maintained by the agency at the level below the 30-day average daily inland consumption, the agency shall prepare an annual report containing an analysis of measures safeguarding and verifying the availability of emergency stocks. The annual report shall also provide a description of the mechanisms to monitor the use of such stocks in case of disrupted oil supplies. The agency shall submit the annual report to the Reserve administration by 15 January of each year.

The Reserve administration shall submit the annual report under paragraph (5) above to the European Commission by the end of the first month of the calendar year to which the obligation applies.

If the Reserve administration decides pursuant to paragraph (1) on the obligation to maintain special stocks, it shall notify the agency and the European Commission of such decision and specify in the notice the volume of the special stocks and the duration of such obligation.

The agency shall maintain special stocks throughout the entire notified term of the obligation.

If the special stocks are mixed with other petroleum product stocks, the recognised stock keeper shall be obliged to procure that the mixed stocks, to the extent to which they represent special stocks, are not transferred without the agency's prior written consent.

Section 13

State of oil emergency

A state of oil emergency is declared by a governmental decree if the average monthly net oil and oil products import, in comparison with the average monthly net import in the previous year, drops to such extent, or if a drop in or problems with oil and oil product supplies may be expected to such extent that the adverse consequences thereof cannot be eliminated or prevented without any actions taken in accordance with this Act.

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A proposal for the declaration of state of oil emergency together with the actions to address it pursuant to Section 14 shall be submitted to the government by the Reserve administration. A state of oil emergency commences on the date declared by the government.

If the reasons specified in paragraph (1) above cease to exist, the government shall, upon the proposal of the Reserve administration, revoke the state of oil emergency and the actions to address the state of oil emergency by a decree.

The government shall announce the declaration and the revocation of the state of oil emergency also in mass communication media. The announcement on the declared state of oil emergency shall also include information about the place where the declaration can be found. The Reserve administration shall publish an announcement on the declaration and revocation of the state of oil emergency on its website.

Actions under Section 14 may also be adopted in case of fulfilment of obligations under international treaties binding upon the Slovak Republic.

Section 14

Actions to cope with state of oil emergency

Before declaring a state of oil emergency, the government can initiate a mass communication campaign to restrict the consumption of oil and oil products.

To restrict oil and oil products consumption during the state of oil emergency, the government can issue a regulation adopting one or more of the following actions:

- uu) reduction of the speed limit for motor vehicles;
- vv) limitation or prohibition on the use of certain categories of motor vehicles or motor vehicles with specified licence numbers;²¹⁾
- ww) limitation of business hours of petrol stations;
- xx) limitation or prohibition of sale of oil and oil products;
- yy) specification of regulatory actions imposed on oil and oil products suppliers determining particularly the volume, place, time, time schedule, and other terms of stocking out of oil and oil product stocks;
- zz) temporary limitation or ban on export of oil and oil products.

(17) Action pursuant to paragraph (2) (f) can be adopted during a state of oil emergency if the emergency stocks need to be released for the needs of the inland market. Such action cannot be adopted if the action conflicts with international obligations of the Slovak Republic towards the International Energy Agency and the European Union with respect to the obligations to release emergency stocks of member states in case of disrupted supplies.

²¹⁾ Act No. 8/2009 Coll. on road traffic and on amendments and supplements to certain acts, as amended.

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(18) The Reserve administration shall prepare and continuously update a contingency plan, which shall be used in case of a state of oil emergency or situation stipulated in paragraph (6). Upon request, the Reserve administration shall inform the European Commission of the contingency plan.

(19) To overcome the state of oil emergency, the government may, upon a proposal by the Reserve administration, grant its consent with the release of emergency stocks, whereas in case of such release the level of emergency stocks may drop below the minimum limit. If the level of emergency stocks drops below the minimum limit, the agency shall restock the emergency stocks within a period of time notified or set forth by the Reserve administration pursuant to Section 10 paragraph (3).

(20) The Reserve administration can also submit to the government a proposal for releasing the emergency stocks pursuant to Section 5 if the International Energy Agency makes a decision on releasing the emergency stocks or if the European Commission identifies a serious disruption of supplies to the European Union.

(21) Emergency stocks shall be released based on an emergency plan to be prepared by the Reserve administration and approved by a governmental regulation.

(22) During the state of oil emergency, entrepreneurs engaged in the oil processing business shall preferentially process the oil constituting emergency stocks into petroleum products, and entrepreneurs engaged in the business of stock keeping, transport and sale of oil and petroleum products shall be obliged to procure storage, dispatch, transport and sale of emergency stocks in accordance with the emergency plan.

(23) If proposed by the Reserve administration, the government may declare a group of persons or activities to which the measures addressing the state of oil emergency shall not apply; in individual cases due to danger to life, health or property, it may grant an exemption from the announced actions.

(24) The Reserve administration shall provide guidance on and co-ordinate the implementation of the actions addressing the state of oil emergency and carry out the state supervision over the emergency stocks.

(25) The Reserve administration shall co-operate with the European Commission and the International Energy Agency in prevention of and addressing the state of oil emergency.

(26) If the International Energy Agency decides on the release of emergency stocks or if the European Commission decides that there is a serious disruption of supplies to the European Union, the Reserve administration shall not adopt or propose any actions obstructing the transport, use or release of the emergency stocks kept for another member state within the territory of the Slovak Republic.

Section 15

Establishment of the agency

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The agency shall be established by the Reserve administration being one of the founders or by a person with an ownership interest held by the Reserve administration and controlled, directly or indirectly, by the state.²²⁾ The agency must have the form of an interest association of legal entities.²³⁾

The establishment, status, and legal relations of the agency shall be governed by the Civil Code, unless otherwise provided by paragraphs (3) - (8) below and by Sections 16-18.

The foundation agreement and the articles of association of the agency and any amendments thereto shall not become effective without a prior consent of the government.

The agency shall be established for the purpose of procuring and maintaining emergency stocks for their use in the event of a state of oil emergency or to meet international obligations, by which the Slovak Republic is bound.

Any selected entrepreneurs obliged to procure the maintenance of emergency stocks pursuant to this Act may become a member of the agency.

Agency members are not liable for the agency's liabilities with their assets.

The foundation and incorporation of the agency shall be published by the Reserve administration on its website.

The provisions of Section 194 paragraph (5) first sentence, the first sentence of paragraph (6), paragraphs (7) and (8) of the Commercial Code shall apply *mutatis mutandis* to members of the corporate bodies of the agency and the general director of the agency, if appointed. The second sentence of Section 194 paragraph (5) of the Commercial Code shall apply *mutatis mutandis* to the general director of the agency, if appointed. Members of the corporate bodies of the agency shall not disclose any confidential information and facts, which, if revealed to a third-party, could cause damage to the agency or endanger its interests or interests of its members, and when discharging their duties, they cannot prioritise their own interests, the interests of only some members of the agency or the interests of third-parties over the interests of the agency.

Section 16

Agency's economic result

Principles of the creation, use, and record keeping of the purpose-bound funds of the agency's equity providing for a restricted use of a positive economic result and transparent record keeping of their use shall be proposed by the agency's board of directors and approved by the members' meeting of the agency.

²²⁾ Section 9 (4) of Act No. 136/2001 Coll. on protection of competition and on the amendment and supplements to Act No. 347/1990 Coll. of the National Council of the Slovak Republic on organisation of ministries and other central state administrative bodies of the Slovak Republic, as amended.

²³⁾ Sections 20f-20j of the Civil Code.

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Any positive economic result generated by the agency shall be solely used to cover outstanding losses, procure emergency stocks, finance the construction of storage facilities or to meet obligations arising from bank loans, issued bonds or other financial instruments.

Section 17

Transfer of voting rights in the agency

The transfer of the voting rights in the agency held by the Reserve administration or any other legal entity controlled, directly or indirectly, by the state²²⁾ needs to be approved by the government. Government approval is also required for the transfer of voting rights of any person, to whom voting rights previously belonging to the Reserve administration or a person directly or indirectly controlled by the state²²⁾ were transferred, either directly or *via* one or more persons.

Section 18

Sale of the emergency stocks by the Reserve administration to the agency

The Reserve administration shall be entitled to sell the emergency stocks if:

aaa) the agency can prove that it is prepared to take over the emergency stocks pursuant to this Act; as the preparedness to take over the emergency stocks hereunder shall be mainly considered the securing of the storage of the emergency stocks from the date on which the emergency stocks are taken over pursuant to Section 25 paragraph (2) and the securing of the funding of the purchase of the emergency stocks;

bbb) the oil purchase price shall correspond to the price determined by an expert opinion, or, the oil purchase price shall correspond to the average oil price according to customs statistics data for the previous three calendar months if the average oil purchase price determined based on customs statistics data²⁴⁾ for the previous three calendar months exceeds the price established by the expert's opinion.

(27) A special legal act²⁵⁾ shall not be applicable to the sale of emergency stocks.

(28) Proceeds from the sale of the emergency stocks pursuant to paragraph (1) above shall constitute income of the national budget.

Section 19

Winding up of the agency

Winding up of the agency shall be subject to prior governmental approval.

As of the date of winding up of the agency through liquidation, the emergency stocks shall be transferred from the agency to the ownership of the state represented by the Reserve administration. The liquidator shall transfer the emergency stocks and the Reserve

²⁴⁾ Act No. 199/2004 Coll. on customs (the Customs act) and on amendment and supplements to certain acts, as amended.

²⁵⁾ Act No. 92/1991 Coll. on conditions of state property transfers to other persons, as amended.

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administration shall take over the same. Minutes shall be prepared on the handover and takeover of the emergency stocks. The liquidator's fee shall be paid by the Reserve administration. The Reserve administration administers the emergency stocks in accordance with a special legal act.²⁶⁾

(29) In case of transfer of emergency stocks pursuant to paragraph (2), the price of the emergency stocks shall be determined in accordance with Section 18 paragraph (1) (b) or, in case of a higher price of procuring the emergency stocks, the price of the emergency stocks shall be equal to the price of procuring the emergency stocks.

(30) As of the transfer date of the emergency stocks from the agency to the Reserve administration, the Reserve administration shall be obliged to perform the agency's duties under this Act.

Section 20

Establishment of other legal entities

When fulfilling the foundation functions pursuant to a special legal act,²⁷⁾ the Reserve administration may, with the consent of the government, establish a legal entity as its sole founder or as a joint venture with another legal entity. With governmental consent and following a prior consent granted by the Ministry of Finance of the Slovak Republic, the Reserve administration may provide an in-kind contribution to the registered capital of the legal entity whose sole founder it is or to the registered capital of the joint venture with another legal entity. The foundation and incorporation of a legal entity or the foundation and incorporation of a joint venture shall not be subject to special legal acts.²⁸⁾

Paragraph (1) shall not apply to the foundation and incorporation of the agency.

Section 21

State administration

State administration in the area of emergency stocks shall be carried out by the Reserve administration.

(31) The Reserve administration shall prepare and submit for approval by the government a strategic energy security policy for oil and oil product supplies; the Reserve administration shall take action to ensure the strategic energy security based on the approved policy.

(32) For individual items of the emergency stocks, the Reserve administration shall establish emergency stocks refreshment and replacement plans specifying the periods for

²⁶⁾ Act No. 278/1993 Coll. of the National Council of the Slovak Republic on state property administration, as amended.

²⁷⁾ Section 4 paragraph (2) (h) of Act No. 372/2012 Coll.

²⁸⁾ Act No. 92/1991 Coll., as amended and Section 13a of Act No. 278/1993 Coll. of the National Council of the Slovak Republic, as amended.

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refreshment and replacement of emergency stocks laid down in accordance with storage technical specifications and quality parameters of the emergency stocks.

(33) The Reserve administration shall regularly provide information about the actual state of the emergency stocks to the International Energy Agency, the European Commission, and if requested, to the government, the National Council of the Slovak Republic, and relevant state administration bodies.

(34) Each year as at 15 July, the Reserve administration shall submit to the relevant Committee of the National Council of the Slovak Republic information about the fulfilment of the task laid down in Section 6 paragraph (3).

(35) The Reserve administration shall maintain up-to-date and detailed records on the emergency stocks. Such records shall particularly contain information needed for precise identification of the emergency stocks storage location or facility, owner, volume and kind of emergency stocks with information on the category of emergency stocks according to a special legal act.²⁹⁾ The Reserve administration shall provide upon request a copy of such records to the European Commission within 15 days after receipt of the latter's request; whereas information about the storage location of the emergency stocks may be omitted.

(36) By 25 February of each year, the Reserve administration shall submit to the European Commission a summary of the records on the emergency stocks providing the volumes and kind of emergency stocks kept on record as at the last day of the previous calendar year.

(37) The Reserve administration shall prepare on a monthly basis, always as at the last day of the calendar month, a statement on the volume of emergency stocks with specification on the method of calculation of the minimum limit of emergency stocks pursuant to Section 7 paragraph (7). The statement shall also include emergency stocks stored outside the territory of the Slovak Republic and it shall specify the member state or the central stockholding entity of the other member state in which the emergency stocks are stored and the reasons for storing the emergency stocks outside the territory of the Slovak Republic. The Reserve administration shall submit such statement to the European Commission within 55 days after the end of the calendar month. If emergency stocks of other member state are stored within the territory of the Slovak Republic, the Reserve administration shall submit to the European Commission a statement on the volume of such stored emergency stocks specifying the member state or the central stockholding entity of the member state on whose request such emergency stocks are stored.

(38) The Reserve administration shall prepare on a monthly basis, as at the last day of each calendar month, statements on special stocks by individual categories of petroleum products as specified in Annex 2. Such statement shall contain information on the volume and on the number of days of average inland consumption in the previous calendar year, whereby information on the consumption for the first three calendar months shall be derived from the

²⁹⁾ Article 3.1 paragraph (1) of Annex C to Regulation (EEC) No. 1099/2008, as amended.

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information on the consumption for the first three calendar months of the immediately preceding calendar year. The Reserve administration shall submit such statement to the European Commission in the next calendar month after the month for which the statement is prepared. If special stocks of other member state are stored within the territory of the Slovak Republic, the Reserve administration shall submit to the European Commission a statement on the volume of special stocks divided into individual categories of petroleum products as specified in Annex 2 specifying the member state or the central stockholding entity of the member state on whose request such special stocks are stored.

(39) The Reserve administration shall prepare and submit to the European Commission on a monthly basis statements on business inventories prepared based on the information obtained in accordance with paragraph (12). Business inventories are oil and oil product inventories stored by entrepreneurs which are not subject to the maintenance requirement stipulated in this Act. The Reserve administration shall provide for data protection, whereby business names or the names and family names of the owners of business inventories will not be shown in the statement submitted to the European Commission.

(40) The Reserve administration notifies the European Commission of each offtake of the emergency stocks if the level of emergency stocks drops below the minimum limit. The information provided by the Reserve administration shall contain:

- ccc) the date on which the emergency stocks dropped below the minimum limit;
- ddd) the reasons for such offtake of emergency stocks;
- eee) the actions taken to restock the emergency stocks;
- fff) an estimate on the development of the emergency stocks if it is expected that the level of emergency stocks will remain below the minimum limit.

(41) As part of the national statistical survey, the Reserve administration shall acquire data about the extraction, production, import, export, transport, storage, sale and purchase of oil and petroleum products.³⁰⁾

(42) The Financial Directorate of the Slovak Republic (hereinafter referred to as the “financial directorate”) shall send a summary of information to the agency within 30 days after the end of the relevant calendar month containing:

- ggg) a list comprising of the business name, address, and company identification number of selected entrepreneurs if the ambit of selected entrepreneurs was amended during the relevant calendar month or if the list is sent for the first time;
- hhh) with regard to each selected entrepreneur, information about the volume of selected petroleum products by individual categories of petroleum products specified in Annex 1, which the selected entrepreneur in the previous calendar month:

³⁰⁾ Section 12 of Act No. 540/2001 Coll. on state statistics, as amended by Act No. 55/2010 Coll.

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1. released for consumption⁴⁾ pursuant to a special legal act⁵⁾ within the territory of the Slovak Republic;

2. transported to the territory of the Slovak Republic beyond suspension of excise tax for business purposes;⁶⁾

3. imported from third-countries to the territory of the Slovak Republic;⁷⁾

4. released for consumption, transported or imported to the territory of the Slovak Republic for business purposes different than those specified in previous paragraphs 1-3;

iii) with regard to each selected entrepreneur, information about the volume of selected petroleum products by individual petroleum product categories specified in Annex 1, for which tax was reimbursed pursuant to a special legal act,³¹⁾ if such claim relates to volumes under letter (b).

(43) Information to the extent specified in paragraph (13) (a) shall be provided to the Reserve administration by the financial directorate within 30 days after the end of the relevant calendar month.

Section 22

Control

The Reserve administration shall control:

jjj) fulfilment of obligations pursuant to paragraphs (1) and (3) of Section 3;

kkk) quantity, quality,⁹⁾ and availability of the emergency stocks with the recognised stock keepers;

lll) implementation of actions pursuant to Section 14 paragraph (8);

mmm) fulfilment of the emergency stocks refreshment and replacement plan pursuant to Section 21 paragraph (3).

(44) Control of the implementation of actions restricting the consumption of oil and petroleum products shall be carried out by:

nnn) Police department units,³²⁾ in case of actions taken under Section 14 paragraph (2) (a) and (b);

ooo) Slovak Trade Inspection,³³⁾ in case of actions taken under Section 14 paragraph (2) (c) - (e);

ppp) customs authorities, in case of actions taken pursuant to Section 14 paragraph (2) (f).

³¹⁾ Section 15 paragraph (1) (a) and paragraphs (2) - (6) of Act No. 98/2004 Coll, as amended.

³²⁾ Act No. 171/1993 Coll. of the National Council of the Slovak Republic on the Police department, as amended.

³³⁾ Section 2 of Act No. 128/2002 Coll. on state control of internal market with regard to consumer protection and on amendment and supplements to certain acts, as amended.

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(45) The Reserve administration shall provide assistance to persons authorised by the European Commission to carry out control aimed at verifying the availability and the state of the emergency stocks of the Slovak Republic. The Reserve administration shall provide such persons with access to all documents and records related to the emergency stocks and access to all facilities in which the emergency stocks are stored. If information about the storage location of the emergency stocks is omitted by the Reserve administration when complying with its obligation to inform the European Commission pursuant to Section 21 paragraph (6), it shall provide such information to the European Commission or to the persons authorised by the European Commission to carry out the control within one week after receiving the notice on the control in accordance with the first sentence.

(46) For the purpose of control pursuant to paragraph (3), the Reserve administration shall ensure that all data, records, statements and documents related to emergency stocks and special stocks are kept for at least five years.

(47) With respect to the performance of control under this Act, fundamental control rules shall apply.³⁴⁾

Section 23

Administrative offenses

Administrative offenses under this Act shall be deemed to have been committed by:

qqq) a selected entrepreneur if it does not notify and prove to the Reserve administration the fulfilment of the obligation under Section 3 paragraph (3) despite the agency's instructions;

rrr) an entrepreneur, if it does not provide data pursuant to Section 5 to the Reserve administration.

(48) An administrative offense under this Act shall be deemed to have been committed by an entrepreneur engaged in the business of oil processing or storage, transportation and sale of oil and petroleum products if it breaches the obligation pursuant to Section 14 paragraph (8).

(49) An administrative offense under this Act shall be deemed to have been committed by a recognised stock keeper if it:

sss) uses emergency stocks in an unauthorised manner or allows an unauthorised use of the emergency stocks;

ttt) does not remedy deficiencies identified by the control of the quantity, quality, and availability of emergency stocks within the set period of time;

uuu) breaches the obligation pursuant to the second sentence of Section 8 paragraph (3);

vvv) breaches the obligation pursuant to Section 9 paragraph (7);

³⁴⁾ Sections 8-13 of Act No. 10/1996 Coll. of the National Council of the Slovak Republic on control in state administration, as amended.

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www) breaches the obligation pursuant to Section 9 paragraph (6) or (8);

xxx) breaches the obligation pursuant to paragraph (9).

(50) An administrative offense under this Act shall be deemed to have been committed by the agency if it:

yyy) breaches the obligation pursuant to Section 6 paragraph (3);

zzz) breaches the obligation pursuant to Section 6 paragraph (2) or if it does not provide information under Section 6 paragraphs (6) and (7) to the Reserve administration;

aaaa) executes an agreement on storage and safeguarding of emergency stocks in conflict with Section 8 paragraphs (2) and (3);

bbbb) procures storage of the emergency stocks in conflict with Section 9 paragraph (9);

cccc) breaches the terms regarding free handling of the emergency stocks pursuant to Section 11;

dddd) breaches the obligation pursuant to paragraphs (1) - (5) or (8).

(51) An administrative offense under this Act shall be deemed to have been committed by a natural person – entrepreneur or by a legal entity which:

eeee) fails to comply with the measures pursuant to Section 14 paragraph (2) (a) and (b);

ffff) fails to comply with the measures pursuant to Section 14 paragraph (2) (c) - (e);

gggg) fails to comply with the measures pursuant to Section 14 paragraph (2) (f).

(52) The Reserve administration shall impose on the selected entrepreneur which committed an administrative offense under paragraph (1) (a) a fine in the amount of EUR 665,000 if requests of the Reserve administration have not led to a remedy.

(53) If the fine imposed under paragraph (6) has not resulted in remediation within 30 days after the effective date of the decision on the imposed fine, the Reserve administration shall file a petition to start proceedings for cancellation of the trade licence for one trade activity or more trade activities, based on which the selected entrepreneur carries out the business activity which gave rise to his obligation pursuant to Section 3 paragraph (1).³⁵⁾

(54) A fine of EUR 35,000 shall be imposed upon an entrepreneur by the Reserve administration for an administrative offense under paragraph (1) (b).

(55) A fine of EUR 665,000 shall be imposed by the Reserve administration upon an entrepreneur engaged in oil processing or storage, transportation, and sale of oil and petroleum products business for an administrative offense under paragraph (2).

³⁵⁾ Section 58 paragraph (1) (d) of Act No. 455/1991 Coll. on trade licensing (the Trade Licensing Act), as amended by Act No. .../2013 Coll.

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(56) The Reserve administration shall impose upon a recognised stock keeper a fine in the amount of:

hhhh) the book value of the emergency stocks subjected to an unauthorised use; however, at least EUR 665,000 for an administrative offense under paragraph (3) (a);

iiii) the book value of the emergency stocks subjected to an unauthorised use; however, at least EUR 1,700,000 for administrative offense under paragraph (3) (a) repeatedly committed by the recognised stock keeper;

jjjj) EUR 665,000 for an administrative offense under paragraph (3) (b), (c), (e) and (f);

kkkk) EUR 35,000 for an administrative offense under paragraph (3) (d).

(57) The Reserve administration shall impose upon the agency a fine in the amount of:

llll) EUR 665,000 for an administrative offense committed pursuant to paragraph (4) (a), (c), (d);

mmmm) EUR 35,000 for an administrative offense committed pursuant to paragraph (4) (b);

nnnn) EUR 50,000 for an administrative offense committed pursuant to paragraph (4) (e) and (f).

(58) The police department unit shall impose a fine of EUR 165 for an administrative offense committed pursuant to paragraph (5) (a).

(59) The Slovak Trade Inspection shall impose a fine of EUR 35,000 for an administrative offense committed pursuant to paragraph (5) (b).

(60) The customs authority shall impose a fine of EUR 665,000 for an administrative offense committed pursuant to paragraph (5) (c).

(61) Proceedings for the imposition of a fine can be commenced within one year after the date on which the authorities specified in paragraphs (6) - (14) learned of the breach of an obligation but not later than three years after the date of the breach of obligation.

(62) Proceeds from fines shall constitute income of the national budget.

Section 24

Relation to the general act on administrative proceedings

Proceedings under this Act shall be subject to the general act on administrative proceedings³⁶⁾ except for:

oooo) determination of the minimum limit for emergency stocks in accordance with Section 7 paragraph (7); and

³⁶⁾ Act No. 71/1967 Coll. on administrative proceedings (the Administrative code), as amended.

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pppp) deciding on maintaining special stocks in accordance with paragraph (1).

Section 25

Transitory provisions

Until the takeover date of the emergency stocks by the agency, the emergency stocks shall be managed by the Reserve administration in accordance with the existing legal regulations; provisions of Sections 7 and 10 of Act No. 372/2012 Coll. on state material reserves and on the amendment to Act No. 25/2007 Coll. on electronic toll collection for the utilisation of specified segments of road networks and on amendment and supplements to certain acts shall not apply to the sale of emergency stocks pursuant to Section 18 paragraph (1).

(63) The takeover date of the emergency stocks by the agency shall be the date on which the emergency stocks are sold based on a purchase agreement executed between the Reserve administration and the agency pursuant to Section 18 paragraph (1).

(64) Until the takeover date of the emergency stocks by the agency, the customs authorities shall proceed in accordance with the existing legal regulations.

(65) The agency shall start fulfilling its obligations pursuant to Section 3, Section 4, Sections 6 - 12 and Section 21 as of the takeover date of the emergency stocks.

(66) Until the takeover date of the emergency stocks by the agency, the selected entrepreneur is obliged to pay a fee for handling the emergency stocks in accordance with the existing legal regulations. Reimbursement of the fee for handling the emergency stocks is governed by the existing legal regulations; the right to reimbursement of the fee for handling the emergency stocks shall lapse on 31 January 2014. Within 10 days after the end of the calendar month but not later than on 10 March 2014, the financial directorate shall notify the agency of the total fee for handling the emergency stocks to be reimbursed under the existing legal regulations based on the claims raised in the previous calendar month. The Reserve administration shall credit this amount to the revenues of the financial directorate by the end of the calendar month in which it received the notice sent by the financial directorate at the latest.

(67) Until the takeover date of the emergency stocks the agency shall execute agreements allowing the agency to start fulfilling its obligations under this Act as of the takeover date of the emergency stocks. For this purpose, the agency shall particularly execute agreements needed to maintain the emergency stocks at the level of the minimum limit of emergency stocks with the effectiveness of such agreements postponed until the takeover date of the emergency stocks, and contracts on procuring the maintenance of emergency stocks executed with the selected entrepreneurs which meet the criteria pursuant to Section 3 paragraph (1) on the effective date of this Act with the effectiveness of such agreements postponed until the takeover date of the emergency stocks.

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(68) The minimum limit for the emergency stocks applicable until 31 March 2014 shall be the level of emergency stocks determined by the Reserve administration in accordance with the existing legal regulations. The Reserve administration shall be obliged to notify the agency of the minimum limit for the emergency stocks within 15 days after the incorporation of the agency.

(69) As of the takeover date of the emergency stocks, the agency shall be obliged to maintain the same level of special stocks as was the level maintained by the Reserve administration under the existing legal regulations in accordance with the notice on the maintained level of special stocks and on the special stocks maintenance period up until the end of such period. The Reserve administration shall be obliged to make available to the agency all notices on the level of the special stocks maintained and on the special stocks maintenance period which were sent to the European Commission in accordance with the existing legal regulations.

(70) Until the storage of emergency stocks is procured in accordance with Section 9 paragraph (4), the agency shall procure storage of the emergency stocks with the Reserve administration or, following an agreement with the Reserve administration, with a recognised stock keeper, by which the Reserve administration procures storage of the emergency stocks as at the takeover date of the emergency stocks in accordance with paragraph (2) above.

(71) Persons acting on behalf of the agency prior to the establishment of the agency shall be jointly and severally liable for such their actions. If the board of directors of the agency approves the actions on behalf of the agency within three months after the incorporation of the agency, the agency shall be bound by such actions from the beginning.

(72) The Reserve administration or a person appointed by the Reserve administration shall act on behalf of the agency before establishment of the agency. The person acting on behalf of the agency before its establishment cannot assume any obligations other than those related to the agency's establishment and preparation to take over the emergency stocks. Costs incurred by the person acting on behalf of the agency in accordance with the previous sentence shall be settled by the agency upon its establishment; these costs shall be considered to be the costs related to the establishment of the agency.

(73) Any proceedings for the imposition of fines initiated but not effectively concluded by the takeover date of the emergency stocks shall be completed in accordance with the existing legal regulation.

Section 26

Final provision

Legally binding acts of the European Union specified in Annex 5 are transposed by this Act.

Section 27

Repealing provision

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Article I of Act No. 373/2012 Coll. on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on the amendment to Act No. 309/2009 Coll. on supporting renewable energy sources and highly-efficient combined generation and on amendment of supplement to certain acts, as amended, is hereby repealed.

Article II

Act No. 455/1991 Coll. on trade licensing (the Trade Licensing Act), as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No. 351/2005 Coll., Act No. 470/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 555/2005 Coll., Act No. 567/2005 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 17/2007 Coll., Act No. 99/2007 Coll., Act No. 193/2007 Coll., Act No. 218/2007 Coll., Act No. 358/2007 Coll., Act No. 577/2007 Coll., Act No. 112/2008 Coll., Act No. 445/2008 Coll., Act No. 448/2008 Coll., Act No. 186/2009 Coll., Act No. 492/2009 Coll., Act No. 568/2009 Coll., Act No. 129/2010 Coll., Act No. 136/2010 Coll., Act No. 556/2010 Coll., Act No. 249/2011 Coll., Act No. 324/2011 Coll., Act No. 362/2011 Coll., Act No. 392/2011 Coll., Act No. 395/2011 Coll., Act No. 251/2012 Coll., Act No. 314/2012 Coll., Act No. 321/2012 Coll., Act No. 351/2012 Coll., Act No. 447/2012 Coll., Act No. 39/2013 Coll., Act No. 94/2013 Coll., Act No. 95/2013 Coll. And Act No. 180/2013 Coll. shall be amendeded as follows:

1. In Section 58, new letter (d) is added to paragraph (1) reading as follows:

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“d) The Reserve administration of the Slovak Republic shall file a petition pursuant to a special legal act^{36j}.”

The footnote referring to 36j reads as follows:

“^{36j}) Section 23 paragraph (7) of the Act No. 218/2013 on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on amendments and supplements to certain acts.”.

2. In Section 58 paragraph (4) the words “letter (c)” are replaced by words “letter (c) or (d)”.

Article III

Act No. 98/2004 Coll. on excise duty on mineral oil, as amended by Act No. 667/2004 Coll., Act No. 223/2006 Coll., Act No. 672/2006 Coll., Act No. 609/2007 Coll., Act No. 378/2008 Coll., Act No. 465/2008 Coll., Act No. 53/2009 Coll., Act No. 482/2009 Coll., Act No. 493/2009 Coll., Act No. 30/2010 Coll., Act No. 492/2010 Coll., Act No. 546/2011 Coll., Act No. 547/2011 Coll., Act No. 440/2012 Coll. and Act No. 212/2013 Coll. shall be amended as follows:

1. In Section 21, new letter (h) is added to paragraph (4) reading as follows:

“(h) is not in default with obligations in relation to the Emergency oil stock agency.^{19aa}”

The footnote referring to 19aa reads as follows:

“^{19aa}) Act No. 218/2013 on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on amendments and supplements to certain acts.”

2. In Section 21 paragraph (8) letter (b), the following words are added at the end: “and letter (h)”.

3. In Section 25, new letter (g) is added to paragraph (4) reading as follows:

“(g) is not in default with obligations in relation to the Emergency oil stock agency.^{19aa}”

Article IV

Act No. 309/2009 Coll. on supporting renewable energy sources and highly-efficient combined generation and on amendments and supplements to certain acts, as amended by Act No. 492/2010 Coll., Act No. 558/2010 Coll., Act No. 136/2011 Coll., Act No. 189/2012 Coll., Act No. 373/2012 Coll., and Act No. 30/2013 Coll. is amended as follows:

1. Section 14a paragraph (7) (a) reads as follows:

“(a) jet fuel storage and sale within the airport area;”.

The footnote to reference 17g is deleted.

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2. In Section 14a, new letter (e) is added to paragraph (7) reading as follows:

“(e) mineral oil which forms the oil and petroleum products emergency stocks in accordance with a special legal act.^{17hb)}”

The footnote to reference 17hb reads as follows:

“17hb) Act No. 218/2013 on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on amendments and supplements to certain acts.”

Article V

Act No. 563/2009 Coll. on tax administration (the Tax code) and on the amendments and supplements to certain acts, as amended by Act No. 331/2011 Coll., Act No. 332/2011 Coll., Act No. 384/2011 Coll., Act No. 546/2011 Coll., Act No. 69/2012 Coll., Act No. 91/2012 Coll., Act No. 235/2012 Coll., Act No. 246/2012 Coll., Act No. 440/2012 Coll. is amended as follows:

In Section 11, letter (ao) is added to paragraph (6) reading as follows:

“(ao) to the Emergency oil stock agency for the purpose of meeting the obligations pursuant to a special legal act^{19g)}, and to the Administration of State Material Reserves of the Slovak Republic for the purpose of state administration carried out in accordance with a special legal act.^{19g)}”

The footnote to reference 19g reads as follows:

“19g) Act No. 218/2013 on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on amendments and supplements to certain acts.”

Article VI

Act No. 372/2012 Coll. on state material reserves and on the amendment to Act No. 25/2007 Coll. on electronic toll collection for the utilisation of specified segments of road networks and on the amendments and supplements to certain acts, as amended, is amended and supplemented as follows:

1. The words “state of oil emergency,⁸⁾ state oil security;” are deleted in paragraph (1) of Section 3 and in paragraph (1) of Section 6.

2. In Section 3 paragraph (2), the comma after the words “the Slovak Republic” is replaced by a full stop, and the words “unless otherwise specified a by special legal act.⁸⁾” are deleted.

3. In Section 3 paragraph (4) words “or if stipulated by a special legal act¹⁰⁾” are deleted.

The footnote to reference 10 is deleted.

4. Paragraph (2) of Section 6 is deleted.

The existing paragraphs (3) and (4) are marked as paragraphs (2) and (3) respectively.

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5. Paragraph (3) is added to Section 10 and it reads as follows:

“(3) The Reserve administration is entitled to sell the material reserves if so stipulated by a special legal act.^{11a)}”

The footnote to reference 11a reads as follows:

“11a) Section 18 of Act No. 218/2013 Coll.”

6. The footnote to reference 8 reads as follows:

“8) Section 13 of Act No. 218/2013 on emergency stocks of oil and petroleum products and on dealing with state of oil emergency and on amendments and supplements to certain acts.”

Article VII

This Act shall become effective as of 1 August 2013.