

455/1991 Coll.
ACT
dated as of October 2, 1991
on Trades
(The Trades Licensing Act)

as amended by the Act No. 231/1992 Coll., of the Act No. 600/1992 Coll., of the Act No. 132/1994 Coll., of the Act No. 200/1995 Coll., of the Act No. 216/1995 Coll., of the Act No. 233/1995 Coll., of the Act No. 123/1996 Coll., of the Act No. 164/1996 Coll., of the Act No. 222/1996 Coll., of the Act No. 289/1996 Coll., of the Act No. 290/1996 Coll., of the Act No. 288/1997 Coll., of the Act No. 379/1997 Coll., of the Act No. 70/1998 Coll., of the Act No. 76/1998 Coll., of the Act No. 126/1998 Coll., of the Act No. 129/1998 Coll., of the Act No. 140/1998 Coll., of the Act No. 143/1998 Coll., of the Act No. 144/1998 Coll., of the Act No. 161/1998 Coll., of the Act No. 178/1998 Coll., of the Act No. 179/1998 Coll., of the Act No. 194/1998 Coll., of the Act No. 263/1999 Coll., of the Act No. 264/1999 Coll., of the Act No. 119/2000 Coll., of the Act No. 142/2000 Coll., of the Act No. 236/2000 Coll., of the Act No. 238/2000 Coll., of the Act No. 268/2000 Coll. **and of the Act No. 338/2000 Coll.** is hereby amended as follows:

Federal Assembly of the Czech and Slovak Federal Republic enacted the Act as follows:

PART ONE
GENERAL PROVISIONS

CHAPTER I
SUBJECT OF REGULATION

Article 1

This Act shall be regulated the terms and conditions of pursuit of trade activities (hereinafter referred to as “trading”) and the control of compliance.

A trade

Article 2

Any systematic activity pursued independently, in one's own name and on one's account conducted for the purpose of earning profits and pursued under the terms and conditions referred to in this Act, shall be deemed as a trade.

Article 3

(1) The activities listed below shall not be deemed as the trades.

- a) pursuit of activities reserved by law for the state or for a legal person as specified by special regulation,¹
- b) use of the results of creative intellectual activity protected by special Acts² by their authors, including the publication, copying and distribution of literary and other works at their own expense
- c) the practising of the following professions:
1. physicians, pharmacists, logopaedists, psychologists and psychotherapists^{2a} and healers, medical workers, including those selling and processing medicinal herbs, with the exception of opticians, prosthetic technicians and pedicurists;
 2. veterinary surgeons, veterinary workers and specialists in the planting and breeding of livestock³

¹ Articles 1 and 2 of the Act No. 222/1946 Coll. on Post Office (Post Office Act)

Article 1 paragraph 1 and Article 3 of the Act No.63/1950 Coll. on Regulation of Economic Management of Tobacco, Salt and Spirit and on Abolishing State-owned Financial Monopolies

Article 1 paragraph 1 of the Decree of the President of the Republic No. 50/1945 Coll. on Measures in the Film Industry

² Act No. 527/1990 Coll. on Inventions, Industrial Patents and Improvements

Act No. 35/1965 Coll. on Literary, Scientific and Art Works (Copyright Act) as amended by the Act No. 89/1990 Coll. (full wording No. 247/1990 Coll.)

^{2a} Act of the National Council of the Slovak Republic No. 199/1994 Coll. on Psychological Activity and on Slovak Chamber of Psychologists

³ Article 25 paragraph 1 of the Act No. 87/1987 Coll. on Veterinary Care as amended by the Act No. 239/1991 Coll., Act of the Czech National Council No.240/1991 Coll. on Breeding of Livestock Act of the Slovak National Council No.110/1972 Coll. on Breeding of Livestock as amended by the Act of the Slovak National Council No. 256/1991 Coll.

3. barristers ⁴, commercial lawyers ⁵, notaries ^{5a} and patent attorneys ⁶ and court-appointed distrainers ^{6a}
4. expert appraisers and sworn interpreters ⁷
5. auditors ⁸ and tax consultants
6. stock exchange **dealers**, brokers, **agents and other natural persons authorised to render services, advice and mediation on capital market**,^{8a}
7. mediators and arbitrators in collective bargaining disputes⁹
8. authorised geodesists and cartographers¹⁰
9. restorers and conservators of cultural monuments and collection items which are visual art works

(2) Following activities shall not be deemed as trades:

⁴ Act of the Czech National Council No.128/1990 Coll. on Barristers

Act of the Slovak National Council No. 132/1990 Coll. on Barristers

⁵ Act of the Czech National Council No. 209/1990 Coll. on Commercial Lawyers and Legal Advice provided by them

Act of the Slovak National Council No. 129/1991 Coll. on Commercial Lawyers

^{5a} Act of the Slovak National Council No. 323/1992 Coll. on Notaries and Notarial Deeds (Notarial Code)

⁶ Act No. 237/1991 Coll. on Patent Attorneys-at-law

^{6a} Act of the National Council of the Slovak Republic No.233/1995 Coll. on Court Appointed Distrainers and Distrain Activities (Distrain Code of Procedure) and on amendment to other Acts.

⁷ Act No.36/1967 Coll. on Expert Appraisers and Sworn Interpreters

⁸ Decree of the Federal Ministry of Finance No. 63/1989 Coll. on Auditors and their Activities

^{8a} Act No. 600/1992 Coll. on Securities as amended by subsequent regulations

Act No. 385/1999 Coll. on Collective Investments

Act No. 330/2000 Coll. on Securities Stock Exchange

⁹ Article 11 and Article 13 paragraphs 1 to 4 of the Act No. 2/1991 Coll. on Collective Bargaining

¹⁰ Act of the National Council of the Slovak Republic No. 216/1995 Coll. on Chamber of Geodesists and

Cartographers

- (a) activities pursued by banks and other authorised persons pursuing banking activities¹², by insurance companies¹³, on additional retirement insurance companies^{13a} and stock exchanges, **public markets organisers**, securities brokers and organising and management of collective ownership interests¹⁴ **and other legal persons authorised to provide services, advice and mediation on capital market**^{8a},
- (b) organising lotteries and similar games of chance¹⁵
- (c) mining and mining of deposits of non reserved minerals including treatment and refining of minerals related to mining, securing and liquidation of mining works and queries as well as geological survey and analysis of deposits of non reserved minerals¹⁶
- (d) generation, purchase and supply of electricity, gas and heat, transit of electricity and gas¹⁷
- (e) agriculture and forestry, including sales of unprocessed agricultural and forestry products for the purpose of further processing or resale;
- (f) inland public waterway transport, marine transport and sea fishing¹⁸

¹² Act No.130/1989 Coll. on the Czechoslovak State Bank

Act No.158/1989 Coll. on Banks and Saving Banks

¹³ Act of the Slovak National Council No.24/1991 on Insurance

Act of the Czech National Council No.185/1991 Coll. on Insurance

^{13a} Act of the National Council of the Slovak Republic No.123/1996 Coll. on Additional Retirement

Insurance of Employees and on amendment to some acts

¹⁴ For example Article 25 paragraph 1 letter b) of the Act No. 92/1991 Coll. on the Terms and Conditions

Governing Transfer of State-owned Property to other Persons.

¹⁵ Act of the Slovak National Council No. 194/1990 Coll. on Lotteries and other Similar Games of Chance

Act of the Czech National Council No. 202/1990 Coll. on Lotteries and other Similar Games of Chance

¹⁶ Articles 2 and 3 letter a) of the Act of the Slovak National Council No. 51/1988 Coll. on Mining Activities, Explosives and National Mines Administration as amended by the Act of the Slovak National Council No. 499/1991 Coll.

¹⁷ Act No. 70/1998 Coll. on Power Industry and amendment to the Act No. 455/1991 Coll. on Licensed Trades (Small Businesses Act) as amended by subsequent regulations.

¹⁸ Act No. 61/1952 Coll. on Marine Transport as amended by the Act No. 42/1980 Coll.

- (g) operation of railways, operation of rail transport and related activities pursued by railways operators or by an operator of rail transport¹⁹
- (h) operation of public telecommunication network and of public telecommunications equipment including the services provided pursuant to special regulations²⁰
- (i) production of human and veterinary medicines and large-scale distribution of human and veterinary medicines
- (j) **handling of narcotic and psychotropic substances²² and Group I precursors^{22a}**
- (k) radio and TV broadcasting
- (l) **provision of universal postal services**
- (m) regular public passenger road transport^{23a}
- (n) activities of authorised architects and authorised civil engineers pursued based upon authorisation^{23b}

Decree of the Ministry of Transport No. 75/1953 Coll. implementing some provisions of the Act on marine transport

Act No. 338/2000 Coll., on Inland Navigation and on amendment to some Acts.

¹⁹ Act of the National Council of the Slovak Republic No. 258/1993 Coll. on the Railways of the Slovak Republic.

Act of the National Council of the Slovak Republic No. 164/1996 Coll. on Railways and on amendment to the Act No. 455/1991 on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations

²⁰ Act No.195/2000 Coll. on Telecommunications

²² Articles 34 and 35 of the Decree of the Government of the Czech Socialist Republic No.192/1988 Coll. on Poisons and some other Harmful Substances with Negative Impact upon Human Health as amended by the Decree of the Government of the Czech Republic No.182/1990 Coll.

Articles 34 and 35 of the Decree of the Government of the Slovak Socialist Republic No.206/1988 Coll. on Poisons and some other Harmful Substances with Negative Impact upon Human Health as amended by the Decree of the Government of the Slovak Republic No. 232/1990 Coll.

^{22a} Act No. 268/2000 Coll. on Handling of Precursors of Narcotic and Psychotropic Substances and amendment to the Act No. 455/1991 Coll. on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations

^{23a} Act No. 68/1979 Coll. on road transport and domestic forwarders as amended by Act No. 118/1990 Coll.

^{23b} Act of the National Council of the Slovak Republic No. 138/1992 Coll. on Authorised Architects and Authorised Civil Engineers

- (o) designing, implementation and evaluation of geological survey^{23c}
- (p) business activities in the use of nuclear power^{23d}**
- (r) production of spirit and its release for free circulation except of release spirit for free circulation in consumer packaging,
- (s) handling of sources of ionising radiation
- (t) qualitative and quantitative determination of environmental factors and working environment for assessment of their possible impact upon human health
- (u) operation of private security services^{23e}
- (v) use of extremely hazardous chemical substances
- (w) air transport, operation of civil airports or aviation terrestrial facilities, provision of air traffic services, performance of air information service, performance of aviation meteorological service, performance of aviation telecommunication service and communication service for aviation meteorological service, development, production, implementation of modifications, testing, repairs and maintenance of aviation equipment products, sale of air transport services, provision of passenger and cargo services and ground service for aircrafts^{23f}**
- x) operation of public warehouse
- y) trading in military products
- z) planning, designing, manufacturing, assembly, overhaul, maintenance, repairs, reconstruction, revision and testing of selected technological equipment, welding and non-destructive testing of rail steel bridge structures, bridge-like structures, rails, rail vehicles, filling of pressure vessels used on rails with gas, filling of wagons with small**

^{23c} Act of the Slovak National Council No.52/1988 on geological works and on Slovak Geological Institute as amended by the Act of the Slovak National Council No. 497/1991 Coll.

^{23d} **Article 4 of the Act No.130/1998 Coll. on Peaceful Use of Nuclear Energy and amendment to the Act No.174/1968 Coll. on National Professional Supervision over Safety at Work as amended by the Act of the National Council of the Slovak Republic No. 256/1994 Coll.**

Act No. 174/1968 Coll. on National Professional Supervision over Safety at Work

^{23e} Act No. 379/1997 Coll. on Operation of Private Security Services and Similar Activities and on amendment to the Act No. 455/1991 Coll. on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations and on amendment to the Act No. 65/1965 Coll. – Labour Code as amended by subsequent regulations (Act on Private Security Services)

^{23f} Act No.143/1998 Coll. on Civil Aviation (Air Transport Act) and on amendment to some Acts **as amended by the Act No...../2001 Coll.**

tanks, small-tank containers and of exchangeable superstructures with gases and with other hazardous substances^{23g}

za) provision of social services, social prevention and social consulting^{23h}

zb) collective administration of copyrights²³ⁱ

zc) education and training at school, nurseries, kindergartens included in the network of education system, study at Universities

zd) provision of medical care^{23j}

ze) technical inspection station^{23k}

zf) exhaust gases control^{23l}

zg) assessment of impact of sources of air pollution^{23m}

zh) issuance of expert opinion in the light of environmental protection²³ⁿ

zi) designing and planning of land regulation^{23o}

^{23g} Act No. 164/1996 Coll. on railways and on amendment to the Act No. 455/1991 Coll. on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations by Act No. 58/1997 Coll.

^{23h} Act No. 195/1998 Coll. on Social Assistance as amended by subsequent regulations

²³ⁱ Act No. 283/1997 Coll. on Collective Management of Rights pursuant to Copyright Act and on amendment to some Acts as amended by Act No. 234/2000 Coll.

^{23j} Act No. 277/1994 Coll. on Health Care as amended by subsequent regulations

^{23k} Article 107 paragraph 3 of the Act No. 315/1996 Coll. on Road Traffic as amended by Act No. 359/2000

^{23l} Article 6 paragraph 1 of Decree of the Ministry of Transport, Post Offices and Telecommunication of the Slovak Republic No. 265/1996 Coll. on Exhaust Gases Control in Road Motor Vehicles as amended by the Decree of the Ministry of Transport, Post and Telecommunications of the Slovak Republic No. 307/1999 Coll.

^{23m} Article 11 paragraph 3 of the Act No. 309/1991 Coll. on Air Pollution Control (Clean Air Act) as amended by the Act of the National Council of the Slovak Republic No. 148/1994 Coll.

²³ⁿ Article 7 paragraph 1 of the Act No. 76/1998 Coll. on the Earth's Ozone Layer Protection and on amendment to the Act No. 455/1991 Coll. on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations

- (3) The sale of unprocessed or processed vegetables and animal products resulting from small-scale horticulture and livestock-breeding conducted by natural persons, and the retail sale of forest products shall not be considered a trade under this Act, either; **to sales of fruit, vegetables and flowers, sold at rented premises at a market place or at market halls^{23p}with duration of rental period over 30 days in a calendar year or in a travelling shop or in another peddling manner if sales takes over 30 days in a calendar year, a special Act shall be applied.^{23r}**

Article 4

Activities Related to Leasing of Immovable Property

- (1) The leasing of immovable property, of residential and non-residential premises shall only be considered a trade if other services apart from the lease and related basic services are provided.
- (2) The operation of garages and car parks for motor vehicles shall constitute a trade if the conditions are complied pursuant to paragraph 1, or if at least five vehicles belonging to persons other than the owner or the lessee of the real estate in question may be placed in the garages or car parks.

PART TWO

PURSUING A TRADE

Article 5

Entities Authorised to Trade

- (1) Any natural person (**tradesman**) or a legal person fulfil the conditions referred to in this Act (hereinafter referred to as "entrepreneur") may operate a trade; authorisation (hereinafter referred to as "a trade licence") to carry on a trade shall only be required instances as referred to in this Act.

^{23o} **Decree of the Ministry of Agriculture and Nutrition of the Slovak Republic No. 155/1992 Coll. determining the Terms and Conditions for Issuance of Authorisation for Design and Planning in Land Regulation**

^{23p} Article 2 of the Act No. 178/1998 Coll. on the terms and conditions for Sales of the Products and Services Rendered at Market Places and on amendment to the Act No. 455/1991 Coll. on Trades Licensing Act (Small Businesses Act) as amended by subsequent regulations

^{23r} Act No. 105/1990 Coll. on Private Business of Citizens as amended by the Act No. 219/1991 Coll.

- (2) Natural persons and **legal persons** may carry on a trade if this is not restricted or excluded by special laws.²⁴
- (3) **Natural person with residential address or legal person with seat out of the territory of the Slovak Republic (hereinafter referred to as "foreign person") may pursue the trade in the territory of the Slovak Republic under the same terms and conditions and within the same scope as Slovak persons, unless this Act or other special regulations stipulate otherwise. For the purpose of this Act, a natural person with residential address or a legal person with seat within the territory of the Slovak Republic shall be deemed as Slovak person.**
- (4) **For the purpose of this Act permanent residence^{24a} within the territory of the Slovak Republic or long-term stay or permanent stay within the territory of the Slovak Republic based upon permit pursuant to a special regulation^{24b} shall be deemed as residence within the territory of the Slovak Republic; in case of nationals of the Slovak Republic with long term or permanent residential address out of the territory of the Slovak Republic, also temporary address within the territory of the Slovak Republic reported by the Slovak national, shall be deemed as residence.**
- (5) **Natural persons who have been granted the status of refugees or status of a foreign Slovak under specific regulations^{24c} may practise a trade under the same conditions as foreigners granted long-term or permanent residence in the territory of the Slovak Republic.**

²⁴ For example, Article 73 paragraphs 4 and 5 and Article 75 of Labour Code No.65/1965 Coll. as amended by Act No. 231/1992 Coll., Article 29 paragraph 1 of the Act No. 76/1959 Coll. on some service relationships of soldiers as amended by Act No. 228/1991 Coll., Article 52 paragraph 4 of Act No. 335/1991 Coll. on law courts and judges, Article 152a of the Act of the Slovak National Council No. 410/1991 Coll. on service relations of the members of the Police Corps of the Slovak Republic as amended by Act of the Slovak National Council No. 490/1992 Coll. Act of the National Council of the Slovak Republic No. 207/1996 Coll. on Foundations as amended by Act No.147/1997 Coll.

^{24a} **Act No.135/1982 Coll. on Reporting and Registration of Residence of Citizens**

^{24b} Act of the National Council of the Slovak Republic No. 73/1995 Coll. on Addresses of Foreigners in the Territory of the Slovak Republic as amended by subsequent regulations.

^{24c} Act of the National Council of the Slovak Republic No. 283/1995 Coll. on Refugees as amended by Act No. 309/2000 Coll.,

Act of the National Council of the Slovak Republic No. 70/1997 Coll. on Foreign Slovaks as amended by subsequent regulations

Article 6
General Conditions for Trading

(1) General conditions for pursuit of trade by natural persons are the following:

- (a) minimum age of 18 years;
- (b) legal capacity;
- (c) integrity;

unless this Act stipulates otherwise.

(2) For the purpose of this Act, a person shall not be considered to comply with integrity requirement if such a person was lawfully convicted for an economic criminal offence, criminal offence against property *or* another intentional criminal offence, whose merits (*res gestae*) are related to the scope of his business.

(3) In case of a legal person, a natural person (persons) who is a statutory representative thereof, must meet the general conditions pursuant to paragraph 1.

(4) In case of an organisational unit of a foreign person a manager of the organisation unit shall meet general conditions pursuant to paragraph 1.

(5) It was waved in legal proceedings before law courts, that made lawful decisions upon the facts as stipulated in paragraph 2, that an entrepreneur based upon trade licence or holding position of a person authorised to act on behalf of a legal person pursuing a licensed trade, was involved, they shall report thereon to the competent Trades Licensing Office.

Article 7
Special Conditions for Carrying a Trade

(1) Special conditions for carrying certain trades shall constitute any professional or other qualifications required by this Act or other regulations, if required by this Act.

(2) In case of a legal person, its authorised representative must comply the special conditions, **unless this Act stipulates otherwise.**

(3) Everybody pursuing trades as listed in Annex 4 to this Act shall comply with requirement of special professional qualifications.

(4) Pursuant to this Act, special professional qualifications shall be deemed as a set of theoretical (pieces of) knowledge and practical skills and mastering technical or technological procedures, required for pursuit of a trade in question.

(5) The requirement of special professional qualifications is fulfilled if the person concerned has completed professional training for the activity in question. The

requirement of special professional qualifications is also fulfilled if the person concerned has completed training in an accredited educational facility²⁵ and obtained certificate of qualification examination passed before the Examination Board.

- (6) By qualification examination pursuant to paragraph 5, professional theoretical and practical knowledge requisite for pursuit of trade in question shall be checked. Examination Boards shall be established and their members appointed and recalled by the Regional Authority (Office). Members of Examination Boards shall include a representative of a Regional Office, Slovak Chamber of Tradesmen, educational facility, Community of Tradesmen in the area of a professional chamber in the branch in question, if established and a representative of secondary or University level schools.
- (7) Details on the scope of theoretical and practical knowledge, method of taking of such qualification examination and issuance of a certificate certifying passing such examination shall be regulated by a binding regulation issued by the Ministry of Interior of the Slovak Republic.

Article 8

Impediments to Trading

- (1) A natural person or legal person who has been declared bankrupt or whose assets are the subject to bankruptcy proceedings may not carry on a trade for a period of three years following the conclusion of such bankruptcy proceedings or following the repeated enforced composition, however, no sooner than after one year of settlement its obligations related to such bankruptcy pursuant to a lawful scheduled ruling of the law court²⁶. In case that the bankruptcy was caused by the entrepreneur or enforced composition by a wilful conduct, he may carry on a trade at soonest after five years of complete settlement of his obligations related to such bankruptcy pursuant to lawful scheduled ruling of the law court.
- (2) Provisions of paragraph 1 shall also apply to a natural person or legal person if a bankruptcy petition was filed against such a person during the above mentioned period, however, such a petition was rejected due to a lack of assets sufficient to cover at least legal expenses.²⁷

²⁵ Act No. 386/1997 Coll. on Post Graduate Education and amendment to the Act of the National Council of the Slovak Republic No.387/1996 Coll. on Employment as amended by the Act No. 70/1997 Coll.

²⁶ Act No. 328/1991 Coll. on Bankruptcy and Composition as amended by the Act of the National Council of the Slovak Republic No.122/1993 Coll.

²⁷ Article 5 of the Act No. 328/1991 Coll.

- (3) The impediments pursuant to paragraphs 1 and 2 shall not be taken into consideration if the bankruptcy or enforced composition were caused by a third party bankruptcy or criminal act.
- (4) Trades Licensing Offices may forgive impediment as under paragraphs 1 and 2 if economic standing of the person concerned and his/her conduct are witnessing about the fact that when pursuing the trade he/she shall properly discharge of its obligations; before making decision, it shall seek opinion of the Slovak chamber of licensed trades. No exemption from the impediment referred to in paragraphs 1 and 2 may be granted, if the law court instituted bankruptcy proceedings twice in five years or if bankruptcy proceedings were caused by wilful conduct.
- (5) A natural person, who has been prohibited by a court or an administrative authority²⁸ to pursue trade, may not pursue a trade until such a ban is still in effect.
- (6) Law courts and administrative authorities who decided upon the facts referred to in paragraphs 1, 2 and 5 shall notify the Trades Licensing Office by which the authorisation or Trade Licence was issued for a natural or legal person listed in these paragraphs, within 15 days of coming into force of such a decision.

Article 9

Classification of Trades

The classification of trades:

- (a) trades liable to notification, which, in compliance with specified terms and conditions, may be pursued on the basis of a notification
- (b) licensed trades which may be pursued based on a trade licence.

Article 10

Trade Authorisation

- (1) Legal persons already incorporated into the Companies Register, legal persons not subject to incorporation into the Companies Register, and natural persons shall be authorised to carry on a trade:
 - (a) in case of notifiable trades, with effect from the day of the relevant notification or, if such a notification proposes a later date for the commencement of trade, then as of this date; a date of which such notification shall have all the requisites pursuant to Article 45 and 46 shall be deemed as the date of notification.
 - (b) in case of licensed trades, with effect from the day on which the relevant licence was received.
- (2) A trading authorisation shall be attested:

²⁸ Act of the Czech National Council No. 200/1990 Coll. on Misdemeneours

Act of the Slovak National Council No. 372/1990 Coll. on Misdemeneours as amended by the Act of the Slovak National Council No. 524/1990 Coll.

- a) by a trade certificate confirming compliance with the terms and conditions stipulated by this Act for the pursuit of a notifiable trade or by a copy of an entrepreneur's notification of such a trade together with a receipt issued by the relevant Trades Licensing Office confirming receipt of the notification, pending the issue of a trade certificate
- b) by a trade licence confirming that permission to pursue a specific trade has been granted.
- c) **extract from the Trades Register**

An entrepreneur shall prove that he is authorised to trade by presenting either of the above documents.

(3) Foreign persons^{28a} and natural persons which, pursuant to a special regulation are liable to registration in the Companies Register, if complying with definite terms and conditions shall receive the Trade certificate or Trade licence before they are entered in the Companies Register.

(4) Upon request of founders or of the bodies or persons authorised to file petition for entry of a Czecho-Slovak legal person in the Companies Register, a Trade certificate or Trade licence shall be issued by the Trades Licensing Office before they are entered in this Register, after proving that such a person had been established.

(5) The persons referred to in paragraphs 3 and 4 above shall be authorised to trade as of the day of their entry into the Companies Register. However, if such persons fail to file a petition asking for incorporation into the Companies Register within 90 days of receipt of their Trade certificate or Trade licence, or if their petition is rejected, they shall have to return the above documents within 15 days; upon request, Trades Licensing Office shall issue an appropriate certificate thereof.

(6) A trade authorisation may not be transferred to another person. A trade can be pursued by another person only if so stipulated by this Act.

(7) A trade authorisation may be used anywhere within the territory of the Slovak Republic.

Trading through an Authorised Representative

Article 11

- (1) An authorised representative shall be a natural person appointed by an entrepreneur who shall be responsible for professional pursuit of a trade. When carrying on his trade, an authorised representative shall be in employment relation to the entrepreneur; this does not apply if entrepreneur's husband/wife is concerned or in case if legal person, or a partner or member thereof is concerned.
- (2) An authorised representative must meet both the general and specific conditions for pursuit of trade (Articles 6 and 7).

^{28a} Article 21 of the Commercial Code

- (3) **An authorised representative must reside within the territory of the Slovak Republic.**
- (4) **A member of the Supervisory Board or of any other auditing body of a legal person may not become this legal person's authorised representative. A person whose trade authorisation was revoked pursuant to Article 58 (2) (a) may not become an authorised representative of a natural or legal person, namely for the period of three years of coming into force of the decision by which such trade authorisation had been revoked.**
- (5) The office of an authorised representative may not be executed in more than one establishment. In well grounded instances, Trades Licensing Office may permit an exception.
- (6) If the entrepreneur is a legal person, it shall be obliged to appoint an authorised representative if he operates crafts, regulated or licensed trade.
- (7) An entrepreneur who is a natural person may appoint an authorised representative through whom he shall pursue a trade. An entrepreneur must always appoint an authorised representative if the entrepreneur himself fails to meet the special terms and conditions for pursuit of trade (Article 7), or if he resides outside the territory of the Slovak Republic. Natural person is also obliged to appoint his authorised representatives in cases pursuant to paragraph 8.
- (8) An entrepreneur who has established more than one establishment or who has **a combined establishment** where he pursues crafts, regulated or licensed trade, shall be obliged to appoint one **or several authorised representatives** for each single establishment, **unless an entrepreneur is concerned pursuant to paragraph 12.**
- (9) A entrepreneur shall notify the Trades Licensing Office of appointment of an authorised representative or also of termination of his office in advance, with 15 days notice. This shall not apply to entrepreneurs pursuant to paragraph 8.
- (10) In case that an authorised representative ceases to discharge his office, the entrepreneur shall within 15 days appoint a new authorised representative. Until appointment of a new authorised representative he may continue his pursuit of a trade, if he does not endanger human lives, health and safety .
- (11) Provision of paragraph 10 shall not apply if the trade is continued by an entrepreneur who is a natural person, with residence within the territory of the Slovak republic and complying with general and special terms and conditions for pursuit of trade.
- (12) **An authorised representative need not to be appointed if under special regulation^{28b}, professional or other qualification may only be proved by a document issued to the entrepreneur's name.**

Article 12

^{28b} **Article 3 of Decree of the Labour Safety Office of the Slovak Republic No.74/1996 for safety and health protection at work, safety of pressure, lifting and gas technological equipment and on professional qualifications**

- (1) A trade may be pursued in the name, and to the account of a natural person who is not fully competent to legal acts, provided that a court has approved a request to this effect submitted by the natural person's legitimate representative.
- (2) In the above-mentioned case, the legitimate representative shall, with the court's approval, appoint an authorised representative; the legitimate representative shall notify the Licensing Office of the trade, or he shall apply to this Office for a trade licence.

Article 13

Continuing a Trade on the Entrepreneur's Death

- (1) On an entrepreneur's death, his trade may be continued until the conclusion of inheritance proceedings by any of the following:
 - (a) the heirs at law, unless there are testamentary heirs;
 - (b) the testamentary heirs and the spouse of the deceased person, even if the latter is not a testamentary heir, provided that the surviving spouse is a co-owner of the assets used in the trade;
 - (c) the spouse of the deceased person, if such a spouse meets the conditions referred to in under letter(b) unless the trade is continued by the heirs;
 - (d) **administrator²⁹, if appointed by the court**

(2) Persons referred to in paragraph 1 letters a) to c) shall be obliged to notify the Trades Licensing Office of continuation of the trade within one month of decease of the entrepreneur. Administrator ad litem shall be obliged to notify the Trades Licensing Office of continuation of the trade within one month of being installed in his office.

(3) If any of the persons referred to in paragraph 1 letters (a) to (c) above fails to meet the terms and conditions stipulated in Articles 6 and 7 **paragraphs 1 and 2**, or if this person is not resident in the territory of the Slovak Republic, then such a person shall appoint an authorised representative without undue delay.

(4) **If the administrator ad litem** pursuant to paragraph 1 letter (d) above fails to comply with the terms and conditions stipulated in Article 7 **paragraphs 1 and 2**, then he shall appoint an authorised representative without undue delay.

(5) Upon conclusion of inheritance proceedings the persons stipulated in paragraph 1 letters (a) to (c) may continue to carry on the trade if they have acquired an ownership interest used in carrying on trade; provision of paragraph 2 shall apply mutatis mutandi.

They shall notify the Trades Licensing Office of continuation of pursuit of the trade within one month of conclusion of inheritance proceedings. However, if these persons fail to acquire their own trade authorisation within six months of the conclusion of the inheritance proceedings, then they may not continue to carry on a trade. The deceased person's spouse, who co-owned the assets used in the trade, or who inherited such assets, or a part of such

²⁹ **Article 175e paragraph 1 of the Code of Civil Procedure**

assets, may continue to carry on a trade on the basis of the testator's trade authorisation – even after the expiry of the six months – period.

(6) If a surviving spouse is an entrepreneur, within the period under paragraph 5, he shall notify the Trades Licensing Office of the business name and Company Id. Number under which he shall continue the trade and of any other data pursuant to Article 45 or Article 50 which are required for issuance of a trade certificate or trade licence.

Article 14

Continuing a Trade on the Transformation of a Business Company

- (1) If a business company (hereinafter referred to as "a company") is transformed into another form of company, or into a co-operative, it may continue to practise the trade of the dissolved company.
- (2) In the event of the take-over or merger of a company, the provisions of paragraph 1 above shall apply mutatis mutandi.
- (3) In the event of a company's division, the business of the dissolved company may be continued by all the successor companies to which the respective establishment of the dissolved company was assigned where the trade of the dissolved company had been pursued. Within 15 days of erasure of the company from the Companies Register, the persons authorised to act on behalf of the divided company shall notify the Trades Licensing Office of both the scope of the trading activities in which each of the newly established companies shall engage and the data to be entered in the Trades Register. Based upon such notification, the Trades Licensing Office shall issue new trade certificates or trade licences.

Article 15

Continuing a Trade on the Transformation of a Co-operative

If a co-operative is transformed into a company, or taken over, merged or divided, the provisions of Article 14 shall apply mutatis mutandi.

Article 16

Multiple Trading by One Entrepreneur

An entrepreneur may operate several trades if he has a trade authorisation for each of them.

Heading repealed as of July 1, 1994

Article 17

Establishment

- (1) Premises where a trade is carried on shall be deemed as an establishment.

- (2) For the purpose of this Act, as an establishment also a permanently established, as a rule - closed premises shall be deemed where manufacturing trade is carried on, including a series of activities showing the features of independent trades in case that the work, technical or technological procedure are follow-up of each other or are mutually linked together otherwise, for the purpose of production of the final products (hereinafter referred to as "joint establishment").
- (3) For the purpose of this Act, as an establishment neither the premises connected with pursuing the trade nor technical or technological equipment intended or connected with pursuit of trades shall be deemed.
- (4) As the premises connected with pursuit of trade the following shall be deemed:
- a) premises reserved for storage of entrepreneur's raw materials and goods
 - b) parking lots, car parks for motor vehicles, garages and premises reserved for maintenance and overhaul of motor vehicles
 - c) place of business of a natural person, seat of a legal person as well as any other premises if there is no trade carried on.
 - d) exhibition premises and premises for exposition of samples.
- (5) As technical and technological equipment reserved for or connected with pursuit of trade, especially the following shall be deemed:
- a) stands, shelters and mobile sales facilities at market places if no building permit is required for building of the latter, pursuant to special regulation^{29a}
 - b) facilities and premises for provision of folk technical entertainment; for the purpose of this Act, as folk technical entertainment, establishment of merry go rounds, swings, entertainment shooting ranges and other similar technical means of mass entertainment shall be deemed^{29b}
 - c) road motor vehicles serving for pursuing the trade ,
 - d) mobile sales points,
 - e) advertising equipment,
 - f) vending machines
- (6) On the basis of a trade authorisation, the trade may be pursued also in establishments set up later. **The entrepreneur shall notify the competent Trades Licensing Office of this fact at latest on the day when set up. In case that an establishment is set up in a district falling under authority of another than a competent Trades Licensing Office, the entrepreneur within the same deadline shall notify also this Trades Licensing Office that it was set up.**

^{29a} Act No.50/1976 Coll. on Urban Planning and Building Code of Procedure (Building act) as amended by subsequent regulations

^{29b} Decree of the Government of the Slovak Republic No.400/1999 Coll. by which Details of Technological Requirements placed upon other Selected Products are regulated, as amended by the Act Council of the Slovak Republic No.142/2000 Coll.

- (7) Provision on designation of an establishment shall apply mutatis mutandi also to premises connected with pursuing the trade and to technical and technological equipment reserved for or connected with pursuing the trade. Provisions on notification of establishment and closing of an establishment shall also apply to the premises connected with pursuing the trade referred to in paragraph 4 (a), (c) and (d).

Article 18

Repealed as of July 1, 1994.

Part TWO

CLASSIFICATION OF TRADES

CHAPTER 1

NOTIFIABLE TRADES

Article 19

The following trades shall be classified as notifiable trades:

- (a) crafts, pursuit of which is conditional on certain professional qualifications acquired through a relevant apprenticeship;
- (b) regulated trades, pursuit of which is conditional on professional qualifications acquired in a different manner;
- (c) unregulated trades, pursuit of which is not conditional on stipulated professional qualifications.

Section 1

Crafts

Article 20

The trades referred to in Annex No.1 to this Act, shall be deemed as crafts.

Professional Qualifications

Article 21

- (1) Professional qualifications shall be proven by a certificate of apprenticeship³⁰ or by another document certifying proper completion of apprentice training or a line of**
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³⁰ Articles 14 and 14a of the Act No. 227/1859 of the Austro Hungarian Trades Licensing Code as amended by subsequent regulations

Article 15 paragraphs 1 to 5 of Act No. 259/1924 Coll. Trades Licensing Act (Small Businesses Act) for the Territory of Slovakia and Ruthenia

study and by a document confirming completion of three years' practical experience in the respective trade.

- (2) Both conscription (substitute) service with military force or civilian service shall be deemed as practical experience in the trade in question if regular activities were performed there which falls within the scope of the respective craft. Written confirmation by either competent military authority, or by the organisation where the person concerned served his civilian service, shall be recognised as documentary evidence of such work.

Article 22

(1) For the purpose of this Act, certificate of professional qualifications referred to in paragraph 21 shall be replaced by the following:

Article 3 paragraph 2 of the Decree of the Government No.186/1949 Coll. on Temporary Modification of Apprenticeship Training

Article 2 paragraph 1 of the Decree of the Government No. 22/1952 Coll. on New Regulations Applicable to Apprenticeship Examinations

Article 19 of Act No. 89/1958 Coll. on Education of Adolescents for Apprenticeship Professions (Apprenticeship Act).

Decree of the Ministry of Education of the Czech Socialist Republic No.5/1981 Coll. on Final Apprenticeship Examinations and Apprenticeship Lines of Study.

Decree of the Ministry of Education of the Slovak Socialist Republic No.16/1981 Coll. on Final Apprenticeship Examinations and Apprenticeship Lines of Study.

Decree of the Ministry of Education of the Czech Socialist Republic No.31/1987 Coll. on Completion of Education at Secondary Level Schools and Completion of Preparation at Specialised Vocational Training Centres

Decree of the Ministry of Education of the Slovak Socialist Republic No.38/1987 Coll. on Completion of Education at Secondary Level Schools and Completion of Preparation at Specialised Vocational Training Centres

Article 25 of the Decree of the Ministry of Education , Youth and Sports of the Slovak Republic No. 102/1991 on Completion of Education at Secondary Level Schools and Completion of Preparation at Vocational Training Centres and Apprentice Schools

- (a) a certificate of apprenticeship³⁰ or a certificate of final examination at related craft and a document confirming three years' practical experience in the respective or a related craft ; or
- (b) a school-leaving examination certificate obtained at either a secondary vocational school, a vocational training centre, or a grammar school which included in its curriculum training in vocational subjects, or extension post graduate study in the respective craft with documentary evidence of two years' practical experience³¹ or
- (c) certificate of education passed in an accredited educational institution ²⁵and a certificate proving passing a qualification examination before examination board (Article 7)
- (d) a diploma certifying graduating from the University on completion of the study in respective line of study^{31b} and certificate of one years' practical experience in the respective field

Section 2

Regulated Trades

Article 23

The trades listed in Annex No. 2 of this Act shall be deemed as regulated trades.

Article 24

Professional Qualifications

The professional qualifications required for regulated trades shall be regulated by special regulations referred to in Annex No. 2 to this Act or stipulated in this Annex.

Section 3

Free Trades

Article 25

³¹ Article 9 paragraphs 1 and 2 and Article 25 paragraphs 1 and 7 of Act No. 29/1984 Coll. on the System of Primary and Secondary schools (Act on Education) as amended by Act No. 171/1990 Coll.

^{31b} Act No.172/1990 Coll. on Universities as amended by subsequent regulations

^{31c} Act No. 386/1997 Coll. on past graduate education and change of Act No. 387/1996 Coll. on employability as amended by Act No. 70/1977 Coll.

(1) Free trades shall be the trades which are not listed in Annexes No.1 to 3 to this Act.

(2) For pursuit of such trades, general terms and conditions must be satisfied. No proof of professional or other qualifications shall be required.

CHAPTER II

Licensed Trades

Article 26

The trades listed in Annex No. 3 to this Act shall be deemed as licensed trades.

Article 27

Professional Qualifications and Other Terms and Conditions

(1) The professional qualifications required for licensed trades shall be regulated by special regulations listed in Annex No.3 to this Act or otherwise stipulated in this Annex.

(2) A separate precondition for the pursuit of a licensed trade shall also be reliability which shall be judged in relation to the scope of business with respect to protection of life, health, property and other rights of the persons and protection of public interests.

(3) The Trades Licensing Office may impose upon an entrepreneur the terms and conditions of pursuit of trade. He/she shall especially be entitled to restrict pursuit of the trade in question by a certain territory on the ground of public interest or to grant a trade licence for a limited period of time.

PART THREE

SCOPE OF TRADE AUTHORISATION

CHAPTER ONE

GENERAL PROVISIONS

Article 28

(1) The scope of trade authorisation (hereinafter referred to as "scope of authorisation") shall be assessed on the basis of the contents of a trade certificate or trade licence with regard to the provisions stipulated in this Part.

Obligations of an Entrepreneur

Article 29

- (1) In pursuit of trade, every entrepreneur shall be obliged to comply with the terms and conditions as stipulated in this Act or in special regulations³²
- (2) Every entrepreneur shall be obliged to pursue his trade properly, in an honest manner and with due professional care. He may not discharge of this obligation even in case if he pursues his trade through an authorised representative.
- (3) **Any activities which by their nature although complying with characteristics of a trade as under Article 2 but are in contradiction with ethic code cannot be pursued properly, in a honest manner and with due professional care.**
- (4) **Any trades in pursuit of which repeated provision of poor quality products and services occurs by reason of breach of special regulations, especially breach of technical standards and professional customary practice cannot be pursued properly, in an honest manner and with due professional care**
- (5) **An entrepreneur who without giving serious reasons does not discharge of his obligations to pay taxes, fees and contributions pursuant to special regulations, does not pursue his trade properly, in an honest manner and with due professional care.**

Article 30

- (1) **Every entrepreneur shall be obliged to designate his establishment. The method of designating the establishment shall be governed by special regulations³³**
- (2) Categorisation of catering facilities and classification keys for their division into classes and categorisation of accommodation facilities and classification keys for their division into classes shall be regulated by the Ministry of Economy of the Slovak Republic by a generally binding regulation.
- (3) **An entrepreneur shall be liable for truthful proof of the method of acquisition of goods and materials. Acquisition of the goods and materials shall be proven by the documents showing identification data of the supplier, of the customer, commodity of the goods or material, its quantity and date of delivery. An entrepreneur shall prove the origin of the goods either by himself or through a person responsible for activities of the establishment, or through a person directly selling his goods.**
- (4) An entrepreneur shall be liable for compliance of his employees with professional qualification criteria as established by special regulations as well as for the knowledge of applicable sanitary and safety regulations. If required by the nature of the work or of

³² For example, in Act No. 634/1992 Coll. on Consumer Protection as amended by subsequent regulations, Act of the National Council of the Slovak Republic No. 272/1994 on Protection of Human Health as amended by subsequent regulations, Articles 20 to 24 of the Decree of the Ministry of Health of the Slovak Republic No. 79/1997 Coll. on the Measures of Prevention of Transmitted Diseases as amended by the Decree of the Ministry of Health of the Slovak Republic No. 54/2000 Coll.

³³ Article 7 paragraph 3 of the Commercial Code.

another activity, he shall also be liable for their employees to have passed check-up pursuant to regulations on the measures against transmitted diseases³⁶

(5) In pursuit of trade, an entrepreneur shall be obliged to use the business name entered in the Companies Register or in the Trades Register.

(6) In an establishment and at a market place^{36a} there shall be an inspection book authorised by the Trades Licensing Office for entries and possible records and measures adopted to be made by control, inspection and supervisory authorities. This shall also apply in case that an entrepreneur shall establish a joint establishment or several establishments in the premises having the same house registry number and house orientation number^{36b}. Requisites of such an inspection book, the method of authorisation thereof and detailed data to be entered therein shall be regulated by the Ministry of Interior of the Slovak Republic in a generally binding regulation.

Article 31 ~~is~~ shall be repealed.

Article 32

With regard to the subject of their trading activities, there are the following trades:

- (a) commercial trades;
- (b) manufacturing trades;
- (c) service-rendering trades.

CHAPTER II

COMMERCIAL TRADES

Scope of Authorisation

³⁶ Article 11 of the Decree of the Ministry of Health of the Czech Socialist Republic No.91/1984 Coll. on Measures against Transmitted Diseases as amended by the Decree No. 204/1984 Coll.

Article 11 of the Decree of the Ministry of Health of the Slovak Republic No. 79/1997 Coll. as amended by the Decree of the Ministry of Health of the Slovak Republic No. 54/2000 Coll.

^{36a} Act No.178/1998 Coll. on the Terms and Conditions by which Sales of Goods and Provision of Services at Market Places is regulated and on amendment to Act No. 455/1991 Coll. on Licensed Trades (Trades Licensing Act) as amended by subsequent regulations.

^{36b} **Act of the National Council of the Slovak Republic No. 221/1996 on Urban and Administration Organisation of the Slovak Republic as amended by Act No. 389/1999 Coll.**

Article 33
General Provision

As commercial trades **especially** the following ones shall be deemed:

- (a) purchase and sale of goods for the purpose of its resale to an end consumer (retail) or for the purpose of its resale to other trade operators (wholesale),
- (b) catering activities

Letters (c) to (ch) ~~are hereby~~ shall be repealed.

Scope of a Trade Authorisation

Article 34

- (1) Within the framework of his trade authorisation an entrepreneur practising trades stipulated in Article 33 letter(a) is also allowed:
 - (a) to lease goods;
 - (b) to act as an intermediary in the purchase and sale of goods in individual cases;
 - (c) to make minor modifications to goods so that goods correspond to the buyer's requirements;
 - (d) to assemble goods delivered to customers if the assembly is simple, without requiring any specific professional qualifications;
 - (e) to exchange defective parts of the delivered goods, provided that such an exchange is simple and can be carried out without professional qualification
 - (f) to provide repairs of the goods delivered under the assumption that he shall use professionally qualified persons
 - (g) to accept orders for the production, processing or modification of the goods which he is authorised to sell and to let that work to be done by an authorised producer
 - (h) during holidays, festivals, sporting events or on similar occasions to sell even out of his establishment the foodstuffs and other goods usually sold on such occasions and which do fall within his scope of business
 - (i) to sell goods in mobile sales points
 - (j) to sell the goods which does not require trade licence, with the use of vending machines operated by customers themselves
 - (k) to pursue activities of an pedlars^{36c} and cash on delivery service.**
- (2) Placement of vending machines out of his establishment shall be reported by the entrepreneur to the competent Trades Licensing Office in advance, after having asked appropriate local government for consent; to designation thereof Article 30 (1) shall apply mutatis mutandi. In implementation of changes pursuant to paragraph 1 (c) or of modifications pursuant to paragraph 1 (g), the entrepreneur shall be obliged to observe that

^{36c} Act No.108/2000 Coll. on Consumer Protection at Pedlars and Cash on Delivery Service

through such changes or modifications the designation of the origin of the product , especially of the registered trade mark is not removed or impaired.

Article 35 to Article 37 ~~are hereby~~shall be repealed. .

Article 38

Catering Activities

- (1) Preparation and sale of meals and beverages if served for direct consumption on the spot, (hereinafter referred to as “sale for direct consumption”) shall be deemed as catering activities. Authorisation of related sale of ready-to-cook foods with the possible supplementary sale of other goods, shall also be covered the same authorisation for catering activities.
- (2) For the purpose of this Act, catering activities shall not include sales for direct consumption of
 - a) non alcoholic beverages and industrially produced milk drinks, cocktails, **beer**, wine and distillery products,
 - b) ice cream if for production thereof industrially produced concentrated semi products and deep frozen creams are used
 - c) thermally processed fast food meat products and usual dressings and salads as well as meatless meals
 - d) meals, beverages and semi products to the guests accommodated in accommodation facilities of maximum capacity of 10 beds.
- (3) Also sale for direct consumption of home-made wine and related sale of seasonal meals for direct consumption shall not be deemed as catering activities, unless pursued for more than 4 months in a year.

Article 39 to Article 41 shall be repealed.

CHAPTER THREE

MANUFACTURING TRADES

Article 42

Scope of Authorisation

- (1) Based upon trade authorisation, an entrepreneur shall have the right to**
 - a) pursue a series of follow up services related to provision of production of the final product,**
 - b) to make machinery, tools and fixtures intended for manufacturing of final product,**
 - c) to sell and repair the products, if the nature of the trade is maintained.**
- (2) An entrepreneur is also entitled:

- (a) to purchase for the purpose of resale and to sell products of other manufacturer, as well as accessories, provided that such products are of the same kind as the products he manufactures or, in individual cases, to act as an intermediary for the sale of products and accessories made by foreign manufacturers;
 - (b) to manufacture and print packing materials, labels and other auxiliary items enabling sale of his products;
 - (c) to lease both the products of his own manufacture and products of other manufacturers of the same kind, as well as their accessories;
 - (d) to make assembly, setting and provide maintenance of such products.
- (3) The purchase, sale, mediation and leasing of other persons products as under paragraph 2 (a) and (c) may be carried out only within the scope at which the nature of the manufacturing trade in question is maintained.

CHAPTER FOUR

SERVICE-RENDERING TRADES

Article 43

For the purpose of this Act, repairs and maintenance of items, passenger and goods transport, and other performances aimed at satisfying other needs shall be considered as services.

Article 44

Scope of Authorisation

- (1) Provisions of Article 42 (2) and (3), as well as provision of **Article 34 (1) (i)** shall apply to entrepreneurs providing services mutatis mutandi, as long as the nature of their trade is maintained.
- (2) An entrepreneur rendering services shall be authorised to provide also snacks. As snacks the sales of non alcoholic beverages (coffee, tea, juices) shall be deemed if intended for direct consumption at the spot.
- (3) An entrepreneur authorised to transport persons and goods may pursue activities related to the safety and comfort of passengers, to reload, store and pack shipments, operate storage facilities, and provide catering inside the means of transport.
- (4) An entrepreneur authorised to operate garages and car parks (Article 4 (2)) may sell fuels, lubricants and accessories for motor vehicles under the terms and conditions stipulated in special regulations. An entrepreneur pursuing repairs of motor vehicles shall have similar rights.

PART FOUR

TRADE CERTIFICATE, TRADE LICENCE,

TRADES REGISTER

CHAPTER ONE
TRADE CERTIFICATE
Requisites for Trades Notifications

Article 45

(1) Any person who intends to pursue a notifiable trade shall notify the Trades Licensing Office **appropriate to the seat of the legal person or residential address of the natural person.**

(2) In such notification, a natural person shall provide the details as follows:

-
- a) first name and family name, residential address, personal number (hereinafter referred to as “personal data”) and confirmation that neither a court nor an administrative body has imposed ban of activities related to trading
 - b) business name
 - c) scope of business
 - d) identification number, if any has been allocated
 - e) place of business
 - f) establishments if established
 - g) the date of termination of trade if it is to be carried out for only a limited period of time
 - h) day of commencement of the trade if planned to commence as of a date later than that shown in notification.

(3) In its notification a legal person shall provide the details as follows:

- a) business name, seat, legal form, as well as the name and residential address of the person or persons authorised to act on behalf of the legal person and personal details of its authorised representative,
- b) identification number,
- c) scope of business,
- d) operations, if established,
- e) date of termination of trade if it is to be carried out for only a limited period of time.
- f) date of commencement of the trade if a legal person is concerned pursuant to Article 10 (1) and if it intends to pursue the trade as of a later date then that shown in notification.

(4) In their notification, natural and legal persons except for the persons referred to in Article 11 (8) shall also give personal data of their appointed authorised representative.

(5) In its notification, a foreign person shall also give the address of the enterprise or an organisational unit^{36d} within the territory of the Slovak Republic **and the data pursuant to paragraph 2 (a) for the person of a head of organisational unit.**

(6) Founders or other persons and authorities referred to in Article 10 (4) shall provide the data pursuant to paragraph 3 (a), (c), (d) and (e) above and they shall enclose the document certifying that the legal person in question has been founded (established).

Article 46

(1) A natural person

- a) in case of notifiable crafts or regulated trades shall prove her/his professional qualification or professional qualification of her/his authorised representative,
- b) shall attach to the notification an extract from the judicial register dated no more than three months ago (hereinafter referred to as the “extract from judicial register”),
- c) shall attach to the notification an extract from the criminal record of her/his authorised representative, if appointed,
- d) **shall prove his beneficial ownership of the estate concerning the premises where the establishment or a place of business are established, if respective addresses differ from her/his residential address,**
- e) **shall attach declaration on the facts pursuant to Article 11 (4) of the second sentence,**
- f) **shall attach consent of her/his authorised representative to being instituted in the office**

(2) A legal person

- a) in case of notifiable crafts or regulated trades shall prove professional qualification of its authorised representative, or it shall prove qualifications pursuant to Article 11 (12),
- b) shall attach to the notification an extract from the criminal record of the persons constituting its statutory body,
- c) shall attach to the notification an extract from the judicial register of its authorised representative, if appointed
- d) **shall prove his beneficial ownership of the real estate concerning the premises where the establishment or a seat are established,**
- e) **shall attach declaration on the facts pursuant to Article 11 (4) certifying that no ban of activities concerning operation of the trade was imposed by the court or administrative authority**
- f) **shall attach consent of its authorised representative to being instituted in the office**

^{36d} Article 21 paragraph 3 of the Commercial Code

- (3) Provisions of paragraph 1 (a), (c) and (f) and paragraph 2 (a), (c), (e) and (f) shall not apply in cases under Article 11 (8).
- (4) **A natural person with residential address outside the territory of the Slovak Republic, who, when pursuing the trade, holds a position of an entrepreneur, authorised representative, persons authorised to act on behalf of the legal person or in a position of a head of an organisational unit shall attach to the notification a document pursuant to Article 66f (2); the same shall also apply to the persons holding a permit of long-term or permanent residence within the territory of the Slovak Republic.**
- (5) If notification is lodged by the authorised representative of a person, who does not have full competence to legal acts, he must furnish a consent of an appropriate court. (Article 12).
- (6) Payment of administration fee pursuant to a special regulation shall also constitute a requisite for trade notification.”**

Article 47

Issue of a Trade Certificate

- (1) After having detected that the notification meets all the requirements pursuant Articles 45 and 46, and that the entrepreneur complies with the terms and conditions stipulated by this Act, the Trades Licensing Office shall issue a trade certificate not later than within 15 days of the date of receipt of a trade notification.
- (2) A trade certificate issued to a natural person shall include the details as follows:
- (a) personal data of the entrepreneur; in case that an authorise representative is appointed, also the personal data concerning himself, unless an entrepreneur is concerned pursuant to Article 11 (8).
 - (b) business name
 - (c) identification number;
 - (d) scope of business
 - (e) place of business
 - (f) time period for which such trade authorisation is issued, if operation of trade is notified for a definite period
 - (g) date of commencement of the trade if a later date of commencement was shown in the notification by the latter
 - (h) date of issue of the trade certificate
- (3) Natural person shall be allocated an identification number by the Trades Licensing Office. Trades Licensing Office shall be notified of the identification numbers needed by appropriate state administrative authority.
- (4) Trade certificate issued to legal person shall include
- a) business name, seat and identification number, if the legal person was allocated the latter before such notification was lodged
 - b) in case of crafts and regulated trades, personal data of authorised representative, unless an entrepreneur pursuant to Article 11 (8) is concerned,

c) scope of business

d) period of time for which the trade certificate is valid if the legal person has indicated only a limited period of pursuit of trade.

e) date of commencement of the trade, if a legal person pursuant to Article 10 (1) is concerned and if the latter intends to pursue the trade starting with the date later than that shown in notification

f) date of issue of the trade certificate

(5) A trade certificate issued to a foreign person shall also include address of place of business or of organisational unit within the territory of the Slovak Republic.

(6) If the Trades Licensing Office ascertains that the notification fails to meet the requirements pursuant to Articles 45 and 46, then within the term under paragraph 1, the Trades Licensing Office shall demand from the entrepreneur concerned to remedy the defects of such notification. An appropriate term of not less than 15 days shall be stipulated to do that. The Trades Licensing Office may extend this term at the entrepreneur's request, if there are serious grounds for it, even repeatedly. If an entrepreneur fails to remedy the latter within such time limit, then procedure pursuant to paragraph 1 shall be adopted.

(7) If an entrepreneur fails to remedy such defects within such stipulated time limit, then respective proceedings shall be suspended by the Trades Licensing Office. If the relevant Trades Licensing Office ascertains that an entrepreneur has failed to meet the conditions stipulated by this Act, then the Trades Licensing Office shall decide that a trade authorisation has not become effective.

(8) Trade certificate may include several notifiable trades.

Article 48

(1) On monthly basis, the Trades Licensing Office shall keep sending the data within the scope of Trades Register (Article 60 (2)).

a) to the Tax Office appropriate by residential address of the natural person or seat of the legal person concerned

b) to the appropriate national statistical authority competent by the territory

(2) On monthly basis, the Trades Licensing Office shall keep sending the list of entrepreneurs to which a trade certificate or a trade licence was issued, namely stating their business name, place of business or seat and the data within the scope under Article 60 (2) (d) to g)

a) to competent social security authority^{36f}

b) to the authority in charge of central register of the insured persons covered by mandatory health insurance^{36g}

^{36f} Act of the Slovak National Council No. 543/1990 Coll. on National Social Security Administration as amended by subsequent regulations

c) to respective **District** Labour Office³⁷

(3) On monthly basis, the Trade Licensing Office shall send to the Slovak Chamber of Tradesmen a copy of the list of entrepreneurs including business name, seat or place of business and the scope of business.

(4) On monthly basis, the Trades Licensing Office shall send to the municipalities falling under its territorial competence, a copy of the list of entrepreneurs having their seat or the place of business within the territory of such municipality, **or having their establishment located within such territory**, including business name, seat or place of business, scope of business and **address** of such establishment.

(5) Trades Licensing Office shall provide also other authorities with the data from the Trades Register, **under the terms and conditions stipulated in a special law.**

(6) **Upon request, the Trades Licensing Office shall provide information from the public file of the Trades Register also to appropriate national administration authorities in charge of inspection and supervision over business entities pursuant to special regulations.**

Article 49

Updating the Data in a Trade Notification

(1) **Within 15 days of occurrence of a change, an entrepreneur shall be obliged to notify the appropriate Trades Licensing Office of any subsequent changes and amendments to the data and documents requisite to a trade notification and to submit the documents on the latter in the manner referred to in Article 46.** Notice of a new scope of business shall be reported in a new notification and shall not be deemed as a change of the data stated in the notification.

(2) On the basis of notice pursuant to paragraph 1, the Trades Licensing Office shall confirm to the entrepreneur notice of changes and amendments or, as that case may be, the latter shall decide upon suspending trading or upon revoking the trade authorisation. Confirmation of changes shall be shown in the trade certificate. Of implementation of such changes and amendments, the authorities referred to in Article 48 shall be notified by the Trades Licensing Office.

^{36g} **Article 71a of the Act of the National Council of the Slovak Republic No. 273/1994 Coll. on Health Insurance, Health Insurance Funding, on Establishment of the General Health Insurance Office and on Establishment of Sectoral, Corporate and Citizen's Health Insurance Offices as amended by Act No.124/1998 Coll.**

³⁷ **Act of the National Council of the Slovak Republic No. 387/1996 Coll. on Employment as amended by subsequent regulations**

- (3) An authority competent by territorial competence, to adopt procedure under paragraph 2, when moving the seat or **residential address** shall be the Trades Licensing Office appropriate by new seat or **residential address**.

CHAPTER TWO

TRADE LICENCE

Article 50

Requisites of Application for Trade Licence

- (1) Any person intending to pursue a licensed trade shall be obliged to apply for issuance of a licence to the Trades Licensing Office appropriate by territory. **Territorial competence shall be governed by provisions of Article 45 (1).**
- (2) To requisites of an applications for trade licences, provisions of Article 45 (2) (a) to (g), paragraph 3 (a) to (e) and paragraphs 4 to 6, Article 46 paragraph 1 (b) **to (f)**, paragraph 2 (b) **to (f)** and paragraphs **3 to 6** shall apply mutatis mutandi.
- (3) If for pursuit of trade, conditions of professional qualifications are stipulated, then
- (a) a natural person shall prove his/her professional qualifications, and that of his/her authorised representative,
- (b) a legal person shall prove professional qualifications of its authorised representative **or qualifications pursuant to Article 11 (12) .**

Paragraphs 4 to 6 shall be repealed.

Article 51

- (1) If the Trades Licensing Office finds out that the requisites applicable to an application for a trade licence are not fulfilled, then within 30 days from the receipt of an application, the Trades Licensing Office shall notice an entrepreneur concerned to remedy such defects. In the request, the Trades Licensing Office shall set an adequate time limit for such remedy, however, at least 15 days. If there serious reasons therefor exist, then upon entrepreneur's request, such a term may be prolonged, even repeatedly.
- (2) If an entrepreneur removes defects within the time limit set, the Trades Licensing Office shall start processing of application in question. If an entrepreneur fails to remedy the defects before the deadline, then the Trade Licensing Office shall suspend proceedings concerned.

Article 52 shall be repealed.

Article 53

Decision – Making upon Trade Licence

- (1) Prior to deciding upon a licence, the Trades Licensing Office shall check whether all the general and specific conditions for pursuit of trade in question have been met. If for

pursuit of trade under Annex No.3 an authorisation or permit are necessary, or an opinion of competent authority of state administration is necessary, then the latter shall be binding upon Trades Licensing Office. **In order to be able to judge whether the requirement of reliability is met, it shall seek for opinion of the Slovak Chamber of Tradesmen. If the Slovak Chamber of Tradesmen fails to issue its opinion within 20 days of the receipt of such request, it shall be deemed as its consent to issue such a trade licence.**

- (2) **Trades Licensing Office may ask for opinion also other authorities, especially municipalities and in particular authorities of the Police Force.**
- (3) **The appropriate Trades Licensing Office shall reject an application for a trade licence if any of the terms and conditions pursuant to paragraph 1 is not fulfilled.**
- (4) The appropriate Trades Licensing Office shall decide upon a trade licence application within **30 days** of the date of receipt of the application in question.
- (5) In case of pursuit of licensed trade, a trade licence shall replace permits and authorisations under special regulations.

Article 54

Issue of a Trade Licence

- (1) A trade licence issued to a natural person shall contain the following data:
 - (a) personal data of an entrepreneur, in case that an authorised representative is appointed, then also personal data concerning himself/herself, unless an entrepreneur pursuant to Article 11 (8) is concerned.
 - (b) business name
 - (c) identification number
 - (d) scope of business
 - (e) place of business
 - (f) conditions stipulated for pursuit of trades pursuant to Article 27

(3)

 - (g) period of time for which the trade licence is issued, if he/she asked for pursuit of a trade for a limited period
 - (h) date of issue of the trade licence.
- (2) A trade licence issued to a legal person shall contain the following data:
 - (a) business name, seat and identification number if a legal person has been allocated an identification number before application was lodged
 - (b) personal data of an authorised representative, unless an entrepreneur pursuant to Article 11 (8) is concerned
 - (c) scope of business
 - (d) conditions stipulated for pursuit of trade pursuant to Article 27 paragraph 3
 - (e) period of time for which the trade licence is issued, if he/she asked for pursuit of a trade for a limited period
 - (f) date of issue of the trade licence concerned

(3) Trade licence issued to a foreign person shall contain also the address of the enterprise and of organisational unit within the territory of the Slovak Republic.

(4) Trade licence may contain also more licensed trades.

Article 55

Distribution of Copies of the Trade Licence

Provisions of Article 48 shall apply mutatis mutandi.

Article 56

Changes in the Trade Licence Application Data

- (1) Each entrepreneur shall be obliged to notify the relevant Trades Licensing Office of any subsequent changes in the data and documents stipulated as the requisites of a trade licence application and to submit the appropriate documents thereon, within 15 days of origin of such changes. Notice of a new scope of business shall not be deemed as a change in data stated in application for a trade licence, but shall constitute a new application for the trade license.
- (2) Based upon the notification pursuant to paragraph 1, the Trades Licensing Office shall mark notice of such changes and amendments to the entrepreneur and shall decide upon suspension of pursuit of the trade or upon cancellation of the trade authorisation. Confirmation of changes shall be shown in the licence. Trades Licensing Office shall notify the authorities listed in Article 48 of the changes
- (3) In case of moving the place of business or **residential address**, the appropriate Trades Licensing Office shall be the one corresponding by the new place of business or **residential address**.

CHAPTER THREE

TERMINATION OF A TRADE AUTHORISATION

Article 57

- (1) Trade authorisation shall expire:
 - a) on the death of an entrepreneur whose trade is neither continued by his heirs nor by an receiver by an administrator ad litem appointed to manage the business; however, the authorisation shall expire at latest by the lapse of the term referred to in Article 13 (4).
 - b) by cessation of existence of a legal person, unless cases pursuant to Articles 14 and 15 are concerned;
 - c) by expiry of the period of time if a trade authorisation was issued only for a definite period;
 - d) by decision of the appropriate Trades Licensing Office **pursuant to Article 58**
 - e) **if stipulated so in a special law,**

f) by the lapse of the term of permitted long term or permanent residence of the entrepreneur or by cancellation thereof

g) in case of notifiable trades, as of the day of notification of the end of business.

(2) A trade authorisation shall not expire by the death of an entrepreneur if the surviving spouse continues to carry on the trade **under the terms and conditions stipulated in Article 13.**

(3) If in the notification pursuant to paragraph 1 (g) no later date is stipulated, then the trade authorisation shall expire as of the date when the notice of termination of business is served upon appropriate Trades Licensing Office. Notification of termination the business may not be retracted.

Note: The obligation to return the relevant document (trade authorisation) shall be repealed.

Article 58

(1) Trades Licensing Office appropriate by the territory, pursuant to the **seat of a legal person or residential address of a natural person** shall cancel the trade authorisation if:

a) an entrepreneur no longer meets the conditions under Article 6

(1) (b) and (c); the latter shall not apply in a case pursuant to Article 6 (1) (b) if an authorised representative was appointed;

b) the impediments under Article 8 (1) to 3 shall occur,

c) the entrepreneur applies therefor

(2) The Trades Licensing Office appropriate by the territory pursuant to the **seat of a legal person or residential address of a natural person** may

a) on its own or as a reaction to another motion, cancel the trade authorisation **for one or several trades** or suspend operating the trade, if the entrepreneur is in serious breach of the terms and conditions stipulated in the trade licence, or licence, or in this Act, or in other regulations;

b) on its own or as a reaction to another motion, cancel the trade authorisation **for one or several trades** if the entrepreneur failed to start pursuing the trade within the term of more than two years of the day on which his trade certificate or trade licence was issued.

c) on request of the entrepreneur to suspend pursuit of trade for the period of at least six months.

(3) In case that the establishment is located in the district of another Trades Licensing Office, then pursuit of trade may be suspended only by the Trades Licensing Office under authority of which the establishment falls by its location. Notification of such suspension shall be

made by the Trades Licensing Office by which the trade certificate or the trade licence was issued.

(4) A **person** whose trade authorisation was cancelled for the reasons referred to in paragraph 2 (a) may not notify of notifiable trade or ask for issue of the trade licence sooner than after the lapse of three years of finality of the decision upon cancellation of the trade authorisation.

Note: The obligation to set the term for termination shall be repealed.

Article 59

The appropriate Trades Licensing Office shall notify the authorities referred to in Article 48 upon suspension or cancellation of the trade authorisation.

CHAPTER FOUR

TRADES REGISTER

Article 60

- (1) Trades Licensing Offices shall keep Trades Registers (hereinafter referred to as "the Register") into which they shall enter details of entrepreneurs trading within their jurisdiction.
- (2) **The following data including changes shall be entered into the Register:**
 - (a) in the case of a natural person, his business name, identification number, place of business, personal data, as well as the same personal details of his authorised representative, if appointed; except for an entrepreneur pursuant to Article 11 (8); in case of a legal person, its business name, its seat, names of the persons who are its statutory body and the manner how they act for such legal person, identification number, if allocated, and personal details of its authorised representative except for an entrepreneur pursuant to Article 11 (8),
 - (b) scope of business;
 - (c) establishments, if set up ,
 - (d) the period for which the trade authorisation is issued,
 - (e) **date of origin of trade authorisation**
 - (f) suspension or expiry of trade authorisation
 - (g) return of trade certificate or trade licence pursuant to Article 10
- (5)
 - (h) in case of a foreign person, address of the enterprise or of an organisational unit within the territory of the Slovak Republic

- (i) other facts pursuant to special regulations²⁶

(3) Register shall be divided into public and non-public section. Personal data shall constitute the non-public section of the Register.

(4) Any person shall have the right to inspect the **public section** of Register or to request an excerpt thereof.

PART FIVE

TRADE INSPECTION AND FINES

CHAPTER ONE

TRADE INSPECTION

Article 61

(1) Trades Licensing Office shall perform inspection of compliance with the conditions and obligations ensuing for entrepreneurs from the Trades Licensing Act, trade licence and from special regulations, if applicable to the pursuit of trade.

(2) In the matters that are not regulated by this Act, to exercising inspection appropriate provisions of special regulations³⁸ shall apply.

Article 62

(1) Inspection activities under Article 61 paragraph 1 shall be performed by employees of the Trades Licensing Office (hereinafter referred to as "inspector") who, when exercising inspection, shall prove their authority by inspector's licence.

(2) Inspectors shall be entitled to demand proof of identity from the persons operating trades falling under this Act

²⁶ Second part of Act No.328/1991 Coll. on Bankruptcy and Composition as amended by the Act of the National Council of the Slovak Republic No.122/1993 Coll.

³⁸ **Second and third part of the Act of the National Council of the Slovak Republic No.10/1996 on Inspection in State Administration.**

(3) Inspectors shall be obliged to keep secret of the facts they learnt in connection with exercise of inspection.

(4) In case that in connection with inspection the inspectors reveal the facts that may endanger life, health, human safety, environment, they shall write respective protocol, which shall be handed over or delivered to the entrepreneur and state administration authority concerned.

(5) Trades Licensing Office may impose measures aimed at fixing the defects revealed by inspectors in pursuit of the trade.

(6) An entrepreneur and the person responsible for activities of the establishment shall be obliged to co-operation in inspection of compliance with the obligations and conditions ensuing from this Act, especially to prove their identity before inspectors, to enable them access to the establishments and to the premises connected with pursuit of trade, to provide them with the requisite documents, information and explanation.

CHAPTER TWO

UNAUTHORISED TRADING

Article 63

The relevant Trades Licensing Office shall impose a fine of up to 50,000 SKK upon a legal person pursuing an unregulated trade without authorisation.

Article 64

The relevant Trades Licensing Office shall impose a fine of up to 100,000 SKK upon a natural or legal person pursuing activities subject to a craft or regulated trade without authorisation.

Article 65

The Trades Licensing Office shall impose a fine of up to SKK 200,000.- upon a natural or legal person who pursues an activity falling under regulated licensed trades without appropriate trade licence.

CHAPTER THREE

BREACHES OF OTHER PROVISIONS OF THIS ACT

Article 65a

- (1) The Trades Licensing Office may impose a fine of up to SKK100,000.- upon an entrepreneur:
 - (a) if an entrepreneur in cases when he is obliged to appoint an authorised representative in order to pursue a licensed trade fails to do so,
 - (b) if an entrepreneur does not comply with the conditions as set for the pursuit of a licensed trade (Article 27 (3)).
- (2) The Trades Licensing Office may impose a fine of up to SKK50,000.- upon an entrepreneur:
 - (a) if an entrepreneur in cases where he is obliged to appoint an authorised representative in order to pursue a notifiable trade fails to do so (Article 11 (6) to (8)),
 - (b) if an entrepreneur fails to notify the appropriate Trades Licensing Office of having set up his establishment.
 - (c) if a entrepreneur shall not comply with the and conditions pursuant to Article 29 (1); respective fine may not be imposed if another body has already instituted proceedings in the matter of imposing fine pursuant to special regulations.
- (3) The Trades Licensing Office may impose a fine of up to SKK20,000.- upon an entrepreneur:
 - (a) if an entrepreneur fails to notify the appropriate Trades Licensing Office of having appointed an authorised representative, although he was not obliged to do so (Article 11 (7) first sentence),
 - (b) fails to notify of termination of an authorised representative's term of office or fails to notify of appointment of a new authorised representative or fails to notify of the fact that an authorised representative no longer has his residential address within the territory of the Slovak Republic, in cases when he is obliged to do so (Article 11 (9)),
 - (c) fails to notify of changes in the data contained in his notification (Article 49 (1)) or in his application which constitutes a basis for granting his trade licence (Article 56 (1)),
 - (d) in his establishment and at a market place he shall not have an inspection book.
- (4) The Trades Licensing Office may impose a fine of up to SKK20,000.- upon an authorised representative if he performs the office of an authorised representative in more than one establishment (Article 11 (5)).
- (5) The Trades Licensing Office may impose a fine of up to SKK10,000.- upon a person who is in breach of his obligation to return a trade certificate or a trade licence (Article 10 (5)).

Article 65b

- (1) For breach of the obligations stipulated in Article 65 (2) (b) and paragraph 3 (c) and (d), an inspector may fine a entrepreneur with a ticket at the amount up to SKK5,000.- if such a breach is ascertained in a reliable manner and a entrepreneur is willing to pay such a fine**
- (2) The fine ticket shall bear the information on when and what breach of obligation constitutes the grounds for imposition of such a fine in a ticket fines procedure.**
- (3) In case that an entrepreneur is not able to pay the fine at the spot, he shall receive a ticket for the amount of fine outstanding, bearing instructions on the method of**

payment, deadline for payment and consequences of default. An entrepreneur shall confirm the receipt of such a fine ticket.

- (4) No appeal shall be possible against fining with the ticket.**
- (5) Fine tickets shall be issued by the Ministry of Finance of the Slovak Republic; appropriate Trades Licensing Offices shall receive the fine tickets from the tax office.**

Article 65c

Trades Licensing Offices may impose a fine up to SKK 10,000.-, namely even repeatedly, upon a person referred to in Article 62 (6), who counteracts the effect of, disturbs or in another way makes difficult the execution of inspection, especially through refusal of co-operation in execution of inspection or who, without serious reasons, fails to appear at the Trades Licensing Office at request.

PART FOUR

IMPOSITION OF FINES

Article 66

- (1) The Trades Licensing Office may initiate proceedings leading to the imposition of a fine pursuant to provisions of Articles 63 to 65 only within one year of the day on which the appropriate Trades Licensing Office learnt that a legal person had pursued unauthorised trade, however, not later than five years of the time when the said breach occurred; and, in the case of continuing unauthorised trading, at latest five years of the moment when such unauthorised trading still continued.**
- (2) The Trades Licensing Office may initiate proceedings leading to the imposition of a fine under provisions of Article 65a only within one year of the day on which the Trades Licensing Office learnt of any of the facts referred to in Article 65a, however, but no later than three years of the occurrence of such breach or of the moment when such activity still continued.**
- (3) Fines imposed pursuant to Article 63 to 65c shall constitute revenues of the National Budget of the Slovak Republic.**

PART FIVE A

Trades Licensing Offices

Article 66a

State administration in trades shall be executed by:

- a) Trades Licensing Offices being township and district offices
- b) Ministry of Interior of the Slovak Republic

Article 66b
Authority of the District Office

District Office shall execute powers and authorities of the Trades Licensing Office at first instance and in the Information system ^{41a} it shall maintain records of entrepreneurs for whom the documents certifying trade authorisation were issued by this Office.

Article 66c
Authority of the Regional Office

Regional Office

- a) shall co-operate with the Slovak Chamber of Tradesmen,
- b) in the information system ^{41a} it shall maintain records of entrepreneurs for whom the documents certifying trade authorisation were issued by District Offices falling under its territorial scope of authority of the Regional Office in question.

Article 66d
Authority of the Ministry of Interior

Ministry of Interior of the Slovak Republic as a central state administration body in charge of trades

- a) shall manage and control execution of state administration in trading
- b) shall co-operate with central bodies and with other legal persons in the matters of trading and in ensuring uniform enforcement of applicable regulations,
- c) shall provide for a uniform information system ^{41a} on trades, and within the scope corresponding to the factual competence of central control, inspection, supervisory and investigative bodies the Office shall provide the latter with the data maintained in the above files,
- d) shall provide for improvement of professional qualifications of employees of township and district offices for pursuit of trades.

PART FIVE B

^{41a} Article 5 of Act No.256/1992 Coll. on Personal Data Protection in Information Systems

APPROXIMATION PROVISIONS

Article 66e

Provisions of this Act shall apply with derogation referred to in provisions of this Part to natural persons of Member States of the European Community who are their nationals with residence in Member Countries of the European Community and to legal entities having their seat, place of business or headquarters within the territory of Member States of the European Community (hereinafter referred to as "Community person").

Article 66f

(1) Trades listed in Annexes 1 to 3 of this Act in the Lists I to V may be pursued by a Community person even under the conditions that

- a) compliance with a general condition requisite for the pursuit of the trade under Article 6 (1) (c) shall be proven in a manner pursuant to paragraph 2,
- b) professional qualification shall be proven in a substitutionary manner pursuant to paragraph 4.

(2) Compliance with general conditions for taking up the trade pursuant to paragraph 1 (a) shall be proven by presentation of an extract from the "criminal record" or, if - as a rule - such an extract is not issued in the home country or in the Member State of origin of the beneficiary (hereinafter referred to as the "country of origin"), then presentation of an equivalent document issued by a competent judicial or administrative authority of the country of origin. If in the country of origin, as a rule, such documents are not issued, then by affidavit made before a competent judicial or administrative authority of the country of origin, which is authorised to verify the contents of such affidavit and authenticate the signature.

(3) At the time when presented, the documents referred to in paragraph 2 may not be dated more than three months ago and they must be submitted together with translation into official language of the State concerned made by a sworn interpreter.

(4) Professional competence pursuant to paragraph 1 (b) shall be proven within the scope and in a manner stipulated in Articles 66g to 66k:

- a) with the document on the scope and duration of pursuit of activities in a self-employed capacity in Member State of the European Community,
- b) with the document on pursuit of professional activities as a manager of undertaking and duration thereof in a Member State of the European Community,
- c) with the document on the subject and duration of professional activity in dependent position (capacity of an employee) in a Member State of the European Community,
- d) with the certificate of respective professional education.

(5) Documents pursuant to paragraph 4 shall be submitted together with translation into official language of the State concerned, made by a sworn interpreter.

Article 66 g

Professional qualification for taking up the activities included in the List I.

(1) Professional qualification for pursuit of trades included in the List I. shall be proven by the Community persons in alternative manner:

a) with the supporting document proving that they have pursued the professional activity in question for consecutive six years in a self-employed capacity or as a manager of an undertaking, or

b) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity, or as a manager of an undertaking and with document certifying the completion of prior training for the activity in question in duration of at least three years, or

c) with the supporting document proving that they have pursued the professional activity in question for consecutive four years in a self-employed capacity or as a manager of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least two years, or

d) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity and with the document certifying prior pursuit of the professional activity in question in dependent position for at least five years, or

e) with the supporting document proving that they have pursued the professional activity in question for consecutive five years as a manager and out of that, at least three years practical experience in technical assignments and with responsibility for at least one division of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least three years,

f) with the supporting document proving that they have pursued the professional activity in question for consecutive six years as a manager and out of that, at least three years practical experience in technical assignments and with responsibility for at least one division of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least two years.

2) In cases pursuant to paragraph (a) and (c) the pursuit of the activity in question must not have ceased more than ten years before the date on which the application for issue of the Trade Licence was lodged.

Article 66h

Professional qualifications for taking up the activities included in the List II.

(1) Professional qualifications for pursuit of activities included in the List II. shall be proven by the Community persons (nationals of Member States of the Community*) in a substitutionary manner:

a) with the supporting document proving that they have pursued the professional activity in question for consecutive six years in a self-employed capacity or as a manager of an undertaking, or

b) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity or as a manager of an undertaking, and with the document proving the completion of prior training for the activity in question in duration of at least three years, or

c) with the supporting document proving that they have pursued the professional activity in question for consecutive four years in a self-employed capacity or as a manager of an undertaking and with the document certifying completion of prior training for the activity in question in duration of at least two years, or

d) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity and with the document certifying prior pursuit of the professional activity in question in dependent position for at least five years,

e) with the supporting document proving that they have pursued the professional activity in question for at least consecutive five years in dependent position and the document certifying the completion of at least three years prior training for the activity in question, or

f) with the supporting document proving that they have pursued the professional activity in question for consecutive six years in dependent position and with the document certifying the completion of prior training for the activity in question in duration of at least two years.

2) In cases pursuant to paragraph 1 (a) and (d) the pursuit of the activity in question must not have ceased more than ten years before the date on which the application for issue of the Trade Licence was lodged.

Article 66i

Professional qualifications for taking up the activities included in the List III.

(1) Professional qualifications for pursuit of activities included in the List III. shall be proven by the Community persons in alternative manner:

a) with the supporting document proving that they have pursued the professional activity in question for consecutive six years in a self-employed capacity or as a manager of an undertaking, or

b) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity or as a manager of an undertaking and with documentary evidence certifying passing prior training for the activity in question in duration of at least three years, or

c) with the supporting document proving that they have pursued the professional activity in question for consecutive four years in a self-employed capacity or as a manager of an undertaking and with documentary evidence certifying passing prior training for the activity in question in duration of at least two years, or

d) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity and with documentary evidence certifying prior pursuit of the professional activity in question in dependent position for at least five years.

2) In cases pursuant to paragraph 1 (a) and (d) the pursuit of the activity in question must not have ceased more than ten years before the date on which the application for issue of the trade certificate was lodged.

**Article 66j
Professional qualifications for taking up the activities included
in the List IV.**

(1) Professional qualifications for pursuit of activities included in the List IV. shall be proven by the Community persons in alternative manner:

a) with the supporting document proving that they have pursued the professional activity in question for consecutive five years in a self-employed capacity or as a manager of an undertaking, or

b) with the supporting document proving that they have pursued the professional activity in question for consecutive two years in a self-employed capacity or as a manager of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least three years, or

c) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity or as a manager of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least two years, or

d) with the supporting document proving that they have pursued the professional activity in question for consecutive two years in a self-employed capacity or as a manager of an undertaking and with document certifying prior pursuit of the professional activity in question in dependent position of duration of at least three years,

e) with the supporting document proving that they have pursued the professional activity in question for consecutive three years and with the document certifying the completion of prior training for the activity in question in duration of at least two years.

Article 66k

Professional qualifications for taking up the activities included in the List V.

(1) Professional qualifications for pursuit of activities included in the List V. shall be proved by the Community persons in alternative manner:

a) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in a self-employed capacity or as a manager of an undertaking, or

b) with the supporting document proving that they have pursued the professional activity in question for consecutive two years in a self-employed capacity or as a manager of an undertaking and with the document certifying the completion of prior training for the activity in question, or

c) with the supporting document proving that they have pursued the professional activity in question for consecutive two years in a self-employed capacity or as a manager of an undertaking and with the document certifying the completion of prior training for the activity in question in duration of at least three years in dependent position, or

d) with the supporting document proving that they have pursued the professional activity in question for consecutive three years in dependent position and with the document certifying the completion of prior training for the activity in question.

2) In cases pursuant to paragraph 1 (a) and (c) the pursuit of the activity in question must not have ceased more than ten years before the date on which the application for issue of the trade certificate was lodged.

Article 66l

Prior education or training for the activity in question pursuant to Articles 66g to 66k shall be proved by a nation-wide officially recognised certificate or by a document issued by respective professional or trade body attesting full compliance of such education.

Article 66m

A certificate acquired and recognised in a Member State proving that the knowledge and capability to pursue activity in question corresponds to at least two or three years of professional education, shall be deemed as document, certifying the duration of education required pursuant to Article 66g (1) (b) and (e) and Article 66h (1) (b) and (e), Article 66i (1) (b) and Article 66j (1) (b), (c) and (e).

Article 66n

Professional experience in the capacity of a manager of an undertaking pursuant to Articles 66g to 66k, shall be deemed as professional experience practised in an enterprise in respective branch

- a) in the capacity of a manager of an undertaking or of an organisational unit of an undertaking ^{41b}, or**
- b) in the capacity of an (authorised) representative of the entrepreneur or a manager of the undertaking if such capacity entails responsibility equal to responsibility of the entrepreneur represented or of a manager, or**
- c) in a leading position with obligations of business or technical nature and with responsibility for one or several divisions of undertaking.**

Article 66o

A document certifying professional experience pursuant to Articles 66g to 66k shall be deemed as the certificate issued by competent authority or body of the home country or of the Member State of origin of the beneficiary, showing at least the data on the type and duration of the activity in question .

PART SIX COMMON, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I COMMON PROVISIONS

Article 67 Labour Rights Relations

Labour rights relations between entrepreneurs and their employees shall be governed by labour law regulations.

^{41b)} Article 7 paragraphs 1 and 2 of the Commercial Code

Article 68

Repealed from January 1, 1993

Article 69

Tradesmen Associations

- (1) Tradesmen Association (hereinafter referred to as “ the Association”) shall refer to an association⁴³ of entrepreneurs in a certain trade or trades within specific territory.
- (2) Associations shall protect and support common interests of entrepreneurs , who are their members and shall contribute to proper pursuit of trades. Upon request or as their own initiative, they submit to the Slovak Chamber of Tradesmen their proposals, information and opinion on the trades falling under their authority.

Article 70

An entrepreneur preparing young people (apprentices) for their profession, shall be obliged to obey special regulations⁴⁴ .

Article 71

Proceedings in the Matters Regulated by this Act

- (1) Proceedings in the matters regulated by this Act shall be governed by the Administrative Procedure Code⁴⁵, unless specific provisions of this Act stipulate otherwise.
- (2) Effectual court rulings in the matters regulated by this Act may be reviewed by a law court pursuant to special regulations.

Article 72

Repealed from July 1, 1994.

Article 73

International Treaties

Provisions of this Act shall not apply if an international treaty, which is binding upon the Slovak Republic and which has been published in the Collection of Laws, stipulates otherwise.

⁴³ Act No. 83/1990 on Association of Citizens as amended by the Act No.300/1990 Coll.

⁴⁴ Act No. 29/1984 Coll. as amended by the Act 171/1990 Coll. and the Act No. 522/1990 Coll.

⁴⁵ Act No. 71/1967 Coll. on Administrative Procedure (Administration Order)

CHAPTER TWO

TRANSMITIONAL AND FINAL PROVISIONS

Article 74

Validity of Previous Authorisations

- (1) Natural and legal persons may continue pursuing business activities which are classified as trades under this Act on the basis of either an authorisation to undertake a business activity, or a business authorisation, if such an authorisation was granted prior to effective date of this Act. These authorisations shall remain in force for one year of effective date of this Act. These authorisations shall become null and void upon the expiry of the term.
- (2) Natural persons, whose authorisation to pursue an unregulated trade or craft shall expire by the lapse of the above term under paragraph 1 above, shall at the same time acquire a trade authorisation for such trades. A trade certificate shall be issued by the appropriate Trades Licensing Office within the time limit stipulated in paragraph 1.
- (3) Within 9 months of effective date of this Act, natural persons having an authorisation for a regulated or licensed trade, shall submit to the Trades Licensing Office the documents proving their compliance with the terms and conditions stipulated by this Act, or those proving that they have appointed an authorised representative meeting such terms and conditions. Under such circumstances, within 60 days of presentation of such documents the Trades Licensing Office shall issue a trade certificate or a trade licence.
- (4) Within 9 months of effective date of this Act, legal persons who as of effective date of this Act hold entrepreneurial authorisation for the activities classified as trades, shall present to the Trades Licensing Office the documents proving that they have appointed their authorised representative who complies with the terms and conditions stipulated in this Act. Under such circumstances, within 60 days of presentation of such documents the Trades Licensing Office shall issue a trade certificate or a trade licence.
- (5) If the persons, referred to in paragraphs 3 and 4 above, fail to submit the required documents, or fail to prove by the submitted documents that the stipulated conditions for the pursuit of the respective trade have been met, then no claim shall arise for such persons to receive trade authorisation. If there is any doubt whether the stipulated conditions have been met or not, then decision shall be taken by the appropriate Trades Licensing Office.

Article 75

- (1) Applications lodged by natural persons for the registration of an entrepreneurial activity which constitutes a trade, submitted under yet-existing regulations, but not decided upon prior to effective date of this Act, shall be deemed as a notification (of a notifiable trade) or an application for a trade licence.
- (2) Applications for an authorisation, permit or certificate of professional competence for specific trades, which were not decided prior to effective date of this Act, shall be deemed either as an application for a trade licence, or as a notification of a regulated trade, depending upon contents of the application in question. The latter shall be passed by relevant state administration authority to the appropriate Trades Licensing Office accompanied by its opinion as a basis for decision-making.
- (3) Natural persons who were granted an authorisation, permit or certificate competence and who failed to apply for the registration prior to effective date of this Act, shall enclose the

above mentioned documents to their application for a trade licence or notification of a regulated trade. These documents shall replace the opinion of the state administration authority in decision-making.

Article 76

Trades, which under special regulations may be pursued by organisations, may also be pursued to the same extent and under the same terms and conditions by a natural person.

Article 77

The above shall be without prejudice to authorisation for entrepreneurial activities and to entrepreneurial authorisations for activities which do not constitute trades, unless stipulated otherwise by a special regulation.

Article 78

Repealed from January 1, 1993.

Article 79

Liquidation of Assets Due to Excessive Indebtedness

- (1) Liquidation of assets due to excessive indebtedness incurred prior to effective date of Bankruptcy and Composition Act No. 328/1991 Coll., shall constitute an impediment to the pursuit of a trade⁴⁷
- (2) Liquidation of assets due to excessive indebtedness, which was executed before January 1, 1990 shall not be taken into consideration.

Article 80

Repealing Provisions

As of effective date of this Act following shall be repealed :

- (1) The Private Enterprise Act (No. 105/1990 Coll.) as amended by Act No. 219/1991 Coll., except for Articles 12a to 12e,
- (2) Article 2 of the Decree of the President of the Republic No.100/1945 Coll. on nationalisation of mines and of some industrial enterprises as amended by Act No.114/1948 Coll. on nationalisation of some further industrial and other enterprises and plants and on regulation of some conditions in nationalised and state-owned enterprises,
- (3) Article 4 of Act No.114/1948 Coll. on nationalisation of some further industrial and other enterprises and plants and on regulation of some conditions in nationalised and state-owned enterprises
- (4) Article 3 of Act No.115/1948 Coll. on nationalisation of some further industrial and other enterprises and plants in food sector and on regulation of some conditions in nationalised

⁴⁷ Articles 352 to 354 of the Civil Code of Procedure No. 99/1963 Coll.

and state-owned enterprises of this sector as amended by Act No.108/1950 Coll. by which regulations on nationalisation of some of the enterprises in food industry are amended,

- (5) Article 3 of Act No. 120/1948 Coll. on nationalisation of commercial enterprises employing 50 or more employed persons;
- (6) Article 1 paragraph 2 of Act No. 121/1948 Coll., on nationalisation of the civil engineering as amended by Act No. 58/1951 Coll., amending the Act on nationalisation in civil engineering;
- (7) Article 3 of Act No. 123/1948 Coll. on nationalisation of printing industry;
- (8) Article 8 of Act No. 124/1948 Coll. on nationalisation of certain public catering and taprooms (bars) and accommodation facilities.

Article 80a
Transitional and Repealing Provisions

- (1) Trade authorisations for the activities constituting trades under this Act shall be maintained.
- (2) Entrepreneurs who based upon trade authorisation pursued activities which ceased to be trades as of effective date of this Act shall be deemed as entrepreneurs pursuing their activities based upon authorisation other than trade authorisation pursuant to special regulations⁴⁸
- (3) Entrepreneurs whose trade authorisation commenced before effect of this Act shall settle their legal relationships in compliance with provisions of Article 6 (3) and Article 11 (1) and paragraph 5 to 8 within six months of effective date of this Act. .
- (4) Entrepreneurs whose trade authorisation for the trade: optics commenced before effective date of this Act , shall settle their legal relationships in compliance with provisions of this Act not later than by December 31, 2000. They shall provide the Trades Licensing Office with proof of their compliance with applicable terms and conditions.

Article 80b
Transitional Provisions with Effect from January 1, 1998

Trade authorisations for trades in physical culture acquired before effective date of this Act shall be maintained.

Article 80d
Transitional provision with effect from2001

(1) Trade authorisations applicable to activities which, under this Act, fall under trades, shall be maintained.

⁴⁸ Article 2 paragraph 2 letter c) of the Commercial Code

(2) Entrepreneurs who pursued their business activities based upon trade authorisation in the activities which ceased to be trades as of effective date of this Act, shall be deemed as entrepreneurs pursuing their activities based upon an authorisation other than the trade authorisation pursuant to special regulations, provided that they, at the same time, comply with conditions stipulated in these regulations.

(3) Entrepreneurs for whom trade authorisation originated before effective date of this Act, shall adjust their legal relations to bring them into compliance with provisions of Article 6 paragraph 2, within six months of the effective date of this Act.

Article 81

This Act shall come into force on January 1, 1992.

Act No.231/1992 Coll. has come into force on January 1, 1993.

Act No. 600/1992 Coll. has come into force on December 28, 1992.

Act No. 132/1994 Coll. has come into force on July 1, 1994.

Act No. 200/1995 Coll. has come into force on October 1, 1995.

Act No. 233/1995 Coll. has come into force on December 1, 1995.

Act No. 216/1995 Coll. has come into force on January 1, 1996.

Act No. 123/1996 Coll. has come into force on July 1, 1996.

Act No. 164/1996 Coll. has come into force on October 1, 1996.

Act No. 222/1996 Coll. has come into force on July 24, 1996.

Acts No. 289/1996 Coll. and No. 290/1996 Coll. have come into force on January 1, 1997.

Acts No. 288/1997 Coll. and No. 379/1997 Coll. have come into force on January 1, 1998.

Act No. 76/1998 Coll. has come into force on April 1, 1998.

Acts No. 140/1998 Coll. and No. 144/1998 Coll. have come into force on June 1, 1998.

Acts No. 70/1998 Coll., No. 126/1998 Coll., No. 129/1998 Coll., No. 143/1998

Coll., No. 161/1998 Coll., No. 178/1998 Coll., No. 179/1998 Coll. and No. 194/1998 Coll. have come into force on July 1, 1998.

Acts No. 263/1999 Coll. and No. 264/1999 Coll. have come into force on January 1, 2000

Act No. 119/2000 Coll. has come into force on May 1, 2000

Act No. 142/2000 Coll. has come into force on July 1, 2000

Acts No. 236/2000 Coll. and No. 238/2000 Coll. have come into force on August 1, 2000.

Act No. 268/2000 Coll. has come into force on August 1, 2000.

Effect:

This Act shall come into force on July 1, 2001 except for Chapter I Article 7 paragraphs 3 to 5 which shall come into force on January 1, 2003, Article 46 paragraph 4 and Part Five B of this Act which shall come into force on the date of accession of the Slovak Republic to the European Community.

Havel s.m., Dubček s.m., Čalfa s.m.

**Annex No. 1 to the Act No. 455/1991 of Coll.
as amended by subsequent regulations**

C R A F T S

Seq. No.	Trade	List
GROUP 101 – Metalworking		
1.	Locksmithing	I
2.	Toolmaking	I
3.	Metalwork	I
4.	Galvanising of metals	I
5.	Enamelling	I
GROUP 103 - Manufacture of motor and other vehicles		
6.	Repair of machines	I
7.	Road motor vehicles repair	I
8.	Car Body repair	I
GROUP 104 - Manufacture of medical products, precision and optical instruments and watches		
9.	Manufacture and repair of prosthetic products	I
10.	Manufacture and repair of orthopaedic footwear	I
11.	Watchmaking	I
GROUP 106 – Production and processing of stoneware, earthenware and ceramics		
12.	Stonemasonry	I
GROUP 108 - Food and beverages processing		
13.	Butchery and smoked meats	I
14.	Brewing and malting	I
15.	Production of dairy products	I
16.	Manufacture of bakery and confectionery products	I
GROUP 110 – Production of leather and leather goods (including footwear), rubber and plastic goods		
17.	Furrying	I
GROUP 111 - Wood, furniture, musical instrument and related production		
18.	Joinery	I
19.	Goldsmithing and jewellery	I
GROUP 112 – Paper production and printing		
20.	Printing	I

GROUP 113 – Civil engineering

21.	Masonry	I
22.	Carpentry	I
23.	Roofing	I
24.	Tinplating	I
25.	Thermal and sound insulation	I
26.	Plumbing and heating	I
27.	Installation and repair of refrigerating equipment	
28.	Electrical installations	
29.	Gas installations	

GROUP 114 – Miscellaneous

30.	Men's haircutting and (ladies) hair dressing	II
31.	Cosmetology services	V
32.	Catering	V

**Annex No. 2 to the Act No. 455/1991 of Coll.
as amended**

R E G U L A T E D T R A D E S

Seq. No.	Regulated trade	Proof of qualification	Notes	List
GROUP 201 – Metalworking				
1.	Casting of precious metals	Professional qualifications under Article 21 and 22 of the Trades Licensing Act and certificate of compliance with other conditions of professional qualifications	Article 48 of the Act No. 539/1992 Coll. on State Testing of Precious Metals (Hallmark Act)	
GROUP 202 – Manufacture of machines and instruments in general and for specialised branches				
2.	Manufacture, assembly, reconstruction, repair and maintenance of selected types of technological equipment and parts thereof, professional inspection and specialised tests of such equipment, marking of selected equipment technological equipment, filling of pressure vessels for gas transport	authorisation	Article 3 paragraph 1 of the Decree of the Labour Safety Office of the Slovak Republic No. 74/1996 Coll. on Ensuring Safety and Health Protection at Work, Safety of Pressure Vessels, Lifting, Electrical and Gas Equipment and on Professional Qualifications	
3.	Manufacture, assembly, repair and reconstruction of selected pressure, lifting and gas equipment and overhaul/inspection and testing of such equipment*)	authorisation	Article 4 paragraph 1 of the Decree of the Slovak Labour Safety Office and Slovak Mining Bureau No. 23/1979 Coll. specifying Selected Pressure Equipment and Conditions for ensuring their Safety as amended by the Decree No. 485/1990 Coll. Article 4 paragraph 1 of the Decree of the Slovak Labour Safety Office and Slovak Mining Bureau No. 24/1979	

Coll. Specifying
Selected Lifting
Equipment and
Conditions for Ensuring
their Safety as amended
by the Decree No.
486/1990 Coll..

Article 4 paragraph 1 of
the Decree of the Slovak
Labour Safety Office
and Slovak Mining
Bureau No. 26/1979

Coll. Specifying
Selected Gas Equipment
and Conditions for
Ensuring their Safety as
amended by the Decree
No. 488/1990 Coll..

*) only if falling under
authority of national
mines administration

4. Overhaul/inspection of selected types of electrical equipment*) attestation

Article 9 of the Decree
of the Slovak Labour
Safety Office and Slovak
Mining Bureau No.
51/1978 on Professional
Qualifications in
Electrical Engineering

*) only if falling under
authority of national
mines administration

5. Design or assembly of selected electrical equipment attestation

Article 24 paragraph 1
of the Decree of the
Labour Safety Office of
the Slovak Republic No.
74/1996 Coll.

6. Repair and maintenance of electric office equipment and instruments and electrical household machines and equipment attestation

Article 22 or 23 or 24 of
the Decree of the Labour
Safety Office of the
Slovak Republic No.
74/1996

GROUP 204 – Manufacture of medical supplies, precision and optical instruments and watches

7. Manufacture, repair and assembly of selected measuring instruments certificate of examination

Article 29 paragraph 2
of Act No. 142/2000
Coll. on Metrology on

			amendments to some acts
8.	Testing of selected metering devices Official measurement	decision on authorisation	Article 24 of Act No. 142/2000 Coll.
9.	Optics	graduate of secondary medical school with school-leaving examination in the branch of study optics and 5-year professional experience in the branch	Article 28a paragraph 2 and 3 of Act No. 140/1998 Coll. on Pharmaceuticals and Medical Aids and on amendment to Trades Licensing Act No. 455/1991 Coll. as amended by subsequent regulations and on amendment to Act of the National Council of the Slovak Republic No. 220/1995 Coll. on Advertisement as amended by Act No. 119/2000 Coll.
10.	Manufacture, repair and adaptation of medical aids	consent of the Ministry of Health of the Slovak Republic	Article 27 paragraph 1 of Act No. 140/1998 Coll.

GROUP 207 – Production of chemical products

11.	Production and sales of poisons except for especially dangerous poisons	professional qualifications pursuant to special provisions*)	*) Article 15 paragraph 3 of the Ordinance of the Government of the Slovak Socialist Republic No. 206/1988 Coll. on Poisons and Certain Other Substances Harmful to Health as amended by subsequent regulations Article 21 letter (e) of the Act of the National Council of the Slovak Republic No. 272/1994 Coll. on Human Health Protection
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GROUP 213 – Civil engineering

12.	Preparation of project documentation for simple structures, small structures and modification of such structures	<ol style="list-style-type: none"> 1. university education in civil engineering or architecture or 2. professional secondary school education in 	Article 45 paragraph 6 of Act No. 50/1976 Coll. on Urban Planning and Building Code of Procedure (Building
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	Preparation of documentation and project of technical, technological and power equipment for such structures/buildings	civil engineering 1. university education in appropriate technological branch or 2. professional secondary school education in appropriate technological branch	Act) as amended by subsequent regulations	
13.	Building of such structures and implementation of modification in such structures	1. university education in civil engineering or in architecture and 4 years of practical experience in the branch 2. professional secondary school education in civil engineering and 8 years of practical experience in the branch		I
14.	Implementation of simple structures, small structures and modifications in such structures	1. university education in civil engineering or in architecture or 2. professional secondary school education in civil engineering and 3 years of practical experience in the branch		I
15.	Performance of supervision of implementation of construction of leisure facilities for individuals ground structures and construction of site installations, with built-in area not exceeding 300 sq.m. and height of 15 m	University graduate in civil engineering or architecture or professional secondary level education in civil engineering and 3 years of professional experience in the branch	Article 44 paragraph 2 of the Act No. 50/1976 Coll. on Urban Planning and Building Code of Procedure (Building Act) as amended by Act No. 237/2000 Coll.	
16.	Performance of activities of a building inspector Performance of activities of a construction supervision	certificate of professional examination	Article 31 paragraph 2 (j) of the Act of the National Council of the SR No. 138/1992 Coll. on Authorised Civil Engineers as amended by Act of the National Council of the Slovak Republic No. 236/2000 Coll.	

17.	Performance of blasting activities	<ol style="list-style-type: none"> 1. Shot firer's certificate age over 21 or 2. authorisation of technological blasting engineer age over 24 	Article 35 Act of the National Council of the Slovak Republic No. 51/1988 Coll. on Mining Explosives and National Mines Administration as amended by the Act of the National Council of the Slovak Republic No. 499/1991 Coll.
18.	Activities of scaffolding and mountainclimbing equipment instructor	card of scaffolding and mountainclimbing equipment instructor issued by the education facility accredited by authority of state professional	Article 9 paragraph 3 of the Decree of the Slovak Labour Safety Office and Slovak Mining Bureau No. 374/1990 Coll. on Safety at Work and on Technological Equipment at Civil Engineering Works
19.	Technical certification of building industry products	authorisation	Article 4 paragraph 3 of Act No. 90/1998 Coll. on Building Industry Products as amended by the Act No. 264/1999
GROUP 214 – Miscellaneous			
20.	Aviation school	attestation	Article 21 of Act No. 143/1998 Coll. on Civil Aviation (Civil Aviation Act) and on amendment of some acts as amended by Act No.../2001.
21.	Teaching foreign languages	completed university study of foreign languages in question or state language examination certificate or certificate of 10-year stay in the state of which official language is the foreign language to be taught	
22.	Teaching art subjects	completed studies at an appropriate art school or qualifications by 10 year practical experience in the branch	
23.	Consultancy, training and education in the labour safety	authorisation	Article 4 paragraph 1 (i) of Act No. 95/2000 Coll. on inspection at work

			and on amendment of some acts
24.	Operation of educational facilities for preparation on conducting specialised amendment activities in the branch of body culture	certificate of accreditation	Article 11 paragraph 4 of Act No. 288/1997 Coll. on Body Culture and on amendment to the Trades Licensing Act No. 455/1991 Coll. as amended by subsequent regulations
25.	Conducting specialised activities in the branch of body culture	proof of professional qualification	Article 2 paragraph 1 and 5 of Decree of the Ministry of education of the Slovak Republic No. 257/1998 Coll. on Conditions to Acquire Professional Qualification to Conduct Specialised Activities in the Branch of Body Culture
26.	Conducting professional preparation in the branch of fire protection	authorisation	Article 24 paragraph 4 of the Act of the National Council of the Slovak Republic No. 126/1985 Coll. on Fire Protection as amended by Act of the National Council of the Slovak Republic No. 99/1995 Coll. Article 36 of Decree of the Ministry of Interior of the Slovak Republic No. 82/1996 Coll. by which some provisions of Act of the National Council of the Slovak Republic on Fire Protection Regarding its Prevention as amended by Decree No. 86/1997 Coll. are performed
27.	Cleaning and inspection/overhaul of chimneys, testing of chimneys	certificate	Article 3 letter (c) of Act No. 161/1998 Coll. on Slovak Chamber of Chimney-cleaners and on amendment to Trades Licensing Act No.

			455/1991 coll. as amended by subsequent regulations
28.	Fire protection technician and fire protection specialist	certificate	Article 11 paragraph 1 of Act of the National Council of the Slovak Republic No. 126/1985 Coll. on Fire Protection within the meaning of Act of the National Council of the Slovak Republic No. 99/1995 Coll.
29.	Geodesy and cartography	education pursuant to specialised provision*)	*) Article 5 of Act of the National Council of the Slovak Republic No. 215/1995 Coll. on Geodesy and Cartography
30.	Preparation of Economic Plans for Forestry	certificate of professional and technological qualifications	Article 3 paragraph 4 of Act of the National Council of the Slovak Republic No. 100/1977 Coll. on Economy in Forestry and State Administration in Forestry as amended by Act of the National Council of the Slovak Republic No. 510/1991 Coll.
31.	Activity conducted by mining manner*)	certificate of professional qualification	Article 5 Decree of the Ministry of Economy of the Slovak Republic No. 208/1993 Coll. on Requirements on Qualifications and on Authorisation of Professional Qualifications of Workers at Mining Activities conducted by Mining Manner *) within the scope of §3 letter c) through i) of Act No. 51/1988 Coll.
32.	Destruction of Ammunition	Pyrotechnist's licence - group A or B or C, age 21 years and consent of Police	*) Article 31 of Act of the National Council of the Slovak Republic No.

	corps *)		246/1993 Coll. on Weapons and Ammunition as amended by Act of the National Council of the Slovak Republic No. 284/1995 Coll.
			Decree of the Ministry of Economy of the Slovak Republic No. 79/1993.Coll. on Acquisition of Professional Qualification as Shot-firer and Pyrotechnist
33.	Destruction of explosives	Pyrotechnist's licence-group C, age: 21 years	Article 15 paragraph 2 of Decree of the Ministry of Economy of the Slovak Republic No. 78/1993 Coll. by which Safety and Health Protection requirements in Manufacture and Processing of Explosives are set Article 5 of Decree of the Ministry of Economy of the Slovak Republic No. 79/1993 Coll. on Acquisition of Professional Qualifications as Shot-firer and Pyrotechnist
34.	Conducting fireworks/pyrotechnic displays	Shot-firer's licence	Article 4 of Decree of the Ministry of Economy of the Slovak Republic No. 79/1993 Coll. on Acquisition of Professional Qualifications as Shot-firer and Pyrotechnist
35	Sales of pyrotechnic subjects of class II a III and subclass T1	certificate of professional qualifications pursuant to specialised provisions*)	Article 8 paragraph 2 of Decree of the Slovak Mining Bureau No. 536/1991 on Pyrotechnic Products within the meaning of Ordinance of the Government of the Slovak Republic no.

36	Travel agency operation	<ol style="list-style-type: none"> 1. university education in economy or law and 2 years of professional practice or 2. higher professional education in the branch and 3 years of professional practice or 3. completed secondary school education in the branch and 5 years of professional practice 	II
37	Tourist guide	secondary school education with school-leaving examination, professional practice of 2 years	V
38	Massage services	<ol style="list-style-type: none"> 1. graduation from secondary medical school with school-leaving examination in the branch rehabilitation or 2. passing massage course by examination organised by institution accredited by appropriate central state administration authority or 3. passing of the faculty of medicine in the branch of physical training medicine or balneology or 4. passing university in the line of study: physical training 	V
39	Accommodation services in accommodation facilities with catering activities in these facilities and in chalet class 3, in camp sites of class 3 and 4	<ol style="list-style-type: none"> 1. university education in the branch and 2 years of practical experience or 2. higher professional education in the branch 	V

		and 3 years of practical professional experience	
		3. completed secondary school education in the branch or in economics and 5 years of practical professional experience	
40	Restoration, except of cultural monuments and works of fine art included in registered collections (Article 3 paragraph 1 (c) (9))	<ol style="list-style-type: none"> 1. secondary-level education in restoration and 3 years of practical experience in restoration or 2. completed secondary-level education in related branch and 5 years of practical experience in restoration or 3. university education in arts in the branch of restoration or related branch and 1 year of practical experience in the branch of restoration 	
41	Breeding of laboratory animals	authorisation (accreditation)	Article 31 (a) of the Act of the National Council of the Slovak Republic No. 115/1995 Coll. on Animal Protection
42	Providing post services	university education in technology, economics or law and 3 years of practical experience in management of post services or secondary school education in technology or economics and 5 years of practical experience in management of post services	Act No./2001 Coll. on Post Services
43	Operation of small vessels/ships	certificate	Article 31 of Act No. 338/2000 Coll. on Inland Navigation and on amendment to some acts
44	Authorised person's activities	decision on authorisation	Article 11 of Act No. 264/1999 Coll. on

			Technological Requirements on Products and on Assessment of Conformity and on amendment to some acts
45.	Public procurement	licence on professional qualification	Article 68 of Act No. 263/1999 Coll. on Public Procurement and on amendment to some acts
46.	Veterinary sanitation	binding opinion of competent veterinary care authority	Article 51 paragraph 4 of Act No. 337/1998 Coll. on Veterinary Care and on amendment to some other acts
47.	Destruction of animal and vegetable pests and harmful micro-organisms and eradication of other harmful agents by means of poisons, including disinfectants and insecticides and extermination of harmful rodents	certificate	Article 21 (e) of Act of the National Council of the Slovak Republic No. 272/1994 Coll. on Human Health Protection as amended by subsequent regulations
48.	Insemination	<ol style="list-style-type: none"> 1. university education in veterinary medicine or zootechnics or 2. certificate of professional qualifications 	Article 25 paragraph 1 (d) and Article 25 paragraph 2 of Act No. 194/1998 Coll. on Animal Breeding and on amendment to Trades Licensing Act No. 455/1991 Coll. as amended by subsequent regulations
49.	Undertaking in breeding, processing and trading in protected animals, growing, processing and trading in protected plants, processing and trading in protected minerals and protected petrifications	consent	Article 7 letter (g), § 27 paragraph 2, Article 29 paragraph 4 and Article 30 paragraph 1 of Act of the National Council of the Slovak Republic No. 287/1994 Coll. on Nature and Landscape Conservation as amended by subsequent regulations
50.	Pedicure	certificate	Article 8 paragraph 1 of Act No. 386/1997 Coll.

on further education and
on amendment to the
Act of the National
Council of the Slovak
Republic No. 387/1996
Coll. on Employment as
amended by Act No.
70/1997 Coll.

**Annex No. 3 to the Act No. 455/1991 Coll.
as amended by subsequent regulations**

L I C E N S E D T R A D E S

Seq.	Trade	Proof of qualification	Note	List
GROUP 302 – Manufacture of machines and instruments (general and for selected economic branches)				
1.	Purchase, sales and lease of weapons	professional qualifications pursuant to Article 21 and 22 of the Trades Licensing Act and consent of Police Corps*)	*) Article 31 of Act of the National Council of the Slovak Republic No. 246/1993 Coll. on Weapons and Ammunition as amended by the Act of the National Council of the Slovak Republic No. 284/1995 Coll.	
2.	Purchase, sales of ammunition	professional qualifications pursuant to Article 21 and 22 of the Trades Licensing Act and consent of Police Corps*)	*) Article 31 of Act of the National Council of the Slovak republic No. 246/1993 Coll. as amended by Act of the National Council of the Slovak Republic No. 284/1995 Coll.	
3.	Development, manufacture, repair, modification and destruction of weapons	professional qualifications pursuant to Article 21 and 22 of the Trades Licensing Act and consent of Police Corps*)	*) Article 31 of Act of the National Council of the Slovak Republic No. 246/1993 Coll. as amended by Act of National Council of the Slovak Republic No. 284/1995 Coll.	
4.	Transport of weapons and ammunition	consent of Police corps*)	*) Article 31 of Act of the National Council of the Slovak Republic No. 246/1994 Coll. on Weapons and Ammunition as amended by Act No. 284/1995 Coll..	

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|----|--|--|--|
| 5. | Establishment and operation of shooting ranges | Pyrotechnic's licence of group A or B or C, age 21 years and consent of Police Corps*) | *) Article 31 and 39 of Act of the National Council of the Slovak Republic No. 246/1993 Coll. as amended by Act of the National Council of the Slovak Republic No. 284/1995 Coll.

Decree of Ministry of Economy of the Slovak Republic No. 79/1993 Coll. on acquisition of professional qualifications as shot-firer and pyrotechnist |
|----|--|--|--|

GROUP307 – Production of chemical products

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|----|---|------------|--|
| 6. | Handling of extra hazardous poisons | permission | Article 5 of Ordinance of the Government of the Slovak Socialist Republic No. 206/1988 Coll. on Poisons and some other Substances Harmful to Health |
| 7. | Research, development, manufacture and processing of explosives | consent | Article 23 paragraph 1 of Act of the Slovak National Council No. 51/1988 Coll. as amended by Act of the National Council of the Slovak Republic No. 154/1995 Coll. |

GROUP 314 – Miscellaneous

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|----|-------------------------|--|---|
| 8. | Operation of graveyards | consent | Article 17 of Decree of the Ministry of Health of the Slovak Socialist Republic No. 46/1985 Coll. on Procedures to be followed in Case of Death and on Funerals |
| 9. | Retail sales of poisons | professional qualifications pursuant to special provisions*) | *) Article15 paragraph 3 of Ordinance of the Government of the Slovak Socialist Republic No. 206/1988 Coll. on Poisons and Certain Other Substances Harmful to Health |

10.	Exchange offices	statement of the National Bank of Slovakia	Article 6 paragraph 2 of Act of the National Council of the Slovak Republic No. 202/1995 Coll. Foreign Exchange Act and the Act amending Act of the Slovak National Council No. 372/1990 Coll. on Misdemeanours as amended by subsequent regulations
11.	Aviation activities	permission	Article 44 of Act No. 143/1998 Coll. on Civil Aviation(Aviation Act) and on amendment to some acts
12.	Road transport, Road (charter bus transport, haulage, taxis)	certificate*) and confirmation**)	<p>Article 3 of Act No. 168/1996 Coll. on Transport as amended by Act No. 386/1996 Coll., Act No. 58/1997 Coll. and Act No. 340/2000 Coll.</p> <p>*) is required only for undertaking with more than 5 vehicles, of which each of them has maximum load capacity of 3,5 t or maximum total weight of 6 t</p> <p>***) Article ... of Act No. 168/1996 Coll. on Road Transport as amended by Act No./2001 Coll.</p>
13.	Forwarding agents	<ol style="list-style-type: none"> 1. secondary school education in the branch and 2 years of professional experience or 2. professional qualifications pursuant to Article 22 letter (c) or 3. continuous 5-years professional experience in the management of the company 	IV

- | | | | |
|-----|--|--|---|
| 14. | Fire protection operation | permission | Article ... of Act No./2001 Coll. on Fire Protection |
| 15. | Technical services for security and protection of property and persons | consent of the Ministry of Interior of the Slovak Republic | Article 62 paragraph 1 of Act No. 379/1997 Coll. on Operation of Private Security Services and Related Activities, on amendment of Trades Licensing Act No. 455/1991 Coll. as amended by subsequent regulations and of amendment of Act No. 65/1965 Coll. Labour Code as amended by subsequent regulations (Act on Private Security Services) as amended by Act No. 225/2000 Coll.. |

Annex No. 4 of the Act No. 455/1991 Coll.
as amended by subsequent regulations

**Trades that may only be pursued by persons with special professional qualifications
(Article 7 paragraph 3 to 5 of this Act)**

Crafts performed externally (at customer's place)

Plumbing and heating
Installation and repairs of refrigerating equipment
Electrical installations
Gas installations

Trades performed either in establishment premises or externally (at customer's place)

Men's haircutting and hair dressing
Cosmetic services
Pedicure
Tourist guide services
Massage services