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Number: 35458-138/2022-2550-6
Date: 14.09.2022

Pursuant to Article 38.a of the Public Administration Act (Official Gazette of the Republic of Slovenia, No. 113/05 - official consolidated text, 89/07 - Const. Court decision, 126/07 -ZUP-E, 48/09 8/10 - ZUP-G, 8/12-ZVRS-F, 21/12, 47/13, 12/14, 90/14, 51/16, 36/21, 82/21 and 189/21) and Article 25, paragraph seven, of the Environmental Protection Act (Official Gazette of the RS, No 44/22) in conjunction with Article 46 of the Waste Regulation (Official Gazette of the RS, No 77/22), in the administrative case of the issuance of a decision on the authorisation to carry out the activity of a waste carrier, on the application of the applicant, ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica, registration number 9133470000, represented by the director, Rasti Humar, the Ministry of the Environment and Spatial Planning hereby issues the following

DECISION

1. The applicant, ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica, is hereby authorised to carry out the activity of a carrier of non-hazardous waste and shall be entered in the register of carriers of waste under No 35458-138/2022-2550 as of the date of the finality of this Decision.
2. No costs have been incurred in these proceedings.

Grounds

On 4 August 2022, the Ministry of the Environment and Spatial Planning, Directorate for the Environment (hereinafter referred to as the Ministry) received an application for a decision authorising the activity of waste carrier for the applicant, ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica (hereinafter referred to as "the applicant").

Pursuant to Article 25, paragraph three, of the Environmental Protection Act (Official Gazette of the Republic of Slovenia, No 44/22; hereinafter referred to as "EPA-2"), a legal or natural person carrying out the activity of waste collection or the activity of a waste transporter, waste dealer or waste broker must obtain a decision authorising it to carry out the notified activity in order to carry out that activity. The legal or natural person referred to in the preceding sentence shall notify the Ministry before commencing the activity. In accordance with paragraph 7 of the same Article, the Ministry shall issue a decision authorising the pursuit of the notified activity referred to in paragraph 3 of this Article within 30 days of receipt of a complete application for notification of the pursuit of the notified activity. Paragraph 11 of the same Article provides, *inter alia*, that the Ministry shall enter a legal or natural person carrying out the activity of a waste carrier in the register referred to in Article 154 of this Act on the basis of the decision referred to in paragraph 3 of this Article.

The Ministry considered the application for a decision authorising the activities of a waste carrier in accordance with Article 25 of the Environmental Protection Act-2 and in conjunction with Article 46, paragraph three, of the Waste Regulation (Official Journal of the Republic of Slovenia, No. 77/22, hereinafter referred to as: Waste Regulation), which provides that an application for entry in the register of waste carriers shall be granted if the legal person or the sole trader is registered to carry out waste collection and removal activities or road haulage activities in accordance with the regulation governing the classification of activities or in accordance with Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of

economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1), as last amended by Regulation (EU) No 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legislative acts to Articles 290 and 291 of the Treaty on the Functioning of the European Union, which provide for the application of the regulatory procedure with scrutiny (OJ L 198, 25.7.2019, p. 241), and shall have the waste transportation equipment. Article 25, paragraph four, point 1, of the EPA-2 stipulates, *inter alia*, that a condition for the issuance of a decision authorising the activity of a waste carrier is the registration of that activity.

(Official Journal of the RS, No.24/06-UPB2,105/06-ZUS-1,126/07, 65/08, 8/10, 82/13,175/20 - ZIUOPDVE and 3/22 - ZDeb, hereinafter referred to as the "GAPA"), obtained information on the applicant from the Business Register of Slovenia, which is maintained by the Agency of the Republic of Slovenia for Public Legal Records and Services (AJPES).

On the basis of an inspection of the Business Register of Slovenia, the Ministry has established that the applicant is registered for the activity of road freight transport in accordance with the Regulation on the Standard Classification of Activities (Official Gazette of the Republic of Slovenia, No 69/07 and 17/08). The Ministry also established in the procedure that the party has the means and equipment to transport the waste, as it attached a copy of the transport licence to the application.

On the basis of the information contained in the application and the documents attached thereto, as well as information obtained by the Ministry *ex officio*, it was established that the applicant meets the conditions for obtaining a decision authorising the pursuit of the activity of waste carrier referred to in Article 25, paragraph four, point 1 of the EPA-2 in conjunction with Article 46, paragraph three, of the Waste Regulation. Therefore, the Ministry, in accordance with Article 25, paragraph seven, and in conjunction with Article 25, paragraph eleven, of the Environmental Protection Act-2, has issued this Decision and has taken the decision as set out in point 1 of the operative part of this Decision.

In accordance with the provisions of Article 213, paragraph five, in conjunction with Article 118 of the GAPA, the operative part of the decision must also rule on the costs of the proceedings. Since no costs have been incurred in the present proceedings, they are decided as set out in paragraph 2 of the operative part of this Decision.

It follows from Article 230, paragraph two, of the GAPA that an appeal is allowed against a decision issued by the Ministry at first instance only where this is provided for by law. Such a law must also specify which body is responsible for deciding on the complaint, otherwise the government shall decide. As the Environmental Protection Act-2 does not provide for an appeal against this decision, there is no right of appeal, but an administrative dispute may be brought.

The Ministry, *ex officio*, in accordance with Article 139 of the General Administrative Procedure Act

Note on legal remedies:

No challenge may be brought against this decision, however legal action may be initiated before the Administrative Court of the Republic of Slovenia within 30 days from the servicing of this Decision. The action must be lodged directly with the competent court or sent by post.

Guiding the process:
Nataša Jožef Consultant III
(+podpis)



Dr Polonca Ojsteršek Zorčič
Head of the Waste Management
Division
(+podpis)

To be served to:

- ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica- in person

For information:

- Inspectorate of the Republic of Slovenia for Environment and Spatial Planning, Dunajska cesta 58, 1000 Ljubljana
- to be sent by regular email to gp.irsop@gov.si

