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Številka: 35458-173/2022-2550-2
Datum: 26. 9. 2022

Ministrstvo za okolje in prostor izdaja na podlagi 38.a člena Zakona o državni upravi (Uradni list RS, št. 113/05 – uradno prečiščeno besedilo, 89/07 – odl. US, 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 in 189/21) ter sedmega odstavka 25. člena Zakona o varstvu okolja (Uradni list RS, št. 44/22) v povezavi s 53. členom Uredbe o odpadkih (Uradni list RS, št. 77/22) v upravni zadevi izdaje odločbe o dovolitvi opravljanja dejavnosti posrednika z odpadki, na vlogo stranke ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica, matična številka 9133470000, ki jo zastopa direktor Rasti Humar, naslednjo

ODLOČBO

1. Stranki ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica, se dovoli opravljanje dejavnosti posrednika odpadkov in se jo z dnem dokončnosti te odločbe vpiše v evidenco posrednikov z odpadki pod št. 35458-173/2022-2550.
2. V tem postopku stroški niso nastali.

Obrazložitev

Ministrstvo za okolje in prostor, Direktorat za okolje (v nadaljevanju: ministrstvo) je dne 19. 9. 2022 s strani stranke ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica (v nadaljevanju: stranka), ki jo zastopa Rasti Humar, prejelo vlogo za pridobitev odločbe o dovolitvi opravljanja dejavnosti posrednika z odpadki.

V skladu s tretjim odstavkom 25. člena Zakona o varstvu okolja (Uradni list RS, št. 44/22; v nadaljevanju ZVO-2) mora pravna ali fizična oseba, ki opravlja dejavnost zbiranja odpadkov ali dejavnost prevoznika odpadkov, trgovca z odpadki ali posrednika odpadkov, za opravljanje te dejavnosti pridobiti odločbo o dovolitvi opravljanja priglašene dejavnosti. Pravna ali fizična oseba iz prejšnjega stavka mora pred začetkom opravljanja dejavnosti to priglasiti ministrstvu. V skladu s sedmim odstavkom istega člena ministrstvo izda odločbo o dovolitvi opravljanja priglašene dejavnosti iz tretjega odstavka tega člena v 30 dneh od prejema popolne vloge za priglasitev opravljanja priglašene dejavnosti. V enajstem odstavku istega člena je med drugim določeno, da ministrstvo pravno ali fizično osebo, ki opravlja dejavnost posrednika odpadkov vpiše v register iz 154. člena tega zakona na podlagi odločbe iz tretjega odstavka tega člena.

Ministrstvo je vlogo stranke za pridobitev odločbe o dovolitvi opravljanja dejavnosti posrednika z odpadki obravnavalo v skladu s 25. členom ZVO-2 in v povezavi z drugim odstavkom 53. člena Uredbe o odpadkih (Uradni list RS, št. 77/22; v nadaljevanju: Uredba o odpadkih), kjer je določeno, da se zahtevi za vpis v evidenco posrednikov z odpadki ugotovi, če je vlagatelj v Republiki Sloveniji registriran za opravljanje dejavnosti posredništva ali poslovnega svetovanja v skladu s predpisom, ki ureja klasifikacijo dejavnosti. V 1. točki četrtega odstavka 25. člena ZVO-

2 je med drugim določeno, da je pogoj za izdajo odločbe o dovolitvi dejavnosti posrednika odpadkov, registracija te dejavnosti.

Ministrstvo je po uradni dolžnosti v skladu s 139. členom Zakona o splošnem upravnem postopku (Uradni list RS, št. 24/06-UPB2, 105/06-ZUS-1, 126/07, 65/08, 8/10, 82/13, 175/20 — ZIUOPDVE in 3/22 – ZDeb, v nadaljevanju: ZUP) o stranki pridobilo podatke iz Poslovnega registra Slovenije, ki ga vodi in vzdržuje Agencija Republike Slovenije za javnopravne evidence in storitve (AJPES). Na podlagi tega vpogleda je bilo ugotovljeno, da je stranka registrirana za opravljanje dejavnosti posredništva v skladu z Uredbo o standardni klasifikaciji dejavnosti (Uradni list RS, št. 69/07 in 17/08).

Na podlagi zgoraj navedenega je ministrstvo ugotovilo, da stranka izpolnjuje pogoje za pridobitev odločbe o dovolitvi opravljanja dejavnosti posrednika z odpadki iz 1. točke četrtega odstavka 25. člena ZVO-2 v povezavi z drugim odstavkom 53. člena Uredbe o odpadkih. Zato je ministrstvo skladno s sedmim in v povezavi z enajstim odstavkom 25. člena ZVO-2 izdalo to odločbo in odločilo kot izhaja iz 1. točke izreka te odločbe.

V skladu z določbami petega odstavka 213. člena v povezavi s 118. členom ZUP je bilo treba v izreku te odločbe odločiti tudi o stroških postopka. Glede na to, da v tem postopku stroški niso nastali, je bilo glede njih odločeno kot izhaja iz 2. točke izreka te odločbe.

Iz drugega odstavka 230. člena ZUP izhaja, da je zoper odločbo, ki jo izda na prvi stopnji ministrstvo, dovoljena pritožba samo takrat, kadar je to z zakonom določeno. Takšen zakon mora določiti tudi, kateri organ je pristojen za odločanje o pritožbi, sicer o pritožbi odloča vlada. Ker ZVO-2 možnosti pritožbe zoper to odločbo ne določa, pritožba ni dovoljena, mogoče pa je začeti upravni spor.

Pouk o pravnem sredstvu:

Zoper to odločbo ni pritožbe, pač pa je dovoljen upravni spor z vložitvijo tožbe na Upravno sodišče Republike Slovenije v roku 30 dni od vročitve odločbe. Tožbo se vložijo neposredno pri pristojnemu sodišču ali pošti.

Postopek vodila:

Nataša Jožef
svetovalka III

dr. Polonca Ojsteršek Zorčič
vodja Sektorja za ravnanje z odpadki

Vročiti:

- ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Rasti Humar - osebno

V vednost:

- Inšpektorat Republike Slovenije za okolje in prostor, Dunajska cesta 58, 1000 Ljubljana
- navadno elektronsko na gp.irsop@gov.si



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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 53 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 waste broker, on the application by 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 waste broker and shall be entered in the register of waste brokers under No 35458-173/2022-2550 as of the date of the finality of this Decision.
2. No costs have been incurred in these proceedings.

Grounds

On 19 September 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 broker for the applicant, ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Prvomajska ulica 37, 5000 Nova Gorica, represented by Rasti Humar (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 waste broker 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 waste broker in accordance with Article 25 of the Environmental Protection Act-2 and in conjunction with Article 53, paragraph two, 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 brokers shall be granted if the applicant is registered in the Republic of Slovenia to carry out waste brokerage or business advising in accordance with the regulation

governing the classification of activities. 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 waste broker is the registration of that activity.

The Ministry, *ex officio*, in accordance with Article 139 of the General Administrative Procedure Act (Official Journal of the RS, No. 24/06-UPB2, 105/06-ZUS-1, 126/07, 65/08, 8/10, 82/13, 175/20 — ZIUOPDVE in 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, it has been established that the applicant is registered for the activity of waste brokerage in accordance with the Regulation on the Standard Classification of Activities (Official Gazette of the Republic of Slovenia, No 69/07 and 17/08).

On the basis of the above the Ministry established that the applicant meets the conditions for obtaining a decision authorising the pursuit of the activity of waste broker referred to in Article 25, paragraph four, point 1 of the EPA-2 in conjunction with Article 53, paragraph two, 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.

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

Dr. Polonca Ojsteršek Zorčič
Head of the Waste Management Division

To be served to:

- ALLOY TRADING & CONSULTING, trgovina na debelo z ostanki in odpadki, d.o.o., Rasti Humar - 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



I, the undersigned Peter Szabo, court interpreter for the English language, appointed by Decree No. 165-03-3/01 of the Ministry of Justice of the Republic of Slovenia, hereby declare that this translation entirely corresponds to the original Slovenian text.

Podpisani Peter Szabo, z odločbo Ministrstva za pravosodje Republike Slovenije št. 165-03-3/01 imenovan za sodnega tolmača za angleški jezik, potrjujem, da se ta prevod popolnoma ujema z izvirnim besedilom, ki je sestavljeno v slovenskem jeziku.

Nova Gorica, 2 March 2023



**Digitally signed by Peter Szabo's
POSTA SLOVENIJE d.o.o. ID**

Reason: Sworn Translation
Date: 02 March 2023 09:15:40
DN: C=SI, O=POSTA SLOVENIJE d.o.o.,
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