

Rules for mountain leaders from EU/foreign countries who want to provide services in Slovakia

According to the UIMLA standard, an **International Mountain Leader** is a person who is qualified to lead, teach, support and train clients, paying or otherwise, to all areas in all seasons, including snow covered terrain, except for activities reserved for mountain guides. When providing cross border services Mountain Leader must comply with national laws related to the provision of services.

When in this questionnaire we make reference to EU citizens or EU member states we are also including citizens coming from Switzerland and EFTA countries.

Below you will find the applicable rules which were obtained in a form of questionnaire from respective national authorities and further processed by UIMLA. The information provided is confirmed by:

Contact details for the authority: Ján Dutko, Ministerstvo vnútra, riaditeľ odboru Živnostenského podnikania, sekcia verejnej správy, Drieňová 22, 826 86 Bratislava, Slovenská republika, tel. : 02/ 4859 2400, 2401, email: jan.dutko@minv.sk

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1. Mountain leader profession

Does the profession of the mountain leader exist in Slovakia?

Yes

And does a profession of a mountain leader exist as a profession independent of the profession of a mountain guide?

Yes, according to the Trade Licensing Act we distinguish between "Mountain leading activity" and "Mountain guiding activity, including guiding and accompanying persons on hiking trails and routes".

2. Entry requirements for mountain leaders from EU member states - prior declaration or other?

Do you require qualified mountain leaders **from EU member states** to send a **prior declaration** before they start temporarily providing services of a mountain leader in your country?

Yes.

Despite the significant liberalization brought by the Directive on services in the internal market, cross-border service providers are subject to certain restrictions under national legislation (the Law on Services in the Internal Market and the Law on the Recognition of Professional Qualifications), which must be respected. In practice, this mainly concerns the notification obligation of the cross-border service provider, who has to report such provision of services in the Slovakia to the competent authority and to submit the statutory documents. The cross-border service provider may either submit the notification on its own form or use the template form "Notification of cross-border provision of services in the Slovak Republic". The form shall be filled in Slovak language only and the subject of the service provided is one of the trades listed in Annex 1 and 2 to the Trade Licensing Act.

3. Entry requirements for mountain leaders from EU member states - prior declaration or other

What are the requirements and documents which a **mountain leader from EU member states** has to submit for the purpose of a prior declaration?

- Nationality certificate - copy of ID card
- Copy of the professional certificate - certified copy of the proof of professional qualification
- Criminal record - confirmation that the service provider has not been temporarily or permanently suspended from practicing the profession and has not been finally convicted of a deliberate criminal offence, in the case of professions in the fields of security, health or education and training

Other:

- Proof of authorisation to provide services of the same kind issued by the competent authority of the Member State and proof that the provider is not restricted or prohibited from providing the service, usually an extract from the relevant register in the case of a legal person and usually a decision granting authorization to provide the service in case of a natural person. The documents must be translated into the national (Slovak) language, but do not have to be officially certified (documents in Czech do not have to be translated)

- proof of at least 1 year's professional experience during the previous 10 years. This document shall be submitted by the cross-border provider only if he/she wishes to provide a service which is regulated in the territory of the Slovak Republic, but which has the character of an unregulated entrepreneurial activity in the Member State of establishment of the person concerned (the document shall not be submitted if either the profession or the education and training leading to that profession is regulated in the Member State of establishment)

In the event of changes in the facts evidenced by the above documents, the service provider shall notify the competent authority of such changes within eight days.

In the case of cross-border (temporary) provision of services in the territory of the Slovak Republic, recognition of professional qualifications is not required for this purpose.

Do you recognise **the professional certificate** issued by UIMLA national association as a proof of necessary qualification?

Yes, for the purpose of cross-border (temporary) provision of services in the Slovak Republic.

Is it necessary to have the documents **translated** into your language?

The documents must be translated into Slovak language, except for documents in Czech which do not have to be translated

Is it necessary to have the documents notarised?

No.

Can the declaration be passed **online**? If so, please enter a link to it:

Yes, electronically via the Central Portal of Public Administration of the Slovak Republic at this link <https://www.minv.sk/?informacie-k-elektronickemu-podaniu>

Are there any special rules for mountain leaders coming from EU member states where the profession is **not regulated** (the state of the origin of mountain leader does not require any qualification)? If so, please describe them

Yes, proof of at least 1 year's professional experience in the previous 10 years is required (proof is not required if either the profession or the education and training leading to the profession is regulated in the Member State of establishment). See question 6.

Is there **a fee** for processing the prior declaration? If so, please specify how much.

No, a cross-border service provider who has fulfilled his/her obligation and has submitted the statutory documents on cross-border provision of the service in the territory of the Slovak Republic to the locally competent single contact point or to the Department of Trade Licensing of the Ministry of the Interior of the Slovak Republic, the latter shall confirm their receipt in an informal manner. In practice, this may be by confirming the receipt of certain facts on the cover letter, or by issuing a separate confirmation of receipt of the marked data and attached documents without payment of an administrative fee.

How long does the procedure of prior declaration usually take?

N/A

(Applies to EU member states only) Do you apply the regime of the "European professional card" in order to manage a prior declaration for the practice of mountain leaders in your country?

The trade of 'mountain leader' is not covered by the European Professional Card regime; on the contrary, in the case of establishment and temporary provision of services in the 'Mountain guiding activities, including guiding and accompanying of persons on hiking trails and routes' does not require proof of compliance if the applicant has been issued with an EPP (the competent authority is: the National Mountain Guides Association).

Please specify what mountain leaders will receive at the end of the prior declaration procedure
Confirmation of compliance with the notification obligation.

Do you apply the same regime for mountain leaders from non-EU states?

No. The regime described above does not apply to non-EU states called as a "foreign person".

If 'No': please describe the requirements which mountain-leaders from non-EU states have to meet

If a foreign person wishes to operate a trade in the Slovak Republic, he/she must obtain a trade licence. A foreign person may operate a trade on the territory of the Slovak Republic under the same conditions and to the same extent as a Slovak natural person or a Slovak legal person, unless something else follows from the Trade Licensing Act or another special regulation.

If a foreign person is interested in doing business in the territory of the Slovak Republic, he or she must first of all have been granted a type of residence which entitles him or her to do business.

Depending on the type of residence granted, a foreigner may operate a trade in the territory of the Slovak Republic as:

- a Slovak natural person, if the foreign person has permanent residence in the territory of the Slovak Republic; or

- a foreign natural person, if the foreign person does not have permanent residence on the territory of the Slovak Republic (but has temporary residence, for example for the purpose of business)

A natural person residing in a state which is not a member state of the EU, a contracting party to the EEA Agreement or a contracting state of the OECD, who is not granted a residence permit in the territory of the Slovak Republic, acquires a trade license at the earliest on the date of the grant of the residence permit.

The foreign person must comply with the general and special conditions for operating a trade. The general conditions include attaining the age of 18, legal capacity and good character. A special condition for operating a trade is professional competence, which in the case of mountain leaders is demonstrated by a certificate of professional competence for the performance of mountain leading activities issued by the Slovak Association of Mountain Leaders based in the High Tatras. Pursuant to Section 2f of Act No 544/2002 Coll. on the Mountain Rescue Service, the Slovak Association of Mountain Leaders decides on the recognition of professional competence for the performance of mountain leading activities obtained abroad.

6. Entry requirements for mountain leaders from non-EU states - no prior declaration

Does it mean that mountain leaders **from non-EU states** are free to guide their clients in your country? No

If 'No': does it mean that mountain leaders **from non-EU states** have to meet other entry requirements? Please describe what the other requirements are:

Mountain Leaders from non EU states have to obtain a trade license for "Mountain Leader" under the same legal conditions as Slovak citizens. Which means that they have to meet general conditions (age of 18, no criminal record) and prove to have professional qualification approved by Slovak association of mountain leaders (under prov. 2f of Act no. 544/2002 Coll., on Mountain Rescue service). The Slovak association decides on the recognition of professional qualification acquired in a foreign country. Foreigners have to meet general conditions on entry and stay in the territory of Slovak Republic.

In case you find information that is incorrect or you have another experience, please send an email to secretary@uimla.org or leave a reply at the bottom of this page:

<https://uimla.org/mobility-rules/>.