

**Format for the Aarhus Convention implementation
report in accordance with Decision IV/4
(ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of the Slovak
Republic in accordance with decisions I/8, II/10 and IV/4.**

Name of officer responsible for submitting the national report: **RNDr. Kamil Viliňovič**
Head of the Environmental Politics Division
Ministry of the Environment of the Slovak Republic
kamil.vilinovic@enviro.gov.sk

Signature:

Date: 16 January 2014

Implementation report

Please provide the following details on the origin of this report

Party: **Slovak Republic**

National Focal Point:

Full name of the institution: Ministry of the Environment of the Slovak Republic
Department of Sustainable Development

Name and title of officer: **JUDr. Tatiana Tökölyová**

Postal address: Nám. Ľ. Štúra 1, 812 35 Bratislava

Telephone: +421 2 5956 2163

Fax:

E-mail: tatiana.tokolyova@enviro.gov.sk

Contact of cooperating experts for national report:

Full name of the institution: Ministry of the Environment of the Slovak Republic
Legal Services and Appeals Department

Name and title of officer: **JUDr. Róbert Ružička**
Mgr. Tatiana Plesníková

Postal address: Nám. Ľ. Štúra 1, 812 35 Bratislava

Telephone:

Fax:

E-mail:

I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

The report was prepared by the Ministry of the Environment of the Slovak Republic in cooperation with state administration central bodies, specialized government department organizations, departments for environmental conservation at district environmental authorities (district environment offices) and non-governmental organizations. All of them provided input from their professional point of view necessary for the completion of the submitted report. All relevant comments that represented the outcome of consultations carried out with the stakeholders were incorporated into the report.

The report was prepared in line with the planned time table:

Preparation process	Duration	Deadline
<i>Format for the report was sent to stakeholders concerned with a request for submission of updated information</i>		<i>April 2013</i>
<i>Submission of updated information from stakeholders consulted</i>	<i>1 month</i>	<i>31 May 2013</i>
<i>Preparation of the first draft of the National implementation report (hereinafter only "NIR III") based on submitted information from stakeholders consulted. The draft was then made publicly available at www.enviro.gov.sk for comments and consultations</i>	<i>1 month</i>	<i>June 2013</i>
<i>The comments and results of consultations with NGOs regarding the draft NIR III were taken into account</i>	<i>2 months</i>	<i>July– August 2013</i>
<i>Preparation of the final version of NIR III in Slovak language based on received comments and consultations that were carried out</i>	<i>2 months</i>	<i>September – October 2013</i>
<i>Translation of the report into English language</i>	<i>1 month</i>	<i>November 2013</i>
<i>Submission of the NIR III to the Secretariat of the Aarhus Convention</i>	<i>180 days before the regular 5th meeting of the Parties to the Aarhus Convention (MOP-5)</i>	<i>30 December 2013 recommended deadline for the submission of the report: 1 December 2013</i>

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

The Aarhus Convention that entered into force in the Slovak Republic on 5 March 2006 is in the competence of the Ministry of the Environment of the Slovak Republic. The Aarhus Convention became part of the national legal system by being published in the Collection of Acts of the Slovak Republic under No. 43/2006 Coll. The first national report on the Aarhus Convention implementation was sent to the Secretariat on 25 February 2008 and the second one on 27 May 2011. The report being submitted is the Slovak Republic's third report. Both previous national reports, supplemented by updated data based on information submitted by stakeholders consulted, were used as a basis for the current report. In order to ensure successful fulfillment of commitments under the Aarhus Convention and evaluation of the state of its implementation, not only the cooperation with state administration central bodies, departments for environmental conservation at district environmental authorities or self-governing region authorities is necessary, but also the cooperation with specialized environmental institutions and non-governmental organizations is required.

With regard to the fact that the Aarhus Convention provisions cannot be regarded directly applicable, the Convention is applied through the national law. The legal regulation system is described in the individual articles of the respective report.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information

was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer:

a) The information activity consists mainly of informing the public through media, the Act No. 211/2000 Coll. on free access to information (the Act on information freedom) as amended, as well as the Ministry of the Environment of the Slovak Republic (hereinafter only "the MoE") meta-information system – EnviroInfo in which all government department organizations and state administration environmental bodies and authorities participate. All state administration central bodies, i.e. ministries and their department organizations have created websites providing information to the general public.

Since 2006, there have been trainings going on in the regions of Slovakia concerning the Act No. 205/2004 Coll. on collection, storage, and dissemination of information on environment for municipalities and self-governing region authorities in cooperation with the Association of Slovak Towns and Municipalities (abbreviation in Slovak - ZMOS). The trainings are provided by the MoE. The trainings on the Act No. 211/2000 Coll. on free access to information are ensured in particular by the non-governmental sector.

Individual institutions in their capacity of state administration bodies provide information for the general public through their web pages within the scope of their substantial competencies in the given field, e.g. Geodesy, Cartography and Cadastre Authority of Slovak Republic- www.katasterportal.sk, Statistical Office of the Slovak Republic <http://portal.statistics.sk/showdoc.do?docid=64>, and similar.

Ad b)

The environmental education stems from the concept adopted by the Slovak Government Resolution No. 846 in 1997 and the State educational programme of the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter only "the MESRaS") as a cross-cutting topic. The measures intended to increase the environmental education efficiency include, in particular, its integration into the curricula of nursery, elementary and secondary schools. The environmental education issues have been incorporated into the curricula of all school educational programmes as a cross-cutting topic for all types of schools in Slovakia.

Special methodical events, seminars, lectures and field trips are organized for teachers/pedagogic staff. Moreover, methodical materials, publications, teaching aids are issued. MoE in cooperation with its department organizations and NGOs implements projects not only in the area of school education, but in the area of out-of-school activities as well. The Report on the State of the Environment in the Slovak Republic is issued annually, which provides information on the Slovak Republic environmental situation to the UN and EU organizations. Environmental information is also provided by reports evaluating impacts of different economy branches on the environment. Specific workshops on the Aarhus Convention issues were mainly taking place in 2005 when Slovakia was acceding to the Convention. The workshops for public were organized by the MoE in cooperation with the Regional Environmental Centre of Slovakia (REC Slovensko)

for government department organizations and regional self-governments in cooperation with the Slovak Environment Agency (abbreviation in Slovak - SAŽP) acting as the main educational institution in the government department for environment that actively prepares and provides for the fulfillment of the department's goal – to increase the environmental awareness of population in Slovakia and education in the field of sustainable development. It is intended, in particular, to ensure informal environmental education of general public, lifelong learning of professional public, and to organize regional, national and international events. One of the most notable events is the International environmental film festival - Envirofilm.

The Slovak Republic is a member of the UNECE education towards sustainable development.

Supporting relevant projects from the Operational programme Environment within its priority axis 5 Protection and Regeneration of Natural Environment and Landscape is one of the measures implemented by the MoE to increase the effectiveness of the environmental education within which relevant beneficiaries (e.g. SAŽP, ZOO Bojnice, Slovak Museum of Nature Protection and Speleology – abbreviation in Slovak SMOPaJ and State Environmental protection - abbreviation in Slovak ŠOP) implement their projects as parts of two relevant operational aims.

In the years 2008 til 2010, the SMOPaJ implemented the NATURA 2000 project in lifelong learning. Within the project lectures were held at elementary and secondary schools on various topics in the area of NATURA 2000, publications on national parks, protected landscape areas and protected trees in Slovakia were issued. Within the priority aim 5.2. Improvement of nature and landscape protection infrastructure through building and developing nature and landscape protection facilities including introduction of monitoring systems in order to fulfill national and international obligations, activities aimed at improvement of nature and landscape protection infrastructure are supported, e.g. activities aimed at different forms of promotion, technical infrastructure, including the introduction of monitoring and information systems. Within the priority aim 5.3. Improvement of environmental awareness of the public, including strengthening of cooperation and communication with stakeholders concerned, which is mainly aimed at ensuring sufficient environmental awareness of the public and support from owners and users of affected land, activities mainly aimed at preparation and publishing of materials and other forms of public awareness are supported, as well as organization of different seminars and specialized events.

Specialized government department organizations also take part in environmental education, namely through the following activities:

SAŽP together with the MoE publishes a scientific-educational magazine on environment called *Enviromagazín* six times a year and organizes the already mentioned environmental film festival *ENVIROFILM* once a year. Part of the festival is also a creative competition for children and youth - *Zelený svet* (Green World). Since 2008, SAŽP carries out a project called *Environmental Awareness Improvement in the Field of Nature and Landscape Protection* (including NATURA 2000). The aim of this project is to contribute to raising environmental awareness of the general, pedagogic and scientific public about nature and landscape protection (including NATURA 2000) through the creation of basic methodical and information resources, performing a cycle of certified trainings and methodical days, conferences, educational activities, competitions and programmes. For civil servants SAŽP organizes education in the field of environmental management – specialized preparation for acquiring individual qualifications, education in the field of green procurement and accredited education of teachers. In the years of 2011 and 2012, SAŽP organized information events in order to support the awareness about the need to preserve significant natural heritage included in the NATURA 2000 network, namely through raising general environmental awareness of the general public and youth. The organizing of national conferences, regional seminars and local workshops contributed to raising of environmental awareness of the public about nature protection and the NATURA 2000 network and to the improvement of communication between concerned entities, exchange of information and experience in this field.

In the years 2008 – 2012, SMOPaJ carried out a NATURA 2000 project on life-long education. Within the project lectures for elementary and high schools on various NATURA 2000 topics were organized, publications about national parks, protected

landscape areas and protected trees in Slovakia were published, as well as the Atlas of species of European significance for the NATURA 2000 localities in Slovakia and in 2012 its electronic version on DVD was issued, too.

Within the promotion of territorial and species protection regarding the NATURA 2000 European network of protected areas, SMOPaJ organized three cycles of methodical days for elementary and high school teachers in selected localities – in Special Areas of Conservation and Special Protection Areas, which are parts of the NATURA 2000 network, as well as in national protected areas of Slovakia.

SMOPaJ organizes or carries out the following events:

Spring and Autumn Ecodays (in 2012 – 60 presentations, 1752 pupils, students and teachers from 15 schools took part, workshops (in 2012 World Wetlands Day – 33 participants, World Water Day – 176, World Bird Day – 35, World Earth Day – 103, International Environment Day – 57, European Cultural Heritage Days – 250, World Animal Day – 164, World Walking Day – 1625, European Science and Technology Week – 682, participants altogether 3125), eco- and speleology events (in 2012 – altogether 124 participants, All about stork, Pictures from Moscow, Balkans – a flowering garden, Life of a bat), lending exhibitions with environmental topic (in 2012 – 24 exhibitions with 11500 participants: Golden Eagle 645, Water – the cradle of life and the spring of health 100, The beauty of butterflies 933, Animal protection 52, Waste 126, Magical powers of plants 768, Curiosities from the life of hymenoptera 818, Protected nature of Slovakia 68, Know and protect – NATURA 2000 85, Mushrooms – mysterious and useful 900, We want to live a drug free life 900, Secrets of our beetles 800, Roe deer 368, From the life of our feathery birds 87, Deer – the king of the forest 650, Protected areas of Slovakia – national parks, 2413, Stick insects and leaf insects 378, Special Protection Areas of Slovakia II. – lowlands 97, NATURA 2000, Avalanches in the mountains. We must live with them, too 45, Cave – a cavity in a ground massif 52, Caves of dragons 900, Nature through our eyes, Rainbow-colored stones 315).

Projects of the Water Management Research Institute (abbreviation in Slovak “VÚVH”) and SAŽP promoting NATURA 2000 were supported from the Operation Programme Environment from the period of 2007 – 2013.

Slovak Mining Museum (abbreviation in Slovak „SBM“) fulfils the Slovak Government Programme Declaration from 2012 by focusing mainly on the development of school and out of school education, environmental education, ethics, educational training, promotion and environmentally beneficial activities for youth and citizens in line with the sustainable development strategy and environmental policy. Since 1998, SMB performs environmental education by means of the project called „School in a museum“, the main aim of which is to preserve material and spiritual heritage and to present it in a non-traditional way mainly to the young generation. Within the project activities there is an offer of educational excursions projects around educational and cultural facilities of a wider region.

Specialized state administration bodies also take part in environmental education by organizing annual activities within the International Earth Day, Water Day, etc.

Nuclear Regulatory Authority of the Slovak Republic (abbreviation in Slovak „ÚJD SR“) regularly organizes Doors Open Days for public, where the public can become familiar with the activity of the authority and with the matters regarding its administration and its work. The authority provides guidance on its web page on how to request information according to the Act No. 211/2000 Coll. on free access to information. At the same time, the public has a possibility to fill in a prepared form of a request for information and submit it directly, which significantly facilitates the procedure of sending such a request.

The authority communicates regularly with Civil information committees established in the areas with nuclear facilities, participates in information seminars, whereby it stimulates the public to ask questions and request information regarding issues of nuclear safety.

Pursuant to § 4 para 1 subparagraph h) of the Atomic Act, ÚJD SR submits a report on the state of nuclear safety of nuclear facilities in the territory of the Slovak Republic and on its activity once a year, as of 30 April. The report for the previous year is submitted to the Government of the Slovak Republic and subsequently to the Parliament.

Ad c)

The Slovak Government committed itself in its Programme Declaration for the period of 2012 to 2016, which follows the Programme Declaration for the period of 2010 – 2012, to

amending the legislation, so that it ensures participation of the public in environmental decision-making procedures in compliance with the Aarhus Convention creating space for efficient communication between the Government, public sector, and non-governmental organizations that will be covered by the Government representative for civil society.

The aim, inter alia, is to make the functioning of the public administration more effective and to improve its accessibility for natural and legal persons through the reform of the state administration (so called ESO in Slovak).

The above mentioned aims of the Slovak Government that are engaging the general public in decision-making procedures are reflected in the following resolutions:

Resolution of the Government of the Slovak Republic N. 68 from February 22, 2012

regarding the Strategy of Civil Society Development in Slovakia,

Resolution of the Government of the Slovak Republic N. 397 from 1 August, 2012 regarding the proposal to establish Slovak Government Council for Non-governmental organizations.

Civil associations (non-governmental organizations) are legally defined in the following regulations:

Act No. 83/1990 Coll. on association of citizens as amended posterior;

Act No. 40/1964 Coll. Civil Code as amended posterior;

Act No. 147/1997 Coll. on non-investment funds and on amendment of the Act No. 207/1996 Coll.;

Act No. 213/1997 Coll. on non-profit organizations providing generally useful services as amended posterior;

Act No. 34/2002 Coll. on foundations and on amendment of the Civil Code as amended posterior.

Ad d)

The participation of public in environmental decision-making procedures is applied in accordance with the provisions and in terms of the Act No. 211/2000 Coll. on free access to information and Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior. In practice, the Slovak Republic applies the Aarhus Convention principles, e.g. within the OECD, through participation of NGOs in (government) interservice negotiations with OECD experts regarding the preparation of the first and second reviews of the Slovak Republic environmental performance (Environmental Performance Review). The representative of the Nuclear Regulatory Authority of the Slovak Republic (abbreviation in Slovak "ÚJD SR") is a member of the "Steering Committee" whose creation was initiated by the EC (DG TREN) and the French association of local information commissions ANCLI in cooperation with the ENEF Group and the French Ministry of Ecology to coordinate activities leading to the practical implementation of the Aarhus Convention. Within the activities mentioned there are workshops held on the Aarhus Convention practical implementation and on the Aarhus Convention implementation principles in the area of nuclear energy use in the individual EU countries at the EU level attended by the representatives of state organizations, parties concerned, and NGOs; round tables are supposed to be held at the national level in the individual EU countries. The involvement of NGOs and the public in the preparations of the new Act on Nature Protection or its amendment, as well as in current topics, e.g. within the Coordination committee for monitoring of birds and for the submission of the report according the Art. 12 of the Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds within the preparation of the national report on bird criminality, etc.

In terms of the Decision No. 466/2002/EC from 1 March 2002, the MoE elaborated a Memorandum of Understanding between the European Community and the Slovak Republic on the Slovak Republic participation in the Community action programme supporting the non-governmental organizations acting mainly in the area of environmental care. The respective Memorandum was approved by the Slovak Republic Government on 21 August 2002 (the SR Government Resolution No. 944/2002).

By the assignment of the Plenipotentiary of the SR Government for the Development of Civil Society and in accordance with the Resolution of the Government of the Slovak Republic N. 68 from February 22, 2012, the proposal for the Declaration on the cooperation between the Ministry and Non-governmental organizations was prepared.

The MoE organizational units staff responsible for the Aarhus Convention agenda closely cooperates within internal consultations when implementing the Directive 2008/1/EC of

the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (codified version), whereby the aforementioned Directive is only valid thru 7 January 2014, Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), the European Parliament and Council Regulation (EC) No. 166/2006/EC on establishment of a European Pollutant Release and Transfer Register, the European Parliament and Council Regulation (EC) No. 1049/2001 on public access to the European Parliament, Council, and Commission documents, the European Parliament and Council Directive No. 2003/4/EC on public access to environmental information, the European Parliament and Council Directive No. 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to environment, and the Council Decision No. 2005/370/EC on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters.

Ad e)

Article 45 of the Slovak Republic Constitution (“Everybody has a right to early and complete information on the state of the environment, and on reasons and consequences of such a state”) and § 3 paragraph 1 of the Act No. 211/2002 Coll. on free access to information (“Everybody has a right to access to information available at the obliged persons”) are the fundamental constitutional rights related also to the right to free uncensored expression of opinions.

IV. Obstacles encountered in the implementation of article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer:

Environmental offices are sometimes understaffed, and therefore it is not possible to address this issue in the requested extent. Another obstacle is a lack of financial resources necessary for education (e.g. systematic education for staff at different levels of state administration, seminars, special conferences, international meetings, publications), as well as for material equipment (e.g. absence of GPS, GIS).

The quality of education, research, and development should be improved to prepare persons with creative management skills and creative thinking at work with legislative regulations for work in the state administration. It is a field where it is necessary to learn how to work with people and for the people and, at the same time, to prepare future civil servants for management of people within their competence to work in current complex dynamic systems.

In some cases the Aarhus Convention does not expressly defines certain terms and activities related e.g. to nuclear facilities. Namely Art. 2 which indeed defines the term „environmental information“, but it does so in a rather general level; it, however, does not define what environmental information regarding nuclear facility means.

Another issue seems to be the list of activities in Annex I, according to which these activities are nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors.

V. Further information on the practical application of the general provisions of article 3

*Provide further information on the **practical application of the general provisions of article 3.***

Answer:

Pursuant to Act No. 17/1992 Coll. on environment and the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information the MoE annually issues – since 1993 – a Report on the State of the Environment evaluating the state of environment in the Slovak Republic. The report is available to general public at the MoE website and the website of Enviroportal – information portal on environment.

For the purpose of making registers or lists of environmental information available to public authorities accessible also to the public, the EnviroInfo system is operated; EnviroInfo is a meta-information system of the environment sector that was created by merging registers (systems) of Separate publicly available list and the Catalogue of data sources. EnviroInfo is an internet-based database application serving to collect and present metadata (descriptive information) on documents, databases, maps, vector and raster space data and other data significant in the given context for environment in terms of the definition of the „environmental information“. Its main goal is to establish a tool for efficient use of information, provide the persons interested with immediate access to the descriptive information mentioned, and thus make the information source identification easier.

The environmental information collection, storage, and dissemination are performed in accordance with the Act No. 205/2004 Coll. as amended posterior.

Another data resource is also the Act. No. 3/2010 Coll. on national infrastructure for spatial information, pursuant to which spatial data, like e.g. plots of land from the real estate register, co-ordinate reference systems, Earth surface altitude model is available (this information is a part of the geodesy, cartography and cadastral information system pursuant to § 20 of the Act No. 215/1995 Coll. on geodesy and cartography as amended posterior and the reference spatial data is available at the geoportal).

State administration central bodies, as well as obliged (authorized) persons, shall provide the public with information pursuant to Act No. 211/2000 Coll. on free access to information as amended posterior and publish other relevant information on their web pages.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

www.enviro.gov.sk
www.enviroportal.sk
www.opzp.sk
www.sazp.sk
www.sizp.sk
www.sop.sk
www.vuvh.sk
www.shmu.sk
www.svp.sk
www.geology.sk
www.envirofond.sk
www.repis.sk
www.ba.ouzp.sk; www.tt.ouzp.sk; www.nr.ouzp.sk; www.po.ouzp.sk; www.tn.ouzp.sk;
www.bb.ouzp.sk; www.za.ouzp.sk; www.ke.ouzp.sk
www.ujd.gov.sk
www.geoportal.sk
Web pages of state administration central bodies - www.govnet.sk

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

The implementation of Article 4 of the Convention is ensured in particular through the Act No. 211/2000 Coll. on free access to information and on amendment of some acts.

Article 3 paragraph 9 is guaranteed for the Slovak citizens by the Slovak Republic Constitution.

The Slovak Republic as a Member State of the European Union transposed the European Parliament and Council Directive No. 2003/4/EC of 28 January 2003 on public access to environmental information.

Article 4 of the Convention has been reflected also in the following legal regulations:

Act No. 17/1992 Coll. on environment as amended posterior;

Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended posterior;

MoE Directive No. 1/2005-1.5. on process of making environmental information accessible

MoE edict No. 448/2010 Coll. executing the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and on amendment of some acts as amended posterior

Minister of Environment Instruction No. 3/2005- 1.7;

Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some

acts;

Act No. 215/2004 Coll. on protection of classified facts and on amendment of some acts;

Act No. 428/2002 Coll. on personal data protection as amended posterior;

Act No. 513/1991 Coll. Commercial Code as amended posterior;

Act No. 40/1964 Coll. Civil Code as amended posterior;

Act No. 71/1967 Coll. on administrative proceeding as amended posterior;

Act No. 25/2006 Coll. on public procurement and on amendment of some acts.

Act No. 514/2008 Coll. on treatment of waste from extractive industry and on amendment of some acts

Act No. 569/2007 Coll. on geologic works (Geologic Act) as amended posterior

Act. No. 3/2010 Coll. on national infrastructure for spatial information

MoE edict No. 352/2011, executing certain provision of the Act. No. 3/2010 Coll. on national infrastructure for spatial information

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Atomic Act) and on the amendments of some acts as amended posterior

Ad a)

Access to information is regulated by the Act No. 211/2000 Coll. on free access to information and on amendment of some acts (Act on information freedom) and by the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended posterior.

Information classified as trade secret information shall not be made available, if it is not information pursuant to § 10 para 2 of the Act on free access to information. Pursuant to this provision making information regarding significant impact on human health or on environmental pollution, etc. available does not constitute a breach or a threat to the trade secret. In this case, access to information should neither be refused, nor limited even if all the formal requirements of a trade secret would be met. If the information regards matters listed in § 10 para 2 of the Act on free access to information, the protection of a trade secret shall be breached and the information can be made available regardless of the trade secret.

(i)

Pursuant to § 3 paragraph 3 of the Act No. 211/2000 Coll. on free access to information the information shall be made available without having to prove a legal or any other reason or interest for which the information is requested.

(ii)

Pursuant to § 16 paragraph 2 of the Act No. 211/2000 Coll. on free access to information the obliged (authorized) person shall allow everybody – without having to prove a legal or any other reason – to inspect, make abstracts or copies from the files and documentation.

(iii)

Pursuant to § 16 paragraph 1 of the Act No. 211/2000 Coll. on free access to information the information shall be made accessible in particular orally, by inspecting the file including a possibility to make a copy or abstract from it, by copying the information to a technical data medium, by making copies of originals with requested information available, by phone, fax, post, or e-mail. If information cannot be made available in the way requested by the applicant, the obliged person shall agree with the applicant on another method of making the information accessible.

Ad b)

Pursuant to § 17 paragraph 1 of the Act No. 211/2000 Coll. on free access to information the application for making information accessible shall be processed by the obliged person without undue delay, not later than within eight working days from the day of submitting the application or from the day of eliminating the shortcomings in the application according to § 14 para. 2 and 3 and within 15 days, if the person requesting the information is visually impaired and the information will be made available in an accessible form under § 16 para. 2a), unless otherwise stipulated by this Act.

The obliged person can extend the deadline (paragraph 1) due to serious reasons, for a maximum of eight working days and 15 working days if the information will be made

available to a visually impaired person in an accessible form under § 16 para. 2a).

Such serious reasons constitute:

- a) searching and collecting the requested information in a different location than the domicile of the obliged person handling the application,
- b) searching and collecting of a larger amount of separated or different information requested to be made available in one application,
- c) provable technical issues related to searching and making the information available, that one assumes can be solved within the extended deadline.

The obliged person shall inform the person requesting the information about the extension of the deadline at the latest before the deadline passes (paragraph 1). The information shall include reasons for the extension of the deadline. In case the obliged person fails to meet the requirements of making the information accessible within the 8-day period, it is considered an administrative offence that may be sanctioned up to the amount of 1,650 EUR and a ban on activity up to two years.

Ad c)

(i)

§ 8 to 12 of the Act No. 211/2000 Coll. on free access to information specifying the limitations of access to information (e.g. protection of classified facts, protection of personality and personal data, trade secret protection, and other specific requirements of the limitation), as well as conditions for this limitation.

At the same time it is important to draw one's attention to the fact that due to the amendment No. 145/2010 Coll. amending the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior the documentation from Annex 1 and 2 of the Atomic Act is regarded as such documentation, which includes information, publishing of which could serve to plan and execute activities aimed at causing disturbance or destruction of a nuclear facility or facilities of significant importance and other important facilities and thus have a negative impact on public safety. It concerns documentation on nuclear facilities necessary for individual consents and documentation necessary for consent for transportation of radioactive materials. The above mentioned amendment affected the Act on free access to information and broadened the restriction on access to information, if it concerns documentation publishing of which could serve to plan and execute activities aimed at causing disturbance or destruction of a nuclear facility or facilities of significant importance and other important facilities pursuant to special regulations (e.g. Act on Defense of the Slovak Republic). In terms of the national legislation as well as international agreements, it is important for the defense and protection of a country to secure confidentiality of certain documents, disclosing of which could cause severe problems in protection against terrorist or other attacks and could weaken the country, because one could get access to sensitive information misuse of which could threaten not only the population of Slovakia, but also of neighbouring states. Amendment of the Atomic Act No. 350/2011 Coll. amended the original provisions of the Act No. 145/2010 Coll. and specified only some documents from Annex 1 and 2 of the Atomic Act which include sensitive information and it is not possible to disclose them.

(ii)

Exemptions are not implemented since the Act specifies what information shall be made available to public, including deadlines.

Ad d)

§ 15 paragraphs 1 and 2 of the Act No. 211/2000 Coll. on free access to information stipulate that if the obliged person to which the application is intended does not have the information request at his/her disposal, and if he/she know where to acquire the information requested, he/she shall forward the application within five working days from the date of delivering the application to the obliged person who holds the information requested, otherwise he/she shall reject the application through a decision. The obliged person shall immediately notify the applicant of the application being forwarded.

Ad e)

All limitations of the right to information shall be performed by the obliged person pursuant to § 12 of the Act No. 211/2000 Coll. on free access to information so that he/she shall make the information requested available including accompanying information after

having excluded such information, which is specified by the Act. The power to reject making information available shall last until there is a reason for making the information not accessible.

Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Atomic Act) regulates the access to information with regard to ensuring public safety in issues concerning the use of nuclear energy.

Ad f)

Pursuant to § 18 paragraph 2 of the Act on information freedom in case the obliged person does not satisfy (comply with) at least part of the application, he/she shall issue a decision in this regard in writing in the period specified by law. Such decision shall not be issued once the application has been postponed. Pursuant to § 18 paragraph 3 of the Act on free access to information in case the obliged person fails to provide information, or issue a decision, or to make information accessible in the period intended for the application procession, it is assumed that he/she issued a decision by which he/she refused to provide the information.

Pursuant to § 18 paragraph 4 of the Act on information freedom, in case the obliged person does not satisfy at least part of the application, he/she shall immediately – not later than within three days – suggest to the person, who established the obliged person or with whom he/she agreed on fulfillment of tasks in the area of environmental care, that the latter issue the decision.

Pursuant to § 19 paragraph 1 of the Act on information freedom the decision of the obliged person on rejection of information requested can be appealed within 15 days from the day of delivering the decision or the day of vain elapse of the period determined for making a decision on the application. The appeal shall be lodged to the obliged person who issued the decision or was supposed to issue it.

To provide an information shall be rejected upon § 11 paragraph 1 subparagraph e) of the Act No. 211/2000 Coll. (classified information on existence of species), § 11 paragraph 1 subparagraph c) of the Act No. 211/2000 Coll. (intellectual property protection), § 9 of the Act No. 211/2000 Coll. (protection of personality and personal data) and upon license contracts with providers of some data.

Ad g)

Pursuant to § 21 of the Act on information freedom, information shall be made available free of charge except for a payment in the amount that cannot exceed the sum of material costs connected to the production of copies, obtaining technical data media (carriers) and the delivery of information to the applicant. The costs connected to making information available to a person with sensual disability shall be borne by the obliged person. The obliged person may remit the payment.

The reimbursement of cost of making information accessible is in detail specified in the Ministry of Finance of the Slovak Republic (MoF) Regulation No. 481/2000 Coll. on particularities of reimbursement of cost of making information accessible.

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer:

Article 4 of the Aarhus Convention is implemented in the Slovak Republic. However, the legal proceedings examining the legality of a decision may take even more than one year. The opposite party can appeal against the verdict and the legal proceeding may thus last even longer. Once the period of one year has passed, the environmental information often loses its significance for the applicant. Once the court decides that the decision on rejecting the information is repealed, a new administrative procedure begins where the authority/body may again reject to provide information (e.g. by specifying another reason).

IX. Further information on the practical application of the provisions of article 4

Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Answer:

The Slovak Republic goes significantly beyond the scope of provisions of the first pillar of the Aarhus Convention – access to environmental information. A relevant document is also the “Report on experience acquired in implementing the European Parliament and Council Directive No. 2003/4/EC on public access to environmental information in the conditions of the Slovak Republic”.

The central register of applications and statistics of the number and method of applications procession is specified by § 20 of the Act No. 211/2000 Coll. on free access to information.

As regards practical application of the provision of Art. 4, the NGO VIA IURIS in connection with confidentiality of parts of documentation concerning permitting of nuclear facilities pursuant to the Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Atomic Act) states, that the information that can be classified as confidential is broadly defined and in practice access to key documentation can be refused or limited in terms of a meaningful public participation in decision-making.

In terms of § 3 para. 15 of the Atomic Act it concerns documentation which includes sensitive information, and “that is documentation listed in Annex 1 item A letter c), item B letter a), b), i), m), item C letter a), d), i), j), s),w), and in Annex 2 item A letter b), item B letter b).”

However, Art. 4 para 6 of the Aarhus Convention explicitly stipulates the following principle, which is not fulfilled in the given case: “Each Party shall ensure that, if information exempted from disclosure under paragraphs 3 (c) and 4 above can be separated out without prejudice to the confidentiality of the information exempted, public authorities make available the remainder of the environmental information that has been requested.” This generally recognized principle concerning access to information was explicitly confirmed also by the European Court of Justice rulings Hautala v. Council T-14/98 [1999] ECR II-2489 or JT Corporation v. Commission Case T-123/99 [2000] ECR II-3269.

When considering whether it is necessary to classify certain information as confidential for the purposes of other constitutional interests (e.g. public and national safety), it is also taken into consideration whether it was not possible to achieve the objective by different means, or in another way which would less limit the basic right. This is a generally accepted principle of proportionality. In case of right for information it is verified whether another way did not exist that would have achieved the objective (e.g. public and national safety), but which would have less limited the right for information.

The principle reflecting the requirement of necessity is that if an applicant requests information in a form of a document which includes several protected information, access to this document as a whole cannot be refused, but the protected information should be excluded from the document (e.g. blacked out) and the rest of the document shall be made available. This principle is also embodied in the Act No. 211/2000 Coll. on free access to information, namely in the provision of § 12 in the following wording: “All limitations to the right for information shall be executed by the obliged person so that the obliged person makes the requested information available after having excluded such information, which is specified by the Act.”

It is obvious that a general ban on access to the aforementioned documentation on nuclear facilities is in breach with the requirement of proportionality when limiting the right for information, since it is apparent, that the aforementioned documentation includes also information publishing of which cannot pose threat to public safety. It is not acceptable for the authorities to have a right to refuse access to information in general and thus conceal certain information, even if its disclosure cannot threaten safety and to which the public

has to have access.

It is also essential to perceive the right for access to information in terms of Art. 4 of the Aarhus Convention in connection with Art. 6 paras 2 and 3 of the Aarhus Convention, that stipulate the obligation to ensure that public has adequate and timely information so that the public concerned "has the possibility to prepare and participate effectively during the environmental decision-making". The Slovak Republic, however, does not fulfill this obligation, based on the above mentioned, when permitting nuclear facilities.

Based on the abovementioned matters stated by the NGO VIA IURIS, the Slovak Republic would also like to state, that access to environmental information, as well as the principle (if an applicant requests information in a form of a document which includes several protected information, access to this document as a whole cannot be refused, but the protected information should be excluded from the document (e.g. blacked out) and the rest of the document shall be made available) should be applied also to information on nuclear facilities.

Nevertheless, the provisions of § 8 para. 3 of the Atomic Act and § 11 para. 1 subpara. i) of the Act on free access information enable in spite of the aforementioned principle that documentation on nuclear facilities is concealed in general because of safety reasons, which might appear in breach with Art. 4 of the Aarhus Convention.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

<http://www.vlada.gov.sk>; <https://lt.justice.gov.sk/Default.aspx>
www.enviroportal.sk
www.enviro.gov.sk
www.opzp.sk
www.sazp.sk; www.sizp.sk; www.sop.sk; www.vuvh.sk; www.shmu.sk; www.svp.sk
www.geology.sk; www.envirofond.sk; www.repis.sk
www.ba.ouzp.sk; www.tt.ouzp.sk; www.nr.ouzp.sk; www.po.ouzp.sk; www.tn.ouzp.sk;
www.bb.ouzp.sk; www.za.uzp.sk; www.ke.ouzp.sk
www.ujd.gov.sk
Web pages of the state administration central bodies - www.govnet.sk

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;

- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;
- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

The provisions on collection, storage, and dissemination of environmental information pursuant to Article 5 are implemented by the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and by the MoE edict No. 448/2010 Coll. executing the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and on amendment of some acts as amended posterior. This new regulation repeals the MoE Regulation No. 411/2007 Coll. In accordance with this provision, the Slovak Republic acceded to the Protocol on registers of pollutant release and transfer registers (PRTR) on 1 April 2008. (Approved by the National Council of the Slovak Republic by its Resolution No. 688 of 11 December 2007; the charter on accession signed by the Slovak President on 29 February 2008).

The provisions of Article 5 are reflected also in the following acts:

Pursuant to the Act No. 24/2006 Coll. (Act on EIA) making the results of individual steps of the environmental impact assessment publicly available for the purpose of informing the public, making the content of decisions on permitting an activity being assessed pursuant to the Act on EIA publicly available (§ 38 paragraph 6 of the Act on EIA);

Pursuant to the Act No. 137/2010 Coll. on air as amended by the Act No. 318/2012 Coll. the compulsory publication of applications for permitting the building of a waste incinerator plant and a plant co-incinerating the waste by the respective municipality within 30 days, public hearing of the content of the application is organized, the compulsory publication of the air protection authority's building permit of a waste incinerator plant and a permission of further operation – on the internet for 60 days.

Pursuant to the Act No. 137/2010 Coll. the compulsory annual publication of information on the air quality and proportion of air pollution sources;

Pursuant to the Act No. 137/2010 Coll. the compulsory publication of a draft programme of air quality improvement that can be commented by the public, the compulsory publication of a programme of air quality improvement at the website including the current information on reasons for adopting the programme and public participation in its preparation;

Pursuant to the Act No. 543/2002 Coll. (Act on nature and landscape protection) making the information on the proposal to declare a protected area available to the public on an office notice board of the respective municipality and environmental authority.

Pursuant to Act No. 543/2002 Coll. making the information on each pending administrative

proceedings carried out pursuant to this Act for the purpose of the possibility for NGOs to become a party to the proceedings and the possibility for NGOs to participate actively in the decision-making procedure;

The MoE Minister Instruction No. 3/2005- 1.7 for creation and operation of the meta-information system in the MoE sector;

Act No. 364/2004 Coll. on waters and on amendment of the Act of the Slovak National Council No. 372/1990 Coll. on offences as amended posterior (Water Act).

Upon the provisions of “§ 29 Register of waters” basic register of the state of waters, of rights and obligations of legal and natural persons in treating waters and in their protection is ensured. The register of waters is available to public. The particularities on the approach to the register of waters are stipulated in the MOE edict No. 418/2010 Coll. on executing certain provisions of the Water Act. This new edict repealed the edict No. 221/2005 Coll. which specified the particularities on detection of existence and evaluation of the state of surface waters and ground waters, their monitoring, keeping the register of waters, and on water balance.

Pursuant to Act No. 321/2012 Coll. on the protection of the ozone layer, the Slovak Hydrometeorology Institute (abbreviation in Slovak “SHMÚ”) makes current information on the state of the Earth’s ozone layer and on the values of the UV radiation in the territory of the Slovak Republic publicly available on its web page www.shmu.sk.

Act No. 211/2000 Coll. on free access to information and on amendment of some acts as amended posterior,

Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information,

MoE edict No. 411/2007 Coll., executing the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information,

Act No. 569/2007 Coll. on geologic works (Geologic Act) as amended posterior.

Information is also notified to the public through public mass-media and internet.

If needed, e.g. in case of severe landslides, the employees of the State Geological Institute of Dionýz Štúr (abbreviation in Slovak “ŠGÚDŠ”) are members of the respective crisis committee, or collaborate closely.

Annual report of the ŠGÚDŠ is published regularly once a year, in which the public is informed about the impact of the institute’s activities on the environment.

Year-book of ŠGÚDŠ and a Year-book of mineral resources in Slovakia are published once a year.

Geodesy, Cartography and Cadastre Authority of Slovak Republic as a specialized organization offers relevant environmental information through the elementary basis for a geographical information system (hereinafter only “ZB GIS”). The elementary data basis for the geographical information system is a part of the information system on geodesy, cartography and real estate register, created and administered by the Geodesy, Cartography and Cadastre Authority of Slovak Republic pursuant to § 19 and following of the Act No. 215/1995 Coll. on geodesy and cartography as amended posterior.

ZB GIS is a spatial object oriented database, which represents a reference basis for the national infrastructure of spatial information. It creates location and geometric basis for the creation of topical follow-up geographical information systems and is binding for the creation of state elementary and state topical maps.

The purpose of the creation of ZB GIS is to create a basis for relevant spatial information in the territory of the Slovak Republic in a system that enables its storage, updating, manipulation, analysis and viewing. This information can be used as a follow-up for building environmental information systems. Visualization of ZB GIS data is accessible through map compositions using the web application [Mapový klient ZB GIS](#) (ZB GIS map client). ZB GIS data is available through web map and data services.

Ad a)

(i) In terms of § 3 paragraph 1 and § 4 paragraph 1 of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information in terms of the Act No. 4/2010 Coll., the persons being obliged to collect, store, and disseminate environmental information pursuant to this Act (hereinafter referred to as “obliged person”) include state administration central bodies, self-government regions, state administration local bodies, and municipalities (hereinafter referred to as “public administration body”). Such persons are obliged to collect, store, and disseminate, and – if necessary - update environmental information related to the performance of their public functions pursuant to special

regulations for the purpose of disseminating it in an efficient and systematic way.

The owners of facilities in terms of the Protocol on Pollutant Release and Transfer Registers are obliged persons pursuant to §3 of this Act, and shall thus carry out activities in line with the requirements set in permits. One of these requirements is also data reporting to the National Pollutant Release and Transfer Register as required by the MoE edict No. 448/2010 Coll. executing the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and on amendment of some acts as amended posterior.

District environment offices annually publish information on the air quality and the proportion of individual air pollution sources for their territorial district. In order to achieve a good air quality in a given time, district environment office shall specify measures to improve the air quality in the areas of the air quality management in a programme and in an integrated programme. In the location of its domicile a district environment office shall publish in the usual way (on the office notice board, the office website, etc.) for the period of 30 days information on elaboration of a draft programme and information on where it is possible to inspect the draft programme, so that the public of the affected locality can become familiar with it. The public has a right to submit its comments in writing within 30 days. When elaborating the programme, district environment office shall hold a public hearing about the draft programme and shall take into account comments received in writing or comments submitted at the latest at the public hearing. District environment office shall issue the programme by publishing it at its website. At the same time, it shall publish information on reasons for adopting the programme and information on the participation of public in its preparation.

The performance of state water administration includes storage and updating of information on water permits, consents, and other decisions issued that are part of the register of waters pursuant to § 29 of the Act No. 364/2004 Coll. on waters. The register of waters is available to public.

(ii)

Pursuant to § 4 paragraph 2 of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended by the Act No. 4/2010 Coll. it is necessary to select the collection and storage system, so that it will allow – to the largest extent possible – a transparent and efficient access of public to environmental information in accordance with the requirements specified by this Act. For this purpose the obliged persons shall in particular:

- a) use recent tools of collection of environmental information in particular in a form of reports, notifications, control and decision-making activity, and adjust or complete such tools if necessary;,*
- b) make reasonable effort to ensure that the information, which they own or which is owned by obliged persons controlled or managed by them, is collected and stored in an easily reproducible form and available to the widest range of persons interested possible, in particular through public electronic communication networks, mainly through the internet, and that such information is up-to-date, accurate and comparable if possible;*
- c) create and maintain in an updated form publicly available lists, registers or any other proper means of informing the public;*
- d) appoint persons or units responsible for making environmental information available to public including, where appropriate, counseling activities in this area.*

(iii)

Information falling under the crisis management legislation is, inter alia, communicated to the public through public-service media. If necessary (e.g. in case of floods, industrial accidents, etc.) the respective Crisis Group is summoned. Its members include also employees of the state central body responsible for communication with the public (§ 33a of the Act No. 17/1992 Coll. on environment as amended by the Act No. 211/2000 Coll.).

The process of informing public on serious industrial accident is specified by special regulations. For cases where an increased ozone concentration could result in a smog situation, an ozone smog warning system is created. The role of a control centre shall be

performed by an institution (SHMÚ – Slovak Hydrometeorology Institute) that is supposed to acquire, process, and issue information, forecasts, and signals of attention and warning. The authorized organization shall provide information on the level of concentrations measured and forecasts of the air pollution level daily during the ozone smog situation through mass information media. It also calls off signals of attention or warning through mass information media.

Pursuant to § 13 paragraph 4 of the Act on air, in case the information threshold for ozone or the warning threshold for ozone has been exceeded due to adverse meteorological conditions, the authorized organization shall announce the attention or warning signals through mass information media.

Pursuant to § 13 paragraph 5 of the Act on air, in case the information threshold for ozone or the warning threshold for ozone has not been exceeded for at least 24 hours and if it is not assumed that meteorological conditions should worsen, the authorized organization shall call off the attention or warning signals through mass information media.

Information concerning extraordinary deterioration of water quality or extraordinary threat to water quality is publicly available on the emergency telephone link and the Slovak Environmental Inspection announces such signs in cases of boundary waters to the Elementary international warning center of the Slovak Republic in Bratislava, where the operation is ensured in line with the Convention on Cooperation for the Protection and Sustainable use of the Danube River (Danube River Protection Convention).

Ad b)

In 1996, the MoE prepared the Department Information System Concept (abbreviation in Slovak „KRIS“) which analyzed tasks of the government department (sector) for environment, specified basic structure of information systems, and determined the responsibility for its building. It specified three levels:

1. the MoE level - for the needs of the ministry as a state administration central body and manager of the whole system;
2. institutional level – to provide for activities of each of its institutions; and
3. the level of cross-sectional, inter-departmental information subsystems (IS) - including:
 - a. Environment information system (abbreviation in Slovak “ISŽP”) and its large subsystems:
 - b. monitoring IS (abbreviation in Slovak “ISM”)
 - c. territory/area IS (abbreviation in Slovak “ISÚ”)
 - d. status IS (abbreviation in Slovak “ISS”)
 - e. environmental departments/branches IS (abbreviation in Slovak before “ISOŽP” and now “ISÚŽP”)
 - f. Catalogue of data sources (abbreviation in Slovak “KDZ”) as a meta-information system.

The environment information system is publicly available at the website www.enviportal.sk

Ad c)

In terms of § 4 paragraph 2 subparagraph b) of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended by the Act No. 4/2010 Coll., the obliged persons shall make appropriate effort to ensure that the environmental information, which they own or which is owned by obliged persons controlled or managed by them, is collected and stored in an easily reproducible form and available to the widest range of persons interested possible, in particular through public electronic communication networks, mainly through the internet, and that such information is up-to-date, accurate, and comparable if possible.

According to § 54 para. 21 of the Act No. 543/2002 Coll. on nature and landscape protection documentation on nature protection is publicly available as well as the state list of specially protected parts of nature and landscape is according to § 51 para. 7 of the same Act.

The Slovak Museum of Nature Protection and Speleology (abbreviation in Slovak “SMOPaJ”) in cooperation with Slovak Environment Agency (abbreviation in Slovak “SAŽP”) actively publishes information on protected areas and protected trees from the

database of the state list of specially protected parts of nature and landscape. Basic data from the database of protected areas (abbreviation in Slovak „CHÚ“) and protected trees (abbreviation in Slovak „CHS“) is available to public on the internet at the websites <http://uzemia.enviroportal.sk> and <http://stromy.enviroportal.sk>. Public has also access to all information about protected areas of the ecological network of protected areas in the territory of the European Union – NATURA 2000, namely at the website www.sopsr.sk.

As regards the process in case of operating incident on a facility, the need of emergency preparation and emergency planning is stipulated in § 27 para. 4 of the Atomic Act. The holder of the permit shall in terms of this Act:

- inform the authority about shortcomings detected during operation, maintenance or control which could lead to an accident,
- inform relevant authorities about incidents and if it concerns accidents or emergencies when putting nuclear facility into operation, during the operation of a nuclear facility and its decommissioning, inform also the Ministry of Interior if the Slovak Republic and the Ministry of Health of the Slovak Republic, determine the reasons for such accidents and perform corrective measures,
- inform the public about an accident, emergency, measures taken to protect health and about activities necessary to undertake in case of such an accident or emergency.

The concerned state administration bodies and municipalities shall inform the public in the affected area about measures taken to protect citizens in case of an accident or an emergency situation in the nuclear facility or in case of an accident or an emergency during transportation of radioactive materials.

In case of a nuclear accident, the holder of the permit shall inform in writing the area affected by the accident according to the findings by the authority and other concerned authorities that he/she is responsible for the nuclear damage caused by this accident. This written announcement shall be made publicly available at the holder of the permit, at the authority and in all municipalities in the given area.

The procedures for informing are given also by internal regulation of affected state authorities.

Pursuant to § 4 para 1 subparagraph h) of the Atomic Act, ÚJD SR submits a report on the state of nuclear safety of nuclear facilities in the territory of the Slovak Republic and on its activity once a year, as of 30 April. The report for the previous year is submitted to the Government of the Slovak Republic and subsequently to the Parliament.

Ad d)

Pursuant to the provisions of § 33b paragraph 1 of the Act No. 17/1992 Coll. on environment as amended posterior, the MoE shall annually publish a report on the state of the environment in the Slovak Republic in a printed and electronic form. The respective state administration central bodies of the Slovak Republic shall provide the MoE with necessary documentation.

Pursuant to § 7 paragraph 1 of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended by the Act No. 4/2010 Coll. the obliged persons shall disseminate environmental information they own, or that are stored for them, with a view to making them systematically accessible for the public.

Ad e)

Environmental acts, strategies, policies, international agreements, etc. as well as information on their implementation are widely and easily accessible for the public. The Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended by the Act No. 4/2010 Coll.

Ad f)

The Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended posterior.

Small and medium-sized enterprises issue annual reports informing the public on the impact of their activities on environment.

In accordance with § 15 paragraph 1 subparagraph p) of the Act No. 137/2010 Coll. as

amended by the Act No. 318/2012 Coll., operators of incinerators having a capacity of 2 and more tons of waste being incinerated per hour shall annually elaborate a report on operation and control of the incineration plant and submit it to the district environment office until 15 February of the following year.

Ad g)

The Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information.

For example, the following documents have been published: environmental impact assessment of activities, environmental analysis of environment, environmental analysis of pollution sources, multi-criteria evaluations within the EIA process, analysis within the urban and land-use planning, facts on the state of an pollution, industrial risks, etc. They can be found in an electronic form at the website www.enviroportal.sk and at the websites of the departmental (sectoral) organizations (e.g. www.sazp.sk, www.shmu.sk).

Within the urban and regional planning, district environment office shall issue – in the area of air protection, nature protection and waste management – standpoints/opinions on regional land-use plans. Data on the state of the air pollution is annually published in a report on the air quality and available in an electronic form, too.

Draft policies, plans and programmes regarding environmental matters are considered strategic documents and in accordance with the Act No. 24/2006 Coll. (Act on EIA) they are subject to strategic environmental assessment of their impact on environment – SEA process. The outputs of the individual SEA steps are published at the website www.enviroportal.sk.

In order to inform the public on the implementation of the General Directive on Water (abbreviation in Slovak “RSV”), an information portal for the purposes of publishing information on RSV implementation in the Slovak Republic was created at the Water Management Research Institute (abbreviation in Slovak “VÚVH”) (www.vuvh.sk) where basic documents for the Slovakia Water Plan are published, too.

Information within the RSV implementation is provided to the public also through the participation of experts in national and international conferences and through publication activities. Due to the compactness of information provided to the public, specific purpose-made publications are produced: topical reports (Report on the state of the environment in the Slovak Republic, Report on water management in the Slovak Republic), topical year-books (Water quality, Hydrologic year-book), balance sheets of ground and surface waters, and many other. All of them can be found in an electronic form at the websites www.enviro.gov.sk, as well as at the websites of the respective departmental organizations: www.vuvh.sk, www.shmu.sk, www.svp.sk, www.sazp.sk, etc.

Ad h)

In terms of § 5 paragraph 6 of the Act No. 469/2002 Coll. on environmental labeling of products as amended posterior (amendment No. 351/2012 Coll.) the MoE shall ensure that the process of proposing and determining of groups of products and special conditions for granting the national environmental label can be attended by parties interested, in particular the representatives of producers, importers and sellers, including micro, small and medium-sized entrepreneurs, trade unions, environment protection associations, and consumer protection associations, science and research institutions, public administration bodies, authorized persons, and accredited workplaces.

In terms of § 15 of the Act No. 469/2002 Coll. as amended by the Act No. 351/2012 Coll. the MoE shall ensure that the public has the possibility to express its opinion on the determination of groups of products, as well as on the proposal of special conditions for granting the national environmental label. In the MoE Bulletin, the ministry annually publishes a list of products that were granted the environmental label and uses other forms of active process of informing the public on the system of environmental labeling of products.

Ad i)

By approving the Act No. 4/2010 Coll. amending the Act No. 205/2004 Coll. on collection,

storage, and dissemination of environmental information, the National Pollutant Release and Transfer Register outside of the plant location was established as the public administration information system on the platform of the European Pollution Register (in terms of the European Parliament and Council Regulation No. 166/2006).

District environment offices fill in the database of RISO, NEIS, METAINFO and publish annual reports for individual years on their web pages, reports on air pollution, reports on floods, flood-protection plans, protected areas, reports on the state of the environment, plans of public water-supplies and public sewer systems within their territorial competence.

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

Article 5 of the Aarhus Convention is fully implemented in the Slovak Republic.

We have identified obstacles of technical nature, such as: regular increase of the capacity of transmission networks is not performed; there are no sufficient resources to modernize the computer equipment of environment offices.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Answer:

Units responsible for communication with public have been created at all bodies of state administration and self-government and they keep a registration book of received and processed applications with request for information which are annually statistically evaluated.

In accordance with the Act No. 137/2010 Coll. on air and the MoE edict No. 357/2010 Coll. stipulating requirements for keeping an operating register and the range of other data on stationary air pollution sources, the National Emission Information System was established which contains data and information on large and medium-sized stationary sources of air pollution. New registration of fluorine-based greenhouse gases was introduced pursuant to the Act No. 286/2009 Coll.

In accordance with the Act No. 364/2004 Coll. on waters (Water Act) and the MoE edict No. 418/2010 Coll. on executing certain provision of the Water Act, which repeals the MoE edict No. 221/2005 Coll. specifying particularities on detection of existence and evaluation of the state of surface waters and ground waters, their monitoring, keeping the register of waters and on water balance, the Summary Registration of Waters was established at Slovak Hydrometeorology Institution (abbreviation in Slovak "SHMÚ") which contains selected data and information divided as follows:

- registration of ground and surface water formations;*
- registration of water volume and quality in water formations including impact of human activities;*
- registration of rights and obligations resulting from decisions of state water administration bodies;*
- registration of protected areas.*

Registration of waters is available to public. Everybody shall have a right to make abstracts from it at an authorized (obliged) person and at a competent state water

administration body.

In accordance with the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and the MoE edict No. 448/2010 Coll. executing this Act, the SHMÚ is authorized to administer the National Pollutant Release and Transfer Register that will include data and information on operators and plants falling under the scope of this Act.

In accordance with the Act No. 39/2013 Coll. on integrated prevention and control of environment pollution and on amendment of some acts (Act in IPPC), the information system in IPPC is operated and it includes mainly information about operators and plants falling under the Act on IPPC.

In accordance with the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior, information on national protected areas is publicly available, namely within the State list of protected areas and the List of protected trees (www.sopsr.sk and www.enviroportal.sk). Lists of protected areas within the NATURA 2000 network also exist and are publicly available (www.sopsr.sk).

The abovementioned "documentation on nature protection" according to § 54 para. 21 of the Act No. 543/2002 Coll. on nature and landscape protection is publicly available, as well as the state list of specially protected parts of nature and landscape according to § 51 para. 7 of the same Act.

The State Geological Institute of Dionýz Štúr (abbreviation in Slovak "ŠGÚDŠ") provides archived technical reports for the purposes of studying to persons interested, administers registers of geological information, keeps records of applicants, etc. (The archive fund of technical reports and reviews reached the overall number of 91 880 of registered and catalogued records).

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

www.enviroportal.sk
www.enviro.gov.sk
www.geoportal.sk
www.vuvh.sk, www.shmu.sk, www.svp.sk, www.sazp.sk; www.sopsr.sk
<http://uzemia.enviroportal.sk> and <http://stromy.enviroportal.sk>.
http://www.air.sk/neiscu/main_gui.php
www.ba.ouzp.sk; www.tt.ouzp.sk; www.nr.ouzp.sk; www.po.ouzp.sk; www.tn.ouzp.sk;
www.bb.ouzp.sk; www.za.ouzp.sk; www.ke.ouzp.sk

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:

- (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
- (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;
- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

*Act No. 24/2006 Coll. on environmental impact assessment as amended posterior;
 Act No. 543/2002 Coll. on nature and landscape protection as amended posterior;
 Act No. 364/2004 Coll. on waters and on amendment of the Act No. 372/1990 Coll. on offences as amended posterior (Water Act);
 Act No. 442/2002 Coll. on public water-supplies and public sewer systems and on amendment of the Act No. 276/2001 Coll. on regulation in network industries,
 Act No. 7/2010 Coll. on flood protection,
 Act No. 139/2002 Coll. on fishery,
 Act No. 409/2011 Coll. on certain measures in the field of environmental damage and on amendment of some acts – a party to the proceedings regarding the appointment of the obliged person pursuant to §5, proceedings on adoption of plan of works pursuant to §8 and proceedings on termination of the plan of works pursuant to §9 is an association with legal identity which has been active as of the day the written notification was submitted pursuant to para 5 at least for one year in the field of environmental protection or protection of the elements of the environment, if such association so requests.*

Act No. 137/2010 Coll. on air as amended by the Act. No. 318/2012 Coll.,
Act No. 469/2002 Coll. on environmental labeling of products as amended by the Act No. 351/2012 Coll. as amended posterior,
Act No. 261/2002 Coll. on prevention of serious industrial accidents and on amendment of some acts as amended posterior,
Act No. 223/2010 Coll. on waste and on amendment of some acts as amended posterior,
Act No. 39/2013 Coll. on integrated prevention and control of environment pollution and on amendment of some acts in force since 15 March 2013 (amended the Act No. 245/2003 Coll. on integrated prevention and control of environment pollution and on amendment of some acts as amended posterior) and in § 10 subparagraphs. a) - c) it defines the term public concerned,
Act No. 541/2004 Coll. on the Peaceful Use of Nuclear Energy (Atomic Act) and on amendment of some acts as amended posterior,
Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on amendment of some acts.

The latest modifications of the Act No. 24/2006 Coll. on environmental impact assessment were carried out by the amendments No. 145/2010 Coll. and No. 408/2011 Coll. where the amendment No. 408/2011 Coll., which is on force since 1 December 2011, amended §24 defining the term “public concerned” within the procedure of EIA and also significantly amended the part on public participation within SEA procedures, namely § 6a.

Public concerned pursuant to § 24 of this Act means, in particular:

- a) natural person pursuant to § 24a,
- b) legal person pursuant to § 24b or 27,
- c) civil initiative pursuant to § 25,
- d) civil association supporting environmental protection pursuant to § 26.

The position of public in the impact assessment procedures has significantly changed by the amendments No. 145/2010 Coll., which entered into force on 1 May 2010 and No. 408/2011 Coll. in force since 1 December 2011. Under the given conditions natural and legal persons, civil initiatives, civil associations or NGOs supporting environmental protection can acquire the status of a **party to the proceeding** within the subsequent permitting procedure. Until 30 April 2010 such persons had a status of a person concerned. The last two amendments No. 145/2010 Coll., which entered into force on 1 May 2010 and No. 408/2011 Coll. in force since 1 December 2011 have thus significantly strengthened the right of the public to participate in the decision-making procedure (e.g. the right for a review procedure).

Pursuant to § 82 paragraph 3 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior (amended by the Act. No. 408/2011 Coll. in force since 1 December 2011): „Pursuant to this Act a party to the proceeding can also be a natural person or legal person or a civil initiative^{113a)} whose position as a party to the proceeding results from a special regulation^{113b)}. Association having legal personality¹¹⁴⁾ the scope of activity of which for at least one year has included nature and landscape protection (§ 2 paragraph 1) and which submitted a preliminary request for participation pursuant to paragraph 6 becomes a party to the proceedings, unless this status does not already result from the previous sentence, if such association confirms its interest to become a party to the pending administrative proceedings in writing or electronically; the confirmation shall be delivered to the competent nature protection authority within a time frame given by this authority which was published together with the information on the initiation of this proceeding as a proceeding, within which nature and landscape protection interests protected by this Act can be affected pursuant to para 7.

113a) § 25 of the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior.

113b) § 27 of the Act No. 24/2006 Coll. as amended by the Act No. 408/2011 Coll.

114) For example, § 18 to 20a and § 20f to 21 of the Civil Code, the Act No. 83/1990 Coll. on association of citizens as amended posterior.”

Pursuant to § 82 paragraphs 6 to 8 of the Act No. 543/2002 Coll. on nature and landscape

protection (as amended by paragraphs 6 and 7 of the Act No. 408/2011 Coll. in force since 1 December 2011):

„(6) The association pursuant to paragraph 3 can submit a preliminary request for participation in not explicitly established administrative proceedings in writing to the nature protection body, which will be carried out by this body in the future or are pending, within which nature and landscape protection interests protected by this Act can be affected. The application shall include the name of the association, its domicile, identification number, name and surname of the person authorized to act on behalf of the association, and specification of the procedure about the start of which the association wants be notified; the statutes of the association^{115a)} proving the subject of activity pursuant to paragraph 3 shall be an annex to the application.

(7) The nature protection body shall publish information on the initiation of each administrative proceeding, within which nature and landscape protection interests protected by this Act can be affected on its webpage with the exception of proceedings pursuant to para 8, at the latest until 3 days from the start of the proceedings; a part of the above mentioned information shall be the timeframe given for the delivery of a confirmation to become party to the pending administrative proceedings pursuant to para 3, either in writing or electronically; this timeframe shall not be shorter than seven days from the day the information was made publicly available.

(8) The provisions of paragraph 3 of the third sentence and paragraphs 6 and 7 do not apply to the procedure pursuant to § 44 paragraph 2, the procedure mentioned in § 81 paragraph 2, the procedure regarding offences and other administrative offences pursuant to § 90 to 93 and the procedure on seizure of individuals of protected species pursuant to § 96.”

The § 11 paras. 6, 7 and 8 of the Act No. 137/2010 Coll. on air stipulates that the draft programme to improve the air quality shall be made publicly available and the possibility for the public to submit its comments, as well as a possibility to participate in a public hearing of the programme. Pursuant to § 18 paras. 5 and 6 of the Act on air, the public has a right to submit written comments on the application for a permit of an incinerator plant, co-incinerator facility and its modifications which were made publicly available. Comments can be submitted at the latest during the public hearing of the application. When permitting the activity, the comments from the public have to be taken into consideration.

Act No. 2/2005 Coll. of 2 December 2004 on noise assessment and control in external environment and on amendment of the Act of the Slovak Republic National Council No. 272/1994 Coll. on human health protection as amended posterior allows the public to participate in consultations of action plans for noise protection (§ 5, subparagraph e).

Act No. 514/2008 Coll. on treatment of waste from extractive industry and on amendment of some acts that enables public participation in the permitting process for disposal sites (§ 8). The competent body shall publish without undue delay and for the period of 15 days at its website or on its office notice board information pursuant to § 8 paragraph 3 subparagraphs a) to d) related to matters of the application for permitting of a disposal site and the details on ensuring public participation in the proceedings. The public concerned – pursuant to § 8 paragraph 2 of this Act that announced in writing its interest in participating in the proceedings – is a person concerned in the proceedings pursuant to § 7 (Permitting of disposal sites).

The § 16 of the Act No. 514/2008 Coll. on treatment of waste from extractive industry and on amendment of some acts defines the Information system for treatment of extractive waste. This information system shall serve to ensure collection and providing of information on treatment of extractive waste. The establishment of this information system is important not only due to collection and processing of data and information necessary for the activity of competent bodies, but as well for the purposes of fulfilling the notification obligation towards the Commission and for the purposes of collecting, storing, and disseminating the environmental information pursuant to the Act No. 205/2004 Coll., or making it available pursuant to the Act No. 211/2000 Coll.

§ 20a of the Act No. 569/2007 Coll. on geologic works (Geologic Act) as amended posterior defines the information system of (environmental) contaminated sites that is part

of the public administration information system. The information system is established and operated by the MoE which also makes the information from this system available pursuant to a special regulation except for data on likely contaminated sites. The information system of contaminated sites shall serve to ensure collection of data and to provide information on contaminated sites. The establishment of this information system is important not only due to collection and processing of data and information necessary for the activity of competent bodies, but as well for the purposes of collecting, storing, and disseminating the environmental information pursuant to the Act No. 205/2004 Coll., or making it available pursuant to the Act No. 211/2000 Coll.

Pursuant to § 20 para. 4 subpara. x) of the Act No. 258/2011 Coll. on permanent storage of carbon dioxide in geological reservoirs and on amendment of some acts, a district mining authority in the field of storing makes information publicly available. The provision of § 19 defines the need to establish information system concerning storage to ensure collection of data and dissemination of information as part of the public administration information system. The information system is made available for the needs of state authorities, public administration authorities and authorities of self-governments when permitting an activity which might have an impact on storing or can be affected by storing, and serves also for collecting, storing and disseminating of environmental information pursuant to § 4 of the Act No. 205/2004 Coll., as well as making it available pursuant to the Act No. 211/2000 Coll.

Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on amendment of some acts enables under certain conditions the participation of public within the proceeding on obligation to carry out precautionary or mitigation measures and within the proceedings on obligation to accept and undertake measures to remedy an environmental damage:

§ 25

Parties to the proceeding

(2) A party to the proceeding pursuant to § 27 and 28 can also be

a) the owner, administrator, or tenant (renter) of a real estate affected by environmental damage or which will be subject to precautionary or remedy measures;

c) a natural or legal person whose rights or interests protected by law may be directly affected by environmental damage;

(3) A party to the proceeding pursuant to § 27 can be also a civil association or any other organization established pursuant to special regulations, the aim of which – pursuant to its statutes, establishment charter, foundation charter, or their amendments valid at least for the period of one year – is environmental protection (hereinafter referred to as “Non-governmental organization”) that submitted the notification pursuant to § 26 paragraph 1, and, at the same time, announced in writing its interest in participating in the proceeding not later than within seven days from the day of the notification delivery pursuant to § 26 paragraph 5.

§ 26

Notification

(1) The owner, administrator, or tenant of a real estate which has been or may be affected by environmental damage, a legal or a natural person whose rights or interests or obligations protected by law may be directly affected by environmental damage, a non-governmental organization (hereinafter referred to as “notifying entity”) are entitled to notify the competent body of the facts indicating that there has been an environmental damage.

Ad a)

(i) Parties to the authorization/permitting procedure for activities listed in Annex. I of the Aarhus Convention are members of the public concerned who participated in the process of environmental impact assessment under Act no. 24/2006 Coll.

(ii) The Acts No. 117/2010 Coll. and No. 408/2011 Coll. amended § 82 paras. 3, 6 and 7 of the Act No. 543/2002 Coll. on nature and landscape protection and thus strengthened the position of the public in the proceedings pursuant to this Act.

“(3) Pursuant to this Act a party to the proceeding can also be a natural person or legal person or a civil initiative^{113a)} whose position as a party to the proceeding results from a special regulation^{113b)}. Association having legal personality¹¹⁴⁾ the scope of activity of which for at least one year has included nature and landscape protection (§ 2 paragraph 1) and which submitted a preliminary request for participation pursuant to paragraph 6 becomes a party to the proceedings, unless this status does not already result from the previous sentence, if such association confirms its interest to become a party to the pending administrative proceedings in writing or electronically; ...”

The footnotes No. 113a) 113b) refer to a special regulation, which in this case is the Act. No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior and which enables that also a natural or legal person (other than an NGO supporting environmental protection), or civil association become parties to the proceedings pursuant to the Act No. 543/2002 Coll. had they submitted written comments and thus taken part in the environmental impact assessment procedure according to the Act No. 24/2006 Coll..

“(6) The association pursuant to paragraph 3 can submit a preliminary request for participation in not explicitly established administrative proceedings in writing to the nature protection body, which will be carried out by this body in the future or are pending, within which nature and landscape protection interests can be affected.”

“(7) The nature protection body shall publish information on the initiation of each administrative proceeding, within which nature and landscape protection interests protected by this Act can be affected on its webpage with the exception of proceedings pursuant to para 8, at the latest until 3 days from the start of the proceedings; a part of the above mentioned information shall be the timeframe given for the delivery of a confirmation to become party to the pending administrative proceedings pursuant to para 3, either in writing or electronically; this timeframe shall not be shorter than seven days from the day the information was made publicly available.”

Ad b)

The Slovak Republic ensures that the public is informed already at the beginning of a decision-making procedure in accordance with the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior (Act on EIA). National legislation in the area of impact assessment ensures that public is informed from the very beginning of the procedure in an adequate, early, and efficient way.

The start of the environmental impact assessment procedure is made publicly available on the MoE web page www.enviroportal.sk and on the web pages of the affected authorities and municipalities.

Ad c)

The time frame respects the Act on EIA. The time frames for public are specified in the Act on EIA. Within the subsequent permitting procedure, the time frames for public are given by special acts, or in case the time frames are not specified, they shall be determined pursuant to the Administrative Order.

Ad d)

In all stages of impact assessment in accordance with the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior public has access to the project documentation at an early stage and has the possibility to give comments and opinions on the project.

National legislation in the area of impact assessment ensures public participation in the decision-making procedure from its beginning (i.e. from the day the notification about a plan or programme or a proposed activity was made publicly available), that means at the time when all alternatives are open.

Ad e)

The consultation with the public concerned is entered by the proposer (developer) before the permitting procedure begins, namely in the process of environmental impact assessment pursuant to the Act on EIA, if the public concerned participates in this procedure by sending written comments.

Moreover, it is also possible to summon the proposer (developer) when he/she is filing a notification on SEA or preliminary EIA documentation and instruct the developer on public participation within individual steps of the procedure, where necessary. Discussion with public can be a part of consultations or public hearing, which is given by the Act on EIA.

Ad f)

(i) Competent bodies shall provide the public concerned with all information related to the decision-making procedures pursuant to paragraph 6 which are available at a given stage of the decision making procedure, namely at the stage of the environmental impact assessment or administrative proceedings.

Pursuant to the Act No. 24/2006 Coll. on EIA, public shall have free access to the project documentation at the individual stages (phases) of the environmental impact assessment process – preliminary EIA documentation, screening, scoping, environmental report and final EIA opinion. The documentation is available in the affected municipality and at the same time on the internet.

Within the EIA procedure (which, however, is not a permitting procedure) the public concerned shall have access to all information on the activity or a plan or programme being assessed just like the affected public administration bodies, affected municipalities, and other entities. All compulsory information on the activity being assessed must be published at the website www.eia.enviroportal.sk. Within the permitting procedure (which normally is an administrative procedure) the public shall have – whether in the position of a person concerned or a party to the proceedings – the same rights when detecting all relevant information related to documentation for the decision-making procedure just like other parties to the decision-making procedure have. Such rights result from the Administrative Order.

(ii) The complete documentation shall be made publicly available in terms of the national legislation. In the environmental impact assessment process the public concerned is provided with all information available at each stage of the impact assessment pursuant to the Act on EIA. The competent environment offices shall provide the public concerned with information in accordance with the Act on EIA before decision-making procedures.

In the permitting procedure information for the public concerned shall be ensured by the administrative procedure principles pursuant to the Administrative Order.

Ad g)

Pursuant to the Act No. 24/2006 Coll. on EIA, the documentation for a project or a plan or programme is made publicly available within each individual stage of the environmental impact assessment process (preliminary EIA documentation, screening, scoping, environmental report, the final opinion), and at the same time the public is provided with the possibility to express its opinion on the project or a plan or programme at each stage of the assessment process by sending comments and by participating in the public hearing or consultations, by submitting them at the registry (filing department), in an electronic way, in writing through the Slovak Post, in the minutes during a public hearing.

In the permitting procedure the right of the public to submit comments is provided for by the administrative procedure principles pursuant to the Administrative Order or by provisions of special regulations (by submitting them at the registry (filing department), in an electronic way, in writing through the Slovak Post, in the minutes during a public hearing).

Ad h)

To ensure that the information about how the comments from the public were treated is made available, § 38 para. 6 of the Act No. 24/2006 Coll. on EIA defines measures that shall be taken in the permitting procedure – „The permitting authority shall without delay make available to the public the contents of the decision and conditions mentioned in it, the main reasons on which the decision is based, including information on the public participation, and the main measures to prevent, reduce – and where possible – compensate serious adverse impact of the proposed activity or its modification.”

In the decision, the permitting authority shall specify how objections of the public

concerned having the status of a party to the proceedings were taken into consideration and why their specific comments or objection were rejected. This applies to all permitting procedures having a significant influence on the environment and being subject to the environmental impact assessment process (activities in Annex I of the Aarhus Convention), as well as activities having a significant influence on environment being permitted pursuant to the Act No. 543/2000 Coll. on nature and landscape protection where the members of the public concerned acquire the status of a party to the permitting procedure.

Ad i)

Entities of public concerned shall be informed about a decision from a permitting procedure by direct (addressed) delivery of such decision, or by a delivery through public notice.

Public shall be informed about all steps taken pursuant to Act. No. 24/2006 Coll. on the web page www.enviroportal.sk. Public shall be informed about some documents also on the Legal Regulations Portal <https://it.justice.gov.sk/>.

Ad j)

Measures to ensure that in case a state authority reconsiders or updates operation conditions for an activity listed in paragraph 1 include mainly instructions and regulations applied in accordance with the provision of paragraphs 2 – 9 and essential changes with reference to paragraph 10 shall also be performed, if necessary.

Ad k)

By the Council Decision No. 2006/957/EC of 18 December 2006 the European Community approved amendments to the Convention on access to information, public participation in decision –making process, and access to justice in environmental matters on behalf of the European Community (EU OJ L 386/46, 29.12.2006) that were adopted at the second meeting of the Contracting Parties to the Convention (25 to 27 May 2005, Almata, Kazakhstan).

The respective legal regulations of the Community regulating the release of GMO, in particular the European Parliament and Council Directive No. 2001/18/EC of 12 March 2001 on deliberate release into the environment of genetically modified organisms and repealing the Council Directive 90/220/EEC, and the European Parliament and Council Regulation (EC) No. 1829/2003 of 22 September 2003 on genetically modified food and feed contain provisions on the public participation in the process of deciding on GMO that are in compliance with amendments to the Aarhus Convention.

Merely the provision of paragraph 2 of Annex 1a to the Convention was transposed to the Act No. 151/2002 Coll. on use of genetic technology and genetically modified organisms as amended posterior which, in our opinion, constitutes a slightly more detailed regulation than the one in the Directive.

This was caused by the need to simplify the repeated introduction into environment and to accelerate and simplify the proceedings in matters where it is necessary to give repeated consent to the launch of a product on the market while maintaining the public rights to be informed.

The texts of § 34 paragraph 3 and § 35 paragraph 3 of the Act No. 151/2002 Coll. constitute an application of the Council Decision No. 2006/957/EC by which the amendment of the Convention was approved.

XVI. Obstacles encountered in the implementation of article 6

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

Obstacles have been eliminated to a large degree by the amendments of the Act No.

24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior (Act No. 117/2010 Coll., Act No. 145/2010 Coll. and Act No. 408/2011 Coll.) which have strengthened public participation in environmental impact assessment, as well as in strategic environmental assessment.

The participation of NGOs in decision-making procedures pursuant to Act No. 543/2002 Coll. on nature and landscape protection as amended posterior has been relatively significantly strengthened by the amendment No. 408/2011 Coll. in force since 1 December 2011.

In this respect we would like to bring to your attention one of the decision of the European Court of Justice C-240/09 from 8.3.2011 as a result of a preliminary ruling in the matters of civil associations participation in the proceedings regarding nature and landscape protection in connection with the application of Art. 9 (3) of the Aarhus Convention. The result of the ruling was the impetus for the adoption of the amendment of the Act No. 543/2002 Coll. on nature and landscape protection (amendment No. 408/2011 Coll. in force since 1 December 2011), which changed the position of a person concerned in administrative proceedings in case of civil associations to a party to the proceedings. Party to the proceedings has a wider range of rights in administrative proceedings in comparison to person concerned.

When applying Art 6 of the Aarhus Convention, the ÚJD SR sees e.g. construction of a nuclear power plant as an obstacle, while during such construction changes and modification occur. Nevertheless, the Convention does not explicitly stipulate when exactly there is a need to carry out an environmental impact assessment for a change of a construction and thus when it is necessary to provide for public participation in such proceedings. These changes are frequent when constructing a nuclear power plant and the practice proves that it is not efficient to carry out a separate impact assessment with public participation for each modification, since not every modification is classified as a change or a modification of the project as such.

According to the VIA IURIS NGO it is questionable whether under current legislative conditions in the Slovak Republic the implementation of Art. 6 of the Aarhus Convention, namely the purpose of para 1 subpara b) is sufficiently achieved. In the Slovak Republic, there is a lack of public participation in proceedings, e.g. (but not exclusively) pursuant to the Act on forests, Act on waters, Mining Act, as well as pursuant to other Acts regulating proceedings with a likely significant environmental impact.

Public participation should be broadened to all proceedings which are likely to have significant environmental impact. Pursuant to the Aarhus Convention "Parties shall determine whether such a proposed activity is subject to these provisions." According to the Aarhus Convention Implementation Guide (p. 92) "Subparagraph (b) establishes an obligation for Parties to include under article 6 other activities not contained in the annex that may have a significant effect on the environment." According to the Aarhus Convention Implementation Guide (p. 93) "It is also clear that there does not need to be a prior determination that a proposed activity will definitely have a significant effect on the environment before subparagraph (b) can be applied."

The Convention stipulates that Parties shall decide on using Art. 6 when a proposed activity not included in the annex is likely to have significant environmental impact.

Referring to the statements by the NGO VIA IURIS, the Slovak Republic would like to state, that under the current legislation in force there are legal regulations regarding protection and exploitation of individual elements of the environment regulating proceedings with a likely significant environmental impact where proposed modification could be done.

XVII. Further information on the practical application of the provisions of article 6

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g., are there

any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defense purposes.

Answer:

The MoE edict No. 61/2004 Coll. mentioned in the text that specifies the requirements for keeping operational registers was repealed and replaced by the MoE RD No. 357/2010 Coll. which specifies the requirements for keeping operational registers and the range of other data about stationary sources of air pollution.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

<http://It.justice.gov.sk>
www.enviro.gov.sk
www.enviroportal.sk
<http://eia.enviroportal.sk>
www.geoportal.sk
www.geology.sk
www.ba.ouzp.sk; www.tt.ouzp.sk; www.nr.ouzp.sk; www.po.ouzp.sk; www.tn.ouzp.sk;
www.bb.ouzp.sk; www.za.ouzp.sk; www.ke.ouzp.sk

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

The measures for public participation in the process of preparing plans, programmes, and policies related to environment are defined in the individual steps of the strategic environmental assessment (SEA) pursuant to the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts (Act on EIA). The Act regulates the environmental impact assessment of strategic documents, buildings, facilities, and other activities or projects proposed. The Act and its amendments take into account the EC directives related to the assessment of strategic documents. Moreover, the Act reflects the requirements resulting from the Protocol on SEA for the UNECE Convention on environmental impact assessment in a transboundary context (Espoo Convention) and the Aarhus Convention. The measures include e.g. public hearing, consultations, information published in the press and other media, possibility to send comments in writing, making documentation publicly available on the internet.

Public concerned for the purposes of SEA is defined in § 6a of the Act on EIA and public concerned for the purposes of EIA is defined in § 24 of the same Act.

Furthermore, public is involved in the preparation of documentation related to nature protection and in the preparation of edicts on protected areas that are consulted with the public. The above mentioned subjects are regulated by § 54 paragraphs 18 to 21 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior:

(18) The nature protection body obtaining the nature and landscape protection documentation is obliged – before approving it – to discuss the comments submitted in writing by a civil association the intention of which is – pursuant to its statutes or their amendments valid for at least one year – to protect nature and landscape (§ 2 paragraph 1) delivered to this body within 30 days before the expected deadline of its approval.

(19) Civil association pursuant to paragraph 18 may ask the nature protection body obtaining the nature protection documentation to notify it in writing of the documentation being obtained and the expected deadline of the approval process. The association application shall include in particular the name of the civil association, its domicile, identification number, name and surname of the person authorized to act on behalf of the civil association, and the type of documentation to which the application for notification relates; the annex to the application shall include the articles of association and their amendments. The nature protection body to which such an application was delivered is obliged to notify in writing the civil association about the nature protection documentation being obtained and the expected deadline of the approval procedure within seven days from the day of the application delivery.

(20) The nature and landscape protection documentation shall be a basis for the elaboration of land-use planning documentation,⁸⁴⁾ documents, plans, or projects pursuant to § 9 paragraph 1 and for the activity and decision-making of the nature protection bodies.

(21) The nature and landscape protection documentation is available to public.⁸⁵⁾

The provision of § 11 paragraphs 6 to 9 of the Act No. 137/2010 Coll. on air allows the public to participate in elaborating programmes to improve the air quality.

In the area of waste management – pursuant to § 5 paragraph 2 of the Act No. 223/2001 Coll. on waste and on amendment of some acts as amended posterior, the district environment office shall submit the draft programme for the respective region for an strategic environmental assessment under the EIA Act within three months from the adoption of the Slovak Republic programme on the national level. The district environment office shall publish the binding part of the regional programme by means of a public advertisement for the period of time stated in the national programme.

The Act No. 137/2010 Coll. on air stipulates that the draft programme to improve the air quality shall be made publicly available and the possibility for the public to submit its comments, as well as a mandatory public hearing of the programme.

In the area of the air protection, the district environment office shall make publicly available in the usual way (notice board, web page of the office, etc) information on where the draft programme can be inspected for the period of 30 days, so that the public of the affected area can become familiar with it. The public has a right to submit comments in writing within a 30-day period. The district environment office shall organize a public hearing of the draft programme, and while processing the material it shall take into account comments received in writing or comments given at the latest at the public hearing. The district environment office shall issue the programme by publishing it at its website. At the same time, it shall publish information on reasons why the programme was adopted and information on the public participation in its preparation.

In the area of waste management state administration, district environment office shall make publicly available the draft of the Regional waste management programme at least for a period of 21 days, so that the public of the affected area can become familiar with it.

Act No. 364/2004 Coll. on waters and on amendment of the Act of the Slovak National Council No. 372/1990 Coll. on offences as amended posterior (Water Act) stipulates in § 13 para. 4 and 5 the obligation to make available to the public, users of waters, self-governing regions, municipalities and affected state administration bodies for the purposes of submitting written comments, active participation and consultations the following:

- a) timeframe and steps of the preparation of the draft river-basin management plan,
- b) identified significant water management problems,

c) *draft river-basin management plan.*

Pursuant to para 5, the ministry makes documentation and information used when preparing the draft river-basin management plan available upon request to the entities listed in para 4.

Pursuant to §8 para. 13 Act No. 7/2010 on flood protection, the ministry

- a) *publishes timeframe and steps of the preparation of the draft first flood risks management plans until 22 December 2012 and timeframe and steps for updating flood risks management plans until 22 December 2018 and after that every six years,*
- b) *makes available to the public for the purposes of submitting comments and suggestions draft first flood risks management plans until 22 June 2015 and draft updated flood risks management plans until 22 June 2021 and after that every six years; it announces to the public administration bodies the fact that these documents have been made publicly available.*

Pursuant to § 23 letter c) item 7, the ministry makes draft flood risks management plans publicly available for the purposes of submitting written comments and suggestions; it announces to the public administration bodies the fact that these documents have been made publicly available and pursuant to § 23 letter c) item 9, the ministry makes publicly available a preliminary assessment of flood risk, flood threat maps, flood risks maps and adopted flood risk management plans.

In the field of water administration, district environment office makes publicly available the draft plan of public water-supply and sewer system development for the territory of a region at least for a period of 15 days so that the public of the affected can get familiar with it. The draft plan of public water-supply and sewer system development for the territory of a region is consulted with a self-governing region and with all municipalities within the territory of the region.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

The public participation in the process of preparing plans, programmes, and policies related to environment is based on the same principles that apply to the public participation in assessing the environmental impact of activities being proposed (Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior).

XXI. Obstacles encountered in the implementation of article 7

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

Obstacles have not been encountered.

XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

The administration of the central register of all assessed strategic documents and proposed activities is ensured by the MoE in cooperation with the Slovak Environment Agency (SAŽP) through the Information system for environmental impact assessment in the Slovak Republic – the EIA/SEA Information System. This system is intended for the needs of the state administration bodies, as well as for general public. All information available is published in accordance with the Act No. 24/2006 Coll. on environmental impact assessments at the website <http://eia.enviroportal.sk/>.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

<http://eia.enviroportal.sk>
www.geoportal.sk

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

All draft legal regulations pursuant to the Slovak Republic Government Legislative Rules are published to public for comments through the Legal Regulations Portal (abbreviation in Slovak “PPP”). The Legal Regulations Portal is an internet-based portal and is part of the Uniform Information System to monitor the legislative process administered and operated by the Ministry of Justice of the Slovak Republic. This uniform information system is intended to unify the legislative process in the Slovak Republic and provide simpler orientation and searching in legislative materials. The PPP information system to which the state administration central bodies, as well as public have direct access enables direct entering of comments on the draft acts (bills). Through PPP it is possible to publish all draft legal regulations including information on the process of submitting comments and its evaluation.

Pursuant to Article 14 paragraph 6 of the Slovak Republic Government Legislative Rules, the public can submit the so-called block (mass) comment on a draft legal regulation. The ministries are obliged to hold the so-called dispute (repugnance) proceedings on such a

comment to which at least 500 natural or legal persons have agreed.

Public may submit its comments also e.g. when a new protected area is declared or an existing one is revoked pursuant to § 50 paragraphs 1 to 4 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior:

„(1) The proposal to declare a protected landscape element, protected area, protected reserve (national park), natural monument, special protection area, protected area zones, or a protected tree shall be announced in writing by the nature protection body to the owner (administrator, tenant) of the land affected by the intended protection that can be identified in the real estate register (cadastre), to the municipality affected, and to the state administration bodies affected. In case of a special protection area and protected area zones this body shall be the respective district environment office. The notification of the proposal shall in particular include the basic characteristics of the proposal to declare protection and the location of its performance. If a higher number of land owners is affected or if their residence is not known, the notification can be delivered through a public advertisement.

(2) Within 15 days from the day of delivery of the notification on the proposal the municipality shall inform the public in its territorial district at a usual place, in particular on the office board, for a minimum period of 15 days and ensure that public has access to the documentation.

(3) The owner (administrator, tenant) of the land affected, the municipality, and the state administration body affected shall have a right to submit comments in writing on the proposal within 30 days from the day of delivering the notification or its public notification to the nature protection body.

(4) Within 30 days the nature protection body is obliged to discuss the comments with the entity which submitted them.”

Protected areas and their protection zones shall be declared by a generally binding legal regulation – a regulation of a district environment office or the MoE, or by a Slovak Republic Government resolution according to the protected area category.

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

Pursuant to the Slovak Republic Government Legislative Rules (Article 14 paragraph 6), dispute proceedings with a public representative may take place in case the entity submitting the draft regulation has not complied with the comment raised by more natural persons or legal persons from the side of public, and at the same time, if the comment includes power of attorney to the public representative to represent them (a block comment). Dispute proceedings with the public representative shall take place every time the entity submitting the draft regulation (submitter) does not satisfy/comply with a block comment that was agreed to by at least 500 natural or legal persons unless there are serious reasons for which dispute proceedings cannot take place; the entity submitting the draft regulation shall publish such reasons on its website.

The NGOs representatives within working groups sometimes participate in the process of preparing the respective legal regulation.

Pursuant to the Slovak Republic Government Legislative Rules there are consultations with entities submitting the drafts and opinions within public participation and it is assumed they will be taken into account to the largest extent possible if they are not in conflict with the regulations and if they have a rational basis.

Formal participation of the public is a risk for strategic assessment. This means that public either does not participate in the process and thus submits no comments, or it does participate in it but its comments are not taken into account without further explanation. In both cases the opinions of the public (in these cases it is rather special/expert public) will not be reflected in the final form of the adopted documents.

XXVI. Further information on the practical application of the provisions of article 8

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Answer:

Moreover, NGOs can participate and also participate in preparing a proposal to declare a protected area (e.g. proposals for Special Protection Areas, proposals for certain small-scale protected areas).

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

<https://lt.justice.gov.sk>
<http://www.enviro.gov.sk>
<http://enviroportal.sk>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

The legislative measures implementing the provisions on access to legal protection mentioned in Article 9 include all regulations related to providing information, which stipulate directly in these regulations under what circumstances a person can appeal to a court (e.g. § 19 paragraph 4 of the Act No. 211/2000 Coll.). The Civil Procedure Code derives the position of a party to proceedings in the administrative justice from special acts and regulations specifying the range of parties to the administrative proceedings. Parties to legal proceedings include persons who were parties to administrative proceedings, as well as those that were supposed to be treated as parties to proceedings (§ 250 of the Civil Procedure Code).

A general definition of the party to proceedings is specified in § 14 and § 15 of the Administrative Order stipulating that a party to proceedings shall be the person whose rights, interests protected by law or obligations are supposed to be the subject of the proceedings, or whose rights, interests protected by law or obligations can be directly affected by the decision; moreover, a party to proceedings can be a person stating that his/her rights, interests protected by law or obligations can be directly affected unless it has been proven that the contrary is the case.

In its § 15 the Administrative Order regulates the position of the so-called party concerned as follows:

A special Act may specify under what conditions a person other than a party to the proceedings can also participate in the proceedings or its part (hereinafter referred to as "person concerned").

A person concerned has a right to be notified of the proceedings start and of other submissions or filings of parties to the proceedings, to take part in oral proceedings and in the local inspection, to propose evidence or proofs and completion of the decision basis. A special Act may grant more rights to a person concerned.

A party to proceedings can also be a person whose position as a party to proceedings is conferred by a special Act. For example the Act No. 39/2013 Coll. on integrated prevention and control of environment pollution and on amendment of some acts as amended posterior, which replaced the Act No. 245/2003 Coll., defines the term "public concerned" and its position as a party to proceedings. The Act No. 151/2002 Coll. on use of genetic technology and genetically modified organisms as amended posterior defines in its § 33 and § 34 a party to proceedings. A party to proceedings can act independently to such an extent to which he/she is capable of acquiring rights and assuming responsibilities for his/her own acting.

Ad a)

(i) In case the applicant for information appealed to a superior body and did not succeed in the appeal proceedings, he/she can appeal to a court. In such a case, regional court in the territorial district, where the domicile of the body which took the appealed decision is, shall be competent;

(ii) Pursuant to the Act on court fees, ecological organizations are exempted from court fees in terms of § 4 paragraph 2 subparagraph c). Moreover, in case of an organization other than an ecological organization and in case the applicant requests information and the obliged person is idle, the applicant can appeal to a court pursuant to § 250 of the

Civil Procedure Code (OSP) so that it orders the obliged person that he/she start acting. In this case the judicial proceedings are exempted from court fees. The exemption shall apply also to cases where a person initiated proceedings against an illegal intervention of a public administration body which is not a decision but which impaired his/her rights and interests protected by law. In other cases the person shall pay a court fee in the amount of EUR 66 upon the proposal to examine the legality of the administrative body decision which shall be returned to him/her in case of a successful dispute solution. New proceedings start due to the application of the cassation principle of administrative justice repealing the administrative body decision and returning the matter to the administrative body for further proceedings.

(iii) The court's final decision shall be binding (§ 159) for the public institution that was obliged to provide information, and at the same time, it is bound by the court legal opinion (§ 250j paragraph 6 as well as § 250j paragraph 5 of the Civil Procedure Code).

Ad b)

In matters of access to justice pursuant to Article 9 paragraphs 2, 4, and 5 of the Aarhus Convention the requested public rights are – according to our interpretation of the Civil Procedure Code (Act No. 99/1963 Coll. as amended posterior) – ensured upon provisions of §§ 19 and 20 of the Act quoted:

§ 19

A person is capable of being a party to proceedings if he/she is capable of having rights and obligations; otherwise it is merely a person to whom the capability was acknowledged by law.

§ 20

Everybody can act independently before court as a party to proceedings (procedural capacity) to such an extent to which he/she is capable of acquiring rights and assuming responsibilities for his/her own acting.

Ad c)

Currently, there is access to court for the purpose of contesting a breach of law in the area of environment in the following cases:

- if persons are parties to administrative proceedings because the proceedings directly relate to their rights;*
- if an NGO is a party to the proceedings pursuant to special legal regulation (e.g. Act No. 543/2002 Coll. on environment and landscape protection as amended posterior),*
- if it concerns an entity of public concerned pursuant to the Act No. 24/2006 Coll., that acquired a status of a party to the subsequent permitting administrative proceedings in accordance with the conditions specified in the Act No. 24/2006 Coll.,*
- if non-governmental organizations were parties to a permitting procedure pursuant to the Act on integrated prevention or use of genetically modified technology.*

Ad d)

(i) According to the statistics, the duration of a trial to review the legality of a decision may take one year. The counterparty may appeal against the decision and therefore appeal hearing may be even longer. After the administrative court's decision, new administrative procedure could begin, within which the body may again refuse to provide information (e.g. due to another legal reason). In practice, therefore, the process of claiming the information to the court may take several years.

The English phrase “injunctive relief” can be understood as a court preliminary measure (precaution). Within the administrative justice the courts shall not issue preliminary measures since they are regulated by the second part of the Civil Procedure Code that does not apply to the administrative justice (§ 246c). In terms of § 250c a court may postpone enforceability of a contested decision of a public administration body.

In general, preliminary measures shall be issued by administrative bodies within administrative proceedings, hence the court would point to its insufficient powers in terms of § 7.

(ii) In particular, court decisions shall be announced publicly pursuant to § 156 of the Civil Procedure Code. Pursuant to § 44 of the Civil Procedure Code parties to proceedings and other persons are allowed to inspect files, make abstracts and copies. Moreover, the Uniform Automated System of Legal Information (JASPI) includes texts of opinions and decisions of the Slovak Republic Supreme Court since 1961, documents of the Slovak Republic Constitutional Court from 1993 when the Slovak Republic became an independent country, selected verdicts of regional and district courts in terms of the Instruction of the Ministry of Justice of the Slovak Republic on publishing decisions at the Internet that is to be extended in the future also to the agenda including administrative justice which is an issue of providing sufficient financial resources.

With regard to the fact that the some courts except for the Supreme Court of the Slovak Republic still do not make texts of verdicts related to administrative justice (and thus also environment) available upon an application for making information available and that such verdicts (again except of Supreme Court of the Slovak Republic) are not actively published at the respective website (except for several verdicts selected from the Collection of court decisions), the requirement of Article 9 paragraph 4 of the Aarhus Convention is currently not satisfied sufficiently.

Ad e)

The court fee in the amount of EUR 66 for proceedings related to examination of decision of administrative bodies could constitute some financial barrier.

XXIX. Obstacles encountered in the implementation of article 9

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Answer:

Judges do not specialize in environmental cases; at regional courts and the Supreme Court of the Slovak Republic there are administrative boards the competence of which includes such cases, too.

Lawyer offices do not specialize in cases of environmental law violations. There are just few lawyers who would address such cases (also with regard to the fact that those are not lucrative cases). Moreover, the client has to pay to the lawyer remuneration in an amount that is usually disincentive to the client.

According to the NGO VIA IURIS, there are no provisions in the legislative order of the Slovak Republic determining the range of legitimate entities (members of the public) having a right for a review procedure before an independent body (court of law) to challenge any breach of domestic law in the field of environment. The public has access to court only in a limited range of cases, when it has acquired the status of a party to the proceedings in the previous administrative proceedings (e.g. if it fulfils the conditions under Act No. 24/2006 Coll. on environmental impact assessment or under the Act No. 543/2002 Coll. on nature and landscape protection).

Thus there is a large amount of proceedings, decision and acts of public administration authorities in the Slovak Republic with a significant impact on the environment and public health, legality of which can be challenged before an independent body (court of law) either by no member of the public, or only by a narrow range of parties to the previous administrative proceedings (pursuant to § 14 of the Administrative Order – Act No. 71/1967 Coll. - a party to proceedings shall be the person whose rights can be directly affected by the decision). Moreover, administrative bodies interpret the term affected in a very narrow sense, meaning that not even e.g. NGOs acting in the field of environment can challenge an obvious breach of law, e.g. in the proceedings pursuant to the Building Act, Act on Waste, Act on Air Protections or Act on Forests. It is also important to keep in mind that a lot of decisions and acts are taken within administrative proceedings, to which no member of the public can be a party, or they are not taken within administrative

proceedings at all, which means that no-one (not even a member of the public) is a party to the proceedings.

This results in a state, where members of the public (e.g. NGOs acting in environmental protection) cannot act as public protectors of the environment and enforcement of the observation of environmental law is thus ineffective.

The current regulation of postponing enforceability of a decision stipulated by the § 250c para 1 second sentence of the Civil Procedure Code, which involves regulation on injunctive relief only in a way that includes just the possibility of a court to postpone enforceability of a contested decision of a public administration body cannot be seen as such, which would meet the requirements of Art. 9 (4) of the Aarhus Convention for an adequate and effective remedies, including injunctive relief, mainly due to the fact that the criteria under which a court may postpone enforceability of a decision of an administrative body are very vague and also because of the fact that on the refusal to impose postponing of enforceability the court does not issue a decision, therefore it is not possible to contest it.

“Upon the request of a party the presiding judge may postpone enforceability of a decision, if an immediate performance of the contested decision could cause a severe harm. If the presiding judge does not comply with the request, he/she shall notify the party about it.” Moreover, the judge is not obliged to justify why he/she did not comply with the request. In practice courts simply send a brief notification in a letter.

In practice it happens that a court only rarely postpones enforceability of a decision of and administrative body, which results in a situation, that until the court decides on a legality of the contested decision and on the challenge, the decision has already been carried out (e.g. a construction has been built based on a building permit).

In the Slovak Republic the Ministry of Justice (MoJ) is the state administration central body responsible for legislative regulation of access to justice. The MoJ considers giving the status of a party to the administrative proceedings to public concerned in specific pieces of legislation to be the optimal solution for meeting the requirements of Art. 9 of the Aarhus Convention.

There are no provisions in the legislative order of the Slovak Republic determining a closer range of legitimate entities (members of the public) having a right for a review procedure before an independent body (court of law) to challenge any breach of domestic law in the field of environment. The public has access to court only in a limited range of cases, when it has acquired the status of a party to the proceedings in the previous administrative proceedings, which might appear in breach with Art. 9 (3) of the Aarhus Convention.

In the Slovak Republic the solution of the issue of injunctive relief by means of postponing enforceability of a decision seems to be insufficient and not fully meeting the requirements of Art. 9 (4) of the Aarhus Convention. It would be appropriate to amend this legal institute in the future, so that it would become an effective tool for environmental protection, i.e. that it would clearly state under which conditions injunctive relief shall be applied and at the same time it would encompass also a possibility of a precautionary and corrective measure.

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

The administrative justice statistics are especially kept on the claims related to the environment administration, however, divided into the nature and landscape protection, water management, air protection, waste, packaging, and waste management, land-use planning, land-use proceedings, building proceedings, house inspection proceedings, deprivation proceedings and others. Statistics in a more detailed division are not kept. The

Ministry of Justice of the Slovak Republic keeps statistics on the number of suits (actions) in disputes of civil-law nature in the area of personality protection, protection of legal entity reputation, and liability for damage, and in disputes of criminal-law nature, i.e. crime of slander, which is statistical data of general nature, and the Ministry does not have specific data related only to the environmental decision-making processes.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

<http://www.justice.sk>
<http://www.nssr.gov.sk>
<http://www.vop.gov.sk>
<https://www.slovensko.sk/sk/titulna-stranka>

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was signed on 25 June 1998 in the Danish city of Aarhus during 4th UNECE Ministerial conference "Environment for Europe" and during its 15 years of existence it proved its justness and it can be seen as a qualitative dividing line in the communication between state administration and citizens, as a tool for enhancing democracy and enforcement of human rights and freedoms. It is aimed mainly at making environmental information accessible and available to the general public, at creating conditions for active public participation in decision-making procedures in environmental matters and at ensuring legal protection in environmental matters.

The Parliament of the Slovak Republic agreed to the Convention by its Declaration No. 840 from 23 September 2005. The charter on accession of the Slovak Republic to the Aarhus Convention was deposited at a depository (UN General Secretary) on 5 December 2005. It became valid for the Slovak Republic on the 90th day after the date when the charter on accession was deposited, that is on 5 March 2006.

The Slovak Republic fulfils its obligations resulting from the Aarhus Convention, that means it pays increased attention to the creation of European legislation in the given field, reflects on potential changes and amendments in this field, actively co-operates not only with all concerned state administration central bodies, but also with environmental NGOs and together they find effective solutions enabling direct involvement of citizens in decision-making procedures.

XXXIII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

Case ACCC/C/2009/41/Slovakia

An Austrian NGO Global 2000/Friends of the Earth lodged a communication on 1 July 2009 to the Compliance Committee stating that the Slovak Republic was not in compliance with the obligations under Art 6 para 1, 4 and 10 and Art. 9 para 2, 3 and 4 of the Aarhus Convention in case of completing the construction of reactors 3 and 4 of the NPP Mochovce (building permit from 1986), namely as regards the decisions of the Nuclear Regulatory Authority of the Slovak Republic (abbreviation in Slovak "ÚJD SR") from 14 August 2008 No. 246/2008, No. 266/2008 and No. 267/2008. The NGO objected that public concerned did not have access to the decision-making procedure, since the environmental impact assessment procedure (EIA) was not carried out.

The Compliance Committee issued its findings and recommendations included in the decision IV/9e under ECE/MP.PP/2011/L.16 that were adopted by the 4th Meeting of the Parties to the Aarhus Convention, so called MOP4 on 27 June – 1 July 2011 in Kishinev:

- 1. Endorsed the findings and recommendations of the Compliance Committee that the Party concerned, the Slovak Republic, by failing to provide for early and effective public participation in the decision-making leading to the decisions by the Slovak Nuclear Regulatory Authority (hereinafter referred to as „SNRA“) 246/2008, 266/2008 and 267/2008 of 14 August 2008 concerning the Mochovce NPP, failed to comply with article 6, paragraphs 4 and 10, of the Aarhus Convention;*
- 2. Recommends that the Slovak Republic review its legal framework so as to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated or the activities are changed or extended compared to previous conditions, in accordance with the Aarhus Convention;*
- 3. Invites the Slovak Republic to submit to the Committee a progress report on 1 December 2011 and an implementation report on 1 December 2012 on achieving the recommendation above;*
- 4. Requests the Aarhus Convention Secretariat and invites relevant international and regional organisations and financial institutions, to provide advice and assistance to the Slovak Republic as necessary in the implementation of the measures mentioned;*
- 5. Undertakes to review the situation at the fifth session of the Meeting of the Parties to the Aarhus Convention.*

The Slovak Republic took the findings and recommendations of the Compliance Committee into account considering their non-confrontational, non-judicial and consultative nature (Art. 15 of the Aarhus Convention).

The Slovak Republic has actively co-operated and carried out all necessary imposed measures within the requested deadline. Both reports were sent to the AC CC – the report on the progress achieved from 30. 11. 2011 and the implementation report from 30.11. 2012. The reports were detailed and specified into details all achieved legislative changes in order to comply with the Aarhus Convention.

Upon a request of the AC CC from 14 December 2012 a teleconference was held. It was attended by the chairperson and members of the AC CC, representatives of the Ministry of

Environment, Nuclear Regulatory Authority and representatives of Austrian and Slovak NGOs (Oekubuero, Global 2000 a Via Iuris). The result of the teleconference was an additional requirement for the Slovak Republic to respond questions that were raised during the discussion.

The Slovak Republic sent responds to the AC CC within the given deadline of 28 February 2013 that were prepared using opinions and statements of entities concerned.

In the given case, the Slovak Republic keeps on communicating with the Secretariat of the AC CC, at the same time it is, however, of the opinion, that it has taken all necessary steps required by the decision IV/9e under ECE/MP.PP/2011/L.16 adopted by the 4th Meeting of the Parties to the Aarhus Convention and by the findings and recommendations of the AC CC as regards the case ACCC/C/2009/41/Slovakia.

On 15 August 2013 the Slovak Republic sent additional required information regarding the case to the AC CC. The Supreme Court of the Slovak Republic issued a decision under file number 5Sžp/21/2012 z 27.6.2013 in which it decided in favor of the plaintiff. The Supreme Court amended the original decision of the Regional Court in Bratislava under file number 4S/125/2009 so, that it recalled the decision of the ÚJD SR No. 79/2009 from 28. 4. 2009 (a decision on the appeal against the decision of the ÚJD SR No. 246/2008) and returned the matter for further proceedings.

We would also like to draw your attention to a new communication:

Case ACCC/2013/89/Slovakia

On 10 June 2013 a communication under the file number ACCC/2013/89/Slovakia was lodged to the AC CC by Slovak and Austrian NGOs Greenpeace Slovakia, Via Iuris and GLOBAL 2000/Friends of the Earth Austria.

The abovementioned communication follows-up on the previous proceedings ACCC/C/2009/41 Slovakia in case of permitting procedure for the completion of the construction of reactors 3 and 4 of the NPP Mochovce (hereinafter only "NPP MO 3, 4"). The new communication argues mainly that the Slovak Republic did not ensure access to justice in accordance with the provisions of the Aarhus Convention.

The NGOs state in their communication that the Slovak Republic, i.e. specifically the ÚJD SR did not provide for public participation in the permitting procedure in case of the completion of construction of the NPP MO 3,4 before three decisions were taken, namely decisions No. 246/2008, No. 266/2008 and No. 267/2008 from 14 August 2008. According the NGOs, the Slovak Republic breached by its actions Art. 9 paragraphs 2, 3 and 4 of the Aarhus Convention. The communication also states that the adopted amendments of the Atomic Act limit the access to information for the public in the field of nuclear energy, which causes a breach of Art. 6 para 2 subpara d) (vi) of the Aarhus Convention.

The Slovak republic shall prepare its position according to the requirement of the AC CC until 26. 12. 2013.