

**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.**

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Signature:

Date: 12 December 2016

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## **Implementation report**

**Please provide the following details on the origin of this report**

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## 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 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:*

<b>Preparation process</b>	<b>Duration</b>	<b>Deadline</b>
<i>Format for the report was sent to stakeholders concerned with a request for submission of updated information.</i>		<i>23 March 2016</i>
<i>Submission of updated information from stakeholders consulted.</i>	<i>1 month</i>	<i>2 May 2016</i>
<i>Preparation of the first draft of the National Implementation Report (hereinafter only "IV NIR") based on submitted information from stakeholders consulted. The draft was then made publicly available at <a href="http://www.enviro.gov.sk">www.enviro.gov.sk</a> for comments and consultations.</i>	<i>1 month</i>	<i>June 2016</i>
<i>The comments and results of consultations with NGOs regarding the draft IV NIR were taken into account.</i>	<i>2 months</i>	<i>July– August 2016</i>
<i>Preparation of the final version of IV NIR in the Slovak language based on received comments and consultations that were carried out.</i>	<i>2 months</i>	<i>September – October 2016</i>
<i>Translation of the report into the English language.</i>	<i>1 month</i>	<i>November 2016</i>
<i>Submission of the IV NIR to the Secretariat of the Aarhus Convention.</i>	<i>180 days before the regular 6<sup>th</sup> meeting of the Parties to the Aarhus Convention (MOP-6)</i>	<i>Recommended deadline for the submission of the report: 15 December 2016</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 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, the second one on 27 May 2011, and the third one on 16 January 2014. The report being submitted is the Slovak Republic's fourth national implementation report. The three 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 fulfilment of commitments under the Aarhus Convention and evaluation of the state of its implementation, not only the cooperation with central government bodies, environmental departments at district offices or local government bodies 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:*

*Ad a)*

*The information activity consists mainly of informing the public through media, Act No. 211/2000 Coll. on free access to information (Act on Information Freedom) as amended, Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information and on the amendment to certain acts as amended, as well as the meta-information system – EnviroInfo - of the Ministry of Environment of the Slovak Republic (hereinafter the "MoE SR") in which all departmental organisations and central government authorities for environment creation and protection participate. All central government bodies, i.e. ministries and their departmental organisations have created the websites providing information to the general public.*

*Since 2006, trainings have been organised in the regions of Slovakia concerning Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended for municipalities and local governments in cooperation with the Association of Slovak Towns and Municipalities (abbreviation in Slovak - ZMOS). The trainings are provided by the MoE SR. The trainings on 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 the Slovak Republic - [www.katasterportal.sk](http://www.katasterportal.sk), Statistical Office of the Slovak Republic – <https://slovak.statistics.sk/wps/portal/ext/themes/environment/environment>, Public Health Authority of the Slovak Republic – [www.uvzsr.sk](http://www.uvzsr.sk) etc.*

*In connection with the execution of the local government reform under the title ESO (efficient, reliable and open general government), client centres as contact and administration points for citizens are under construction. Client centres are the points of the first contact of natural persons and legal entities with general government. Client centres integrate the services provided by the units of the Ministry of Interior of the Slovak Republic, among others by the environmental departments of district offices. Client centres contribute to simple and efficient communication between citizens and the State. In addition to the Bratislava centre, 43 client centres are open out of the total number 79, which are planned by the Ministry of Interior of the Slovak Republic within the Slovak Republic.*

*Pursuant to Article 7 (3) of Act No. 525/2003 Coll. on state administration of environmental protection and on the amendment to certain acts as amended, the employees of inspection, environmental departments of district offices and municipalities, who perform state administration of environmental protection, must meet a special qualification precondition proved by an examination. The examinations proving the fulfilment of special qualification preconditions, are always preceded by training, during which the trainees are instructed in the correct application of the Aarhus Convention and the duty to provide the public with proper cooperation in requesting*

access to information, to facilitate the participation of the public in the decision-making process and access to justice in environmental matters.

Ad b)

The environmental education stems from the Environmental Education Concept approved by Government Resolution of the Slovak Republic No. 846/1997 and from the State Educational Programme of the Ministry of Education, Science, Research and Sport of the Slovak Republic based on Act No. 245/2008 Coll. on education (School Act) and on the amendment to certain acts as amended. The measures intended to increase the environmental education efficiency include, in particular, its integration into the curricula of nursery, elementary and secondary schools worked out in compliance with the respective state educational programme. 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. Incorporation of cross-cutting topic circuits into the school educational programme is mostly carried out as part of the contents of the selected relevant teaching subjects of educational areas or by creating a separate subject or by creating hobby units at school. In addition to the traditional forms of education, schools utilize the forms and methods with respect to the school's specific conditions, the needs of the region and up-to-date environmental, economic and social challenges of the society (such as project lessons, experience learning, competitions, chats, exhibitions, exercises, creative workshops, projects and programmes – both short-term and long-term, regional, national and international, etc.). Every year, the Ministry of Education, Science, Research and Sport of the Slovak Republic earmarks financial resources in its budget for schools, to support and develop practical environmental education through the call for implementation of schools' development projects under the title ENVIROPROJEKT. In the period from 2004 to 2015, over 400 projects were supported and implemented by primary and secondary schools within ENVIROPROJEKT. Special methodical events, seminars, lectures and field trips are organised for pedagogic staff. Moreover, methodical materials, publications, teaching aids are issued. The MoE SR in cooperation with its departmental organisations 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 environmental situation in the Slovak Republic to the professional and lay public. Environmental information is also provided by sector reports evaluating impacts of different economy branches on the environment and also the sets of indicators evaluating the environmental situation in the Slovak Republic. Specific workshops on the Aarhus Convention were mainly taking place in the period when Slovakia was acceding to the Convention. The workshops for the public were organized by the MoE SR in cooperation with the Regional Environmental Centre of Slovakia (REC Slovakia) for departmental organisations and local governments in cooperation with the Slovak Environment Agency (SEA) acting as the main educational institution in the government department for environment that actively prepares and provides for the fulfilment of the department's goal – to increase the environmental awareness of the population in Slovakia and education in the field of sustainable development. It's task is, in particular, to ensure informal environmental education of the general public, lifelong learning of the professional public, and to organise regional, national and international events. The most significant events include the International Environmental Film Festival - Envirofilm. The Slovak Republic is a member of the UNECE education towards sustainable development. The measures of the MoE SR increasing the efficiency of environmental education include the support of relevant projects from the Operational Programme Environment in the programme period 2007-2013 (OPE) within Priority Axis 5 Protection and Regeneration of Natural Environment and Landscape. The relevant beneficiaries (e.g. Slovak Museum of Nature Protection and Speleology, the Slovak Environment Agency, State Nature Conservancy of the Slovak Republic - SNC SR and ZOO Bojnice) implemented projects within two operational objectives. Within operational objective 5.2. "Improvement of nature and landscape conservation infrastructure by constructing and developing nature and landscape conservation facilities including introduction of monitoring systems in order to comply with national and international commitments", the activities focused on strengthening the nature and landscape conservation infrastructure were supported, i.e. in particular the activities focused on various forms of promotion, technical infrastructure,

including introduction of monitoring and information systems. Within operational objective 5.3 "Improvement of public information and environmental awareness, including improvement of cooperation and communication with stakeholder groups", which is mainly focused on the provision of sufficient environmental awareness of the public and support by owners and users of affected lands, the supported activities were mainly focused on the preparation and issuance of publications and other forms of public information, as well as execution of various workshops and professional events including information about them at websites.

Other measures increasing the environmental awareness also include the implementation of the projects financially supported through the Environmental Fund. In 2014, the Slovak Environment Agency implemented the project "Provision of public access to information about the state and quality of the environment and public participation in the decision-making process", which included the preparation of printed papers in the area of voluntary tools of environmental policy in the form of leaflets, information sheets and manual for green public procurement.

The programme document of the Slovak Republic, based on which assistance from the European Structural and Investment Funds in the field of sustainable and efficient utilisation of natural resources - Operational Programme Quality of Environment (OP QE) is provided in the programme period 2014 - 2020 represents another measure of the MoE SR for increasing the efficiency of environmental education. The global objective of the OP QE is to support sustainable and efficient utilisation of natural resources providing for the environmental protection, active adaptation to climate change and support of energy-efficient low-carbon economy. The OP QE supports the information and edifying activities in the areas covered by the OP QE, such as waste disposal, water protection, biodiversity preservation, air protection, remediation of environmental burdens, adaptation of climate change, management of extraordinary events affected by climate change and support of energy efficiency, utilisation of renewable energy sources and reduction of greenhouse gas emissions.

Within Priority Axis 1 "Sustainable use of natural resources through environmental infrastructure development", the supported areas include information activities in the area of:

- provision of waste disposal; the tools of information character with the focus on waste prevention, support of separate waste connection and waste recovery will be supported.
- achieving the necessary degree of observation and monitoring of waters and water bodies, which will ensure the creation and adjustment of conditions for the measures leading to the achievement of good ecological status and potential of surface and ground waters and water bodies; with the objective of an increase in the awareness, the improvement of efficiency of the tools of conceptual and information character applied in the area of water protection and water management will be supported.
- providing for the conditions for biodiversity preservation and improving the status of ecosystems in the landscape; the activities leading to awareness improvement and involvement of key sectors and the public in the field of nature and landscape protection will be supported.
- reducing air pollution and improving air quality; the activities focused on informing about air protection, integrated prevention and pollution control will be supported.
- ensuring remediation of environmental burdens in urban environment as well as in abandoned industrial sites, including conversion areas; the activities focused on the improvement of awareness of the area of environmental burdens will be supported.

Within Priority Axis 2 "Adaptation to the adverse effects of climate change with the focus on flood protection" the supported areas will include information activities in the area of:

- mitigating the negative consequences of climate change by executing the adaptation measures, in particular the preventive measures for flood protection; information programmes about adverse consequences of climate change and the possibilities of proactive adaptation will be supported.

Within Priority Axis 3 "Promoting risk management, emergency management and resilience to emergencies affected by climate change, the supported areas will include

information activities in the area of:

- increasing the level of preparedness to manage emergencies affected by climate change; within the construction of risk assessment systems and timely warning and preparedness to manage emergencies affected by climate change, the activities leading to an increase in awareness will be supported.

Within Priority Axis 4 "Energy-efficient low-carbon economy in all sectors", the supported areas will include information activities in the area of:

- supporting energy efficiency, using renewable energy sources and reducing greenhouse gas emissions through consulting, providing information and monitoring; the activities focused on increasing the awareness in energy, in particular energy efficiency and utilisation of renewable energy sources, including consulting, information campaigns, professional workshops, conferences and activities for children and young people will be supported.

Within Investment Priority 4 of Priority Axis 1, the activities will also include adoption of measures for improving urban environment, revitalization of cities, recovery and decontamination of abandoned industrial sites (including conversion areas), reduction of air pollution rate and support of noise-reducing measures.

Since 2002, the MoE SR has been fulfilling the task of national authority and national contact point for the LIFE programme focused on nature protection and implementation of environmental policies including increasing the awareness in environmental issues. Since 2009, the MoE SR has been providing co-financing of LIFE projects from the state budget. Within the priority area "Information and Communication" the project "Enhancement of Public Awareness of the Importance of Water for Life, its Protection and Sustainable Use in Accordance with the Water Framework Directive" co-financed from the state budget and implemented by the Výskumný ústav vodného hospodárstva / Water Research Institute in cooperation with the project partners - Slovak Environment Agency and DAPHNE - Institute of Applied Ecology, which led to the change of consumers' attitude to the utilisation of water sources and to the social stimulation of awareness of water importance, was successfully implemented in 2010-2013.

At present, total 14 projects are under way in Slovakia within the programme period 2007-2013 and programme period 2014-2020. The obligatory activity of each project is awareness-raising and dissemination of project results, which includes excursions and workshops for the public, creation of complex teaching and educational programmes for schools, documentary films etc. As regards the departmental organisations of the MoE SR, in particular the Slovak Environment Agency (e.g. the Dropie Environmental Education Centre) and the State Nature Conservancy of the Slovak Republic (e.g. the programme of nature guards, which also has an environmental education meaning) take part in the communication activities of LIFE projects.

*Educational activities of the MoE SR in the field of water:*

The preparation of methodical manuals for teachers of primary schools and secondary schools with an interactive poster for each age category of pupils represented the key activity focused on the school children and young people. Each of the manuals is equipped with the Clause of the Ministry of Education of the Slovak Republic, which authorises it for the use as a supplementary teaching material. The topics of the methodical manuals correspond to the curricula for individual age categories. In addition to the explaining text, the manuals also include job sheets with activities for pupils. The manuals in printed form were distributed to schools, preferably during the training programme for teachers and educational programme for pupils, their pdf versions are available at [www.vodajezivot.sk](http://www.vodajezivot.sk), section "Materials for Download". The corresponding poster was issued for each manual. The main objective of the training programme for teachers was to provide methodical instructions in utilising the methodical manuals and posters in the process of teaching. The training programme will help them present the water topic in an easily understandable and positive way. In total, 24 trainings were organised (one in each region) for three teaching levels (primary school - forms 1 – 4 (Manual 1), forms 5 – 8 (Manual 2) and secondary school (Manual 3).

The main objective of the educational programme for pupils and students was to provide information summarised in Manuals 1, 2 and 3 to pupils and students in an interesting and playful form in order to provoke their interest in the water topic and motivate them to water saving and protection against pollution. To address and catch the attention of

children and students, the programme was prepared in three versions adapted to three age categories. Thirty teaching meetings took place - 10 for each teaching level:

An excursion for pupils in forms 4 to 6 in the laboratories of the Výskumný ústav vodného hospodárstva / Water Research Institute was carried out within this activity. The excursion with 96 participants (6 pedagogues and 90 children) from primary schools in Láb and Veľké Leváre took place on 6 November 2013. A rich programme was prepared for excursion participants.

At the level of the international Danube river basin, the activities in Slovakia were fully coordinated with the activities of the ICPDR. (These activities are described in the "umbrella report" of the Danube River Basin Management Plan) - <http://www.icpdr.org/>.

Other numerous actions of individual organisations within the MoE and out of it, including the above-mentioned project LIFE08 INF/SK/000243, served for informing the public and stakeholders. The focus of the project was based on the requirement of the Water Framework Directive to provide information to the public about the importance of water protection. The topic was covered by a wide spectrum of particular activities directed to the provision of relevant information to young generation, and the lay and professional public. The information campaign was focused on five main areas – media campaign, interactive education, website [www.vodajezivot.sk](http://www.vodajezivot.sk), methodical manuals for schools and special events. All the information documents and materials are available at the website [www.vodajezivot.sk](http://www.vodajezivot.sk), which also contains important and practical information for the lay and professional public, quiz and games for children and young people. The website visit rate is higher than expected, at present about 900 visits monthly (so far in total almost 26,000 visits). Promotion of accompanying events and a photo gallery of actions is a valuable part of the website. Through the website, the "Water Academy" - an interactive competition for schools was started in the school year 2012/2013, with 51 school teams participating. The first 15 registered school teams received the "research package" with experimental aids for solving the competition tasks. After the end of the competition, this briefcase with aids remained at the participating school to support eco-activities. The competition Water Academy lasted 8 months, where individual teams of pupils from the 5th and 6th forms solved 24 tasks. On-line competition tasks were published in monthly intervals and required regular work with computer to obtain information, and field research.

Professional departmental organisations also take part in executing environmental education through the following activities:

The Slovak Environment Agency together with the MoE SR publishes a scientific-educational magazine on the environment called *Enviromagazín* six times a year and organises the already mentioned environmental film festival *ENVIROFILM* once a year. The festival includes the competition of art creativity of children and youth – *Green World*. Since 2008, the Slovak Environment Agency has been implementing a project called *Environmental Awareness Improvement in the Field of Nature and Landscape Protection* (including *NATURA 2000*). The task of the project is to contribute to raising environmental awareness of the general, pedagogic and professional public of 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, the Slovak Environment Agency organises education in the field of environment creation and protection – specialized preparation for acquiring individual qualifications, education in the field of green procurement for contracting authorities and accredited education of pedagogues, general government and local government employees. In 2011 and 2012, the Slovak Environment Agency organised information events in order to support the awareness of 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 public environmental awareness of nature protection and the *NATURA 2000* network and to the improvement of communication among the stakeholders, exchange of information and experience in this field.

The Slovak Environment Agency also solved the projects within the *OP Environment*, Priority Axis 4 Waste Management, Operational Objective 4.4. Addressing the issue of

environmental burdens, including their removal, which were focused on raising environmental awareness in the issue of environmental burdens: project "Edifying, work with the public as the support in solving environmental burdens in the Slovak Republic", project "Integration of the public into solving environmental burdens". Within the project "Edifying, work with the public as the support in solving environmental burdens in the Slovak Republic", the following was executed: 5 professional seminars, 1 international conference (Contaminated Sites 2013), 1 Czech - Slovakian conference, 1 fair of environmental teaching programmes ŠÍŠKA, the publication Solving Environmental Burdens in Slovakia, presentation day on environmental burdens, 3 information leaflets, job sheets for schools, Enviroza school programme including the methodical manual and website [www.enviroza.sk](http://www.enviroza.sk). Within the project "Integration of the public into solving environmental burdens", the following was executed: international conference (Contaminated Sites 2015), 3 courses of polluted area risk analysis, 2 courses for pedagogues and students focused on environmental burdens, their survey and remediation methods, publication Environmental Burdens, 10 trainings (methodical days) for teachers focused on school programmes of the Slovak Environment Agency, with the key programme Enviroza.

In 2008 - 2012, the Slovak Museum of Nature Protection and Speleology implemented the project NATURA 2000 in life-long education. Within the project lectures for primary and secondary schools on various NATURA 2000 topics were organized, publications about national parks, protected landscape areas and protected trees in Slovakia were published, and the Atlas of Species of Community Importance for the NATURA 2000 localities in Slovakia and in 2012 its electronic version on DVD was issued.

Within the promotion of territorial and species protection regarding the NATURA 2000 European network of protected areas, the Slovak Museum of Nature Protection and Speleology organised three cycles of methodical days for primary and secondary school teachers in selected localities – sites of Community importance (SCI) and special protection areas (SPA), which are part of NATURA 2000, as well as in national protected areas of the Slovak Republic.

In 2015, the Slovak Museum of Nature Protection and Speleology also organised the following events:

Exhibitions (11th year Eco-photography – 200 participants, 13th year Fragments from Nature – 213 participants, 13th year Nature by our Eyes – 207 participants, Lynxes and their Relatives – 150 participants, Sites of World Natural Heritage in Slovakia – 148 participants, Wetlands – Nature Treasures – 92 participants, Hidden Beauties of Wild Nature – 137 participants, participants in total 1,147); eco-days spring and eco-days autumn (37 lectures with the presence of 1,161 students and pedagogues at 11 schools); workshops (World Wetlands Day – 60 participants, World Water Day – 18 participants, World Bird Day – 38 participants, World Earth Day – 30 participants, International Children's Day – 29 participants, World Environment Day – 40 participants, European Heritage Days – 24 participants, World Animal Day – 18 participants, World Walking Day – 1,201 participants, European Science and Technology Week – 53 participants, participants in total 1,511); eco- and speleo-events (Vietnam – a country known and unknown – 32 participants, Mineralogical-Speleological Expedition to East Siberian Caves, Russia – 17 participants, World War I and Liptov – 27 participants, Wetlands – Nature Treasures – 75 participants, Geological-Geomorphological Development of Orava Territory – 22 participants, Expedition to Southern Ural Caves – 24 participants, participants in total 197), lending the exhibitions with environmental topic (16 exhibitions to 8 institutions: Mysterious and Useful Mushrooms – 26 participants, Golden Eagle – the Bird of Kings and the King of Birds – 450 participants, Private World of our Birds – 12 participants, Cave – a Cavity in a Rock Massif – 300 participants, Deer – the King of Forests – 107 participants, Our Melliferous Plants – 319 participants, Night Hunters – 802 participants, Attractions from the World of Hymenoptera – 516 participants, Dragons' Caves – 472 participants, Caves and Archaeology – 472 participants, Secrets of our Beetles – 400 participants, Walking Leaves and Leaf Moulds – 2,700 participants, We Want to Live without Narcotics – 450 participants, World Cultural Heritage Sites in the Slovak Republic – 129 participants, Speleo-Photography – 212 participants, Arachnoids Emblazoned with Nets and Superstitions – 302 participants, participants in total 7,669), lectures (Nature Protection and Amphibians around us – 42 participants, Knowledge from

*Journeys to the Russian Federation, Carst and Caves of Slovakia and Importance of Large Beasts – 249 participants, Pack Up and Come to Liptov – 30 participants, participants in total 321).*

*The Slovak Mining Museum in Banská Štiavnica (SMM) belongs to the most significant museums in Slovakia in terms of history of structures, character and quality of the collections largely focused on mining and geology. In compliance with the environmental policy strategy, the SMM focuses mainly on the development of school and out-of-school education, environmental science, environmental regionalization, ethics, edifying, promotion and environmentally beneficial activities of youth and citizens. The SMM performs the educational activities for children from kindergartens, pupils of primary and secondary schools, for the handicapped and for the public through the project School in the Museum in expositions and at current exhibitions.*

*Educational activities, such as the Štiavnica stratovolcano and its mineral deposits, minerals of Banská Štiavnica and its surroundings, identification of mineralogical and petrographic collections, primacies of the mineral kingdom of Slovakia, took place in Berggericht, a mineralogical exposition. In Kammerhof, the exposition Mining in Slovakia, the following activities took place: getting to know the perished mining activity and old mine workings connected with an interactive view of the exposition and gold-washing, mining activity, customs and traditions of the Banská Štiavnica region, craft and art workshops with the use of natural and waste materials, special activities for the visually and otherwise handicapped people, summer camp and summer school in the museum.*

*In the Jozef Kollár Gallery, the following activities took place: changes of the cultural and mining country in visual art, the history of the Banská Štiavnica region.*

*The SMM also organised the following exhibitions:*

*Taming of Elements or Energies Serving to Man, an exhibition executed in the year of the 300th birth anniversary of Jozef Karol Hell - the inventor, constructor and builder of Štiavnica mining water reservoirs, who largely contributed to the rescue and subsequent boom of mining in the Štiavnica mining area. The exhibition showed how man had mastered and utilised the energy of water and fire, air and earth, as well as both renewable and non-renewable sources, which can be obtained from the Earth in the form of minerals, by growing, and from water.*

*On the occasion of World Water Day and Earth Day, thematic commented views and exhibitions took place; the exhibition "We cannot complain aloud" was an international competitive show of children's and students' creativity with environmental topics. The World Water Day event took place as a presentation in the rooms of the exposition Mining Technology, focused on both positive and negative action of water in mines. The emphasis was put on water utilisation as a main driving energy for mining, pumping and treatment equipment in the 18th and 19th centuries. A poster presentation of educational information boards of geopark paths was focused on the Banská Štiavnica water management system.*

*The exhibition "Underground of the Spiš region and opal mines in the photos of Miloš Greisel" showed the beauty of the underground of Spiš mines and the opal mines at Dubník near Červenica in the Slánske Hills, and it was supplemented with collection subjects (minerals, rocks and deposit geological collection subjects) from the funds of the SMM.*

*At the Trenčín fair ground, at the Stone Cutter exhibition, the SMM presented Minerals of Slovak Quarries, a presentation of Slovak stone quarries in the photos of Ing. Lubomír Lužina with the samples of minerals coming from Slovak quarries.*

*Mini ZOO in the Museum – an exhibition of exotic as well as domestic species of insects and small animals.*

*Science and Technology Week, a presentation of mining technical monuments within the Mining Technology exposition.*

*Environmental bazaar of (un)necessary things was organised with the objective to minimise waste production and to reuse objects.*

*Water Research Institute (WRI) organises (not only on the occasion of World Water Day) excursions in its laboratories for pupils of primary schools, secondary schools and universities. In 2016, on the occasion of World Water Day, the 5th year of creative art competition of secondary art school students took place with the theme of water, and within the framework of the exhibition CONECO-RACIOENERGIA, the conference Water and Employment for students of secondary schools and universities took place to increase the interest in education in water management.*

*Slovenský vodohospodársky podnik, state enterprise (SVP, š.p.) contributes to environmental education by organising workshops, conferences, and activities for various public categories (the professional public, lay public, children and students) on the occasion of World Water Day, Danube Day, World Wetlands Day, and Earth Day, etc. The actions are organised at the level of branches or individual administrations of river-basins. On a regular basis, SVP, š.p. co-organises with Východoslovenská vodárenská spoločnosť, a. s. District Water Days in Michalovce, with the participation of local governments.*

*All year round, Vodohospodárska výstavba, state enterprise (VV, š.p.) executes excursions for organised groups at the Gabčíkovo Water Work and Žilina Water Work with professional commentary of experienced technical specialists who have been working in the structures for years. The excursion participants are informed about the operation of ship locks, weir operation at Čunovo, function of protection dams and flood protection system. Excursions are also executed in the Gabčíkovo and Žilina Hydro Power Plants, where the visitors also see the technological rooms of the power plants.*

*In 2015, on the occasion of Danube Day, an extensive day-long cultural and educational event was organised, during which the public could enter the usually closed rooms and structures of the Gabčíkovo Water Work. For the participants, free sight seeing navigations were dispatched through the ship locks to the supply channel, in cooperation with the partner enterprise SVP, š.p.*

*Central government environmental authorities as well as other central government bodies ensuring protection of environmental components also take part in environmental education by the annual organisation of activities within the framework of World Earth Day and Water Day etc.*

*Every year within the framework of World Water Day, the Public Health Authority of the Slovak Republic (UVZ SR) in cooperation with Regional Public Health Authorities provides the public with consulting and advisory services regarding the quality of drinking water. At the same time, the authority provides free laboratory tests of water samples from individual water sources (wells) in selected chemical indicators – nitrates and nitrites, which are the most frequently exceeded indicators in drinking water from individual water sources and in terms of health, high values of them are not safe (in particular for small children).*

*In summer season, the Public Health Authority of the Slovak Republic informs the public about water quality for bathing (natural and artificial swimming pools) at its website on a regular basis.*

*At the same time, within its competencies the UVZ SR provides information, news in the area of environmental health (noise, indoor air, drinking water, bathing water, climate changes, exposure to chemical substances and human biomonitoring etc.).*

*In the area of indoor air, it cooperates with schools and parents. Based on the results of measurement of chemical and biological substances in school classes it creates recommendations, directives and proven procedures for better quality of indoor air in cooperation with European partners. Information leaflets for schools: "Clean air, healthy children, a clearer future", "Feel well and be healthy at home and at school", "Manual for healthy environment in European schools" were issued and distributed.*

*In human biomonitoring, the Authority started cooperating with parents and children through schools, involving them into the all-European project focused on monitoring the exposure to selected chemical substances. The research subject included phthalates, cadmium, cotinine and mercury, which were monitored in the biological material of children and their mothers (urine, hair). Subsequently, the report "Human Biomonitoring in Europe" was published and presented to the stakeholders. The parents were also informed about individual results.*

*On a regular basis, the Nuclear Regulatory Authority of the Slovak Republic (NRA SR) organises visits of secondary schools and universities, where students are familiarised with the activity of the Authority and with nuclear safety of nuclear installations in the Slovak Republic, which increases the level of their knowledge in this area. At its website, the Authority provides instructions how to ask for information in accordance with Act No. 211/2000 Coll. on free access to information. At the same time, the public can fill in the prepared application form and send it, which facilitates the process of application*

submission. All the administrative proceedings commenced, under way and completed are also published at the website of the NRA SR. Moreover, relevant information on the activity of the Authority, on safety and risks of nuclear energy use in the Slovak Republic, emergency planning and events on nuclear installations is published by the Authority at its website. The Authority also publishes the decisions issued and the administrative proceedings under way. The Authority provides the public, through the links [info@ujd.sk](mailto:info@ujd.sk) and Write Us, with the possibility to communicate questions they are interested in.

On a regular basis, the Authority communicates with civil information commissions established in the areas with nuclear installations, associations of interest, municipality mayors, and takes part in information workshops, thus encouraging the public to ask and request information about the issues of nuclear safety.

Pursuant to Article 4 (1) (h) of Act No. 541/2004 Coll. on peaceful use of nuclear energy (Atomic Act) and on the amendment to certain acts as amended, the Nuclear Regulatory Authority of the Slovak Republic, once a year, always as at 30 April, submits a report on the state of nuclear safety of nuclear facilities in the territory of the Slovak Republic and on its activity for the previous year to the Government of the Slovak Republic and subsequently to the National Council of the Slovak Republic.

Ad c)

In its Manifesto for 2012-2016 as a follow-up to the Manifesto for 2010-2014, the Government of the Slovak Republic undertook to modify the legislation so that the participation of the public in the environmental decision-making process in compliance with the Aarhus Convention would be ensured, while creating the room for efficient communication between the Government and the public sector and non-governmental organisations, which would be covered by the plenipotentiary for civil society. The objective is, inter alia, to increase the efficiency and improve the accessibility of general government for natural persons and legal entities by reforming general government, so-called ESO.

The above-mentioned objectives of the Government of the Slovak Republic involving the general public in the decision-making processes are reflected in the following resolutions:

Government Resolution of the Slovak Republic No. 68 dated 22 February 2012 concerning the proposal of the Strategy of Civil Society Development in Slovakia,

Government Resolution of the Slovak Republic No. 397 dated 1 August 2012 concerning the proposal for the establishment of the Council of the Government of the Slovak Republic for non-governmental non-profit organisations.

Civil associations (non-governmental organisations) have their legal basis in the following regulations:

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

Act No. 40/1964 Coll. Civil Code as amended,

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

Act No. 213/1997 Coll. on non-profit organisations providing social welfare services as amended,

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

Ad d)

Public participation in international processes of environmental decision-making is applied in compliance with the provisions of and in accordance with Act No. 211/2000 Coll. on free access to information, and Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended. In practice, the Slovak Republic applies the principles of the Aarhus Convention, e.g. within the OECD, through the participation of non-governmental organisations in interdepartmental negotiations with OECD experts regarding the preparation of the first and second Environmental Performance Review of the Slovak Republic. The Nuclear Regulatory Authority of the Slovak Republic takes part in the activities initiated by the French National Association of Local Information Commissions ANCLI in cooperation with the ENEF Group and French Ministry of Ecology for coordination of activities for the practical implementation of the Aarhus Convention. Within the above-mentioned activities, workshops on the practical implementation of the Aarhus Convention and on principles of its application in the field of nuclear energy use in individual EU countries at the level of the EU take place with the presence of state organisations' representatives, stakeholders and non-governmental organisations. Non-

governmental organisations and the public are involved in the preparation of the new act on nature conservation - its amendment, and in the preparation of a new concept of nature and landscape protection, as well as the up-to-date subjects, e.g. within the coordination council for birds monitoring and for reporting pursuant to Article 12 of the Directive on the conservation of wild birds, in preparing the national report on bird crime etc.

In accordance with Decision No 466/2002/EC of 1 March 2002, the MoE SR worked out 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 (Government Resolution of the Slovak Republic No. 944/2002).

On the authority of the Office of the Plenipotentiary of the Slovak Government for the Development of Civil Society and in accordance with Government Resolution of the Slovak Republic No. 68 dated 22 February 2012, the draft Declaration on the Cooperation between the Ministry and Non-Governmental Organisations was prepared.

The workers of organisational departments of the MoE SR responsible for the area of the Aarhus Convention closely cooperate, within the framework of internal consultations, in the implementation of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Regulation (EC) No. 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register, Regulation (EC) No. 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents, Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information (Report on the experience acquired in implementing Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information in the conditions of the Slovak Republic), Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment, and 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 Constitution of the Slovak Republic ("Everyone has the right to timely and complete information about the state of the environment and about the causes and consequences of its condition.") in connection with Article 51 (1) of the Constitution of the Slovak Republic and Article 3 (1) of Act No. 211/2002 Coll. on free access to information ("Everyone has the right to access to information available to obliged persons") represent the basic constitutional rights, to which also the right to free uncensored expression of opinions is related.

#### 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:

Increased demands for personnel and professional capacities of individual government bodies, which are taken into account neither in the organisational structure of the bodies nor in the financial support for their operation, are connected with public access to information, public participation in decision-making and access to justice.

The government bodies do not have sufficient staff, therefore, this area cannot be attended to as necessary. A lack of financial resources for education (e.g. systematic education of civil servants in individual sections of central government, for workshops, professional conferences, international meetings, publications) and material equipment (e.g. absence of GPS, GIS) also represents an obstacle.

The quality of education, research and development should be increased. Persons capable

*of creative management, creative thinking at work with legal standards and management should be prepared for governmental activities. It is a discipline, where it is necessary to learn how to work with people and for people, and also to prepare for leading people within the framework of affecting the current complex dynamic systems.*

*The lack of financial resources allocated from the healthcare sector for the protection, support and development of public health in terms of the material, technical and staff support allows only to a limited extent the implementation of practical measures for the fulfilment of the goals defined in public healthcare. The UVZ SR together with the Regional Public Health Authorities represent the responsible body for the provision of information about the quality of waters for bathing. They operate the "Information system on swimming pools and bathing water quality" (IS VNK). The IS VNK was designed on the basis of the requirements defined in its creation in 2006 to 2007. However, immediately after the commencement of its operation in 2008, new Directive 2006/7/EC concerning the management of bathing water quality entered into effect, which significantly changed the requirements for reporting the data on bathing water and extended the requirements for informing the public. No financial resources have been invested in the system upgrade since 2008. At present, the IS VNK does not allow sufficient data processing pursuant to the requirements for data reporting, which the Slovak Republic is obliged to provide to the European Commission every year after the end of the bathing season. In addition to the provision of bathing water quality data, the new Directive also emphasises that all information on bathing water should be made accessible and actively disseminated to the public, including bathing water profiles. An increased interest in information on swimming pools from both the public and media has been recently recorded in particular in the period of bathing seasons. The IS VNK in the current condition cannot provide such information to the persons interested.*

*In certain cases, the Aarhus Convention does not define unambiguously some terms and activities regarding, for example, nuclear installations. To be specific, although Article 2 defines the term "environmental information", it is a general definition - it does not define in detail, what environmental information means for a nuclear installation, for example, in relation to the licence documentation according to nuclear law (e.g. Pre-Operational Safety Analysis Report), which is the worldwide most important part of nuclear licence documentation (PREOSAR).*

*The list of activities in Annex I seems to be another problem; it includes nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors.*

*The insufficient interest of some central government bodies in the Aarhus Convention can be perceived as one of additional obstacles, which became evident in the process of preparation of this report, concretely at the request for sending supporting documents and during the process of providing comments on the draft report, within which the majority of the affected central government bodies failed to provide cooperation within the requested scope or remained inactive, thus, it was not possible to evaluate sufficiently certain areas under the competence of these central government bodies. For the above reasons, in relation to Article 3 of the Convention we can point out, for example:*

- an insufficient evaluation of the duties resulting from Article 3 (2) and (3), in particular in relation to the promotion of education of officials in the areas regarding the Aarhus Convention,*
- an insufficient evaluation of the duties resulting from Article 3 (4) of the Aarhus Convention, in particular in relation to non-governmental organisations,*
- an insufficient evaluation of the duties resulting from Article 3 (8) of the Aarhus Convention, in particular in relation to prevention of punishment, penalisation, persecution or harassment of persons exercising their rights in conformity with the provisions of the Aarhus Convention.*

## 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 the environment as amended and Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended, the MoE SR has been annually issuing since 1993 the Report on the State of the Environment evaluating the state of the environment in the Slovak Republic, its causes and consequences, as well as selected tools of care for the environment and involvement of the Slovak Republic in the international cooperation in the area of care for the environment. The report is available to the general public at the MoE SR website, Slovak Environment Agency website, and Enviroportal – an information portal on the 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** – a meta-information system of the environment sector involving all the departmental organisations and government bodies controlled by the department of environment. EnviroInfo is an internet-based database application serving to collect and present metadata (descriptive information) on documents, databases, maps, vector and raster spatial data and other data significant in the given context for the environment in terms of the definition of the term "environmental information". Its main goal is to establish a tool for the 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 collection, storage, and dissemination of environmental information is executed in compliance with applicable Act No. 205/2004 Coll. as amended.*

*Act No. 3/2010 Coll. on national infrastructure for spatial information represents another source of data, pursuant to which spatial data, such as plots of land from the real estate register, co-ordinate reference systems, Earth surface altitude models, etc. appertaining to 34 topics contained in the quoted act are available.*

*The central government bodies as obliged persons provide the public with information in accordance with Act No. 211/2000 Coll. on free access to information (Act on Information Freedom) as amended and they publish other relevant information at their websites. In addition to central government bodies as obliged persons, information is also provided in accordance with Act No. 211/2000 Coll. on free access to information by the other general government authorities.*

*In providing information regarding its activity to the public, the company SVP, š.p. makes maximum effort and for that purpose, it provides applicants with responses to requests for information disclosure under the provision of Article 14 of Act No. 211/2000 Coll. on free access to information and also provides responses to the requests for the provision of information that cannot be subsumed under the provision of Article 14 of this Act.*

## VI. Website addresses relevant to the implementation of article 3

*Give relevant website addresses, if available:*

[www.minzp.sk](http://www.minzp.sk)  
[www.enviroportal.sk](http://www.enviroportal.sk)  
[www.opzp.sk](http://www.opzp.sk)  
[www.op-kzp.sk](http://www.op-kzp.sk)

[www.sazp.sk](http://www.sazp.sk)  
[www.sizp.sk](http://www.sizp.sk)  
[www.sopsr.sk](http://www.sopsr.sk)  
[www.vuvh.sk](http://www.vuvh.sk)  
[www.shmu.sk](http://www.shmu.sk)  
[www.svp.sk](http://www.svp.sk); [www.vvb.sk](http://www.vvb.sk)  
[www.geology.sk](http://www.geology.sk)  
[www.envirofond.sk](http://www.envirofond.sk)  
[www.minv.sk](http://www.minv.sk)  
[www.ujd.gov.sk](http://www.ujd.gov.sk)  
[www.geoportal.sk](http://www.geoportal.sk)  
[www.nppc.sk](http://www.nppc.sk)  
[www.vupop.sk](http://www.vupop.sk)  
[www.uvzsr.sk](http://www.uvzsr.sk)  
[www.enviroza.sk](http://www.enviroza.sk)

*Web pages of state administration central bodies - [www.govnet.sk](http://www.govnet.sk); [www.nsr.sk](http://www.nsr.sk);  
[www.partnerskadohoda.gov.sk](http://www.partnerskadohoda.gov.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:*

*Implementation of Article 4 of the Convention is provided for in particular by Act No. 211/2000 Coll. on free access to information and on the amendment to certain acts (Act on Information Freedom) as amended.*

*Article 3 (9) for the citizens of the Slovak Republic is guaranteed by the Constitution of the Slovak Republic.*

*The Slovak Republic as a European Union Member State has transposed Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information.*

*Article 4 of the Convention is also reflected in the following legal standards:*

*Act No. 17/1992 Coll. on the environment as amended*

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

*Directive of the Ministry of Environment of the Slovak Republic No. 1/2005-1.5. on the procedure of making accessible environmental information*

*Decree of the Ministry of Environment of the Slovak Republic No. 448/2010 Coll. implementing Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information and on the amendment to certain acts as amended*

*Instruction of the Minister of Environment of the Slovak Republic No. 3/2005- 1.7*

*Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended*

*Act No. 543/2002 Coll. on nature and landscape protection as amended*

*Act No. 50/1976 Coll. on land-use planning and building rules (Building Act) as amended*

*Act No. 409/2011 Coll. on certain measures in the area of environmental burdens and on the amendment to certain acts as amended*

*Act No. 215/2004 Coll. on protection of classified information and on the amendment to certain acts as amended*

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

*Act No. 513/1991 Coll. Commercial Code as amended*

*Act No. 40/1964 Coll. Civil Code as amended*

*Act No. 71/1967 Coll. on administrative procedure (Administrative Rules) as amended*

*Act No. 25/2006 Coll. on public procurement and on the amendment to certain acts as amended*

*Act No. 514/2008 Coll. on mining industry waste management and on the amendment to certain acts as amended*

*Act No. 569/2007 Coll. on geological work (Geological Act) as amended*

*Act No. 355/2007 Coll. on public health protection, support and development and on the amendment to certain acts as amended*

*Act No. 3/2010 Coll. on the national infrastructure for spatial information as amended by Act No. 362/2015 Coll.*

*Decree of the Ministry of Environment of the Slovak Republic No. 352/2011 implementing certain provisions of 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 peaceful use of nuclear energy (Atomic Act) and on the amendment to certain acts as amended*

*Act No. 292/2014 Coll. on the contribution provided from the European Structural and Investment Funds and on the amendment to certain acts, (Article 47 personal data processing, Article 48 Disclosure, Article 49 Information monitoring system, and Article 50 Information system of accounting of EU Funds)*

*Ad a)*

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

*Information marked as business secret shall not be disclosed by the obliged person unless it is information in compliance with Article 10 (2) of Act No. 211/2000 Coll. 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 business secret. In this case, access to information should neither be refused, nor limited even if all the formal requirements of a business secret would be met. If the information regards matters listed in Article 10 (2) of Act No. 211/2000 Coll. on free access to information, the protection of business secret shall be "broken through" and the information can be made available regardless of business secret.

(i)

Pursuant to Article 3 (3) of Act No. 211/2000 Coll. on free access to information, information is made accessible without proving a legal or other reason or interest, for which the information is requested.

(ii)

Pursuant to Article 16 (9) of Act No. 211/2000 Coll. on free access to information, the obliged person shall allow everybody without proving the legal or other reason or interest to inspect, make abstracts or transcriptions or copies of files and documentation.

(iii)

Pursuant to Article 16 (1) of Act No. 211/2000 Coll. on free access to information, information is made accessible in particular verbally, by inspecting the file including the possibility to execute an abstract or transcription, by copying information to a technical data carrier, by making accessible the copies of originals with requested information, by phone, by fax, by post, by electronic mail. If information cannot be made accessible in the way specified by the applicant, the obliged person shall agree with the applicant upon other way of making the information accessible.

Ad b)

Pursuant to Article 17 (1) of Act No. 211/2000 Coll. on free access to information, the obliged persons shall attend to the application for information disclosure without undue delay, no later than within eight business days from filing the application or from the date of elimination of application defects pursuant to Article 14 (2) and (3) and within 15 business days, if the information is made accessible to a blind person in accessible form pursuant to Article 16 (2) (a) unless otherwise specified by the Act. For serious reasons, the obliged person can extend the time limit (Section 1), however, maximum by eight business days, and by 15 days, if the information is made accessible to a blind person in accessible form pursuant to Article 16 (2) (a).

Serious reasons shall include:

- a) searching and collecting the requested information in a different location than the registered office of the obliged person attending to 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 applicant about the extension of the deadline without undue delay, no later than before the expiry of the time limit (Section 1). The notice shall include reasons for the extension of the deadline. If the obliged person fails to fulfil the request for making the information accessible within the 8-day period, it shall be considered an administrative offence that may be sanctioned by a penalty amounting to as much as EUR 1,650 and by a ban on activity up to two years.

Ad c)

(i)

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

At the same time, it is necessary to draw attention to the fact that due to the amendment of Act No. 145/2010 Coll. amending Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended, the documentation from Annex 1 and 2 to 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 structures of significant importance and other important structures and thus have a negative impact on public safety. It is the documentation on nuclear facilities necessary for individual decisions and documentation necessary for the permit for the transportation of radioactive materials. The above-mentioned amendment affected Act No. 211/2000 Coll. on free access to information and the limitation of access to information was extended for the documentation containing information, whose disclosure could be used for the planning and executing of activities with the objective to cause a disturbance or destruction of the nuclear facility or special-importance structures and other important structures pursuant to special regulations (such as the Act on Defence of the Slovak Republic). In accordance with the national legislation as well as international contracts, for the defence and protection of the country it is necessary to keep confidential certain documents, which could otherwise cause serious problems in the protection against terrorist and other attacks and which could weaken the country because sensitive information would be obtained, whose abuse would represent a threat to the citizens of both the Slovak Republic and of the neighbouring states. The amendment to Atomic Act No. 350/2011 Coll. modified the original provision of Act No. 145/2010 Coll. and specified only certain documents from Annex No. 1 and 2 of the Atomic Act, which contain sensitive information and cannot be published.

The amendment to Act No. 24/2006 Coll. on environmental impact assessment, Act No. 314/2014 Coll. in Article VI also entered the Atomic Act and enlarged the circle of procedure participants. According to the amendment, the natural person or the legal entity, to which such position results from a special regulation (Articles 24 and 25 of Act No. 24/2006 Coll. on environmental impact assessment) is also the participant of the procedure for permit issuance.

(ii)

No exceptions are implemented as the act exactly specifies, which information must be made accessible to the public including the dates.

Ad d)

Article 15 (1) and (2) of Act No. 211/2000 Coll. on free access to information lays down that if the obliged person, to which the application is addressed, does not have the requested information and knows where such information can be obtained, they shall forward the application to the obliged person that has the requested information within five days from the delivery of the application, otherwise they shall refuse the application by decision. The obliged person shall notify the applicant of forwarding the application without undue delay.

Ad e)

In accordance with Article 12 of Act No. 211/2000 Coll. on free access to information, the obliged person shall exercise all the limitations of rights to information by making accessible the requested information including accompanying information once the information specified by law have been excluded. The authorisation to refuse to make information accessible shall only last during the existence of the reason of non-disclosure.

Act No. 541/2004 Coll. on peaceful use of nuclear energy (Atomic Act) and on the amendment to certain acts as amended regulates the disclosure of information with respect to public security assurance in the area of use of nuclear energy.

Ad f)

Pursuant to Article 18 (2) of Act No. 211/2000 Coll. on free access to information, if the obliged person does not fulfil the application even partially, they shall issue a written decision on it within the statutory time limit. They shall not issue the decision if the application is postponed. Pursuant to Article 18 (3) of Act No. 211/2000 Coll. on free access to information, if within the time limit for application fulfilment the obliged person fails to provide information or to issue the decision nor they make information accessible, it shall be supposed that they have issued the decision by which they have refused to provide the information.

Pursuant to Article 18 (4) of Act No. 211/2000 Coll. on free access to information, if the obliged person fails to fulfil the application even partially, they shall give, without undue delay and no later than within three days, impulse for decision issuance to the person that has founded the obliged person or which entered into the contract of fulfilment of

*environmental tasks with the obliged person.*

*Pursuant to Article 19 (1) of Act No. 211/2000 Coll. on free access to information, an appeal can be lodged against the decision of the obliged person on the refusal to provide the requested information within 15 days from the delivery of the decision or from the expiry in vain of the time limit for making decision on the application. The appeal shall be submitted to the obliged person that has issued or should have issued the decision.*

*The provision of information is refused on the basis of Article 11 (1) (f) of Act No. 211/2000 Coll. on free access to information (classified information on the occurrence of species), Article 11 (1) (c) of Act No. 211/2000 Coll. on free access to information (protection of intellectual property), Article 9 of Act No. 211/2000 Coll. on free access to information (protection of personality and personal data) and on the basis of licence agreements with suppliers of certain data.*

*Ad g)*

*Pursuant to Article 21 of Act No. 211/2000 Coll. on free access to information, information is made accessible without consideration, with the exception of payment in the amount that must not exceed the amount of material costs connected with production of copies, with the acquirement of technical carriers and with the delivery of information to the applicant. The costs of providing information in accessible form to a person with sensory disability is borne by the obliged person. The obliged person may forgive the payment.*

*Details on the reimbursement of costs of information disclosure are laid down in Decree of the Ministry of Finance of the Slovak Republic No. 481/2000 Coll. on details of reimbursement of costs of information disclosure.*

## **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 has been implemented in the Slovak Republic. However, the legal proceedings examining the legality of a decision may take even more than one year after the action has been filed. The counter party can appeal against the verdict and the legal proceeding may thus last even longer. Once a longer time period has passed, the environmental information often loses its significance for the applicant. Once the court decides that the decision on refusing the information is repealed, a new administrative procedure begins where the obliged person may again refuse to provide information (e.g. by specifying other reason).*

*In the proceedings of certain obliged persons (bodies obliged to make information available), undesirable practice has also occurred. The Act on Information Freedom contains, in its provisions of Article 18 (3) and of Article 19 (3), the regulation of so-called "fictitious decision". Thus, the Act regulates the legal situation when the obliged body (or the second-instance body) does not fulfil its legal duties to make information available within a specified time limit after the application has been filed and does not respond to the application for information provision in any way – in such case, after the expiry of the specified periods, the Act contains the fiction, in which it is assumed that the obliged person has issued the decision on refusing to make information available (or the decision on appeal against the decision on refusing to make information available).*

*In case that an action at law is filed against a fictitious decision, courts usually cancel such decisions, however, for the reason that the decision cannot be examined (a fictitious decision does not contain the reasoning), i.e. they do not comment on the matter in detail. In practice it occurs that competent authorities issue several successive fictitious decisions, and even when they are cancelled by court, the applicant does not get information and cannot exercise their right to access to information. Thus, the court protection against unlawful action (inactivity) of respective authorities appears ineffective and does not contribute to the protection of laws.*

*The second way in which competent authorities evade information disclosure is stating*

*putative reasons for non-disclosure. In these cases, in contrast to court examination of fictitious decisions, the court cancels the decision on the refusal to make information available, however, in the subsequent proceeding the obliged person again refuses to make information available providing other reason - again a putative one - and the applicant cannot choose but again file an action with a competent court.*

## **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. The “Report on experience acquired in implementing Directive of the European Parliament and Council No. 2003/4/EC on public access to environmental information in the conditions of the Slovak Republic” is also relevant.*

*The task of central registration of applications and of the statistics about the number and way of application processing is imposed by Article 20 of Act No. 211/2000 Coll. on free access to information.*

*The Slovak Mining Museum ensures the practical fulfilment of Act No. 211/2000 Coll. on free access to information, for example, by publishing any information concerning the museum and its activities at the website of the museum [www.muzeumb.sk](http://www.muzeumb.sk), <https://www.facebook.com/slovenskebanskemuzeum/> and in media. Persons responsible for the fulfilment of the above act have been appointed; the museum has worked out Directive No. 1/2016 on the procedure of making information available in compliance with Act No. 211/2000 Coll. on free access to information and on the amendment to certain acts (Act on Information Freedom) as amended.*

*SVP, š.p. keeps internal records of delivered applications for making information available in compliance with the duty of SVP, š.p. under the valid legal regulation, i.e. the provision of Article 20 of 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 Act No. 541/2004 Coll. on peaceful use of nuclear energy (Atomic Act) states, that 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 accordance with the provision of Article 3 (15) of the Atomic Act it concerns the documentation which includes sensitive information, and “which means the 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 (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 recognised principle regarding 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 security), it is also*

taken into consideration whether it was not possible to achieve the objective by different means, or in other way which would limit the basic right to a lower extent. This is a generally accepted principle of proportionality. In the case of the right to information it is examined whether there was no other means or method, which would have reached the pursued objective (e.g. protection of state and public security) but which would limit the right to information to a lower extent. The principle reflecting the requirement of "necessity" is that if an applicant requests information in the form of a document which includes some protected information, access to this document as a whole cannot be refused but the protected information should be excluded from the document (e.g. inked out) and the rest of the document must be made available. This principle is also embodied in Act No. 211/2000 Coll. on free access to information, in the provision of Article 12, first sentence as follows: "All limitations of the right to 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 law."

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

The right to access to information in accordance with Article 4 of the Aarhus Convention also needs to be perceived in connection with Article 6 (2) and (3) of the Aarhus Convention, which imposes the duty to provide the public with sufficient and timely information so that the public concerned "can prepare and participate effectively during the environmental decision-making". The Slovak Republic, however, does not fulfil this duty based on the above mentioned when permitting nuclear facilities.

Based on the above-mentioned facts stated by the VIA IURIS non-governmental organisation, the Slovak Republic would also like to state, that access to environmental information, as well as the principle (if an applicant requests information in the form of a document which includes some protected information, access to this document as a whole cannot be refused, but the protected information should be excluded from the document (e.g. inked out) and the rest of the document must be made available) should be applied also to information on nuclear facilities.

However, despite the above-mentioned principle, the provisions of Article 8 (3) of Act No. 541/2004 Coll. on peaceful use of nuclear energy (Atomic Act) and on the amendment to certain acts, and of Article 11 (1) (i) of Act No. 211/2000 Coll. on free access to information and on the amendment to certain acts (Act on Information Freedom) allow concealing the documentation on nuclear facilities in general for security reasons, which can seem to be a conflict with Article 4 of the Aarhus Convention.

Article 3 (14) and (15) of the Atomic Act defines the documentation containing sensitive information.

The documentation containing sensitive information shall mean the documentation whose disclosure could be used for planning and executing activities with the objective to disrupt or destroy a nuclear facility thus adversely affecting public security<sup>3b</sup>) and causing ecological or economic damage. The documentation is not disclosed pursuant to a special regulation.

The documentation containing sensitive information shall mean the documentation mentioned in Annex No. 1 Item A Letter c), Item B Letter a), b), i), m), Item C Letter a), d), i), j), s), w) and Annex No. 2 Item A Letter b), Item B Letter B. It also concerns the observance of Article 4 of the Aarhus Convention.

The Slovak Republic fully respects the right of all citizens to access to environmental information as it is imposed by legal regulation contained in Act No. 211/2000 Coll. on free access to information accepting the international legal obligations resulting from the Aarhus Convention, thus, the Nuclear Regulatory Authority of the Slovak Republic fulfils its duties of obliged person. The Slovak Republic is among the signatories of the Convention, therefore, its national rules must be in compliance with it and with the respective directives

of the EU, which were regulated in accordance with the Convention. The Aarhus Convention itself respects the rights and individuality of individual signatory Member States, and in Article 4 (4) it allows refusing the provision of information if the disclosure would adversely affect international relations, national defence or public security. However, the Nuclear Regulatory Authority of the Slovak Republic realises which information is important to such an extent that it must not be disclosed to third persons for the reasons of security of state, its inhabitants as well as inhabitants of the neighbouring countries. This documentation is specified in an exhaustive list so that it cannot be gratuitously disseminated and incorrectly interpreted. The Aarhus Convention imposes the duty to interpret the grounds for refusal of request for environmental information in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment. Such documentation is designated as the documentation containing sensitive information. These are materials whose disclosure could be used for planning and executing activities with the objective to disrupt or destroy a nuclear facility. All the restrictions of access to information in the sensitive documentation are based on the principle that non-disclosure of certain information to the general public is in terms of public protection and security more suitable than making it widely available. In this case, the general right to information gives way to the right to security of the State, environment, property, etc. Restriction of information disclosure is also allowed by Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations in Article 8. In addition to the documentation included in the exhaustive list, the Nuclear Regulatory Authority of the Slovak Republic also uses documentation that is subject to standard protection of classified information pursuant to Act No. 215/2004 Coll. as amended.

## **X. Website addresses relevant to the implementation of article 4**

*Give relevant website addresses, if available:*

<http://www.vlada.gov.sk>; <https://www.slov-lex.sk>  
[www.enviroportal.sk](http://www.enviroportal.sk)  
[www.minzp.sk](http://www.minzp.sk)  
[www.opzp.sk](http://www.opzp.sk); <http://www.itms.datacentrum.sk/>  
[www.op-kzp.sk](http://www.op-kzp.sk); <https://www.itms2014.sk/>  
[www.sazp.sk](http://www.sazp.sk); [www.sizp.sk](http://www.sizp.sk); [www.sop.sk](http://www.sop.sk); [www.vuvh.sk](http://www.vuvh.sk); [www.shmu.sk](http://www.shmu.sk); [www.svp.sk](http://www.svp.sk)  
[www.geology.sk](http://www.geology.sk); [www.envirofond.sk](http://www.envirofond.sk)  
[www.muzeumbbs.sk](http://www.muzeumbbs.sk); <https://www.facebook.com/slovenskebankskemuzeum/>  
[www.minv.sk](http://www.minv.sk)  
[www.ujd.gov.sk](http://www.ujd.gov.sk)  
[www.uvzsr.sk](http://www.uvzsr.sk)  
Web pages of the state administration central bodies - [www.govnet.sk](http://www.govnet.sk); [www.nsrr.sk](http://www.nsrr.sk);  
[www.partnerskadohoda.gov.sk](http://www.partnerskadohoda.gov.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 provision on collection, storage, and dissemination of environmental information pursuant to Article 5 is implemented by Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended and by Decree of the Ministry of Environment of the Slovak Republic No. 448/2010 Coll. implementing Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information and on the amendment to certain acts as amended. In compliance with this provision, the Slovak Republic acceded to the Protocol on Pollutant Release and Transfer Registers (PRTR) on 1 April 2008. (The Slovak National Council expressed consent to Resolution No. 688 dated 11 December 2007, the President signed the Deed of Accession on 29 February 2008).*

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

*Pursuant to Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended (EIA), mandatory disclosure of results of individual steps in environmental impact assessment for the purpose of informing the public, mandatory disclosure of the content of decisions on permitting the activity, which was assessed pursuant to Act No. 24/2006 Coll. (Article 38 (6)) for the purpose of making them accessible to the public;*

*Pursuant to Act No. 137/2010 Coll. on air as amended, mandatory disclosure of the application for permitting the construction of waste incineration plant and waste co-firing facility through the respective municipality during 30 days; public negotiation of application contents takes place; mandatory disclosure of air protection authority's consent for permitting the construction of waste incineration plant and further operation – on the internet for 60 days;*

*Pursuant to Act No. 137/2010 Coll., mandatory annual disclosure of information about air quality and about the share of air pollution sources;*

*Pursuant to Act No. 137/2010 Coll., obligatory disclosure of a draft programme for air quality improvement, which can be commented on by the public, mandatory disclosure of the programme for air quality improvement at the website with the concurrent information about the reasons for programme adoption and public participation in its preparation;*

*Pursuant to Act No. 137/2010 Coll., continuous disclosure of information about the fulfilment of the measures resulting from action plans;*

*Pursuant to Act No. 543/2002 Coll. on nature and landscape protection as amended, disclosure (publication) of the information for the public about the intention to declare or cancel the protected area on the official board of the respective municipality;*

*Pursuant to Act No. 543/2002 Coll. on nature and landscape protection as amended, publication of each administrative procedure commenced and conducted according to the mentioned act for the purpose of providing non-governmental organisations with the possibility to become party to the procedure and to actively take part in the decision-making procedure;*

*Pursuant to Act No. 543/2002 Coll. on nature and landscape protection as amended, the state list of special protected areas (Article 51 (7)), as well as the documentation of nature and landscape protection (Article 54 (24)) are accessible to the public in compliance with Act No. 211/2000 Coll. on free access to information and on the amendment to certain acts;*

*Instruction of the Minister of Environment of the Slovak Republic No. 3/2005- 1.7 for the creation and operation of meta information system at the department of the MoE SR;*

*Act No. 364/2004 Coll. on water and on the amendment to Act No. 372/1990 Coll. on offences as amended (Water Act) as amended;*

*Based on the provisions of "Article 29 Water Record-Keeping", the basic record-keeping is provided regarding the condition of waters, the rights and duties of legal entities and natural persons in water management and protection. The water record-keeping is accessible to the public. The details on the access to water records are included in Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic No. 418/2010 Coll. on implementing certain provisions of the Water Act.*

*Pursuant to Act No. 355/2007 Coll. on public health protection, support and development and on the amendment to certain acts, the Public Health Authority of the Slovak Republic publishes at its website [www.uvzsr.sk](http://www.uvzsr.sk), inter alia, information on waters for bathing and on water quality in natural swimming pools and artificial swimming pools during the bathing season. At the same time, every year before the commencement of the bathing season, it publishes the list of waters for bathing and the length of the bathing season; the public can get information, submit their proposals, comments and complaints in introducing, revising and updating the list of waters for bathing and the length of the bathing season, which the Public Health Authority of the Slovak Republic properly takes into account.*

*In case of a threat to the health of population caused by human activities or natural forces, the Public Health Authority of the Slovak Republic provides proper information and measures necessary for the prevention or mitigation of losses caused by the threat.*

*Pursuant to Act No. 321/2012 Coll. on protection of the Earth's ozone layer as amended by Act No. 180/2013 Coll., the Slovak Hydrometeorological Institute publishes at its website [www.shmu.sk](http://www.shmu.sk) up-to-date information on the state of the Earth's ozone layer and on the values of UV radiation reaching the territory of the Slovak Republic.*

*Act No. 211/2000 Coll. on free access to information and on the amendment to certain acts (Act on Information Freedom) as amended;*

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

*Decree of the Ministry of Environment of the Slovak Republic No. 448/2010 Coll. implementing Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information;*

*Article 16 of Act No. 514/2008 Coll. on mining industry waste management and on the amendment to certain acts defines the mining waste management information system. The mining waste management information system serves to collect data and provide information on mining waste management. Establishment of this information system is important for the reasons of collecting and processing of data and information important for the activity of respective authorities, and also for the purpose of fulfilment of the notification duty towards the Commission and for the purposes of collection, storage and*

*dissemination of environmental information pursuant to Act No. 205/2004 Coll., or of making them accessible pursuant to Act No. 211/2000 Coll.*

*Article 20a of Act No. 569/2007 Coll. on geological work (Geological Act) as amended defines the information system of environmental burdens that is part of the information system of general government. The information system is established, operated and information from it, except for data on probable environmental burdens, is made accessible by the MoE SR pursuant to a special regulation. The information system of environmental burdens serves to collect data and provide information on environmental burdens. Establishment of this information system is important for the reasons of collecting and processing of data and information important for the activity of respective authorities, and also for the purposes of collection, storage and dissemination of environmental information pursuant to Act No. 205/2004 Coll., or of making them accessible pursuant to Act No. 211/2000 Coll.*

*Information is notified to the public, inter alia, through public-service media and website.*

*If necessary, e.g. severe landslides, the workers of the Dionýz Štúr State Geological Institute are members of the respective crisis staff or cooperate closely.*

*On a regular annual basis, the Annual Report of the Dionýz Štúr State Geological Institute is published, in which they inform the public about the environmental impacts of their activities.*

*The Year-Book of the Dionýz Štúr State Geological Institute and the Year-Book of Mineral Raw Materials of the Slovak Republic are published on an annual basis, and collections from conferences are published. Twice a year, the Dionýz Štúr State Geological Institute issues the periodical Mineralia Slovaca - about 300 pieces, as well as the Slovak Geological Magazine in English - about 400 pieces.*

*The Geodesy, Cartography and Cadastre Authority of the Slovak Republic as a central government body provides relevant environmental information through the basic database for the geographic information system (hereinafter the "GIS BD"). The basic database for the geographic information system is part of the information system of the geodesy, cartography and cadastre, which is created and supported by the Geodesy, Cartography and Cadastre Authority of the Slovak Republic pursuant to Article 19 et seq. of Act No. 215/1995 Coll. on geodesy and cartography as amended.*

*The GIS BD is a spatial object-oriented database, which represents a reference basis of the national infrastructure of spatial information. It creates a localisation and geometric basis for the creation of thematic add-on geographic information systems and is binding on the creation of state basic and state thematic map works.*

*The purpose of GIS BD building is to create the basis of relevant spatial information about the territory of the Slovak Republic in the system allowing their storage, updating, analysis and displaying. The information can be used as a superstructure for building environmental information systems. Visualisation of data of the GIS BD is available through map compositions in the web application [Mapový klient ZB GIS](#). The data of the GIS BD are provided by web map and data services.*

*Ad a)*

*(i)*

*In accordance with Article 3 (1) and Article 4 (1) of Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information as amended, the persons obliged to collect, store and disseminate environmental information pursuant to this act (hereinafter the "obliged person") include: central government bodies, local government regions, local government bodies and municipalities (general government bodies). These persons are obliged to collect, store, and if necessary, to update environmental information related to the performance of their public functions pursuant to special regulations with the intention of their effective and systematic dissemination.*

*In accordance with the requirements of the PRTR Protocol, the owners of facilities are pursuant to Article 3 of Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information obliged persons having the duty to perform activities in compliance with the requirements specified in the permits. The requirements include the notification of data to the National PRTR (National Pollutant Release and Transfer Register) within the scope of implementing Decree No. 448/2010 Coll. implementing Act No. 205/2004 Coll. on collection, storage and dissemination of environmental*

information.

*In accordance with the PRTR protocol, workshops are organised for the owners and operators of facilities, during which the requirements regarding the scope and quality of notification data to the National Pollutant Release and Transfer Register are also presented (e.g. Piešťany on 18 February 2016).*

*The environmental departments of district offices publish information on air quality and on the share of individual air pollution sources in its pollution for their territorial district on an annual basis. For the purpose of achieving good air quality at the respective time, the environmental department of the district office determines measures improving air quality in the areas of air quality management in the programme and integrated programme. At the place of its seat, the environmental department of the district office publishes in usual ways (official board, website of the office, etc.), for 30 days, information about the preparation of a draft programme and information, where the draft programme can be inspected so that the public can get familiarised with it. The public has the right to submit written comments within a 30-day period. The environmental department of the district office publicly negotiates the draft programme, in preparing it the department takes into account the written comments or the comments submitted no later than during the public negotiation. The environmental department of the district office issues the programme by publishing it at its website. At the same time, it will also publish information on the reasons of programme adoption and information of public participation in its preparation. To reduce the risk of exceeding the warning threshold, limit value or target value, and to restrict its duration, it continuously publishes information about the fulfilment of short-term measures included in the action plan of the environmental department of the district office.*

*State water administration performance is related to storage and updating of information about the issued permits, consents and other decisions, which represent part of the water record-keeping pursuant to Article 29 of the Water Act (Act No. 364/2004 Coll.). The water record-keeping is accessible to the public.*

(ii)

*Pursuant to Article 4 (2) of Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information, the system of collection and storage must be selected in such a way as to enable, to a maximum possible extent, the transparent and effective access of the public to environmental information in compliance with the conditions set by the act. For that purpose, the obliged persons shall, in particular:*

- a) use the current instruments of collection of environmental information, in particular in the form of reports, notices, control and decision-making activities, and if necessary, they shall modify and supplement these instruments,*
- b) make adequate effort so that the environmental information, which is available to them or which is available to the obliged persons managed or controlled by them, is collected and stored in the form that is easily reproducible and available to the widest possible circle of persons interested, in particular through public electronic communication networks, mainly through the internet, and that the information is updated, accurate and comparable, if possible,*
- c) create and keep up-to-date the publicly accessible lists, registers or other suitable means for informing the public,*
- d) appoint persons or departments responsible for disclosing environmental information including possible advisory activities for the public in this area.*

(iii)

*Information falling under the crisis planning legislation is notified to the public, inter alia, through public-service media. If necessary (e.g. floods, industrial accidents, etc.), the respective crisis staff shall be summoned. Its members include the employees of the central government body responsible for the communication with the public (Article 33a of Act No. 17/1992 Coll. on environment as amended by Act No. 211/2000 Coll. on free access to information).*

*Providing the public with information about severe industrial accidents is regulated by special regulations. For the cases, where an increased ozone concentration could cause a smog situation, an ozone smog warning system is created. The authorised organisation Slovak Hydrometeorological Institute acts as the control centre; it obtains, processes and*

issues information, forecasts and signals of warning and caution. The authorised organisation provides information about the level of measured concentrations and forecasts of air pollution level on a daily basis at the time of duration of the ozone smog situation through mass information media. The authorised organisation cancels the signals of warning or caution through mass information media.

Pursuant to Article 13 (4) of Act No. 137/2010 Coll. on air, if as a result of adverse meteorological conditions, the information threshold for ozone or the warning threshold for ozone is exceeded, the authorised organisation shall declare signals of warning or caution through mass information media.

Pursuant to Article 13 (5) of Act No. 137/2010 Coll. on air, if the information threshold for ozone or the warning threshold for ozone is not exceeded for at least 24 hours and if worsened meteorological conditions are not expected, the authorised organisation shall cancel the signals of warning or caution through mass information media.

Ad b)

In 2014, the MoE SR worked out a Concept of Departmental Information System (KRIS) for 2014 - 2019, which analysed the tasks of the department, set the basic structure of information systems and specified responsibility for their construction. Three levels are specified according to the KRIS:

1. the departmental information system – it collects data from individual departmental subsystems,
2. super-departmental information systems operated by the department of the MoE SR, which collect also data of other departments (RPI, National Geoportal),
3. information systems operated by departmental organisations (They create an institutional level for supporting the activities of each of their institutions. The system is in accordance with KRIS under the process of creation.).

All the three levels are functional with content interconnected, at the same time, access from one place is ensured – [www.enviroportal.sk](http://www.enviroportal.sk).

Ad c)

In accordance with Article 4 (2) (b) of Act No. 205/2004 Coll. on collection, storage and dissemination of environmental information, the obliged persons have the duty to make adequate effort so that environmental information, which is available to them or which is available to the obliged persons managed or controlled by them, is collected and stored in the form that is easily reproducible and available to the widest possible circle of persons interested, in particular through public electronic communication networks, mainly through the internet, and that the information is updated, accurate and comparable, if possible.

Pursuant to Article 54 (2) of the act, the documentation of nature protection is available to the public. Pursuant to Article 51 (7) of Act No. 543/2002 Coll. on nature and landscape protection, the state list of special protected areas is also available to the public.

The Slovak Museum of Nature Protection and Speleology, along with the Slovak Environment Agency, actively publishes information about protected areas and protected trees from the state list database of special protected areas.

The basic data from the database of protected areas, from the database of protected trees and the digitised documents of the collection of deeds are made accessible to the public through web applications at <http://uzemia.enviroportal.sk> and <http://stromy.enviroportal.sk>. Any information about the protected areas of the European network of protected areas – NATURA 2000 is also available to the public, at [www.sopsr.sk](http://www.sopsr.sk).

In compliance with Article 2 (11) (c) of Act No. 351/2012 Coll., the Slovak Environment Agency publishes the environmental reports of the organisations included in the Eco-Management and Audit Scheme (EMAS) within EMAS public register management and updating.

The website of the Public Health Authority of the Slovak Republic [www.uvzs.sk](http://www.uvzs.sk) contains information about swimming pools as well as about water quality of natural water bodies and both natural and artificial swimming pools in operation, <http://vodanakupanie.sazp.sk/>.

As regards the process in case of operating event at a facility, the need of emergency preparation and emergency planning is stipulated in Article 27 (4) of the Atomic Act. The

*licence holder shall in terms of this Act:*

- *inform the authority about shortcomings detected during operation, maintenance or control which could lead to event occurrence,*
- *inform relevant authorities about events and if it concerns incidents and accidents during commissioning of a nuclear installation, during the operation of a nuclear installation and its decommissioning, inform also the Ministry of Interior of the Slovak Republic and the Ministry of Health of the Slovak Republic, determine the causes of such accidents and perform corrective measures,*
- *inform the public about incidents, accidents, measures taken to protect health and about activities to be carried out in case of such an incident or accident.*

*The affected central government bodies and municipalities are obliged to familiarise the public in the emergency planning zone with the measures for population protection in case of an incident or accident at the nuclear installation or during transport of radioactive materials.*

*In case of a nuclear event, the licence holder shall be obliged to inform in writing in the area affected by the event, according to the findings of the authority and other affected bodies, that it is responsible for the nuclear damage caused by the event. The written notice must be available to the public at the licence holder's place, at the authority and in all municipalities of this area.*

*The procedures for information provision are also specified by internal regulations of the affected state bodies.*

*Pursuant to Article 4 (1) (h) of the Atomic Act, the Nuclear Regulatory Authority of the Slovak Republic, on an annual basis, always as at 30 April of the respective year, submits a report on nuclear safety of nuclear installations in the territory of the Slovak Republic, and on its activity for the previous year, to the Government of the Slovak Republic and subsequently to the National Council of the Slovak Republic.*

*On 1 January 2016, Act No. 54/2015 Coll. on civil liability for nuclear damage and on its financial coverage and an the amendment to certain acts came into effect. Pursuant to Article 9 (1) of this act, the Nuclear Regulatory Authority of the Slovak Republic is obliged, no later than within 24 hours from the time when it learned from the operator that the operator had declared the 3rd degree - emergency condition in the surroundings of the nuclear installation, to publish a notice of nuclear event occurrence at the nuclear installation, of the date of nuclear event occurrence and of the nuclear installation affected by the nuclear event; the notice shall be published at the website of the NRA SR and in public communication means. The Authority shall deliver the written notice of nuclear event occurrence, of the nuclear installation affected by the nuclear event and of the operator of the nuclear installation to all district offices in the region's seat without undue delay. The Authority shall proceed similarly in cases of incidents or accidents during transport of nuclear materials. Pursuant to Sect. 1 or 2, in the notice of a nuclear event occurrence, the Authority shall mention the day, month and year of nuclear event occurrence, place of nuclear event occurrence by specifying the nuclear installation, in which the nuclear event occurred, or by determining the place, at which the nuclear event occurred during the transport of radioactive materials, the name, registered office, ID number, and the data on registration in the Companies Register or a similar register of the person operating the nuclear installation or of the person that is the operator during the nuclear event during the transport of radioactive materials. The notice shall also include other information, in particular the preliminary opinion on the assumed nuclear damage incurred as a consequence of the nuclear event.*

*Ad d)*

*Pursuant to the provisions of Article 33b (1) of Act No. 17/1992 Coll. on environment as amended, the MoE SR shall annually publish a report on the state of the environment in the Slovak Republic in printed and electronic form. The competent central government bodies of the Slovak Republic shall provide the Authority with necessary background documents.*

*Pursuant to Article 7 (1) of Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information, the obliged persons shall disseminate environmental information they own, or that is stored for them, with a view to making them systematically accessible to the public.*

Ad e)

*Environmental acts, strategies, policies, international agreements, as well as information on their implementation are widely and easily accessible to the public.*

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

Ad f)

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

*In accordance with Article 15 (1) (p) of Act No. 137/2010 Coll. as amended, operators of waste incineration plants and waste co-firing facilities 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 stationary source and submit it to the district office until 15 February of the following year.*

Ad g)

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

*For example, the following documents have been published: environmental impact assessment of activities, environmental analysis of the environment, environmental analysis of pollution sources, multi-criteria evaluations within the EIA/SEA process, analyses within the urban and land-use planning, facts on the state of pollution, industrial risks, etc. In electronic form, they can be found at [www.enviroportal.sk](http://www.enviroportal.sk) and at the websites of departmental organisations (e.g. [www.sazp.sk](http://www.sazp.sk), [www.shmu.sk](http://www.shmu.sk)).*

*Within the urban and land-use planning, the environmental departments of district offices issue – in the area of air protection, nature protection, state water administration, and waste management – standpoints/opinions on land-use plans of regions, land-use plans of municipalities, and land-use plans of zones. Data on the state of air pollution are annually published in a report on air quality and they are available in electronic form, too.*

*Draft policies, concepts, and plans, as well as their changes during preparation and prior to approval are considered strategic documents and in accordance with Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts they are subject to strategic environmental assessment – the SEA process. Draft activities before the decision on siting or prior to their approval, as well as their changes, are subject to environmental impact assessment pursuant to Act No. 24/2006 Coll. on environmental impact assessment; it is the EIA process. The outputs of the individual SEA and EIA process steps are published at [www.enviroportal.sk/eia](http://www.enviroportal.sk/eia).*

*To inform the public about the process of implementation of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, so-called Water Framework Directive (WFD), an information portal was created at the departmental organisation Water Research Institute for publishing its information - <http://www.vuvh.sk/rsv2/?lang=SK>. Information regarding the Water Framework Directive in the EU, WFD implementation at national and international levels, as well as other references are published on the portal. The planning documents from the first (2010-2015), as well as the second planning period (2016-2021) have been published within the WFD implementation at national level. The documents include: Water Plan of Slovakia, Management Plans for Sub-Basins, Flood Risk Management Plans for Sub-Basins, Plan of Public Sewerage Development for the Territory of the Slovak Republic, Plan of Public Water Supply System Development for the Territory of the Slovak Republic, the Draft Update of the Concept of Utilisation of the Hydro-Energy Potential of Water Courses in the Slovak Republic.*

*Information within the implementation of the WFD and the Directive on the assessment and management of flood risks is provided to the public also through the participation of experts in national and international conferences and through publication activities. In order to provide the public with compact information, special publications are issued: thematic reports (Report on the State of the Environment in the Slovak Republic, Report on Water Management in the Slovak Republic, Report on the Course and Consequences of*

*Floods in the Slovak Republic*), thematic year-books (*Water Quality, Hydrological Year-Book*), balances of surface and ground waters and many other. In electronic form, they can be found at [www.enviro.gov.sk](http://www.enviro.gov.sk), as well as at the websites of competent departmental organisations: [www.vuvh.sk](http://www.vuvh.sk), [www.shmu.sk](http://www.shmu.sk), [www.svp.sk](http://www.svp.sk), [www.sazp.sk](http://www.sazp.sk), etc.

To inform the public about bathing waters, the Public Health Authority of the Slovak Republic provides at its website [www.uvzsr.sk](http://www.uvzsr.sk) annual Reports of the Slovak Republic on Bathing Water Quality.

*Ad h)*

*In terms of Article 5 (6) of Act No. 469/2002 Coll. on environmental labelling of products as amended, the MoE SR ensures 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, general government bodies, authorized persons, and accredited workplaces.*

*In terms of Article 15 of Act No. 469/2002 Coll. as amended, the Ministry ensures 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 SR Bulletin and at its website, the ministry annually publishes the list of products that were granted the national environmental label, and the list of products that were granted the EU environmental label and uses other forms of active promotion to inform the public on the system of environmental labelling of products. In accordance with Article 14 (2) (e) of Act No. 469/2002 Coll. as amended by Act No. 351/2012 Coll., the Slovak Environment Agency is entrusted with the fulfilment of the above tasks.*

*Ad i)*

*At national level, in accordance with Act No. 4/2010 Coll. amending Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information, and in compliance with the requirements of the European Pollution Register (Regulation No. 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register), the National Register of Pollutant Release and Transfer outside of the plant location was established as the general government's information system. The data of the National Register for 2007-2015 are available to the public at [www.enviro.gov.sk](http://www.enviro.gov.sk), and [www.shmu.sk](http://www.shmu.sk). The National Register contains data on the release and transfers of pollutants to a wider extent, i.e. without taking into account the threshold values specified for reporting to the PRTR register.*

*Environmental departments of district offices fill in the databases of RISO, NEIS, METAINFO, IS EIA/SEA, and publish at their websites the annual reports for individual years, 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 the environmental departments of district offices and of the Public Health Authority of the Slovak Republic in terms of administration of the bathing water information system.*

### **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 the public have been established created at all bodies of general government and local government and they keep records of received and processed applications for the provision of information which are annually statistically evaluated.*

*In compliance with Act No. 137/2010 Coll. on air and Decree of the MoE SR No. 231/2013 Coll. on information submitted to the European Commission, on requirements for keeping operating records, on data notified to the National Emission Information System and on the set of technical operating parameters and technical organisational measures, the National Emission Information System has been established, which contains data and information on large and medium stationary air pollution sources. New registration of fluorinated greenhouse gases was introduced pursuant to Act No. 286/2009 Coll. on fluorinated greenhouse gases and on the amendment to certain acts as amended.*

*In compliance with Act No. 364/2004 Coll. on water and Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic No. 418/2010 Coll. on implementing certain provisions of the Water Act repealing Decree of MoE SR No. 221/2005 Coll. laying down details 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 has been established, which contains selected data and information in the following structuring:*

- record-keeping of surface water bodies and groundwater bodies,*
- record-keeping of water quantity and quality in water bodies including the impacts of human activity,*
- record-keeping of the rights and duties resulting from decisions of state water administration bodies,*
- record-keeping of protected areas.*

*The water record-keeping is accessible to the public. Everybody has the right to make abstracts from it at the authorized person and at the competent state water administration body.*

*In accordance with Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and Decree of the MoE SR No. 448/2010 Coll. implementing this Act, the Slovak Hydrometeorological Institute is authorised 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 Act No. 39/2013 Coll. on integrated environmental pollution prevention and control and on the amendment to certain acts as amended, the information system of integrated environmental pollution prevention and control is in operation, and it includes mainly data and information about operators and plants falling under Act No. 39/2013 Coll.*

*In compliance with Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts, a complex information system on environmental impact assessment (IS EIA/SEA) is in operation, which contains information, documents and documentation from the EIA and SEA processes. The data of the IS EIA/SEA are available to the public at the ministry's website.*

*In compliance with Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on the amendment to certain acts as amended, the information system of prevention and remedy of environmental damage is in operation, which contains mainly data and information on natural resources and places of occurrence that can be damaged*

by environmental damage, the access for submitting notices or suggestions, and the summary of notices filed in accordance with law.

In compliance with Act No. 543/2002 Coll. on nature and landscape protection, information on protected areas of national network is publicly available within the State List of Protected Areas and the List of Protected Trees ([www.sopsr.sk](http://www.sopsr.sk) and [www.enviroportal.sk](http://www.enviroportal.sk)). Further, the lists of protected areas of the European network NATURA 2000 exist and are publicly available ([www.sopsr.sk](http://www.sopsr.sk)).

The above-mentioned "documentation on nature protection" is publicly available according to Article 51 (7) and Article 54 (21) of Act No. 543/2002 Coll. on nature and landscape protection.

In compliance with Act No. 355/2007 Coll. on public health protection, support and development and on the amendment to certain acts, during the bathing season, weekly updates of bathing water quality states are published at the website of the Public Health Authority of the Slovak Republic. Annual Reports of the Slovak Republic on Bathing Water Quality are also available.

The Dionýz Štúr State Geological Institute provides archived professional reports to be studied by persons interested, keeps registers of geological information, records of applicants etc. (The archive of professional reports and expert opinions has reached a total number of 91,880 registered and catalogued units).

In accordance with Act No. 220/2004 Coll. on protection and utilisation of agricultural lands, the Ministry of Agriculture and Rural Development of the Slovak Republic has established the Soil Service (the care of land reserves and protection against degradation processes). The National Agriculture and Food Centre - Soil Science and Conservation Research Institute (NPPC-VUPOP) is a member of the Joint Research Centre of the EU in Ispra, Italy, within the network of workplaces of the European Soil Bureau (European Commission, DG-Environment). The NPPC-VUPOP also represents the seat of the National Contact Point for the United Nations Convention to Combat Desertification and Land Degradation.

Since 1997, the Ministry of Transport, Construction and Regional Development of the Slovak Republic has provided the execution of a research task focused on environmental monitoring and analysis in connection with transport impacts. Information on production of emissions of CO, CO<sub>2</sub>, NO<sub>x</sub>, VOC, SO<sub>2</sub>, TPM, PM10, and PM2.5 from traffic operation for road transport, railway transport, air transport and inland water transport is monitored within the framework of the research task. The road transport emissions are monitored in the structuring to passenger cars, buses, motorcycles, light lorries (up to 3.5 t) and heavy lorries (over 3.5 t). The research task also provides for the creation of a database of environmental indicators worked out according to the methodology TERM (Transport and Environment Reporting Mechanism). The Ministry of Transport, Construction and Regional Development of the Slovak Republic has provided information obtained based on the research task to the following applicants: Statistical Office, Slovak Environment Agency, students of the Žilina University.

In 2015, the Ministry of Transport, Construction and Regional Development of the Slovak Republic provided for the solution of the following research tasks: "Monitoring and evaluation of the collision parts of the transport infrastructure, where collisions of transport means with animals occur within the transport infrastructure, and creation of an aggregated output database of data and maps necessary to reduce the mortality of animals as a consequence of collisions with transport means", and "Solving the conflict of the transport infrastructure and biocorridors", with outputs containing information concerning the environment, in particular the area of biodiversity protection by providing conditions for animal migration. The Ministry of Transport, Construction and Regional Development of the Slovak Republic has provided requested information from the above research task to the following applicants: National Highway Company, Office of the Nitra Self-Governing Region, Tatra national Park, Daily Pravda and Oravské noviny newspaper.

In 2016, the Ministry of Transport, Construction and Regional Development of the Slovak Republic provides for the solution of several research tasks focused on obtaining environmental information. The results of the research tasks are available to the public in accordance with the valid legal regulations, thus the public access to environmental

information is ensured in accordance with the Aarhus Convention.

In 2016, the following research tasks are solved with a direct relation to the environment:

- Environmental monitoring and analysis in transport,
- Analysis of factors affecting the ability of the Slovak Republic to fulfil the obligations of the Kyoto Protocol.

#### **XIV. Website addresses relevant to the implementation of article 5**

Give relevant website addresses, if available:

[www.enviroportal.sk](http://www.enviroportal.sk)  
[www.enviro.gov.sk](http://www.enviro.gov.sk)  
[www.geoportal.sk](http://www.geoportal.sk)  
[www.vuvh.sk](http://www.vuvh.sk), [www.shmu.sk](http://www.shmu.sk), [www.svp.sk](http://www.svp.sk), [www.sazp.sk](http://www.sazp.sk); [www.sopsr.sk](http://www.sopsr.sk)  
<http://uzemia.enviroportal.sk> and <http://stromy.enviroportal.sk>.  
[www.emas.sk](http://www.emas.sk)  
[http://www.air.sk/neiscu/main\\_gui.php](http://www.air.sk/neiscu/main_gui.php)  
[www.minv.sk](http://www.minv.sk)  
[www.uvzsr.sk](http://www.uvzsr.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 and on the amendment to certain acts as amended,*  
*Act No. 543/2002 Coll. on nature and landscape protection as amended,*  
*Act No. 364/2004 Coll. on water and on the amendment to Act of the Slovak National Council No. 372/1990 Coll. on offences as amended (Water Act) as amended,*  
*Act No. 442/2002 Coll. on public water supply systems and public sewer systems and on the amendment to Act No. 276/2001 Coll. on regulation in network industries as amended,*  
*Act No. 7/2010 Coll. on flood protection as amended,*  
*Act No. 355/2007 Coll. on public health protection, support and development and on the amendment to certain acts,*  
*Act No. 2/2005 Coll. on noise assessment and control in external environment and on the amendment to Act of the Slovak National Council No. 272/1994 Coll. on human health protection as amended,*  
*Act No. 139/2002 Coll. on fishery as amended,*  
*Act No. 409/2011 Coll. on certain measures in the field of environmental damage and on the amendment to certain acts - an association with legal personality which has been active in the field of environmental protection or protection of environmental components at least for one year as at the day on which the written notification was submitted pursuant to Section 5, is a party to the proceedings regarding the appointment of the obliged person pursuant to Article 5, proceedings on approving the plan of work pursuant to Article 8 and proceedings on completing the implementation of the plan of work pursuant to Article 9 if such association so requests.*  
*Act No. 137/2010 Coll. on air as amended,*  
*Act No. 469/2002 Coll. on environmental labelling of products as amended by the amendment to Act No. 351/2012 Coll. on environmental verification and registration of organisations in the European Union scheme for environmental management and audit and on the amendment to certain acts,*  
*Act No. 128/2015 Coll. on prevention of major industrial accidents and on the amendment to certain acts,*  
*Act No. 79/2015 Coll. on wastes and on the amendment to certain acts effective from 1 January 2016 and the implementing decrees replaced the original Act No. 223/2001 Coll. on wastes and on the amendment to certain acts as amended, and in Article 27 (4) (i) it introduced the information duty of the manufacturer of selected product in relation to end users of the selected product.*

*Act No. 39/2013 Coll. on integrated environmental pollution prevention and control and on the amendment to certain acts as amended, in Article 10 (a) - (c) it defines the term "the public concerned".*

*Act No. 541/2004 Coll. on peaceful use of nuclear energy (Atomic Act) and on the amendment to certain acts as amended,*

*Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on the amendment to certain acts as amended.*

*In amendment to Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended from 2014, represented by Act No. 314/2014 Coll. effective from 1 January 2015, the original term "the public interested" was replaced by the term "the public concerned". The change of the term was introduced for the reason of identical terms in the act and in the directive. Pursuant to Article 3 (s), the public concerned means "the public affected or likely to be affected by, or having an interest in, the procedure concerning the environment; non-governmental organisations promoting environmental protection and meeting any requirements under this act shall be deemed to have an interest in such procedure,“. Article 6a and Articles 24 and 25 also regulate the rules for the participation of the public and of the public concerned in assessment of impacts of strategic documents.*

*According to the European Commission (the Commission), main defects of Act No. 24/2006 Coll. on environmental impact assessment as amended before the amendment - Act No. 314/2014 Coll. - included the consequences of insufficient link between the process of assessment of the impacts of proposed activities and the subsequent permitting procedures because it created room for disobedience to the results of the impact assessment process, where full assurance of the rights of the public concerned participating in the procedure or interested in the result of decision-making in environmental matters could not be guaranteed. Thus, the problem of implementation within the legal order of the Slovak Republic of a part of several requirements of the Aarhus Convention, which the EIA Directive implements (Articles 6, 7, and 9), was opened.*

*Amendment No. 314/2014 Coll. includes: the binding character of the outputs of screening and impact assessment process, the issuance of the subsequent permit is conditioned by observing the state and result of the procedures, the procedure of official verification of conformity of the project document submitted to the permitting procedure with the result of the procedures through the binding opinion of the EIA body that made decision on the result of assessment of environmental impacts of the proposed activity, and finally also new legal remedies intervening into the current perception of this tool and its links to participation in the first-stage procedures. The second circle of changes concerns the elaboration of the impact assessment subject and procedure of screening performance.*

*The term "the public concerned" was also added to the act. The supplemented letter (s) was put immediately after the general definition of the term "the public". The definition of "the public concerned" is in compliance with the definition of this term in the EIA Directive. So, the public concerned is named identically both in the act and in the directive. The previously used term "the public interested" caused ambiguities in some cases as it was not clear whether the term is identical with the term "the public concerned" mentioned in the directive. The definition of the term "the public interested" in the valid wording of the act is different from the term definition of the "public concerned" mentioned in the EIA Directive.*

*The provisions regulating the participation of the public and of the public concerned in the procedure and subsequent permitting procedures were reworked to a considerable extent. Therefore, amendment Item 14 contains a complete wording of Sections 24 and 25.*

*The procedural position of the public and of the public concerned (the public interested according to the current wording of the act) was not weakened at all. A new element is introduced - the possibility of the public to apply an extraordinary legal remedy in the procedure according to this act in the case when the public was not a party to the procedure. The non-party to the procedure can contest the result of the procedure - decision - through subsequent legal remedies. This supplementation ensures consistent transposition of Article 11 (1) of the EIA Directive; this reservation was included in the formal notification of the Commission to the Slovak Republic.*

*The original provisions of Article 24 to 28 contained relatively complicated definitions of*

*"the public interested" and who belongs to it and under what conditions they become party to the subsequent permitting procedure.*

*By defining the terms "the public" and "the public concerned", the draft wording already in Article 3 replaces the previous rather complicated definitions. Thus, the previous provisions have been changed in favour of a more detailed regulation of the procedural position of the public and of the public concerned in procedures according to this act and also in subsequent permitting procedures. Article 24 (4) regulates the mentioned possibility to deliver an appeal to a decision that is not in legal force yet also by an entity that was not a party to the screening procedure or environmental impact assessment. Thus, another way of claiming one's right to the position of the public concerned within the procedure is regulated.*

*All the amendments were carried out in compliance with the requirements of the Commission's formal notification and also with the requirements of the Aarhus Convention, which was ratified by the Slovak Republic in a prescribed way and to which the Slovak Republic is a party. Regarding this, the duties of the Slovak Republic also include the modification of national law in compliance with the requirements of the Aarhus Convention and with the rights conferred upon the public in relation to the specified environmental procedures.*

*The current regulation contains the information duty of the competent body in relation to the public; communication channels include in particular the website or official board. In this connection we call attention to the fact that not every competent authority has its own official board accessible to the public at any time (e.g. the MoE SR does not have any), therefore, in terms of information provision during the specified period without time limitation, we consider the websites of respective authorities as the most suitable. Section 2 provides the public concerned with the right to participate in procedures according to this act as well as in the subsequent permitting procedures pursuant to special regulations. The pre-condition for participation in the procedure is that somebody from the public gets involved in the procedure by submitting one of the forms of written opinion also containing details pursuant to Sect. 4, so that it is possible to identify the carrier (creator) of the written opinion as the particular public which subsequently becomes party to the procedure.*

*The provisions defining in more detail the citizens' initiative as one of the members of the public are more or less taken over from the previous wording of the act. However, the provisions about the way of creating a representative of the citizens' initiative, the possibility of their resignation, recall and replacement are extended and specified more precisely.*

*With respect to the specific position of the public concerned as a party to the procedure, Section 1 specifies the procedural position of the public concerned as a party to the procedure in conformity with the current state as regards the subsequent permitting procedures. The consent of the public concerned to the discontinuance of procedures initiated by the applicant is not required exactly for the reason of the specific position of the public enforcing its requirements in terms of environmental impacts of the proposed activity and because the discontinuance of the procedure mostly concerns the facts connected only with the applicant. In case of participation of a great number of entities (more than 20) on the part of the public concerned in the procedure, it is permitted to deliver the documents to the public concerned through a public decree. The way of delivery through a public decree is also regulated.*

*The position of the public in the environmental impact assessment process has been changed significantly in particular by amendment No. 145/2010 Coll. with effect from 1 May 2010 and subsequently by the last mentioned amendment No. 314/2014 Coll. with effect from 1 January 2015. Under the prescribed conditions, the natural person, legal entity (including the non-governmental organisation) or citizens' initiative can hold the position of party to the procedure in administrative procedures conducted according to this act as well as in the subsequent permitting procedure conducted pursuant to a special regulation. Till 31 April 2010, these persons held the position of participating person in the subsequent permitting procedures. Amendment No. 145/2010 Coll. with effect from 1 May 2010 and subsequently amendment No. 408/2011 Coll. with effect from 1 December 2011 considerably strengthened the right of the public to participate in the decision-making*

process (e.g. the right to lodge a legal remedy), and the last amendment No. 314/2014 Coll. with effect from 1 January 2015 defined the public concerned in compliance with the respective definition of the EIA Directive.

Pursuant to Article 82 (3) of Act No. 543/2002 Coll. on nature and landscape protection as amended (new regulation by Act No. 408/2011 Coll. effective from 1 December 2011): "The natural person, citizens' initiative<sup>113a)</sup> or legal entity, to which such position results from a special regulation, is party to the procedure pursuant to this act.<sup>113b)</sup> The association with legal personality,<sup>114)</sup> the scope of activity of which for at least one year has included nature and landscape protection (Article 2 (1)), and which submitted a preliminary request for participation pursuant to Section 6, is party to the procedure, unless this status already results from the previous sentence, if such association confirms its interest to become a party to the pending administrative procedure 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 procedure as a procedure, within which nature and landscape protection interests protected by this act can be affected pursuant to Section 7.

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113a) Article 25 of Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended.

113b) Articles 24 and 25 of Act No. 24/2006 Coll. as amended.

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

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Pursuant to Article 82 (6) to (8) of Act No. 543/2002 Coll. on nature and landscape protection as amended (legal regulation of Sect. 6 and 7 by amendment to Act No. 408/2011 Coll. effective from 1 December 2011):

"(6) The association pursuant to Section 3 can submit a preliminary written application to the nature protection body for participation in not explicitly specified administrative procedures, 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 registered office, identification number, name and surname of the person authorised to act on behalf of the association, and the specification of the procedure about the start of which the association wants to be notified; the application must be accompanied by the by-laws<sup>115a)</sup> proving the subject of activity pursuant to Section 3.

(7) The nature protection body shall publish information on the initiation of each administrative procedure, within which nature and landscape protection interests protected by this act can be affected, at its website, with the exception of procedures pursuant to Sect. 8, no later than within three business days from the commencement of the procedure; the above-mentioned information shall include the time limit specified for the delivery of a written or electronic confirmation of the interest in becoming party to the pending administrative procedure pursuant to Sect. 3; this time limit shall not be shorter than five business days from the day the information was made publicly available.

(8) The provisions of Section 3 of the third sentence and Section 6 and 7 shall not apply to procedures pursuant to Article 44 (2), Article 61e, procedures mentioned in Article 81 (2), procedures on offences and other administrative delinquencies pursuant to Article 90 to 93, and procedures on seizure of individuals of protected species pursuant to Article 96."

Pursuant to Article 11 (6), (7) and (8) of Act No. 137/2010 Coll. on air, the public shall be familiarised with the draft programme for air quality improvement, has the right to submit written comments and participate in public negotiations. Pursuant to Article 18 (5) and (6) of Act No. 137/2010 Coll. on air, the public has the right to submit written comments on the published application for permitting a construction of waste incineration plant, waste co-firing facility, and their modification. The comments can be submitted no later than during the public negotiation of the application. The comments of the public are taken into account in issuing the permit.

Pursuant to Article 2 (2) of Act No. 351/2012 Coll. on environmental verification and

registration of organisations in the European Union scheme for environmental management and audit and on the amendment to certain acts, the parties (including the public) are familiarised with the application of an organisation for the registration in the EMAS scheme through the website of the competent authority ([www.emas.sk](http://www.emas.sk)), and pursuant to Article 2 (4) of Act No. 351/2012, the public can raise objections to the published application within 15 days from its publishing.

Act No. 2/2005 Coll. on noise assessment and control in external environment and on the amendment to Act of the Slovak National Council No. 272/1994 Coll. on human health protection as amended allows making accessible the strategic noise maps and information on harmful effects of noise to the public, negotiating the draft action plans with the public, and informing the public on the adopted conclusions and measures (Article 5 (2) (e)).

Act No. 514/2008 Coll. on mining industry waste management and on the amendment to certain acts allows the participation of the public in permitting repositories (Article 8). The competent body shall publish without undue delay and for the period of 15 days at its website or on its official board information pursuant to Article 8 (3) (a) to (d) related to details of the application for permitting a disposal site and the details on ensuring public participation in the procedure. Pursuant to Article 8 (2) of this act, the public interested that notified in writing of its interest in participating in the procedure, shall have the position of a participating person in the procedure pursuant to Article 7 (Permitting of disposal sites).

Pursuant to Article 20 (4) (x) of Act No. 258/2011 Coll. on permanent storage of carbon dioxide in the geological environment and on the amendment to certain acts, the district mining authority makes information on storage available to the public. The provision of Article 19 defines the need to establish the information system regarding storage in order to ensure data collection and information provision as part of the information system of general government. The information system is made accessible for the needs of state authorities, general government and local government bodies in permitting activities that can affect storage or can be affected by storage, and also serves to collect, store and disseminate environmental information pursuant to Article 4 of Act No. 205/2004 Coll., as well as to make it accessible pursuant to Act No. 211/2000 Coll.

Act No. 128/2015 Coll. on prevention of major industrial accidents and on the amendment to certain acts harmonises the part regarding the hazardous substances with legislation in the area of chemical substances. It improves public participation in the decision-making process as well as public access to information on safety.

Pursuant to Article 14 (5), public participation in the decision-making processes regarding the enterprises covered by this act are sufficiently regulated by special regulations. Article V of the act, with the objective to strengthen this provision, adds a new provision to Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended, based on which each proposed activity covered by the act on prevention of major industrial accidents must be subject to environmental impact assessment.

Pursuant to Article 15 (2), the operator of the enterprise covered by this act is obliged to provide permanent public access to information according to Annex No. 2 to the act, including the electronic form at its website. It is an active form of making information available to the public, not only to the public affected by a major industrial accident but in general, too. Sections 3 to 5 lay down information provision to the public likely to be affected by a major industrial accident, including the public of other State in case of accidents with cross-border effects.

The Information System of Major Industrial Accident Prevention (Article 16) is another important element in this area; its objective is to collect comprehensive data and provide information both to the public and central government <http://www1.enviroportal.sk/seveso/informacny-system.php>.

Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on the amendment to certain acts as amended allows, under certain conditions, public participation within the proceeding about imposing the duty to carry out preventive or

*mitigation measures, and the proceeding about imposing the task to adopt and implement measures to remedy environmental damage:*

#### *Article 25*

##### *Parties to the proceeding*

*(2) A party to the proceeding pursuant to Article 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 person or legal entity whose rights or interests protected by law may be directly affected by environmental damage.*

*(3) A party to the proceeding pursuant to Article 27 can also be a civil association or any other organisation 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 the "non-governmental organization") that submitted the notification pursuant to Article 26 (1), and, at the same time, announced in writing its interest in participating in the proceeding no later than within seven days from the day of the notification delivery pursuant to Article 26 (5).*

#### *Article 26*

##### *Notification*

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

*The provision of Article 20 also defines the need to establish the information system of prevention and remedy of environmental damage for storage and collection of data and information provision. The information system is made available to central government bodies, general government bodies, local government bodies and operators of working activities listed in Article 1 (2) and (3) of the act, which can cause an imminent threat or environmental damage, and also serves to collect, store and disseminate environmental information pursuant to Article 4 of Act No. 205/2004 Coll., as well as to make them accessible pursuant to Act No. 211/2000 Coll. for activities of competent authorities.*

##### *Ad a)*

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

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

*"(3) "The natural person, citizens' initiative<sup>113a)</sup> or legal entity, to which such position results from a special regulation, is party to the procedure pursuant to this act.<sup>113b)</sup> The association with legal personality, the scope of activity of which for at least one year has included nature and landscape protection (Article 2 (1)), and which submitted a preliminary request for participation pursuant to Section 6, is party to the procedure, unless this status already results from the previous sentence, if such association confirms its interest to become a party to the pending administrative procedure in writing or electronically; ...".*

*Footnotes No. 113a) 113b) refer to a special regulation, which in this case is Act. No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended and which enables that also a natural person or legal entity (other than an NGO supporting nature and landscape protection), or citizens' initiative can become parties to the proceedings pursuant to Act No. 543/2002 Coll. had they submitted written comments and thus taken part in the environmental impact assessment procedure according to Act No. 24/2006 Coll.*

*"(6) The association pursuant to Section 3 can submit a preliminary written application to the nature protection body for participation in not explicitly specified administrative*

*procedures, 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.*

*(7) The nature protection body shall publish information on the initiation of each administrative procedure, within which nature and landscape protection interests protected by this act can be affected, at its website, except for the procedures pursuant to Sect. 8, no later than within three days from the commencement of the procedure; the above-mentioned information shall include the time limit specified for the delivery of a written or electronic confirmation of the interest in becoming party to the pending administrative procedure pursuant to Sect. 3; this time limit 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 the decision-making process in compliance with Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended.*

*The national legislation in the area of impact assessment ensures that the public is informed from the very beginning of the process in an adequate, timely, and efficient way.*

*The commencement of the environmental impact assessment process is published at the website of the MoE SR and at websites of district offices and municipalities.*

*During the procedure, the party to the procedure can get involved in the decision-making process by inspecting the file, submitting procedural proposals and writing comments, and before issuing the decision, each party to the procedure has the right to comment on the background documents of the decision and the way of its achievement as well as to propose a supplementation. Once the decision has been issued, each party to the procedure can file a legal remedy against the first-stage decision. The second-stage procedure accordingly follows the provisions on the first-stage procedure with all rights and duties of the party to the procedure. If the party to the procedure is convinced that their rights in the administrative process have been infringed, within the applicable time limit they can file a complaint with the court in order to examine the lawfulness of the administrative decision.*

*Ad c)*

*The time frame respects Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended. The time frame (time limits) for the public are exactly specified in the Act on EIA/SEA. During the subsequent permitting procedure, the time frame for the public is determined by time limits pursuant to special acts or, if they do not specify such time limits, they shall be determined in accordance with the administrative rules.*

*Ad d)*

*At all stages of assessment in accordance with Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended, the public can get familiarised and comment on the proposed activity or the strategic document in time.*

*The national legislation in the area of environmental impact assessment ensures public participation in the decision-making procedure from its beginning (i.e. from the day the notification of the activity or strategic document was made publicly available), that means at the time when all alternatives are open.*

*Ad e)*

*The discussion with the public concerned is entered by the applicant still before the process of activity permitting or before the decision on siting is made or during the preparation of the strategic document or before it has been approved, within the environmental impact assessment process pursuant to Act No. 24/2006 Coll. as amended (EIA), if the public concerned gets involved in the process by submitting their written comments.*

*The applicant can be called after they have filed a notification or plan and instructed about the public if necessary, within the steps of the process. The discussion can be part of "consultations or public negotiation" - specified by Act No. 24/2006 Coll. on environmental impact assessment.*

Ad f)

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

*Pursuant to Act No. 24/2006 Coll. on EIA, the public has free access to the project documentation at individual stages (phases) of the environmental impact assessment process - notification, plan or notification of change, decision based on screening, scope of evaluation, assessment report, final statement. The documentation is available in the affected municipality and at the same time, at the website of the MoE SR.*

*Within the EIA/SEA process (which, however, is not a permitting process), the public concerned shall have access to all information on the activity or strategic document under assessment just like the bodies concerned, permitting body departmental body, municipalities concerned and other entities. Moreover, in the process of screening and in the process of environmental impact assessment for the proposed activity, which are conducted as administrative procedures pursuant to the administrative rules, the public concerned has stronger rights than the central government authorities concerned, because in these procedures the public concerned has the position of a party to the procedure. As a party to the procedure, they can appeal against the decisions from the screening procedure and against the final statement from the assessment process, and subsequently, they can also file a complaint with the court.*

*All mandatory information about the EIA/SEA process is compulsorily published at <http://www.enviroportal.sk/sk/eia>. In the permitting process (in general, it is an administrative procedure), the public in the position of a party to the procedure has the same rights in finding all relevant information related to the background documents for decision-making as the other entities in the permitting procedure. These rights of the public result from the administrative rules.*

*(ii) The complete documentation is accessible and published in accordance with the national legislation. In the environmental impact assessment process, the public concerned is provided with all available information at each step of assessment pursuant to the Act on EIA. The respective bodies of environmental impact assessment provide the public concerned with information in compliance with Act No. 24/2006 Coll. on environmental impact assessment before the decision-making processes.*

*In the permitting procedure process, information is provided to the public concerned in compliance with the principles of administrative procedures according to the administrative rules.*

Ad g)

*Pursuant to Act No. 24/2006 Coll. on environmental impact assessment, the public has access to the project documentation or strategic document at individual stages (phases) of the environmental impact assessment process (notification, notification of change or plan, decision based on screening, scope of evaluation, assessment report, final statement), and it is also provided with the possibility to comment on the project or strategic document at each stage (phase) of the environmental impact assessment process by sending positions and participating in public negotiations or consultations, by filing at the registry, in electronic way via the internet, in writing through Slovenská pošta (Postal Service), to the minutes during public negotiations.*

*In the process of permitting procedure, the public has the possibility submit comments based on the principles of administrative procedure according to the administrative rules or according to the provisions of special regulations (by filing at the registry, in electronic way via the internet, in writing through Slovenská pošta (Postal Service), to the minutes during public negotiations, consulting).*

Ad h)

*To provide the public with information on the way of public comments treatment, the permitting body shall immediately disclose to the public the content of the decision and the conditions stipulated therein, the main reasons based on which the decision was made,*

*including information on public participation, and main measures for preventing, reducing and, if possible, compensating serious adverse impacts of the proposed activity or its change.*

*In the decision, the permitting body shall state the way of processing of the objections raised by the entities of the public concerned in the position of a party to the procedure, and why their particular comments or objections were refused. This applies to all procedures for permitting activities with significant environmental impacts that are subject to the environmental impact assessment process (activities in Annex I of the Aarhus Convention), as well as activities with significant environmental impacts that are permitted pursuant to Act No. 543/2002 Coll. on nature and landscape protection, when the entities of the public interested are in the position of a party to the permitting procedure.*

*Ad i)*

*The entities of the public concerned are informed about the decision from the permitting procedure by direct (addressed to the particular person) delivery of the decision or by decision delivery through a public decree.*

*The public is informed about all steps taken pursuant to Act No. 24/2006 Coll. at <http://www.enviroportal.sk/sk/eia>. It is also informed about certain documents on the portal of legal regulations <https://www.slov-lex.sk/domov>.*

*The Nuclear Regulatory Authority of the Slovak Republic publishes their decisions immediately at [www.ujd.gov.sk](http://www.ujd.gov.sk) and on the electronic official board situated at the registered office of the Authority and accessible for 24 hours a day.*

*Ad j)*

*Measures in case that a state authority reconsiders or updates the operating conditions for the activity listed in Sect. 1 include mainly instructions and regulations applied in accordance with the provisions of Sections 2 – 9 and essential changes with reference to Section 10 shall also be performed, if necessary.*

*Ad k)*

*By 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 December 2006) that were adopted at the second meeting of the Contracting Parties to the Convention (25 to 27 May 2005, Almaty, Kazakhstan).*

*The respective legal regulations of the Community regulating the release of GMO, in particular 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 Council Directive 90/220/EEC, and European Parliament and Council Regulation (EC) No. 1829/2003 of 22 September 2003 on genetically modified food and feed contain provisions on public participation in the process of decision-making on GMO that are in compliance with amendments to the Aarhus Convention.*

*Merely the provision of Sect. 2 of Annex 1a to the Convention was transposed to Act No. 151/2002 Coll. on using genetic technologies and genetically modified organisms as amended 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 the environment and to accelerate and simplify the proceedings in matters where it is necessary to give repeated consent to the launch of a product to the market while maintaining the public rights to be informed.*

*The texts of Article 34 (3) and Article 35 (3) of Act No. 151/2002 Coll. constitute an application of Council Decision No. 2006/957/EC approving the amendment to the Convention.*

## **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:*

*To a great extent, the obstacles were eliminated by amendments to Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts (Act No. 117/2010 Coll., Act No. 145/2010 Coll., Act No. 408/2011 Coll., Act No. 345/2012 Coll., Act No. 448/2012 Coll., Act No. 39/2013 Coll., Act No. 180/2013 Coll., Act No. 314/2014 Coll., and Act No. 128/2015 Coll.), which have strengthened public participation in environmental impact assessment processes, in assessing projects, project changes and strategic documents (plans). The participation of non-governmental organisations in decision-making processes pursuant to Act No. 543/2002 Coll. on nature and landscape protection as amended has been relatively significantly strengthened by amendment No. 408/2011 Coll. effective from 1 December 2011.*

***In this respect we would like to draw attention to one of the decisions of the European Court of Justice C-240/09 dated 8 March 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 to Act No. 543/2002 Coll. on nature and landscape protection (amendment No. 408/2011 Coll. effective from 1 December 2011), which changed the position of civil associations in administrative procedures from a participating person to a party to the procedure. In administrative procedures, the party to the procedure holds a wider scope of rights than the participating person.***

*The Nuclear Regulatory Authority of the Slovak Republic perceives for example nuclear power plant construction, during which construction changes are carried out, as an obstacle in the implementation of Article 6 of the Aarhus Convention. However, the Convention does not specify unambiguously, when environmental impact assessment including the public participation in the procedure is necessary for a change of construction. Such changes are usual during construction of nuclear power plants and the practice shows that a separate procedure with public participation for each change of construction is inappropriate because not each change of construction is qualified as change of activity as such.*

## **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:*

*Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic No. 357/2010 Coll. was replaced by Decree of the MoE SR No. 231/2013 Coll. on information submitted to the European Commission, on requirements for keeping operating records, on data notified to the National Emission Information System and on the set of technical operating parameters and technical organisational measures.*

*Any process of changes of the activities already permitted in relation to nuclear installations (Note: The processes described in relation to permitting changes of licences for nuclear installations are also similar for all areas, in which other specialised bodies make decisions pursuant to special regulations. The Slovak Republic selected this approach in order to clearly prove*

*the compliance with the Aarhus Convention in the particular simulated case, in which the ACCC stated non-compliance.) can take place materially either in the regime of Atomic Act No. 541/2004 Coll. as amended or only in the regime of Building Act No. 50/1976 Coll. as amended, or in the regime of both the acts. Procedurally, these proceedings are always subject to Act No. 71/1967 Coll. on administrative procedure as amended. The regime, which the changes are subject to, depends on their technical character, scope, nature etc. The environmental protection body shall determine whether the change has such an adverse impact that environmental impact assessment (EIA) must take place. The general public has the right to participate in this process. Notice of starting the change procedure shall be published, and the public can comment on it.*

*In most cases (except small exceptions – the area of safety supervision), the change permitting procedure is commenced on **the proposal from a party to the procedure**. After the delivery of the application and prescribed documentation, the Nuclear Regulatory Authority of the Slovak Republic will commence the procedure and notify the commencement at its website and on the electronic official board. In the cases specified by law, it notifies them also through a public decree in the municipalities, in the cadastre of which the nuclear installations are situated, which are the subject of the change procedure. **The Nuclear Regulatory Authority of the Slovak Republic requests the submission of the position of the MoE SR to whether the proposed change requires the EIA process or not before the decision is made on it. If the party does not submit it, the NRA SR will interrupt the procedure and call upon the party to submit this position. If the party to the procedure fails to fulfil the duty of submitting the position of the MoE SR within the required period during procedure interruption, the NRA SR will stop the procedure.***

## **XVIII. Website addresses relevant to the implementation of article 6**

*Give relevant website addresses, if available:*

<https://www.slov-lex.sk>  
[www.enviro.gov.sk](http://www.enviro.gov.sk)  
[www.enviroportal.sk](http://www.enviroportal.sk)  
<http://www.enviroportal.sk/sk/eia>  
[www.geoportal.sk](http://www.geoportal.sk)  
[www.geology.sk](http://www.geology.sk)  
[www.emas.sk](http://www.emas.sk)  
[www.minv.sk](http://www.minv.sk)  
[www.uvzsr.sk](http://www.uvzsr.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 and programmes related to the environment (strategic documents) are defined in the individual steps of the strategic environmental assessment (SEA) pursuant to Act No. 24/2006 Coll. on*

*environmental impact assessment and on the amendment to certain acts as amended. In addition to the assessment of environmental impact of strategic documents, buildings, facilities, the act also regulates other proposed activities or projects. 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. The entities of the public and of the public concerned in the assessment of impacts of strategic documents (plans) are defined in Article 6a of Act No. 24/2006 Coll. on environmental impact assessment, and for the process of assessment of proposed activities (projects), they are defined in Article 3 (s) and Articles 24 – 25 of this act.*

*Furthermore, the public is involved in the preparation of documentation related to nature protection and in the preparation of decrees on protected areas that are consulted with the public. The above area is regulated by Article 54 (21) to (24) of Act No. 543/2002 Coll. on nature and landscape protection as amended:*

*(21) The nature protection body obtaining the nature and landscape protection documentation is obliged, before the documentation is approved, to negotiate the written comments of the civil association, whose objective according to the by-laws or their amendments valid for at least one year is to protect nature and landscape (Article 2 (1)), delivered to the body no later than 30 days before the expected date of its approval.*

*(22) The civil association pursuant to Section 21 may ask the nature protection body obtaining the nature and landscape protection documentation to notify the association in writing of the documentation being obtained and the expected deadline of the approval process. The association's application shall include in particular the name of the civil association, its registered office, identification number, name and surname of the person authorised 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 registered by-laws of the 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 and landscape protection documentation being obtained and the expected deadline of the approval procedure within seven days from the day of application delivery.*

*(23) The nature and landscape protection documentation shall be a basis for the elaboration of land-use planning documentation,<sup>84)</sup> documents, plans, or projects pursuant to Article 9 (1) and for the activity and decision-making of nature protection bodies.*

*(24) The nature and landscape protection documentation is available to the public.<sup>85)</sup>*

*In the area of waste management pursuant to Article 9 (4) of Act No. 79/2015 Coll. on wastes and on the amendment to certain acts, the environmental department of district office is obliged to submit, within three months from the approval of the programme of the Slovak Republic, a draft programme of region for assessment pursuant to Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended. After the environmental impact assessment, the environmental department of district office issues, in the form of a decree, the binding part of the programme of region for the period identical with the period of validity of the programme of the Slovak Republic, and sends it to the ministry for publication as well.*

*Pursuant to Article 12 (2) of Act No. 24/2006 Coll. on environmental impact assessment, the environmental department of district office in the area of waste management state administration publishes, through the municipalities concerned, a draft programme of waste management of the region, along with the report on the assessment of its environmental impacts, for a period of 21 days, so that the public from the affected territory can get familiarised with it and deliver their written comments, if any.*

*The provision of Article 11 (6) to (9) of Act No. 137/2010 Coll. on air allows the public to participate in elaborating programmes to improve air quality. Act No. 137/2010 Coll. on air stipulates that the draft programme to improve air quality shall be made publicly available and the possibility for the public to submit their comments, as well as a mandatory public hearing of the programme.*

*In the area of state administration of air protection, the environmental department of the district office publishes in usual ways (official board, website of the office, etc.), for 30 days, information about the preparation of a draft programme and information, where the draft programme can be inspected so that the public can get familiarised with it. The public has the right to submit written comments within a 30-day period. The environmental department of the district office publicly negotiates the draft programme, in preparing it the department takes into account the written comments or the comments submitted no later than during the public negotiation. The environmental department of the district office issues the programme by publishing it at its website. At the same time, it will also publish information on the reasons of programme adoption and information of public participation in its preparation.*

*Act No. 364/2004 Coll. on waters and on the amendment to Act of the Slovak National Council No. 372/1990 Coll. on offences as amended (Water Act) as amended stipulates in Article 13 (2) that the draft river-basin management plan is worked out by the ministry through an authorised person and administrator of water courses important to water management in cooperation with state water administration bodies, self-governing regions, other central government bodies concerned and other stakeholders, in particular representatives of municipalities, industrial sphere, water companies, fishery protection and other organisations, whose objects include protection of water and water ecosystems. Further, Article 13 (4) lays down the ministry's duty to make available the following, for purposes of submission of written comments, active participation and consultations, within six months, to the public, water users, self-governing regions, municipalities and central government bodies concerned:*

- a) the time schedule and steps of the preparation of the draft river-basin management plan,*
- b) the identified significant water management problems,*
- c) the draft river-basin management plan.*

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

*Pursuant to Article 9 (1) of Act No. 7/2010 Coll. on flood protection as amended, the ministry coordinates the preparation and implementation of the flood risk management plan with the preparation and implementation of the river-basin management plan with the objective to increase the efficiency, to provide for information exchange and to achieve cooperation and benefits with respect to environmental objectives. The ministry shall provide for that*

- a) the flood hazard maps and the flood risk maps and their subsequent reviews and updates are worked out in such a way that information contained therein is in compliance with relevant information obtained in the preparation and execution of the river-basin management plans and that it is coordinated with the analysis of sub-basin characteristics, evaluation of impacts of human activities on the state of surface waters and ground waters and economic analysis of water management<sup>18)</sup> and that it can be incorporated in them,*
- b) the first flood risk management plans and their reviews are worked out in coordination with the reviews of river-basin management plans and that they can be incorporated in them,*
- c) the active participation of the public, central government bodies, local government bodies and water users in the preparation and execution of flood risk management plans is coordinated as necessary with their active participation in the preparation and execution of river-basin management plans.*

*Pursuant to Article 23 (1) (c) Item 6, the ministry publishes the time schedule and steps of preparation, review and update of flood risk management plans; pursuant to Article 23 (1) (c) Item 7, the ministry makes draft flood risk management plans available to the public for the purpose of submitting written comments and suggestions; it notifies the general government bodies of such disclosure of the drafts to the public; and pursuant to Article 23 (1) (c) Item 9, the ministry makes preliminary evaluation of flood risk, the flood hazard maps, the flood risk maps, and the approved flood risk management plans available to the public.*

*Pursuant to Article 23 (1) (c) Item 22, the ministry ensures the incorporation of public*

*consulting results and comments on the draft first flood risk management plans, their completion and publishing by 22 December 2015; the completion of their review, and if necessary, the completion and publishing of updated flood risk management plans every six years.*

*Pursuant to Article 23 (2), the ministry discloses to the public at its website*

- a) the preliminary evaluation of flood risks, its reviews and updates, if any,*
- b) the flood hazard maps and the flood risk maps, their reviews and updates,*
- c) the flood risk management plans, reviews and updates.*

*Pursuant to Article 49a (5), the ministry shall*

- a) publish the time schedule and steps of review and update of flood risk management plans pursuant to Article 23 (1) (c) Item 6 for the first time by 22 December 2018,*
- b) make the draft updated flood risk management plans available to the public for the purpose of submitting written comments and suggestions pursuant to Article 23 (2) (c) for the first time by 22 December 2020,*
- c) ensure the review, and if necessary, update of flood risk management plans pursuant to Article 23 (1) (c) Item 22 for the first time by 22 December 2021.*

*In the field of state administration of public water supply systems and public sewerage systems, the environmental department of district office makes publicly available the draft plan of public water-supply and sewerage system development for the territory of the region at least for a period of 15 days so that the public of the affected territory can get familiarised with it. The draft plan of public water-supply and sewerage system development for the territory of the region is consulted with higher territorial units and with all municipalities within the territory of the region.*

*Act No. 2/2005 Coll. on noise assessment and control in external environment and on the amendment to Act of the Slovak National Council No. 272/1994 Coll. on human health protection as amended allows making accessible the strategic noise maps and information on harmful effects of noise to the public, negotiating the draft action plans with the public, and informing the public on the adopted conclusions and measures (Article 5 (2) (e)).*

*Pursuant to Act No.355/2007 Coll. on public health protection, support and development and on the amendment to certain acts, the Public Health Authority of the Slovak Republic, inter alia, every year before the commencement of the bathing season, publishes the list of waters for bathing and the length of the bathing season; the public can get information, submit their proposals, comments and complaints in introducing, revising and updating the list of waters for bathing and the length of the bathing season, which the Public Health Authority of the Slovak Republic properly takes into account.*

## **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:*

*Public participation in the preparation of policies relating to the environment is based on the same principle as public participation in the assessment of environmental impact of proposed activities (Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts).*

## **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:*

*Central record-keeping of all strategic documents and proposed activities assessed is provided by the MoE SR in cooperation with the Slovak Environment Agency through the Information System for Environmental Impact Assessment in the Slovak Republic – EIA/SEA Information System. It is intended for the needs of central government bodies as well as for the general public. All the available information is published in compliance with Act No. 24/2006 Coll. on environmental impact assessment and on the amendment to certain acts as amended at <http://www.enviroportal.sk/sk/eia>.*

*To ensure public participation in preparing the draft river-basin management plans, consultations with the public were organised from January to June 2014 regarding the preliminary overview of significant water management issues, and from January to June 2015 regarding the draft river-basin management plans. In the period of preparation of the river-basin management plan also other activities took place in addition to the mandatory above-mentioned consultations – consultations/work meetings/ negotiations with the sectors concerned and water users for the purpose of more efficient incorporation of water policy objectives into other environmental and sector policies, including the provision of participation of all parties concerned in eliminating the obstacles to the fulfilment of requirements for achieving environmental objectives, i.e. achievement of good state of waters.*

*When Directive 2007/60/EC on the assessment and management of flood risks entered into force, the competent body initiated many informing and cooperation activities. In preparing the Preliminary Evaluation of Flood Risk, the MoE SR organised workshops to inform the general public about its results and further progress of implementation of Directive 2007/60/EC, about the flood hazard maps and the flood risk maps, about the flood risk management plans and flood protection measures. Professional workshops took place in each region from 30 November 2012 to 11 December 2012; their organisation was provided by the regional environmental offices in cooperation with the respective branches of the company Slovenský vodohospodársky podnik, š.p.*

*During the period for submitting public comments (22 December 2014 - 22 June 2015), public consultations were organised pursuant to Article 14 of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy that concerned the draft strategic documents – Danube River Basin Management Plan, Vistula River Basin Management Plan, Flood Risk Management Plan, Plan of Public Water-Supply and Sewerage System Development, and the Update of Utilisation of the Hydro-Energy Potential of Water Courses in the Slovak Republic. The public consultations took place in Bratislava on 3 February 2015, in Banská Bystrica on 9 February 2015, and in Košice on 3 March 2015. On 26 August 2015 and 17 September 2015, public consultations were organised to discuss the evaluation of comments from the public process of submitting comments.*

*The assessment of the above-mentioned strategic documents pursuant to SEA included the public negotiation of reports on the evaluation of strategic documents in Bratislava on 21*

### **XXIII. Website addresses relevant to the implementation of article 7**

*Give relevant website addresses, if available:*

<http://www.enviroportal.sk/sk/eia>  
[www.geoportal.sk](http://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:*

*The rights of the public to participate in the preparation of legal regulations are guaranteed by new Act No. 400/2015 Coll. on creating legal regulations and on the Collection of Laws of the Slovak Republic and on the amendment to certain acts, which contains, inter alia, the general regulation of comment procedure regarding governmental bills, including public participation. It is necessary to point out in particular its provisions of Article 10, which guarantee the rights of the public to participate in the preparation of legal regulations, whose draft versions are approved by the government, in the following way:*

*Article 10*

*(1) Draft legal regulations are compulsorily published for comment procedure on the portal.*

*(2) The comment procedure regarding the draft legal regulation takes place on the portal in such a way as to ensure the possibility of submitting comments by the public.*

*(3) A comment on legal regulation means a proposal of draft legal regulation modification that is applied within the specified time limit, is unambiguously formulated and justified. The comment may propose a new text or recommend a modification of the text, supplementation, change, omission or more precise formulation of the original text. The comments also include the justified proposals, which do not propose a new text, nor they recommend a text modification, but they contain particular reservations regarding the proposed text and the way of elimination of the objected shortcomings of the proposed text. The entity submitting the draft regulation shall not be obliged to take into account the suggestions that do not meet the requirements pursuant to this section.*

*(4) 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 persons on the part of the public, and at the same time, if the comment includes power of attorney to the public representative to represent them (hereinafter the "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 persons. If the block comment is applied in electronic form through the portal, the list of persons approving the block comment can be send to the submitter also in other way than through the portal.*

All the draft legal regulations pursuant to the Slovak Republic Government Legislative Rules and also pursuant to new Act No. 400/2015 Coll. are also made available for commenting to the public through the Slov-lex portal. Slov-lex is a new information system of general government, which replaced the Portal of Legal Regulations on 1 April 2016, and it is administered and operated by the Ministry of Justice of the Slovak Republic. The objective of creating this uniform information system was to unify the legislative process in the Slovak Republic and to ensure easier orientation and search in legislative materials. The Slov-lex information system, which is directly accessible by central government bodies as well as by the public, allows entering comments on draft acts. Through Slov-lex, all draft legal regulations are published, including information on the commenting process and its evaluation.

The public can submit comments also when a general binding regulation is issued, which designates, changes or cancels a protected area, pursuant to Article 50 (1) to (5) of Act No. 543/2002 Coll. on nature and landscape protection as amended:

"(1) The proposal for designation of protection of a protected area or its zone of protection (Article 54 (13)) shall be delivered by the proposing entity to the nature protection body competent for intent notification, which shall have its justness assessed by a nature protection organisation in terms of ecological, economic and social impacts and within 30 days, it shall issue its position to the proposal to the proposing entity; this shall not apply when the proposal is submitted by a nature protection organisation.

(2) The nature protection body shall be obliged to notify the owner, administrator and lessee of the land affected by the planned protection that can be found in the real estate register, the municipality concerned and the central government bodies concerned<sup>79)</sup> in writing of the intention to designate a protected area, zone of protected area or protected tree (hereinafter the "intention"). The nature protection body competent for intention notification and for the procedure pursuant to Sections 5 and 6 means the district office in the region's seat; if a protected landscape element and a protected tree is concerned, the district office represents such body. If several land owners are concerned or if their residence is not known, the intention can be notified through a public decree; if a land community is concerned, the intention notification shall be delivered to its body, as well.

(3) the intention notification shall contain in particular

- a) the basic characteristics of the intention,
- b) the details on protection, in particular the objectives of protection and measures to achieve them, the scope of limitations of common land management and economic evaluation of the impact of applying the limitations of common land management,
- c) the possibilities of solving the way and determining the amount of compensation provided for the limitation of common land management pursuant to Article 61 (1) (a) to (d).

(4) Within 15 days from the delivery of the intention, the municipality shall be obliged to inform the public in its territorial district about it and to allow inspecting it at a usual place, in particular on the official board, for at least 15 days.

(5) The owner, administrator and lessee of the land concerned, the municipality and the central government body concerned shall have the right, no later than within 30 days from the delivery of the intention notification or from its publication, to submit written comments on it from the nature protection body. Within the same period, the owner of the land concerned shall have the right to comment on the possibilities of solving the way and determining the amount of compensation provided for the limitation of common land management pursuant to Article 61 (1) (a) to (d). No later than within 30 days, the nature protection body shall be obliged to negotiate the comments with the entity submitting them; if a comment on the possibility of solving the way and determining the amount of compensation provided for the limitation of common land management is concerned, the nature protection body shall be obliged to negotiate the comments no later than within 60 days, and if the owner agrees with the proposed way of compensation provision, to call upon the ministry or a nature protection organisation authorised by the ministry or the state property administrator affected by the proposed way of compensation to negotiate with the owner the conditions of compensation provision and in case of agreement, to enter with them into a preliminary contract of provision of compensation for the limitation of common land management pursuant to Article 61a to 61d."

The protected areas and their zones of protection are designated by a generally binding

*legal regulation – generally binding order of municipality or Government Order of the Slovak Republic. Private protected areas are designated through a decree of the district office in the region seat.*

## **XXV. Obstacles encountered in the implementation of article 8**

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

*Answer:*

*New Act No. 400/2015 Coll. on creating legal regulations and on the Collection of Laws of the Slovak Republic and on the amendment to certain acts came into effect on 1 January 2016. Pursuant to this act, the comment procedure regarding the draft legal regulation takes place on the portal of Slov-lex in such a way as to ensure the possibility of submitting comments by the public. So far, the possibility of commenting on acts by the public has been regulated only in the Slovak Republic Government Legislative Rules, now the possibility is stipulated in Act No. 400/2015 Coll.*

*Pursuant to the Slovak Republic Government Legislative Rules (Article 14 (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 entities on the part of the 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 persons or legal entities unless there are serious reasons for which dispute proceedings cannot take place; the entity submitting the draft regulation shall publish such reasons at 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 the 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:*

*Non-governmental organisations may participate and really do participate in preparing the intention of designation of a protected area or other documentation of nature protection (e.g. programmes of care of protected areas). This applies for example to draft special protection areas, small-scale protected areas, programmes of care of special protection areas, of wetlands etc.*

## XXVII. Website addresses relevant to the implementation of article 8

*Give relevant website addresses, if available:*

<https://www.slov-lex.sk/domov>  
<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. Article 19 (4) of Act No. 211/2000 Coll. on free access to information).*

*New Act No. 162/2015 Coll. The Administrative Procedure Code<sup>1</sup> regulates public access to administrative and court procedures in several ways, as:*

- a party to the procedure,*
- a participating person,*
- the public interested.*

*The scope of rights connected with the particular form of participation results from special regulations and from the regulations about procedures before an administrative body and before court.*

#### *Party to administrative procedure*

*The general definition of a party to the administrative procedure is laid down by Article 14 and Article 15 of Act No. 71/1967 Coll. on administrative procedure (Administrative Rules), in accordance with which a person is a party to the procedure, if their rights, legally protected interests or duties will be the subject of the procedure or if their rights, legally protected interests or duties can be directly affected by the decision; a person is a party to the procedure also if they claim that they can be directly affected in their rights, legally protected interests or duties by the decision until contrary is proved.*

*A person is a party to the procedure if such position is granted to them by a special act (e.g. Act No. 543/2002 Coll. on nature and landscape protection; Mining Act; Building Act; Act No. 39/2013 Coll. on integrated environmental pollution prevention and control and on the amendment to certain acts as amended (which significantly amended Act No. 245/2003 Coll.) defines the public concerned and its position as a party to the procedure; Act No. 151/2002 Coll. on using genetic technologies and genetically modified organisms as amended defines a party to the procedure in Article 33 and Article 34). The party to the procedure may act independently to an extent, to which they have competence to acquire rights and take over duties by their own acts.*

#### *Person participating in the administrative procedure*

*In Article 15a, the Administrative Rules regulate the position of a so-called participating person as follows:*

*A special act can lay down, under which conditions other person than a party to the procedure (hereinafter the "participating person") can take part in the procedure or in a part of it.*

*The participating person has the right to be notified of the commencement of the procedure and on other filings of parties to the procedure, to take part in the oral proceedings and local inspection, to propose evidence and supplementation of the background documents of the decision. A special act can lay down more rights to the participating person.*

#### *Parties to legal proceeding*

*Pursuant to the Administrative Procedure Code, parties to legal proceedings include the plaintiff, defendant and other parties unless otherwise specified by the Administrative Procedure Code.*

*A natural person or legal entity claiming that as a party to the administrative procedure, their rights or legally protected interests were infringed by a decision of a general government body or by a measure of a general government body, is the plaintiff in the proceeding about a general administrative action.*

*A person claiming that a decision of a general government body or a measure of a general government body has not been delivered to them although they should have been involved in the procedure as a party to the administrative procedure, can also be a plaintiff.*

*The public interested is entitled to file an administrative action against the decision of a general government body or measure of a general government body, if they claim that it violated the general environmental interest.*

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<sup>1</sup> On 1 July 2016, new acts came into effect - Act No. 162/2015 Coll. Administrative Procedure Code, and Act No. 160/2015 Coll. Civil Dispute Procedure Code.

Person participating in the legal proceeding

A person participating in the proceeding is a person that is not a party to the proceeding and in the administrative procedure they held the position of a participating person according to the general regulation on administrative procedures. The presiding judge will notify such person of pending proceeding and call upon the person to notify within a specified period whether in the proceeding they will exercise the rights of a person participating in the proceeding; such notification can be made only within this period. Along with the notification, the presiding judge will instruct the person in their rights. The presiding judge will proceed similarly if during the proceeding it is found out that another such person exists.

The administrative court may, on the motion, adopt a resolution granting the position of a person participating in the proceeding to a person that was not a party to the administrative procedure and whose

- a) rights or legally protected interested were directly infringed by issuing the challenged decision of a general government body or the measure of a general government body,
- b) rights or legally protected interested were directly infringed by non-issuing the decision of a general government body or the measure of a general government body,
- c) rights or legally protected interested can be directly infringed by cancelling the challenged decision of a general government body or the measure of a general government body,
- d) rights or legally protected interested can be directly infringed by issuing a new decision of a general government body or measure of a general government body in the matter according to the verdict of the administrative court.

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. Pursuant to Article 10 and Article 13 (1) of the Administrative Procedure Code, the regional court, in whose territory the general government body, which made the decision at the first stage, has its registered office shall be the competent court.

Pursuant to Article 193 of the Administrative Procedure Code, in examining the lawfulness of the decision on refusing to disclose information issued according to a special regulation, the administrative court may obligate the defendant to provide reasons, for which the requested information cannot be made accessible, within the period specified by the administrative court. If the existence of reasons for non-disclosure of information is not proved, the administrative court will, in its verdict, obligate the person obliged to make information accessible according to a special regulation to make available the requested information. The objective of the above provision is to increase the efficiency of the legal proceeding in order to prevent unlawful refusal to disclose information that is mentioned in Part VIII of the Report in obstacles encountered in the implementation of article 4 of the Aarhus Convention. At the same time, it is an "injunctive relief" pursuant to Article 9 (4) of the Aarhus Convention in the form of a legal remedy.

(ii)

Pursuant to the Act on Court Fees, ecological organisations are exempt from court fees in accordance with Article 4 (1) (i) and (j) (note on the action against the inactivity of a general government body and on the competence action). Moreover, in case of an organisation other than an ecological organization and in case the applicant requests information and the obliged person is inactive, the applicant can appeal to a court pursuant to Article 242 of the Administrative Procedure Code so that it orders the obliged person that they start acting. In this case the judicial proceedings are exempt from court fees. In other cases the person shall pay a court fee in the amount of EUR 70 under the administrative action against the decision of a general general government body or measure of a general general government body which shall be returned to them 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 on parties to the proceeding, the persons participating in the proceeding, the public interested and on the public authorities (Article 145 (4) of the Administrative Procedure Code).*

*Ad b)*

*Pursuant to special regulations, the public interested usually has the position of a party to the procedure (see the above-mentioned response). In terms of judicial review, the rights of the public interested are regulated in Article 42 of the Administrative Procedure Code as follows:*

*(1) If the public interested or the public concerned (hereinafter the "public interested") has the right pursuant to a special regulation to participate in administrative procedure in environmental matters, they shall be entitled to*

*a) file an administrative action pursuant to Article 6 (2) (a),*

*b) file an action against inactivity pursuant to Article 6 (2) (e),*

*c) file an action against a generally binding order,*

*d) participate in the procedure about the administrative action pursuant to Article 6 (2) (a); the provisions of this act regarding the person participating in the procedure shall also be used accordingly for the public interested.*

*(2) The public interested acts before the administrative court through appointed representatives; this shall not affect the provision of Article 49 (1).*

*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 an administrative procedure because the procedure directly relates to their rights (note: see above-mentioned responses),*
- if an NGO is a party to the procedure in accordance with a special legal regulation (e.g. Act No. 543/2002 Coll. on nature and landscape protection, Act No. 359/2007 Coll. on prevention and remedy of environmental damage ),*
- if it concerns an entity of the public pursuant to Act No. 24/2006 Coll. on environmental impact assessment, that acquired a status of a party to the subsequent permitting administrative procedure in accordance with the conditions specified in Act No. 24/2006 Coll. on environmental impact assessment,*
- if non-governmental organizations were parties to a permitting procedure pursuant to the act on integrated prevention or use of genetically modified technology.*

*It also results from the above definition of the public interested regulated in Article 42 of the Administrative Procedure Code in Ad b) that the the public interested has the guaranteed access to court if its right to participation in administrative procedure results from a special regulation. These are situations when the public interested/concerned has the right to be a party to the procedure (e.g. in the environmental impact assessment procedure and in subsequent permitting procedures), to be a participating person (e.g. in the procedure pursuant to the act on forests), when it has the right of other participation (e.g. as the commenting public in procuring a land-use plan) or when this right results from the Aarhus Convention (see the decision of the European Court of Justice quoted in the Report EU C-240/09 and the following practice of the Supreme Court of the Slovak Republic). In such cases the public interested has active legitimacy to file an action in quoted cases if they also claim that the challenged decision will violate the public interest in the area of the environment (see, for example, the provision of Article 244 (3) of the Administrative Procedure Code, pursuant to which: "The public interested is entitled to file an administrative action against the decision of a general government body or measure of a general government body, if they claim that it violated the general environmental interest.").*

*Article 9 (3) of the Aarhus Convention also mentions the possible judicial review of acts of private persons. This requirement of the Aarhus Convention is not sufficiently reflected in the legislative conditions of the Slovak Republic. Today, the persons who can challenge a violation of law caused by a private person include only those persons, whose subjective right was infringed (holders of neighbour's rights pursuant to Article 127 of the Civil Code, the party aggrieved in accordance with the provision of Article 420 of the Civil Code), and*

*the persons asking for averting an imminent damage pursuant to Article 417 (2) of the Civil Code. The definition of these entities and its application are narrow and do not create sufficient room for other members of the public that would like to contribute to law observance, e.g. for ecological non-governmental organisations, in case of a threat of environmental intervention by private persons.*

*Ad d)*

*(i)*

*According to the statistics, the duration of a trial to review the legality of a decision or about an administrative action may take one year. The counter party can appeal against the verdict, thus, the legal proceeding may last even longer. After the administrative court's decision, new administrative procedure can begin, within which the authority may again refuse to provide information (e.g. due to another legal reason). In practice, therefore, the process of claiming information before the court may take several years.*

*Implementation of Article 9 (4) of the Aarhus Convention in connection with the duty to provide quick remedy is regulated in the provisions of Article 184 to Article 189 of the Administrative Procedure Code as a suspensive effect of the administrative action. We perceive the English term "injunctive relief" as a preliminary or immediate measure of the court. Within the administrative justice the courts do not issue preliminary measures, however, in specified cases the administrative action has a suspensive effect, or the court may grant the suspensive effect to the administrative action under the following conditions:*

- a) if a serious harm, considerable economic loss or financial loss, serious environmental damage or other serious irreparable consequence threatens due to immediate execution or other legal consequences of the challenged decision of the general government body or measure of the general government body, and granting the suspensive effect is not in conflict with the public interest,*
- b) if the challenged decision of the general government body or measure of the general government body is based on the legally binding act of the European Union, about the validity of which there are serious doubts, and a serious and irreparable harm would threaten otherwise to the plaintiff, and granting the suspensive effect is not in conflict with the interest of the European Union.*

*The commencement of the suspensive effect by law or by granting it based on the decision of the administrative court pursuant to Article 185 of the Administrative Procedure Code shall suspend the effects of the challenged decision of the general government body or measure of the general government body, and such decision or measure cannot represent the basis for the issuance of follow-up decisions of the general government body or measures of the general government body.*

*In comparison with the previous legal regulation of the suspension of decision enforceability pursuant to Article 250c of the Civil Procedure Code, it is a considerable shift in the details of regulation of possible suspension of decision enforceability, including in connection with a threatening harm to the environment.*

*Preliminary measures are in general issued by administrative bodies in administrative procedures, therefore, in accordance with Article 7, the court would state a lack of its competencies.*

*(ii)*

*In particular the court decisions are publicly declared pursuant to Article 137 (2) of the Administrative Procedure Code. Pursuant to Article 81 (1) of the Administrative Procedure Code, the parties to the procedure, their representatives, the persons participating in the procedure and the representative of the public interested have the right to inspect the judgement roll and its annexes, to make abstracts and transcriptions of it or request the provision of such abstract or transcription.*

*Currently, the court decisions are available at the website of the Ministry of Justice of the Slovak Republic: [www.rozhodnutia.sk](http://www.rozhodnutia.sk).*

*Ad e)*

*Information on access to administrative and judicial review is provided to the public in various forms of information provision, e.g. through websites of central government bodies (e.g.: <https://www.enviroportal.sk/agendy/podnikatel/posudzovanie-vplyvov-na-zp->*

[/podnikatel-v-procese-eia/podnikatel-v-procese-sea/verejnost-pripadne-zajinteresovana-verejnost](#)), or directly by government bodies in particular matters. Article 3 (6) of the Administrative Rules:

"Government bodies are obliged to provide the public with comprehensible and timely information on the official board of the government body, on the internet, if available, or in any other suitable way, about the commencement, execution and end of procedures in the matters that represent the subject of public interest or that are laid down in a special act. While doing so, they are obliged to protect the rights and legally protected interests of the parties to the procedure and other persons. The official board of the government body must be constantly accessible by the public."

The court fee amounting to EUR 70 for the procedures regarding the review of decisions of government bodies could represent a certain 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.

New Act No. 162/2015 Coll. The Administrative Procedure Code has been effective since 1 July 2016, which can be considered a very short period to evaluate it in any way and it is not known yet, which changes it will bring to practice.

## 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 management, land-use planning, land-use proceedings, building proceedings, final building approval proceedings, deprivation proceedings and others. Statistics in a more detailed structuring 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>  
<https://www.rozhodnutia.sk>  
<https://www.slov-lex.sk/domov>  
<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 the 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 central government 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 National Council of the Slovak Republic agreed to the Convention by its Declaration No. 1840 dated 23 September 2005. The charter on accession of the Slovak Republic to the Aarhus Convention was deposited at the depository (UN General Secretary) on 5 December 2005. It entered into force 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 development of the European legislation in the given field, reflects on potential changes and amendments in this field, actively cooperates not only with all the central government bodies concerned but also with environmental NGOs and together they find effective solutions enabling direct involvement of citizens in decision-making procedures.*

### **XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

**Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**

- (a) With respect to **paragraph 1 of article 6 bis** and:
  - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
  - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
  - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
  - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
  - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
    - a. The nature of possible decisions;
    - b. The public authority responsible for making the decision;
    - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
    - d. An indication of the public authority from which relevant information can be obtained;
    - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
  - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
  - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
  - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;
- (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

**In general to Article 6a of the Aarhus Convention:**

At the 2nd meeting of parties to the Aarhus Convention, which took place in Almaty, Kazakhstan, on 25 – 27 May 2005, an agreement on amendments to the Aarhus Convention was reached. The amendments regarding GMO were approved by Council Decision 2006/957/EC of 18 December 2006. The Slovak Republic ratified the amendment about GMO on 1 April 2008.

The amendments resulting from the Council Decision were incorporated in Act No. 151/2002 Coll. on using genetic technologies and genetically modified organisms as amended through Act No. 100/2008 Coll.

Act No. 151/2002 Coll. on using genetic technologies and genetically modified organisms as amended (hereinafter Act No. 151/2002 Coll.) transposed legal regulations of the European Economic Community and European Union - Directive 2001/18/EC (formerly 90/220/EEC), and 2009/41/EU (formerly 90/219/EEC), which are in compliance with the objectives of the Cartagena Protocol on Biosafety.

The procedures pursuant to Act No. 151/2002 Coll. are also covered by the general regulation on administrative procedures (Act No. 71/1967 Coll.) except the cases, when Act No. 151/2002 Coll. determines a special regulation. It is expressly mentioned in Article 31 (1) of Act No. 151/2002 Coll.

**Ad (i)**

**Annex Ia (1) to the Convention**

Act No. 151/2002 Coll. regulates the following forms of public participation in the decision-making process:

a) submission of comments on the application published on the internet

The ministry shall confirm application filing to the applicant and immediately publish the data on the filed application on the internet, and if it is expedient, also in another suitable way with a call to the public for submitting comments.

In the procedure regarding the consent to the release into the environment, a 30-day time limit for submitting comments from the date of publishing is determined (Article 34 (4) of the act). In the procedure regarding the consent to the placing on the market of a product, a 60-day time limit for submitting comments is determined (Article 35 (4) (b) of the act).

b) obtaining the status of a party to the procedure

The conditions for obtaining the status of a party to the procedure are identical both in the procedure regarding the consent to the release into the environment (Article 34 (2) of Act No. 151/2002) and in the procedure regarding the consent to the placing on the market of a product (Article 35 (2) of Act No. 151/2002):

A party to the procedure<sup>21)</sup> is the applicant for the consent. A party to the procedure can also be a civil association, whose objective according to the by-laws is environmental protection or protection of consumers provided that

- a) it has been registered as a civil association<sup>22)</sup> with the objective pursuant to this section for at least one year as at the date of application filing pursuant to letter b),
- b) it asks the ministry in writing for it, within 10 days from the publication of the application for consent pursuant to this act, and
- c) the application pursuant to letter b) includes a petition<sup>23)</sup> signed by at least 100 natural persons supporting this application.

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21) Article 14 of Act No. 71/1967 Coll. on administrative procedure as amended

A person is a party to the procedure if their rights, legally protected interests or duties will be the subject of the procedure or if their rights, legally protected interests or duties can be directly affected by the decision; a person is a party to the procedure also if they claim that they can be directly affected in their rights, legally protected interests or duties by the decision until contrary is proved. The person that is granted such position by a special act is also a party to the procedure.

22) Act No. 83/1990 Coll. on association of citizens.

23) Act No. 85/1990 Coll. on the right to petition.

*In the way that is not in conflict with law, everybody has the right to call upon other persons to support the petition by signing it. Natural persons shall legibly provide their names, surnames, permanent addresses and they shall attach their signatures to the data. Legal entities shall provide their names and registered offices; the persons authorised to act on behalf of them shall legibly provide their names, surnames, permanent addresses and they shall attach their signatures to the data.*

*If a special regulation lays down the lowest number of persons supporting the petition or the age of persons supporting the petition, the date of birth shall be attached to the data of the person supporting the petition.*

*The general government body shall not take into account the support of the petition by a person who provided their data illegibly or falsely.*

*The petition must be in written form. When the petition is filed by electronic means, the written form shall be considered preserved if it contains data pursuant to Article 4 (1) on the person filing it, and at the same time, when an electronic form is available using electronic means, which can be signed by an advanced electronic signature.*

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*Commentary on the provisions of Article 34 and Article 35 of Act No. 151/2002 Coll.:*

*The provision is formulated so that a civil association can be a party to the procedure and not so that it is a party to the procedure ex lege.*

*The civil association can enter the procedure only after it applies for its position of a party to the procedure by filing a written application.*

*Therefore, it is not the government body's duty to determine all the parties to the procedure based on its official duty in every procedure.*

*On the other hand, the government body will have to publicly announce that the applicant applied for consent which resulted in the commencement of the administrative procedure. It is in compliance with the basic rule of procedure pursuant to Article 3 (5) of Act No. 71/1967 Coll. on administrative procedure.*

*The way (form) of publishing results from Article 3 (5) of Act No. 71/1967 Coll. on administrative procedure, and from Article 24 (3) of the act.*

#### **Ad (ii)**

##### **Annex Ia (2) to the Convention**

*The procedure regarding the consent to the release into the environment = Article 34 (3) of Act No. 151/2002 Coll.*

*If the subject of the procedure is to issue a consent to the release of such genetically modified organisms into the environment, for which the consent to release has already been issued in comparable biological and geographic conditions, and there is enough experience in releasing them in comparable ecosystems, the civil association pursuant to Section 2 shall have in the procedure the position of a participating person<sup>23a)</sup>.*

*The procedure regarding the consent to the placing on the market of the product = Article 35 (3) of Act No. 151/2002 Coll.*

*If the subject of the procedure is to issue a consent to the placing on the market of the product, for which the consent has already been issued or it is determined for research or to the collection of cultures, the civil association pursuant to Section 2 shall have in the procedure the position of a participating person.<sup>23a)</sup>*

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*23a) Article 15a of Act No. 71/1967 Coll. as amended by Act No. 527/2003 Coll.*

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*Act No. 71/1967 Coll. on administrative procedure:*

*A special act can lay down, under which conditions other person than a party to the procedure (hereinafter the "participating person") can take part in the procedure or in a part of it. The participating person has the right to be notified of the commencement of the procedure and on other filings of parties to the procedure, to take part in the oral proceedings and local inspection, to propose evidence and supplementation of the background documents of the decision. A special act can lay down more rights to the participating person.*

**Ad (iii)**

**Annex Ia (3) to the Convention**

Article 24 (2) (a) Item 8 of Act No. 151/2002 Coll.

*In the matters of genetic technologies and modern biotechnology, the ministry is the national notifier to the Commission competent to inform in particular, within 30 days, on each filed application for consent to the release into the environment (Article 34) and on each consent granted pursuant to Article 35 to 37.*

Article 24 (3) (a) of Act No. 151/2002 Coll.

*The ministry is obliged to publish the essential content of applications for consents pursuant to Articles 33, 34, and 35, and the consents granted on the internet and if necessary, to inform the public in other suitable way.*

**Ad (iv)**

**Annex Ia (4) to the Convention**

Article 26 (5) of Act No. 151/2002 Coll.

*The following data and information must not be subject to intellectual property rights or business secret:*

- a) general characteristics (description) of a genetically modified organism and genetically modified micro-organism,*
- b) the business name and registered office of the notifying entity or applicant for consent,*
- c) the business name of the user, and if import is concerned, the business name of the foreign producer and importer,*
- d) classification of using in closed areas in risk classes and the appertaining level of protection,*
- e) the result of risk assessment and its re-assessment,*
- f) the evaluation of predictable effects, in particular harmful effects on humans or on the environment,*
- g) the purpose and place of use and expected application of the genetically modified organism and genetically modified micro-organism,*
- h) methods of monitoring, monitoring plans and emergency response.*

**Ad (v)**

**Annex Ia (5) to the Convention**

Article 24 (3) (a) of Act No. 151/2002 Coll.

*The ministry is obliged to publish the essential content of applications for consents pursuant to Articles 33, 34, and 35, and the consents granted on the internet and if necessary, to inform the public in other suitable way.*

Article 3 (5) of Act No. 71/1967 Coll. on administrative procedure

*Government bodies are obliged to provide the public with comprehensible and timely information on the official board of the government body, on the internet, if available, or in any other suitable way, about the commencement, execution and end of procedures in the matters that represent the subject of public interest or that are laid down in a special act. While doing so, they are obliged to protect the rights and legally protected interests of the parties to the procedure and other persons. The official board of the government body must be constantly accessible by the public.*

**Ad (vi)**

**Annex Ia (6) to the Convention**

*The act does not specify precisely the form of submitting comments, however, the way of publishing the received applications and decisions is mentioned. The result is that the ministry receives comments submitted in particular electronically and in writing. The way (form) of submitting comments is mentioned in each notice about the received application.*

**Ad (vii)**

**Annex Ia (7) to the Convention**

*After the expiry of the period for submitting comments on the published application, the ministry will evaluate the comments and allow the party to the procedure and the advisory body of the ministry to provide their opinion on them.*

*The ministry shall not forward for providing opinion such comments of the public which concern the general issues of GMO usage and only express a personal attitude/opinion and professionally do not regard the particular genetically modified organism or other particular topic included in the application.*

*In accordance with Act No. 71/1967 Coll. on administrative procedure, the MoE SR shall be obliged to determine exactly and completely the real state of things, and for that purpose, to acquire the necessary background document for the decision.*

*Consequently, in its decision-making the MoE SR deals only with those public comments, which solve the issues of the particular application, contain professional arguments supported by numerical data obtained from renowned institutions, such as the Robert Koch Institute, and other.*

*Article 3 of Act No. 71/1967 Coll. on administrative procedure:*

- (1) In the procedure, the government bodies observe acts and other legal regulations. They are obliged to protect the interests of the state and the company, the rights and interests of natural persons and legal entities, and to consistently require the fulfilment of their duties.*
- (2) The government bodies are obliged to proceed in the procedure in close cooperation with the parties to the procedure, participating persons and other persons affected by the procedure, and always to provide them with the opportunity to defend effectively their rights and interests, in particular to comment on the background documents of the decision and to apply their proposals. The government bodies shall provide the parties to the procedure, participating persons and other persons affected by the procedure with assistance and instructions so that they do not suffer any harm in the procedure due to ignorance of legal regulations.*
- (3) The government bodies shall be obliged to deal properly and responsibly with every matter that is the subject of the procedure, to settle it in time and without undue delay and to use the most suitable means leading to the correct settlement of the matter. If the nature of the matter admits it, the government body shall always try to settle it in amicable way. The government bodies shall ensure that the procedure is economical and without undue loading of the parties to the procedure and other persons.*
- (4) The decision of the government bodies must be based on the reliably found state of the matter. The government bodies shall ensure that no unjustified differences occur in decision-making in identical or similar cases as regards facts.*

**Ad (viii)**

**Annex Ia (8) to the Convention**

*Article 24 (3) (a) of Act No. 151/2002 Coll.*

*The ministry is obliged to publish the essential content of applications for consents pursuant to Articles 33, 34, and 35, and the consents granted on the internet and if necessary, to inform the public in other suitable way.*

*Article 46 of Act No. 71/1967 Coll. on administrative procedure*

*The decision must be in compliance with law and other legal regulations, it must be issued by a body competent for it, it must be based on the reliably found state of matters, and it must contain the prescribed details.*

*Article 47 of Act No. 71/1967 Coll. on administrative procedure*

- 1. The decision must contain the verdict, substantiation and instruction about appeal (remonstrance). The substantiation is not necessary if all the parties to the procedure are fully accommodated.*

2. *The verdict contains the decision on the matter showing the provision of the legal regulation, according to which the decision was made, and possibly also the decision on the duty to reimburse the expenditures of the procedure. If a duty of performance is imposed on the party to the procedure in the decision, the government body shall specify the time limit; the time limit must not be shorter than the one laid down by a special act.*
3. *In the substantiation of the decision, the government body shall mention the facts, based on which the decision was made, which considerations led the body in evaluating evidence, how the body used a correct consideration in using legal regulations, based on which the body made the decision, and how it processed the proposals and objections of the parties to the procedure and their positions to the background data of the decision.*
4. *The instruction about appeal (remonstrance) contains information whether the decision is final or whether an appeal from the decision (remonstrance) can be filed, within what period, with which body and where the appeal can be filed. The instruction also informs whether the decision can be reviewed by the court.*
5. *The written copy of the decision shall also contain the body issuing the decision, the date of issue, the name and surname of the natural person and name of the legal entity. The decision must include an official seal and signature with the name, surname and position of the authorised person. Special legal regulations may lay down other requirements for the decision.*

#### **XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

*Answer:*

*Obstacles have not been encountered.*

#### **XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

*Answer:*

*After the effective date of Act No. 151/2002 Coll., the public used the time limit for submitting comments in three procedures, in 2012 and 2013. The subject of the procedure were field trials with GM plants and the assessment of using a human agent with GMO content for clinical trials.*

*Pursuant to Act No. 151/2002 Coll., the applicant for consent is a party to the procedure. Also a civil association can be a party to the procedure once the conditions stipulated by law have been met. The ministry makes decision on the position of the party - civil*

association - in the procedure based on an application. After the effective date of Act No. 151/2002 Coll., the ministry received one application from the civil association Greenpeace Slovakia for participating in the decision-making process within a procedure about import and placing on the market of corn and derived products of insect-resistant maize MON 810 YieldGard® for fodder, food, and technical purposes. The application was received by the ministry in 2003.

The ministry's notification duties to the European Commission result from Directives 2009/41/EU and 2001/18/EC. The ministry registers essentially all important data and information regarding the use of genetic technologies and genetically modified organisms, and public participation in the decision-making process, and it applies the obtained data in submitting regular national reports on implementing the directives or in processing an application from the public for access to information.

## **XXXVI. Website addresses relevant to the implementation of article 6 bis**

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

**at a national level:**

website of the MoE SR [www.minzp.sk](http://www.minzp.sk)

**at the level of the European Union:**

- WebSNIF of the European Commission <http://gmoinfo.jrc.ec.europa.eu/> for the applications and decisions on the deliberate release into the environment of GMOs and placing on the market pursuant to Directive 2001/18/EC.
- Register of genetically modified food and feed permitted for placing on the EU market at the site of the European Commission:  
[http://ec.europa.eu/food/dyna/gm\\_register/index\\_en.cfm](http://ec.europa.eu/food/dyna/gm_register/index_en.cfm)

**at an international level:**

Biosafety Clearing-House = information portal of the Cartagena Protocol  
<http://bch.cbd.int>

## **XXXVII. 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:

**Communication ACCC/C/2009/41/Slovakia**

The Austrian NGO Global 2000/Friends of the Earth lodged a communication on 1 July 2009 to the Compliance Committee - AC CC stating that the Slovak Republic was not in compliance with the obligations under Article 6 (1), (4) and (10) and Art. 9 (2), (3) and (4) of the Aarhus Convention in case of completing the construction of Units 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 ("NRA SR") from 14 August 2008 No.

246/2008, No. 266/2008 and No. 267/2008. The NGO objected that the public interested did not have access to the decision-making process, since the environmental impact assessment process (EIA) was not carried out.

The Compliance Committee issued its findings and recommendations for the Slovak Republic included in decision IV/9e under ref. No. ECE/MP.PP/2011/L.16 that were adopted by the 4th Meeting of the Parties to the Aarhus Convention, so called MOP4 in Kishinev on 27 June – 1 July 2011:

1. it 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 decisions by the Slovak Nuclear Regulatory Authority No. 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. it 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. it 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. it 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. it 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 November 2011 and the implementation report from 30 November 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 of the Slovak Republic, Nuclear Regulatory Authority of the Slovak Republic and representatives of Austrian and Slovak NGOs (Oekubuero, Global 2000, and 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 the entities concerned.

In the given case, the Slovak Republic communicated 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 decision IV/9e (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 communication ACCC/C/2009/41/Slovakia.

On 15 August 2013, the Slovak Republic sent additional required information regarding the communication to the AC CC.

The Supreme Court of the Slovak Republic issued a decision under file number 5Sžp/21/2012 dated 27 June 2013 in which it decided in favour of the plaintiff, i.e. the NGO Greenpeace Slovakia. The Supreme Court amended the original decision of the Regional Court in Bratislava under file number 4S/125/2009 so, that it recalled decision of the NRA SR No. 79/2009 dated 28 April 2009 (a decision on the remonstrance against decision of the NRA SR No. 246/2008) and returned the matter to the NRA SR for further proceedings.

On 3 March 2014, the AC CC sent to the Slovak Republic the Draft Report to Decision

*IV/9e for commenting. The comments of the SR on the draft were sent to the AC CC within the required period. Subsequently, the Slovak Republic considered the alternative draft of the AC CC and by 5 May 2014, it worked out and submitted the response, in which it described the simulation of the process of the adopted decision from 2008 in the legislative legal conditions of 2014, i.e. how would the procedure of adopting such decision look like in 2014, including the particular paragraphs and acts. The objective of the response was to show to the AC CC that changes of legislation executed till 2014 were sufficient and in compliance with the Aarhus Convention. Subsequently, non-governmental organisations also responded to the process description in their position.*

*At the 5th meeting of parties to the Aarhus Convention (MOP-5) in Maastricht on 29 June - 4 July 2014, at the Joint High-level Segment, the Report of the AC CC on the progress of the Slovak Republic in implementing Decision IV/9e in the matter ACCC/C/2009/41/Slovakia and the Additional Report of the AC CC on the progress of the Slovak Republic in implementing Decision IV/9e in the matter ACCC/C/2009/41/Slovakia were adopted in relation to the Slovak Republic in the area of compliance (particular documents: Compliance by Slovakia with its obligations under the Convention ECE/MP.PP/2014/19 and Compliance by Slovakia with its obligations under the Convention, document ECE/MP.PP/2014/19/Add.1), which state that AC CC welcomed the measures taken by the Slovak Republic and stated that they fully corresponded with the imposed recommendations in Decision IV/9e and brought the legislation and practice of the Slovak Republic into compliance with the Convention, and in Part IV Conclusions and recommendations, the AC CC further states that the Slovak Republic is not in non-compliance with Article 6 (4) and (10) of the Convention anymore.*

#### **Communication ACCC/C/2013/89/Slovakia**

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

*The above-mentioned communication is a follow-up to the previous proceedings ACCC/C/2009/41 Slovakia concerning the licensing procedure for the completion of Mochovce NPP Units 3 and 4 (hereinafter only the "MO34 NPP"). The new communication argues mainly that the Slovak Republic did not ensure access to justice in accordance with the articles of the Aarhus Convention.*

*The NGOs state in their communication that the Slovak Republic, i.e. specifically the Nuclear Regulatory Authority of the Slovak Republic did not provide for public participation in the licensing procedure in the matter of completion of the MO34 NPP before three decisions were issued: No. 246/2008, No. 266/2008 and No. 267/2008 dated 14 August 2008. According to the NGOs, by doing so, the Slovak Republic breached Art. 9 (2), (3), and (4) of the Aarhus Convention. The communication also states that the adopted amendments to the Atomic Act limit the access of the public to information in the field of nuclear energy, which causes a conflict with Art. 6 (2) (d) (vi) of the Aarhus Convention.*

*The Slovak Republic, in accordance with the request of the Compliance Committee, worked out a position to the content of the communication within the required period by 26 December 2013, it was delivered to the AC CC Secretariat on 23 December 2013.*

*The day-long oral negotiation regarding the case with the participation of the communicant (NGO) and representatives of the party concerned (SR) took place at the 46th meeting of the AC CC in Geneva on 24 September 2014.*

*On 1 December 2014, the Slovak Republic sent to the AC CC as well as to the communicant the responses to additional questions of the AC CC from the negotiation of the communication and on 26 June 2015, the Slovak Republic utilised the offered possibility of the AC CC Secretariat Secretary to send additional information on the communication, where it informed, inter alia, about Decision of the Nuclear Regulatory Authority of the SR No. 761/2013 and No. 291/2014, as well as about the finding of the Constitutional Court and about the action of Greenpeace lodged against the NRA SR.*

*On 27 June 2016, the AC CC Secretariat sent to the Slovak Republic and communicant the*

*draft findings and recommendations of the AC CC for the Slovak Republic in the matter for commenting by 25 July 2016. Both the Slovak Republic and the communicant utilised the possibility of submitting comments on the sent draft findings and recommendations of the AC CC, and in compliance with the set deadline, on 25 July 2016, it delivered its comments to the AC CC Secretariat.*

*At present, the AC CC is in the process of consideration of the sent comments and adoption of the final version of findings and recommendations to the Slovak Republic to the communication.*

*Details of the communication:*

*The Nuclear Regulatory Authority of the SR in its Decision No. 761/2013 dated 21 August 2013 excluded the suspensive effect of the filed remonstrance because the verdict of the court returned the state in legal terms by 5 years back to the day when first-stage Decision No. 246/2008 dated 14 August 2008 came into legal force originally.*

*On 21 August 2013, the Nuclear Regulatory Authority of the SR also issued the "Notice of re-commencement of the building remonstrance procedure for the change of construction before completion".*

*The Notice and Decision No. 761/2013 were published at the website of the Nuclear Regulatory Authority of the SR, on the electronic official board of the Nuclear Regulatory Authority of the SR in Bratislava, as well as at the websites and on the official boards in the municipalities Kalná nad Hronom and Nový Tekov. A special notification letter was sent to Greenpeace Slovakia. The public negotiation took place on 27 February 2014.*

*The Nuclear Regulatory Authority of the SR in its letter No. 5589/2013 dated 21 August 2013, that was concurrently published at its website and on its electronic official board, as well as at the websites of the municipalities Kalná nad Hronom and Nový Tekov, informed Greenpeace Slovakia and other parties to the procedure, bodies concerned and the general public that the remonstrance procedure against Decision on permitting the change of construction before completion No. 246/2008 was re-commenced. Along with this letter, it allowed the other potential parties to the procedure from the public to become familiarised with the documentation serving for the permitting procedure from 15 October 2013 to 30 November 2013; the documentation could be inspected at the information centre of the Mochovce Nuclear Power Plant.*

*At that time, no other filing was sent to the NRA SR marked as request.*

*In the period, when the licence documentation was available, the NRA SR registered at the Mochovce Information Centre only natural persons, who did not prove the connection with Greenpeace Slovakia. Via Iuris as one of the non-governmental organisations submitting the communication to the AC CC, perceives this statement of the NRA SR as irrelevant - whether the file was inspected by natural persons who were members of Greenpeace Slovakia or persons holding the formal power of attorney signed by the statutory body of Greenpeace Slovakia. According to Via Iuris, therefore, it is not possible to claim that during the period specified by the NRA SR, Greenpeace Slovakia did not utilise the possibility to inspect the documentation because the members of it inspected the file and also had copies executed from some documents.*

*On the first day of documentation disclosure on the premises of MO 3,4, i.e. on 15 October 2013, in the presence of the nuclear safety inspectors of the NRA SR and administrative employees of the NRA SR, the director of the legislative and legal department of the NRA SR briefly instructed the present natural persons in the process and material legal aspects of inspecting documentation. He notified the present persons expressly that if they represent legal entities, the power of attorney/authorisation signed by the statutory body of the respective legal entity must be enclosed to the minutes of the administrative act. Despite this notification, according to the minutes of the act in the procedure, the present natural persons acted on behalf of themselves, mentioned their personal data and did not submit any power of attorney/authorisation, based on which it would be obvious that they act for any civil association. About this, minutes registered under numbers 6918/2013, 6920/2013 and 6922/2013 were taken down. All the three natural persons provided their own personal data to the minutes, without submitting any power of attorney/authorisation to act on behalf*

*of a legal entity signed by the statutory body of these legal entities – civil associations. While inspecting, these natural persons examined the documentation within the scope of the Preliminary Safety Report of MO 3,4, Chapters 1 to 15, and the whole list of technical part - building part, where two persons also produced copies of a part of the documentation - 31 pages (gratis) and 60 pages (for consideration). According to them, they had the copies produced to examine them in detail and to be able to apply subsequently for further particular documentation, that is why they appeared in Mochovce on the first day of the period.*

*Despite the possibility to examine the documentation repeatedly and in greater detail, these persons, however, did not come any more to examine the documentation except for the first day (for about three hours) and they did not apply for any other documentation separately. Thus, Greenpeace Slovakia did not utilise the possibility to inspect the documentation in the period specified by the NRA SR despite the fact that in the past it requested access to the documentation several times. The non-governmental organisation Via Iuris states in relation to the allegations of the NRA SR that the reason is that the essential part of data from the copied documentation exceeding 90 pages, which they applied for during the first visit, was either blackened or whitened, i.e. inaccessible. They concluded that any further study would be useless as the data were not available, which they found when inspecting the file on the first day. That is why Via Iuris considers the allegation of the NRA SR in the next section about execution of the court's verdict as inappropriate.*

*Hereby, the NRA SR supposes that it has executed the verdict of the court and public participation was ensured in such a way that everybody could, from 15 October 2013 to 30 November 2013, inspect the documentation and submit comments, which the NRA SR as the permitting authority would treat in the way prescribed by law and take them into account in the decision-making process within the legal and technical possibilities.*

*The NRA SR issued Decision No. 291/2014, by which it refused appeal of Greenpeace Slovakia and confirmed Decision No. 246/2008. Greenpeace Slovakia did not challenge this decision by legal remedies nor it lodged an action with the court for decision review.*

*On 24 October 2013, an action for the review of the lawfulness of Decision No. 761/2013 was submitted to the Regional Court in Bratislava (the call from the court delivered to the NRA SR on 11 November 2013). The date of proceedings was set to 11 March 2015, two days before it, Greenpeace Slovakia withdrew its action and based on it, the court stopped the proceeding.*

*On 1 April 2010, Greenpeace Slovakia lodged an action with the Regional Court in Bratislava to review the decision on the refusal to make available the Preliminary Safety Report of the MO 3,4 NPP, the court rejected the action. However, the Supreme Court cancelled the verdict of the Regional Court in Bratislava and returned the matter to further proceedings. Subsequently, the verdict of the Regional Court in Bratislava dated 14 May 2013 cancelled Decision of the NRA SR No. 39/2010 and returned to the NRA SR for further procedure. The NRA SR appealed against the verdict. The Supreme Court confirmed the verdict of the Regional Court in Bratislava on 9 June 2015.*

*The NRA SR started a repeated remonstrance procedure for making accessible the Preliminary Safety Report of the MO 3,4 NPP based on the verdict of the Supreme Court of the Slovak Republic No. 3Sž/22/2014 dated 9 June 2015, which came into legal force on 6 July 2015. The parties to the procedure (Greenpeace Slovakia and Slovenské elektrárne, a. s.) were called upon to express their opinion on the commencement and beginning of the procedure by 5 August 2015. In its letter dated 24 August 2015, Greenpeace Slovakia withdrew its remonstrance. Slovenské elektrárne, a. s. as the second party to the procedure agreed with the withdrawal of the remonstrance by Greenpeace Slovakia, and on 11 September 2015, the NRA SR issued Decision No. 586/2015 on procedure discontinuation. Hereby, the procedure is finished.*

*In the letter dated 27 September 2013, Slovenské elektrárne, a.s. lodged a constitutional complaint against the violation of fundamental rights and freedom and a bill to suspend the enforceability of the Supreme Court's verdict. In its finding, the Constitutional Court stated that the Supreme Court violated the rights of Slovenské elektrárne, a. s.*

**Communication ACCC/C/2014/120/Slovakia**

*On 8 December 2014, a communication was lodged with the Compliance Committee by the Slovak non-governmental organisation VIA IURIS, today kept under file No. ACCC/2014/120/Slovakia.*

*The non-governmental organisation VIA IURIS (NGO) reproaches the Slovak Republic in particular with insufficient support of the public, while the possibilities are still open, as well as its efficient participation at respective level during the preparation of implementing regulations and other generally applicable legally binding rules by public authorities, which can have significant environmental impacts in accordance with Article 8 of the Aarhus Convention. In the communication it also claims that the Slovak Republic, i.e. in particular in the first place the Ministry of Agriculture and Rural Development of the Slovak Republic, and in the second place the Government of the Slovak Republic did not provide sufficient support to the public and a transparent process of evaluation of comments submitted by the public on the amendment to the Forest Act registered under No. 2752/2013-410 from 10 May 2013. According to the NGO, by doing so, the Slovak Republic breached Art. 8 of the Aarhus Convention. The communication also mentions that the failure to provide for the enforceability of remedy or an efficient legal remedy in violating the Slovak Republic Government Legislative Rules causes non-compliance with Article 9 (3) of the Aarhus Convention.*

*On 9 April 2015, after the executed procedure on the admissibility of the respective communication on 27 March 2015, the AC CC informed the Slovak Republic on its decision on communication admissibility for further procedure and asked the Slovak Republic to provide its response (statement) on the content of the communication by 28 November 2015.*

*The Slovak Republic sent the requested response (statement) on the communication on 27 November 2015.*

*The day-long oral proceeding regarding the case, in accordance with the invitation sent from the Compliance Committee Secretariat on 19 August 2016, will take place with the participation of the communicant (NGO) and representatives of the party concerned (SR) at the 54th meeting of the Compliance Committee in Geneva on 28 September 2016.*