

117/2010 Collection

ACT

dated 3 March 2010,

modifying and amending Act No. 543/2002 Coll. on nature and landscape protection, as amended and on modification and amendment of Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts, as amended

National Council of the Slovak Republic adopted the following Act:

Art. I

Act No. 543/2002 Coll. on nature and landscape protection as amended by Act No. 525/2003 Coll., Act No. 205/2004 Coll., Act No. 364/2004 Coll., Act No. 587/2004 Coll., Act No. 15/2005 Coll., Act No. 479/2005 Coll., Act No. 24/2006 Coll., Act No. 359/2007 Coll., Act No. 454/2007 Coll., and Act No. 515/2008 Coll. shall be modified and amended as follows:

1. In Section 2, sub-section 2, paragraph j) shall read as follows:

„ j) wild animal (hereinafter referred to as the „animal“) shall mean an individual of animal species whose population is sustained spontaneously, also in case of hold, including breeding in human care,“.

2. In Section 2, sub-section 2, paragraph v), in heading of Section 5 and in Section 30, sub-section 1, the words “biotope condition” shall be replaced by the words „condition of biotope protection“.

3. In Section 2, sub-section 2, the paragraph x) shall read as follows:

„x) species of European importance

1. species of wild bird naturally occurring in European territory of the European Community member states that is, considering the trends and fluctuation of the number of its population,

1a. threatened by extinction,

1b. vulnerable by specific changes of its biotope,

1c. scarce with regard to its small population size or limited occurrence in this territory,
or

1d. a species requiring special attention due to specific nature of its biotope,
(hereinafter referred to as the „bird species of European importance“),

2. another animal species or plant species naturally occurring in the European territory of the European Community member states, that is

2a. threatened, save the species having just peripheral natural area in this territory and that are not threatened or vulnerable in the Western Palearctic zone,

2b. vulnerable that is likely to become threatened in near future, if any threatening factors still have impact on it,

2c. scarce, with small population size, occurring in geographically defined territories or sparsely scattered in more extensive areas that is not threatened or vulnerable yet, but that became at risk, or

2d. endemic, requiring special attention due to specific nature of its biotope or due to possible influence of its use on its biotope or protection condition.“.

4. In Section 2, sub-section 2, paragraph za) and in heading of Section 5, the words „species condition“ shall be replaced by the words „species protection condition“.

5. In Section 2, sub-section 2, the paragraph zg) shall be omitted.

6. In Section 5, the sub-sections 1 and 2 shall read as follows:

„(1) Species protection condition shall be considered favourable, if

- a) the data on population dynamics of the species indicate that it is sustainable on long-term basis as a viable element of its biotope,
- b) natural area of species remains not decreased and it is likely not to be decreased in foreseeable future and
- c) sufficiently large biotope for sustention of its population exists on long-term basis and is likely to exist further.

(2) Biotope protection condition shall be considered favourable, if

- a) its natural area and territory that it covers in this area are stable or are extending,
- b) specific structure and functions required for its sustention on long-term basis exist and are likely to exist in foreseeable future,
- c) protection condition of its typical species is favourable.“.

7. Section 6, including heading, shall read as follows:

„Section 6
Biotope protection

(1) Protection of biotope of European importance and biotope of national importance shall include

- a) restricted or regulated interferences that may have adverse impact on favourable biotope condition,
- b) creating conditions to preserve or achieve favourable biotope condition,
- c) monitoring of biotope occurrence and biotope condition.

(2) If nature and landscape protection authority notifies in a statement according to Section 9, sub-section 1 that the activity that the statement is provided for may cause damage or destruction of a biotope of European importance or biotope of national

importance, an approval of District Environmental Office is required to perform such activity.

(3) List of biotopes of European importance, including priority biotopes and biotopes of national importance, shall be set by a generally binding legal regulation issued by the Ministry of Environment of the Slovak Republic (hereinafter referred to as the „Ministry“) in cooperation with the Ministry of Agriculture of the Slovak Republic (hereinafter referred to as the „Ministry of Agriculture“).

(4) To change the bog condition, especially its treatment by landing up, draining, extraction of reeds, peat, mud and river material, an approval of the nature protection authority shall be required, save that such activities are performed by the water flow administrator in line with a separate regulation. 18a)

(5) Approval according to sub-section 2 shall not be required if

a) biotope damaging or destroying occurs in relation to common farming of agricultural cultures or forest cultures;

b) biotope damaging or destroying occurs in relation to cutting of woody species (Section 47),

c) a procedure according to Section 28, sub-sections 5 to 8 is applied.”.

Footnote to reference 18a shall read as follows:

“18a) Section 48 of Act No. 364/2004 Coll. on water and on modification of Act of the Slovak National Council No. 372/1990 Coll. on offences, as amended (Water Act) as amended by Act No. 384/2009 Coll.”.

8. In Section 7, sub-section 2 shall read as follows:

“(2) Unoriginal species, except species set by the generally binding legal regulation issued by the Ministry in agreement with the Ministry of Agriculture, species specified in the approved forest care program [Section 54, sub-section 4, paragraph d)], and species grown in agricultural cultures and energy coppices, may be spread beyond the borders of built-up municipality area with the approval of nature protection authority only; no provisions of separate regulation are affected therewith. 19a) The nature protection authority shall issue such approval if the occurrence of unoriginal species shall not have any adverse impact on original plant and animal species.”.

Footnote to reference 19a shall read as follows:

“19a) to Section 21 of Act No. 274/2009 Coll. on hunting and on modification and amendment of certain acts.”.

9. In Section 9, sub-section 1, paragraph m) the words “of forest management plan, 35)” shall be replaced by the words “of forest care program, 35)”.

Footnote to reference 35 shall read as follows:

“35) Section 40, sub-section 1 of Act No. 326/2005 Coll. as amended by Act No. 117/2010 Coll.”.

10. In Section 14, sub-section 2, paragraph a), Section 15, sub-section 2, paragraph a) and Section 16, sub-section 2, the words “Section 6, sub-section 1,” shall be omitted.

11. In Section 16, sub-section 1, paragraph h), the reference 40 above the word “regulation” shall be replaced by reference 18a, and the footnote to reference 40 shall be omitted.

12. In Section 17, sub-section 2, the words “including priority species” shall be inserted after the words “European importance”.

13. In Section 21, sub-section 1, the word “protection” shall be inserted after the word “condition”.

14. In Section 21, sub-section 3, the words “second (Section 13),” shall be inserted after the word “applies”.

15. In Section 24, sub-sections 13 and 14, Section 67, paragraph f), Section 90, sub-section 1, paragraph j) and Section 92, sub-section 1, paragraph l), the words “Section 56, sub-section 1” shall be replaced by the words “Section 56, sub-section 2”.

16. In Section 26, the sub-section 1 shall read as follows:

“(1) The biotopes of migratory bird species, especially areas of their nesting, moulting, wintering, as well as places of rest on their migration tracks and biotopes of bird species of European importance can be declared protected bird areas for the purpose of ensuring their survival and reproduction.”.

17. In footnote to reference 64, the quotation “Act of the National Council of the Slovak Republic No. 127/1994 Coll. on environmental impact assessment, as amended” shall be replaced by the quotation “Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts, as amended.”.

18. In Section 27, the sub-section 6 shall read as follows:

“(6) National list shall be up-dated continuously according to the protection condition of biotope of European importance and species of European importance for the protection of which the protected areas are declared, or according to the proposal of the European Commission; the provisions of sub-section 2 to 5 shall be applied equally. If the European Commission suggests to include a locality with occurrence of priority biotopes or priority species into the national list that is considered important for their maintenance or survival based on relevant scientific information, such locality shall be included into

the national list even if the proposal for inclusion is disputable, namely until the dispute is settled, or until the Council of the European Union decides on this proposal.”.

19. In Section 27, the sub-sections 8 and 9 shall read as follows:

“(8) If the proposed area of European importance is located on a protected area [Section 17, sub-section 1, paragraphs a) to f)] or in its protection zone with protection level two to five, while the protection levels on proposed area of European importance and on declared protected area or in its protection zone are different, the protection conditions set by the later legal regulation shall apply on the common area.

(9) The proposed area of European importance approved by the European Commission shall be declared protected area or protected area zone hereunder by the nature protection authority in two years after the national list was approved by the European Commission, at the latest.”.

20. In Section 27, the sub-section 10 shall be omitted.

21. Section 28, including heading, shall read as follows:

“Section 28

European system of protected areas

(1) Protected bird areas, protected areas of European importance and protected area zones according to Section 27, sub-section 9 shall form a part of the European system of protected areas. Its purpose shall be to ensure favourable protection condition of biotopes of European importance and favourable protection condition of species of European importance in their natural area.

(2) Any plan 64a) or project 64b) not directly related to care for area being a part of the European system of protected areas, proposed protected bird area or area of European importance (hereinafter referred to as the “area of protected area system”) or being not required for care, but that is likely to have significant impact on such area on separate basis or in combination with another plan or project, shall be subject to assessment of its impacts on such area from the point of view of its protection goals.

(3) Everybody who intends to implement a plan or project under the sub-section 2 (hereinafter referred to as the “submitter”) shall be obliged to submit a draft plan or project for assessment to the nature protection authority. Such duty shall not apply to any plans or projects that are subject to impact assessment under a separate regulation. 64)

(4) Nature protection authority shall issue an expert opinion to the draft plan or project under the sub-section 3 based on the criteria assessment according to the annexes No. 3 and 10 of a separate regulation. 64) If, in expert opinion of the nature protection authority the plan or the project is neither related to care for an area of protected area system, nor

required for care for such area, and it is likely to have significant impact on such area on separate basis or in combination with another plan or project, it shall be subject to impact assessment under a separate regulation. 64)

(5) If, based on the result of impact assessment under a separate regulation 64c), measures need to be taken to compensate unfavourable impacts of the plan or the project on integrity of the area of protected area system (hereinafter referred to as the “compensation measure”), 64d) the submitter shall be obliged to apply for the approval of the Ministry regarding the method and conditions of their implementation.

(6) Compensation measures must be focused on unfavourably influenced biotopes of European importance and species of European importance in comparable scope, and must ensure functions comparable to functions that were being fulfilled by the area influenced by the plan or the project so that the protection of the total coherence of the European system of protected areas is ensured.

(7) The submitter shall be obliged to implement the compensation measures at own expense of the submitter. If the submitter does not implement the compensation measures, the Ministry may implement them at its expense.

(8) The Ministry shall inform the European Commission about the adopted compensation measures.

(9) The details on assessment criteria of the draft plan and project under the sub-section 3 shall be set by the generally binding legal regulation issued by the Ministry.”.

The footnotes to references 64a to 64d shall read as follows:

“64a) Section 3, paragraph c) of Act No. 24/2006 Coll.

64b) Section 3, paragraph e) of Act No. 24/2006 Coll.

64c) Sections 14 and 37 of Act No. 24/2006 Coll.

64d) Section 15, sub-section 4 and Section 38, sub-section 4 of Act No. 24/2006 Coll. as amended by Act No. 117/2010 Coll.

22. Section 28a shall be omitted.

23. Section 29, including heading, shall read as follows:

“Section 29

Exceptions to the rules of protection of protected areas and their protection zones

Ban on activity in areas with level of protection two to five and in protected bird areas shall not apply if

- a) the activity is performed in relation to performance of state supervision or of any other supervisory activity,
- b) the activities relate to ensuring of care for protected area or its protected zone, and if they are performed in line with the documentation of nature and landscape protection according to Section 54, sub-section 2, paragraph b),
- c) nature protection authority competent to approve an exception states in writing and in advance that the activity is provably required to ensure the care for protected area or its protected zone,
- d) human life or health or property is in imminent danger, or if the activities belong to performance of tasks of the Mountain rescue service under a separate regulation, 64e)
- e) the safety of the Slovak Republic is in imminent danger due to a third party's power, or
- f) the activities are performed in relation to state border protection or administration.”.

Footnote to reference 64e shall read as follows:

“64e) Section 4, sub-sections 1 and 2 of Act No. 544/2002 Coll. on Mountain Rescue Service as amended by Act No. 567/2005 Coll.”.

24. In Section 30, sub-section 4, the sentence after semicolon shall be omitted.

25. In Section 30, sub-section 5, the words “(Sections 13 to 16)” shall be replaced by the words “(Sections 6, 13 to 16)”.

26. Sections 34 and 35, including heading, shall read as follows:

“Section 34
Protected plant

- (1) It is prohibited to
 - a) to pick, gather, cut, dig out or destroy the protected plant in its natural area in wild by willful act,
 - b) to hold, transport, sell, exchange or offer the protected plant for sale or exchange.
- (2) The ban according to sub-section 1, paragraph b) shall not apply to protected plant not coming from wild, and to protected plant for which an exception under a separate regulation was issued. 66)
- (3) Separate regulations shall apply to a finding of protected plant in relation to construction preparation or performance. 67)
- (4) Details on species protection of protected plants shall be set by a generally binding legal regulation issued by the Ministry.

Section 35
Protected animal

(1) It is prohibited to

- a) catch or kill the protected animal in its natural area in wild by willful act,
- b) disturb the protected animal by willful act at the time of reproduction, bringing up young, hibernation or migration,
- c) damage, destroy or pick the eggs of protected animal in wild by willful act,
- d) damage or destroy the locations of reproduction or rest of protected animal,
- e) hybridize protected animal interspecifically,
- f) hold, transport, sell, exchange or offer protected animal for sale or exchange.

(2) Provisions of sub-section 1 shall not apply to protected animal under Section 33, sub-section 33 of the Act, and such protected animal is prohibited

- a) to be caught or killed by willful act,
- b) to be disturbed by willful act, especially at the time of nesting or bringing up young, if the disturbance could have adverse impact on condition of species protection,
- c) the eggs of which are prohibited to be damaged, destroyed or picked in wild and to be held, including empty eggs, by willful action,
- d) the nests of which are prohibited to be damaged, destroyed or removed by willful act,
- e) to be hybridized interspecifically,
- f) to be held, sold, exchanges, transported for the purpose of sale or exchange or offered for sale or exchange.

(3) Bans according to sub-section 1, paragraph f) and sub-section 2, paragraph f) shall not apply to protected animal not coming from wild and to protected animal with an exception issued under a separate regulation. 66)

(4) Ban according to sub-section 2, paragraph a) and ban on hold according to sub-section 2, paragraph f) shall not apply to bird species specified in a separate regulation, 68) that are permitted to be caught out of the nesting or reproduction period, and in case of migratory birds, out of the reproduction period or period of return to locations of nesting.

(5) Ban according to sub-section 2, paragraph f) shall not apply to bird species, the list of which is issued by the Ministry by a generally binding legal regulation, if they were acquired in line herewith.

(6) Anybody who finds ill, injured, damaged or dead protected animal in natural environment, or who caught or killed protected animal coming from wild by accident, shall be obliged to announce it to the nature protection authority along with the

specification of situation, as well as the way of finding, catching or killing of protected animal, and the nature protection authority shall determine further handling with such protected animal. The nature protection authority shall keep written registration of announcements. If hunting animal is the subject of finding, the finding shall be announced to the hunting ground user too; in such case the nature protection authority shall not determine further handling with the found protected animal.

(7) The holder of protected animal shall be obliged to prove dying of a protected animal of a selected species held in human care and the cause of its dying by a confirmation from a veterinary surgeon.

(8) Separate regulations shall apply to a finding of protected animal in relation to construction preparation or performance. 67)

(9) The details on species protection of protected animals, on registration of ill, injured, damaged, dead protected animals, and protected animals caught or killed by accident, and the list of selected species of protected animals the dying of which is being proved according to sub-section 7, shall be specified by a generally binding legal regulation issued by the Ministry.”.

Footnotes to references 66 and 68 shall read as follows:

“66) Art. 8 of Council Regulation (EC) No. 338/97 dated 9 December 1996 on protection of species of wild fauna and flora by regulating trade therein (Extraordinary issue of Official Journal of the European Union, chapter 15/band 3; Official Journal of the European Community L 61, 3 March 1997), as amended.

Section 8 of Act No. 15/2005 Coll. on protection of species of wild fauna and flora by regulating trade therein and on modification and amendment of certain acts.

68) Section 71, sub-section 1, paragraph b) of the Regulation of the Ministry of Agriculture of the Slovak Republic No. 344/2009 Coll. implementing the Act on hunting.”.

27. In Section 37, the word “protection” shall be inserted after the word “condition”.

28. In Section 40, the sub-section 1 shall read as follows:

“(1) The ban on activities in relation to protected species, selected plant species and selected animal species (Sections 34 to 38) shall not be applied, if the nature protection authority competent to exception approval determined in writing and in advance that the activity is required to ensure care for protected species, selected plant species, selected animal species or their biotopes; provisions of subsection 2 and 4 shall be applied equally.”.

29. In Section 40, sub-section 2, the part of the sentence after semicolon shall read as follows: “in case of bird species and selected animal species specified in a separate regulation, 68a) an exception for their hunting shall be approved by the Ministry of Agriculture”.

Footnote to reference 68a shall read as follows:

“68a) Section 57 of Act No. 274/2009 Coll.”.

30. In Section 40, the sub-sections 3 and 4 shall read as follows:

“(3) Exception according to sub-section 2 can be approved

- a) in interest of protection of affected species or protection of natural biotopes,
- b) in order to avoid material damage on harvest, farming animals, forests, fish breeding, water management, and if the exception does not apply to species of wild birds, in order to avoid material damage on another type of property,
- c) in interest of public health or public safety of people, and if the exception does not apply to species of wild birds, also in interest of other unavoidable reasons of higher public interest, including those having social or economic nature and having favourable consequences of fundamental importance on environment,
- d) for purpose of research and education, restoration of population of affected species and their return in biotopes, or for growing or breeding in human care required for such purpose,
- e) for picking, capture or holding of individuals in small number under strictly checked conditions, on selective basis and in restricted extent.

(4) Decision on exception approval under sub-section 2 shall include

- a) specification of affected species that the exception applies to,
- b) tools, equipment or methods approved for picking, capture or killing of affected species,
- c) conditions of possible risk and temporal and local circumstances under which the activity approved by an exception can be performed,
- d) method of inspection of exception condition performance,
- e) other conditions of performance of activities approved by an exception set according to Section 82, sub-section 12.”.

31. In Section 41, sub-section 1, Section 42, sub-section 14, Section 44, sub-section 6, paragraph b), Section 45, sub-section 4, paragraph b) and Section 94, sub-section 4, paragraphs a) and b), the reference 66 shall be replaced by reference 68b.

Footnote to reference 68b shall read as follows:

“68b) Act No. 15/2005 Coll.”.

32. In Section 43, sub-section 4, the second sentence shall be omitted.

33. In Section 44, sub-section 16, the words “Section 35, sub-section 1, paragraphs f) to i) and k) “ shall be replaced by the words “Section 35, sub-section 1, paragraph f) and sub-

section 2, paragraph f) and ban on hold according to Section 35, sub-section 1, paragraph c) and sub-section 2, paragraph c)”.

34. In Section 45, sub-section 13, the words “the bans according to Section 34, sub-section 1, paragraphs b) and c) and Section 35, sub-section 1, paragraph f), g) and i) are not be applied” shall be replaced by the words “the bans on hold and transport according to Section 34, sub-section 1, paragraph b) and Section 35, sub-section 1, paragraph f) and ban on hold according to Section 35, sub-section 1, paragraph c) and sub-section 2, paragraph c) and f) are not be applied”.

35. In Section 50, sub-section 7, the words “Section 27, sub-section 10” shall be replaced by the words “Section 27, sub-section 9”.

36. In Section 53, sub-section 2, Section 54, sub-section 17 and Section 65, sub-section 1, paragraph c), clause two, the word “continuous” shall be omitted.

37. In Section 54, sub-section 1, the words “For the purpose of nature and landscape protection, the nature protection authorities procure documentation, that especially” shall be replaced by the words “Documentation of nature and landscape protection especially”.

38. In Section 54, the sub-section 2 shall be amended by paragraph f) that shall read as follows:

“f) documents of forest care. 83a)”.

Footnote to reference 83a shall read as follows:

“83a) Section 2, paragraph a) of Act No. 326/2005 Coll. on forests.”.

39. In Section 54, the sub-section 4 shall be amended by paragraph d) that shall read as follows:

“d) forest care program. 35)”.

40. In Section 54, sub-section 5, the fifth sentence, the words “according to sub-section 4, paragraphs a) and b)” shall be inserted after the words “program of care”.

41. In Section 54, sub-section 6, the words “their condition” shall be replaced by the words “condition of their protection”.

42. In Section 54, sub-section 17, semicolon shall be replaced by full stop, the word “other” shall be replaced by “Other”, full stop at the end shall be replaced by semicolon, and the words “it shall not apply to forest care programs being prepared applying procedure under a separate regulation. 83b)” shall be added.

Footnote to reference 83b shall read as follows:

“83b) Section 41 of Act No. 326/2005 Coll., as amended.”.

43. In Section 56, new sub-section 1 shall be inserted that shall read as follows:

“(1) In order to ensure favourable condition of specially protected nature and landscape parts, their research and scientific activities 86a) focused especially on identification of occurrence and condition of biotopes of European importance and biotopes of national importance, important geological and geomorphological localities, and protected species and their biotopes and possible impacts on them, shall be supported.”.

Footnote to reference 86a shall read as follows:

“86a) For example Act No. 587/2004 Coll. on Environmental fund and on modification and amendment of certain acts, as amended.”.

The hitherto sub-sections 1 to 7 shall be marked as sub-section 2 to 8.

44. In Section 56, sub-section 7, the words “sub-section 1” shall be replaced by the words “sub-section 2”.

45. In Section 56, sub-section 8, the words “sub-section 3” shall be replaced by the words “sub-section 4”.

46. In footnote to reference 92, the quotation “Section 29, sub-section 2 of Act No. 23/1962 Coll.” shall be replaced by the quotation “Section 56, sub-section 3 of Act No. 274/2009 Coll.”.

47. In Section 61, sub-section 3 and sub-section 7, paragraph a), the words “forest management plan” shall be replaced by the words “forest care program”.

48. In Section 65, sub-section 1, the paragraph k) shall be amended by clause twenty-two that shall read as follows:

“22. monitoring of protection condition of protected species, including monitoring of their accidental capture or killing, biotopes of European importance and biotopes of natural importance and making proposals for and implementing of protective measures to sustain or restore favourable condition of their protection.”.

49. In Section 65, sub-section 1, new paragraph r) shall be inserted after the paragraph q), that shall read as follows:

“r) advises owners of real estates in question of results of monitoring of biotopes of European importance and biotopes of national importance according to paragraph k) of clause twenty-two in order to meet the obligation according to Section 6,”.

The hitherto paragraph r) shall be marked as paragraph s).

50. In Section 67, paragraph e) the word “protection” shall be inserted after the word “condition”.

51. In Section 67, paragraph f) the words “Section 6, sub-section 4” shall be inserted after the word “according to,”.

52. In Section 67, paragraph g), the words “and issues expert opinion according to Section 28, sub-section 4” shall be added at the end.

53. In Section 67, paragraph h), the words “Section 28a, Section 56, sub-sections 2, 5 and 6” shall be replaced by the words “Section 56, sub-sections 3, 6 and 7”.

54. In Section 67, paragraph k), Section 90, sub-section 1, paragraph j) and Section 92, sub-section 1, paragraph l), the words “Section 56, sub-section 3” shall be replaced by the words “Section 56, sub-section 4”.

55. In Section 68, paragraph e), the words “Section 6, sub-section 1” shall be replaced by the words “Section 6, sub-section 2”, and in Section 68, paragraph g) the words “Section 6, sub-section 2” shall be omitted.

56. In Section 68, new paragraph j) shall be inserted after the paragraph i) that shall read as follows:

“j) determines territorial and time limit for performance of activities specified in generally binding legal regulation issued according to Section 26, sub-section 6.”.

The hitherto paragraphs j) to u) shall be marked as paragraphs k) to v).

57. In Section 68, paragraphs k) and l) , Section 81, sub-section 2, paragraph e), Section 90, sub-section 1, paragraph q) and Section 92, sub-section 1, paragraph s), the words “Section 35, sub-section 7” shall be replaced by the words “Section 35, sub-section 6”.

58. In Section 74, sub-section 4 the words “in annex” shall be replaced by the words “in annex No. 1”.

59. Section 75 shall be amended by sub-section 4 that shall read as follows:

“(4) If the person performing office tasks or in relation thereto proves his/her competence according to a separate regulation, 110a), the provisions of sub-section 1, paragraph i) and o) shall not be applied. “.

Footnote to reference 110a shall read as follows:

“110a) Section 9, sub-sections 2 and 3 of Act No. 124/1992 Coll. on Military Police, as amended

Section 8 of Act of the National Council of the Slovak Republic No. 46/1993 Coll. on Slovak intelligence service.

Section 13, sub-section 2 of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Force, as amended.

Section 8 of Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence.

Section 16 of Act No. 652/2004 Coll. on state administration authorities in system of customs and on modification and amendment of certain acts.”.

60. In Section 81, sub-section 2, the paragraphs c) and d) shall read as follows:

“c) issue of expert opinion according to Section 28, sub-section 4,

d) specification of activities according to Section 29, paragraph c) and Section 40, sub-section 1,”

61. In Section 90, sub-section 1, paragraph a) and Section 92, sub-section 1, paragraph c), the words “Section 6, sub-section 1” shall be replaced by the words “Section 6, sub-sections 2 and 4”.

62. In Section 90, sub-section 1, paragraph l) and Section 92, sub-section 1, paragraph n), the words “Section 35, sub-section 8” shall be replaced by the words “Section 35, sub-section 7”.

63. In Section 90, sub-section 2, paragraph d) and Section 92, sub-section 1, paragraph x), the words “Section 56, sub-section 6” shall be replaced by the words “Section 56, sub-section 7”.

64. In Section 90, sub-section 2, paragraph h) and sub-section 3, paragraph f) and Section 92, sub-section 1, paragraphs zb) and zi), the words “28, sub-section 7” shall be replaced by the words “28, sub-section 5”.

65. In Section 90, sub-section 3, paragraph a) and Section 92, sub-section 1, paragraph zd), the words “Section 34, sub-sections 1 and 2 or Section 35, sub-sections 1” shall be replaced by the words “Section 34, sub-section 1 or Section 35, sub-sections 1 and 2”.

66. In Section 90, sub-section 3, the paragraph c) shall be omitted.

The hitherto paragraphs d) to t) shall be marked as paragraphs c) to s).

67. In Section 90, sub-section 3, paragraph d) and Section 92, sub-section 1, paragraph zh), the words “Section 28, sub-section 4” shall be replaced by the words “Section 28, sub-section 7”.

68. Section 91 shall be amended by sub-section 15 that shall read as follows:

“(15) In case of several other administrative offences of one legal entity or natural person authorized to conduct business and investigated within one proceeding, a sanction according to provision applicable to another administrative offence with the strictest recourse shall be imposed.”.

69. In Section 92, sub-section 1, the paragraph zf) shall be omitted.

The hitherto paragraphs zg) to zw) shall be marked as the paragraphs zf) to zv).

70. In Section 95, sub-section 3, the paragraph c) shall be omitted.

The hitherto paragraphs d) and e) shall be marked as the paragraphs c) and d).

71. In Section 98, sub-section 4, paragraph b), the following words are added at the end: “and sub-section 2, paragraph a)”.

72. In Section 103, sub-section 6, comma and the words “expert opinion” shall be inserted after the word “ban”.

73. In Section 103, new paragraph 8 shall be inserted after the paragraph 7 that shall read as follows:

“(8) Statement of the nature protection authority according to Section 9, sub-section 1, paragraph m) shall include an expert opinion according to Section 28, sub-section 4.”.

The hitherto sub-sections 8 to 10 shall be marked as the sub-sections 9 to 11.

74. In Section 103, sub-section 9, comma and the words “expert opinion” shall be inserted after the word “act”.

75. In Section 103, sub-section 10, the words “and in protected bird areas” shall be inserted after the word “protection”.

76. In Section 103, the sub-section 11 shall be omitted.

77. In Section 104, sub-section 21, the words “forest management plan” shall be replaced by the words “forest care program”.

78. In Section 104, sub-section 22, the words “forest management plans” shall be replaced by the words “forest care programs”, the word “plans” shall be replaced by the word “programs” and the words “forest management plan” shall be replaced by the words “forest care program”.

79. In Section 104, sub-section 27, the words “forest management plans” shall be replaced by the words “forest care programs”.

80. Section 104a shall be inserted after Section 104, and Section 104a, including heading, shall read as follows:

“Section 104a

Interim provisions to regulations in effect from 1 May 2010

(1) Proposed areas of European importance approved by the European Commission before 1 May 2010 shall be declared protected area or zone of protected area by the nature protection authority in two years after 1 May 2010, at the latest.

(2) Provisions of Section 28 shall not apply to forest management plans for which a protocol was prepared according to a separate regulation before 1 May 2010. 124)

(3) Proceedings commenced and not lawfully closed till 30 April 2010 shall be finalized according to the existing legal regulations, except proceedings according to Section 6, sub-section 2 to be finalized according hereto.

(4) Forest care programs prepared under the regulations in effect till 1 May 2010 and forest care programs according to sub-section 2 related to areas being part of the European system of protected areas, shall be considered forest care programs hereunder, if subjected to appropriate assessment according to Section 28.

(5) In order to impose sanctions for breach of the provisions of this Act in effect before 1 May 2010 if such breach occurred before the day of effect hereof, the provisions hereof shall be applied if they are more favourable for the person who has broken the law.

(6) The person for whom the approval was issued to interfere in the biotope of European importance or biotope of national importance according to the existing legal regulations, and as of the day of effect hereof the deadline for enforceability of substitute revitalizing measures or for payment of financial compensation has not expired, he/she may apply for change of approval at the nature protection authority in three months after coming hereof in effect.

(7) The nature protection authority shall decide on review of scope of substitute revitalizing measures hereunder in three months after the application according to sub-section 1 was delivered.”.

Footnote to reference 124 shall read as follows:

“124) Section 41, sub-section 9 of Act No. 326/2005 Coll.”.

81. Section 105a shall be inserted after Section 105 that shall read as follows:

“Section 105a

The legal acts of the European Communities and the European Union specified in Annex No. 2 shall be assumed herewith.”.

82. The hitherto annex shall be marked as Annex No. 1, and Annex No. 2 shall be added that shall read as follows:

Art. II

Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts as amended by Act No. 275/2007 Coll., Act No. 454/2007 Coll. and Act No. 287/2009 Coll. shall be modified and amended as follows:

1. Section 4 shall be amended by sub-section 5 that shall read as follows:

“(5) Strategic documents that, in expert opinion of state nature and landscape protection authority, are likely to have significant impact on area being part of the European system of protected areas, 8b) proposed protected bird area 8c), or area of European importance 8d) (hereinafter referred to as the “area of protected area system”), either on separate basis or in combination with another document or activity, shall be subject to assessment too.”.

Footnotes to references 8a to 8d shall read as follows:

“8a) Section 28, sub-section 4 of Act No. 543/2002 Coll. as amended by Act No. 117/2010 Coll.

8b) Section 28, sub-section 1 of Act No. 543/2002 Coll. as amended by Act No. 117/2010 Coll.

8c) Section 26, sub-section 2 of Act No. 543/2002 Coll., as amended.

8d) Section 27, sub-section 1 of Act No. 543/2002 Coll., as amended.”.

2. In Section 8, sub-section 1, the words “proposed protected bird areas, 10) areas of European importance 11) or continuous European system of protected areas 12) (hereinafter referred to as the “protected area system”) shall be replaced by the words “area of protected area system”.

Footnotes to references 10 to 12 shall be omitted.

3. In Section 13, sub-section 4, the following sentence shall be added at the end: “When appointing the processor of expert opinion, the competent authority shall consider specific professional expertise achieved in branch or area of activity according to separate regulation. 17a)”.

Footnote to reference 17a shall read as follows:

“17a) Section 42 of Act No. 326/2005 Coll. on forests as amended by Act No. 360/2007 Coll.”.

4. In Section 15, the sub-sections 3 and 4 shall read as follows:

“(3) Strategic document that is likely to have significant impact on area of protected area system, either on separate basis or in combination with another document or activity, may be approved by the approving authority only if it is proved, based on the result of impact assessment, that it does not have any adverse impact on integrity of such area from the point of view of the goals of its protection, unless the sub-section 4 sets otherwise.

(4) If an adverse impact of strategic document on integrity of the area of protected area system is proved from the point of view of the goals of its protection based on the result of impact assessment, and if there are no alternative solutions with no adverse impact, or if such alternative solutions do not have any smaller adverse impact, strategic document may be approved for urgent reasons of higher public interest only, provided that compensation measures are imposed under a separate regulation. 18a) If any priority biotopes or priority species occur in the particular area, strategic document may be approved only for such urgent reasons of higher public interest that apply to public health, public security or favourable environmental consequences of significant importance, or if, according to the statement of the European Commission, it is connected to other urgent reasons of higher public interest.”.

Footnote to reference 18a shall read as follows:

“18a) Section 28, sub-sections 5 to 7 of Act No. 543/2002 Coll. as amended by Act No. 117/2010 Coll.

5. In Section 15, the sub-section 5 shall be omitted.

The hitherto sub-sections 6 to 9 shall be marked as sub-sections 5 to 8.

6. In Section 15, sub-sections 6 to 8, the words “sub-section 6” shall be replaced by the words “sub-section 5”.

7. In Section 15, sub-section 8, the words “sub-section 8” shall be replaced by the words “sub-section 7”.

8. In Section 18, the sub-section 12 shall read as follows:

“(12) Proposed activities that, in expert opinion of state nature and landscape protection authority, are likely to have significant impact on area of protected area system, either on separate basis or in combination with another activity or document, shall be subject to impact assessment too. Expert opinion shall be issued by the state nature and landscape protection authority based on assessment of criteria according to Annex No. 10.”.

Footnotes to references 20 and 21 shall be omitted.

9. In Section 30, sub-section 1, the words “protected area system” shall be replaced by the words “area of protected area system”.

10. In Section 36, sub-section 2, new sentence shall be inserted after the second sentence that shall read as follows: “When appointing the processor of expert opinion, the competent authority shall consider specific professional expertise achieved in branch or area of activity according to separate regulation. 17a)”.

11. In Section 38, sub-section 2, the third sentence shall be omitted.

12. In Section 38, the sub-sections 3 and 4 shall read as follows:

“(3) Proposed activity that is likely to have significant impact on area of protected area system, either on separate basis or in combination with another activity or document, may be approved by the approving authority only if it is proved, based on the result of impact assessment, that it does not have any adverse impact on integrity of such area from the point of view of the goals of its protection, unless the sub-section 4 sets otherwise.

(4) If an adverse impact of the proposed activity on integrity of the area of protected area system is proved from the point of view of the goals of its protection based on the result of impact assessment, and if there are no alternative solutions with no adverse impact, or if such alternative solutions do not have any smaller adverse impact, then the proposed activity may be approved for urgent reasons of higher public interest only, provided that compensation measures are imposed under a separate regulation. 18a) If any priority biotopes or priority species occur in the particular area, the proposed activity may be approved only for such urgent reasons of higher public interest that apply to public health, public security or favourable environmental consequences of significant importance, or if, according to the statement of the European Commission, it is connected to other urgent reasons of higher public interest.”.

13. In annexes the word “continuous” shall be omitted in all forms.

Art.V

This Act shall come in effect on 1 May 2010.

Ivan Gašparovič, m.p.

Pavol Paška, m.p.

Róbert Fico, m.p.

