

A C T

No. 287

of 19 June 2009

amending and supplementing Act No. 24/2006 Coll. on environmental impact assessment as amended by later regulations

The National Council of the Slovak Republic has resolved on the following Act:

Article I

Act No. 24/2006 Coll. on environmental impact assessment and on amending and supplementing certain Acts, as amended by Act No. 275/2007 Coll. and by Act No. 454/2007 Coll. shall be amended and supplemented as follows below:

1. In Article 3, Letter e) shall be followed by the new Letter f), worded as follows:

“f) The proponent is an individual or a legal entity who intends performing an activity that could be subject to assessing the influences pursuant to this Act,”.

The current Letters f) through o) shall be designated Letters g) through p).

2. Article 18 shall be worded as follows:

“Article 18

(1) The subject matter of assessing influences is the proposed activities specified in Annex No. 8.

(2) Change of the proposed activity specified in Annex No. 8 is the subject matter of obligatory assessing of influences if, in consequence of that activity, the threshold values specified in Annex No. 8, Part A, are attained or exceeded.

(3) Change of the proposed activity specified in Annex No. 8 is the subject matter of the ascertaining procedure pursuant to Article 29 if, in consequence of that activity, any of the values specified in Annex No. 8, Part B is attained.

(4) The subject matter of obligatory assessing of influences is, additionally to the change of the proposed activity specified in Paragraph 2, each change of the proposed activity specified in Annex No. 8, Part A, if the competent authority issued the statement that such change may exert substantial unfavourable influence upon the environment.

(5) The subject matter of the ascertaining procedure is, additionally to the change of the proposed activity specified in Paragraph 3, each change of the proposed activity specified in Annex No. 8, Part B, if the competent authority issued the statement that such change may exert substantial unfavourable influence upon the environment.

(6) The competent authority shall issue a statement pursuant to Paragraphs 4 and 5 within 15 days from delivery of the complete notice of change of the proposed activity, elaborated in compliance with Annex No. 8a, and shall, within seven days from issuance of the statement, publish that statement in the complex information system for assessing influences upon the environment.

(7) The proponent shall deliver the notice of change of the proposed activity specified in Paragraphs 4 and 5 in a written form and on an electronic data carrier to the competent authority before commencement of the activity licensing proceedings under separate legislation²⁾.

(8) The competent authority may request supplementary information from the proponent about the change of the proposed activity, which is inevitable for the issuance of a statement pursuant to Paragraphs 4 and 5.

(9) When the notice of change of the proposed activity fails to include the necessary elements pursuant to Annex No. 8a, the competent authority shall return it within seven days from its delivery to the proponent for supplementing, and determine the scope of such supplementing.

(10) The Ministry shall, within proceedings held pursuant to Article 20, determine whether the proposed activity or its change is also the subject matter of assessing of the influences, even when not specified in Annex No. 8.

(11) The Ministry shall, within proceedings held pursuant to Article 20, determine whether the proposed activity or its change is also the subject matter of assessing of the influences, even when failing to attain the threshold values specified in Annex No. 8.

(12) The proponent intending to perform an activity not specified in Annex No. 8 in a territory protected under separate legislation²⁰⁾ shall apply to the state authority for the protection of nature and landscape²¹⁾ for an expert statement on whether that activity is considered an invasion into the territory that could cause substantial changes in the biological diversity, structure and function of ecosystems. When the state authority for the protection of nature and landscape issues an expert statement that that activity is considered an invasion into the territory that could cause substantial changes in the biological diversity, structure and function of ecosystems, then that activity is the subject matter of assessing the influences pursuant to Articles 30 through 39.

(13) When there are several proposed activities in an operational or spatial relation, their assessing of influences may be jointly executed.”.

3. In Article 20, Paragraphs 1 and 2 the words “Article 18, Paragraph 4” shall be superseded with the words “Article 10, Paragraphs 10 and 11”.

4. Article 21 shall be deleted.

5. In Article 26, first sentence, the words “participating person²⁵⁾” shall be superseded with the words “participants in proceedings²⁵⁾” and the words “unless it ensues from separate legislation that he is a participant in proceedings” shall be deleted.

The footnote ²⁵⁾ shall be worded as follows:

“²⁵⁾ Article 14, Paragraph 2 of Act No. 71/1967 (Digest) on administrative proceedings (Code of Administrative Procedure), as amended by Act No. 5276/2003 Coll.”.

6. In Article 26, the second sentence shall continue with a new third sentence, worded as follows: “Such association shall, for the purposes of this Act, be deemed a subject whose right to a favourable environment may be affected by the decision.”.

7. In Article 27, first sentence, the words “participating person, unless it ensues from separate legislation that he is a participant” shall be superseded with the word “participant”.

8. In Article 27, the first sentence shall continue with a new second sentence, worded as follows: “Such nongovernmental organization shall be deemed a subject whose right to a favourable environment may be affected by the decision.”.

9. Article 27a shall be deleted.

10. In Article 29, Paragraph 1 the words “Article 18, Paragraph 3” shall be superseded with the words “Article 18, Paragraphs 3 and 5”.

11. In Article 30, Paragraph 1 the semicolon shall be replaced with a comma and the words “in cases where an ascertaining procedure has been carried out, within 15 days from issuance of the decision pursuant to Article 18, Paragraph 5” shall be superseded with the words within 15 days from issuance of the statement pursuant to Article 18, Paragraph 4, expert statement pursuant to Article 18, Paragraph 12, or issuance of a decision pursuant to Article 20, Paragraph 6”.

12. In Article 30, Paragraph 2, Letter c) the words “Article 18, Paragraph 6” shall be superseded with the words “Article 18, Paragraph 13”.

13. In Article 38, Paragraph 5 the part of the sentence after the semicolon shall be deleted, and the semicolon shall be replaced with a full stop.

14. Article 38 shall be supplemented with Paragraph 6, worded as follows:

“(6) The licensing authority shall, without undue delay, render publicly accessible^{35a)} the content of the decision and the conditions shown therein, the main reasons which the decision has been based on, including information about participation of the public and the main measures toward prevention, reduction and, when possible, compensation of substantial unfavourable influences of the proposed activity or its change.”.

The footnote ^{35a)} shall be worded as follows:

“35a) Article 16 of Act No. 211/2000 Coll. on free access to information and on amending and supplementing certain Acts (Freedom of Information Act), as amended by Act No. 207/2008 Coll.”.

15. In Article 41, Paragraph 4 shall be deleted.

The current Paragraph 5 shall be designated Paragraph 4.

16. In Article 54, Paragraph 2, Letter d) shall be supplemented with the new Letters e) and f), worded as follows:

“e) Issues the statement pursuant to Article 18, Paragraph 4,

f) Determines the Regional Office which is the competent authority for the issuance of the statement pursuant to Article 18, Paragraph 5, when the proposed activity is located on the territories of more than one region,”.

The current Letters e) through t) shall be designated Letters g) through v).

17. In Article 54, Paragraph 2, Letter g) the words “Article 18, Paragraph 4” shall be superseded with the words “Article 18, Paragraphs 10 and 11”.

18. In Article 54, Paragraph 2, Letter s) the words “Article 18, Paragraph 6” shall be superseded with the words “Article 18, Paragraph 13”.

19. In Article 55, Letter c) shall be supplemented with the new Letter d), worded as follows:

“d) Provides for assessing the proposed activities pursuant to Article 18, Paragraph 12,”.

The current Letters d) through k) shall be designated Letters e) through l).

20. In Article 55, Letter e) the words “competent authority for” shall be supplemented with the words “the issuance of a statement pursuant to Article 18, Paragraph 5 and, in the case of assessing the influences, determines, which District Office is the competent authority for”.

21. In Article 55, Letter g) shall be supplemented with the new Letter h), worded as follows:

“h) Issues the statement pursuant to Article 18, Paragraph 5 in cases according to Article 54, Paragraph 2, Letter f),”.

The current Letters h) through l) shall be designated Letters i) through m).

22. In Article 56, Letter d) shall be supplemented with the new Letter e), worded as follows:

“e) Issues the statement pursuant to Article 18, Paragraph 5,”.

The current Letters e) through h) shall be designated Letters f) through i).

23. Article 65 shall be supplemented with Article 65a, worded as follows:

“Article 65a
Transient Measure
Effective from 1 September 2009

Proceedings on the licensing of activities, commenced before 1 September 2009 shall be concluded in compliance with regulations effective until 31 August 2009.”.

24. Annex 8 shall be supplemented with the new Annex 8a, worded as follows:

“Annex 8a to the Act No. 24/2006 Coll.