

A C T
No. 145

of 9 March 2010,

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

The National Council of the Slovak Republic has adopted this Act:

Section I

The Act 24/2006 on environmental impact assessment and amending some other Acts as amended by the Act 275/2007, by the Act 454/2007, by the Act 287/2009 and by the Act .../2010 shall be amended as follows:

1. Article 24 reads:

„Article 24

The public concerned is the public which is or may be interested in environmental decision-making procedures. The public concerned includes first of all:

- a) natural person pursuant to Article 24a,
- b) legal entity,
- c) civic initiative pursuant to Article 25,
- d) civic association promoting environmental protection pursuant to Article 26,
- e) organisation promoting environmental protection founded in accordance with specific legal instruments ²⁴⁾ (hereinafter referred to as „non-governmental organisation promoting environmental protection“) pursuant to Article 27.“.

2. Article 24 is followed by Article 24a which reads:

„Article 24a

(1) A natural person older than 18 years, who submits a written position pursuant to Article 23, paragraph 4; Article 30, paragraph 5; or Article 35, paragraph 3, showing the natural person's interest in a decision, holds a position of an administrative procedure stakeholder²⁵⁾ in a subsequent decision-making procedure pursuant to a specific legal instrument²⁾.

(2) If at least 250 natural persons submit an identical written position pursuant to paragraph 1, such natural persons are considered to be a civic initiative pursuant to Article 25; the natural person who is the first in delivering the written position is the plenipotentiary of the civic initiative.“.

3. Articles 25 to 27 read:

„Article 25

(1) A civic initiative means natural persons older than 18 years who sign a common position to a proposed activity assessed in accordance with this Act.

(2) A civic association proves its identity by a signature deed which contains name, surname, permanent address, year of birth and signature of persons supporting the common position. The signature deed with a position pursuant to Article 23, paragraph 4; Article 30, paragraph 5; or Article 35, paragraph 3, shall be delivered by the civic initiative to the competent authority. Such a civic initiative is an administrative procedure stakeholder²⁵⁾ in subsequent decision-making pursuant to a specific legal instrument²⁾. The civic initiative is considered to be a public concerned whose right to a favourable environment may be affected by the development consent.

(3) A natural person listed as a plenipotentiary in the signature deed is a plenipotentiary of the civic initiative authorised to act and receive written documents on behalf of the civic initiative. If such information is missing or is unclear, the plenipotentiary of the civic initiative is a person ranked in the signature deed on the first position. The plenipotentiary can designate in writing his/her deputy who represents him/her in the extent of the empowerment.

(4) On the basis of a written statement delivered to the competent authority the plenipotentiary can be replaced with another natural person. This statement must be signed by a majority of members of the civic initiative. The same procedure applies in case of resignation of the plenipotentiary of the civic initiative.

Article 26

If, pursuant to a specific legal instrument^{24a)}, natural persons found a civic association in order to support the position of the civic initiative or directly for the purpose of environmental protection and submit a written position pursuant to Article 23, paragraph 4; Article 30, paragraph 5; or Article 35, paragraph 3, such a civic association is an administrative procedure stakeholder²⁵⁾ in subsequent decision-making procedure pursuant to a specific legal instrument²⁾. The civic association shall submit the signature deed, which contains name, surname, permanent address, date of birth and signature of persons supporting the common position, and a document on registration of the civic association to the licensing body not later than the day of submission of the written position. Such an association is for the purposes of this Act considered to be a public concerned whose rights to a favourable environment may be affected by the development consent.

Article 27

A non-governmental organisation supporting the environmental protection and submitting a written position to the proposed activity pursuant to Article 23, paragraph 4; Article 30, paragraph 5; or Article 35, paragraph 3, is an administrative procedure stakeholder²⁵⁾ in subsequent decision-making procedure pursuant to a specific legal instrument²⁾. Such a non-governmental organisation is considered to be a public concerned whose rights to a favourable environment may be affected by the development consent. The non-governmental organisation supporting the environmental protection shall submit a document on registration to a competent authority and to a licensing authority together with submission of a written position to the proposed activity.“.

Footnote 24a reads:

„24a) The Act 83/1990 as amended.“.

Footnotes 26 to 34a shall be deleted.

Section II

The Act 50/1976 on territorial planning and construction (Building Code) as amended by the Act of the Slovak National Council 139/1982, by the Act 103/1990, by the Act 262/1992, by the Act of the National Council of the Slovak Republic 136/1995, by the Act of the National Council of the Slovak Republic 199/1995, by the decision of the Constitutional Court of the Slovak Republic 286/1996, by the Act 229/1997, by the Act 175/1999, by the Act 237/2000, by the Act 416/2001, by the Act 553/2001, by the decision of the Constitutional Court of the Slovak Republic 217/2002, by the Act 103/2003, by the Act 245/2003, by the Act 417/2003, by the Act 608/2003, by the Act 541/2004, by the Act 290/2005, by the Act 479/2005, by the Act 24/2006, by the Act 218/2007, by the Act 540/2008, by the Act 66/2009, by the Act 513/2009 and by the Act .../2010 shall be amended as follows:

1. In Article 34, paragraph 1 and in Article 59, paragraph 1c) the words „specific legal instruments”^{1g)}“ shall be replaced with the words “specific legal instrument^{1g)}“.

Footnote 1g reads as follows:

„1g) Articles 24 to 27 of the Act 24/2006 as amended.“.

2. In Article 42, paragraph 2 is followed by a new paragraph 3 which reads:

„(3) Territorial decision on location of a construction of a nuclear facility or premises of special importance and other important structures^{1ia)} shall be delivered to administrative procedure stakeholders pursuant to a specific legal instrument^{1g)} by means of a public notice. Delivery shall be carried out by publication of a territorial decision for a period of 15 days in a locally usual way. The last day of this period is a day of delivery.“.

Footnote 1ia reads:

„1ia) Article 27 of the Act 319/2002 on the defence of the Slovak Republic as amended by the Act 330/2003“.

The current paragraphs 3 and 4 shall be marked as paragraphs 4 and 5.

3. In Article 61, paragraph 4 is followed by a new paragraph 5 which reads:

„(5) In case of construction of a nuclear facility or premises of special importance and other important structures^{1ia)} the licensing authority shall notify the stakeholders of the beginning of a building licensing procedure by means of a public notice at least 15 days before local investigation or oral proceedings and, if oral proceedings are not held, before expiry of the period referred to in paragraph 3.“.

The current paragraph 5 shall be marked as paragraph 6.

4. Article 125 is amended by a paragraph 5 which reads:

„(5) The licensing authority shall reject to make available the information pursuant to a specific legal instrument^{12aa)} to the administrative procedure stakeholders pursuant to a specific legal instrument^{1g)} if publishing this information could adversely affect the safety of the public.^{12ab)}“.

Footnotes 12aa a 12ab read as follows:

„^{12aa)} Article 11, paragraph 1h of the Act 211/2000 on free access to information and amending some other Acts (Information Act) as amended by the Act .../2010.

^{12ab)} Section 4, paragraph 4 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Notification of the Ministry of Foreign Affairs of the Slovak Republic 43/2006).“.

Section III

The Act of the Slovak National Council 51/1988 on mining activity, explosives and state mining administration as amended by the Act of the Slovak National Council 499/1991, by the Act of the National Council of the Slovak Republic 154/1995, by the Act 58/1998, by the Act 533/2004, by the Act 577/2007 and by the Act 292/2009 shall be amended as follows:

In Article 18, paragraph 1, the word „affected“ is followed by the words „natural person or legal entity for which this position is determined by a specific legal instrument^{12d)}“.

Footnote 12d reads:

„12d) Articles 24 to 27 of the Act 24/2006 as amended.“.

Section IV

The Act 211/2000 on free access to information and amending some other Acts (Information Act) as amended by the Act 747/2004, by the Act 628/2005, by the Act 207/2008 and by the Act 477/2008 shall be amended as follows:

In Article 11, paragraph 1 is followed by a letter h) which reads:

„h) it is a documentation which contains information, publication of which could be used to plan and carry out activities focused on the damaging or destruction of a nuclear facility or premises of special importance and other important structures pursuant to specific legal instruments.^{24c)}“.

Footnote 24c reads:

„^{24c)} E.g. Article 27 of the Act 319/2002 on the defence of the Slovak Republic as amended by the Act 330/2003; Article 3, paragraph 14 and Annexes 1 and 2 to the Act 541/2004 on peaceful use of nuclear energy (Atomic Act) and amending some other Acts as amended by the Act .../2010 Z. z.“.

Section V

The Act 543/2002 on nature and landscape protection as amended by the Act 525/2003, by the Act 205/2004, by the Act 364/2004, by the Act 587/2004, by the Act 15/2005, by the Act 479/2005, by the Act 24/2006, by the Act 359/2007, by the Act 454/2007, by the Act 515/2008 and by the Act .../2010 shall be amended as follows:

Article 82, paragraph 3 reads:

„(3) Only the applicant is a stakeholder in the administrative procedure concerning the granting of consent or exemption in cases referred to in paragraph 2, unless specified otherwise by this Act. The stakeholder in administrative procedure concerning the granting of consent to found a ZOO is also a municipality on a territory of which the ZOO is or should be located. The stakeholder in administrative procedure pursuant to this Act is also a natural person or legal entity for which this position is determined by a specific legal instrument.^{113a)} A legal subjectivity association¹¹⁴⁾ focused on nature and landscape protection (Article 2, paragraph 1), which notifies in writing of its intention to be involved in administrative procedure pursuant to this Act not later than within seven days of the notification pursuant to paragraph 7, is a participating person^{114a)} provided that it is not an administrative procedure stakeholder according to the third sentence.“

Footnote 113a reads:

„113a) Articles 24 to 27 of the Act 24/2006 on environmental impact assessment and amending some other Acts as amended.“

Section VI

The Act 223/2001 on wastes and amending some other Acts as amended by the Act 553/2001, by the Act 96/2002, by the Act 261/2002, by the Act 393/2002, by the Act 529/2002, by the Act 188/2003, by the Act. 245/2003, by the Act 525/2003, by the Act 24/2004, by the Act 443/2004, by the Act 587/2004, by the Act 733/2004, by the Act 479/2005, by the Act 532/2005, by the Act 571/2005, by the Act 127/2006, by the Act 514/2008, by the Act 515/2008, by the Act 519/2008, by the Act 160/2009, by the Act 386/2009, and by the Act .../2010 shall be amended as follows:

Article 22 shall be amended by paragraph 17 which reads:

„(17) Before putting the waste landfill into operation the waste landfill operator is obliged to deposit a part of purpose financial reserve in the amount of at least 5 % of budget costs for establishment of the waste landfill; the real sum shall be specified by a competent body of a state administration in waste management in development consent for waste landfill operation.“

Section VII

The Act 541/2004 on peaceful use of nuclear energy (Atomic Act) and amending some other Acts as amended by the Act 238/2006, by the Act 21/2007, by the Act 94/2007, by the Act 335/2007, by the Act 408/2008 and by the Act .../2010 shall be amended as follows:

1. Article 3 shall be amended by a paragraph 14 which reads:

„(14) Documentation referred to in Annexes 1 and 2 is considered to be a documentation containing information publication of which could be used to plan and carry out activities focused on the damaging or destruction of a nuclear facility or premises of special importance and other important structures^{3b)} and so to adversely affect the safety of the public.^{3c)} Such a documentation shall not be published pursuant to a specific legal instrument.^{3d)}“.

Footnotes 3b to 3d) read:

„3b) Article 27 of the Act 319/2002 on the defence of the Slovak Republic as amended by the Act 330/2003.

3c) Section 4, paragraph 4 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Notification of the Ministry of Foreign Affairs of the Slovak Republic 43/2006).

3d) Article 11, paragraph 1h of the Act 211/2000 on free access to information and amending some other Acts (Information Act) as amended by the Act .../2010 Z. z.“.

2. In Article 8, paragraph 4, the third sentence reads: „The stakeholder in the administrative procedure concerning the granting of a consent which was preceded by environmental impact assessment procedure pursuant to a specific legal instrument ^{11a)} is also a natural person or legal entity for which this position is determined by a specific legal instrument.^{11b)}“ and this sentence shall be followed by the sentence: „The authority shall reject to make available the information pursuant to a specific legal instrument^{3d)} to these administrative procedure stakeholders if publishing this information could adversely affect the safety of the public.^{3c)}“.

3. Article 8 shall be amended by paragraph 10 which reads:

„(10) The authority shall deliver a decision on the granting of a consent to the administrative procedure stakeholders pursuant to a specific legal instrument ^{11b)} by means of a public notice“.

Footnotes 11a and 11b read:

„11a) The Act 24/2006 as amended.

11b) Articles 24 to 27 of the Act 24/2006 as amended.“.

Section VIII

The Act 569/2007 on geological works (Geological Act) as amended by the Act 515/2008, by the Act 384/2009 and by the Act .../2010 shall be amended as follows:

In Article 23, paragraph 9, the following words shall be added at the end of the paragraph: „and a natural person or a legal entity for which this position is determined by a specific legal instrument.^{25a)}“.

Footnote 25a reads:

„25a) Articles 24 to 27 of the Act 24/2006 on environmental impact assessment and amending some other Acts as amended.“.

Section IX

This Act shall enter into force on 1 May 2010.

The President of the Slovak Republic

The Chair of the National Council of the Slovak Republic

The Prime Minister of the Government of the Slovak Republic