

**FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT
CERTIFICATION SHEET**

The following report is submitted on behalf of the Slovak Republic in accordance with decision I/8 and II/10

Name of officer responsible for submitting the national report:	Mgr. Branislav Ujvári Head of the Legal Services and Appeals Department Ministry of the Environment of the Slovak Republic branislav.ujvari@enviro.gov.sk
Signature:	
Date:	27 May 2011

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

Party	Slovak Republic
National Focal Point	
Full name of the institution:	Ministry of the Environment of the Slovak Republic Legal Services and Appeals Department
Name and title of officer:	Mgr. Tatiana Plesníková
Postal address:	Nám. Ľ. Štúra 1, 812 35 Bratislava
Telephone:	+421 2 5956 2436
Fax:	+421 2 5956 2031
E-mail:	tatiana.plesnikova@enviro.gov.sk
Contact officer for legal consulting:	JUDr. Tatiana Tökölyová Ministry of the Environment of the Slovak Republic Legal Services and Appeals Department tatiana.tokolyova@enviro.gov.sk

I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

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

Answer:

The report has been prepared by the Ministry of Environment of the Slovak Republic in cooperation with special branch organizations, environmental regional offices, state administration central bodies, and non-governmental organizations that provided updated documentation from the point of view of their competence where such a documentation was necessary to prepare the report being submitted. The relevant comments were incorporated upon consultations with the entities addressed.

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 a 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 report being submitted is the Slovak Republic second report. The first national report was used as a baseline material that was completed by updated data upon documentation of concerned entities addressed. The cooperation with state administration central bodies, environmental regional offices, special environmental institutions, and non-governmental organizations is necessary to ensure successful fulfilment of the Aarhus Convention commitments and evaluation of its implementation progress.

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 PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

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

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

Answer:

Re subparagraph a)

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

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

Re subparagraph b)

The environmental education is based on the concept adopted by the Slovak Government Resolution No. 846 in 1997. The measures intended to increase the environmental education efficiency include in particular its integration in the curricula of elementary and secondary schools (environmental minimum). The environmental education issues were incorporated in the curricula of all grades of elementary and secondary schools in Slovakia. Special methodical events, seminars, lectures, and field trips are organized for teachers/pedagogic staff. Moreover, methodical materials, publications, teaching aids are issued. MoE in cooperation with its branch (department) organizations and NGOs implements projects not only in the area of school education but as well as in the area of

out-of-school activities. Furthermore, a media campaign program has been elaborated to protect environment focused on all categories of citizens. Annually the Report on the Slovak Republic environment is issued; the report provides information on the Slovak Republic environmental situation to the UN and EU organizations. The specific workshops on the Aarhus Convention issues took place in 2005 when Slovakia was accessing to the Convention. The workshops for public were organized by MoE in cooperation with the Regional Environmental Centre of Slovakia (REC Slovensko), for branch organizations and self-government in cooperation with the Slovak Environment Agency (SAŽP) acting in the branch as the main educational institution that actively prepares and provides the fulfilment of the environment branch goal – to increase the environmental awareness of population in Slovakia. It is intended in particular to ensure informal environmental education of general public, lifelong learning of special public, and organization of regional, national, and international events. In the years of 2008 to 2010 the Slovak Museum of Nature Protection and Speleology (SMOPaJ) performed the NATURA 2000 project in lifelong learning. Within the project lectures were held at elementary and secondary schools on various topics in the area of NATURA 2000, publications on national parks, protected landscape areas and protected trees in Slovakia were issued.

Within the promotion of issues of territorial and species protection in connection to the European system of protected areas NATURA 2000 the Slovak Museum of Nature Protection and Speleology organized three cycles of methodical days for teachers of elementary and secondary schools in elected locations – areas of European significance (ÚEV) and protected bird areas (CHVÚ) that are part of NATURA 2000 as well as in the protected areas of the Slovak Republic national system.

Re subparagraph c)

The Slovak Government Program Declaration for the period of 2010 to 2014 adopted in August 2010 specifies that the Government will amend the legislation so that it ensures participation of the public in the decision-making process regarding environment issues in terms of the Aarhus Convention. Space will be created for efficient communication between the Government, public sector, and non-governmental organizations to be covered by the Government representative for civil society.

Civil associations are legally based on the following regulations:

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

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

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

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

Re subparagraph d)

The participation of public in the environmental decision-making process is applied in accordance with the provisions and in terms of the Act No. 211/2000 Coll. on free access to information and Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts. In practice, the Slovak Republic applies the Aarhus Convention principles, e.g. within OECD, by participation of NGOs in international negotiations with OECD experts regarding the preparation of the first and second reviews of the Slovak Republic environmental performance (Environmental Performance Review). The representative of the Nuclear Regulatory Authority of the Slovak Republic (ÚJD SR) is a

member of the “Steering Committee” whose creation was initiated by EC (DG TREN) and the French association of local information commissions ANCLI in cooperation with the ENEF Group and the French Ministry of Ecology to coordinate activities to the practical implementation of the Aarhus Convention. Within the activities mentioned there are workshops held on the Aarhus Convention practical implementation and on the Aarhus Convention implementation principles in the area of nuclear energy use in the individual EU countries at the EU level attended by the representatives of state organizations, parties involved, and NGOs; round tables are supposed to be held at the national level in the individual EU countries.

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

The MoE organizational units staff responsible for the Aarhus Convention agenda closely cooperate within internal consultations when implementing the Council Directive No. 96/61/EC on integrated pollution prevention and control, the European Parliament and Council Regulation (EC) No. 166/2006/EC on establishment of a European Pollutant Release and Transfer Register, the European Parliament and Council Regulation (EC) No. 1049/2001 on public access to the European Parliament, Council, and Commission documents, the European Parliament and Council Directive No. 2003/4/EC on public access to environmental information, the European Parliament and Council Directive No. 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to environment, and the Council Decision No. 2005/370/EC on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters.

Re subparagraph e)

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

In the Slovak Republic there have never been cases where persons exercising their rights would be punished, penalized, or otherwise molested. However, sometimes members of civil associations are labelled by investors publicly and in media as persons making obstructions and unreasonably blocking the building activities and development merely because they exercise their constitutional rights.

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:

The environmental offices are sometimes understaffed, and therefore it is not possible to solve this issue in the requested extent. Another obstacle is lack of resources necessary for education (e.g. for seminars, special conferences, international meetings, publications).

The quality of education, research, and development should be improved. To prepare persons capable of having creative management to execute the state administration. It is discipline where it is necessary to learn how to work with people and for the people, and, at the same time, to prepare them for management of people within the respective competence to the current complex dynamic systems.

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:

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

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

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

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web site addresses, if available:

www.enviro.gov.sk

www.enviroportal.sk

www.opzp.sk

www.sazp.sk

www.sizp.sk

www.sop.sk

www.vuvh.sk

www.shmu.sk

www.svp.sk

www.geology.sk

www.envirofond.sk

www.repis.sk; www.ba.kuzp.sk; www.tt.kuzp.sk; www.nr.kuzp.sk;

www.po.kuzp.sk; www.tn.kuzp.sk; www.bb.kuzp.sk;

www.za.kuzp.sk; www.ke.kuzp.sk;

**VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES
IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL
INFORMATION IN ARTICLE 4**

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

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

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

Answer:

The implementation of Article 4 of the Convention is ensured in particular by the Act No. 211/2000 Coll. on free access to information and on amendment of some acts. Article 3 paragraph 9 is guaranteed for the Slovak citizens by the Slovak Republic Constitution.

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

Article 4 of the Convention has been reflected also in the following legal regulations:
Act No. 17/1992 Coll. on environment as amended posterior;
Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information as amended posterior;
MoE Directive No. 1/2005-1.5. on process of making environmental information accessible
MoE Regulation No. 411/2007 Coll.;
Minister of Environment Instruction No. 3/2005- 1.7;
Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts;
Act No. 215/2004 Coll. on protection of classified facts and on amendment of some acts;
Act No. 428/2002 Coll. on personal data protection as amended posterior;
Act No. 513/1991 Coll. Commercial Code as amended posterior;
Act No. 40/1964 Coll. Civil Code as amended posterior;
Act No. 71/1967 Coll. on administrative proceeding as amended posterior;
Act No. 25/2006 Coll. on public procurement and on amendment of some acts.

Re subparagraph a) Access to information is regulated by the Act No. 211/2000 Coll. on free access to information and on amendment of some acts (Act on information freedom).

(i)

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

(ii)

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

(iii)

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

Re subparagraph b)

Pursuant to § 17 paragraph 1 of the Act No. 211/2000 Coll. on free access to information the application for making information accessible shall be processed by the obliged person without delay, not later than within eight working days from the day of submitting the application or from the day of eliminating the shortcomings in the application unless otherwise stipulated by this Act. In case the obliged person fails to meet the requirements of making the information accessible within the 8-day period, it is considered an administrative offence that may be sanctioned up to the amount of EUR 1,690 (SKK 50,000).

Re subparagraph c)

(i)

§ 8 to 12 of the Act No. 211/2000 Coll. on free access to information specifying the

limitations of access to information (e.g. protection of classified facts, protection of personality and personal data, business secret protection, and other specific requirements of the limitation) as well as requirements of this limitation.

(ii)

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

Re subparagraph d)

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

Re subparagraph e)

All limitations of the right to information shall be performed by the obliged person in terms of § 12 of the Act No. 211/2000 Coll. on free access to information so that he/she shall make the information requested available including accompanying information after having excluded information as requested by the Act. The power to reject to make information available shall last until there is still a reason for making the information not accessible.

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

Re subparagraph f)

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

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

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

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

Re subparagraph g)

Pursuant to § 21 of the Act on information freedom the information shall be made available free of charge except for a payment in the amount that cannot exceed the sum of material cost connected to the production of copies, the provision of technical data media (carriers), and the delivery of

Information to the applicant. The obliged person may remit the payment.

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

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

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

Answer:

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

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

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

Answer:

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

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

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web site addresses, if available:

<http://www.vlada.gov.sk>

www.enviroportal.sk

www.enviro.gov.sk

www.sazp.sk; www.sizp.sk; www.sop.sk; www.vuvh.sk; www.shmu.sk; www.svp.sk

www.geology.sk; www.envirofond.sk; www.repis.sk

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 the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information in terms of the Act No. 4/2010 Coll. and the MoE Regulation No. 448/2010 Coll. executing the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and on amendment of some acts as amended posterior. This new regulation repeals the MoE Regulation No. 411/2007 Coll. In accordance with this

provision the Slovak Republic acceded the Protocol on registers of pollutant release and transfer registers (PRTR) on 1 April 2008. (approved by the National Council of the Slovak Republic by its Resolution No. 688 of 11 December 2007; the charter on accession signed by the Slovak President on 29 February 2008).

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

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

Pursuant to the Act No. 137/2010 Coll. the compulsory publication of applications for permitting the building of a waste incinerator plant and a plant co-incinerating the waste through the respective municipality, the compulsory publication of consent of the OO authority to the building of a waste incinerator plant and a permission of further operation – through the Internet for 60 days.

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

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

Pursuant to the Act No. 543/2002 Coll. (Act on nature and landscape protection) making (publication) the information on the intention to declare the protected area to the public through the municipality available.

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

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

Upon the provisions of “§ 29 Register of waters” the basic register of state of waters, rights and obligations of legal entities in treating the waters and in their protection. The register of waters is available to public. The particularities on the approach to the register of water are mentioned in the Regulation No. 221/2005 Coll. specifying the particularities on detection of existence and evaluation of the state of surface waters and ground waters, their monitoring, keeping the register of waters, and on water balance.

Re subparagraph a)

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

The Regional Environment Offices annually publish information on the air quality and proportion of the individual air pollution sources in its pollution for their

territorial district. In order to achieve a good air quality in the given time the regional environment office shall specify measures to improve the air quality in the areas of the air quality management and an integrated program. In the location of its domicile the regional environment office shall publish in the usual way (on the office board/table, the office website, etc.) for the period of 30 days information on elaboration of a draft program and information on where it is possible to inspect the draft program so that the public of the affected location can become familiar with it. The public has a right to submit its comments in writing within 30 days. The regional environment office shall publicly discuss the draft program and take into account the comments in writing or comments submitted at a public negotiation or discussion at the latest when elaborating the program. The regional environment office shall issue the program by publishing it at its website. At the same time, it shall publish information on reasons for adopting the program and information on the participation of public in its preparation.

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

(ii)

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

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

(iii)

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

The process of informing the public on serious industrial accident is specified by special regulations. For cases where the increased ozone concentration could result in a smog situation, an ozone smog warning system is created. The role of a control centre shall be performed by an institution (SHMÚ – Slovak Hydrometeorology Institute) that is supposed to acquire, process, and issue information, forecasts, and

signals of attention and warning. The entrusted organization shall provide information on the level of concentrations measured and forecasts of the air pollution level daily during the ozone smog situation through mass information media.

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

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

Re subparagraph b)

In 1996 MoE prepared the Department Information System Concept (KRIS) analyzing the task of the environment department (sector), specifying the basic structure of information systems, and determined the responsibility for its building. It specified three levels:

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

The information system of environment is free available at the website www.enviroportal.sk

Re subparagraph c)

In terms of § 4 paragraph 2 subparagraph b) of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information in terms of the Act No. 4/2010 Coll. the obliged persons are obliged to make any proper effort to ensure that the environmental information, which they own or which is owned by obliged persons controlled or managed by them, is collected and stored in the form easily reproducible and available to the widest range of persons interested possible, in particular through public electronic communication networks, mainly through the Internet, and that such information is updated, accurate, and comparable if possible. The Slovak Museum of Nature Protection and Speleology (SMOPaJ) in cooperation with SAŽP actively publishes information on protected areas and protected trees from the database of the state list of special protected parts of nature and landscape.

The state (national) list is pursuant to § 51, paragraph 7 of the Act No. 543/2002 Coll. on nature and landscape protection available to public.

The basic data from the database of protected areas (CHÚ) and protected trees (CHS) is available to public through Internet applications at websites <http://uzemia.enviroportal.sk> and <http://stromy.enviroportal.sk>.

Re subparagraph d)

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

Pursuant to § 7 paragraph 1 of the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information the obliged persons are obliged to disseminate environmental information they own.

Re subparagraph e)

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

Re subparagraph f)

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

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

In accordance with § 15 paragraph 1 subparagraph p) of the Act on air the operators of incinerators having a capacity of 2 and more tons of waste being incinerated per 1 hour shall annually elaborate a report on operation and control of the incineration plant and submit it to the district environment office. The district environment office shall produce information on all incineration plants in its territory and annually publish it in the usual way.

Re subparagraph g)

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

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

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

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

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

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

Re subparagraph h)

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

In terms of § 15 of the Act No. 469/2002 Coll. on environmental marking (labelling) of products MoE shall ensure that the public has the possibility to express its opinion on the determination of group of products as well as on the proposal of special conditions for granting the national environmental mark. In the MoE Bulletin the ministry regularly publishes a list of products that were granted the environmental mark and uses other forms of active process of informing the public on the system of environmental marking of products.

Re subparagraph i)

By approving the Act No. 4/2010 Coll. amending the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information, the National Pollutant Release and Transfer Register outside of the plant location was established as the public administration information system on the platform of the European Pollution Register (in terms of the European Parliament and Council Regulation No. 166/2006).

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

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

Answer:

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

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

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

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

Answer:

Units responsible for communication with public have been created at all bodies of state administration and self-government that keep a registration book of received and processed applications for provision of information which are annually statistically evaluated. In accordance with the Act No. 245/2003 Coll. on integrated prevention and control of environment pollution an Integrated Register of Information System (IRIS) was established at SMHÚ as part of the Integrated Prevention Information System containing data and information on operators and plants falling under the scope of this Act.

In accordance with the Act No. 478/2002 Coll. on air protection and the MoE Regulation No. 61/2004 Coll. in terms of the amendment of the Act No. 137/2010 Coll. on air and the Ministry of Agriculture, Environment, and Regional Development Regulation No. 357/2010 Coll. stipulating requirements for keeping an operating register and the range of other data on stationary sources the National Emission Information System was established which contains data and information on large and medium-sized stationary sources of air pollution. New registration of fluorine-based greenhouse gases was introduced pursuant to the Act No. 286/2009 Coll.

In accordance with the Act No. 364/2004 Coll. on waters and the MoE Regulation No. 221/2005 coll. specifying particularities on identification of existence and evaluation of the state of ground and surface waters, their monitoring, registration the Summary Registration of Waters was established at SHMÚ which contains selected data and information divided as follows:

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

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

In accordance with the Act No. 205/2004 Coll. on collection, storage, and dissemination of environmental information and the MoE Regulation No. 411/2007 Coll. as amended posterior executing this Act SHMÚ is entrusted 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.

Information on protected areas of the national network is part of the State List of protected area (www.sopsr.sk or www.enviroportal.sk). Moreover, lists of protected areas of the NATURA 2000 European network and protected trees are available and published at the respective website,

- charters (information) that are part of the “nature protection documentation” is publicly available (§ 54 paragraph 21 of the Act on nature and landscape protection).*

XIV.**WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**

Give relevant web site addresses, if available:

www.enviportal.sk

www.enviro.gov.sk

www.vuvh.sk, www.shmu.sk, www.svp.sk, www.sazp.sk; www.sopsr.sk

<http://uzemia.enviportal.sk> a <http://stromy.enviportal.sk>.

http://www.air.sk/neiscu/main_gui.php

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 an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;

c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3;

d) With respect to paragraph 4, measures taken to ensure that there is early public participation;

e) With respect to paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

f) With respect to paragraph 6, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

g) With respect to paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

h) With respect to paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

i) With respect to paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

j) With respect to paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

k) With respect to paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Act No. 24/2006 Coll. on environmental impact assessment as amended posterior;

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

Act No. 364/2004 Coll. on waters as amended posterior;

Act No. 478/2002 Coll. on air protection as amended posterior – amendment of the

Act No. 137/2010 Coll. on air;

Act No. 469/2002 Coll. on environmental marking of products;

Act No. 261/2002 Coll. on prevention of serious industrial accidents and on amendment of some acts as amended posterior,

Act No. 245/2003 Coll. on integrated prevention and control of environment pollution and on amendment of some acts as amended posterior in § 10

subparagraph d) public, parties to the proceedings, affected bodies, persons concerned.

Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on amendment of some acts enables the participation of public in the proceeding - § 25

Parties to the proceeding (natural person or legal entity whose rights or interest or obligations protected by law can be directly affected by environmental damage, as well as NGOs). Public (natural person) and NGO can file notifications, too - § 26 Notification.

§ 82 paragraph 3 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior: „Pursuant to this Act a party to the proceeding can also be natural person or legal entity whose position as a party to the proceeding results from a special regulation.113a) Association having legal personality 114) the scope of activity of which includes nature and landscape protection (§ 2 paragraph 1) and which announces its participation in the proceeding in writing not later than within seven days from the day of being notified pursuant to paragraph 7, is a person concerned, 114a) if he/she/it is not a party to the proceeding pursuant to the third sentence”

113a) § 24 to 27 of the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior.

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

114a) § 15a of the Act No. 71/1967 Coll. in terms of the Act No. 527/2003 Coll.

§ 82 paragraphs 6 to 8 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior:

“(6) Pursuant to paragraph 3 the association can request in writing the nature protection body to notify it in writing of administrative procedures initiated in which the interests of nature and landscape protection protected by this Act may be affected. The application shall include the name of the association, its domicile, identification number, name and surname of the person authorized to act on behalf of the association, and specification of the procedure the start of which the association wants be notified of; the articles of association 115a) proving the subject of activity pursuant to paragraph 3 shall be an annex to the application.

(7) The nature protection body to which the application pursuant to paragraph 6 was delivered is obliged to notify the association in writing of administrative procedures initiated in which the interests of nature and landscape protection protected by this Act may be affected, namely at the latest within seven days from the day of the procedure start or from the day of the application delivery if the procedure has already started.

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

The last modification of the Act No. 24/2006 Coll. on environmental impact assessment was carried out by the amendment No. 145/20100 amending, inter alia, §24 defining the term “public interested”. The position of public has significantly changed by the new text of §24a, 25, 26, and 27 of the Act on assessment. Under the requirements prescribed natural persons, a civil group, civil association or NGOs supporting the environment protection can become **a party to the proceeding** within the subsequent approval procedure. So far such persons have acted as a person concerned which has thus significantly strengthened the right of public to participate in the decision-making process (e.g. the right to file for remedy).

Act No. 359/2007 Coll. on prevention and remedy of environmental damage and on amendment of some acts enables the participation of public within the proceeding - § 25 Parties to the proceeding (natural person or legal entity whose rights or interests protected by law may be directly affected by environmental damage, as well as NGOs. The public (natural person) and NGO may also submit notifications - § 26 Notification.

§ 25

Parties to the proceeding

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

a) the owner, administrator, or tenant (renter) of immovable property which was affected by environmental damage or which will be subject to preventive measures 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 § 27 can be also a civil association or any other organization established pursuant to special regulations,59) which is intended – pursuant to articles of association, foundation charter, or their amendments valid at least for the period of one year – to protect environment (hereinafter referred to as “Non-governmental organization”) that submitted the notification pursuant to § 26 paragraph 1, and, at the same time, announced in writing its interest in participating in the proceeding not later than within seven days from the day of the notification delivery pursuant to § 26 paragraph 5.

§ 26

Notification

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

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

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

Acts No. 211/2000 Coll., No. 24/2006 Coll., No. 71/1967 Coll.

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

§ 20a of the Act No. 569/2007 Coll. on geologic works (Geologic Act) as amended posterior defines the information system of (environmental) contaminated sites that is part of the public administration information system. The information system is established and operated by MoE which also make the information from this system available pursuant to a special regulation except for data on probable contaminated sites. The information system of contaminated sites shall serve to ensure collection of

data and provision of information on contaminated sites. The establishment of this information system is important not only due to collection and processing of data and information necessary for activity of competent bodies but as well for the purposes of collecting, storing, and disseminating the environmental information pursuant to the Act No. 205/2004 Coll., respectively making it available pursuant to the Act No. 211/2000 Coll.

Re subparagraph a)

(i) Parties on the authorization of the activities listed in Annex. I of the Aarhus Convention are members of the public concerned participating at the process of environmental impact assessment under Act no. 24/2006 Coll.

(ii) Act No. 117/2010 Coll. amending the Act No. 543/2002 Coll. on nature and landscape protection (hereinafter referred to as “Act on NLP”) amended § 82 paragraph 3 of the Act on NLP. With effect from 1 May 2010 an association, with a legal personality the scope of activity of which is nature and landscape protection and which announces in writing its participation in the proceedings pursuant to the Act on NLP, has acquired a better possibility to become not only a person concerned but also a party to the proceedings, namely in cases where such positions result from special regulations (e.g. Act on EIA). Equally, a natural person and legal entity can have a position of a party to the proceedings in proceedings held pursuant to the Act on NLP, namely in cases where this is stipulated by a special regulation – e.g. Act on EIA. Public participation in proceedings under the Nature Conservation Act is established in the Act on EIA (which represents the majority of proceedings under the Act on Nature Conservation) and at the present time a legislative adjustment is being prepared focused to the more active public participation in nature conservation.

Re subparagraph b)

Public is informed already at the beginning of the decision-making process in accordance with the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior.

The national legislation in the area of impact assessment shall ensure that public is informed from the very beginning in an adequate, early, and efficient way.

Re subparagraph c)

The time frame respects the Act No. 24/2006 Coll. on environmental impact assessment (EIA) and on amendment of some acts as amended posterior. The time frame (time periods) for public is specified in the Act on EIA. Within the subsequent approval procedure the time frame for public is determined by time period pursuant to special acts, or in case the time periods are not specified, they shall be determined in terms of the Administrative Order.

Re subparagraph d)

At all stages of assessment in accordance with the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts as amended posterior public is allowed to become familiar early with the activity proposed and give its opinion on it.

The national legislation in the area of impact assessment shall ensure the participation of public in the decision-making process from its beginning (e.g. from the day of the notification of activity), i.e. at the time when all alternatives are open.

Re subparagraph e)

The discussion with the public interested is entered by the applicant yet before approving the activity in the process of impact assessment pursuant to the Act on EIA if the public interested joins this procedure by its comments in writing.

Moreover, summons of the proposer (submitter) when filing a notification or intention, and instructions on public, also within steps of the procedure where necessary.

Re subparagraph f)

(i) The competent bodies shall provide the public interested with all information related to the decision-making processes pursuant to paragraph 6 available at the state of the public participation.

Pursuant to the Act No. 24/2006 Coll. on EIA public shall have free access to the documentation of the project at the individual stages (phases) of the environmental impact assessment process – the intention, detection procedure, evaluation scope, evaluation report, the final standpoint – in the location of the municipality affected, and made available at the Internet at the same time.

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

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

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

Re subparagraph g)

Pursuant to the Act No. 24/2006 Coll. on EIA public is being provided with the documentation of the project at the individual stages (phases) of the environmental impact assessment process (the intention, detection procedure, evaluation scope, evaluation report, the final standpoint), and at the same time it is provided with the possibility to express its opinion on the project at each stage of the assessment process by sending standpoints and by participating in the public negotiation or consultations, by submitting them at the registry room, in electronic way, in writing through the Slovak Post, in the minutes during a public negotiation.

In the process of permitting the public has a right to submit comments by the administrative procedure principles pursuant to the Administrative Order or provisions of special regulations.

Re subparagraph h)

At the phase of permitting – Act No. 24/2006 Coll. § 38 paragraph 6 the permitting body shall without delay make available to the public the contents of the decision and requirements mentioned in it, the main reasons on which the decision is based, including information on the public participation, and the main measures to prevent, reduce – an where possible – compensate serious adverse impact of the activity being proposed or its modifications.

In the decision the administrative body shall specify how it handled the NGOs objections in the position of a person concerned and why their specific comments or objection were rejected. This applies to all permitting procedures having a significant influence on environment and being subject to the environmental impact assessment process (activities in Annex I of the Aarhus Convention) as well as activities having a significant influence on environment being permitted pursuant to the Act No. 543/2000 Coll. on nature and landscape protection.

Re subparagraph i)

Public is informed at the portal of legal regulations <https://It.justice.gov.sk> and at www.enviroportal.sk.

*Re subparagraph j)
paragraph 10*

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

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

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

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

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

Pursuant to § 38 paragraph 5 of the Act No. 24/2006 Coll. on environmental impact assessment the permitting body shall “properly publish the verdict part of the decision and the substantial part of its justification (reasoning) relating to the environmental impact, namely before it enters into force”.

Act No. 24/2006 Coll. § 38 paragraph 6 The permitting body shall without delay make available to the public the contents of the decision and requirements mentioned in it, the main reasons on which the decision is based, including information on the public participation, and the main measures to prevent, reduce – an where possible – compensate serious adverse impact of the activity being proposed or its modification.

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:

The obstacles were eliminated to significant extent by amendments of the Act No. 24/2006 Coll. on environmental impact assessment (Act No. 117/2010 Coll. and Act No. 145/2010 Coll.) that strengthened the public participation.

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 defence purposes.

Answer:

The MoEe Regulation No. 61/2004 Coll. mentioned in the text that specifies the requirements for keeping operational registers was repealed and replaced by the MoE RD No. 357/2010 Coll.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

Give relevant web site addresses, if available:

<http://It.justice.gov.sk>

www.enviro.gov.sk

www.enviroportal.sk

<http://eia.enviroportal.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 the public participation in the process of preparing the plans, programs, and policies related to environment are defined in the individual steps of the strategic assessment (SEA) pursuant to the Act No. 24/2006 Coll. on environmental impact assessment and on amendment of some acts. The Act regulates the environmental impact assessment of strategic documents, buildings, facilities, equipment, and other activities being proposed. The Act and its amendments take into account the EC directives related to the assessment of strategic documents. Moreover, the Act reflects the requirements resulting from the Protocol on SEA for the UN EEC Convention on environmental impact assessment in a transboundary context (Espoo Convention) and Aarhus Convention. The measures include e.g. public negotiation, information published in the press and media, comments in writing, issuance at the Internet.

Furthermore, public is interested in the preparation of documentation related to nature protection and in the preparation of regulations on protected areas that are publicly negotiated and discussed. The issues mentioned above are regulated by § 54 paragraphs 18 to 21 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior:

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

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

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

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

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

In the area of waste management – pursuant to § 5 paragraph 2 of the Act No. 223/2001 Coll. on waste and on amendment of some acts as amended posterior the Regional Environment Office (KÚŽP) shall issue the binding part of the regional program through a generally binding regulation. The Regional Environment Office is obliged to publish its draft program at its domicile in the usual way within 30 days so

that the public of the affected area can become familiar with it. The public, affected state administration bodies, and municipalities shall have a right to submit comments in writing in the period mentioned above. Subsequently, within 30 days from the day on which the 30-day period for the publication elapses the Regional Environment Office is obliged to organize the public negotiation of the draft program and take into account the comments in writing submitted.

The Act No. 137/2010 Coll. on air specifies the compulsory publication of the draft program to improve the air quality on which the public can submit its comments, and the compulsory public negotiation of the program to improve the air quality.

In the area of the nature protection state administration the Regional Environment Office shall publish – at its domicile in the usual way (on the office board, the office website, etc.) for the period of 30 days – information on where the draft program can be inspected so that the public of the affected area can become familiar with it. The public has a right to submit comments in writing within a 30-day period. The Regional Environment Office shall publicly discuss the draft program, and while processing the material it shall take into account comments in writing or comments applied at the public discussion at the latest. The Regional Environment Office shall issue the program by publishing it at its website. At the same time, it shall publish information on reasons why the program was approved and information on the public participation in its preparation.

In the area of the waste management state administration the Regional Environment Office shall publish the draft regional waste management program at its domicile within 30 days so that the public of the affected area can become familiar with it.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

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

Answer:

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

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

Obstacles have not been observed.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

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

Answer:

The administration of the central register of all strategic documents assessed and

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

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web site addresses, if available:

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

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8

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

Answer:

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

Pursuant to Article 14 paragraph 6 of the Slovak Republic Government Legislative Rules the public can submit the so-called block (mass) comment on a draft legal regulation. The ministries are obliged to hold the so-called dispute (repugnance) proceedings on such a comment to which at least 500 natural persons or legal entities have agreed.

Public may submits its comments also e.g. pursuant to § 50 paragraphs 1 to 4 of the Act No. 543/2002 Coll. on nature and landscape protection as amended posterior:

“(1) The intention to declare a protected landscape element, protected area, protected reserve (national park), natural monument, protected bird area, protected area zones, or a protected tree shall be announced in writing by the nature protection body to the owner (administrator, tenant) of the land affected by the intended protection that can be identified in the real estate register (cadastré), to the municipality affected, and to the state administration bodies affected. 79) In case of a protected bird area and protected area zones this body shall be the respective regional environment office. The notification of the intention shall in particular include the basic characteristics of the intention to declare protection and the location of its performance. If a higher number of land owners is affected or if their sty is not known, the intention notification can be

delivered through a public regulation.

(2) Within 15 days from the day of delivering the notification of the intention the municipality is obliged to inform the public on it in its territorial district and ensure its inspection at a usual place, in particular on the office board, for a minimum period of 15 days.

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

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

The protected areas and their protection zones shall be declared by a generally binding legal regulation – a regulation of a district environment office (OÚŽP), regional environment office (KÚŽP), or MoE, or by a Slovak Republic Government resolution by the protected area category.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

Describe any obstacles encountered in the implementation of article 8.

Answer:

Pursuant to the Slovak Republic Government Legislative Rules (Article 14 paragraph 6) dispute proceedings may take place with a public representative in case the entity submitting the draft regulation has not satisfied the comment applied by several natural persons or legal entities from the side of public, and at the same time, if the comment includes power of attorney to the public representative to represent them (a block comment). Dispute proceedings with the public representative shall take place every time the entity submitting the draft regulation (submitter) does not satisfy a block comment that was agreed to by at least 500 natural persons or legal entities except 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 within the public participation process there are discussions with entities submitting the drafts and standpoints assumed to 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.

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

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

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

Answer:

Moreover, NGOs can participate and also do participate in preparing an intention to declare a protected area (e.g. proposals for protected bird areas, proposals of some

small protected areas).

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web site addresses, if available:

Portál právnych predpisov: <https://lt.justice.gov.sk>

<http://www.enviro.gov.sk>

<http://enviroportal.sk>

XXVIII.

LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

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

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

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

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused.

b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

d) With respect to paragraph 4, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

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

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

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

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

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

A party to proceedings can be also a person whose position as a party to proceedings is awarded by a special act (e.g. the Act No. 245/2003 Coll. on integrated prevention and control of environment pollution and on amendment of some acts as amended posterior defines in its § 10 the term “public” for the purpose of this Act as one or several natural persons or legal entities, their associations or groups. The Act mentioned defines also a party to proceedings and public interested. The Act No. 151/2002 Coll. on use of genetic technology and genetically modified organisms as amended posterior defines in its § 33 and § 34 a party to proceedings.). A party to proceedings can act to such an extent to which he/she is capable of acquiring rights and assuming responsibilities by his/her own acting.

Re subparagraph 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. A competent shall be a regional court in the territorial district there is a domicile of the body which took a decision on the appeal;

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

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

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

The question has been already answered in Article 9 the first bullet.

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

§ 19

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

§ 20

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

Re subparagraph c)

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

- if persons are parties to administrative proceedings because the proceedings directly related to their rights;*
- in case of non-governmental organizations that were parties to an approval procedure pursuant to the Act on integrated prevention or use of genetically modified technology.*

Re subparagraph d)

(i) According to the statistics, the duration of the trial to review the legality of the decision may take one year. The counterparty may appeal against the decision and therefore appeal hearing may be even longer. After one year, the environmental information often loses its significance for the applicant. Moreover, the abolished decision by court does not guarantee that environmental information will be provided to the applicant. The administrative court in the process of reviewing the legality of the decision has no decision ability to make the information public. After the administrative court's decision, new administrative procedure could begin, within which the body may again refuse to provide information (e.g. due to another legal reason). In practice, therefore, the process of claiming the information to the court may take for several years.

In some procedures, concerning the review of the decision legality on the permission of the activity, the requirement of “timeliness” and “efficiency” is not fully complied with,

as an action does not mean an automatic suspension of the decision to authorize action (this is at the discretion of the administrative court). From the above mentioned it is possible to state general shortcomings of the judicial decisions reviewing.

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

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

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

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

Re subparagraph e)

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

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

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

Answer:

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

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

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 (titles) related to the environment administration, however, divided into the nature and landscape protection, water management, air protection, waste, packaging, and waste management, land-use planning, land-use proceedings, building proceedings, house inspection proceedings, deprivation proceedings, and others. Statistics in a more detailed division are not kept. The Ministry of Justice of the Slovak Republic keeps statistics on the number of suits (actions) in disputes of civil-law nature in the area of personality protection, protection of legal entity reputation, and liability for damage, and in disputes of criminal-law nature, i.e. crime of slander, which is statistical data of general nature, and the Ministry does not have specific data related only to the environmental decision-making processes.

XXXI.

WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web site addresses, if available:

<http://www.justice.sk>

<http://www.nssr.gov.sk>

<http://www.vop.gov.sk>

<http://www.obcan.sk>;