



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/IR/2008/SVK
10 June 2008

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

**MEETING OF THE PARTIES TO THE CONVENTION ON
ACCESS TO INFORMATION, PUBLIC PARTICIPATION
IN DECISION-MAKING AND ACCESS TO JUSTICE
IN ENVIRONMENTAL MATTERS**

Third meeting

Riga, 11–13 June 2008

Item 6 (a) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention:

Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY SLOVAKIA*

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

* The present document was submitted at the above date due to resource constraints and due to the late submission of the national implementation report by the Party.

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

The report has been worked out by the Ministry of the Environment (MoE) of the Slovak Republic in cooperation with its sectoral organizations and central and local state administration (Office of the Government of the Slovak Republic, ministries, regional environment offices) which have provided background documents for elaboration of the report.

The preparatory process was as follows:

- (a) 12 October to 2 November 2007, consultations on the draft themes for the report preparation (participation of non-governmental organizations (NGOs);
- (b) 12 November to 26 November 2007, collection of background data for the report;
- (c) 13 December to 18 December 2007, publishing the first draft of report and collection of comments;
- (d) 24 December 2007 to 14 January 2008, publishing the first draft of report.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

The Convention entered into force in the Slovak Republic on 5 March 2006 and was published in the Collection of Acts of the Slovak Republic as item No. 43/2006, so becoming a part of the national legal system. This report is a first report for Slovakia and this is why particular theme.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

Article 3, paragraph 1

The Act 454 amending Act 543/2002 on nature and landscape protection as amended (hereinafter referred to as "Act on nature and landscape protection") has amended article 82, paragraph 3, of Act on nature and landscape protection. Starting from 1 December 2007, there has been a change in position of civil associations dealing with nature and landscape protection for a period of at least one year, which have notified their participation in the administrative procedure in written form in accordance with the Act, from a proceeding stakeholder to a participating person (art. 15 of Administrative Rules). The participating person according to the Administrative Rules and according to the Civil Legal Procedure is not entitled to submit an appeal against a decision of a nature protection body according to the Act, to submit a draft for renewal of the procedure, or to bring a legal action to review the decision of the administrative body by a court. This amendment allows for participation in procedures according to the Act also for other associations established pursuant to other legal instruments, e.g. the interest associations of legal entities established according to articles 20(f) to 21 of the Civic Code in a position of a participating person.

Act 24/2006 on environmental impact assessment (EIA) and amending some other Acts as amended by the Act 275/2007 has amended articles 26 and 27 of the Act. In accordance with article 26, if a group of at least 250 natural persons over 18 years old (of that number at least 150

persons with a permanent residence in an affected municipality) establishes a civic association pursuant to a specific legal instrument in order to support a position of a civic initiative or for purposes of environmental protection and submits a written position according to article 23, paragraph 4, or article 35, paragraph 3, such a civic association in the framework of permitting such an activity listed in Annex 8 is a participating person within an integrated permission, procedures according to the Road Act, Building Act, Aviation Act, Water Act, Railway Act, Forest Act, Nature and Landscape Protection Act and Mining Act, unless specific legal instruments lay down that such a association is a proceeding stakeholder. The civic association shall submit the signature list with name, surname, permanent address, date of birth and signature of persons supporting a common position and a document confirming registration of the civic association to the competent body and permitting body not later than it submits a written position. On request, the civic association shall submit to the competent body a signature list with name, surname, permanent address, date of birth and signature of persons supporting a common position. According to article 27, an NGO supporting environmental protection, which has submitted a written position to a draft of activity listed in Annex 8 according to article 23, paragraph 4, is a participating legal person within an integrated permission, procedures according to the Road Act, Building Act, Aviation Act, Water Act, Railway Act, Forest Act, Nature and Landscape Protection Act and Mining Act, unless specific legal instruments lay down that such a association is a proceeding stakeholder. The NGO shall submit a document confirming registration of the NGO to the competent body and permitting body together with submission of a written position to a draft of planned activity.

There are no mechanisms currently in place to monitor implementation of the provisions of the Convention and the relevant domestic legislation.

Article 3, paragraph 2

Information activities are represented mainly by providing information to the public via media, Act 211/2000 on free access to information (Information Act) as amended, as well as via the Meta-Information System of the MoE – EnviroInfo, which involves all sectoral organizations and State administration bodies in the area of the environment. All Ministries have their own Internet pages.

In 2006, training courses were organized in Slovakia's regions for municipalities in cooperation with the Association of Municipalities of Slovakia in Act 205/2004 on collecting, keeping and distributing environmental information. The trainings were organized by the MoE. Training courses on the Act 211/2000 on free access to information are organized mainly by the non-governmental sector.

Principal legal tools provided by the general administrative law to facilitate exercise by the members of the public of their procedural rights and to implement the Aarhus Convention include:

- (a) The Constitution of the Slovak Republic 460/1992 as amended;
- (b) Act 71/1967 on administrative procedure as amended (Administrative Rules);
- (c) Act 372/1990 on infringements as amended;
- (d) Act 350/1996 on negotiating rules of the National Council of the Slovak Republic;
- (e) Act 50/1976 on territorial planning and building code (Building Code) as amended;

- (f) Act 428/2002 on protection of personal data;
- (g) Act 211/2000 on free access to information, amending some other Acts (Information Act);
- (h) Act 205/2004 on collecting, keeping and distributing information on the environment;
- (i) Act 17/1992 on the environment,
- (j) Act 543/2002 on nature and landscape protection as amended;
- (k) Act 24/2006 on environmental impact assessment as amended;
- (l) Act 364/2004 on water as amended;
- (m) Act 478/2002 on air protection;
- (n) Act 223/2001 on wastes, amending some other Acts, as amended;
- (o) Act 469/2002 on environmental labelling of products;
- (p) Act 261/2002 on prevention of major industrial accidents and amending some other Acts, as amended;
- (q) Act 245/2003 on integrated pollution prevention and control (IPPC) and amending some other Acts, as amended in Article 10(d).

New legal tools include Act 359/2007 on prevention and remedy of environmental damage and amending some other Acts, effective since 1 September 1997, which allows public participation in procedure – Article 25 on Proceeding stakeholders (natural person or legal entity whose rights or interests protected by the law or duties may be affected by environmental damage, as well as NGOs). The public (natural person) and NGOs can also submit notifications.

See Act 151/2002 on the use of genetic technologies and genetically modified organisms (GMOs) as amended. The Act in procedures concerning the consent with introduction of GMOs into the environment and in procedure concerning the consent with placing the product on market allows also the civic association dealing with environmental protection or consumer protection to be proceeding stakeholders if they comply with defined conditions.

Restrictions in the area of public participation have been introduced by amendments:

- (a) Article 82, paragraph 3, of Act 543/2002 on nature and landscape protection, as amended by the 454/2007; and
- (b) Articles 26 and 27 of Act 24/2006 on EIA as amended by Act 275/2007.

A Communications Department has been established within the MoE which divides into a Press Division and a Public Relations Division, including an Office for the Public. It employs one full-time officer and one part-time officer (lawyer). The Office, along with required information according to Act 211/2000 on free access to information, also provides advisory and consulting services, runs a permanent telephone (Green Line), and keeps central records on requests for information. Its activities are oriented not only at informing the public on environmental issues but also at close cooperation with industries, education sector and institutes of the Slovak Academy of Sciences. Ten Regional Environmental Advisory and Information Centres (REPIS) have been established in Slovakia's regions. Each Centre employs at least one full-time officer; larger regions employ more officers. All these administrative capacities are funded from the budget chapter of the MoE. All Ministries have their own units for public relations dealing with requests of the public in accordance with this Act.

Specific regulations concerning capacity building have not been issued. These responsibilities are included in organizational rules of particular ministries and institutions which also have Internet pages. Along with the MoE and Environment Offices on regional and local levels they include the Slovak Environmental Inspection (SIŽP), Slovak Hydrometeorological Institute (SHMÚ), Slovak Environmental Agency (SAŽP), State Nature Protection of the Slovak Republic (ŠOP SR), Dionýz Štúr State Geological Institute (ŠGÚDŠ), Water Management Research Institute (VÚVH) and others, including also State enterprises (e.g. the Slovak Water Management Enterprise).

The National Forestry Centre has created a common “Working Group for coordination of communication process”. A draft concept for public relations – a communication strategy in forestry – has been worked out by the National Forestry Centre – Forestry Advice and Education Institute.

According to information from the Academy of Justice of Slovakia, the national independent educational institution ensuring, organizing and carrying out education of judges, prosecutors and judicial officers, there are no requirements for organization of training for judges concerning environmental protection.

Article 3, paragraph 3

Environmental education is determined by the concept adopted by the Resolution of the Slovak Government 846/1997. The measures to increase the efficiency of environmental education are represented in particular by the inclusion of environmental education into curricula of primary and secondary schools (environmental minimum). Environmental education issues have been incorporated into curricula of all courses of primary and secondary schools in Slovakia. Special methodological events, seminars, lectures and excursions for teachers are being organized. Moreover, methodological materials, publication and educational tools are being published. The MoE together with its sectoral agencies and NGOs carry out projects not only in education in schools but in extracurricular activities as well. In addition, a programme for environmental protection has been formulated for all categories of inhabitants. A state-of-the-environment report is being published annually, informing on the environmental situation in Slovakia and providing information to United Nations and European Union (EU) organizations. Concrete workshops on Convention issues were organized in 2005 when Slovakia was acceding to the Convention. Workshops for the public were organized by the MoE in cooperation with the Regional Environmental Centre Slovakia (REC Slovakia), for sectoral organizations in the environment sector together with the Slovak Environmental Agency. Webpages of all organizations are available informing regularly on draft conceptual and legislative documents.

The MoE and the Ministry of Education have signed an agreement on cooperation. On 16 December 2005, a cross-sectoral working group on education was established involving representatives of the Ministry of Education, MoE, academic sector and NGOs. Creation of this advisory body of the Ministers of Education and Environment resulted from requirements and conditions determined by the Vilnius Strategy for education for sustainable development. There are agreements on cooperation between the State Nature Protection and universities. The Slovak Government adopted a Concept of Environmental Education by its resolution 846/1997 of 25

November 1997 which defined objectives and targets for further implementation in practice. Education of teachers is carried out in the form of seminars and lectures organized by methodological centres, leisure-time centres and the Slovak Environmental Agency – the Centre for Environmental Education in Banská Bystrica. Particular themes at universities are being worked out according to individual faculties.

In the area of forestry pedagogy, various activities are pursued aimed at forming positive attitudes among the general public, and in particular of children and the youth, in relation to forests and environmental protection. These are based in particular on the close contact of forest visitors with forests and foresters. Forestry pedagogy is based on learning from experience and uses various methods (e.g. pictorial, artistic, dramatic, dialogic). The basis is the use of senses and emotions in learning – an objective of forestry pedagogy is to create and form a relationship rather than to transfer a maximum of knowledge.

Regional Environment Offices carry out methodological training courses and, inspections of State administration in municipalities and implement various activities aimed at increasing environmental awareness of the public – organising environmental campaigns, lectures, discussions and events for students at primary and secondary schools, concerning environmental issues in regional and national media. They organize meetings with representatives of municipalities in order to increase environmental awareness. The MoE carries out concrete measures to increase environmental awareness through the Plan of Main Activities of the Communication Department of the Ministry, which includes the Public Relations Division. It cooperates with sectoral organizations and Environment Offices. The Plan includes roundtable discussions, conferences, seminars, workshops, happenings, events for the public and other public relations activities. Practical publications for self-governments, schools and the public are being published in the framework of awareness-raising. Films of the series “Green Chance” and “Ecological Journal” are broadcast by the public TV.

From the point of view of a state authority in accordance with the Competence Act at the Ministry of Culture of the Slovak Republic, administrative capacities for journalists are concentrated in the Slovak Journalists Syndicate. The press division on 25 November 1997 ensure cooperation with media, organizes regular press conferences, issues press reports, organizes meetings for journalists, monitors and analyses output from media.

The MoE creates an effective information and communication strategy. The long-term objective is to improve environmental education and raise awareness and information of the public. Roundtable discussions for journalists are being prepared within the MoE where journalists have the opportunity to discuss with representatives of the Ministry and with other invited specialists. In addition, press conferences are being held on current topics of the environment. Activities for journalists include workshops, specialised conferences and exhibitions. Radio discussions on Slovak Radio or TV discussions and environmental films on Slovak Television constitute also a part of ministerial promotion. The MoE also organizes interviews and contributions for specialized journals on the environment and other publishing activities.

NGOs participate in environmental awareness raising via various activities. To support their activities they can get financial resources from the MoE (a Green Project granting programme – the Decree of the MoE 6/2005 of 16 November 2005), from the Ministry of Education

(Enviroprojekt) and from the Environmental Fund (support of environmental education). Via a signed Memorandum of Understanding (MoU) between the Slovak Republic and the European Commission, NGOs can participate in international projects within the EU.

Article 3, paragraph 4

With regard to measure adopted to support environmental associations, organizations and groups, Act 83/1990 on the association of inhabitants as amended, Act 147/1997 on non-investment funds amending Act 207/1996, Act 213/1997 on non-profit organizations providing generally useful services as amended by Act 35/2002, Act 34/2002 on foundations amending the Civic Code as amended.

Registration of environmental NGOs is subject to the same procedures as with other NGOs.

No special practice has been established to include NGOs in environmental decision-making structures. However, drafts of generally binding legal instruments are being submitted to NGOs for comment in the framework of cross-sectoral discussion. A number of NGOs are included even in the phase of preparing first legislative drafts. According to Article 27 of the Act 151/2002 on the use of genetic technologies and GMOs as amended, NGOs can be represented in the Biological Safety Commission, which is an advisory body of the Minister. The tasks of the Commission are defined in Article 27, paragraph 3, of the Act.

District Environment Offices (at the local level of State administration in the environmental matters) cooperate with grass-roots organizations at the local level.

The MoE provides financial support through the Green Project granting programme and via the Environmental Fund.

Article 3, paragraph 5

A broader access to information has been legislatively arranged by an amendment to Act 211/2000 on free access to information and by amendments to some other Acts (e.g. the Information Act) as amended. Measures concerning public access has been implemented to the Slovakia's legal system by Act 205/2004 on collecting, keeping and distributing information on the environment. Similarly, Article 13, paragraph 4, of Act 364/2004 on water (Water Act) provides the public with a possibility to submit comments to a draft plan of river basin management.

Article 3, paragraph 7

Public participation in international environmental decision-making processes is applied in accordance with provisions of Act 211/2000 on free access to information and Act 24/2006 on EIA as well as amendments to some other Acts.

There is no special practice of including NGO members in delegations and such an inclusion is being carried out on ad-hoc basis.

In accordance with Decision 466/2002/EC of 1 March 2002, the MoE has worked out a MoU between the European Community and the Slovak Republic concerning the participation of the Slovak Republic in the Community Action Programme supporting NGOs in particular working in the area of the environment. This Memorandum was adopted by the Government on 21 August 2002 (Resolution of the Government 944/2002).

Internal consultations are carried out at the level of a sectoral coordination group of the MoE, which represents an advisory and coordinating body of the Minister of the Environment in the area of decision-making processes concerning the EU. Positions of the Slovak Republic worked out for negotiations within particular formations of the EU Council of EC Committees are discussed and presented at sessions of this group. The officers of MoE departments responsible for the Convention agenda cooperate closely in the framework of internal consultations in implementing the Council Directive 96/61/EC concerning IPPC, the Regulation of the European Parliament and of the Council (EC) 166/2006/EC concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR), Regulation (EC) 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents, Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information, Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment, and Council Decision 2005/370/EC on the inclusion, on behalf of the European Community, of the Convention.

Article 3, paragraph 8

There have been no cases of punishment, penalization or persecution of persons applying their rights according to the Convention. However, sometimes members of civic associations and NGOs are considered by developers to persons who cause obstructions and hamper building activities and development just because they wish to exercise their rights.

The Ministry of Justice runs statistics on the number of legal actions in the areas of personality protection, protection of good reputation of a legal entity and liability for damage in criminal cases, i.e. the crimes of libel, slander and statistical data of general nature that does not specify environmental decision-making processes.

No cases of NGOs being ordered to pay damages (to a private entity or a public authority) in connection with their public-interest environmental protection activities or litigation (e.g. due to a delay in a procedure) are known.

Article 3, paragraph 9

In accordance with Section 45 of the Constitution of the Slovak Republic, each person has a right to early and full information of the state of the environment and on reasons and consequences of this state, and according to Article 3, paragraph 1, of Act 211/2002 on free access to information, each person has a right to information which is available at obliged persons.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

The Environment Offices have sometimes insufficient capacity and it is not possible to pay adequate attention to these issues. Another obstacle is the lack of financial resources.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

No information was provided under this heading.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

MoE: www.enviro.gov.sk,
Slovak Environmental Agency: www.enviroportal.sk,
Slovak Environmental Inspection: www.sizp.sk,
State Nature Protection of the Slovak Republic: www.sop.sk,
Water Management Research Institute: www.vuvh.sk,
Slovak Hydrometeorological Institute: www.shmu.sk,
Slovak Water Management Enterprise: www.svp.sk,
Dionýz Štúr State Geological Institute: www.geology.sk,
Environmental Fund: www.envirofond.sk.

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

Legislative measures implementing provisions of article 4 of the Convention include:

- (a) Act 211/2000 on free access to information and amending some other Acts (Information Act);
- (b) Act 205/2004 on collecting, keeping and distributing information on the environment;
- (c) Act 17/1992 on the environment;
- (d) Decree of the Ministry of the Environment of the Slovak Republic 1/2005-1.5 concerning provision of environmental information;
- (e) Article 13 of Act 364/2004 on water, amending the Act of the Slovak National Council 372/1990 on infringements as amended (Water Act);
- (f) Article 15(a) of the Act 17/1967 on administrative procedures (procedural rules);
- (g) Act 24/2006 on EIA, amending some other Acts.

Furthermore, legal instruments specifying the procedure of the Government Office of the Slovak Republic concerning the provision of information to the public according to article 5,

paragraph 1 (e), of the Act 211/2000 on free access to information and amending some other Acts (Information Act) include:

- (a) Act 211/2000 on free access to information, amending some other Acts (Information Act);
- (b) Act 215/2004 on the protection of secret data and amending some other Acts;
- (c) Act 428/2002 on protection of personal data as amended;
- (d) Act 513/1991 Commercial Code as amended;
- (e) Act 40/1964 Civil Code as amended;
- (f) Act 71/1967 on administrative procedure as amended;
- (g) Act 25/2006 on public procurement and amending some other Acts;
- (h) Act 575/2001 on organization of activities of the Government and central State administration authorities as amended.

These Acts have been published in the Collection of Acts of the Slovak Republic.

Webpages of the Government Office in relation to providing information according to the Act 211/2000 on free access to information and amending some other Acts (Information Act) offer following documents:

- (a) Procedures of the Government Office in providing information according to Act 211/2000;
- (b) Act 211/2000 on free access to information;
- (c) The Decree of the Head of the Government Office 6/2007 on providing information to natural persons and legal entities;
- (d) An application format of a request for information;
- (e) List of rates for provision of information;
- (f) Appeal against a decision not to provide information;
- (g) A list of legal instruments specifying the procedure of the Government Office in providing information;
- (h) A List of confidential facts of the Government Office.

A Webpage covering the Act on free access to information Internet is available at:
www.vlada.gov.sk.

Act 211/2000 on free access to information and amending some Acts implements all paragraphs of article 4 of the Convention. Article 3, paragraph 9 is guaranteed for inhabitants by the Constitution.

Article 4, paragraph 1

According to article 16, paragraph 2, of Act 211/2000 on free access to information, an obliged person shall enable anybody without the necessity to provide a reason or interest to look into documentation, to make extracts or copies of such documentation.

The Public relations division of the MoE keeps records on information requests and responses provided. The number of requests and the manner of their settlement are evaluated on annual basis.

No separate body to oversee matters of access to environmental information has been established, and current experience does not show a need for such a body.

Article 4, paragraph 1 (a)

In accordance with article 3, paragraph 3, of Act 211/2000 on free access to information, information is provided without the necessity to provide legal or any other reason or interest concerning the request for information.

No requirements or practice of requesting certain basic data from the applicant for administrative purposes have been established.

Article 4, paragraph 1 (b)

According to article 16, paragraph 1, of Act 211/2000 on free access to information, required information is provided orally, by providing access to documentation including the possibility to make extracts or copies on a technical data carrier, by providing access to copies with required information, or by phone, fax, post or e-mail. If the information cannot be provided in the form required by the applicant, the obliged person shall agree with the applicant on another form of making information available.

Article 4, paragraph 2

According to article 17, paragraph 1, of the Act 211/2000 on free access to information, a request for information shall be met by a obliged person without undue delay, not later than eight working days after submitting a request or after removing shortcomings of the request, unless provided otherwise by this Act. If the obliged person does not meet within the period of 8 days the requirements for making information available, this is considered to be an administrative fault and infringement for which penalty is up to SKK 50,000.

There are no separate deadlines for refusals to provide information or for other specific cases.

The Act 372/1990 on infringements as amended lays down in Article 42 that an infringement in the area of access to information is committed by that person who deliberately issues and publishes false, incomplete information, breaches the duty laid down by a specific legal instrument (Information Act), or by that person who breaks the rights for information by issuing a decision or an order or by another measure. A penalty up to SKK 50,000 and prohibition of activity up to two years can imposed for such an infringement.

Article 4, paragraphs 3 and 4

Articles 8 to 12 of the Act 211/2000 on free access to information specify restrictions in access to information (e.g. protection of confidential and secret data, protection of personality and personal data, protection of commercial secrecy) as well as conditions of such restrictions.

Article 5 of the Act 211/2000 on free access to information and Article 3 of the Act 205/2004 on collecting, keeping and distributing information on the environment define which environmental information the obliged person have to hold. The MoE has created a Metainfosystem – a system on environmental information system which is regularly updated. Other procedures are specified by the Act on administrative procedures.

A state authority of the Slovak Republic is obliged to respond even obviously unreasonable or similar questions. Authorities are obliged to ask for additional information or specification when the request is incomplete, too general or not understandable.

The Order of Head of Office of the MoE No. 2/2007-7.2 of 23 May 2007 on procedure in provision of information is a mechanism establishing free expression of professional opinion by the officials involved in internal communications or in preparing the relevant materials.

Decision 43/2007-7.2 of 18 June 2007 set out a list of confidential data under the responsibility of the MoE.

The Information Acts exactly specifies under what conditions the data need not be provided. The Information Act does not specify the category “confidential information”. A secret fact according to the Act 215/2004 on the protection of secret data can be concealed in the category “confidential” if the state or public interests could be harmed by publishing the information. For example, there can be a situation within the State Nature Protection of the Slovak Republic, e.g. in mapping protected species, when a data processor, who has provided information, marks data as secret or confidential. Confidential information is in the Information System of Taxons and Biotopes which contains data on animals, plants and biotopes. Data on species sensible from the nature protection point of view are subject to protection. Data are also subject to copyright. Information from NATURA 2000 databases is not publicly available as they serve for internal needs of the State Nature Protection, MoE and are reported to the European Commission in Brussels. Databases of land situations and JLRL (used for NATURA 2000 databases) are received based on the agreements with GKU Bratislava, or NLC Zvolen and can be used internal needs.

Personal data in the national legislation are defined in the Act 428/2002 on protection of personal data as follows: "Personal data are data related to a certain or identifiable natural person. Natural person is a person that can be identified directly or indirectly, in particular based on generally usable identifier or based on one or more characteristics or marks which form his or her physical, physiological, psychic, mental, economic, cultural or social identity."

A legal person (entity) can have a personal data protection according to the Act 428/2002 on personal data protection.

With regard to the public interest test, exemptions are not implemented as the Act exactly specifies which information has to be made available, including corresponding time periods.

Article 4, paragraph 5

Article 15, paragraphs 1 and 2, of the Act 211/2000 on free access to information lays down that a obliged person, when receiving a request does not hold required information and is aware where such an information can be received, forwards the request within five day of submission to a obliged person who holds the required information, otherwise the request shall be refused by a decision. The obliged person shall inform the applicant of passing without delay.

Article 4, paragraph 6

All restrictions in rights to information are implemented in accordance with article 12 of the Act 211/2000 on free access to information by a obliged person so that the obliged person makes available required information including accompanying information after excluding information defined by the Act. An authorisation to refuse a request for information ceases to be valid after expiration of reason for refusal.

Article 4, paragraph 7

Article 18, paragraphs 2 and 3, of the Act 211/2000 on free access to information lays down that if a obliged person does not meet the request or a part thereof, the obliged person shall issue a written decision within a legally defined period. If an obliged person does not provide information in a defined period or does not issue a decision it is assumed that the information has been refused by a decision. If an obliged person does not meet the request or a part thereof, provides its founder of contractor in the area of the environment without delay, not later than within three days, with an incentive to issue a decision.

Pursuant to article 19, paragraph 1, of the Act 211/2000 on free access to information, it is possible to submit an appeal against a decision of a obliged person to refuse a request for information within 15 days of delivery of a decision or of expiration of the period for deciding on the request. The appeal shall be submitted to a obliged person who issued or should issue the decision.

Providing information shall be refused based on: article 11, paragraph 1 (e) of the Act 211/2000 (confidential data on species occurrence), article 11, paragraph 1 (c) of the Act 211/2000 (protection of intellectual property), article 9 of the Act 211/2000 (protection of personality and personal data) and based on licence agreements with providers of some data.

Article 4, paragraph 8

Pursuant to the Information Act (art. 21) information is provided free of charge, except for payment in the amount which cannot exceed the amount of material costs connected with making copies, providing data carriers and sending information to the applicant. An obliged person can waive payment. Details on covering costs for making information available shall be

specified in a generally binding legal instrument which shall be issued by the Ministry of Finance of the Slovak Republic.

If material costs do not exceed SKK 200, the MoE waives from applying a charge. Otherwise, the charge per A4 page is SKK 0.60 in accordance with a valid table of charges issued pursuant to the Act 211/2000 on free access to information and the Decree of the Ministry of Finance 481/2000.

For the purposes of the Decree the material costs of provision of information are:

- (a) providing technical data carriers, in particular diskettes, compacts discs,
- (b) making copies of requested information, in particular on paper,
- (c) package, in particular envelopes,
- (d) sending information (postal costs).

The MoE has issued an internal legal instrument – a Guideline 1/2005 on procedure in making available the environmental information – which is fully in compliance with the Act 211/2000 on free access to information. Article 8 of this Guideline waives charges:

- (a) for pensioners,
- (b) for students proving that they need requested information for diploma thesis or similar purposes (except for requests for copying books or brought materials),
- (c) for an applicant with serious health handicap with sight or hearing defects,
- (d) if material costs including postal costs do not exceed SKK 200,
- (e) when information is provided via telephone,
- (f) when information is provided via e-mail,
- (g) when information is provided via fax.

There is no experience with excessive and unreasonable requests for information and charges are not differentiated.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

Article 4 of the Aarhus Convention is in Slovakia implemented. Judicial proceeding concerning legality of a decision can however last even one year. Judgement can be subject of an appeal and that means that the proceeding can last even longer. After one year the information on the environment often loses a value for the applicant. A new administrative procedure starts to run after decision of a court. Within this new procedure an authority may again refuse provision of information (e.g. due to another reason).

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

Slovakia considerably exceeded the framework of provisions of the pillar I of the Aarhus Convention – access to environmental information. Central records of requests and statistics on number of requests and manner how they have been settled are kept according to article 20 of the Act 211/2000 on free access to information.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

No information was provided under this header.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

Legislative measures to implement article 5 include:

- (a) The Act 24/2006 on environmental impact assessment and amending some other Acts,
- (b) The Act 205/2004 on collecting, keeping and distributing information on the environment,
- (c) The Decree of the MoE 411/2007 implementing the Act 205/2004 on collecting, keeping and distributing information on the environment.

Article 5, paragraph 1

Article 5, paragraph 1 (a)

Pursuant to article 3, paragraph 1, and article 4, paragraph 1, of the Act 205/2004 on collecting, keeping and distributing information on the environment, the obliged persons obliged to collect, keep and distribute environmental information are: central state administration authorities, self-governments at regional and local levels, local state administration authorities (hereinafter referred to as “public authorities”). These obliged persons are obliged to collect, keep and, if necessary, update environmental information related to execution of their public functions in accordance with relevant legal instruments with an objective of effective and systemic distribution of environmental information.

Article 5, paragraph 1 (b)

Pursuant to Article 4, paragraph 2, of the Act 205/2000 on collecting, keeping and distributing information on the environment, the system to collect and keep information has to be set so as to allow transparent and effective access of the public to environmental information in accordance with the conditions laid down by this Act. For this purpose the obliged persons in particular:

(a) Shall use current instruments to collect environmental information, in particular in the form of reports, notifications, controlling and decision-making activities and shall amend and modify these instruments accordingly;

(b) Shall make effort to collect and keep environmental information held by themselves or by controlled obliged persons in a form which is easily reproducible and available to a broad spectrum of applicants, in particular through public electronic communication networks, first of all Internet, and so that this information is updated, exact and comparable;

(c) Shall create and keep in updated conditions the publicly available lists, registers or other forms of communication with the public;

(d) Shall designate persons or units responsible for making environmental information available, including potential advisory services for the public in this area.

The meta information system ensures information flow and data harmonisation. Quality control is ensured continuously when processing and manipulating environmental data.

Information is ensured at the Internet page www.enviro.gov.sk and www.shmu.sk.

The Slovak Hydrometeorological Institute provides in real-time mode:

(a) data from all continual stations of the National Air Quality Monitoring Network for all monitored pollutants <http://www.shmu.sk/sk/?page=991>. Measurement and data provision cover the whole territory of Slovakia;

(b) data on water levels, temperature surface water and information on snow cover on the territory of Slovakia;

(c) data and information on hydrological situation and development in situation on Slovak watercourses.

These data are available at the web page of the Slovak Hydrometeorological Institute <http://www.shmu.sk/sk/?page=110>.

Article 5, paragraph 1 (c)

Information falling under the crisis planning legislation is provided to the public through public media. In case of need (e.g. floods, industrial accidents...) a competent crisis committee is convened. Its membership also includes officers of a central state administration authority responsible for communication with the public (Article 33a of the Act 17/1992 on the environment).

The public receives information through public media. These activities are coordinated pursuant to legal instruments in force by crises centres which involve representatives of state authorities responsible for providing the public with information.

For example, the Act 261/2002 on prevention of major industrial accidents and amending some other Acts as amended specifies in Article 22 communication of information to the public and public participation in decision-making processes. This provision relates in particular to prevention where the operator of a B category enterprise is obliged to inform the potentially affected public in a usual manner and repeatedly, if necessary. Information has to include nature

of the activity, potential risks and mitigation measures as well as behaviour required in case of major industrial activity. The operator communicates this information also to a District Environment Office, fire protection state authority and affected municipality and cooperates with the affected municipality and, if necessary, also with other authorities participating in dealing with major industrial accidents according to specific legal instruments. For example, the Act 414/2002 on economic mobilisation as amended – Article 5v) concerning provision of broadcast time needed to inform the public about a crisis situation and on measures to solve such a situation. In accordance with Article 14 of the Act 151/2002 as amended the users of genetic technologies and genetically modified organisms are in case of uncontrolled release of GMO threatening people or the environment obliged to notify immediately endangered persons and provide the public with information on the accident and measures carried out in a proper form.

The MoE via the Slovak Environmental Agency ensures operation of the information system on prevention of major industrial accidents which is publicly available via a web page www.enviroportal.sk.

In accordance with Article 33a, paragraph 3, of the Act 17/1992 on the environment as amended, the obligation to immediately inform the public is borne also by a natural person authorised to run business or by a legal entity that has caused a serious threat or damage to the environment in particular due to operational accident, fire or transport accident. The information shall include the extent of accident, brief description of accident, reasons of accidents, nature and extent of damage or of the threat to the environment and adopted mitigation measures. Form and extent of information to the public have to correspond to the sort, seriousness and extent of the threat or damage of the environment and to capacities of a obliged person.

For example, pursuant to Article 22 of the Act 261/2002 on prevention of major industrial accidents and amending some other Acts the operator of a B category enterprise is obliged to inform the potentially affected public. Pursuant to Article 22, paragraph 10, of this Act the communication of information on a major industrial accident to the public and competent authorities is arranged by specific legal instruments, e.g. by the Act 314/2001 on fire protection, the Act 42/1994 on civil protection of inhabitants as amended, the Act 211/2000 on free access to information and amending some other Acts (Information Act), the Act 51/1988 on mining activity, explosives and state mining administration as amended.

Pursuant to Article 24 of the mentioned Act the operator is obliged without undue delay, not later than within 24 hours, to notify a District Environment Office, the MoE and the Ministry of Interior of the major industrial accident.

Dissemination of post-emergency information is regulated for instance by the Act 359/2007 on prevention and remedy of environmental damage and amending some other Acts. Pursuant to this Act the operators falling under this Act have to adopt and implement preventive measures in case of threat of environmental damage and also have to carry out remedial measures after occurrence of environmental damage. This information is a part of the information system according to Article 20 of the above mentioned Act which is implemented by the Slovak Environmental Agency and will be available to the public.

According to Article 25 of the Act 261/2002 on prevention of major industrial accidents the MoE maintains a register of major industrial accidents which contains brief data on major accidents, in particular:

- (a) date, enterprise, place of major industrial accident,
- (b) kind of major industrial accident, its description, kind of present selected hazardous substance,
- (c) extent and duration of major industrial accident and method of elimination,
- (d) source and main reason of major industrial accident,
- (e) consequences of major industrial accident on human life and health, the environment and property,
- (f) measures adopted to limit or remove consequence of major industrial accident and to elimination repetition of similar major industrial accidents:
 - (i) The Act 261/2002 on prevention of major industrial accidents and amending some other Acts as amended;
 - (ii) The Act 666/2004 on flood protection
 - (iii) The Act 414/2002 on economic mobilisation as amended.

Article 5, paragraph 2

In 1996, the MoE worked out a Concept of Sectoral Information System which analysed responsibility in the environment sector, defined a basic structure of information systems and set corresponding responsibilities. It is set up in three layers:

- (a) Level of the MoE – for the needs of the MoE as a central state administration body and a guarantor of the whole system,
- (b) Institutional level – to ensure activity of any institution in the system and
- (c) Level of cross-sectoral, cross-cutting information subsystems (IS) – this includes:
 - (i) Environmental Information System (EIS) and its large subsystems:
 - (ii) Monitoring IS (MIS)
 - (iii) Territory IS (TIS)
 - (iv) Status IS (SIS)
 - (v) IS of departments of the environment sector (ISOŽP, today ISÚŽP)
 - (vi) Data Source Catalogue (KDZ) as a meta-information system.

The Environmental Information System is maintained by the Slovak Environmental Agency and is publicly available at the web page www.enviroportal.sk.

It has to be however mentioned that the organizational arrangements have to be improved for this information system.

Article 5, paragraph 3

Obligated persons are pursuant to article 4, paragraph 2 (b) of the Act 205/2004 on collecting, keeping and distributing environmental information obliged to make reasonable effort to collect and keep environmental information held by themselves or by controlled obliged persons in a form which is easily reproducible and available to a broad spectrum of applicants, in particular through public electronic communication networks, first of all Internet, and so that this information is updated, exact and comparable.

Article 5, paragraph 4

The MoE according to article 33 (b), paragraph 1, of the Act 17/1992 is obliged to publish on annual basis a state of the environment report. Competent central state administration authorities provide required background data. Obligated persons are according to article 7, paragraph 1, of the Act 205/2004 on collecting, keeping and distributing environmental information obliged to distribute environmental information which they hold.

Article 5, paragraph 5

Environmental acts, strategies, policies and international agreements as well as information on their implementation are broadly and easily available for the public. The Act 205/2004 on collecting, keeping and distributing environmental information.

Strategic and normative materials are available for the public through web pages of respective organizations and the system of ENVIROINFO. For example, for the area of chemical legislation, the legislation on introduction of selected chemical substances and preparations on the market and policies with environmental impacts under the responsibility of the Ministry of Economy can be found in the section of Production branches.

Article 5, paragraph 6

Small and medium-sized enterprises annually publish reports informing the public on environmental impacts of their activities.

Annual reports of respective organizations are published on Internet.

Large polluters of the environment work out a state of the environment report which is published on their web pages.

Article 5, paragraph 7

Subject of publication are e.g. environmental impact assessment of activities, environmental analyses, analyses of pollution sources, multicriterial evaluations in the EIA processes, analyses in the framework of urban and spatial planning, facts on pollution conditions, industrial risks, etc. Electronic forms of information can be found on the page www.enviroportal.sk and on pages of sectoral organizations (e.g. www.sazp.sk, www.shmu.sk)

Pursuant to Article 33b) of the Act 17/1992 on the environment as amended a state of the environment report is worked out on annual basis which is issued by the MoE by 15 December of the next year. Competent central state administration bodies provide required background data.

Other kinds of state of the environment reports:

(a) Reports on impacts of economic sectors on the environment (sectoral reports) – in electronic form (internet – Enviroportal),

- (b) Indicators of sustainable development and indicators on impacts of economic sectors on the environment (sectoral indicators) – in electronic form (Internet – Enviroportal),
- (c) State of the environment reports according to D-P-S-I-R structure – in electronic form (Internet – Enviroportal),
- (d) Information brochures on the environment of the Slovak Republic – in electronic form (internet – Enviroportal), Slovak and English languages (updating biannually).
- (e) Water balance of quantity and quality of water, prepared by and published on the page of Slovak Hydrometeorological Institute <http://www.shmu.sk/sk/>.
- (f) Air quality report and share of individual sources on air pollution in Slovakia and Air quality assessment in Slovakia..
- (g) In the framework of quantity and quality of surface water and groundwater the Slovak Hydrometeorological Institute publishes each year reports and year books on the national level within the Partial Monitoring system - Water. Pursuant to Article 13, paragraph 3, the Water Management Research Institute works out a report on evaluation of human impacts on the state of surface water and groundwater. This evaluation is updated not later than two years before elaborating river basin management plans. The nearest one in 2013.

Article 5, paragraph 8

In accordance with article 5, paragraph 6, of the Act 469/2002 on environmental labelling of products the Ministry shall ensure that the process of drafting and determining product groups and special conditions to award a national ecolabel can involve parties concerned, in particular representatives of producers, importers, retailers including small and medium entrepreneurs, trade unions, environmental protection associations and consumer protection associations, scientific and research institutes, public administration authorities, authorised persons and accredited agencies

In accordance with article 15 of the Act 469 on environmental product labelling the Ministry shall ensure that the public has an opportunity to express opinion on a draft of product group determination as well as on draft of special conditions for awarding a national environmental label. The Ministry shall in the Official Journal of the Ministry regularly publish a list of products which have been awarded an environmental label and shall use other forms of active provision of information on a system of environmental product labelling.

Article 5, paragraph 9

Articles 5 and 6 of the Act 205/2004 on collecting, keeping and distributing environmental information – National Pollution Register

A draft of accession of the Slovak Protocol to the Protocol on pollutant and transfer register is currently ready for negotiation in the National Council of the Slovak Republic. Accession to the Protocol is expected for the beginning of 2008.

Requirements resulted from the PRTR are included in the Act 205/2004 on collecting, keeping and distributing environmental information. This Act defines the National Pollution Register, its management and related responsibilities. Accession to environmental information was made for

the first time in 2007. Source of data for the National Pollution Register will be data provided by the operators of activities, data on pollutants released into the environment, data from diffusion pollution sources and data received from other databases.

The MoE shall prepare a draft amendment to the Act 205/2004 and to the Decree 411/2007 implementing the Act 205/2004 in order to achieve a harmonisation with the Protocol and with the Regulation of the European Parliament and of the Council 166/2006/EC concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (E-PRTR) by which the European Community acceded to the Protocol.

Slovakia as a member state of the European Union in June 2006 met the requirements of the Directive 61/96/EC on integrated pollution prevention and control (IPPC Directive) and assured first reporting of data on operators and their air and water emissions for the European pollution register (EPER- European pollution emission register) for the calendar year 2004. An Integrated Register of Information System has been established at the national level. There is an annual requirement for reporting into the Register. Data from the Register are available for the public at <http://ipkz.shmu.sk/ipkz.html> and <http://ipkz.enviroportal.sk/>.

The Decree of the MoE 411/2007 implementing the Act 205/2004 on collecting, keeping and distributing environmental information entered into force on 1 September 2007. Pursuant to this Act the operators carrying out one or more activities listed in Annex 2 are obliged to provide data on annual amount of pollutants released into air, soil and water according to Annex 1 of the Act and data on transfers of wastes out of operation site for the National Environmental Pollution Release and Transfer Register. Extent of provided data is the same as the requirements of the Pollution Release and Transfer Registers.

The Decree of the MoE 411/2007 includes a specification of the National Environmental Pollution Release and Transfer Register, requirements for accessibility of the Register data for the public as well as authorised register administration. The operators have to meet the reporting obligation each year by 31 March for a previous calendar year. The Integrated Register of Information System (IRIS) in Slovakia will be transposed and extended to a National Environmental Pollution Release and Transfer Register in order to remove duplicated provision of data by operators and in accordance with the requirements of the Regulation of the European Parliament and of the Council (EC) 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register. The National Environmental Pollution Release and Transfer Register will comply with all requirements of Pollutant Release and Transfer Registers and it will be put in place by the end of 2008. The operators shall provide data on all emissions of particular pollutants in accordance with the IPPC Directive into the Integrated Register of Information System. Threshold values of amounts of pollutants have not been transposed to the national legal instruments. The database can so be a basis how to meet further requirements for data reporting.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

Article 5 of the Aarhus Convention is in Slovakia fully implemented.

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

All state administration authorities and self-governments include organizational units dealing with communication which keep records on accepted and settled requests for information which are evaluated on an annual basis. In accordance with the Act/2003 on integrated pollution prevention and control an Integrated Information System Register (IRIS), containing data and information on operators and operations falling under this Act, has been established in the Slovak Hydrometeorological Institute.

In accordance with the Act 205/2004 on collecting, keeping and distributing environmental information and the Decree of the MoE 411/2007 implementing this Act the Slovak Hydrometeorological Institute has been authorised to maintain the National Pollutant Release and Transport Register which will include data on operators and operations falling under this Act.

In accordance with the Act 478/2002 on air protection and the Decree of the MoE 61/2004 laying down requirements for maintaining operational records and extent of further data on stationary sources a National Emission Information System has been established which contains data and information on large and medium stationary air pollution sources.

In accordance with the Act 364/2004 on water and the Decree of the MoE 221/2005 specifying details on detection of occurrence and assessment of status of surface water and groundwater, monitoring, record keeping and water balance a Summary Record Keeping on Water has been established at the Slovak Hydrometeorological Institute. It contains selected data and information in following structure:

- (a) keeping records on surface water bodies and groundwater
- (b) keeping records on amount and quality of water in water bodies including impacts of human activities
- (c) keeping records on rights and duties resulted from decisions of state water authorities
- (d) keeping records on protected sites.

Records on water are available to the public. Each has a right to make extracts from the records at an authorised person and at a competent state water authority.

XIV. WEB SITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

www.enviroportal.sk – webpage containing summary information on the environment, including links to relevant organizations

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6.

Legislative provisions to implement article 6 include:

- (a) The Act 543/2002 on nature and landscape protection as amended;
- (b) The Act 24/2006 on environmental impact assessment as amended;
- (c) The Act 364/2004 on water as amended;
- (d) The Act 478/2002 on air protection as amended;
- (e) The Act 469/2002 on environmental labelling of products;
- (f) The Act 261/2002 on prevention of major industrial accidents, amending some other Acts, as amended;
- (g) The Act 245/2003 on integrated pollution prevention and control, amending some other Acts, as amended in Article 10d public, proceeding stakeholders, affected bodies, participating persons.
- (h) The Act 359/2007 on prevention and remedy of environmental damage, amending some other Acts, effective since 1 September 1997, which allows public participation in procedure – Article 25 Proceeding stakeholders (natural person or legal entity whose rights or interests protected by the law or duties may be affected by environmental damage, as well as non-governmental organizations). The public (natural person) and non-governmental organizations can also submit notifications.

Article 6, paragraph 1

As regards activities with significant environmental impacts falling under the environmental impact assessment process (activities listed in Annex I to the Aarhus Convention) and activities with significant environmental impacts pursuant to the Act 543/2002 on nature and landscape protection the NGOs became participating persons on the basis of 2006 amendments to these Acts.

The requirements of the Aarhus Convention concerning construction permission are included also in the Act 245/2003 on integrated pollution prevention and control and amending some other Acts (IPPC Act). Currently an amendment to the Decree 391/2003 implementing the IPPC Act is under preparation due to harmonisation with the Convention and with E-PRTR. Obligation of public participation in issuing consent to decide on construction of a waste incineration facility or a waste co-incineration facility and their changes results from Article 23, paragraphs 3 to 6 of the Act 478/2002 on air protection.

Article 6, paragraph 2

By the adoption of the Act 454/2007 amending the Act 543/2002 on nature and landscape protection, environmental civil associations working for at least one year had a position of a proceeding stakeholder in decision-making on permission of activities falling under the Act on nature and landscape protection. After the adoption of the above-mentioned Act they became participating persons.

The Act 24/2006 on environmental impact assessment and amending some other Acts defines the public participating in assessment process as follows: the public is one or more natural persons or legal entities, their associations, organizations or groups”.

Pursuant to the provision of Article 24 of this Act the public concerned is defined as the public which is or may be interested in procedures of environmental decision-making. The public concerned involves mainly:

- (a) civil initiative pursuant to Article 25,
- (b) civil association supporting environmental protection pursuant to Article 26,
- (c) organization supporting environmental protection founded according to specific legal instruments operating for more than two years (hereinafter referred to as “non-governmental organization supporting environmental protection”) pursuant to Article 27.

The term of the public concerned or participating is being introduced also by the Act 275/2007 amending the Act 129/1996 concerning some measures to accelerate preparation of highway and motorway construction as amended by the Act 160/1996; the term of a natural person concerned is being introduced by the Forest Act; the term of the public is being introduced by the Act 24/2006 on environmental impact assessment, the Act 277/2005 amending the Act 261/2002 on prevention of major industrial accidents and amending the Act 587/2004 on Environmental Fund; the term of the public affected is being introduced by the Act 532/2005 amending the Act 245/2003 on integrated pollution and prevention control; the term of the public is being introduced by the Act 364/2004 on water and amending the Act 372/1990 on infringements as amended (Water Act).

The Act 245/2003 on integrated pollution prevention and control and amending some other Acts, as amended, defines the public concerned as follows:

The public concerned is the public that is or may be affected by decision-making procedure on a new operation or by decision-making on a substantial change in operation or by the updating of conditions for permission based on a call under Article 22, paragraph 1d) or that is or may be interested in such a procedure.

The public concerned is:

(a) a person that claims that the decision may affect the person’s rights, interests protected by law or duties until proved otherwise,

(b) organization supporting environmental protection founded on the basis of specific legal instruments; 18a) such an organization is for the purpose of this Act considered to be a subject whose right for favourable environment may be affected by the decision,

(c) civil association 18c) associating at least 250 natural persons over 18 years of age, of that number at least 150 persons with permanent residence in a affected municipality; this association is for the purpose of this Act considered to be a subject whose right for favourable environment may be affected by the decision.

The Acts of the Slovak Republic require that the persons participating in decision-making processes are directly affected in the area of their rights or interests protected by law (Article 14 of Administrative Rules). When deciding on construction, the property rights or other rights related to lands or construction have to be explicitly affected (Article 34, paragraph 2, and Article 59, paragraph 1, of Building Code) I.

Public administration authorities sometimes cannot identify persons that “may be” affected by the activity in question. Due to this fact it can happen that they do not assign a position of proceeding stakeholder even to inhabitants living in vicinity of proposed activity or construction.

In practice the right of natural persons to participate in decision-making affecting the environment is not sometimes consistently identified or assigned, e.g. when making a decision on a construction or operation when the person does not own the neighbouring land, however, but the construction or operation may significantly affect the use of property, privacy or right to quality life without disturbing impacts.

The Act 24/2006 on environmental impact assessment and amending some other Acts – environmental impact assessment process is carried out before making a decision on an activity pursuant to specific legal instruments. Articles 26 and 27 of this Act lay down that a civil association and non-governmental organization supporting environmental protection are becoming proceeding stakeholders in decision-making pursuant to specific legal instruments if they had submitted a written position in the framework of assessment process.

Persons can participate in decision-making only if they may be directly affected in the area of their rights or interests protect by law. If such a person only “has an interest” in environmental decision-making, such a person becomes a participating person.

No special measures have been taken to encourage public participation in the most significant environmental decision-making cases.

Article 6, paragraph 3

The Act 24/2006 on environmental impact assessment and amending some other Acts – the time frame for public participation is specified in particular provisions of this Act.

Article 6, paragraph 4

The Act 24/2006 on environmental impact assessment and amending some other Acts – the time frame for public notification is specified in particular provisions of this Act.

Public participation is provided for pursuant to Article 23, paragraphs 1, 3 and 4, and Article 30, paragraph 5, of the Act 24/2006.

The Act 24/2006 on environmental impact assessment and amending some other Acts – the time frame for submission of comments to proposed activity (including comments to proposed alternatives) is specified in particular provisions of this Act.

Article 6, paragraph 5

The Act 24/2006 on environmental impact assessment and amending some other Acts – the developer organizes in cooperation with the affected municipality public hearing of a planned activity and is obliged to participate in public hearing and public consultations.

Public notices provide for public participation in decision-making on activities which may have significant environmental impacts. Results of public participation are taken into account and, if they are not accepted, such a fact has to be justified.

Article 6, paragraph 7

Pursuant to the Act 24/2006 on environmental impact assessment and amending some other Acts, all relevant comments and conclusions of public hearing are evaluated seriously and then taken into account in conclusions from environmental impact assessment (final position).

Article 6, paragraph 8

A state administration authority in a decision is not obliged to present how it has dealt with comments from NGOs in position of a participating person and why their concrete comments or objections have been refused. This concerns all procedures in permitting process for activities with significant environmental impacts falling under environmental impact assessment process (activities listed in Annex I to the Aarhus Convention) as well as for activities with significant environmental impacts according to the Act 543/2002 on nature and landscape protection.

A state administration authority in a decision is not obliged to present how it has dealt with comments from NGOs in position of a participating person and why their concrete comments or objections have been refused.

Article 6, paragraph 9

Pursuant to Article 38, paragraph 5, of the Act 24/2006 on environmental impact assessment the permitting authority shall in a proper manner publish the decision and the substantial part of reasoning related to environmental impacts before entering into force of such a decision . Reasoning is an obligatory part of decision.

With regard to changes in the operating conditions of an activity falling within the scope of paragraph 1 of article 6 qualify as significant and therefore lead to a new decision-making procedure where public participation, the Administrative Rules provide for possibilities to appeal again a decision with a view to modify or cancel it or in cases where changes have occurred in the operating conditions.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

No information was provided under this heading.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

No information was provided under this heading.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

No information was provided under this heading.

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

Measures ensuring public participation in preparation of environmental plans and programmes include public hearings, information in media, written commenting, publishing on Internet. This issue is regulated also in Article 13, paragraph 4, of the Water Act, the Act 24/2006 on environmental impact assessment and amending some other Acts. The public is involved in preparation of documentation on protected areas management which are publicly consulted. The public takes part also in preparation of designation of protected bird areas and protected areas. Regional Environment Offices organize public hearings on policy documents.

Pursuant to article 54, paragraphs 1 and 18 to 21, of the Act 543/2002 on nature and landscape protection as amended:

- (a) Paragraph 18: a nature protection authority, which prepares nature and landscape protection documentation, is obliged before its approval to discuss comments delivered in written form from a civil association which is according to its statute aimed at nature and landscape protection for at least one year (Article 2, paragraph 1), if such comments are delivered to the authority not later than 30 days before expected approval.
- (b) Paragraph 19: a civil association pursuant to Article 18 can ask the nature protection authority, which prepares nature and landscape protection documentation, for notifying in written form about the documentation and about expected date of approval. The request of the association has to include first of all the name of association, address, identification number, name and surname of a person authorised to act on behalf of the civil association and the kind of documentation on which the request for notification applies. Registered statutes of the civil association or their changes have to be included in Annex. The nature protection authority, which receives such a request, is obliged to notify the civil association in written form about the nature and landscape protection documentation and about expected date of its approval, not later than seven days after delivery of the request.
- (c) Paragraph 20: nature and landscape protection documentation is a background for elaborating a territorial planning documentation, documents, plans and projects pursuant Article 9, paragraph 1, and for activity and decision-making of nature protection authorities.
- (d) Paragraph 21: nature and landscape protection documentation is publicly available.

Pursuant to the Act 24/2006 on environmental impact assessment and amending some other Acts, assessment is always applied on strategic documents (policies, concepts, plans and programmes) listed in Annex 1 to the Act. Screening is applied on all other strategic documents (policies, concepts, plans and programmes not listed in Annex 1 to the Act which create a framework for projects listed in Annex 8 to the Act. Plans and strategies relating to the environment approved by the Government and worked out on regional level are planning tools and are reflected to concrete decision-making in the area of water state administration (e.g. limits for waste water discharges, removal of imperfections in manipulation with substances damaging water, building waste water treatment plants, definition of agglomeration principles).

Pursuant to Annex 1 of the Act 24/2006 on environmental impact assessment and amending some other Acts the following strategic decisions are considered to be “relating to the environment”: environmental management concepts, plans of public water supply and sewerage development, regional and district flood protection plans, master plan of water protection and rational use, emergency plans (extraordinary deterioration of water quality), action plans to improve air quality and other strategic documents (policies, concepts, plans and programmes) creating a framework for projects relating to the environment listed in Annex 8 to the Act.

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

Pursuant to the Act 24/2006 on environmental impact assessment and amending some other Acts, assessment is always applied on strategic documents (policies, concepts, plans and programmes) listed in Annex 1 to the Act. Screening is applied on all other strategic documents (policies, concepts, plans and programmes not listed in Annex 1 to the Act which create a framework for projects listed in Annex 8 to the Act. Plans and strategies relating to the environment approved by the Government and worked out on regional level are planning tools and are reflected to concrete decision-making in the area of water state administration (e.g. limits for waste water discharges, removal of imperfections in manipulation with substances damaging water, building waste water treatment plants, definition of agglomeration principles).

Pursuant to annex 1 of the Act 24/2006 on environmental impact assessment and amending some other Acts the following strategic decisions are considered to be “relating to the environment”:

“Environmental management concepts, plans of public water supply and sewerage development, regional and district flood protection plans, master plan of water protection and rational use, emergency plans (extraordinary deterioration of water quality), action plans to improve air quality and other strategic documents (policies, concepts, plans and programmes) creating a framework for projects relating to the environment listed in annex 8 to the Act.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

No information was provided under this header.

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

No information was provided under this header.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

www.enviroportal.sk.

**XXIV. EFFORTS 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**

All draft legal instruments which are under responsibility of the MoE pursuant to Legislative Rules of the Slovak Government are available for commenting to the public on the web page www.enviro.gov.sk. Pursuant to Legislative Rules of the Government the public can submit a so called collective comment. The MoE is obliged to carry out an appealing procedure concerning this collective comment if such a comment has been supported by at least 500 natural persons or legal entities.

Pursuant to article 50, paragraphs 1 to 4, of the Act 543/2002 on nature and landscape protection as amended, a competent nature protection authority is obliged to notify in written form the owner (manager, renter) of affected land on the basis of a land register, affected municipality and affected state authorities about a plan to designate a protected landscape component, protected site, nature reserve, natural monument, protected bird area, zone of protected territory or protected tree. If there is protected bird area and zone of protected territory, the competent body is the Regional Environment Office. Notification about the plan includes first of all characterisation of protection designation plan, place. If there is a higher number of land owner or if address of land owners is not known the plan can be notified by a public notice. A municipality is within 15 days of delivery of notification obliged to inform the public on its territory and provide access to the plan during a period at least 15 days. The owner (manager, renter) of affected land, municipality and affected state administration authority have the right by 30 days of delivery of the plan or public notice to submit written comments to a nature protection authority. The nature protection authority is obliged to consult with the subject submitting the comments within 30 days.

Note.:

Protected territories and their protection zones are designated by a generally binding legal instrument – a decree of a District Environment Office, Regional Environment Office or the MoE or by a Regulation of the Government pursuant to category of protected territory.

According to Legislative Rules of the Slovak Government (Article 10, paragraph 6), an appealing procedure with a representative of the public can be applied if a proponent did not respect a comment supported by a higher number of natural persons or legal entities and if the part of comment is authorisation of a representative of the public to act on behalf of the public (collective comment). An appealing procedure with a representative of the public is applied always when the proponent does not respect a collective comment which has been supported by at least 500 natural persons or legal entities only if there are reasons not to apply an appealing procedure.

Representatives of NGOs sometimes participate in working groups in the stage of preparation of a legal instrument.

Public participation in preparation of legislation is legislatively arranged in the Legislative Rules of the Slovak Government which are not a generally binding instrument.

Pursuant to the Legislative Rules of the Slovak Government consultations with stakeholders submitting comments and positions are carried out in the framework of public participation with assumption to take them maximally into account if these comments are not in conflict with legal instruments and have a rational basis.

Cross-sectoral commenting is carried out in usual manner (15 working days) or in a shortened regime (at least 7 days).

Drafts regulations and rules are available on the webpage of the MoE.

Legislature evaluates all comments delivered in relation to a draft legal instrument, including comments of the public.

Specific techniques are not applied, there are only ad hoc working groups for preparation of legal instruments which involve also the members of NGOs.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

No information was provided under this heading.

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

No information was provided under this heading.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

No information was provided under this heading.

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

Legislative measures implementing the provisions on access to legal protection mentioned in Article 9 are all legal instruments related to provision of information which directly in these specific legal instruments specify conditions, based on which a person can apply to a court (e.g. art. 19, para. 4, of the Act 211/2000). The Civil Legal Procedure derives position of a proceeding stakeholder in administrative justice from specific Acts specifying proceeding stakeholders in administrative procedures. Judicial proceedings involve participants of administrative procedures and those who should be treated as participants (art. 250 of the Civil Legal Procedure).

General definition of proceeding stakeholder is provided by articles 14 and 15 of Administrative Rules, based on which the proceeding stakeholder is a person whose rights, interests protected by law or duties are going to be subject of procedure or whose rights, interests protected by law or duties may be affected by a decision; a proceeding stakeholder is also a person who claims that the decision may affect the person's rights, interests protected by law or duties until proved otherwise.

Proceeding stakeholder is also a person who has such a position on the basis of a specific legal instrument (e.g. the Act 245/2003 on integrated pollution prevention and control and amending some other Acts defines in Article 10 defines "the public" for the purposes of this Act as one or more natural persons or legal entities, their associations or groups. This Act also defines a proceeding stakeholder and public concerned. The Act 151/2002 on the use of genetic technologies and genetically modified organisms as amended defines in Articles 33 and 34 a proceeding stakeholder). The proceeding stakeholder can independently act in the extent in which he or she has an authorisation to acquire rights and duties. The procedure rules also define position of a participating person:

A specific Act may lay down conditions on which a person another than a proceeding stakeholder may take part in procedure or in a part thereof (participating person). Participating person has the right to be notified about the beginning of procedure and about other submissions made by proceeding stakeholders, to participate in oral proceedings and in local investigation, to propose evidences and additional backgrounds for a decision. A specific Act may define more rights of a participating person.

Independence of administrative review is ensured through decision-making activity of a judicial authority which is separated from executive components of the state power.

Article 9, paragraph 1

In case where an applicant for information has appealed to a superior body and was not successful in the appealing procedure, he or she can apply to a court. Competent court is a regional court in territorial jurisdiction of which there is a seat of the body deciding on the appeal.

According to the Act on judicial charges the ecological organizations are exempted from a judicial charge as referred to in article 4, paragraph 2 (c). Moreover, if there was in question another than ecological organization and the applicant shall require information and the obliged person shall not act, the applicant can apply to a court pursuant to article 250 of the Civil Legal Procedure so that the court orders the obliged person to act. Judicial proceeding is in such a case exempted from judicial charge. Exemption applies also to cases where a person has initiated a procedure against illegal intervention of a public administration body, which is not a decision, however which has negatively affected the person's rights and interests protected by law. In other cases the person submitting a draft for review of legality of decision made by a public administration authority shall pay a judicial charge SKK 2000, which will be returned in case that he or she has been successful in lawsuit. A new proceeding shall be carried out based on cassation principle of administrative justice which shall cancel the decision of an administrative body and return the case to the administrative body for further procedure.

Final decision of a court is binding (art. 159) for a public institution which was obliged to provide information and it is at the same time bound by the legal opinion of the court (art. 250 (j), para. 6, as well as art. 250 (j.a), para. 5, of the Civil Legal Procedure)

Article 9, paragraph 3

At present there is possibility of access to a court to question infringement of law in the area of the environment in these cases:

(a) If persons are administrative procedure members due to the fact that the procedure affects their rights;

(b) If there are non-governmental organizations which were participants of permission procedure pursuant to the Act on integrated pollution prevention and control or pursuant to the Act on the use of genetic technologies.

It is possible to challenge the acts or their omission by authorities pursuant to Articles 250t and 250u in proceedings against inaction of a public administration authority and pursuant to Article 250v in proceedings concerning protection against illegal intervention of a public administration authority. Access to justice exists only in several proceedings on permission of an activity (subject to integrated permit) and in case where a person is a proceeding stakeholder because such a person is affected directly by the proceeding.

Members of the public can proceed in accordance with the Act 85/1990 on petition rights as amended and in accordance with the Act 152/1998 on complaints.

Article 8 is addressed in particular by Legislative Rules of the Slovak Government infringement of which cannot be challenged at the court. Neither infringements of decisions and acts according to Article 7 of the Convention can be challenged at the court (i.e. at the body meeting the conditions of Article 9, paragraph 4, of the Convention).

The current arrangement of injunctive relief in cases of a challenged decision of an administrative authority cannot be considered to be an arrangement meeting the requirements of Article 9, paragraph 4, of the Aarhus Convention for adequate, efficient and early remedial measure. It is due to vagueness of criteria for postponing validity of a decision of an administrative authority by a court and also due to the fact that the court does not issue a decision on refusal of injunctive relief and that means that it is impossible to oppose it.

Article 9, paragraph 4

Judicial proceeding concerning investigation of a decision legality can take even one year. The opposite party can appeal against the judgement and the judicial proceeding can be even longer. After one year the information on the environment often loses a value for the applicant. A new administrative proceeding starts to run after decision of a court. Within this new procedure an authority may again refuse provision of information (e.g. due to another reason).

We perceive the English term “injunctive relief” as a preliminary measure by a court. In the administrative justice the courts do not issue preliminary measures as these are addressed in the

second part of the Civil Legal Procedure which does not apply to administrative justice (art. 246 (c)). The court can only in accordance with article 250, based on a proposal, postpone validity of the questioned judgement issued by a public administration authority.

Preliminary measures are usually implemented by administrative authorities in administrative procedure, therefore the court would in accordance with article 7 state lack of its own powers (competence).

First of all the decisions of courts are declared publicly in accordance with article 156 of Civil Legal Procedure. Pursuant to article 44 of the Civil Legal Procedure the proceeding stakeholders and also other persons can look into documents and make extracts.

Along with that the Unified Automatic Legal Information System (JASPI) contains texts of positions and decisions of the Supreme Court of the Slovak Republic starting from 1961, documents of the Constitutional Court of the Slovak Republic starting from 1993 (origination of the Slovak Republic), selected judicial decisions of regional and district courts according to guidelines of the Ministry of Justice of the Slovak Republic on publishing decisions on Internet which should be in the future extended on the agenda of administrative justice (it is only a question of availability of financial resources).

Taking into account that the courts and the Supreme Court of the Slovak Republic usually do not make accessible the texts of decisions related to administrative justice (including the environmental issues) based on request for information and these judgements are not actively published on Internet (except for some judgements selected for the Collection of Judicial Decisions), the requirement of article 9, paragraph 4, of the Convention is not sufficiently met at present.

In relation to access to information the sanctions are specified in the Act 372/1990 on infringements as amended – possibilities of penalties and prohibition of activity.

Judges are not specialised in environmental matters, there are administrative councils in regional courts and in the Supreme Court of the Slovak Republic that include also these cases.

If the public is associated in an ecological organization, than it is exempted from judicial charges. In the initial phase it is necessary to be represented by a lawyer, but if any of members representing the organization at the court has a legal education, it is not necessary to be represented by a lawyer. If there is a legal assistance provided by the state in question, such a kind of assistance is provided only to persons in material need who cannot afford services of lawyer.

Lawyers' offices are not specialised for law in the area of the environment. There is a few of lawyers dealing with these cases (also due to the fact that these cases are not very lucrative). A client has moreover to pay a reward to the lawyer which is often too de-motivating.

Article 9, paragraph 5,

A certain financial barrier could have been a judicial charge for proceedings concerning complaints against decisions and procedures of central state administration bodies and other authorities with jurisdiction on the whole territory of Slovakia in a sum of SKK 10,000. This

sum is not applied anymore and there is a unified charge of SKK 2,000, as for other public administration authorities with local jurisdiction.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

No information was provided under this heading.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

In administrative justice there are statistics administered specially in relation to requirements of environmental management in the following structure: nature and landscape protection, water management, air protection, wastes, packages and waste management, spatial planning, spatial proceeding, building proceeding, inspection and approval to use constructions, expropriation proceeding and others. There is not more detailed statistics. The Ministry of Justice maintains a statistics on number of complaints in civil law conflicts and in the area of protection of personality, protection of reputation of legal entity and liability for damage in criminal law conflicts, i.e. crime of libel, slander, statistical data of general nature and there are no specific data relating exclusively to environmental decision-making.

One valid judgement of the Supreme Court of September 2007 is known where the Court argued with the Aarhus Convention.

The courts apply the cassation principle in administrative justice; there are no plans to change this approach in the future as court cannot provide the applicant with environmental information directly or to carry out administrative proceeding where it would extend the range of stakeholders on a complainant. The court shall cancel a decision on refusal to provide information and order to provide information. The provision of article 250 (j), paragraph 5, of the Civil Legal Procedure can be considered to be a certain "remedial right". Pursuant to this provision the court can decide on compensation of damage or on financial sanction on conditions laid down in law. The court at present does not have the right to order an authority to provide information.

XXXI. WEB SITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

No information was given under this heading.

XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION TO THE PROTECTION OF THE RIGHT OF EVERY PERSON OF PRESENT AND FUTURE GENERATIONS TO LIVE IN AN ENVIRONMENT ADEQUATE TO HIS OR HER HEALTH AND WELL-BEING

144. No information was provided under this heading.
