

**REPORT OF SLOVAK REPUBLIC FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

Information on the Focal Point for the Convention

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

- Act No. 127/1994 Coll. of the National Council of the Slovak Republic from 29th April 1994 on Environmental Impact Assessment,
- Act No. 391/2000 Coll. of 25th October 2000 amending the act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment,
- Regulation of the Ministry of Environment of the Slovak Republic No. 52/1995 Coll. from March 6th, 1995 on List of Professionally Qualified Persons for Environmental Impact Assessment.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

- a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

The compulsory assessment comprises the following steps:

1. Submission of the preliminary environmental study
2. Determination on scope of work and timetable (Scoping)
3. Preparation of the environmental impact statement (EIS)
4. Public hearing of the environmental impact statement
5. Elaboration of the expert review
6. Elaboration of the final statement

Screening – begins with the submission of the preliminary environmental study and ends by issuing the decision in which it is decided whether the activity will proceed with an Environmental Impact Statement. In case the activity will not proceed with an Environmental Impact Statement, the permission process follows under the special regulations. In case an Environmental Impact Statement is needed the activity will be assessed following the EIA process as at the compulsory evaluation.

The individual steps of the assessment process are interconnected, and general public belongs also to the participants of the assessment process.

PARTICIPANTS OF THE ASSESSMENT PROCESS

The whole assessment process in the Slovak Republic is managed and regulated by the Ministry of the Environment of the Slovak Republic, the Environmental Impact Assessment Section.

FURTHER PARTICIPANTS OF THE PROCESS ARE

- Proponent – the juridical or physical entity intending to perform the activity that is to be assessed.
- Competent authority – the central authority of the state administration (ministry) within whose competence of the assessed activity falls.
- Permission authority – the authority of the state administration that is competent to issue the decision concerning the permission of the activity under special regulations.
- Affected authority – the authority of the state administration which binding judgement, agreement, standpoint or expression of opinion, issued under special regulations is the condition for the permission of the activity.
- Affected municipality – the municipality at the territory of which the activity is to be carried out or which will be affected by the activity.
- Public – one or more juridical or physical entities, their associations, organizations or groups including non-governmental organizations.
- Professionally qualified persons - experts registered into the list of the professionally qualified persons for the environmental impact assessment, kept by the Ministry of the Environment of the Slovak Republic.

PUBLIC PARTICIPATION IN THE ASSESSMENT PROCESS

The public participation in the assessment process enables both the individuals and their groups to take part in decision-making on the matters essentially related to them. Within the general concept of the public, in accordance with the valid legislation in the field of the environmental impact assessment in the Slovak Republic, the two types of groups are designated, namely:

- Civic initiative – means not less than 500 physical persons more than 18 years old, of which at least 250 persons have a permanent address in the affected municipality, who will sign a joint standpoint to a proposed activity. A civic initiative is documented by a list of signatures, in which the first names, the surnames, permanent addresses, dates of birth and signatures of the persons who support the joint standpoint are given.
- Civic association – arises if it is established (under the Act No. 83/1990 Coll., on Association of Citizens, as amended by later regulations) by a group of not less than 250 physical persons more than 18 years old, of which at least 150 persons have a permanent address in the affected municipality, for the purpose of further support to the standpoint of a civic initiative or directly for the purpose of environmental protection of the planned activity assessed. This civic association also takes part in the administrative proceedings in which a decision is reached for the permission of the given activity under the special regulations.

RIGHTS AND OBLIGATIONS OF THE PUBLIC IN THE ASSESSMENT PROCESS

- submission of the standpoints, comments or proposals to the preliminary environmental study and to the environmental impact statement,

- the right to establish civic initiatives and civic associations,
- the right to access to information on the proposed activity, on the assessment process and on the acceptance of the submitted comments,
- participation in the public hearing where their comments, requirements and proposals can be submitted,
- demands for the consultations relating to the impact of the assessed activity or the assessment process,
- providing information on the affected area by the person drawing up the documents in the assessment process.

The public is involved in the environmental impact assessment process immediately from its beginning, and will be given adequate space and time to claim their comments, requirements and proposals to the assessed activity (during whole EIA process and its steps). The form of submitting the standpoints, comments, requirements and proposals is not prescribed. In the assessment process, it is possible to use any form, i. e. written, electronic, telephonic or verbal. The written standpoints are submitted to the Ministry of the Environment of the Slovak republic directly, or through the affected municipality.

b. Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.

part III (art. 25 - 34) of the act No. 127/1994 Coll. of the National Council of the Slovak Republic on Environmental Impact Assessment

- In assessing of the activity referred to in annex No. 5 of the act if at the same time it may have a significantly adverse impact on the environment in transboundary context, the same procedure is followed as laid down by the provisions of Parts I and II of the act, with the differences specified in § 26 to 34 of the act, unless the international agreement by which the Slovak Republic is bound provides otherwise.
- If the Party of origin and the affected Party agree, the procedure laid down is also followed in assessing the activity which is not given in annex No. 5 of the act but may have a significantly adverse impact in transboundary context.
- In assessing whether a proposed activity will have a significantly adverse impact on the environment in transboundary context, the procedure follows according criteria given in annex No. 6 of the act.
- The procedure laid down proceeds only if reciprocity and equality between the Party of origin and the affected Party is guaranteed.

The impact assessment of activities carried out at the territory of the Slovak Republic

- The Ministry will send to the affected Party notification about planned activity under § 25 of the act, without needless delay after delivery of the preliminary environmental study under § 7 of the act.
- The notification about planned activity includes, inter alia
 - a) basic information about the preliminary environmental study including the available data about the presumed impact on the environment in transboundary context,
 - b) information about the type of permission of activity that is required under the special regulations,
 - c) time limit within which a response of the affected Party is required, taking into account the nature of the proposed activity.

- If the affected Party indicates its intention to participate in the assessment, the provisions laid down in § 28 to 31 of the act will be applied.
- If the affected Party indicates that it does not intend to participate in the assessment, or it does not respond within the specified time limit, the provisions of § 28 to 31 of the act will not be applied.
- The Ministry will deliver to the affected Party without needless delay:
 - a) data about the preliminary environmental study in the extent given in § 7, paragraph 3 and in the annex No. 2 of the act if these data have not been indicated under § 26 paragraph 2 of the act,
 - b) information regarding the environmental impact assessment procedure, including the time limit for transmittal of comments,
 - c) a request for information about the presumed impacts of the activity at the territory of the affected Party.
- The comments of the affected Party delivered within the time limit under paragraph 1, letter b), will be taken into account in determining scoping and timetable under § 12 of the act.
- The Ministry will deliver to the affected Party the environmental impact assessment documentation under § 25 of the act prepared by the proponent in accordance with the annex No. 7 of the act (hereinafter referred to only as "documentation") without needless delay. At the same time the Ministry will invite the affected Party for consultation.
- If the affected Party expresses its interest, the Ministry together with the competent authority will provide the consultation with it; the proponent and the permission authority will be invited for consultation as a rule.
- The final record elaborated in accordance with § 20 of the act must contain in addition to the requirements specified in annex No. 4 of the act also the requirements specified in annex No. 7 of the act and a statement concerning the comments of the affected Party, including the comments of its public.
- Without needless delay the Ministry will deliver to the affected Party the final record and also decision on the permission of the activity, issued in accordance with the special regulations.
- The Ministry can agree with the affected Party that the final record will include a requirement for the assessed activity to be monitored and evaluated (§ 36), as well as the conditions for monitoring of the impacts of this activity at the territory of the affected Party.
- If the Ministry during the assessment under the part II of the act finds out additionally that the impacts of the activity may have transboundary effect, it will initiate the proceedings under § 26 to 31 of the act.

The impact assessment of activities carried out at the territory of other state

- If the Party of origin notifies the Ministry the proposed activity as referred to in § 25, par. 2 and 3 of the act, that is likely to cause a significant adverse impact at the territory of the Slovak Republic, the Ministry is obliged to reply to the notification within the time limit laid down by the Party of origin or without needless delay if no such time limit is laid down.
- In the reply the Ministry will state whether it will participate in the assessment.
- The Ministry at the request of the Party of origin will provide with available information about the presumed impacts of the activity at the territory of the Slovak Republic if such information are necessary for the preparation of the documentation of the Party of origin.

- After submission of the documentation from the Party of origin, the procedure laid down in § 16 to 18 of the act will be applied accordingly. The Ministry can reduce the time limit for submission of comments (§18) adequately with regard to the justified requirements of the Party of origin.
- The documentation of the Party of origin and the comments on it will form the basis for the consultation of the Ministry with the Party of origin.
- The Ministry will make accessible to the public the decision of the Party of origin concerning the permission of the activity assessed under the act after its delivery from the Party of origin.

c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

Ministry of Environment of the Slovak Republic, Department of EIA

d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

Ministry of Environment of Slovak Republik, Department of EIA

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

There is no special provision for cross-border projects. In case of joint cross-border projects it is being proceeded according to individual national legislations concerning transboundary impact assessment. We have provided § 13 about it in the bilateral agreement with Austria.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

Yes, in the annex No. 5 of the act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment, except of the item No. 15, "Offshore hydrocarbon production", which we do not have, because Slovak Republic is an inland country.

5. *Please describe:*

a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

The act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment (art. 1, 2 and 25 and annexes No. 5 and 6)

- annex No. 5 of the act - List of activities requiring international hearing from the point of view of their impacts on environment with transboundary effects,
- annex No. 6 of the act - General criteria to assist in the determination of the environmental significance of activities with transboundary effects,
- In assessing of the activity referred to in annex No. 5 of the act if at the same time it may have a significantly adverse impact on the environment in transboundary context, the same procedure is followed as laid down by the provisions of Parts I and

II of the act, with the differences specified in § 26 to 34 of the act, unless the international agreement by which the Slovak Republic is bound provides otherwise,

- If the Party of origin and the affected Party agree, the procedure laid down is also followed in assessing the activity which is not given in annex No.5 of the act but may have a significantly adverse impact in transboundary context,
- In assessing whether a proposed activity will have a significantly adverse impact on the environment in transboundary context, the procedure follows according criteria given in annex No. 6 of the act,

Purpose of the Act

- The purpose of the act is to ensure the procedure for the complete expert and public assessment of planned constructions, facilities and other activities determined under the act (hereinafter referred to only as "activities") before the decision on their permission under special provisions is given,.
- The subject of the assessment is also preliminary environmental study for change of the activity specified in part A of annex No. 1 of the act if
 - a) as a result thereof the threshold value specified in part A of annex No. 1 of the Act (hereinafter referred to only as "threshold value") is exceeded,
 - b) in the case of the activity which already exceeds the threshold value, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the threshold value, or if the scope of the activity increases by at least 25 % as a consequence of the change,
 - c) in the case of the activity for which no threshold value has been specified in part A of annex No. 1 of the act, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the originally assessed scope of the activity under the act.
- In case of doubt whether it is a change of the activity, the Ministry of the Environment of the Slovak Republic (hereinafter referred to only as the "Ministry") will decide. The proponent is the only participant of this proceedings.
- If decision resulting in the screening under § 10 and 11 of the act is done, preliminary environmental study for the activity specified in part B of annex No. 1 of the act is also subject to the assessment. Criteria for determining change of the activity specified in Part A of Annex No. 1 are applicable accordingly to the assessment change of the activity specified in part B of annex No. 1.
- In justified cases, especially if the activity is to be carried out in the protected area under special regulations or in the area of a significant environmental burden, the Ministry can determine by a decision in the proceedings under § 3, that also preliminary environmental study of the activity or its change not specified above is also to be subject to the assessment.
- In considering whether proposed activity is likely to have a significant adverse transboundary impact the following criteria are taken into account, inter alia:
 1. Size (The proposed activities which are large for the type of the activity).
 2. Location - Proposed activities
 - which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, national reserves, sites of special scientific interest, or sites of archeological, cultural or historical importance),
 - in locations where the characteristics of proposed development would be likely to have significant effects on the population,
 - with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing

additional loading which cannot be sustained by the carrying capacity of the environment.

This way are considered proposed activities which are located close to the international frontier which could give rise to significant transboundary effects.

b. How a change to an activity is considered as a “major” change;

The act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment (art. 2)

- The subject of the assessment is also preliminary environmental study for change of the activity specified in part A of annex No. 1 of the act if

- a) as a result thereof the threshold value specified in part A of annex No. 1 of the Act is exceeded,

- b) in the case of the activity which already exceeds the threshold value, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the threshold value, or if the scope of the activity increases by at least 25 % as a consequence of the change,

- c) in the case of the activity for which no threshold value has been specified in part A of annex No. 1 of the act, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the originally assessed scope of the activity under the act.

- In case of doubt whether it is a change of the activity, the Ministry will decide. The proponent is the only participant of this proceedings.

- If decision resulting in the screening under § 10 and 11 of the act is done, preliminary environmental study for the activity specified in part B of annex No. 1 of the act is also subject to the assessment. Criteria for determining change of the activity specified in Part A of Annex No. 1 are applicable accordingly to the assessment change of the activity specified in part B of annex No. 1.

- In justified cases, especially if the activity is to be carried out in the protected area under special regulations or in the area of a significant environmental burden, the Ministry can determine by a decision in the proceedings under § 3, that also preliminary environmental study of the activity or its change not specified above is also to be subject to the assessment.

c. How such an activity, or such a change to an activity, is considered likely to have a “significant” adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and

The act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment

- annex No. 6 of the act - General criteria to assist in the determination of the environmental significance of activities with transboundary effects,

- In assessing of the activity referred to in annex No. 5 of the act if at the same time it may have a significantly adverse impact on the environment in transboundary context, the same procedure is followed as laid down by the provisions of parts I and II of the act, with the differences specified in § 26 to 34 of the act, unless the international agreement by which the Slovak Republic is bound provides otherwise,

- If the Party of origin and the affected Party agree, the procedure laid down is also followed in assessing the activity which is not given in annex No.5 of the act but may have a significantly adverse impact in transboundary context,

- In assessing whether a proposed activity will have a significantly adverse impact on the environment in transboundary context, the procedure follows according criteria given in annex No. 6 of the act,
- The subject of the assessment is also preliminary environmental study for change of the activity specified in part A of annex No. 1 of the act if
 - a) as a result thereof the threshold value specified in part A of annex No. 1 of the Act is exceeded,
 - b) in the case of the activity which already exceeds the threshold value, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the threshold value, or if the scope of the activity increases by at least 25 % as a consequence of the change,
 - c) in the case of the activity for which no threshold value has been specified in part A of annex No. 1 of the act, the sum of changes increasing the scope of the activity in the last five years will exceed 50 % of the originally assessed scope of the activity under the act.
- In case of doubt whether it is a change of the activity, the Ministry will decide. The proponent is the only participant of this proceedings.
- If decision resulting in the screening under § 10 and 11 of the act is done, preliminary environmental study for the activity specified in part B of annex No. 1 of the act is also subject to the assessment. Criteria for determining change of the activity specified in Part A of Annex No. 1 are applicable accordingly to the assessment change of the activity specified in part B of annex No. 1.
- In justified cases, especially if the activity is to be carried out in the protected area under special regulations or in the area of a significant environmental burden, the Ministry can determine by a decision in the proceedings under § 3, that also preliminary environmental study of the activity or its change not specified above is also to be subject to the assessment.
- In considering whether proposed activity is likely to have a significant adverse transboundary impact the following criteria are taken into account, inter alia:
 1. Size (The proposed activities which are large for the type of the activity).
 2. Location - Proposed activities
 - which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, national reserves, sites of special scientific interest, or sites of archeological, cultural or historical importance),
 - in locations where the characteristics of proposed development would be likely to have significant effects on the population,
 - with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment.

This way are considered proposed activities which are located close to the international frontier which could give rise to significant transboundary effects.

d. How you would decide whether it is “likely” to have such an impact. (Art. 2.3)

The likeliness is being solved according to the content and structure of the EIA documentation (case by case approach).

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

Yes, in § 9 of the act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment

- Public – one or more juridical or physical entities, their associations, organizations or groups including non-governmental organizations.
- The public participation in the assessment process enables both the individuals and their groups to take part in decision-making on the matters essentially related to them. Within the general concept of the public, in accordance with the valid legislation in the field of the environmental impact assessment in the Slovak Republic, the two types of groups are designated, namely:
 - Civic initiative – means not less than 500 physical persons more than 18 years old, of which at least 250 persons have a permanent address in the affected municipality, who will sign a joint standpoint to a proposed activity. A civic initiative is documented by a list of signatures, in which the first names, the surnames, permanent addresses, dates of birth and signatures of the persons who support the joint standpoint are given.
 - Civic association – arises if it is established (under the Act No. 83/1990 Coll., on Association of Citizens, as amended by later regulations) by a group of not less than 250 physical persons more than 18 years old, of which at least 150 persons have a permanent address in the affected municipality, for the purpose of further support to the standpoint of a civic initiative or directly for the purpose of environmental protection of the planned activity assessed. This civic association also takes part in the administrative proceedings in which a decision is reached for the permission of the given activity under the special regulations.

RIGHTS AND OBLIGATIONS OF THE PUBLIC IN THE ASSESSMENT PROCESS

- submission of the standpoints, comments or proposals to the preliminary environmental study and to the environmental impact statement,
- the right to establish civic initiatives and civic associations,
- the right to access to information on the proposed activity, on the assessment process and on the acceptance of the submitted comments,
- participation in the public hearing where their comments, requirements and proposals can be submitted,
- demands for the consultations relating to the impact of the assessed activity or the assessment process,
- providing information on the affected area by the person drawing up the documents in the assessment process.

The public is involved in the environmental impact assessment process immediately from its beginning, and will be given adequate space and time to claim their comments, requirements and proposals to the assessed activity (during whole EIA process and its steps). The form of submitting the standpoints, comments, requirements and proposals is not prescribed. In the assessment process, it is possible to use any form, i. e. written, electronic, telephonic or verbal. The written standpoints are submitted to the Ministry of the Environment of the Slovak republic directly, or through the affected municipality.

- The final record elaborated in accordance with § 20 of the act must contain in addition to the requirements specified in Annex No. 4 of the act also the requirements specified in Annex No. 7 of the act and a statement concerning the comments of the affected Party, including the comments of its public.
- Without needless delay the Ministry will deliver to the affected Party the final record and also decision on the permission of the activity, issued in accordance with the special regulations.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

The Ministry will send to the affected Party notification about planned activity under § 25 of the act, without needless delay after delivery of the preliminary environmental study under § 7 of the act (it is the first step in our EIA procedure).

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The notification about planned activity includes, inter alia

- a) basic information about the preliminary environmental study including the available data about the presumed impact on the environment in transboundary context,
 - b) information about the type of permission of activity that is required under the special regulations,
 - c) time limit within which a response of the affected Party is required, taking into account the nature of the proposed activity.
9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The time frame for the response is the same as time frame for sending comments during the national EIA process or under bilateral agreements. We do not have legal provisions and practical experience for next questions in this item.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

With the notification.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

- Case by case (for example under the scoping, comments and requirements to the preliminary environmental study), but we have not legal provisions about it.
- Case by case (for example after the scoping), but we do not have legal provisions about it.

- Information about the environment of the affected areas on the affected Party, but we do not have legal provisions about it.
- Case by case, but we do not have legal provisions about it.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

The public in the affected area is identified by results from the preliminary environmental study and environmental impact statement by the possible impact from planned activity. We supply affected Party all needed documentation for the information of their public. Also the whole documentation is open for public at our Ministry. The content of the public notification contains a deadline for sending comments and an information where they could send these comments and place, time and a term of public hearing. The first information about planned activity for the public of the affected Party we give when we send first information about the planned activity.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

Yes, the points of contact are used in this way.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

Yes, the notification about the planned activity includes, inter alia

- a) basic information about the preliminary environmental study including the available data about the presumed impact on the environment in transboundary context,
- b) information about the type of permission of activity that is required under the special regulations,
- c) time limit within which a response of the affected Party is required, taking into account the nature of the proposed activity.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

If the Party of origin notifies the Ministry the proposed activity as referred to in § 25, par. 2 and 3 of the act, that is likely to cause a significant adverse impact at the territory of the Slovak Republic, the Ministry is obliged to reply to the notification within the time limit laid down by the Party of origin or without needless delay if no such time limit is laid down. In the reply the Ministry will state whether it will participate in the assessment. Information from Party of origin which is sent by the notification, is sent to the competent and affected

authorities, also to the affected municipalities, which then publish it for the affected public. The Ministry makes decision whether we would like to participate in the transboundary EIA procedure by the comments, standpoints and requirements from the competent and affected authorities and the affected municipalities.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

The Ministry at the request of the Party of origin will provide available information about the presumed impacts of the activity at the territory of the Slovak Republic if such information is necessary for the preparation of the documentation of the Party of origin. We supply all information to the Party of origin which are available at the time, which was defined by the Party of origin.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

Content of the EIA documentation is established by the scoping and timetable, which contains specific and relevant requirements from competent, permission and affected authorities, affected municipalities, public and also affected Party and its public to the preliminary environmental study and for the environmental impact statement for the planned activity and legal requirement under the annexes 3 and 7 and § 12, 14 - 18 of the act.

Annex 3 - Content of the Environmental Impact Statement

PART A

Basic information

- I. Basic data about proponent
 1. Name.
 2. Identification number.
 3. Address.
- II. Basic data about preliminary environmental study
 1. Name.
 2. Purpose.
 3. User.
 4. Location (land registry area).
 5. Reason of location in just that place.
 6. Date of commencement and completion of activity.
 7. Brief description of technical and technological solution of project.
 8. Proposed alternatives of the preliminary environmental study.
 9. Total costs.
 10. List of affected municipalities.
 11. Affected authority.
 12. Permission authority.
 13. Statement on impacts of the preliminary environmental study that have transboundary effects.

PART B

Data about direct impacts of the activity on the environment

I. Requirements for inputs

1. Land.

1.1. Total area of land taken (ha, agricultural land, forestry land, quality), including land taken temporarily and permanently.

1.2. Protected areas, protected natural works and monuments.

1.3. Protection zones.

2. Water.

2.1. Total amount of water abstraction, maximum and average (m³/hour, m³/yr.), including drinking water and service water.

2.2. Source of water (public water circuit, surface source, other), location of intake installation.

2.3. Total consumption of water (m³/hour, m³/yr.).

3. Other raw materials and energy sources.

3.1. Type.

3.2. Annual consumption.

3.3. Method of obtaining the energy (own source, import).

4. Requirements for transport and other infrastructure.

5. Labour requirements.

6. Requirements concerning urban area.

II. Data about outputs

1. Atmosphere

1.1. Main point sources of atmospheric pollution (indicate for dangerous pollutants and malodorous substances)

- technological process producing pollution,

- quantity and concentration of pollutants emitted in the relevant units (main solid emissions, sulphur oxides, nitrogen oxides, carbon oxides, heavy metals, hydrocarbons, halogen derivatives of hydrocarbons and other characteristic pollutants),

- method of capturing the emissions (type of separation equipment and designed capacity, efficiency, service life),

- method of emissions measuring,

- supplier of the separating equipment.

1.2. Main extensive sources of atmospheric pollution (dumps of powdered raw material and solid waste, settling pits, building works, wind erosion)

- type of source,

- relevant technological process,

- area of the extensive source,

- operation of the source (continuous, regular, occasional),

- quantity and concentration of pollutants emitted in relevant units.

2. Water

2.1. Total quantity of waste water discharged in m³/yr., including the quantity discharged directly to the water recipient, public sewerage or waste water treatment plant (communal, private).

2.2. The technological process at which the waste water is produced.

2.3. Type, designed capacity and efficiency of the waste water treatment plant in determinative pollution indicators.

2.4. Nature of the water recipient (stream, purity class, flow, rate of flow).

2.5. Pollution emitted in relevant units (average and maximum values), BOD₅, COD₅, phosphorus, nitrogen, characteristic chemical, biological and microbiological indicators, radioactivity, temperature of water, total soluble and insoluble substances.

- 2.6. Other characteristic sensoric and organic indicators of water quality (e.g. main toxic substances, heavy metals, organic bound chlorine and carbon).
- 2.7. Effect on flow and behaviour of surface water and groundwater.
3. Waste.
 - 3.1. Type of waste.
 - 3.2. Category of waste (residual, special, hazardous).
 - 3.3. Technological process at which the waste is produced.
 - 3.4. Quantity of waste in t/yr.
 - 3.5. Method of waste management.
4. Noise and vibration.
5. Radiation and other physical fields (thermal, magnetic and other).
6. Heat, odour and other outputs.
7. Supplying data.
 - 7.1. Expected required investments.
 - 7.2. Major earthworks and operations affecting the landscape.

PART C

Complete characteristics and evaluation of impacts on environment

- I. Characteristics of the limits of the affected area.
- II. Characteristics of the current state of the environment in the affected area.
 1. Basic characteristics of the natural environment.
 - 1.1. Mineral environment.
 - 1.1.1. Geological structure and geological engineering properties of minerals and rocks.
 - 1.1.2. Geodynamic phenomena (landslips, seismicity, erosion, etc.).
 - 1.1.3. Deposits of mineral raw materials.
 - 1.1.4. Geomorphological conditions (energy, hilliness, structure).
 - 1.2. Atmosphere.
 - 1.2.1. Precipitation (average, extremes, surface run-off, evaporation, infiltration).
 - 1.2.2. Temperature (average, extremes, frosty and icy days, inversion).
 - 1.2.3. Wind (direction, frequency, strength of wind, direction of prevailing winds).
 - 1.3. Water.
 - 1.3.1. Water streams (flows, regime, quality).
 - 1.3.2. Water areas (extent, volume, quality).
 - 1.3.3. Groundwater (depth of level, regime, flow, quality).
 - 1.3.4. Springs and spring areas (yield, quality, chemical composition, amount of water taken).
 - 1.3.5. Thermal and mineral springs (yield, chemical composition, amount of water taken).
 - 1.3.6. Areas protected in terms of water management.
 - 1.4. Soil.
 - 1.4.1. Soil types, species and their quality (agricultural land, forestry land).
 - 1.4.2. Degree of susceptibility to mechanical and chemical degradation.
 - 1.5. Fauna, flora and vegetation.
 - 1.5.1. Characteristics of biotopes and their significance.
 - 1.5.2. Protected rare and endangered species and biotopes.
 - 1.5.3. Important migration corridors of animals.
 2. Landscape, scenery, protection, stability.
 - 2.1. Structure of landscape.
 - 2.2. Scenic aspects of landscape (e.g. type, uniqueness, aesthetic effect of the scenery).
 - 2.3. Protected areas and protection zones.
 - 2.4. Specially protected species of animals and plants.
 - 2.5. Protected trees.
 - 2.6. Territorial system of ecological stability (local, regional, supraregional).

3. Local population, its activities, infrastructure and the cultural and historical heritage of the area.
 - 3.1. Local population (e.g. number of inhabitants in the district, age structure, state of health, level of employment, travel to work, link-up with native town, cultural traditions, environmental awareness and attitudes of the population).
 - 3.2. Centres of population.
 - 3.3. Industrial production.
 - 3.4. Agricultural production.
 - 3.5. Forestry.
 - 3.6. Transport and transport areas.
 - 3.7. Product pipelines.
 - 3.8. Services.
 - 3.9. Recreation and tourism.
 - 3.10. Cultural and historical monuments, memorabilities and sights.
 - 3.11. Archeological and paleontological treasure-troves, geological localities (rock formations, karsts, erosion) and others.
4. Contamination, vulnerability and carrying capacity of the environment.
 - 4.1. Characteristics of sources of pollution and their effect on environment.
 - 4.1.1. Pollution of the atmosphere.
 - 4.1.2. Pollution of surface water and groundwater.
 - 4.1.3. Soil contamination and soils threatened by erosion.
 - 4.1.4. Pollution of the mineral environment.
 - 4.1.5. Dumps, rubbish heaps, waste lands.
 - 4.1.6. Other pollution sources.
 - 4.1.7. Damage of vegetation by emissions.
 - 4.1.8. Threatened biotopes of animals.
 - 4.1.9. Current state of health of the local population and overall quality of environment for man.
 - 4.2. Synthesis of the evaluation of current environmental problems.
5. Ecological carrying capacity (current state).
 - 5.1. Vulnerability of the mineral environment.
 - 5.2. Vulnerability of the relief.
 - 5.3. Vulnerability of surface waters and groundwater.
 - 5.4. Vulnerability of soils.
 - 5.5. Vulnerability of the atmosphere.
 - 5.6. Vulnerability of vegetation and animal life and their biotopes.
 - 5.7. Vulnerability of factors affecting the strain and human quality of life.
 - 5.8. Synthesis of the ecological carrying capacity of the area and its classification in terms of vulnerability.
6. Assessment of the expected development of the area if the activity is not to be carried out.
7. Evaluation if the activity keeps line with land use plan.
- III. Evaluation of the presumed impacts of the activity on the environment and estimation of their importance.

(presumed impacts: direct, indirect, secondary, cumulative, synergic, short-term, temporary, long-term, and permanent, caused during construction and implementation)

 1. Impacts on the local population.
 - 1.1. Number of inhabitants affected by the consequences of the activity in the affected municipalities.
 - 1.2. Health risks, social and economic consequences and associated factors.
 - 1.3. Disturbance of the fair weather and quality of life.

- 1.4. Acceptability of the activity for the affected municipalities (e.g. according to the standpoints and comments of the affected municipalities and sociological surveys among the inhabitants of the affected municipalities).
- 1.5. Other impacts.
2. Impacts on the natural environment
 - 2.1. Impacts on the mineral environment, mineral raw materials, geodynamic phenomena and geomorphological conditions.
 - 2.2. Impacts on atmosphere, local climate and noise situation (e.g. quantity and concentration of emissions, temperature inversion, noise, vibration, odour, radiation).
 - 2.3. Impacts on surface water and groundwater (e.g. quality, regimes, run-off conditions, reserves).
 - 2.4. Impacts on soil (e.g. method of usage, contamination, soil erosion).
 - 2.5. Impacts on gene pool and biodiversity, e.g. effects on flora, vegetation, fauna and ecosystems (protected, rare, endangered species and their biotopes, migration corridors of animals, the health of vegetation and animals, etc.).
3. Impacts on landscape.
 - 3.1. Impacts on the structure and use of landscape.
 - 3.2. Impacts on the scenic aspects of the landscape.
 - 3.3. Impacts on the protected areas and protection zones.
 - 3.4. Impacts on the territorial system of ecological stability.
 - 3.5. Other impacts.
4. Impacts on the urban environment and land use.
 - 4.1. Impacts on cultural and historic monuments, paleontological and archeological treasure-troves, the structure of municipalities, architecture and buildings.
 - 4.2. Impacts on cultural values of an intangible nature (e.g. local traditions).
 - 4.3. Impacts on agricultural production.
 - 4.4. Impacts on industrial production.
 - 4.5. Impacts on transport (local communications, road, rail, combined, air and boat transport).
 - 4.6. Impacts of associated constructions, activities and infrastructure (development of new roads, engineering networks, house building, etc.)
 - 4.7. Impacts on services, recreation and tourism.
 - 4.8. Impacts on infrastructure.
 - 4.9. Other impacts.
5. Spatial synthesis of the impacts of the activity in the area.
 - 5.1. Presumed anthropogenic burden of the area and its relationship to the ecological carrying capacity of the area (spatial synthesis of the negative effects on the local population, natural environment, landscape, urban environment and land use).
 - 5.2. Spatial distribution of the localities in the area that are expected to be subject to excessive burdens.
 - 5.3. Spatial synthesis of the positive impacts of the activity.
6. Complete assessment of the expected impacts from the point of view of their significance and their comparison with the valid legislation.
7. Operational risks and their possible impact in the area (possibility of accidents).
- IV. Measures proposed for the prevention, elimination, minimization and compensation of impacts on the environment
(in particular indicate measures during construction and operation of the activity and measures in case of accidents)
 1. Regional planning measures.
 2. Technical measures (e.g. changes in technology, raw materials, the construction timetable, rescue of the area, salvage survey).
 3. Compensation measures.

4. Other measures.
5. Statement to the technical and economic feasibility of the measures.
- V. Comparison of alternatives of the activity and proposal of the optimal alternative (including a comparison with the alternative if the activity was not carried out)
 1. Creation of a set of criteria and determination of their importance for selection of the optimal alternative.
 2. Selection of the optimal alternative or ranking of the alternatives assessed in order of suitability.
- VI. Proposed monitoring program and post-project analysis program
 1. Program of monitoring from the start of construction, through the course of construction and during the activity.
 2. Proposed control to ensure compliance with the conditions laid down in monitoring program.
- VII. Techniques used in the process of impact assessment and the methods used for obtaining data on the current state of the environment in the area where the activity is to be carried out
- VIII. Gaps and imprecise areas in knowledge that emerged during drawing-up of the environmental impact statement
- IX. List of annexes of the environmental impact statement (graphs, maps, tables and photo documents)
- X. Generally understandable final summary
- XI. List of experts and organisations involved in drawing up the environmental impact statement and their signatures (seals)
- XII. List of complementary analytical reports and studies that are available from proponent
- XIII. Date and confirmation of the correctness and completeness of the information with the signature (or seal) of the proponent's authorised representative

Annex 7 - Content of the environmental impact assessment documentation in transboundary context

Environmental impact assessment documentation in transboundary context must contain, inter alia:

1. A description of proposed activity and its purpose.
2. A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative.
3. A description of those components and elements of the environment that are likely to be significantly affected by the proposed activity and its alternatives.
4. A description of the potential environmental impacts of the proposed activity and its alternatives and an estimation of its significance.
5. A description of mitigation measures to keep adverse environmental impact to a minimum.
6. An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used.
7. An identification of gaps in knowledge and uncertainties encountered in compiling the required information.
8. Where appropriate, an outline for monitoring and management programs and any plans for post-project analysis.
9. A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).

18. Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).

- The complete investigation, description and evaluation of the presumed impacts of the proposed activity, including a comparison with the existing state of the environment in the place where it is to be carried out and in the area of its presumed impact, will be included by the proponent in the environmental impact statement.
- The scoping and if necessary the timetable will be determined by the Ministry in cooperation with the competent authority and the permission authority, and after discussion with the proponent. The Ministry will deliver the scoping to the proponent together with the standpoints (§ 8, paragraph 5) within three weeks from the expiry of the last time limit under § 8, paragraph 5 of the act. In case of screening within two weeks from a legally valid decision under § 11, paragraph 4 of the act.
- Annex No. 3 of the act is a basis for determining the scoping, taking into account the standpoints submitted under § 8, par. 5 of the act. The following will be determined, inter alia
 - a) which of the data indicated in annex No. 3 of the act the environmental impact statement must contain,
 - b) which alternatives for the implementation of the preliminary environmental study must be worked out and assessment in greater detail,
 - c) which criteria under annex No. 3 of the act must be given special attention in the environmental impact statement to,
 - d) which of the related to each other activities (§ 6) will be assessed jointly,
 - e) the number of copies of the environmental impact statement.
- The timetable will determine the time sequence and if necessary also the time limits for the individual steps of the evaluation.
- Content of the EIA documentation is established by the scoping and timetable, which contains specific relevant requirements from competent, permission and affected authorities, affected municipalities, public and also affected Party and its public to the preliminary environmental study (standpoints submitted under § 8, par. 5 of the act) and for the environmental impact statement for the planned activity and legal requirement under the annexes 3 and 7 and § 12, 14 - 18 of the act.

19. How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?

Case by case. Under our act the planned activity should be proposed minimally in two alternatives. In justified cases the Ministry on the basis of a request of the proponent can withdraw the requirement of preliminary environmental study in alternatives. According to the comments and requirements from competent, permission and affected authorities, affected municipalities, public and also affected Party and its public to the preliminary environmental study we specify reasonable alternatives during scoping and timetable stage.

20. How do you identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to Appendix II, alinea (c), and the definition of "impact" in Article 1(vii)?

The environment that is likely to be affected by the planned activity and its alternatives is identified by results from the preliminary environmental study and environmental impact statement and by the comments and requirements from competent, permission and affected authorities, affected municipalities, public and also affected Party and its public to these documents.

21. Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?

We provide the whole Environmental Impact Study.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

Transfer and reception of the comments from affected Party is organized by the post and email and the Ministry has to take those comments into account in the same way as the comments from its own public.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words “within a reasonable time before the final decision” (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

- The time frame is established by our act (8 week).
- Case by case, but we do not have legal provisions about it.
- Case by case, but we do not have legal provisions about it.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

We provided all documentation about the planned activity which we have about it.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

Case by case. But under our act a public hearing, if we are Party of origin, is mandatory step during sending comments to the Environmental Impact Statement. Of course, public of the affected Party and other public authorities, organizations or other individuals could participate at the public hearing in Slovak Republic.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (Art. 4.2)?*

After submission of the documentation from the Party of origin, the procedure laid down in § 16 to 18 of the act will be applied accordingly (8 weeks). The Ministry can reduce the time limit for submission of comments (§ 18) adequately with regard to the justified requirements of the Party of origin.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

Ministry with affected municipalities.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

The consultations are possible during the whole EIA transboundary process.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

No experience. If the affected Party expresses its interest, the Ministry together with the competent authority will provide the consultation with it; the proponent and the permission authority will be invited for consultation as a rule.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

No experience. The documentation of the Party of origin and the comments on it will form the basis for the consultation of the Ministry with the Party of origin (national level).

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The EIA process in our country is finalized by Final statement. The permission authority can not make a decision under the special regulations concerning the permission of the activity which is the subject of the assessment without the final statement. The final statement must be taken into account in deciding on the permission of the activity.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

The permission authority cannot make a decision under the special regulations concerning the permission of the activity which is the subject of the assessment without the final statement. The final statement must be taken into account in deciding on the permission of the activity.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

Yes.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

- Without needless delay the Ministry will deliver to the affected Party the final statement and also decision on the permission of the activity, issued in accordance with the special regulations.
- The EIA proces in our country is finalized by final statement. The permission authority cannot make a decision under the special regulations concerning the permission of the activity which is the subject of the assessment without the final statement. The final statement must be taken into account in deciding on the permission of the activity.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

No practical experience yet. If the actual impacts of the activity assessed under the act are worse than the environmental impact statement indicates, the person who carries out the activity is obliged to arrange for measures to ensure that the actual impacts correspond to the impacts indicated in the environmental impact statement, in accordance with the conditions laid down in the decision concerning the permission of the activity under the special regulations.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

Any person who carries out an activity assessed under the act is obliged to arrange the monitoring and evaluation thereof, inter alia

- a) systematic monitoring and measurement of the impacts thereof,
- b) verification of the fulfilment of the conditions laid down in the permission of the activity and evaluation of their effectiveness,
- c) arranging for expert comparison of the presumed impacts indicated in the environmental impact statement with the actual situation.

The extent and time limit of the monitoring and evaluation under the paragraph 1 will be determined by the permission authority of the activity under special regulations, taking into account the final statement of the Ministry (parts of the final statement and environmental impact statement contain post - project analysis - "Proposed monitoring program and post-project analysis program", "Program of monitoring from the start of construction, through the course of construction and during the activity" and "Proposed control to ensure compliance with the conditions laid down in monitoring program").

If the actual impacts of the activity assessed under this Act are worse than the environmental impact statement indicates, the person who carries out the activity is obliged to arrange for measures to ensure that the actual impacts correspond to the impacts indicated in the environmental impact statement, in accordance with the conditions laid down in the decision concerning the permission of the activity under the special regulations.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

The Ministry can agree with the affected Party that the final statement will include a requirement for the assessed activity to be monitored and evaluated (§ 36), as well as the

conditions for monitoring of the impacts of this activity at the territory of the affected Party. The final statement and environmental impact statement contains the part about the measures proposed for the prevention, elimination, minimization and compensation of impacts on the environment always (in particular indicate measures during construction and operation of the activity and measures in case of accidents) - (1. Regional planning measures, 2. Technical measures (e.g. changes in technology, raw materials, the construction timetable, rescue of the area, salvage survey), 3. Compensation measures, 4. Other measures and 5. Statement to the technical and economic feasibility of the measures) and "Recommended conditions for the preparation and implementation stage of the activity". Ministry will deliver to the affected Party the final statement and also decision on the permission of the activity, issued in accordance with the special regulations.

Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Yes, there are:

- Agreement with Austria;
- Draft agreement with Poland;
- Draft agreement with Czech Republic;
- Draft agreement with Hungary.

The agreements contain provisions according to some paragraphs of Appendix VI.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No, we do not have.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

Slovak Environmental Agency prepared information system about the EIA procedure.

Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes, the ratification is expected in 2007.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Yes, the ratification is expected in 2007.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Yes, the ratification is expected in 2007.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Yes.

Party of Origin:

Bratislava - flood-protection (Austria) - we sent them notification - answer - without interest to take a part,

Pipeline Bratislava - Schwechat (Austria) - we sent them notification - answer - without interest to take a part,

Wind park Myjava - locality Polana (Czech Republic) - we sent them notification - answer - they had interest,

The bridge across the river Morava, Moravský Svätý Ján - Hohenau an der March (Austria),
Transship point for mineral oils - port Bratislava (Hungary) - we sent them notification - answer - without interest to take a part,

Affected Party:

Wind park near the village Kitsee (with Austria) - they sent us notification - answer - we had interest,

Rosia Montana Project (with Romania) - they sent us notification - answer - we had interest,
A 6 highway north - east, connection A4 - Kitsee (with Austria) - they sent us notification - answer - we had not interest,

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No.

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

Some years.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

All relevant comments and requirements about prevention, reduction or control of possible significant transboundary environmental impacts on the environment of the planned activity from affected authorities and public was put into our final statement or sent to the Party of Origin.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

The terms and time frames are usually set in the draft or adopted bilateral agreements between parties and at the same time we had it concretely set in our act.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

Our EIA documentation identified possible transboundary significance and likelihood of the adverse transboundary impact and we use general criteria to assist in the determination of the environmental significance of activities with transboundary effects and list of activities requiring international hearing from the point of view of their impacts on environment with transboundary effects. In case of a realistic danger of transboundary impacts, there is a need to send notification.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

Yes, in the EIA documentation there is a separate chapter providing information on transboundary aspects of the proposed activity.

c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

We do not use any special assessment methodology which would be different from the national EIA methodologies.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

The proponent ensures translation of the chapter "Generally understandable final summary" from Environmental Impact statement and case by case the whole EIA documentation. There is a special procedure with Czech Republic (similar and understandable languages for both sides). We identified these difficulties: time frame for the translation (is specially the whole EIA documentation), precise and understandable translation (professional and scientific terms).

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

No experience.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

No organizational problems.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

No experience.

- h. *Have you carried out post-project analyses and, if so, on what kinds of projects?*

No.

- i. *Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).*

Not yet.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?*

No experience.

CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. *Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?*

No.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. *Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context;*

Not used.

b. *Guidance on subregional cooperation; and*

Not used.

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

Not used.

CLARITY OF THE CONVENTION

53. *Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.*

The provisions of Espoo Convention has been transposed to our EIA Act. We tried to regulate the practical application of the Convention by bilateral agreements. There are no difficulties in implementing of the procedures of the Convention.

AWARENESS OF THE CONVENTION

54. *Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

We organized seminars and workshops for local and regional authorities and investors and other relevant information are published on the website (e.g for the public).

55. *Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?*

No.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. *Please provide suggestions for how the report may be improved.*

No suggestions.