

## Part A

- I. How is the SEA-directive (Directive 2001/42/EC) implemented in your country? What is the scope of its implementation?

Directive 2001/42/EC is implemented into the system of the law of the Slovak Republic by the Act no. 24/2006 Coll. on the assessing of influences upon the environment which deals with strategic documents which are the subject to compulsory assessment and which will be assessed only if the competent authority so decides, environmental report, make available the environmental report and draft strategy document, opportunity of the concerned authorities and the public express their opinion on the environmental report and draft strategy document, disclose approved strategic document, monitoring and transboundary consultations.

- II. What types of public plans and programmes are subject to a strategic environmental assessment in accordance with the SEA-directive?

Subject to mandatory assessment are strategy documents referred to in Annex of the Act for areas: extraction and treatment mineral resources, energy, industry, agriculture, forestry, water management, transport and telecommunications, sports, recreation and tourism, waste management, environment, and which determine land use: regional development, territorial planning documentation.

If the competent authority decides on the basis of the results of the screening procedure on the assessment of the strategic document, subject to assessment are strategic documents not listed in Annex, which set the framework for approve projects in particular for areas: agriculture, forestry, fisheries, energy, transport, waste management, water management, telecommunications, tourism, planning or land use, regional development and environmental conservation, which could have impact on the environment, including those which could have impact on the protected areas.

- III. What kind of authority (local, regional, central) is responsible for performing the duties arising from the SEA-directive?

At the central level - Ministry of Environment of the Slovak Republic,

at the regional level - regional office of the environment,

at the local level - district office of the environment.

- IV. Does the competent authority normally ask other authorities on different administrative levels in the process of a strategic environmental assessment for their opinion or consultation?

Yes, the competent authority serves environmental report and draft strategy document to comment to the concerned authority.

- V. What types of decision are resulting from a strategic environmental assessment proceedings?

Final opinion on the assessment of the strategic document,

approved strategic document,

approved strategic document in other version which has been submitted.

- VI. How does the authority ensure the public access to environmental information in the proceedings based on the SEA-directive?

Competent authority publishes on the website of the Ministry individual procedures in the SEA process,

concerned commune inform the public on the official board, by local press, local TV or similar about individual procedures in the SEA process.

- VII. Who is authorized to take part in a strategic environmental assessment proceedings? What about for example people living in the neighbourhood, NGO's and authorities on different administrative levels (local, regional, national)? What legal rights do participants of the proceedings have?

Concerned authority – administrative authority whose opinion is required before the adoption or approval of the strategy document,

concerned commune - the commune whose territory can affect the impact of the strategic document,

they are served notice about execution of the strategic document, the decision whether the proposed strategy document will be assessed, environmental report and draft strategy document, final opinion on the assessment of the strategic document and issue written opinion on the notice about execution of the strategic document, environmental report and draft strategy document, may submit comments on the scope of the assessment of the strategic document.

Public - one or more natural or legal persons, associations, organizations or groups,

municipality concerned informs the public about the notice regarding the execution of the strategic document, whether the strategic document will be assessed, environmental report and draft strategy document, final opinion on the assessment of the strategic document,

public may inspect, to make depreciations, extracts or at its own expense make copies of the notice about execution of the strategic document, environmental report and draft strategy document, final opinion on the assessment of the strategic document,

may submit written opinion on the notice about execution of the strategic document, environmental report and draft strategy document, submit comments on the scope of the assessment of the strategic document,

right to attend the public hearing environmental report and draft strategy document.

- VIII. To what extent are the SEA and EIA procedures were integrated in your country? If a new industrial project also needs a change of the building plan, can the same documentation be used for the assessment of both the project and the plan? Are there problems related to the integration or the lack of integration for different actors (such as the public, the operator of the project, the municipality or authorities)? Can you give examples?

Assessment of impacts which are likely to have effects on the environment of the strategic documents and proposed activities are governed by one act, however the assessment of the proposals of the strategic documents and assessment of the proposed activities are governed by law self as separate processes.

Building plan is not subject to assessment, unless the competent authority so decides. Act and annex to act provide for individual documents submitted during the SEA and EIA process detailed particulars which must contained, so the same documentation should not be submitted.

## **Part B**

- I. How is the EIA-directive implemented in your country? What is the scope of its implementation?

EIA - directive is implemented into the system of the law of the Slovak republic also by the Act no. 24/2006 Coll. on the assessing of influences upon the environment which deals with proposed activities which are subjects to compulsory assessment and which will be assessed only if the Ministry so decides, criteria which determine whether the proposed activity will be subject to assessment, informing the public about the EIA process, make available the information to the public, opportunity to attend the process, opportunity to express comments and opinions and transboundary consultations.

- II. What types of public and private projects are subject to an environmental impact assessment in accordance with EIA-directive?

Subject to assessment of the impacts on the environment are proposed activities for the extractive industry, energy industry, metallurgical industry, chemical, pharmaceutical and petrochemical industry, wood, pulp and paper industry, industry of building materials, machine industry, electrical engineering, infrastructure, water management, agricultural and forest production, food industry, transport and telecommunications, objective projects for sport, recreation and tourism and military buildings.

- III. What are selection criteria that should be applied by the developer or the competent authority to identify projects requiring an EIA because of their potentially significant environmental effects?

If the Ministry decides whether the proposed activity will be subject to assessment, takes particular account of the nature and scope of the proposed activity, place of performance of the proposed activity, in particular admissible load, and protection provided under special regulations, importance of expected impacts.

- IV. What kind of authority (local, regional, central) is responsible for performing the duties arising from the EIA-directive?

At the central level - Ministry of Environment of the Slovak Republic,

at the regional level - regional office of the environment,

at the local level - district office of the environment.

- V. When should an environmental impact assessment take place during the investment procedure?

At the beginning of the investment process.

- VI. Does the decision resulting from an environmental impact assessment grant the final development consent?

No, the process of the assessment does not replace the consent procedure.

- VII. How does the authority ensure the public access to environmental information in the proceedings based on the EIA-directive?

Competent authority publishes on the website of the Ministry individual procedures in the EIA process,

municipality concerned informs public on the official board, by local press, local TV or similar about individual procedures in the EIA process.

- VIII. Who is authorized to take part in an environmental impact assessment proceedings? What about for example people living in the neighbourhood, NGO's and authorities on different administrative levels (local, regional, national)? What legal rights do participants of the proceedings have?

Departmental authority - central governmental agency, having jurisdiction over the proposed activity,

authorizing authority - municipality or governmental agency competent to issue decision of the permit on the proposed activity,

concerned authority – the administrative authority whose binding expertise, consent, or opinion underlie permit the proposed activity,

municipality concerned - the commune whose the cadastral area proposed activity will be realize and whose area may affect the impact of the proposed activity,

they are served the project, decision whether the proposed activity will be assessed, report on the assessment of the impacts of proposed activity on the environment, final opinion on the assessment of the proposed activity, issuing written opinion on the project, report on the assessment of the activity, may submit comments on the scope of the assessment of the proposed activity, may attend the public hearing of the proposed activity.

Public - one or more natural or legal persons, associations, organizations or groups,  
municipality concerned informs the public about the project, whether the proposed activity will be assessed, scope of the assessment of the proposed activity and its timing, report on the assessment of the activity, final opinion on the assessment of the proposed activity,  
public may inspect into the project, inspect, make depreciations, extracts or at its own expense make copies of the report on the assessment of the activity, final opinion on the assessment of the proposed activity,  
may submit written opinion on the project, report on the assessment of the activity, submit comments on the scope of the assessment of the proposed activity,  
right to attend the public hearing proposed activity.

The public concerned is the public having interest or may have interest in the environmental decision-making procedures,  
they are served the decision whether the proposed activity will be assessed, final opinion on the assessment of the proposed activity, may submit written opinion on the report on assessment of the activities.

- IX. In what way are questions concerning the application of the EIA-directive brought to court? Please give one example of the proceeding and the judgement.

Questions concerning the assessment of the proposed activities do not occur often in the trial.

Claimant alleged that he was injured on his rights and interests protected by law unlawful intervention administrative authority, account on that the Ministry of Environment of the Slovak Republic in the EIA process determined biased person as a professionally qualified person to develop expertise on the proposed activity. The action was denied by a court as unfounded because the claimant did not prove any relevant evidence about it, that fact which gave reason for bias could have affect on develop of expertise determined professionally qualified person.

- X. What are the specific characteristics of the transboundary environmental impact assessment of certain public and private projects?

Assessment of the impacts of the proposed activities executed on the territory of the Slovak Republic

Competent authority on the assessment of the transboundary impact is the Ministry. Ministry notifies the affected party about the proposed activity which may have significant impact on the environment in the transboundary context, serves to the concerned party documentation about assessment of the impact of the proposed activity, if concerned party expresses interest, transboundary consultations takes place. Final opinion on the activity must include opinion on the comments concerned party including the comments of its

public. The Ministry serves to concerned party the final opinion on the activity and decision to grant consent proposed activity.

Assessment of the impacts of the proposed activities carry out in the territory another state

If the party of origin notifies the Ministry that proposed activity is likely to have significant negative impact in the territory of the Slovak Republic, the Ministry is obliged to respond, whether will be participate on the assessment. At the request of the party of origin, the Ministry will provide available information on the proposed activity is likely to have impact in the territory of the Slovak Republic. Documentation and comments on its of the party of origin form the basis of consultation the Ministry with the party of origin. The Ministry discloses the decision to grant consent proposed activity issued to the party of origin after its delivery from the party of origin.