

EIA

Environmental Impact Assessment of proposed activities (EIA) General information

What is EIA?

Environmental Impact Assessment (EIA) is one of the main environmental policy instruments for implementing sustainable development. Its purpose is to prevent negative impacts of various human activities on the environment, including health. It takes place in the form of a comprehensive and expert assessment of the likely impacts of the proposed activity or its change on the environment, including effects on human health, before deciding on its location or its authorisation under specific regulations.

The proposed activity or change of the proposed activity (hereinafter referred to as "the proposed activity or its change") is the realisation of buildings, other facilities, realisation intention or other intervention in the natural environment or landscape changing the physical aspects of the site, including extraction of mineral raw material.

What is the EIA legal framework in the Slovak Republic?

In the Slovak Republic, the assessment has been carried out since 1994, when the act of the National Council of the Slovak Republic No. 127/1994 Coll. on Environmental Impact Assessment came into effect. This has been replaced since 1 February 2006 by:

- Act No. 24/2006 Coll. on Environmental Impact Assessment and on Amendments to Certain Acts, as amended (hereinafter "the Act") and
- Decree of the Ministry of Environment of the Slovak Republic No. 113/2006 Coll., laying down the details of professional competence for environmental impact assessment, constitute the current legislative framework of EIA in Slovakia.

The EIA Act has been amended several times, the last amendment came into force on 15 June 2017.

The Slovak legislation regarding EIA ensures full compatibility with EU law and international conventions binding on the Slovak Republic. Adoption of the Act and its amendments on Environmental Impact assessment and its implementation is also a basic condition for funding projects from the European Union funds.

What is the purpose of EIA?

The purpose of assessing the proposed activities is to:

- identify, describe and evaluate the direct and indirect impacts of the proposed activity and its changes on the environment, including transboundary impacts,
- clarify and compare the advantages and disadvantages of the proposed activity and its changes, including its variants, even in comparison to the zero variant,
- identify measures to prevent environmental pollution, mitigate environmental pollution or prevent environmental damage,
- obtain a technical background for the decision to authorise the activity and its changes according to special regulations.

Which proposed activities and their changes are subject to Environmental Impact Assessment?

Depending on the severity of potential negative impacts on the environment, EIA's proposed activities and their changes are set out in Annex No. 8 of the Act, subject to:

- Environmental Impact Assessment, the so-called mandatory assessment or,
- screening procedure.

Which proposed activities and their changes are subject to Environmental Impact Assessment, the so-called mandatory assessment?

- the proposed activity listed in Annex No. 8 of the Act in Part A,
- the proposed activity listed in Annex No. 8 Part A, carried out solely or principally for the purpose of developing and testing new methods or products, or methods or products that have not been used for more than two years if this results from a decision resulting from a screening procedure for the impact assessment of the proposed activity,

- the proposed activity listed in Annex No. 8 Part B, if it results from a decision resulting from the screening procedure,
- a change in the proposed activity listed in Annex No. 8 Part A, where such a change itself meets or exceeds a threshold, if the threshold is set out in Annex No. 8, Part A for the proposed activity,
- a change in the proposed activity listed in Annex No. 8 Part A that does not reach or exceed the threshold in this part of Annex No. 8 and it is a change that may have a significant adverse effect on the environment if it is an activity already assessed, authorised, implemented or at the implementation stage, which is the result of a screening procedure for assessing its effects,
- a change in the proposed activity listed in Annex No. 8 Part B, in the case of an activity already assessed, authorised, implemented or at the stage of implementation, and it is a change which may have a significant adverse effect on the environment as a result of the decision resulting from the screening procedure,
- the proposed activity or its change which, according to the expert opinion of a state nature and landscape protection authority, is likely to have a significant impact on the territory of the protected area, alone or in combination with another activity,
- the proposed activity covered by a special regulation on the prevention of major industrial accidents, to take account of the objectives of preventing major industrial accidents and limiting their consequences for human health, the environment and property.

Which proposed activities and their changes are subject to the screening procedure?

- the proposed activity listed in Annex No. 8 Part A, carried out solely or principally for the purpose of developing and testing new methods or products, or methods or products that have not been used for more than two years,
- the proposed activity listed in Annex No. 8 Part B,
- a change in the proposed activity listed in Annex No. 8 Part A that does not reach or exceed the threshold set out in Annex No. 8 Part A and yet may have a significant adverse effect on the environment if it is an activity already assessed, authorised, implemented or at the implementation stage,
- a change in the proposed activity listed in Annex No. 8 Part B that may have a significant adverse effect on the environment if it is an activity already assessed, authorised, implemented or at the implementation stage.

When is the completion of the proposed activity a separate subject of assessment?

- the completion of a proposed activity related to the disposal, decontamination, reclamation or more than one of those activities is a separate subject of mandatory assessment or screening procedure as a change to the proposed activity only if the completion of the proposed activity was not part of the assessment of the proposed activity.

In justified cases, may activities that are not listed in Annex No. 8 or fall below the thresholds set out in that Annex be subject to the assessment?

Yes, they may, on the basis of a substantiated written complaint. The substantiated written complaint can be filed by anyone. The competent authority shall initiate a sue action on its own initiative or on the basis of a substantiated written complaint. The competent authority, when deciding whether the proposed activity or its change will be subject to assessment under this Act, shall apply the criteria for the screening procedure set out in Annex No. 10 of the Act. The competent authority in this case is the Ministry of the Environment of the Slovak Republic (hereinafter "MoE SR").

The proposed activity or its change which, according to the expert opinion of a state nature and landscape protection authority, is likely to have a significant impact on the territory of the protected area, alone or in combination with another activity, may also be subject to the assessment procedure. The nature and landscape protection authority, in its opinion, defines the activity that will be subject to Environmental Impact Assessment, i.e. the mandatory assessment.

Who can participate in the EIA process?

Proponent is a natural person or a legal person who is interested in carrying out the proposed activity or changing it requiring an authorisation,

competent authority is a government authority which fulfils its obligations in the field of Environmental Impact Assessment; it is the MoE SR and the district office at the headquarters of the county and the district office, unless otherwise stated in the Act,

departmental authority is the central government authority, under the competence of which the proposed activity or its change belongs,

authorising authority is the municipality or government authority responsible for deciding on the authorisation procedure,

authority concerned is a public authority, whose binding assessment, consent, opinion, decision or statement issued under specific regulations the authorisation of the proposed activity or its change are subjected to,

municipality concerned is the municipality in which the proposed activity or its change is to be carried out or whose territory may be affected by the proposed activity or its change, public is one natural person, a legal person or more natural persons or legal entities, their organisations or groups,

public concerned is the public affected or likely to be affected by an environmental action or is interested in such conduct; a non-governmental organisation promoting environmental protection and fulfilling the requirements laid down in this Act shall have an interest in such conduct,

non-governmental organization promoting environmental protection is a civic association, a non-investment fund, a non-profit organisation providing public services other than that established by the state or a foundation established for the purpose of creating or protecting the environment or preserving natural values,

professionally qualified person is a natural or legal person registered by the MoE SR in a special list according to Decree of the Ministry of Environment of the Slovak Republic No. 113/2006 Coll., laying down the details of professional competence for environmental impact assessment,

party of origin is the state on whose territory it is proposed to carry out the proposed activity or its change, which may have a significant adverse effect beyond the national borders,

party concerned is a state which may be affected by a significant adverse impact of the proposed activity or its change beyond the national borders.

Who to contact?

To get information:

- whether your proposed activity is subject to assessment under Act No. 24/2006 Coll. on Environmental Impact Assessment, as amended,
- which government authority is the competent authority for your proposed activity,
- on other proposed environmental impact assessment activities that could affect the environment and human health in your area.

You can contact:

- employees of government authorities for environmental impact assessment (<http://enviroportal.sk/agendy/na-ko-ho-sa-obratit/poradime-varn>),
- employees of the EIA/SEA (Slovak Environmental Agency) documentation centre <http://enviroportal.sk/agendy/obcan/obcan-v-procese-eia/kontakt>

or make use of:

- information sources in the EIA (professional publications, methodological guidelines,

methodical manuals, promotional materials, and more. (<http://enviroportal.sk/eia-sea-posudzovanie-vplyvov-na-zp/publikacie>),

- information system for assessing environmental impacts, (<http://enviroportal.sk/sk/eia>).

When acquiring information on the proposed activity, we recommend that you describe the characteristics of the proposed activity, in particular its location, capacity, area coverage, amount of chemicals used, quantity of products produced, number of parking stands, garages, road and motorway lengths, etc. In case of expansion or reconstruction, the original capacity allowed as well.

The proponent is also warned, when authorising activities according to special regulations, that if the proposed activity is subject to environmental impact assessment, without an assessment of the activity under the law, he or she can not be authorised for the proposed activity according to special regulations.

What are the main steps of the EIA process?

A schematic representation of the sequence of steps of the process of assessing the impacts of the proposed activities is shown on the reverse side of this juxtaposition together with the time schedule of the individual steps.

The process of assessing the impacts of the proposed activity on the environment, the so-called mandatory environmental impact assessment and its change consists of the following basic steps:

- Preliminary Environmental Study and its commenting,
- Determining the scope of the assessment and the time schedule,
- Environmental Impact Statement and its commenting,
- Public hearing of Environmental Impact Statement,
- Expert review,
- Final record.

Environmental Impact Assessment is governed by Act No. 71/1967 on Administrative Procedure (hereinafter referred to as the "Act on Administrative Procedure"). In the final record, in addition to an overall assessment of the impacts of the proposed activity or its change, the competent authority shall state whether it agrees or disagrees with its implementation, under which conditions it agrees and in which implementation variant, as well as the required scope of the project-based analysis. The final record is binding for the next authorisation procedure and is valid for 7 years from the date of its entry into force. The final record shall not be invalidated if the procedure for the placement or authorisation of an activity under the special regulations is initiated during its validity.

The screening procedure is conducted in accordance with the Act on Administrative Procedure and begins with the submission of an preliminary environmental study if the proposed activity is concerned or notification of a change is to be submitted if the proposed activity is to be changed.

The screening procedure ends with the issuance of a decision whereby the competent authority decides whether the proposed activity or its change is to be judged by the Act. In the event that it is decided that the proposed activity or its change is not to be assessed by the Act, a decision shall be taken from the screening procedure, the operative part of which includes conditions that eliminate or mitigate the impact on the environment. In this case, the authorisation process under the special regulations follows. If it is decided that the proposed activity or its change is to be judged by the Act, the process proceeds with the mandatory assessment step by determining the scope of the assessment and the time schedule. When deciding, the competent authority shall use the appropriate criteria for the screening procedure according to Annex No. 10 of the Act.

What is the EIA relationship with the authorisation procedure?

The competent authority shall have the status of the authority concerned in the authorisation procedure for the proposed activity or its change if it has issued a decision issued in the course of the screening procedure or the final record according to the Act.

The competent authority shall state in a binding opinion whether the proposal to initiate the authorisation procedure for the proposed activity is in conformity with the decisions issued under the Act and their conditions. The competent authority issues a binding opinion, in particular, in relation to the territorial proceedings on the location of the building, the land use procedure, the construction procedure and the approval procedure.

How can the public get involved in the EIA process?

The public concerned has the status of a participant in procedures for assessing the impact of the proposed activity or its change and consequently the position of the participant in the authorisation procedure if it takes the opportunity to provide a substantiated written opinion on the change notification, preliminary environmental study and environmental impact statement, or a substantiated written comments on the scope of the assessment of the proposed activity or its change.

Fulfilling the principles of democracy is, on the one hand, informing the public about planned activities and, on the other, enabling the public to be directly involved in the process of assessing impacts.

Information to the public is provided through the websites of the competent authority, the official board, the media and the municipality concerned.

The public has the opportunity to comment in writing on the proposed activity and its change within the time limit for the publication of the notification of change, preliminary environmental study, scope of assessment and environmental impact statement, and subsequently in the public discussion of the environmental impact statement when the issues discussed are recorded in the public hearing record. Public opinion must be taken into account and evaluated in the expert review and the final record as well as in the decision of the screening procedure of the competent authority.

The public has the right to appeal against the decision of the screening procedure as to whether the proposed activity or its change is to be assessed under this Act or against the final record even if it was not a participant in the screening procedure or the mandatory assessment.

The Act defines the so-called "public concerned" and its forms within the general term "public":

- citizens' initiative,
- a non-governmental organisation promoting environmental protection.

Where is the EIA process documentation published and archived?

Documentation from the impact assessment process is published in electronic form at the competent authority's web site within the framework of the comprehensive information system <http://enviroportal.sk/en/eia> and it is available to the general public.

Comprehensive documentation is archived for at least 15 years from the end of the assessment process at the Ministry of the Environment of the Slovak Republic, the district offices and the EIA documentation centre at the Slovak Environmental Agency in Banská Bystrica.

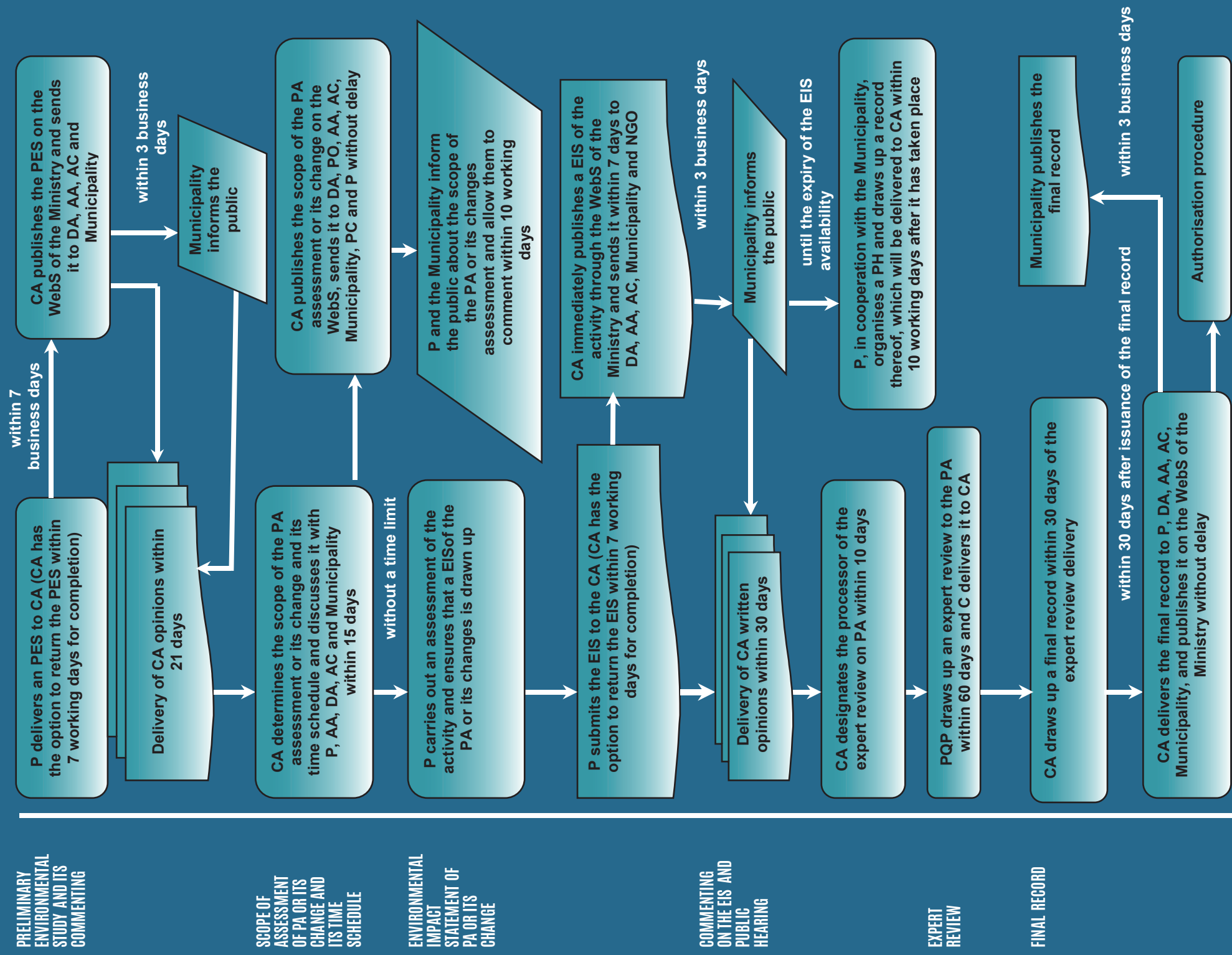
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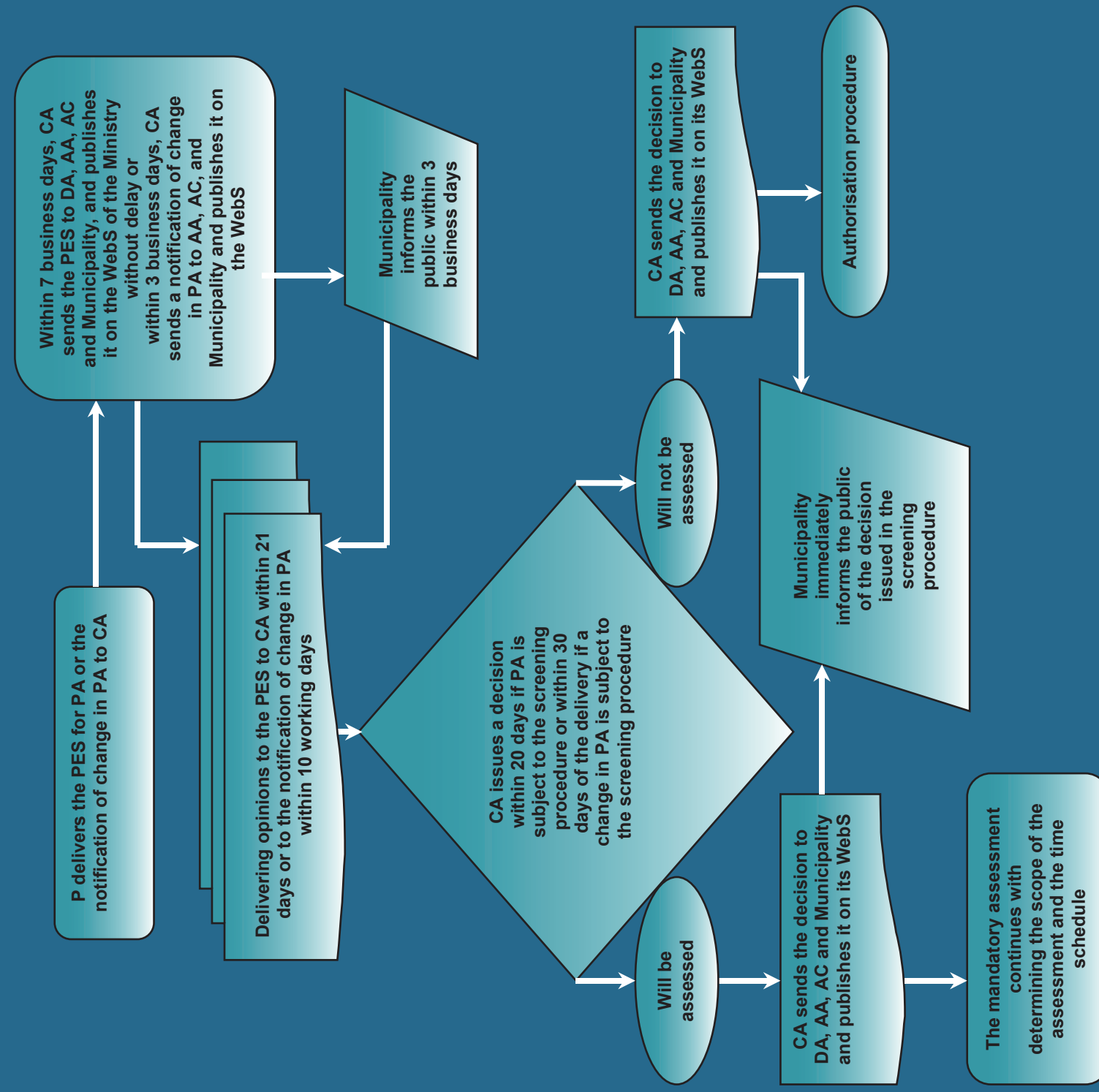
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SCHEMATIC REPRESENTATION OF THE SEQUENCE OF STEPS OF THE PROCESS OF ASSESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIVITY OR ITS CHANGE (MANDATORY ASSESSMENT)



SCHEMATIC REPRESENTATION OF THE SEQUENCE OF STEPS OF THE SCREENING PROCEDURE FOR ASSESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIVITY OR ITS CHANGE



CA - competent authority, P - proponent, AC - authority concerned, DA - departmental authority, AA - authorising authority, Municipality - municipality concerned, POP - professional qualified person, WebS - web site, Ministry - Ministry of Environment of the Slovak Republic, PH - public hearing, PC - public concerned, PA - proposed activity, NGO - non-governmental organisation promoting environmental protection, PES - Preliminary Environmental Study, EIS - Environmental Impact Statement