

**408  
ACT**

dated 21 October 2011,

**modifying and amending Act No. 24/2006 Coll. on environmental impact assessment  
and on modification and amendment of certain acts, as amended and on modification  
and amendment of certain acts**

The National Council of the Slovak Republic has decided on the following act:

**Art.I**

Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts as amended by Act No. 275/2007 Coll., Act No. 454/2007 Coll., Act No. 287/2009 Coll., Act No. 117/2010 Coll., Act No. 145/2010 Coll. and Act No. 258/2011 Coll. shall be modified and amended as follows:

1. In Section 1, sub-section 1, paragraph a), the first clause shall read as follows:  
“1. strategic documents in the course of their preparation and before their approval.”
2. In Section 2, paragraph a) shall read as follows:  
“a) to ensure high level of environmental protection in time and effectively, and to contribute to integration of environmental aspects into the process of preparation and approval of strategic documents with regard to support of permanently sustainable development<sup>3)</sup>”.
3. In footnote to reference 5, the quotation “Act of the National Council of the Slovak Republic No. 272/1994 Coll. on human health protection, as amended,” shall be omitted.
4. In Section 3, paragraph c), the words “on financing of which the European Union participates, as well as their modifications” shall be replaced by the words “co-financed by the European Union, as well as their changes”.
5. In footnote to reference 7, the quotation “Section 27 of Act of the National Council of the Slovak Republic No. 272/1994 Coll., as amended” shall be replaced by the quotation “Section 13, sub-sections 2 and 3 of Act No. 355/2007 Coll. on public health protection, support and development and on modification and amendment of certain acts”.
6. Section 4, including heading, shall read as follows:

**“Section 4****Subject and scope of impact assessment of strategic documents**

(1) Subject of impact assessment of strategic documents shall include strategic document being prepared for the area of agriculture, forestry, fishing industry, industry, power engineering, transport, waste management, water management, telecommunication, tourism, land-use planning or zone use, regional development and environment, as well as strategic document co-financed by the European Union that are likely to have significant impact on

environment and, at the same time, create a framework for approval of any of the proposed activities specified in Annex No. 8, except strategic documents that set use of small areas on local level.

(2) If the competent authority decides, based on the results of the declaratory proceedings on impact assessment of the strategic document according to Section 7 and Section 17, sub-section 4, that the strategic document or its change will be assessed because they are likely to have significant environmental impact, then the following strategic documents shall be subject to impact assessment

- a) strategic documents not specified in sub-section 1 specifying the framework for approval of any of the proposed activities specified in Annex No. 8, including any change thereof,
- b) strategic document specified in sub-section 1 specifying use of small areas on local level,
- c) change of strategic document specified in sub-section 1.

(3) Strategic document, including any change thereof, that in expert opinion of state nature and landscape protection authority <sup>8a)</sup> is likely to have significant importance on area being part of the European system of protected areas, <sup>8b)</sup> proposed protected bird area <sup>8c)</sup> or area of European importance <sup>8d)</sup> (hereinafter referred to as the “area of protected area system”), either on separate basis or in combination with another document or act, shall be subject to impact assessment.”

(4) Strategic document co-financed by the European Union, including any change thereof, shall be assessed hereunder, in line with the provisions of separate regulations. <sup>8e)</sup>

(5) Impact assessment of strategic document shall not replace impact assessment of the proposed activity specified in part three of the Act.

(6) Specific requirements for preparing strategic documents according to separate regulations <sup>8f)</sup> shall not apply to impact assessment of strategic documents hereunder.”

Footnotes to references 8e and 8f shall read as follows:

“ <sup>8e)</sup> For example, Council Regulation (EC) No. 1083/2006 dated 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, and repealing Regulation (EC) No. 1260/1999 (Official Journal of the European Union L 210, 31 July 2006), as amended, Act No. 528/2008 Coll. on assistance and support provided from the European Union funds, as amended.

<sup>8f)</sup> For example Act No. 50/1976 Coll., as amended, Act No. 223/2001 Coll. on waste and on modification and amendment of certain acts, as amended, Act No. 543/2002 Coll., as amended, Act No. 364/2004 Coll., as amended.”

Footnote to reference 8 shall be omitted.

7. In Section 5, the sub-sections 3 and 4 shall read as follows:

“(3) Notice about land-use planning documentation, except its modifications and amendments, shall be part of notice according to a separate regulation;<sup>9)</sup> notice about land-use planning documentation shall be delivered by the contracting party to the competent authority. In case of any modifications or amendments to land-use planning documentation,

the contracting party shall deliver the notice to the competent authority in the stage of their procurement under a separate regulation.<sup>9a)</sup>

(4) Notice shall be delivered to the competent authority for strategic documents specified in Section 4, sub-sections 1 to 4.

Footnote to reference 9a shall read as follows:

“<sup>9a)</sup> Section 30 and 31 of Act No. 50/1976 Coll., as amended.”.

8. In Section 5, new sub-section 6 shall be inserted after sub-section 5, and it shall read as follows:

“(6) Strategic document with indicated suggested change shall form an annex to the notice about change of strategic document.”.

The hitherto sub-sections 6 and 7 shall be marked as sub-sections 7 and 8.

9. In Section 5, sub-section 8, the words “5 and 6” shall be replaced by the words “5 to 7”.

10. In Section 5, sub-section 8 and Section 9, sub-section 6, the word “working” shall be inserted after the word “five”.

11. In Section 6, the sub-section 2 shall read as follows:

“(2) The competent authority shall publish the notice in Ministry’s web site in five days after notice delivery according to Section 5, and shall deliver the notice along with information specified in sub-section 3 to the

- a) affected authority,
- b) approving authority,
- c) to municipality, in the cadastral territory of which the proposed activity is to be performed, and to municipality the territory of which may be affected by the impact of the proposed activity or strategic document (hereinafter referred to as the “affected municipality”), in case of a strategic document with local impact.”.

12. In Section 6, new sub-sections 3 and 4 shall be inserted after sub-section 2 that shall read as follows:

“(3) At the moment of notice publishing, competent authority shall announce the place and time of consultation according to Section 63.

(4) Competent authority may determine that the notice is available for inspection in municipalities selected by the authority only due to high number of affected municipalities; it announces the list of municipalities in which the notice is available for inspection also to other affected municipalities in deadline according to sub-section 2. The affected municipalities shall disclose the above mentioned list of municipalities along with information specified in sub-section 5 in a way common at the place. “.

The hitherto sub-sections 3 and 4 shall be marked as sub-sections 5 and 6.

13. In Section 6, sub-section 5, Section 11, sub-section 1, Section 14, sub-section 5, Section 23, sub-section 3, Section 34, sub-section 1 and Section 37, sub-section 5, the word “working” shall be inserted after the word “three”.

14. In Section 6, sub-section 6, the words “sub-section 3” shall be replaced by the words “sub-section 5”.

15. Section 6a shall be inserted after Section 6, and the Section 6a, including heading, shall read as follows:

“Section 6a

Participation of the public concerned in the impact assessment of strategic documents

(1) The public concerned in the impact assessment of strategic documents shall mean the public which is interested or may be interested in the preparation of strategic documents before their approval.

(2) The public concerned in the impact assessment of strategic documents shall include

- a) a natural person older than 18 years,
- b) a legal entity,
- c) a civic initiative according to sub-section 3.

(3) Civic initiative shall mean natural persons older than 18 years who sign a common opinion to a draft strategic document. The civic initiative shall identify itself by a signature deed which includes the name, surname, permanent residence, year of birth and signature of the persons supporting the common opinion.

(4) Plenipotentiary of the civic initiative authorized to act on behalf of the civic initiative and to receive documents shall be a natural person who is listed in the signature deed as a plenipotentiary. If such information is missing or is unclear, the plenipotentiary of the civic initiative is the natural person listed in the signature deed in the first place.

(5) The public concerned in the impact assessment of strategic documents shall have the right to take part in the preparation and impact assessment of a strategic document until such strategic document is approved, including the entitlement to submit written opinion according to Section 6, sub-section 6, Section 8 sub-section 8, Section 12 sub-section 2, participation in consultations and public hearing on a strategic document.”.

16. In Section 7, sub-section 2, the words “Section 5, sub-sections 5 and 6” shall be replaced by the words “Section 5, sub-sections 5 to 7”.

17. In Section 7, sub-sections 4, paragraph c) and sub-section 5, the words “Section 6, sub-section 4” shall be replaced by the words “Section 6, sub-section 6”.

18. In Section 7, the sub-section 4 shall be amended by paragraph d) that shall read as follows:

“d) results of consultations performed according to Section 63.”.

19. In Section 7, sub-section 6, the following sentence shall be added at the end: "If the strategic document is not assessed hereunder, all reasons for not assessing the strategic document shall be published in web residence of the Ministry."

20. In Section 8, the sub-sections 1 to 3 shall read as follows:

"(1) The extent of assessment of strategic document and, if required, its time schedule, shall be specified by the competent authority after discussion with the contracting party, approving authority, affected authority, and in case of strategic document with local impact, with the affected municipality; in case of strategic document that may have impact on area of protected area system on separate basis or in combination with another strategic document or with another activity, also in agreement with state nature and landscape protection authority.<sup>9c)</sup>

(2) The extent of assessment of strategic document and, if specified, the time schedule, shall be delivered by the competent authority to the contracting party along with the opinions according to Section 6, sub-section 6, in ten days after the last deadline according to Section 6, sub-section 6 expired; if any declaratory proceeding was held, in ten working days after the decision on requirement of impact assessment according to Section 7, sub-section 5 was issued.

(3) If the extent of assessment of strategic document is being declared, it shall be based on content and structure of report on impact assessment of strategic document according to Section 9, sub-section 3, considering the opinions delivered according to Section 6, sub-section 6. It shall be declared,

a) which variants considering the goals and geographic dimension of solution of the proposed strategic document need to be processed and assessed in more details,

b) which clauses from the content and structure of the report on assessment of strategic document according to Section 9, sub-section 3 need to be especially taken in account when considering the current knowledge and methods of impact assessment, content and level of details of strategic document, in what stage of the approval process the strategic document is and the extent, in which certain matters are better to be assessed on different process levels in order to avoid any duplicity of impact assessment,

c) the number of counterparts of the report on assessment."

21. In Section 8, new sub-section 4 shall be inserted after sub-section 3 that shall read as follows:

(4) In case of declaring the extent of assessment of strategic document for a strategic document being land-use planning documentation, it shall be based on content and structure of report on impact assessment of strategic document according to Section 9, sub-section 4, considering the current knowledge and methods of impact assessment, content and level of details of strategic document, in what stage of the approval process the strategic document is and the extent, in which certain matters are better to be assessed on different process levels in order to avoid any duplicity of impact assessment."

The hitherto sub-sections 4 to 7 shall be marked as sub-sections 5 to 8.

Footnote to reference 9c shall read as follows:

<sup>9c)</sup> Section 65 of Act No. 543/2002 Coll. on nature and landscape protection, as amended."

22. In Section 9, sub-sections 1 and 8, the words “Section 8, sub-section 2” shall be replaced by the words “Section 8, sub-section 3”.

23. In Section 9, the sub-section 5 shall read as follows:

“(5) The contracting party shall submit the report on assessment of strategic document along with the draft strategic document to the competent authority.”.

24. In Section 9, new sub-section 6 shall be inserted after sub-section 5 that shall read as follows:

“(6) The contracting party shall submit the report on assessment of strategic document being the land-use planning documentation to the competent authority, along with

a) conception, <sup>13)</sup>

b) draft land-use planning documentation, <sup>13a)</sup> in case of a land-use plan of a municipality specifying use of small areas on local level, or

c) modifications and amendments, <sup>14)</sup> in case of a modification or amendment of strategic document being land-use planning documentation.”.

Footnote to reference 13a shall read as follows:

“<sup>13a)</sup> Section 8, sub-section 2 of Act No. 50/1976 Coll., as amended.”.

The hitherto sub-sections 6 to 8 shall be marked as sub-sections 7 to 9.

25. In Section 10, the sub-section 3 shall read as follows:

“(3) The competent authority shall announce the place and time of consultation according to Section 63 in five working days after receipt of report on assessment of strategic document, at the latest, and at the same time, it shall deliver the report on assessment of strategic document and draft strategic document in writing or on electronic data medium to the approving authority, affected authority in order to take up an opinion; in case of a strategic document with local impact, to the affected municipality, and in case of strategic document that may have impact on area of protected area system on separate basis or in combination with another strategic document or with another activity, to the state nature and landscape protection authority. <sup>9c)</sup>”.

26. Section 10 shall be amended by sub-section 4 that shall read as follows:

“(4) If the competent authority sets that the report on assessment of strategic document is available for inspection in the affected municipalities selected by the authority according to Section 6, sub-section 4 only, due to high number of affected municipalities, it shall advise other affected municipalities thereof in deadline according to sub-section 3, and at the same time, it shall deliver non-technical summary of provided information specified in Annex No. 4, part A, clause IX or general final summary specified in Annex No. 5, part C, clause VIII. It shall deliver the non-technical summary of provided information or general final summary to the public concerned in impact assessment of strategic documents by the set deadline.”.

27. In Section 11, sub-section 7 and Section 34, sub-section 4, the word “seven” shall be replaced by the words “ten working”.

28. In Section 12, sub-section 6, the words “specified in Annex No. 1, part II, clause 2” shall be omitted.

29. In Section 14, sub-section 1, the words “Section 12, sub-sections 1 and 2” shall be replaced by the words “Section 13, sub-section 6”.

30. In Section 15, sub-section 2, the following sentence shall be added at the end:  
“The approving authority shall be obliged to take the results of the public participation in account, especially the opinions of the public, results of consultations and public hearing with the public, raised comments of the public.”.

31. Section 16 shall be amended by sub-sections 4 and 5 that shall read as follows:  
“(4) The contracting party and the branch authority shall be obliged to advise the competent authority of information regarding results of environmental impact monitoring and assessment of strategic document according to sub-section 2 without any undue delay, as well as information regarding ensuring of obligations according to sub-section 3 in electronic form or in paper form.

(5) The competent authority shall disclose information delivered according to sub-section 4 in Ministry’s web residence without any undue delay.”.

32. In Section 17, sub-section 4, the second sentence shall read as follows: “The public may deliver its written opinion on the notice in 15 days after the day of disclosing the notice according to Section 6, sub-section 2.”.

33. In Section 18, the sub-section 12 shall read as follows:  
“(12) The proposed activities, including their changes, that are likely to have significant impact on area of protected area system, either on separate basis or in combination with another activity or document, in expert opinion of state nature and landscape protection authority<sup>8a</sup>), shall be subject to impact assessment.”

34. In Section 22, sub-section 6, Section 23, sub-section 1 and Section 31, sub-section 3, the word “working” shall be inserted after the word “seven”.

35. In Section 23, sub-section 1, the part of the sentence after semicolon shall be omitted, semicolon shall be replaced by full stop, and the following sentence shall be added at the end: “Competent authority shall disclose the intent and notice on submitted intent in Ministry’s web residence without any undue delay, and it shall include basic information about the proposed activity, such as name, place of implementation, scope of activities and basic information about the submitter, such as name, address or seat of the submitter.”.

36. In Section 23, sub-section 4, the second sentence shall read as follows: “The public may deliver its written opinion to the intent to the competent authority in 21 days after the intent was disclosed in Ministry’s web residence or after the notice according to sub-section 3 was disclosed; written opinion shall be considered delivered even if it is delivered by the set deadline via the affected municipality.”.

37. Section 24 shall read as follows:

“Section 24

The public concerned shall mean the public that is interested or may be interested in environmental decision-making procedures. The public concerned shall include, in particular

- a) a natural person according to Section 24a,
- b) a legal entity according to Section 24b or Section 27,
- c) a civic initiative according to Section 25,
- d) a civic association promoting environmental protection according to Section 26.”

38. Section 24b shall be inserted after Section 24a that shall read as follows:

“Section 24b

Legal entity that submits a written opinion according to Section 23, sub-section 4, Section 30, sub-section 5, or according to Section 35, sub-section 3, and provided that it results from the opinion that such legal entity is interested in a decision, shall be in a position of a party to the proceedings <sup>25)</sup> in the subsequent permitting proceeding under a separate regulation <sup>2)</sup>. Such legal entity shall be considered the public concerned whose right to favourable environment may be affected by the decision. The legal person registered in the Companies Register or in a similar register shall submit an extract from such register to the competent authority, not older than three months, together with submission of the written opinion.”.

39. Section 26 shall read as follows:

“Section 26

Civic association established under a separate regulation <sup>24a)</sup> for the purpose of environmental protection, which submits a written opinion according to Section 23, sub-section 4, Section 30, sub-section 5, or according to Section 35, sub-section 3, shall be in a position of a party to the proceedings <sup>25)</sup> in the subsequent permitting procedure under a separate regulation. Civic association shall submit a document on registration of such civic association to the competent authority along with submission of a written opinion. Such civic association shall be considered the public concerned for the purpose hereof whose right to favourable environment may be affected by the decision.”.

40. Section 27a shall be inserted after Section 27 that shall read as follows:

“Section 27a

The public concerned referred to in Section 24 shall be entitled to

- a) active participation in the preparing and permitting of the proposed activity in the entire impact assessment process until the decision on permission of the proposed activity is issued, including submission of written opinion according to Section 23, sub-section 4, Section 35, sub-sections 2 and 3,



- b) participation in the subsequent permitting proceedings, provided that the conditions set in Sections 24a to 27 are fulfilled,
- c) submitting comments according to Section 30, sub-section 5,
- d) participation in consultations and the right to take part in public hearing on the proposed activity.”.

41. In Section 30, the sub-section 1 shall read as follows:

“(1) Scope of assessment of proposed activity, and, if required, its time schedule shall be set by the competent authority in cooperation with branch authority and approving authority, and in case of the proposed activity that may have impact on area of protected area system on separate basis or in combination with another activity or another strategic document, even in agreement with state nature and landscape protection authority. <sup>9c)</sup> After discussion with the submitter, the competent authority shall deliver the scope of assessment of the proposed activity to the submitter along with the opinions delivered according to Section 23, sub-section 4 in 15 days after the expiry of the last deadline specified in Section 23, sub-section 4, in case that declaratory proceedings was held, in 15 days after the decision issue according to Section 29, sub-section 7, in 15 days after the decision issue according to Section 18, sub-section 4, expert opinion according to Section 18, sub-section 12 or decision issue according to Section 20, sub-section 6.”.

42. In Section 33, sub-section 1, the words “approving authority and affected municipality” shall be replaced by the words “approving authority, affected municipality, in case of proposed activity that may have impact on area of protected area system on separate basis or in combination with another activity or with another strategic document, to the state nature and landscape protection authority too <sup>9c)</sup>”.

43. In Section 34, sub-section 3, the word “working” shall be inserted after the word “ten”.

44. In Section 35, the sub-section 5 shall read as follows:

“(5) Competent authority may ask the submitter for additional information to explain the comments resulting from opinions according to sub-sections 1 to 3 that are required to prepare the final opinion, however, not later than in 14 days after the last deadline according to sub-sections 1 to 3 expired.”.

45. In Section 36, sub-section 2, the first sentence shall read as follows: “Competent authority shall appoint the processor of expert opinion based on the report on activity assessment considering the delivered records according to Section 34, sub-section 4 and opinions according to Section 35, sub-sections 1 to 3, not later than in ten days after the last deadline according to Section 35 expired; in case of a requirement for additional information according to Section 35, sub-section 5 in five days after delivery thereof.”.

46. In Section 36, sub-section 4, the second sentence shall read as follows:

“This deadline may be extended by the competent authority in reasoned cases by not more than 30 days, and it shall advise the submitter of such fact.”.

47. In Section 37, the sub-section 4 shall read as follows:

“(4) Competent authority shall deliver the final opinion regarding the activity to the submitter, branch authority, approving authority, affected authority and affected municipality

in deadline according to sub-section 1, and it shall disclose it without any undue delay in Ministry's web residence. “.

48. In Section 37, sub-section 6, the first sentence, the words “three years” shall be replaced by the words “seven years”.

49. In Section 37, the sub-section 7 shall be omitted.

50. In Section 42, sub-section 2, paragraphs b) and c), the word “deadline” shall be replaced by the words “adequate deadline”.

51. In Section 42, sub-section 5, the word “deadline” shall be replaced by the words “adequate term”.

52. In Section 43, sub-section 3, the word “deadline” shall be replaced by the words “adequate deadline”.

53. In Section 54, sub-section 2, paragraph r) shall read as follows:

“r) is administrative agency in proceedings regarding the party bearing some expenses according to Section 59, sub-section 2,”.

54. In section 54, sub-section 2, the paragraph u) shall read as follows:

“u) provides information about experience obtained at application hereof to the European Commission so that the report issued by the European Commission can be provided in time and in high quality,”.

55. In Section 63, new sub-section 1 shall be inserted that shall read as follows:

“(1) Competent authority shall ensure consultations with branch authority, approving authority, permitting authority, affected authority, affected municipality, the public concerned in impact assessment of strategic documents and the public concerned with possibility to perform consultations in the course of the entire process of impact assessment of strategic documents.”.

The hitherto sub-sections 1 and 2 shall be marked as sub-sections 2 and 3.

56. In Section 63, sub-section 3, the words “If consultations performed according to sub-section 1 are performed” shall be omitted,”.

57. In Section 65, the sub-section 5 shall be omitted.

58. Section 65b shall be inserted after Section 65a that shall read as follows:

“Section 65b

Interim provision to regulations in effect after 1 December 2011

(1) Provision of Section 65, sub-section 3 shall not relate to impact assessment of strategic documents that were subject to process of preparation and approval between 21 July 2004

and 31 January 2006. Impact assessment of such strategic documents shall be performed in line with the Act in effect after 1 December 2011. Impact assessment of strategic documents that were subject to process of preparation and approval before 21 July 2004 and that were approved after more than 24 months after 21 July 2004 shall be performed only if the competent authority decides, upon the proposal of the contracting party, that the impact assessment of strategic document is feasible. Competent authority shall disclose its decision in Ministry's web residence.

(2) If written opinion according to Section 23, sub-section 4, Section 30, sub-section 5 or according to Section 35, sub-section 3 cannot be submitted, as the process of environmental impact assessment hereunder was completed before 30 April 2010, the public concerned according to Section 24a and Section 24b shall participate in the subsequent permitting proceedings, if it submits written opinion in the course of this permitting proceedings, and provided that it results from the opinion that it is interested in decision, and the public concerned according to Section 25, Section 26 and Section 27 shall be a party to the subsequent permitting proceedings under a separate regulation, <sup>2)</sup> provided that it submits written opinion in the course of this permitting proceedings.

59. In the whole wording of the Act, the words "internet site" in any form shall be replaced by the words "web residence" in the appropriate grammatical form.

60. Annex No. 1 shall be omitted.

61. In Annex No. 2, part II, clause five shall read as follows:

"5. Considered variant solutions taking account of goals and geographic dimension of the strategic document."

62. In Annex No. 3, the clause five shall read as follows:

"5. Nature of environmental impacts, including impacts on health, such as probability, duration, frequency, cumulative nature of impacts, possibility of return in original condition, size and scope (e.g. geographic area or number of inhabitants that are likely to be influenced), value and vulnerability of the area likely to be affected from the point of view of specific natural features or cultural inheritance, exceeded standards of environmental quality or limit values, or intensive use of area."

63. Annex No. 3 shall be amended by clause nine that shall read as follows:

"9. Importance of strategic document for application of separate regulations in the area of environment . <sup>40a)</sup>".

Footnote to reference 40a shall read as follows:

"<sup>40a)</sup> For example, Act No. 50/1976 Coll., as amended, Act No. 223/2001 Coll., as amended, Act No. 543/2002 Coll., as amended, Act No. 245/2003 Coll., as amended, Act No. 364/2004 Coll., as amended, Act No. 137/2010 Coll. on atmosphere."

64. In Annex No. 4, part III, clauses one to five shall read as follows:

"1. Information on current environmental condition, including health, and its likely development, if the strategic document is not implemented.

2. Information in relation to areas especially important from environmental point of view, such as proposed protected bird areas, areas of European importance, European system of protected areas (Natura 2000), protected water-management areas, etc.
3. Specification of environment, including health in the areas that are likely to be significantly influenced.
4. Environmental issues, including health issues, that are relevant from the point of view of strategic document.
5. Environmental aspects, including health aspects, identified on international, national or another level that are relevant from the point of view of strategic document, as well as the fact how they were considered in the course of process of strategic document preparation.“.

65. In Annex No. 4, part VI shall read as follows:

**“VI. Reasons for selection of considered alternatives taking account of goals and geographical dimension of strategic document and specification of how the assessment was performed, including difficulties in providing required information, such as technical defects or indefinities”.**

66. In Annex No. 5, chapter C, part III, the clause thirteen shall read as follows:

“13. Complex assessment of expected impacts from the point of view of their significance, mutual relationships and their comparison to the valid legal regulations.”.

67. In Annex No. 5, chapter C, part V, the introductory sentence shall read as follows:

**“V. Comparison of variants considering the goals and geographical dimension of strategic document, including comparison with zero variant.”**

68. In Annex No. 6, part VI. shall be amended by clauses six and seven that shall read as follows:

“6. Statement summarizing how the ideas of environmental aspects were included in strategic document, how the report on assessment of strategic document was taken in account, how the opinions of the public regarding the report on assessment of strategic document, results of performed consultations, reasons for selection of approved strategic document compared to other acceptable variants and information on measures decided in relation to monitoring were considered.

7. Information for approving authority about the public concerned in impact assessment of strategic documents.”.

69. In Annex No. 7, the part IV shall be amended by clause four that shall read as follows:

“4. Statement summarizing how the ideas of environmental aspects were included in strategic document, how the report on assessment of strategic document was taken in account, how the opinions of the public regarding the report on assessment of strategic document, results of performed consultations, reasons for selection of approved strategic document compared to other acceptable variants including proposal for monitoring and information on measures decided in relation to monitoring were considered.”.

70. In Annex No. 8, chapter 2, the item No. 15 shall read as follows:

15.	Overhead and	220 kV and more	220 kV and more with length
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	underground transmission electric lines	with length from 15 km	between 5 km and 15 km, or between 110 and 220 kV with length exceeding 5 km
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71. In Annex No. 8, chapter 5, the words “**Branch authority:** Ministry of Economy of the Slovak Republic” shall be replaced by the words “**Branch authority:** Ministry of Economy of the Slovak Republic for items No. 1 and 3, Ministry of Agriculture and Rural Development of the Slovak Republic for items No. 2 and 4”.

72. In Annex No. 8, chapter nine shall read as follows:

### 9. Infrastructure

**Branch authority: Ministry of Environment of the Slovak Republic for items No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12**

Ministry of Economy of the Slovak Republic for items No. 1, 13, 14, 15

Ministry of Transport, Construction and Regional Development of the Slovak Republic for item No. 16

Item number	Activity, premises and facilities	Limit values	
		Part A (mandatory assessment)	Part B (declaratory proceedings)
1.	Sludge ponds, fly ash repositories and gangue dumps with capacity	from 250 000 m <sup>3</sup>	between 50 000 m <sup>3</sup> and 250 000 m <sup>3</sup>
2.	Landfills for hazardous waste	no limit	
3.	Landfills for waste being not hazardous with capacity	from 250 000 m <sup>3</sup>	up to 250 000 m <sup>3</sup>
4.	Landfills for inert waste with capacity		more than 250 000 m <sup>3</sup>
5.	Disposal or recovery of other waste in incineration plants and facilities for waste co-incineration	no limit	
6.	Recovery of other waste except recovery of waste specified in items 5 and 11, facilities for treatment and processing of other waste		from 5 000 t/year
7.	Disposal or recovery of hazardous waste in incineration plants and facilities for waste co-incineration, or treatment, processing and recovery of hazardous waste	no limit	
8.	Facilities for waste recovery by thermal treatment	no limit	
9.	Buildings, plants, facilities and premises for hazardous waste disposal		from 10 t/year

10.	Collection of waste from ferrous metals, from non-ferrous metals, or from old vehicles		no limit
11.	Facility for recovery of other construction waste	from 100 000 t/year	between 50 000 t/year and 100 000 t/year
12.	Waste disposal (not included in items 1 to 5 and 7)		no limit
13.	Above ground depositories with capacity of: a) natural gas and other gaseous media b) oil and petrochemical products c) chemicals and chemical products	from 100 000 m <sup>3</sup> from 10 000 t from 1 000 t	between 50 000 m <sup>3</sup> and 100 000 m <sup>3</sup> between 100 t and 10 000 t between 500 t and 1 000 t
14.	Underground depositories with capacity of: a) natural gas and other gaseous media b) oil and petrochemical products c) chemicals and chemical products	from 100 000 m <sup>3</sup> from 10 000 t from 1 000 t	between 5 000 m <sup>3</sup> and 100 000 m <sup>3</sup> between 100 t and 10 000 t between 500 t and 1 000 t
15.	Projects for building of industrial zones, including industrial parks		no limit
16.	Projects for municipality development, including: a) superstructure works or sets of superstructure works (complexes), unless they are specified in other items of this annex b) static transport c) zone land-use plans replacing zoning and planning decision for activities specified in a) and b)	from 500 parking slots	In built-up area from 10 000 m <sup>2</sup> of flooring, out of built-up area from 1 000 m <sup>2</sup> of flooring  between 100 and 500 parking slots  no limit
17.	Crematoria and cemeteries		no limit

73. In Annex No. 8, chapter 10, item No. 1 shall read as follows:

1.	Dams, basins and other facilities for retaining or accumulating of water, including dry basins  - with dam height above ground level or	from 8 m or	between 3 m and 8 m
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	- with total new volume or additionally retained volume, or - with area	from 1 mil. m <sup>3</sup> or from 100 ha	between 0,5 mil. m <sup>3</sup> and 1 mil. m <sup>3</sup> or between 50 ha and 100 ha
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74. In Annex No. 8, chapter 11, items No. 1 and No. 4 shall read as follows:

1.	Facilities for intensive animal production, including deposits of by-products with capacity of  a) farming animals  b) swine  c) poultry	from 2 000 pcs. (above 30 kg) or from 750 pcs. swine  from 85 000 pcs. broilers or from 40 000 pcs. egg-laying hens	from 100 VDJ <sup>1)</sup>  from 200 pcs. up to 2 000 pcs. (above 30 kg) or up to 750 pcs. swine from 55 000 pcs. up to 85 000 pcs. broilers or from 25 000 pcs. up to 40 000 pcs. egg-laying hens
4.	Premises for storing of - pesticides - liquid and suspended industrial fertilizers	from 10 t from 50 t	no limit

75. In Annex No. 8, chapter thirteen, the words “Ministry of Transport, Posts and Telecommunication of the Slovak Republic” shall be replaced by the words “Ministry of Transport, Construction and Regional Development of the Slovak Republic”.

76. In Annex No. 8, chapter fourteen shall read as follows:

**“14. Special facilities for sport, recreation and tourism**

**Branch authority:** Ministry of Education, Science, Research and Sport of the Slovak Republic  
Ministry of Transport, Construction and Regional Development of the Slovak Republic

Item number	Activities, premises and facilities	Limit values	
		Part A (mandatory assessment)	Part B (declaratory proceedings)
1.	Sport and recreation ports	in protected areas	not specified in part A
2.	Downhill tracks, cross-country skiing tracks, ski lifts, ski jumping hills, cable cars and other facilities		no limit

3.	Permanent racing tracks and testing tracks for motor vehicles	in protected areas	not specified in part A
4.	Theme parks		no limit
5.	Sport and recreational areas not specified in items No. 1 - 4		In built-up area from 10 000 m <sup>2</sup> Out of built-up area from 5 000 m <sup>2</sup>

77. In Annex No. 8a, the word “Annexes” shall be replaced by the words “**VI. Annexes**”.

78. In Annex No. 8a, part VI, the clause four shall read as follows:

“4. Opinion of the affected state nature and landscape protection authority”.

79. In Annex No. 8a, part VI, clause six, the sub-clauses 6.1 to 6.4 shall be omitted.

80. Annex No. 8a shall be amended by part seven to nine that shall read as follows:

**“VII. Date of processing**

**VIII. Name, surname, address and signature of the notice processor**

**IX. Signature of authorized representative of the submitter”.**

81. In Annex No. 11, chapter A, part II, new clause sixteen shall be inserted after clause fifteen that shall read as follows:

“16. Type of required permit of the proposed activity according to separate regulations.”.

The hitherto clause sixteen shall be marked as clause seventeen.

82. In Annex No. 12, part VI shall be amended by clause six that shall read as follows: “6. Information for permitting authority about the public concerned.”.

## Art. II

Act No. 50/1976 Coll. on land-use planning and building rules (Building Act) as amended by Act of the Slovak National Council No. 139/1982 Coll., Act No. 103/1990 Coll., Act No. 262/1992 Coll., Act of the National Council of the Slovak Republic No. 136/1995 Coll., Act of the National Council of the Slovak Republic No. 199/1995 Coll., ruling of the Constitutional Court of the Slovak Republic No. 286/1996 Coll., Act No. 229/1997 Coll., Act No. 175/1999 Coll., Act No. 237/2000 Coll., Act No. 416/2001 Coll., Act No. 553/2001 Coll., ruling of the Constitutional Court of the Slovak Republic No. 217/2002 Coll., Act No. 103/2003 Coll., Act No. 245/2003 Coll., Act No. 417/2003 Coll., Act No. 608/2003 Coll., Act No. 541/2004 Coll., Act No. 290/2005 Coll., Act No. 479/2005 Coll., Act No. 24/2006 Coll., Act No. 218/2007 Coll., Act No. 540/2008 Coll., Act No. 66/2009 Coll., Act No. 513/2009 Coll., Act No. 118/2010 Coll., Act No. 145/2010 Coll., and Act No. 547/2010 Coll. shall be amended as follows:

In Section 21, sub-section 10, the second sentence, including footnote to reference 1fc shall be omitted.



## Art. III

Act No. 364/2004 Coll. on water and on modification and amendment of Act of the Slovak National Council No. 372/1990 Coll. on offences, as amended (Water Act) as amended by Act No. 587/2004 Coll., Act No. 230/2005 Coll., Act No. 479/2005 Coll., Act No. 532/2005 Coll., Act No. 359/2007 Coll., Act No. 514/2008 Coll., Act No. 515/2008 Coll., Act No. 384/2009 Coll., Act No. 134/2010 Coll., Act No. 556/2010 Coll. and Act No. 258/2011 Coll. shall be amended as follows:

Section 12 shall be amended by new sub-section 4 that shall read as follows:

“(4) Draft plan for drainage basin management, draft Water plan of Slovakia and their updates, draft conceptions and development programs in water management shall be subject to assessment according to a separate regulation.<sup>20a)</sup>”

Footnote to reference 20a shall read as follows:

“<sup>20a)</sup> Section 4 to 17 of Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts, as amended.”.

## Art. IV

Act No. 543/2002 Coll. on nature and landscape protection as amended by Act No. 525/2002 Coll., Act No. 205/2004 Coll., Act No. 364/2004 Coll., Act No. 587/2004 Coll., Act No. 15/2005 Coll., Act No. 479/2005 Coll., Act No. 24/2006 Coll., Act No. 359/2007 Coll., Act No. 454/2007 Coll., Act No. 515/2008 Coll., Act No. 117/2010 Coll., and Act No. 145/2010 Coll. shall be modified and amended as follows:

1. In Section 6, sub-section 2, the following sentence shall be added at the end:

“Nature and landscape protection authority shall issue such approval if it is proved in the proceedings that the activity does not harm or destroy the biotope of European importance or biotope of national importance that is contrary to requirement for protection of such biotopes according to sub-section 1, paragraph a).”.

2. In Section 40, sub-section 1, the following sentence shall be added at the end:

“Ban on activity according to Section 34, sub-section 1, paragraph a) (ban to dig out or destroy the protected plant), Section 35, sub-section 1, paragraph d) and sub-section 2, paragraph d) shall not apply, if the activity is related to performance of activity that

- a) was permitted within area protection by nature protection authority, while it was proved in the proceedings that the activity shall not have any adverse impact on population of the affected species, and at the same time
- b) based on the result of impact assessment according to separate regulation<sup>64)</sup> does not have any adverse impact on subject of protection of the affected area and, in case of area according to Section 28, on favorable condition of the subject of its protection.”.

3. In Section 82, sub-sections 3, 6 and 7 shall read as follows:

“(3) In cases specified in sub-section 2, the party to the proceedings for approval or exemption issue shall mean the submitter only, unless set otherwise hereby. The party to the proceedings for issue of approval for zoological garden establishment shall include also municipality in the cadastral territory of which the zoological garden is or shall be located. The party to the proceedings hereunder shall mean also a natural person, civic initiative <sup>113a)</sup> or legal entity whose position results from a separate regulation. <sup>113b)</sup> Association with legal personality, <sup>114)</sup> the scope of activity of which includes nature and landscape protection for not less than one year (Section 2, sub-section 1), and which submitted interim application for participation according to sub-section 6, shall be the party to the proceedings, unless its position results already from the previous sentence, and provided it confirmed its interest to become a party to the started administrative proceedings in writing or in electronic form; confirmation must be delivered to the competent nature protection authority by deadline specified therefore by such authority and disclosed along with information about commencement of proceedings as the proceedings in which the interests of nature and landscape protection protected by this Act, sub-section 7 may be affected.

(6) Association according to sub-section 3 may ask the nature protection authority in writing in form of an interim application for participation in administrative proceedings not specified closer that the authority starts in future or that it currently holds, and in which the interests of nature and landscape protection protected hereby may be affected. The application must include especially the name of association, its seat, identification number, name and surname of the person authorized to act on behalf of the association and specification of the proceedings on the commencement of which the association wants to be notified; the articles of association <sup>115a)</sup> proving the scope of activity according to sub-section 3 shall form an annex to the application.

(7) Nature protection authority shall be obliged to disclose information about start of any administrative proceedings in its web site, if the interests of nature and landscape protection protected hereunder may be affected, except proceedings according to sub-section 8, not later than in three days after the proceedings commenced at the latest; the above mentioned information shall include also information about deadline set for delivery of written or electronic confirmation of interest to become a party in the commenced administrative proceedings according to sub-section 3 that cannot be shorter than seven days after information disclosure.”.

Footnotes to references 113a and 113b shall read as follows:

<sup>113a)</sup> Section 25 of Act No. 24/2006 Coll. on environmental impact assessment and on modification and amendment of certain acts, as amended.

<sup>113b)</sup> Section 27a of Act No. 14/2006 Coll. as amended by Act No. 408/2011 Coll.”.

4. In Section 82, sub-section 8, the words “fourth sentence” shall be inserted after the words “third sentence”.

#### Art. V

Act No. 587/2004 Coll. on Environmental fund and on modification and amendment of certain acts as amended by Act No. 277/2005 Coll., Act No. 276/2007 Coll., Act No.

661/2007 Coll., Act No. 514/2008 Coll., Act No. 160/2009 Coll. and Act No. 286/2009 Coll. shall be amended as follows:

1. Section 4, sub-section 2 shall be amended by a new sentence at the end that shall read as follows:

“Upon suggestion of the Fund Board, the Fund may amend the disclosed specification of activities by new activities that the Fund shall disclose in its web site in seven days.”.

2. In Section 9, sub-section 3, the first sentence shall read as follows: “Applications for support shall be submitted by the applicant to the Fund as of 31 October of the previous fiscal year, except application for support according to Section 4, sub-section 1, paragraphs d) and e), and application for support of new activity amended according to the last sentence of Section 4, sub-section 2.”.

Art. VI  
Effect

This Act shall come in effect on 1 December 2011, except Art. V., that shall come in effect on the day of announcement.

Ivan Gašparovič, m.p.  
Pavol Hrušovský, m.p.  
Iveta Radičová, m.p.