

145

**A C T**

of 9 March 2010,

**amending Act No. 24/2006 Coll. on environmental impact assessment and amending some other laws, as amended by later legislation**

The National Council of the Slovak Republic has adopted the following Act:

Section I

Act No. 24/2006 on environmental impact assessment and amending some other laws, as amended by Act 275/2007 Coll., Act 454/2007 Coll., Act 287/2009 Coll. and Act No. 117/2010 Coll. shall be amended as follows:

1. Article 24 shall read:

“Article 24

The concerned public shall mean the public that is or may be interested in environmental licensing procedures. The concerned public shall include in particular:

- a) a natural person under Article 24a,
- b) a legal person,
- c) a civil initiative under Article 25,
- d) a civil association promoting environmental protection under Article 26,
- e) an organisation promoting environmental protection established in accordance with special regulations<sup>24)</sup> (hereinafter referred to as “non-governmental organisation promoting environmental protection”) under Article 27.”

2. Article 24a shall be inserted after Article 24, to read:

“Article 24a

(1) A natural person over 18 years, who submits a written opinion under Article 23 paragraph 4, Article 30 paragraph 5 or Article 35 paragraph 3, which shows such natural person's interest in a decision, shall have the status of a party to the procedure<sup>25)</sup> in the subsequent licensing procedure under a special regulation<sup>2)</sup>.

(2) If at least 250 natural persons submit an identical written opinion under paragraph 1, such natural persons shall be deemed to form a civil initiative under Article 25; the natural person whose written opinion is delivered as the first in order shall be the chief representative of such civil initiative.”

3. Articles 25 to 27 shall read:

## “Article 25

(1) A civil initiative shall mean natural persons over 18 years who sign a common opinion on the proposed activity assessed in accordance with this Act.

(2) A civil association shall prove its identity by a signature deed containing the name, surname, permanent address, year of birth and signature of the persons supporting the common opinion. The signature deed with the opinion under Article 23 paragraph 4, Article 30 paragraph 5 or Article 35 paragraph 3, shall be delivered by the civil initiative to the competent authority. In the subsequent licensing procedure under a special regulation<sup>2)</sup>, such civil initiative shall be a party to the procedure<sup>25)</sup>. The civil initiative shall be deemed to be the concerned public, the rights of whom to a favourable environment may be affected by a decision.

(3) The natural person listed as the chief representative in the signature deed shall be the chief representative of the civil initiative who is authorised to act and receive written documents on behalf of the civil initiative. If such information is missing or is unclear, the chief representative of the civil initiative shall be the person listed first in the signature deed. The chief representative may assign his/her deputy, in writing, to represent him/her in matters to the extent of a power of attorney.

(4) On the basis of a written statement delivered to the competent authority, the chief representative may be replaced by another natural person. Such statement must be signed by a majority of the members of the civil initiative. The same procedure shall apply in the case of resignation of the chief representative of the civil initiative.

## Article 26

If natural persons establish a civil association under a special regulation<sup>24a)</sup> in order to support the opinion of the civil initiative or directly for the purpose of environmental protection and submit a written opinion under Article 23 paragraph 4, Article 30 paragraph 5 or Article 35 paragraph 3, such civil association shall be a party to the procedure<sup>25)</sup> in the subsequent licensing procedure under a special regulation<sup>2)</sup>. The civil association shall submit the signature deed, containing the name, surname, permanent address, date of birth and signature of the persons supporting such common opinion, and a document on the registration of the civil association, to the competent authority and the licensing body no later than on the date of submission of the written opinion. Such an association shall for the purpose of this Act be deemed to be the concerned public, the rights of whom to a favourable environment may be affected by a decision.

## Article 27

A non-governmental organisation supporting environmental protection which submits a written opinion on the proposed activity under Article 23 paragraph 4, Article 30 paragraph 5 or Article 35 paragraph 3, shall be a party to the procedure<sup>25)</sup> in the subsequent licensing procedure pursuant to a special regulation<sup>2)</sup>. Such non-governmental organisation shall be deemed to be the concerned public, the rights of whom to a favourable environment may be affected by a decision.

The non-governmental organisation supporting environmental protection shall submit a document on registration, to the competent authority and the licensing authority together with submission of the written opinion on the proposed activity.”

Footnote 24a shall read:

“24a) Act No. 83/1990 Coll., as amended.”

Footnotes 26 to 34a shall be withdrawn.

## Section II

Act No. 50/1976 on land use planning and construction code (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, Act No. 513/2009 and by Act No. 118/2010 Coll. shall be amended as follows:

1. In Article 34 paragraph 1 and Article 59 paragraph 1 letter c) the words “special regulations<sup>1g)</sup>” shall be replaced with the words “special regulation<sup>1g)</sup>”.

Footnote 1g shall read:

“1g) Articles 24 to 27 of Act No. 24/2006 Coll., as amended.”

2. In Article 42, new paragraph 3 shall be inserted after paragraph 2, to read:

“(3) A land-use decision on the location of a nuclear facility construction or buildings of special importance and other important structures<sup>1ia)</sup> shall be delivered to the parties to the procedure under a special regulation<sup>1g)</sup> by means of a public notice. Delivery shall be carried out by publication of the land-use decision for a period of 15 days in a locally standard manner. The last day of such period shall be the date of delivery.”

Footnote 1ia shall read:

“<sup>1ia)</sup> Article 27 of Act No. 319/2002 Coll. on the defence of the Slovak Republic, as amended by Act No. 330/2003 Coll.”

The present paragraphs 3 and 4 shall be marked as paragraphs 4 and 5.

3. In Article 61, new paragraph 5 shall be inserted after paragraph 4, to read:

“(5) In the case of the construction of a nuclear facility or buildings of special importance and other important structures<sup>1ia)</sup> the building authority shall notify the parties of the beginning of the building licensing procedure by means of a public notice at least 15 days before the local investigation or oral proceedings and, if oral proceedings are not held, before expiry of the period referred to in paragraph 3.”

The present paragraph 5 shall be marked as paragraph 6.

4. Article 125 shall be supplemented with paragraph 5, which shall read:

“(5) The licensing authority shall reject access to information under a special regulation<sup>12aa)</sup> to parties to the procedure under a special regulation<sup>1g)</sup> if access to such information could have an adverse effect on public safety.<sup>12ab)</sup>”

Footnotes 12aa a 12ab shall read:

“<sup>12aa)</sup> Article 11 paragraph 1 letter h) of Act No. 211/2000 Coll. on free access to information and amending some other laws (Freedom of Information Act), as amended by Act No. 145/2010 Coll.

<sup>12ab)</sup> Section 4 paragraph 4 of the Convention on Access to Information, Public Participation in Licensing and Access to Justice in Environmental Matters (Notice No. 43/2006 Coll.)”

### Section III

Act of the Slovak National Council No. 51/1988 Coll. on mining, explosives and state mining administration, as amended by Act of the Slovak National Council No. 499/1991 Coll., Act of the National Council of the Slovak Republic No. 154/1995 Coll., Act No. 58/1998 Coll., Act No. 533/2004 Coll., Act No. 577/2007 Coll. and Act No. 292/2009 Coll. and Act No. 136/2010 Coll. shall be amended as follows:

In Article 18 paragraph 1, the words “natural person or legal person to which such position arises from a special regulation<sup>12d)</sup>” shall be inserted after the word “concerned”.

Footnote 12d shall read:

“<sup>12d)</sup> Articles 24 to 27 of Act No. 24/2006 Coll., as amended.”

### Section IV

Act No. 211/2000 Coll. on free access to information and amending some other laws (Freedom of Information Act), as amended by Act No. 747/2004 Coll., Act No. 628/2005 Coll., Act No. 207/2008 Coll. and Act No. 477/2008 Coll. shall be amended as follows:

In Article 11, paragraph 1 shall be supplemented with letter h), which shall read:

“h) it is documentation which contains information the publication of which could be used to plan and carry out activities focused on the damage to or destruction of a nuclear facility or buildings of special importance and other important structures under special regulations.<sup>24c)</sup>”.

Footnote 24c shall read:

“<sup>24c)</sup> E.g. Article 27 of Act No. 319/2002 Coll. on the defence of the Slovak Republic, as amended by Act No. 330/2003 Coll., Article 3 paragraph 14 and Annexes 1 and 2 to Act No. 541/2004 Coll. on the peaceful use of nuclear energy (Atomic Energy Act) and amending some other laws, as amended by later legislation.”

## Section V

Act No. 543/2002 Coll. on nature and landscape protection, as amended by Act No. 525/2003 Coll., Act No. 205/2004 Coll., Act No. 364/2004, 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. and Act No. 117/2010 Coll. shall be amended as follows:

In Article 82, paragraph 3 shall read:

“(3) A party to the procedure concerning the granting of consent or exemption in cases referred to in paragraph 2 shall be only the applicant, unless otherwise stipulated by this Act. A party to the procedure concerning the granting of consent to establish a ZOO shall also be the municipality on the territory of which the ZOO is or should be located. A party to the procedure under this Act shall also be the natural person or legal person to which such position arises under a special regulation.<sup>113a)</sup> An association with legal subjectivity<sup>114)</sup> focused on nature and landscape protection (Article 2 paragraph 1), which notifies its participation in the procedure under this Act, in writing, no later than within seven days from the notification under paragraph 7, shall be a concerned party<sup>114a)</sup> provided that it is not a party to the procedure under the third sentence of this paragraph.”

Footnote 113a reads:

“113a) Articles 24 to 27 of Act No. 24/2006 Coll. on environmental impact assessment and amending some other laws, as amended.”

## Section VI

Act No. 223/2001 on wastes and amending some other laws, as amended by Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No. 261/2002 Coll., Act No. 393/2002 Coll., Act No. 529/2002 Coll., Act No. 188/2003 Coll., Act No. 245/2003 Coll., Act No. 525/2003 Coll., Act No. 24/2004 Coll., Act No. 443/2004 Coll., Act No. 587/2004 Coll., Act No. 733/2004 Coll., Act No. 479/2005 Coll., Act No. 532/2005 Coll., Act No. 571/2005 Coll., Act No. 127/2006 Coll., Act No. 514/2008 Coll., Act No. 515/2008 Coll., Act No. 519/2008 Coll., Act No. 160/2009 Coll., Act No. 386/2009 Coll. and Act No. 119/2010 shall be amended as follows:

Article 22 shall be supplemented with paragraph 17, which shall read:

“(17) Before putting the waste landfill into operation the waste landfill operator is obliged to deposit part of the specific-purpose financial reserve in the amount of at least 5 % of budget costs for the establishment of the waste landfill; the actual amount shall be specified by the competent state administration authority in waste management in its consent for a waste landfill operation.”

## Section VII

Act 541/2004 on the peaceful use of nuclear energy (Atomic Energy Act) and amending some other laws, as amended by Act No. 238/2006 Coll., Act No. 21/2007 Coll., Act No. 94/2007 Coll., Act No. 335/2007 Coll., Act No. 408/2008 Coll. and Act No. 120/2010 shall be amended as follows:

1. Article 3 shall be supplemented with paragraph 14, which shall read:

“(14) Documentation referred to in Annexes 1 and 2 shall be deemed to be documentation containing information the publication of which could be used to plan and carry out activities focused on the damage to or destruction of a nuclear facility or buildings of special importance and other important structures<sup>3b)</sup> and thus to have an adverse effect on public safety.<sup>3c)</sup> Such documentation shall not be published under a special regulation.<sup>3d)</sup>”

Footnotes 3b to 3d) shall read:

“3b) Article 27 of Act No. 319/2002 Coll. on defence of the Slovak Republic, as amended by Act No. 330/2003 Coll.

3c) Section 4 paragraph 4 of the Convention on Access to Information, Public Participation in Licensing and Access to Justice in Environmental Matters (Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 43/2006 Coll.)

3d) Article 11 paragraph 1 letter h) of Act No. 211/2000 Coll. on free access to information and amending some other laws (Freedom of Information Act), as amended by Act No. 145/2010 Coll.”

2. In Article 8 paragraph 4, the third sentence shall read: “A party to the procedure concerning the granting of consent which was preceded by an environmental impact assessment procedure under a special regulation<sup>11a)</sup> shall also be a natural person or legal entity to which such position arises from a special regulation.<sup>11b)</sup>” while this sentence shall be followed by the sentence: “The authority shall reject access to information under a special regulation<sup>3d)</sup> to the parties to the procedure if access to such information could have an adverse effect on public safety.<sup>3c)</sup>”

3. Article 8 shall be supplemented with paragraph 10, which shall read:

“(10) The authority shall deliver a decision on the granting of consent or license to the parties to the procedure under a special regulation<sup>11b)</sup> by means of a public notice.”

Footnotes 11a and 11b shall read:

“11a) Act No. 24/2006 Coll., as amended.

11b) Articles 24 to 27 of Act No. 24/2006 Coll., as amended by later legislation.”

#### Section VIII

Act No. 569/2007 Coll. on geological works (Geological Act), as amended by Act No. 515/2008 Coll., Act No. 384/2009 Coll., Act No. 110/2010 Coll. and Act No. 136/2010 shall be amended as follows:

In Article 23, the following words shall be added at the end of paragraph 9: “and the natural person or legal person to which such position arises from a special regulation.<sup>25a)</sup>”.

Footnote 25a shall read:

“25a) Articles 24 to 27 of Act No. 24/2006 Coll. on environmental impact assessment and amending some other laws, as amended.”

#### Section IX

This Act shall enter into force on 1 May 2010.

(Signed by)

**Ivan Gašparovič**

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**Robert Fico**