

THE ACT
of 21 June 2007
On the prevention and remedying of environmental damage
and on amending of certain acts

The National Council of the Slovak Republic has agreed on this act:

Article 1
PART ONE
BASIC PROVISIONS

Section 1
Subject matter of the Act

(1) This Act provides

- a) the rights and obligations of the operators in the prevention and remedying of environmental damage, including bearing of the costs associated therewith,
- b) the tasks of the state administration bodies in the prevention and remedying of environmental damage,
- c) liability for contravening the obligations under this Act.

(2) This Act shall apply to any environmental damage and any imminent threat of such damage, regardless of culpability, caused by the following occupational activities:

- a) the operation of installations subject to the integrated permit, in pursuance of a special regulation¹⁾, with the exception of installations or parts of installations used for research, development and testing of new products and processes,
- b) the collection, transport, recovery and disposal of waste, with the exception of the application of sewage sludge from waste water treatment plants on soil, in accordance with a special regulation²⁾, which requires a permission, subject to a special regulation,³⁾ or registration, subject to a special⁴⁾ regulation,
- c) the transboundary shipment of waste requiring an authorisation, in pursuance of a special regulation,⁵⁾
- d) the discharge of waste water into surface water or ground water which requires a permit in pursuance of a special regulation⁶⁾, including the permit of water constructions associated with it,

¹⁾ Section 2 paragraph 4 of the Act No.245/2003 Coll. on the integrated prevention and control of environmental pollution and on amending of certain acts.

²⁾ The Act No 188/2003 Coll. on the application of sewage sludge and bottom sediments from waste water treatment plants on soil and on amending of the Act No. 223/2001 Coll. on wastes and on amending of certain acts, as amended, as amended by the Act No. 364/2004 Coll.

³⁾ Section 7 paragraph 1 subparagraphs a) through e), g), h),j),l) through o) and r) of the Act No. 223/2001 Coll. on waste and on amending of certain acts, as amended by the Act No. 24/2004 Coll.

⁴⁾ Section 15 paragraph 1 of the Act No. 223/2001 Coll., as amended by the Act No. 525/2003 Coll.

⁵⁾ Council Regulation (EEC) No.259/ 1993 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (OJ L 30,6.2.1993), as effective.

⁶⁾ Section 21 paragraph 1subparagraph c) and Section 26 paragraph 1 of the Act No. 364/2004 Coll. on water and on amending of the Act of the Slovak National Council No. 372/1990 Coll. on administrative offences, as later amended, (the Water Act), as amended.

- e) the discharge of pollutants into surface water or ground water, or the injection of pollutants into surface water, which require a permit in pursuance of a special regulation⁶⁾, including the permit of water constructions associated with it,
- f) water abstraction and impoundment of water which requires a permit in pursuance of a special regulation,⁷⁾ including the permit of water constructions associated with it,
- g) manufacture, use, storage, processing, filling, release into the environment and onsite transport of
 1. dangerous chemical substances and dangerous chemical preparations, subject to a special regulation⁸⁾,
 2. plant protection preparations, including their placing on the market, subject to a special regulation⁹⁾,
 3. biocidal products, including their placing on the market, subject to a special regulation,¹⁰⁾
- h) transport by road, rail, inland waterways, sea or air of dangerous goods or polluting goods, subject to special regulations,¹¹⁾
- i) the operation of great air pollution sources, medium air pollution sources, waste incineration plants, or installations for co-incineration of waste and their changes, requiring a permission, subject to a special regulation,¹²⁾
- j) any contained use, including transport, involving genetically modified organisms subject to a special regulation,¹³⁾
- k) Any deliberate release of genetically modified organisms, subject to a special regulation¹⁴⁾.

(3) This Act shall apply to environmental damage to protected plant and animal species (hereinafter referred to as the “protected species”) and to natural habitats and to the imminent threat of such damage, caused by the culpable action of the operator of the occupational activities other than those listed under paragraph 2.

(4) This Act shall not apply to environmental damage, or to any imminent threat of such damage caused by:

- a) the war¹⁵⁾ or the state of hostilities¹⁶⁾,

⁷⁾ Section 21 paragraph 1 subparagraph a), first and second points and subparagraph b), first and second points, and Section 26 paragraph 1 of the Act No. 364/2004 Coll.

⁸⁾ The Act No.163/2001Coll. on chemical substances and chemical preparations, as amended.

⁹⁾ The Act No.193/2005 Coll. on plant-medical treatment, as amended by the Act No. 295/2007 Coll.

¹⁰⁾ The Act No.217/2003 Coll. on conditions of placing biocidal products on the market and on amending of certain acts, as amended.

¹¹⁾ For example, the Regulation of the Minister of Foreign Affairs No.64/1987 Coll. on the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), as amended (Communication No. 444/2005 Coll.), the Act of the National Council of the Slovak Republic No.168/1996 Coll. on road transport, as later amended, the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID), as amended, (the Communication No. 598/2005 Coll.), the Act of the National Council of the Slovak Republic No.164/1996 Coll. on railways, and on amending of the Act No. 455/1991 Coll. on trade license enterprise (the Trades Act),as later amended, the Act No. 338/2000Coll. on inland navigation and on amending of certain acts, as later amended, the Act No. 435/2000 Coll., on sea navigation, as later amended, the Act No. 143/1998 Coll. on civil aviation (the Aviation Act) and on amending of certain acts, as later amended.

¹²⁾ Section 22 paragraph 1 subparagraph a) and Section 23 paragraph 1 subparagraph a) of the Act No. 478/2002 Coll. on air protection and on amending of the Act No. 401/1998 Coll. on air pollution charges, as later amended (the Air Act), as amended by the Act No. 203/2007 Coll.

¹³⁾ For example, Section 8 through 14 of the Act No. 151/2002 on the use of genetic technologies and genetically modified organisms, as amended by the Act No. 77/2005 Coll.; the Act of the National Council of the Slovak Republic No.168/1996 Coll. as amended; the Regulation No.64 1987 Coll. (the Communication No. 444/2005 Coll.)

¹⁴⁾ Sections 15 through 22 of the Act No. 151/2002 Coll., as amended by the Act No. 77/2005 Coll.

- b) a natural phenomenon of exceptional, inevitable and irresistible character,
- c) the activity involving nuclear risks, to which a special regulation is applicable,¹⁷⁾ as well as an incident or activity in respect of which liability or compensation falls within the scope of any of the international instruments¹⁸⁾ which is binding on the Slovak Republic,
- d) pollution of a diffuse character, where it is not possible to establish a causal link between the damage and the occupational activities of individual operators.

(5) This Act shall not apply to the activities

- a) the main purpose of which is to serve national defence or international security,
- b) the sole purpose of which is to protect from natural disasters¹⁹⁾.

(6) This Act shall not apply to environmental damage, where more than 30 years have lapsed from an emission, event or incident causing the damage.

Section 2 Basic terms

(1) For the purpose of this Act

- a) environmental damage means
 - 1. the damage to protected species and natural habitats that has significant adverse effects on reaching or maintaining the favourable conservation status of protected species and natural habitats, with the exception of the unfavourable effects identified earlier, arising by reason of the action of the operator for which he was explicitly authorised, in accordance with a special regulation²⁰⁾,
 - 2. the damage to water that significantly adversely affects the ecological, chemical or quantitative status of the waters,²¹⁾ and/or the ecological potential of the waters, with the exception of the adverse effects, stipulated under a special regulation²²⁾, or
 - 3. the damage to land, which is land contamination involving a significant risk of adverse effects on human health²³⁾ as a result of the direct or indirect introduction, in, on, or under land, of substances, preparations, organisms or micro-organisms.

¹⁵⁾ Article 2 of the constitutional Act No.227/ 2002 Coll. on the state security during the war, the state of hostilities, the state of emergency and the state of distress, as amended by the constitutional Act No. 566/2005 Coll.

¹⁶⁾ Article 3 of the constitutional Act No.227/ 2002 Coll., as amended by the Act No. 566/2005 Coll.

¹⁷⁾ For example, the Treaty establishing the European Atomic Energy Community, the Act No.541/2004 Coll. on peace use of atomic energy (the Atomic Energy Act) and on amending of certain acts, as amended.

¹⁸⁾ The Vienna Convention on Civil Liability for Nuclear Damage (Communication No.70/1996 Coll.), the Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention (Communication No. 71/1996 Coll.)

¹⁹⁾ Section 3 paragraph 2 subparagraph a) of the Act of the National Council of the Slovak Republic No.42/1994 Coll. on the civil protection of the population, as amended.

²⁰⁾ Section 12 subparagraph g), Section 13 paragraph 2 subparagraph a), Section 14 paragraph 2, subparagraph a), Section 15 paragraph 2 subparagraphs a) and c), Section 16 paragraph 2, Section 28, 28a, 40 and Section 67 subparagraph i) of the Act No. 543/2002 Coll. on the conservation of the nature and landscape, as amended.

²¹⁾ Section 4 of the Act No. 364 /2004 Coll., as amended by the Act No. 230/2005 Coll.

²²⁾ Section 16 paragraph 5 of the Act No. 364 /2004 Coll.

²³⁾ Section 2 subparagraph b) of the Act No. 126/2006 Coll. on public healthcare and on amending of certain acts.

- b) imminent threat of environmental damage means a sufficient likelihood that environmental damage will occur in the near future,
- c) damage means a measurable adverse change in a natural resource or measurable impairment of a natural resource service which may occur directly or indirectly,
- d) occupational activity means any activity carried out in the course of an economic activity, a business, or an undertaking, irrespectively of its private or public, profit or non-profit character,
- e) operator means any legal, or natural person – entrepreneur that operates or controls the occupational activity, or to whom, subject to a special regulation²⁴⁾, decisive economic power over the technical functioning of such an activity has been delegated, including the holder of a permit or authorisation for such an activity, or the person registered for such an activity, or operating such activity on the basis of its notification,
- f) natural resource means protected species, natural habitats, water and land,
- g) natural resource service means the functions performed by a natural resource for the benefit of another natural resource or the public,
- h) protected species and natural habitats means
 1. protected species of European significance²⁵⁾, listed in a special regulation²⁶⁾,
 2. species of European significance and birds of passage²⁷⁾ for the protection of which reserves are designated, listed in a special regulation,²⁸⁾ and their natural habitats,²⁹⁾
 3. the breeding sites, or resting places of the species of European significance, listed in a special regulation,³⁰⁾
 4. protected natural habitats of European significance,³¹⁾ listed in a special regulation,³²⁾
- i) water shall mean all waters in pursuance of a special regulation,³³⁾
- j) land means agricultural land³⁴⁾, forest lands,³⁵⁾ built up areas and courtyards³⁶⁾ and other areas,³⁷⁾
- k) baseline condition means the condition at the time of the environmental damage of the natural resources and services that would have existed had the environmental damage not occurred, estimated on the basis of available information,
- l) conservation status means

²⁴⁾ For example, Section 88 of the Act No.7/2005 Coll. on bankruptcy and restructuring and on amending of certain acts, as amended.

²⁵⁾ Section 2 paragraph 2 subparagraph x) of the Act No.543 /2002 Coll.

²⁶⁾ Annexes 5 and 6 of Part 1 of the Regulation of the Ministry of Environment of the Slovak Republic No.24/2003 regulating the implementation of the Act No. 543/2002 Coll. on the conservation of the nature and landscape, as amended by the Regulation No.492/2006 Coll.

²⁷⁾ Section 2 paragraph 2 subparagraph p) of the Act No. 543/2002 Coll.

²⁸⁾ Section 2 paragraph 2 subparagraph x) of the Act No. 543/2002, Annex 4 Part A and B of the Regulation No.492/2006 Coll.

²⁹⁾ Section 2 paragraph 2 subparagraph w) of the Act No. 543/2002.

³⁰⁾ Annex 6 of the Regulation No.24/2003 Coll., as amended by the Regulation No. 492/2006 Coll.

³¹⁾ Section 2 paragraph 2 subparagraph s) of the Act No.543/2002 Coll.

³²⁾ Annex 1 Part B of the Regulation No.24/2003 Coll., as amended by the Regulation No. 492/2006 Coll.

³³⁾ Section 3 of the Act 364/2004 Coll.

³⁴⁾ For example, Section 2 subparagraph b) of the Act No. 220/2004 on the protection and use of agricultural land and on amending of the Act No. 245/2003 on the integrated prevention and control of the environmental pollution and on amending of certain acts, Section 9 subparagraphs a) though f) of the Act of the National Council of the Slovak Republic No. 162/1995 on the real property cadastre and on recording of ownership and other rights to real property (the Cadastre Act).

³⁵⁾ For example, Section 3 of the Act 326/2005 Coll. on forests, Section 9 letter g) of the Act of the National Council of the Slovak Republic No. 162/1995 Coll.

³⁶⁾ Section 9 subparagraph i) of the Act of the National Council of the Slovak Republic No. 162/1995 Coll.

³⁷⁾ Section 9 subparagraph j) of the Act of the National Council of the Slovak Republic No. 162/1995 Coll.

1. in respect of a natural habitat, the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within, as the case may be, the territory of the Slovak Republic or the natural range of that habitat,
 2. in respect of a species, the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population, within, as the case may be, the territory of the Slovak Republic or the natural range of that species,
- m) favourable conservation status of a natural habitat means a status when
1. its natural range and areas it covers within that range are stable or increasing,
 2. the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
 3. the conservation status of its typical species is favourable, as defined under n),
- n) favourable conservation status of a protected species means a status when
1. population dynamics data on the species concerned indicate that it is maintaining itself on long-term basis as a viable component of its natural habitats,
 2. the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
 3. there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis,
- o) emission means the release in the environment, as a result of human activities, of substances, preparations, organisms or micro-organisms,
- p) recovery, including natural recovery, means
1. in the case of protected species and natural habitats, and water, the return of damaged natural resources and/or their impaired services to baseline condition,
 2. in the case of land damage, the elimination of any significant risk of adversely affecting human health,
- r) preventive measures means any measures taken in response to an event, act, or omission that has created an imminent threat of environmental damage, with a view to preventing or minimising that damage,
- s) remedial measures means any action or combination of actions, including mitigating or interim measures to restore, rehabilitate or replace damaged natural resources and/or impaired services, or to provide an equivalent alternative to those resources or services,
- t) costs means costs which are justified by the need to ensure the proper and effective prevention and remedying of environmental damage, including the costs of assessing environmental damage, the imminent threat of environment damage, and alternatives for action, the administrative, legal, and enforcement costs, the costs of data collection as well as the costs of monitoring and supervision of the site affected by, or at risk of environmental damage,
- u) party of origin means the state in whose territory the occupational activity is carried out that caused environmental damage or imminent threat of environmental damage crossing the borders of states,
- v) aggrieved party means the state in whose territory an environmental damage or an imminent threat of environmental damage occurred that was caused by the occupational activity carried out in the territory of the party of origin, which is not the aggrieved party.

(2) Environmental damage shall not include the damage to property or the damage to human health.

(3) The significance of adverse effects on protected species and natural habitats, subject to paragraph 1 subparagraph a), first point, shall be determined and assessed on the basis of baseline condition and the criteria listed in Annex 1.

(4) The significance of adverse effects on water, subject to paragraph 1 subparagraph a), second point, shall be determined and assessed in pursuance of special regulations³⁸⁾.

(5) The baseline condition shall be determined on the basis of the best information available. Determination draws notably on the documentation made, stored or disseminated, subject to special regulations³⁹⁾, the results of monitoring, survey studies, expert reviews and specialist literature.

P A R T T W O

PREVENTIVE ACTION AND REMEDIAL ACTION

Section 3 Common provisions

(1) The operator shall be obliged to prevent environmental damage and imminent threat of environmental damage.

(2) Unless this act provides to the contrary, the operator having caused environmental damage by his occupational activity, pursuant to Section 1 paragraphs 2 and 3, shall be held responsible.

(3) The operator shall be responsible for the assessment of imminent threat of environmental damage and of environmental damage occurring; if in doubts, he may approach the District Environmental Office, or the Slovak Environmental Inspection (hereinafter referred to as the “competent authority”) with a request for consultation. The submission of request for consultation shall not divest the operator of the responsibility to act in pursuance of this Act.

(4) Liability of the operator for environmental damage shall pass onto his legal successor.

(5) Where multiple operators have caused environmental damage, they shall be held liable in the scope in which they have contributed to the damage occurring. Where there are doubts as to the scope of contribution of particular operators to the environmental damage occurring,

³⁸⁾ For example, Section 4 paragraph 14 subparagraph e) of the Act No.364/2004 Coll., the Regulation of the Government of the Slovak Republic No.296/2005 Coll, establishing quality requirements and quality targets for surface water and limit pollution parameters for waste water and special waters, the Regulation of the Ministry of Environment of the Slovak Republic No.221/2005 Coll., establishing details on surveying the presence and assessing the condition of surface water and ground water, its monitoring, water record keeping and on water balance.

³⁹⁾ For example, Sections 13 and 17 of the Act No. 313/1999 Coll. on the geological works and on the state geological administration (the Geological Act), Section 5a of the Act No 261/2002 Coll on the prevention of serious industrial accidents and on amending of certain acts, as amended by the Act No.277/2005Coll., Sections 51, 54 and 56 of the Act No. 543/2002 Coll., Sections 6 and 18 of the Act No. 245/2003 Coll., as amended by the Act No. 572/2004 Coll., Sections 4 through 7 of the Act No. 205/2004 Coll. on the collection , storage and dissemination of environmental information and on amending of certain acts, Sections 4,8, 10 and Section 24 paragraph 3 of the Act No.220/2004 Coll., Sections 4,6,12 through 16, 29 and 65 of the Act No. 354/2004 Coll, as amended, Sections 29, 38, 44 through 46 of the Act No. 326/2005 Coll., Sections 27,31, 36, 37 and 58 of the Act No. 24/2006 Coll. on the environmental impact assessment and on amending of certain acts.

the competent authority shall take the decision thereof. Where it is not possible to determine the apportionment of liability for the environmental damage by a decision unequivocally, or without recourse to disproportionate costs, the operators shall be liable jointly and severally.

(6) Where preventive measures or remedial measures are taken or implemented on real property owned by a person other than the agent of the imminent threat of environmental damage, or the agent of the environmental damage, provisions of the Civil Code shall be applicable to the limitation of ordinary use of property.⁴⁰⁾ After preventive measures have been taken, those who have taken them shall be obliged to bring the real property in its original condition, and where this is not possible, in a condition corresponding to the previous use of the property. Where in the taking of preventive measures or remedial measures damage has occurred, the general regulations on damage compensation⁴¹⁾ shall be applicable.

Section 4 Preventive action

(1) Where there is an imminent threat of environmental damage the operator shall, without delay, take and implement the necessary preventive measures.

(2) The operator shall be obliged, without delay, to inform the competent authority of all relevant data and circumstances of the case concerned if despite the measures taken and implemented the imminent threat of environmental damage could not be eliminated, or if the operator believes that despite the measures taken and implemented the imminent threat of environmental damage will not be averted. Where in a particular instance the territory of another state is also at risk, pursuant to Section 14, the operator shall concurrently notify the Ministry of Environment of the Slovak Republic (hereinafter referred to as the “Ministry”) of all the required information. The notification duty of the operator, subject to special regulations⁴²⁾, shall not be prejudiced.

- (3) The competent authority shall be authorised to
- a) require the operator to provide necessary information on any imminent threat of environmental damage or suspected instances of imminent threat of environmental damage arising from his occupational activity,
 - b) decide about the imposition of the duty on the operator to take and implement preventive measures, where the operator failed to take and implement preventive measures to the effect of warding off an imminent threat of environmental damage, and give instructions to the operator, where appropriate, to be followed in taking and implementing the preventive measures, or
 - c) itself take and implement the necessary preventive measures, where the operator
 1. fails to, on his own, or even on the basis of the decision, subject to subparagraph b), to comply with the duty, subject to paragraph 1, or
 2. is unknown, or does not have a legal successor, or
 3. is not required to bear the costs of preventive measures, or a part thereof, in pursuance of Section 11 paragraph 3.

⁴⁰⁾ Section 128, paragraph 1 of the Civil Code, as amended by the Act No. 509/1991 Coll.

⁴¹⁾ Sections 415 through 450 of the Civil Code, as amended, Sections 373 through 386 of the Commercial Code.

⁴²⁾ For example, Section 33a paragraphs 3 and 4 of the Act No. 17/1992 Coll on environment, as amended by the Act No. 211/2000 Coll., Section 24 of the Act No. 261/2002 Coll, as amended, Section 41 of the Act No. 364/2004 Coll.

Section 5 Remedial action

- (1) Where environmental damage has occurred the operator shall be obliged
- a) to inform, without delay, the competent authority of the environmental damage occurring , and, in a likely occurrence of environmental damage crossing the borders of states, subject to Section 14, also the Ministry,
 - b) to take and implement all practicable steps to immediately control, contain, remove or otherwise manage the relevant contaminations and/or any other damage factors to limit or to prevent further environmental damage and adverse effects on human health, or further impairment of services of natural resources (hereinafter referred to as “mitigating measures”) ,
 - c) to draw up, without delay, a proposal for remedial action, in pursuance of Sections 6 through 10, and apply to have the proposal for remedial action approved with the competent authority.
- (2) Notification, subject to paragraph 2 subparagraph a), shall not substitute for the notification of the operator in pursuance of special regulations⁴²⁾.
- (3) The competent authority shall be authorised
- a) to require the operator to provide supplementary information on any environmental damage that has occurred,
 - b) to decide about the imposition of the duty on the operator to implement remedial measures, including mitigating measures, where the operator failed to comply with his duty, subject to paragraph 1 sub-paragraphs b) and c), and give instructions to the operator, where appropriate, to be followed in taking and implementing the remedial measures,
 - c) itself to take and implement the necessary remedial measures, where the operator
 1. fails to, on his own, or even on the basis of the decision, subject to subparagraph b), to comply with the mitigating measures, or remedial measures and the obligations for mitigating or remedying of environmental damage, or
 2. is unknown, or does not have a legal successor, or
 3. is not required to bear the costs of remedial measures or a part thereof, in pursuance of Section 11 paragraph 4.

Section 6 Remedying of environmental damage

(1) The objective of remedying of environmental damage in relation to protected species, or natural habitats, or water is to restore the environment to its baseline condition and to remove any significant risk of human health being adversely affected. This objective shall be achieved through primary remediation, complementary remediation and compensatory remediation.

(2) The adequacy of remedial options for environmental damage in relation to protected species, natural habitats, and water shall be evaluated using best technologies available, with account taken of the following criteria:

- a) the effect of the option on public health and safety,
- b) the cost of implementing the option,
- c) the likelihood of success,

- d) the extent to which each option will prevent future damage and avoid collateral damage as a result of implementing the option,
- e) the extent to which each option benefits to each component of the natural resource and service,
- f) the extent to which each option takes account of relevant social, economic and cultural concerns and other relevant factors specific to the locality,
- g) the length of time it will take for the remediation of the environmental damage to be effective,
- h) the extent to which each option achieves the restoration of the site in which the environmental damage has occurred,
- i) the geographical linkage to the damaged site.

(3) The objective of remedying of environmental damage in relation to land is to ensure that the relevant contaminants are removed so that the land would not pose any significant risk of human health being adversely affected.

Section 7 Primary remediation

(1) Primary remediation shall be the remedial measures that restore the damaged natural resources and/or their impaired services to, or towards their baseline condition (hereinafter referred to as the “primary remediation measures”).

(2) In selecting primary remedial measures the capacity of these measures is considered with regard to the restoration of natural resources and/or their services to baseline condition through natural recovery or through a recovery taking shortest possible time.

(3) Where primary remedial measures are selected that do not fully return the damaged protected species, or natural habitats, or water to their baseline condition, or where these return them to the baseline condition at a slower pace, then natural resources or their services must be simultaneously compensated for the loss resulting from such a decision by more extensive complementary measures, or compensatory measures to provide the same level of natural resources and/or their services as they had prior to the loss sustained caused by the environmental damage. The more extensive complementary remedial measures or compensatory remedial measures shall be determined in accordance with the procedure pursuant to Section 8 paragraph 4 and Section 9 paragraph 4.

Section 8 Complementary remediation

(1) Complementary remediation shall be the remedial measures that are taken when the primary remediation measures do not result in the restoration of the damaged natural resources having sustained environmental damage, and/or their functions.

(2) The purpose of complementary remedial measures is to provide a similar level of natural resources and/or their services as would have been provided if the damaged site had been returned to its baseline condition.

(3) Complementary remedial measures can be taken and implemented also at other site than that in which the environmental damage was caused which should, where possible and appropriate, be geographically linked to the damaged site. In determining alternative site the interests of the population affected by the environmental damage shall be taken into account.

(4) In selecting complementary remedial measures, the use of resource-to-resource or service-to-service equivalence approaches shall be considered first, with the measures that provide natural resources and/or services of the same type, quality and quantity as those damaged, to be considered first. Where this is not possible, then alternative natural resources and/or services shall be provided, for example by having a reduction in quality of the natural resources and/or their services offset by an increase in the quantity of remedial measures.

Section 9 Compensatory remediation

(1) Compensatory remediation shall be the remedial measures that are taken to compensate for interim losses of natural resources and/or their services that have taken place from the date of the environmental damage occurring until primary remedial measures have achieved restoration of natural resources and/or their services (hereinafter referred to as “compensatory remedial measures”). Compensatory remediation shall not include financial compensation to members of the public.

(2) Interim losses shall be the losses which result from the fact that the natural resources and/or their services damaged by environmental damage are not able to perform their ecological functions, or provide services to other natural resources, or to the public until the primary or complementary measures have taken effect; they do not include financial compensation for members of the public.

(3) The purpose of compensatory remedial measures is to compensate for the interim losses of natural resources and/or their services pending recovery.

(4) Compensatory remedial measures shall consist in additional improvements to protected species, natural habitats or waters, at either the damaged site or at an alternative site.

(5) In selecting compensatory remedial measures, the use of resource-to-resource or service-to-service equivalence approaches shall be considered first, with the measures that provide natural resources and/or services of the same type, quality and quantity as those damaged to be considered first. Where this is not possible, then alternative natural resources and/or services shall be provided, for example by having a reduction in quality of the natural resources and/or their services offset by an increase in the quantity of remedial measures.

Section 10 Remediation of land damage

(1) Environmental damage to land shall be assessed by undertaking a risk analysis of the adverse effects of land contamination on human health as a result of the direct or indirect introduction, in, on, or under land, of substances, preparations, organisms or micro-organisms

(hereinafter referred to as “risk analysis”); in the event of environmental damage to land occurring, the provisions of a special regulation⁴³⁾ shall also be used in the risk analysis.

(2) The operator shall be responsible for undertaking the risk analysis; in the risk analysis the operator shall follow procedures, in pursuance of a special regulation.⁴⁴⁾ Where the operator has failed to provide risk analysis, or where the competent authority acts, pursuant to Section 5 paragraph 3 subparagraph c), the competent authority shall ensure the risk analysis.

(3) In the risk analysis account shall be taken of the type of land, pursuant to Section 2 paragraph 1 subparagraph j), the type and concentration of harmful substances, preparations, organisms and micro-organisms, their risk and the possibility of their dispersion. Land use shall be ascertained on the basis of the special regulations⁴⁵⁾ in force at the time the damage to land occurred; if such land use cannot be identified, the land use of a particular area shall be determined according to the nature of the area where this environmental damage occurred with account taken of the expected development of the area in which environmental damage to land occurred.

(4) Remedial measures for the remedying of environmental damage to land shall ensure the removal of contaminants and preparations, efficient control of their abundance, and prevention of their dispersion, or the reduction of their abundance so that the contaminated land no longer poses any significant risk of adversely affecting human health, taking account of its current use or approved future use at the time of the environmental damage to land. If at the time of the assessment the use of the land is changed, the remedial measures, taken and implemented, shall take this change into account. In proposing remedial measures a natural recovery option shall be considered.

P A R T T H R E E

ENVIRONMENTAL DAMAGE PREVENTION AND REMEDATION COSTS

Section 11 Cost bearing

(1) The operator shall bear the costs for the preventive and remedial actions with the exception of cases referred to in paragraphs 3 and 4.

(2) By taking of the preventive measures, subject to Section 4 paragraph 3 subparagraph c), or the remedial measures, subject to Section 5 paragraph 3 subparagraph c), and ensuring the risk analysis, by the competent authority, subject to section 10 paragraph 2, the duty of the operator to bear the costs for the measures shall not be prejudiced.

(3) Subject to the application by the operator, the competent authority may decide that the operator is not required to bear the costs for preventive measures or a part thereof, where the

⁴³⁾ Section 8 of the Act No. 220/2004 Coll.

⁴⁴⁾ Section 9 of the Act No. 126/2006 Coll.

⁴⁵⁾ For example, the Act No.220/2004 Coll., the Act No. 326/2005 Coll., the Act of the National Council of the Slovak Republic No. 162/1995 Coll., the Act No. 50/1976 Coll. on physical planning and the Building Code (the Building Act), as amended.

operator demonstrates that the environmental damage or an imminent threat of environmental damage

- a) was caused by a third party and that this damage or its imminent threat occurred despite the fact that the operator made every effort reasonably expected of him to prevent the environmental damage or its imminent threat caused by a third party, or
- b) resulted from compliance with a compulsory order, instruction or permit to operate the occupational activity, issued by a public administration body⁴⁶⁾ at a time before the environmental damage or its imminent threat occurred.

(4) The competent authority shall decide on the basis of an application of the operator that the operator is not required to bear the costs for preventive measures, or a part thereof, where the operator demonstrates that the environmental damage occurred as a result of

- a) an emission or event authorised by a decision on the operation of the occupational activity, referred to under Section 1 paragraph 2, with the decision on the operation of the occupational activity being also in accordance with special regulations on environmental protection⁴⁷⁾, and valid at the date of the emission or event, and at the same time the operator demonstrates that he was not at fault with respect to the environmental damage,
- b) an emission or activity or any manner of using a product in the course of an occupational activity, which the operator demonstrates was not considered likely to cause environmental damage according to the state of scientific and technical knowledge at the time when the emission was released, or the activity took place, and at the same time the operator demonstrates that he was not at fault with respect to the environmental damage,
- c) the action of a third party, and that the damage occurred despite the fact that the operator made every effort reasonably expected of him to prevent the environmental damage caused by a third party, or
- d) compliance with a compulsory order, instruction, or permit to operate the occupational activity, issued by a public administration body, at a time before the environmental damage occurred.

Section 12

Cost compensation

(1) The competent authority shall decide about the amount for preventive measures or remedial measures that the operator is obliged to reimburse to the competent authority, where the competent body has taken preventive measures, subject to Section 4 paragraph 3 subparagraph c), or remedial measures, subject to Section 5 paragraph 3 subparagraph c).

(2) Where the operator is bankrupt, the cost compensation, subject to paragraph 1 shall be a claim of a secured creditor, and shall be recovered in the bankruptcy proceedings²⁴⁾.

(3) The operator shall, subject to Section 11 paragraph 3 subparagraph a) and paragraph 4 subparagraph c), have the right to compensation for the costs that he has demonstrably incurred in preventive measures or remedial measures against the third party having caused

⁴⁶⁾ For example, the Act of the National Council of the Slovak Republic No.369/1990 Coll. on municipal establishment, as amended, the Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police Force, as amended, the Act No.315/2001 Coll. on Fire and Rescue Services, as amended.

⁴⁷⁾ For example, the Act No.17/1992, as amended, the Act No.223/2001 Coll., as amended, the Act No. 151/2002 Coll., as amended, the Act No. 261/2002 Coll. as amended, the Act No. 478/2002 Coll., as amended, the Act No. 543/2002, as amended, the Act 245/2003 Coll., as amended, the Act 220/2004 Coll. as amended, the Act 364/2004 Coll. as amended, the Act 127/2006 Coll. on persistent organic substances and on amending of the Act No. 223/2001 Coll. on wastes and on amending of certain acts, as amended.

the environmental damage or the imminent threat of environmental damage; the cost compensation is claimed in pursuance of a special regulation.⁴¹⁾

(4) The operator shall, subject to Section 11 paragraph 3 sub-paragraph b) and paragraph 4 sub-paragraph d), have the right to compensation for the costs that he has demonstrably incurred in preventive measures or remedial measures against the public administration body having issued the compulsory order, instruction or permit to operate the occupational activity.

(5) The public administration body that has issued the compulsory order, instruction or permit to operate the occupational activity, subject to paragraph 4, shall be obliged to compensate the operator for his costs incurred.

Section 13

Financial cover of the liability for environmental damage

(1) The operator of the occupational activity, subject to Section 1 paragraph 2, shall be obliged to provide effective cover for his liability for the environmental damage, including expected costs for preventive activity and remedial measures for the elimination of environmental damage that may be caused by his occupational activity, namely during the entire operations of his occupational activity.

(2) The amount of the financial coverage must correspond to the amount of expected costs for remedial activity, including risk analysis, and the costs for remedial measures to eliminate environmental damage.

(3) The operator shall, within 100 days, at the latest, from the permit for the occupational activity, be obliged to demonstrate for the competent authority the way of financial cover of his liability for environmental damage, including expected costs for preventive activity and remedial measures for the elimination of environmental damage, and notify the competent authority in writing, without delay, of any changes thereof.

P A R T F O U R

ENVIRONMENTAL DAMAGE CROSSING THE BORDERS OF STATES

Section 14

Environmental damage crossing the borders of states

(1) Where an environmental damage, or an imminent threat of environmental damage occurs which crosses the borders of states, in which the Slovak Republic is the party of origin or the aggrieved party, the procedures shall be reasonably followed in pursuance of the provisions of Part Two and Part Three of this Act, unless an international instrument by which the Slovak Republic is bound provides to the contrary, or unless the party of origin and the aggrieved party agree otherwise.

(2) The procedure, subject to paragraph 1, shall be adhered to only if reciprocity and equality of the party of origin and the aggrieved party is ensured.

(3) Where the Slovak Republic is the party of origin, the Ministry shall, upon the delivery of notification, subject to Section 4 paragraph 2, or Section 5 paragraph 1 subparagraph a), inform, without delay, the aggrieved party and shall agree with it further course of action.

(4) Where the Slovak Republic is the aggrieved party, the competent authority having detected the environmental damage shall inform the Ministry thereof, supplying the available information, particularly on

- a) the place and time of the occurrence or discovery of environmental damage,
- b) the occupational activity or event in the party of origin that has caused the environmental damage, if known or likely,
- c) the character and likely scope of environmental damage,
- d) the hitherto preventive measures or remedial measures taken, including the mitigating measures,
- e) other particular circumstances relating to the site of the environmental damage and its surroundings.

(5) The notification duty, subject to special regulations⁴⁸⁾, shall not be prejudiced by provisions of paragraphs 3 and 4.

(6) Where the Ministry learns about the environmental damage from the notification, subject to paragraph 5, from the notification of the party of origin, or in any other reliable manner, it shall, without delay, contact the party of origin, and it shall inform the European Commission as well of the environmental damage, and shall further proceed in pursuance of paragraph 1.

P A R T F I V E

STATE ADMINISTRATION

Section 15

State administration bodies

State administration in the area of prevention and remedying of environmental damage shall be performed by:

- a) the Ministry,
- b) the Regional Environmental Office,⁴⁹⁾
- c) the District Environmental Office⁴⁹⁾,
- d) the Slovak Environmental Inspection⁴⁹⁾.

(2) The Ministry shall

- a) undertake state supervision in matters of prevention and remedying of environmental damage (hereinafter referred to as the “state supervision”),
- b) operate the information system of prevention and remedying of environmental damage, subject to Section 20,
- c) seek recovery of the costs incurred by the state in relation to the preventive and remedial measures,

⁴⁸⁾) For example, Section 62 paragraph 8 of the Act No.364/2004 Coll., Section 4 of the Act No. 129/2002 Coll. on the integrated rescue system, as amended by the Act No. 10/2006 Coll.

⁴⁹⁾ The Act No. 525/2003 Coll. on the state administration of environment conservation and on amending of certain acts, as amended.

- d) seek recovery of the costs incurred by the state by environmental damage or its imminent threat crossing the borders of the states, subject to Section 14,
- e) ensure international cooperation in the area of identification, assessment, prevention and remedying of environmental damage and shall recommend the adoption of preventive measures and remedial measures to the party of origin,
- f) submit reports to the European Commission on the implementation of this Act, in pursuance of Annex 2,
- g) ensure coordination of tasks in the area of prevention and remedying of environmental damage with the relevant central bodies of state administration and the bodies of the European Union.

Section 17

The Regional Environmental Office

The Regional Environmental Office shall

- a) decide on appeals against the decisions issued by the District Environmental Offices in pursuance of this Act,
- b) undertake state supervision,
- c) decide if there are doubts about which District Environmental Office is competent for the proceedings in pursuance of this Act, where the environmental damage affects the territory in the jurisdictions of two or more District Environmental Offices.

Section 18

The District Environmental Office

(1) The District Environmental Office shall

- a) undertake state administration of first instance in matters of prevention and remedying of environmental damage in pursuance of this Act, and subject to special regulations⁵⁰⁾, except the provision, referred to in Section 19 subparagraph b),
- b) receive and register notifications, subject to Section 4 paragraph 2, Section 5 paragraph 1 subparagraph a), inform the Ministry thereof, and receive and register copies of contracts, subject to Section 13 paragraph 3.
- c) receive notifications and act in pursuance of Section 26,
- d) hold consultations, subject to Section 24,
- e) approve the proposal for remedial measures, subject to Sections 6 through 10,
- f) decide, subject to Section 3 paragraph 5, Section 4 paragraph 3 subparagraph b), Section 5 paragraph 3, subparagraph b), Section 11 paragraphs 3 and 4, Section 12 paragraph 1,
- g) take and implement preventive measures and remedial measures, subject to Section 4 paragraph 3 subparagraph c), and Section 5 paragraph 3 subparagraph c),
- h) undertake state supervision,
- i) levy fines, subject to Section 22.

(2) In taking and implementing remedial measures, subject to Section 5 paragraph 3 subparagraph c) the District Environmental Office shall proceed in pursuance of Sections 6 through 10.

(3) Preventive measures and remedial measures, subject to paragraph 1 subparagraph g), shall be adopted and implemented by the District Environmental Office itself, or through a

⁵⁰⁾ For example, the Act No 151/2002 Coll., as amended, the Act No. 543/2002 Coll., as amended, the Act No. 364/2004 Coll., as amended, the Act No. 126/2006 Coll. as amended by the Act No. 295/2007 Coll.

legal person, or natural person-entrepreneur⁵¹⁾ having the professional and technical qualifications.

Section 19 The Slovak Environmental Inspection

The Slovak Environmental Inspection shall

- a) undertake state supervision,
- b) discharge the tasks, subject to Section 18 paragraph 1 subparagraphs b) through e), and paragraphs 2 and 3, where the environmental damage or the imminent threat of environmental damage have been caused exclusively by the occupational activity to which a special regulation⁵²⁾ is applicable,
- c) levy fines, subject to Section 22.

Section 20 The information system of prevention and remedying of environmental damage

(1) An information system of prevention and remedying of environmental damage shall be established (hereinafter referred to as “the information system”) to ensure the collection of data and provision of information in the area of prevention and remedying of environmental damage⁵³⁾.

(2) The information system shall contain the information on

- a) the type of environmental damage or its imminent threat, place and date of the occurrence or discovery thereof, its significance and date on which proceedings were initiated and closed, subject to Part Six of this Act,
- b) the title or name and surname, address and classification code of the prevailing activity of the operator,⁵⁴⁾
- c) preventive and remedial measures, taken and implemented, including the mitigating measures and the outcome of the environmental damage remediation,
- d) costs for preventive measures and costs for remedial measures, in pursuance of this Act,
 1. incurred by the operator directly, when this information is available,
 2. recovered ex post facto from the operator directly, or from the financial cover of his liability, subject to Section 13,
 3. unrecovered from the operator, giving the reasons for non-recovery,
 4. incurred by the State Budget,

⁵¹⁾ For example, Sections 4 through 9 of the Act No.313/1999 Coll., as amended by the Act No.205/2004 Coll., Sections 76 through 77a of the Act No. 223/2001 Coll., as amended by the Act No. 24/2004 Coll., Section 9 paragraphs 2 through 7 of the Act No. 151/2002, as amended by the Act No. 77/2005 Coll., Section 12 and Sections 14 through 17 of the Act No. 261/2002 Coll. as amended by the Act No. 277/2005 Coll., Sections 24 through 26 of the Act No. 478/2002,Coll. as amended, Sections 55 and 56 of the Act No. 543/2002 Coll., Section 7 of the Act No. 245/2003 Coll., Sections 4 through 8 and Section 24 of the Act No. 220/2004 Coll. , Sections 29 and 42 of the Act No. 326/2005 Coll., Sections 60 through 62 of the Act No. 24/2006 Coll., Section 9 paragraphs 4 and 5 of the Act No. 126/2006 Coll. r

⁵²⁾ Section 2, paragraph 4 of the Act No. 245/2003 Coll.

⁵³⁾ The Act 275/2006 Coll. on public administration information systems and on amending of certain acts, as amended by the Act No. 678/2006 Coll.

⁵⁴⁾ The Regulation of the Statistical Office of the Slovak Republic No.552/2002 Coll. issuing the statistical classification of economic activities.

- e) operators or other persons who had recourse to judicial proceedings and the outcome of proceedings
- f) the environment status and references to places where the necessary information on the baseline condition, subject to Section 2 paragraph 5, and other information on environment, collected, stored and disseminated under this Act, or, subject to special regulations³⁹⁾, can be found.

(3) The Ministry shall operate the information system and make its contents available. The Ministry may delegate these tasks to a legal person established by it.⁵⁵⁾

(4) Public administration bodies and legal persons managing public funds shall be obliged, upon request from the operator of the information system, to provide the operator, free of charge, the data and information, subject to paragraph 2, acquired by means of public funds available to them. These bodies and legal persons shall have the right to free information and data from the information system that they need to pursue their tasks.

Section 21 State supervision

(1) The state supervision assesses how the operators comply with the obligations provided under this Act and decisions issued on its basis.

(2) Unless provided otherwise in this Act below, basic rules for control activity in state administration⁵⁶⁾ shall be followed in exercising state supervision.

(3) Where the state supervision authority detects that the operator is in breach of his duty it shall be authorised, depending on the gravity of facts identified, to order in writing

- a) maintaining the original status until the matter is clarified, or the status is documented as at the time of the conduct of control,
- b) taking measures for the elimination of shortcomings immediately, or within the time limit set by it, including prohibiting or restricting the operation of certain activity that is in conflict with this Act and with decisions, issued in pursuance of it; an appeal against the decision on ordering measures shall not have dilatory effect.

(4) The official of the state administration body carrying out state supervision shall be authorised, for this purpose, to the extent necessary,

- a) to carry out the necessary surveys,
- b) take the necessary samples,
- c) use technical means, unless their use is prohibited by a special regulation⁴³⁾, for making photo documentation, video documentation, and sound records necessary to document the identified facts for the exercise of state supervision.

(5) The operator shall be obliged

- a) with regard to the state administration official exercising state supervision
 - 1. to allow the use of technical means to make photo documentation, video documentation, and sound records necessary to document the identified facts relating to the discharge of tasks by the inspected entity in pursuance of this Act,

⁵⁵⁾ Sections 21 through 28 of the Act No. 523/2004 Coll. on the budgetary rules of the public administration and on amending of certain acts, as amended.

⁵⁶⁾ Sections 8 through 13 of the Act of the National Council of the Slovak Republic No.10/1996 Coll. on the control in state administration, as amended by the Act No. 502/2001 Coll.

2. make available full and true information in relation to the prevention and remedying of environmental damage,
- b) abstain from the acts that the state supervision authority has restricted or prohibited.

Section 22 Administrative offences

- (1) The competent authority shall impose a fine of up to SKK 200,000 on an operator who
- a) failed to notify the competent authority of all the data and circumstances on an imminent threat of environmental damage, in pursuance of Section 4 paragraph 2,
 - b) failed to provide the competent authority, upon request, the necessary information on imminent threat of environmental damage, in pursuance of Section 4 paragraph 3, subparagraph a),
 - c) upon request from the competent authority, failed to provide supplementary information on environmental damage that has occurred, in pursuance of Section 5 paragraph 3 subparagraph a),
 - d) failed to demonstrate for the competent authority the way of financial cover of his liability for environmental damage, including expected costs for preventive activity and remedial measures for the elimination of environmental damage, or failed to notify the competent authority in writing, without delay, of any changes thereof, in pursuance of Section 13 paragraph 3,
 - e) failed to make available full and true information in relation to the prevention and remedying of environmental damage, in pursuance of Section 21 paragraph 5 subparagraph a), second point,
- (2) The competent authority shall impose a fine of up to SKK 1,000,000 on an operator who
- a) failed to take and implement immediate preventive measures in imminent threat of environmental damage, in pursuance of Section 4 paragraph 1,
 - b) failed to take and implement immediate preventive measures, in pursuance of Section 4 paragraph 3 subparagraph b),
 - c) failed to conform to the instructions of the competent authority in taking and implementing preventive measures, in pursuance of Section 4 paragraph 3 subparagraph b),
 - d) failed to inform the competent authority, or the Ministry, of the environmental damage occurring in a likely occurrence of environmental damage crossing the borders of states, in pursuance of Section 5 paragraph 1 subparagraph a),
 - e) failed to take and implement mitigating measures, in pursuance of Section 5 paragraph 1 subparagraph b),
 - f) failed to draw up a proposal for preventive measures, in pursuance of Section 5 paragraph 1 subparagraph c),
 - g) failed to take and implement remedial measures, including mitigating measures, in pursuance of Section 5 paragraph 3 subparagraph b),
 - h) failed to conform to the instructions of the competent authority in taking and implementing remedial measures, in pursuance of Section 5 paragraph 3 subparagraph b),
 - i) failed to provide financial cover for his liability for environmental damage, including the expected costs for remedial activity and remedial measures for the elimination of environmental damage, in pursuance of Section 13 paragraphs 1 and 2,
 - j) failed to allow the state administration official exercising state supervision the use of technical means for making photo documentation, video documentation, and sound records, in pursuance of Section 21 paragraph 5 subparagraph a), first point, necessary to

document the identified facts relating to the discharge of tasks by the inspected entity in pursuance of this Act,

- k) failed to comply with the orders of the state supervision authority, in pursuance of Section 21 paragraph 3,
- l) failed to abstain from the acts, restricted or prohibited by the state supervision authority, in pursuance of Section 21 paragraph 5, subparagraph b).

(3) The competent authority shall impose a fine of up to SKK 1, 000,000 on a legal person or a natural person-entrepreneur who have taken or implemented preventive measures or remedial measures on real property owned by a person other than the agent of the imminent threat of environmental damage, failed to bring the real property in its original condition, or in a condition corresponding to the previous use of the property, in pursuance of Section 3 paragraph 6.

4) The proceedings on the imposition of the fine can commence within the period of one year of the date on which the competent authority has learned about the breach of the duty, but no later than within ten years of the date on which the breach of duty occurred.

(5) In imposing fines the competent authority shall consider, in particular, the gravity and the duration of unlawful acts, the extent to which they pose risk for human health and environment, or, potentially, the extent of their damage.

(6) In the decision on the imposition of the fine the competent authority may simultaneously impose on the liable party to carry out measures, within a prescribed period, for remedying the consequences of unlawful acting for which he was levied a fine. Where the liable party fails to take these measures within the prescribed period, the competent authority may impose another fine on him, of up to double the amount stipulated in paragraph 1. Another fine can be imposed upon the operator by the competent authority within the time limit of one year of the date by which the operator should have completed the remedying measures ordered in the decision on the imposition of the fine.

(7) Where the operator, in the course of one year of the validity of the decision on the imposition of a fine under this Act, is repeatedly in breach of the duty, for which he was levied a fine, or where he fails to comply with a measure for remedy, the competent authority shall impose another fine on him of up to double the amount, stipulated in paragraphs 1 through 3.

(8) The fine shall be payable within 30 days of the validity of the decision imposing the fine, unless the decision sets out a longer period of maturity.

(9) Proceeds of fines shall be the revenue of the Environmental Fund.⁵⁷⁾

P A R T S I X

PROCEEDINGS

Section 23 Common provisions

⁵⁷⁾ Section 3 paragraph t) of the Act No. 587/2004 Coll. on the Environmental Fund and on amending of certain acts, as amended by the Act No. 276/2007 Coll.

(1) Unless this Act provides to the contrary, the general regulation on administrative proceedings⁵⁸⁾ shall apply to the proceedings under this Act.

(2) The general regulation on administrative proceedings⁵⁸⁾ shall not apply to the procedure, subject to Section 4 paragraph 3 subparagraph a), and Section 5 paragraph 3 subparagraph a), Sections 24 and 26.

Section 24 Consultations

(1) The competent authority shall, in consultations pursuant to Section 3 paragraph 3, give its position, in particular, on whether or not, the imminent threat of environmental damage or environmental damage occurred.

(2) The competent authority shall, as appropriate, request a position of the body affected.

(3) The outcome of the consultation shall be the competent authority's position in writing, which the competent authority shall communicate to the operator within 60 days of the delivery date of the request for consultation.

Section 25 Parties to the proceedings

(1) The operator shall be the party to the proceedings.

- (2) The party to the proceedings, pursuant to Sections 27 and 28, shall also be
- a) the owner, administrator, or the tenant of real property which is affected by the environmental damage, or on which preventive and/or remedial measures will be taken and implemented,
 - b) the municipality whose territory has been affected by the environmental damage, or in whose territory preventive and/or remedial measures will be taken and implemented,
 - c) the natural person or the legal person whose rights or law protected interests or obligations may be directly affected by environmental damage.

(3) The party to the proceedings, pursuant to Section 27, shall also be the civil association, or other organisation set up or founded, subject to special regulations⁵⁹⁾, whose objective, in accordance with the Statutes, Memorandum of Association, Deed of Incorporation, Charter of the Foundation, or changes thereof, valid at least one year, is the protection of environment (hereinafter referred to as the "non-governmental organisation") that has filed the notice, pursuant to Section 26 paragraph 1, and at the same time communicated, in writing, within seven days at the latest of the delivery of the notice, pursuant to Section 26 paragraph 5, its interest to take part in the proceedings.

⁵⁸⁾ The Act No.71/1967 Coll. on administrative proceedings (Code of Administrative Procedure), as amended.

⁵⁹⁾ For example, the Act No. 83/1990 Coll. on citizens association, as amended, the Act 147/1997 Coll. on non-investment funds and on amending of the Act of the National Council of Slovak Republic No. 207/1996 Coll., the Act No. 213/1997 Coll. on not for profit organisations providing public beneficial services, as amended by the Act No. 35/2002 Coll., the Act No. 34/2002 Coll on foundations and on amendment of the Civil Code, as amended.

Section 26 Notification

(1) The owner, administrator, or the tenant of real property which is, or may be, affected by the environmental damage, the legal person or the natural person whose rights or law protected interests or obligations may be directly affected by environmental damage, the non-governmental organisation (hereinafter referred to as the “notifying person”) shall be authorised to notify the competent authority of the facts indicating that an environmental damage occurred.

(2) The notice shall be made in writing and shall include in particular

- a) name of the operator whose occupational activity gave rise to the environmental damage, if known to the notifying person,
- b) the place in which environmental damage occurred,
- c) a description of the facts identified,
- d) evidence confirming the subject matter of the notice,
- e) the name, surname and place of permanent residence of the notifying person if the notifying person is a natural person,
- f) the title and seat of the notifying person, and the name and surname of persons acting as statutory body, where the notifying person is a legal person.

(3) The competent authority shall examine the notice, shall request further data from the notifying person, where appropriate, and the positions from the affected bodies, and shall request the operator to give the position on the notice and the information and on the positions submitted.

(4) If the examination of the notice establishes that an environmental damage has not occurred, the competent authority shall put away the notice on record, and shall notify the notifying person thereof, giving reasons for so doing.

(5) If the examination of the notice establishes that an environmental damage has occurred, the competent authority shall act in pursuance of Section 5 paragraph 3 and Sections 6 through 10, while communicating to the notifying person of its action, giving reasons thereof.

Section 27 Proceedings on imposition of preventive measures and proceedings on imposition of remedial measures

(1) The competent authority shall initiate proceedings on the imposition of the duty to take and implement preventive measures, pursuant to Section 4 paragraph 3 subparagraph b), and proceedings on the imposition of the duty to take and implement remedial measures, pursuant to Section 5 paragraph 3 subparagraph b) at its own instance, or on the basis of the notification pursuant to Section 26.

(2) In the proceedings, the competent authority shall examine whenever an imminent threat of environmental damage, or environmental damage occurred, and which operator has caused it; if an environmental damage, referred to under Section 1 paragraph 3, is involved, the competent authority shall also investigate whether the operator was at fault. The competent authority shall, as appropriate, request the position from the affected body (Section 32 paragraph 2).

(3) With the exception of cases provided under the general regulation on administrative proceedings,⁶⁰⁾ the competent authority shall stay proceedings where

- a) it establishes that no imminent threat of environmental damage or environmental damage has occurred, or
- b) the operator cannot be identified.

(4) Where in the proceedings on imposition of the duty to take remedial action in complementary remedial or compensatory remedial measures, it is not possible to use the first choice resource-to-resource or service-to-service equivalence approaches, the competent authority shall use alternative valuation techniques.

(5) In the procedure, pursuant to paragraph 4, the competent authority shall prescribe the duty to make monetary valuation to determine the scale of the necessary complementary and compensatory remedial measures. Where valuation of the resources and/or their services, damaged or lost by environmental damage is practicable but valuation of the replacement natural resources and/or services cannot be performed within reasonable time, or at a reasonable cost, the competent authority may determine remedial measures whose cost is equivalent to the estimated monetary value of the natural resources, and/or their services, damaged or lost by environmental damage.

(6) The competent authority shall impose the duty to take and implement complementary and compensatory remedial measures in such a manner as to provide for additional natural resources and/or services, with account taken of the time necessary for the achievement of baseline condition, for example, by offsetting the longer period of time before baseline condition is reached by greater amount of compensatory remedial measures.

(7) Where several instances of environmental damage have occurred in such a manner that the competent authority cannot ensure that all the necessary remedial measures are taken at the same time, the competent authority shall decide which instance of environmental damage is to be remedied first. In adopting such a decision the nature, scale and significance of particular individual instances of environmental damage and the natural recovery option, as well as the risk to human health, shall be considered.

(8) In the instances, pursuant to paragraph 7, the competent authority may decide that no further remedial measures shall be taken if

- a) the remedial measures already taken and completed secure that there is no longer any risk of adversely affecting human health, water, or protected species and natural habitats,
- b) the cost of the remedial measures that should be taken to reach the baseline condition or similar level would be disproportionate to the environmental benefits to be obtained.

Section 28

Proceedings on the approval of the proposal for remedial measures

(1) The motion to initiate proceedings for approval of a proposal for remedial measures shall be the application in writing for approval of the proposal for remedial measures in pursuance of Section 5 paragraph 1 subparagraph c).

⁶⁰⁾ Section 39 of the Act No. 71/1967 Coll., as amended by the Act No. 527/2003 Coll.

(2) The application for approval of the proposal for remedial measures shall, apart from general requisites of a submission, subject to the general regulation on administrative proceedings⁶¹⁾, contain the suggested remedial measures, broken down into primary measures, complementary measures, and compensatory measures, pursuant to Sections 7 through 9, and the risk analysis, pursuant to Section 10, where the environmental damage to land has occurred.

(3) In decision making on the approval of the proposal for remedial measures, the competent authority shall inform all known parties to the proceedings and the affected bodies of the commencement of proceedings and shall order an oral hearing in combination with local assessment; at the same time it shall advise them of their possibility to put forward their observations and positions at oral hearing, at the latest, otherwise they shall not be considered in proceedings.

(4) The competent authority may waive local assessment and/or oral hearing if it has good knowledge of the situation and the circumstances of the environmental damage occurring and the application for approval of proposal for remedial measures provides sufficient grounds to evaluate the matter.

(5) The competent authority shall advise the parties to the proceedings of the commencement of oral hearing at a minimum seven days' notice prior to its commencement. Where the competent authority has waived oral hearing, it shall determine the date by which parties to the proceedings and affected bodies may submit their observations and positions and shall advise them of the fact that observations and positions handed in at a later date shall not be considered.

(6) In the event of environmental damage pertaining a larger area, or one involving more than 50 parties, the competent authority shall inform the parties of the commencement of proceedings by a public notice at least 15 days prior to the commencement of oral hearing; if the oral hearing is waived, the competent authority shall advise the parties, at least 15 days before the expiry of the time-limit, to hand in observations and positions pursuant to Section 5.

(7) The competent authority shall inform the affected bodies always individually. These bodies shall be obliged to communicate their positions within the same time limit as is available to the parties to the proceedings for handing in their observations and positions. Where any of the affected bodies needs more time for proper assessment, the competent authority shall, upon the body's request, reasonably extend the period prior to its expiry. Where the affected body fails to communicate its position within the prescribed or extended period, it shall be deemed to have agreed to the proposed remedial measures from the perspective of its pursued interests.

(8) Where in the proceedings for approval of the proposal for complementary or compensatory measures the first choice resource-to-resource or service-to-service equivalence approaches cannot be used, the procedure, pursuant to Section 8 paragraph 4, or Section 9 paragraph 5, shall be applied.

⁶¹⁾ Section 19 of the Act No.71/1967 Coll., as amended.

Section 29
Proceedings on cost bearing

(1) The motion to initiate proceedings on cost bearing shall be the application in writing by the operator, which apart from the general requisites of a submission, subject to the general regulation on administrative proceedings⁶¹⁾ shall include the information confirming the facts in pursuance of Section 11 paragraphs 3 or 4.

(2) The operator may file the application, pursuant to Section 11 paragraph 3, at the time of imminent threat of environmental damage, and, where the environmental damage has already occurred, within the time-limit of six months of the date the decision on the imposition of remedial measures, pursuant to Section 27, or of approval of the proposal for remedial measures, pursuant to Section 28, became valid.

(3) The operator may file the application, pursuant to Section 11 paragraph 4, within the time limit of one year of the date the decision on the imposition of remedial measures, pursuant to Section 27, or of approval of the proposal for remedial measures, pursuant to Section 28, became valid.

(4) In the decision, pursuant to Section 11 paragraph 3 subparagraph b), and paragraph 4 subparagraphs a), b) and d), the competent authority shall also decide on the amount and the manner of reimbursing the costs, or a part thereof, incurred by the operator.

Section 30
Proceedings on apportionment of liability for
environmental damage causation

(1) The motion to initiate proceedings on apportionment of liability for environmental damage causation shall be the application in writing by one or several operators.

(2) The application, pursuant to paragraph 1, shall, apart from general requisites of a submission, subject to the general regulation on administrative proceedings,⁶¹⁾ include the information on the occurrence of environmental damage, and a proposal for liability apportionment for environmental damage causation of the operators filing the application pursuant to paragraph 1.

(3) By the motion to initiate proceedings the obligations of the operator to take remedial measures, in pursuance of Part Two of the Act, shall not be prejudiced.

(4) Where the operator fails to comply with the obligations, pursuant to paragraph 3, the competent authority shall proceed pursuant to Section 5 paragraph 3 subparagraph c), first point.

(5) The competent authority may, where appropriate, join the proceedings on apportionment of liability for environmental damage causation with the proceedings on cost bearing, pursuant to Section 31.

Section 31
Cost compensation proceedings

(1) The proceedings on the obligation of compensating for costs shall be initiated by the competent authority at its own instance, where it acted in pursuance of Section 4 paragraph 3 subparagraph c) and Section 5 paragraph 3 subparagraph c).

(2) The decision on the obligation to compensate for costs for preventive measures or remedial measures shall include, apart from general requisites of the decision⁶²⁾:

- a) determination of the amount of cost compensation for preventive measures or remedial measures,
- b) determination of the manner of cost recovery for preventive measures or remedial measures,
- c) determination of the time limit for cost compensation for preventive measures or remedial measures,
- d) the bank account number to which the amount of cost compensation should be paid.

(3) Where the operator, or other liable party, referred to in the decision pursuant to paragraph 2, fails to pay the determined cost compensation within the prescribed time limit, or pays only a part thereof, the competent authority shall refer the matter to the Ministry for enforcement.

(4) The Ministry shall not seek compensation of all costs, where the cost of the recovery would be higher than the recoverable amount, or where the operator cannot be identified; the Ministry shall report this fact in the file.

(5) The procedure in the recovery of cost compensation pursuant to paragraph 4 shall be in pursuance of a special regulation.⁶³⁾

(6) The competent authority shall not initiate cost compensation proceedings after the lapse of five years from the date on which the preventive measures or remedial measures have been taken and completed, and, if this date cannot be unequivocally determined, from the date the operator, or the liable third party, has been identified.

Section 32 The position

(1) For the purposes of proceedings under this Act, the position shall mean the position, consent, statement, or other administrative act from the affected body claiming the interests protected by special regulations⁶⁴⁾. The content of the position shall be binding on the competent authority and this cannot decide the matter without reconciling the position with other positions.

(2) The affected body shall be entitled to make claims in the scope of its competence, provided by a special regulation⁶⁴⁾. In its position it is obliged to state the provision of the special regulation on the grounds of which it exercises its competence.

⁶²⁾ Section 47 of the Act No. 71/1967 Coll, as amended by the Act No. 527/2003 Coll.

⁶³⁾ The Act of the National Council of the Slovak Republic No. 233/1995 Coll. on judicial executors and on executionary activity (the Execution Code) and on amending of other acts, as amended.

⁶⁴⁾ The Act No. 543/2002 Coll., as amended.

The Act No. 220/2004 Coll.

The Act No. 364/2004, as amended.

The Act No.326/2005 Coll.

The Act No. 126/2006 Coll., as amended by the Act No. 295/2007 Coll.

(3) The affected body shall be bound by the content of the position it has issued with regard to the matter. If the affected body issues a subsequent position, it shall state whether its previous position is confirmed, complemented, amended, or superseded by the new one, giving also the grounds thereof.

(4) In the event of conflict between affected bodies emanating from their positions, the competent authority shall suspend the proceeding; the conflict shall be addressed by superior bodies to the affected bodies by agreement. Where the created conflict cannot be resolved by the bodies' agreement, the Ministry shall decide in the conflict after consultations with the relevant central bodies of state administration.

(5) Where the party to the proceeding files objections directed against the content of the position, the body of appeal shall suspend proceedings and shall request the position on the objections from the affected body. Where the affected body does not change its position, the competent authority shall request confirmation or change of the position from the body that is superior to that affected. The time limits shall not run during the suspension of proceedings on the decision by the competent authority.

(6) Where an appeal against the decision under this Act is directed against the content of the position, the body of appeal shall suspend proceedings and shall request the position on the content of appeal from the affected body competent to issue the position. The body of appeal shall submit the appeal, together with the position on the content of appeal from the affected body to the body superior to the affected body and shall request from it a confirmation or change of the position. During the suspension of proceedings the time limit for pending decision on appeal shall not run.

(7) If the valid decision taken under this act is based on the content of the position of the affected body that was later repealed or amended by reason of being in conflict with the law, it shall be ground for a review of the decision outside appeal proceeding.

P A R T S E V E N

COMMON, TRANSITIONAL AND FINAL PROVISIONS

Common provisions

Section 33

Where the environmental damage or the imminent threat of environmental damage has been caused by the occupational activity to which a special regulation is applicable⁵²⁾, and simultaneously by another occupational activity of the same operator, or another operator, the District Environmental Office shall be the competent authority.

T r a n s i t i o n a l p r o v i s i o n s

Section 34

This Act shall not apply to

- a) damage caused by an emission, event or incident that took place before the date this Act has fallen effective,

- b) damage caused by an emission, event, or incident which, albeit taking place subsequent to the date this Act has fallen effective, was caused by a specific activity that took place and finished before this Act has fallen effective.

Final provision

Section 35

By this Act the legal act of the European Communities and the European Union, referred to in Annex 3, is being adopted.

Article II

The Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative charges, as amended by the Act of the National Council of the Slovak Republic No.123/1996 Coll., the Act of the National Council of the Slovak Republic No.224/1996 Coll., the Act No.70/1997 Coll., the Act No. 1/1998 Coll., the Act No. 232/1999 Coll., the Act No. 3/2000 Coll., the Act No.142/2000 Coll., the Act No.211/2000 Coll., the Act No.468/2000 Coll., the Act No. 553/2001 Coll., the Act No.96/2002 Coll., the Act No.118/2002 Coll., the Act No. 215/2002 Coll., the Act No. 237/2002 Coll., the Act No. 418/2002 Coll., the Act No. 457/2002 Coll., the Act No. 465/2002 Coll., the Act No.477/2002 Coll., the Act No. 480/2002 Coll., the Act No. 190/2003 Coll., the Act No. 217/2003 Coll., the Act No.245/2003 Coll. the Act No. 450/2003 Coll., the Act No. 469/2003 Coll., the Act No. 583/2003 Coll., the Act No.5/2004 Coll. the Act No. 199/2004 Coll., the Act No.204/2004 Coll., the Act No.347/2004 Coll., the Act No. 382/2004 Coll., the Act No.434/2004 Coll., the Act No.533/2004 Coll., the Act No. 541/2004 Coll., the Act No.572/2004 Coll., the Act No.578/2004 Coll., the Act No.581/2004 Coll., the Act No.633/2004 Coll., the Act No.653/2004 Coll., the Act No.656/2004 Coll., the Act No.725/2004 Coll., the Act No.5/2005 Coll., the Act No.8/2005 Coll. the Act No. 15/2005 Coll., the Act No.93/2005 Coll., the Act No.171/2005 Coll., the Act No.308/2005 Coll., the Act No.331/2005 Coll., the Act No.341/2005 Coll., the Act No.342/2005 Coll., the Act No.473/2005 Coll., the Act No.491/2005 Coll., the Act No.538/2005 Coll., the Act No.558/2005 Coll. the Act No.572/2005 Coll., the Act No. 573/2005 Coll., the Act No.610/2005 Coll., the Act No.14/2006 Coll., the Act No.15/2006 Coll., the Act No.24/2006 Coll., the Act No. 117/2006 Coll., the Act No.124/2006 Coll., the Act No.126/2006 Coll. the Act No.224/2006 Coll., the Act No. 342/2006 Coll., the Act No. 672/2006 Coll., the Act No.693/2006 Coll., the Act No. 21/2007 Coll., the Act No. 43/2007 Coll., the Act No.95/2007 Coll., the Act No.193/2007 Coll. the Act No. 220/2007 Coll., the Act No. 279/2007 Coll., the Act No.295/2007 Coll., the Act No.309/2007 Coll., the Act No.342/2007 Coll., the Act No. 343/2007 Coll., the Act No. 344/2007 Coll., the Act No. 355/2007 Coll., the Act No.358/2007 Coll. shall be amended as follows:

In the charge rate book, under Part X, Environment, after item 1711 there shall be inserted items 171m through 171o that shall read:

“Item 171m

Filing of application for consultation^{39m})..... 1,000 SKK

Item 171 n

Filing of application for approval of proposal for remedial measures³⁹ⁿ)..... 1,000 SKK

Item 171o

Filing of application for a decision on cost bearing^{39o}) 1,000 SKK”.

The footnotes for references 39m through 39o shall read:

“^{39m)} Section 3 paragraph 3 of the Act No. 359/2007 Coll on the prevention and remedying of environmental damage and on amending of certain acts.

³⁹ⁿ⁾ Section 5 paragraph 1 subparagraph c) of the Act No. 359/2007 Coll.

^{39o)} Section 29 paragraph 1 of the Act No. 359/2007 Coll.”

Article III

The Act No. 543/2002 Coll. on the conservation of nature and landscape, as amended by the Act No.525/2003 Coll., the Act Bo.205/2004 Coll., the Act No.364/2004 Coll., the Act No. 587/2004 Coll., the Act No.15/2005 Coll., the Act No.479/2005 Coll. and the Act No.24/2006 Coll shall be amended to read:

1. In Section 9 paragraph 1, there shall be inserted subparagraph p) that shall read:

“p) issuance of the decision in proceedings concerning prevention and remedying of environmental damage to protected species and natural habitats, subject to a special regulation^{37a)}”.

The footnote for reference 37a shall read:

“^{37a)} The Act No 359/2007 Coll., on the prevention and remedying of environmental damage and on amending of certain acts.”.

2. In Section 68 subparagraph f), the words “d) through f) and k)” shall be replaced with the words “d) through f), k) and p)”.

Article IV

The Act No.220/2004 Coll. on agricultural land protection and use and on amending of the Act No. 245/2003 Coll. on the integrated prevention and control of environment pollution and on amending of certain acts shall be amended to read:

1. In Section 8 paragraph 6 shall read:

“(6) Measures for the protection of agricultural land against the damage by risk substances, or for the remedying of such damage, caused by the activity of the operations to which a special regulation⁷⁾ is applicable, shall be imposed by the state administration body for the affairs of integrated prevention and control of environment pollution^{7a)}, with regard taken of the limit values of risk substances in the agricultural land, in pursuance of Annex 2, and with regard to the measures proposed, or imposed, in pursuance of paragraphs 4 and 5.”.

The footnotes for references 7 and 7a shall read:

“⁷⁾ Section 2 paragraph 4 of the Act No. 245/2003 Coll. on the integrated prevention and control of environment pollution and on amending of certain acts.

^{7a)} Section 28 of the Act No. 245/2003 Coll., as amended by the Act No. 532/2005 Coll.”.

2. In Section 23, after subparagraph d), there shall be inserted a new subparagraph e) that shall read:

“e) shall be the affected body and shall give the position from the aspect of the protection of agricultural land in proceedings regarding the prevention and remedying of environmental damage to land, pursuant to a special regulation^{13a)}”.

Previous subparagraphs e) through i) shall be denoted as subparagraphs f) through j).

The footnote for reference 13a shall read:

^{13a)} The Act No. 359/2007 Coll. on the prevention and remedying of environmental damage and on amending of certain acts.

Article V

The Act No.364/2004 Coll. on waters and on amending of the Act of the National Council of the Slovak Republic No. 372/1990 Coll. on administrative offences, as amended, (the Water Act), as amended by the Act No. 587/2004 Coll., the Act No.230/2005 Coll., the Act No. 479/2005 Coll., and the Act No. 532/2005 shall be amended as follows:

Section 73 shall be supplemented with paragraph 19 that shall read:

“(19) The state water administration authority shall be the affected body and shall issue the positions in the proceedings in pursuance of a special regulation^{66c}).

The footnote for reference 66c shall read:

“^{66c}) The Act No. 359/2007 Coll. on the prevention and remedying of environmental damage and on amending of certain acts.”.

Article VI

The Act No.326/2005 Coll. on forests shall be amended as follows:

In Section 60 paragraph 2, after subparagraph h) there shall be inserted a new subparagraph i) “i) shall be the affected body and shall give the position from the aspect of the protection of land in proceedings regarding the prevention and remedying of environmental damage to forest land, pursuant to a special regulation^{87a}”).

Previous subparagraphs i) through k) shall be denoted as subparagraphs j) through l).

The footnote for reference 87a shall read:

“^{87a}) The Act No. 359/2007 Coll. on the prevention and remedying of environmental damage and on amending of certain acts.

Article VII

The Act No. 126/2006 Coll. on public health and on amending of certain acts, as amended by the Act No. 295/2007 Coll. shall be amended as follows:

1. In the footnote for reference 14, at the end, the following sentence shall be appended: “The Act No. 359/2007 Coll. on the prevention and remedying of environmental damage and on amending of certain acts.”.

2. In Section 10, paragraph 10, after the word “permits” there shall be inserted the words “and in the proceedings, subject to a special regulation^{22a}”).

The footnote for reference 22a shall read:

“^{22a}) The Act No. 359/2007 Coll. on the prevention and remedying of environmental damage and on amending of certain acts.”.

Article VIII

This Act shall fall effective on 1 September 2007, with the exception of provision of Article I Section 13, which shall fall effective on 1 July 2012, and provision of Article I Section 20, which shall fall effective on 1 January 2008.

Ivan Gašparovič i.o.h.

Pavol Paška i.o.h.

Robert Fico i.o.h.

Annex 1
to the Act No.359/2007 Coll.

CRITERIA OF THE SIGNIFICANCE OF ADVERSE EFFECTS ON PROTECTED SPECIES AND NATURAL HABITATS IN PURSUANCE OF SECTION 2 PARAGRAPH 1 SUBPARAGRAPH a), FIRST POINT, AND PARAGRAPH 3

The significance of any damage that has adverse effects on reaching or maintaining the favourable conservation status of natural habitats or protected species has to be assessed by reference to their conservation status at the time of the damage, the services provided by the amenities they produce, as well as their capacity for natural regeneration.

Significant adverse changes to the baseline condition shall be determined, as appropriate, by means of measurable data, such as:

- a) the number of individuals of the protected species; their density, or the area covered,
- b) the role of the particular individuals, or of the damaged area in relation to the protected species or to the natural habitat conservation, the rarity of the species or habitats (assessed at local, regional and higher level including at Community level),
- c) the protected species' or natural habitat's capacity for propagation (according to the dynamics specific to its characteristic species or to their populations),
- d) the protected species' or natural habitat's capacity, after damage has occurred, to recover within a short time, without any intervention other than increased protection measures, to a condition which leads, solely by virtue of the dynamics of the species or habitat, to a condition deemed equivalent or superior to the baseline condition.

Damage with a proven effect on human health must be classified as significant damage.

As significant damage may also be classified the following: [líši sa od smernice 2004/35/ES, kde sa a) až c) nemusí klasifikovať ako závažná škoda; je to zámerné? pozn. prekladateľa]

- a) negative variations that are smaller than natural fluctuations regarded as normal for the protected species or natural habitat in question,
- b) negative variations due to natural causes or resulting from intervention relating to the normal management of sites, as defined in habitat records or target documents or as carried on previously by owners or operators,
- c) damage to protected species or natural habitats for which it is established that they will recover, within a short time and without intervention, either to the baseline condition, or to a condition which leads, solely by virtue of the dynamics of the species or habitat, to a condition deemed equivalent or superior to the baseline condition.

Annex 2
to the Act No.359/2007 Coll.

THE CONTENT OF THE REPORT TO BE SUBMITTED TO THE EUROPEAN COMMISSION ON THE APPLICATION OF THIS ACT

The report shall include a list of instances of environmental damage and instances of liability, with the following information and data for each instance:

1. Type of environmental damage, date of occurrence and/or discovery of the damage and date on which proceedings were initiated under this Act.
2. The classification code of the prevailing activity.¹⁾
3. Information on whether there has been resort to judicial remedial instruments by parties to the proceedings; parties to the proceedings and the outcome of proceedings shall be specified.
4. Outcome state after remedial measures have been taken.
5. Date of closure of proceedings.
6. Other information and data, as deemed useful to allow a proper assessment of the application of this Act, such as:
 - 6.1. Costs incurred with remediation and prevention measures
 - 6.1.1. directly by parties liable for costs compensation under the provisions of this Act
 - 6.1.2. recovered ex post facto from persons liable for cost compensation;
 - 6.1.3. uncovered from persons liable for cost compensation; at the same time reasons for non-recovery of these costs shall be specified.
 - 6.2. Results of the actions to promote and implement instruments of financial cover of the liability for environmental damage.
 - 6.3. An assessment of the additional administrative costs incurred annually by the public administration in setting up and operating the administrative structures needed to implement and enforce this Act.

¹⁾ The Regulation of the Statistical Office of the Slovak Republic No.552/2002 Coll. issuing the statistical classification of economic activities.

Annex 3
to the Act No.359/2007 Coll.

**THE LIST OF LEGAL ACTS OF THE EUROPEAN COMMUNITIES AND
EUROPEAN UNION ADOPTED**

Directive 2004/35/EC of the European Parliament and the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (Special edition of the Official Journal of the European Union, chapter 15/vol.8.).