Public Participation in the Assessment Process in Slovakia

Öffentlichkeitsbeteiligung im UVP-Prozess in der Slowakei

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Legal Context of Environmental Impact assessment in Slovakia


Participants in the Assessment Process

The whole assessment process in the Slovak Republic is managed and regulated by the EIA department of the Ministry of the Environment. Other participants in the process are listed in table 1.

The Environmental Impact Assessment Process

Depending on the significance of the presumed impact, the compulsory assessment of the activity or screening is carried out.

The Submission of the Preliminary Environmental Study

If the proposed activity must be assessed, the proponent will prepare or ensure the preparation of the preliminary environmental study. The scope of the preliminary environmental study is determined in the annex of the EIA Act. The submitted preliminary environmental study must be elaborated at least in two alternatives plus that alternative which would happen without the activity (zero alternative). The proponent submits the preliminary environmental study to the Ministry. The Ministry delivers it then to all participants in the assessment process.

Scoping and Time Schedule

The scoping and, if necessary, the time schedule is determined by the Ministry in cooperation with the competent and permission authorities and, after discussion with the proponent, the Ministry will deliver the decision to the proponent together with the standpoints on the preliminary environmental study. The proponent together with the affected municipality informs the public in usual way on the determined scope of the assessment and on the time schedule.

The Environmental Impact Study

After the scoping, the proponent prepares or ensures the preparation of the environmental impact assessment process. The Ministry delivers it then to all participants in the process. The main part of documentation of the environmental impact statement, which is the result of the study will be summarized in the environmental impact statement for the proposed activity. The result of the study will be summarized in the environmental impact statement, which is the main part of documentation of the environmental impact assessment process. The Ministry, without needless delay, delivers this

| Proponent               | the juridical or physical entity intending to perform the activity that is to be assessed
| Permission authority    | the state authority competent to issue the decision concerning the permission of the activity under special regulations
| Affected authority      | a state authority whose binding judgement, agreement, standpoint or expression of opinion, issued under special regulations, is the condition for the permission of the activity
| Affected municipality   | the municipality on whose territory the activity is to be carried out or which will be affected by the activity
| The public              | one or more juridical or physical entities, their associations, organizations or groups including non-governmental organisations
| Professionally qualified persons | experts registered into the list of the professionally qualified persons for the environmental impact assessment, kept by the Ministry of the Environment

Tab. 1. Participants in the EIA process

Zusammenfassung

UVPs finden in der Slowakischen Republik seit 1994 statt. Verantwortlich für die Durchführung ist die Abteilung UVP im slowakischen Umweltministerium. Im Rahmen der Öffentlichkeitsbeteiligung können sowohl betroffene Einzelpersonen als auch Umweltverbände am Verfahren mitwirken. Eine slowakische Besonderheit ist die Einbeziehung von bestimmten Interessengruppen (Bürgerinitiativen) in die UVP-Verfahren. Das Umweltministerium und der Vorhabenträger müssen mit der Öffentlichkeit einen Dialog führen und die vorgebrachten Standpunkte berücksichtigen.

Abstract

Since 1994, EIA has been carried out in the Slovak Republic. The Ministry of the Environment of the Slovak Republic, the Environmental Impact Assessment Department, is responsible for carrying out the assessment process in accordance with the legislation. The public participation in the assessment process enables both individuals and environmental groups to take part in decision-making. A Slovak speciality in public participation is the involvement of certain interest groups ("civic initiative" or "civic association"). The Ministry of the Environment and the proponent are obliged to enter into a dialogue with the public and consider the arguments put forward by the public.
Public Hearing
The affected municipality, in co-operation with the proponent, ensures the public hearing on the environmental impact statement. The date and place of the public hearing is made public by the affected authority in an appropriate way and the representatives of the Ministry, the competent authority, the permission authority and affected authorities are invited. The affected municipality is obliged, in co-operation with the proponent, to elaborate the record from the public hearing. The record will be signed by a representative of the affected municipality and the affected municipality will deliver it to the Ministry.

Expert Review Elaboration
The Ministry ensures the preparation of an expert review after delivery of the standpoints on the environmental impact statement. The expert review may be prepared only by a professionally qualified physical or legal entity listed in the list of professionally qualified persons, which is run by the Ministry according to the Decree No. 52/1995 Coll. on the List of Professionally Qualified Persons for the Environmental Impact Assessment.

Final Record
After delivery of the expert review, the Ministry prepares the final record in co-operation with the competent authority. The final record is the final summary of the whole assessment process. The Ministry delivers it to the proponent, the competent authority, the permission authority, the affected authorities, the affected municipality, civic initiatives and civic associations.

The Permission Procedure – the Administrative Proceedings
The final record is not binding for the permission authority but the decision according to special legislation on permission of the activity subject to the assessment must not be issued without it. During the permission procedure, the permission authority must take into account the final record and to justify the decision mention the degree of accordance with the final record.

Screening
Screening begins with the submission of the preliminary environmental study and ends by issuing the decision whether or not the activity will proceed with an EIS. If the activity will not proceed with an EIS, the permission process follows under the special regulations. Otherwise the activity will be assessed following the EIA process as at the compulsory evaluation.

The EIA Act regulates public participation in a new way - it ensures equal rights of the public and other subjects in the assessment process. Therefore, all participants are obliged to be in dialogue with the public and consider its standpoints.

Public Participation
In the EIA process in the Slovak Republic, the public is represented by:
- physical and legal entities or their groups
- NGOs
- the affected municipality
- civic initiatives
- civic associations.

In the phase of commenting on the preliminary environmental study, the forming of views and groups of the public starts, as well as the creation of interest groups and the articulation of the first public standpoints. Already in this phase, interest groups can form a civic initiative or a civic association. Both of these subjects directly receive information and other documentation in the environmental impact assessment process according to the Act. Already in this phase, co-operation of the proponent with the public is extremely needed and important, it is necessary to ensure regular and objective information, for example by means of an independent local information agency. Early bilateral awareness, credibility and co-operation will be achieved and misinformation, constraints and useless conflicts avoided.

A civic initiative means at least 500 over 18 years old physical persons, of which at least 250 persons have a permanent address in the affected municipality, who will sign a joint standpoint to the proposed activity assessed under the EIA Act. A civic initiative is documented by a list, which gives the first names, the surnames, the permanent addresses, the dates of birth and the signatures of the persons who support the joint standpoints. This list and the expressed standpoint must be delivered to the Ministry within a required period of six weeks from the delivery of the preliminary environmental study or notification.

The civic initiative must elect an authorised representative, having the power to act on its behalf and to receive documents. It will be the physical person who is named as the authorised representative in the list of signatures. If this information is missing or unclear, the authorised representative of the civic initiative is the physical person at the first place of the list of signatures. The authorised representative can nominate a deputy in written form, who deputises for him within the limits of the authorised power. The authorised representative may be replaced by another physical person on the basis of a written declaration delivered to the Ministry that must be signed by the majority of the members of the civic initiative. The same procedure is applicable in cases when the authorised representative of a civic initiative resigns.

The authorised person and his/her deputy must be a physical person who is a member of the civic initiative. After its establishment, the civic initiative receives the information,
In order to complete the necessary communication, it is inevitable for the civic initiative to announce its establishment, the date and number of its record, its name and address as well as the entities and physical persons authorised to act on its behalf. The role of the participants of the civic association in the EIA process is similar to that of the civic initiative.

Rights and Obligations of the Public in the EIA Process

The public is involved in the EIA process immediately from its beginning and will be given adequate space and time to express comments, requirements and proposals to the competent authority. The public can submit standpoints, comments or proposals on the preliminary environmental study and to the environmental impact statement.

- to establish civic initiatives and civic associations
- to access information on the proposed activity, on the assessment process and on the acceptance of the submitted comments
- to participate in the public hearing where comments, requirements and proposals can be submitted
- demands for the consultations relating to the impacts of the assessed activity or the assessment process
- to provide information on the affected area by the person drawing up the documents in the assessment process.

The form of submitting standpoints, comments, requirements and proposals is not prescribed. In the assessment process, it is possible to use any form, written, electronic, telephonic or verbal. The written standpoints are submitted to the Ministry of the Environment directly or through the affected municipality.

The Time Schedule of the Public in the EIA Process

Preliminary Environmental Study

The Ministry of the Environment will deliver the preliminary environmental study within two weeks to:
- the competent authority,
- the permission authority,
- the state authority,
- the affected municipality.

The affected municipality will inform the public about the preliminary environmental study in the usual manner that is appropriate in the place within one week.

The public can present its written standpoint on the preliminary environmental study to the Ministry of the Environment within five weeks.

Environmental Impact Statement

The Ministry of the Environment will deliver the environmental impact statement within three weeks to:
- the competent authority,
- the permission authority,
- the state authority,
- the affected municipality.

The affected municipality will inform the public within one week after the delivery of the environmental impact statement.

The public can deliver its written standpoint to the Ministry of the Environment within two months.

References


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