



Council of the  
European Union

073149/EU XXVI. GP  
Eingelangt am 08/08/19

Brussels, 2 August 2019  
(OR. en)

8302/19  
ADD 7 REV 1

ENV 397  
CLIMA 111  
AGRI 201  
PECHE 160  
ECOFIN 380  
COMPET 321

#### COVER NOTE

---

From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 31 July 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

---

No. Cion doc.: SWD(2019) 116 final/2

---

Subject: COMMISSION STAFF WORKING DOCUMENT  
The EU Environmental Implementation Review 2019 Country Report -  
SLOVAKIA  
*Accompanying the document*  
Communication from the Commission to the European Parliament, the  
Council, the European Economic and Social Committee and the  
Committee of the Regions  
Environmental Implementation Review 2019: A Europe that protects its  
citizens and enhances their quality of life

---

Delegations will find attached document SWD(2019) 116 final/2.

---

Encl.: SWD(2019) 116 final/2

Brussels, 31.7.2019  
SWD(2019) 116 final/2

**CORRIGENDUM**

This document corrects document SWD(2019) 116 final of 04.04.2019  
Footnote 87 modified

The text shall read as follows:

**COMMISSION STAFF WORKING DOCUMENT**

**The EU Environmental Implementation Review 2019  
Country Report - SLOVAKIA**

*Accompanying the document*

**Communication from the Commission to the European Parliament, the Council, the  
European Economic and Social Committee and the Committee of the Regions**

**Environmental Implementation Review 2019:  
A Europe that protects its citizens and enhances their quality of life**

{COM(2019) 149 final} - {SWD(2019) 111 final} - {SWD(2019) 112 final} -  
{SWD(2019) 113 final} - {SWD(2019) 114 final} - {SWD(2019) 115 final} -  
{SWD(2019) 117 final} - {SWD(2019) 118 final} - {SWD(2019) 119 final} -  
{SWD(2019) 120 final} - {SWD(2019) 121 final} - {SWD(2019) 122 final} -  
{SWD(2019) 123 final} - {SWD(2019) 124 final} - {SWD(2019) 125 final} -  
{SWD(2019) 126 final} - {SWD(2019) 127 final} - {SWD(2019) 128 final} -  
{SWD(2019) 129 final} - {SWD(2019) 130 final} - {SWD(2019) 131 final} -  
{SWD(2019) 132 final} - {SWD(2019) 133 final} - {SWD(2019) 134 final} -  
{SWD(2019) 135 final} - {SWD(2019) 136 final} - {SWD(2019) 137 final} -  
{SWD(2019) 138 final} - {SWD(2019) 139 final}

*This report has been written by the staff of the Directorate-General for Environment, European Commission. Comments are welcome, please send them to [ENV-EIR@ec.europa.eu](mailto:ENV-EIR@ec.europa.eu)*

*More information on the European Union is available at <http://europa.eu>.*

*Photographs: p. 10 — ©iStock/maniscule; p. 12 — ©iStock/Stramyk; p. 21 — ©iStock/sorincolac; p. 22 — ©gettyimages/mirovic; p. 26 — ©gettyimages/rusm*

*For reproduction or use of these photos, permission must be sought directly from the copyright holder.*

*©European Union, 2019*

*Reproduction is authorised provided the source is acknowledged.*

## Table of Contents

<b>Executive summary</b> .....	<b>3</b>
<b>Part I: Thematic areas</b> .....	<b>4</b>
<b>1. Turning the EU into a circular, resource-efficient, green and competitive low-carbon economy ....</b>	<b>4</b>
Measures towards a circular economy .....	4
Waste management .....	6
Climate change.....	8
<b>2. Protecting, conserving and enhancing natural capital.....</b>	<b>10</b>
Nature and biodiversity.....	10
Maintaining and restoring ecosystems and their services .....	11
Estimating natural capital .....	12
Invasive alien species .....	12
Soil protection .....	13
<b>3. Ensuring people' health and quality of life.....</b>	<b>15</b>
Air quality .....	15
Industrial emissions.....	16
Noise .....	17
Water quality and management .....	17
Chemicals .....	20
Making cities more sustainable.....	21
<b>Part II: Enabling framework: Implementation tools .....</b>	<b>23</b>
<b>4. Green taxation, green public procurement, environmental funding and investments .....</b>	<b>23</b>
Green taxation and environmentally harmful subsidies .....	23
Green public procurement.....	24
Environmental funding and investments .....	25
<b>5. Strengthening environmental governance.....</b>	<b>28</b>
Information, public participation and access to justice .....	28
Compliance assurance.....	29
Effectiveness of environmental administrations.....	31
International agreements .....	32
Sustainable development and the implementation of the UN SDGs.....	33

## Executive summary

### Slovakia and the Environmental Implementation Review

In the 2017 EIR, the main challenges identified for Slovakia for the implementation of EU environmental policy and law were:

- to **improve waste management**, particularly by increasing recycling, rolling-out separate collection of waste and reducing landfilling;
- to **improve air quality** in critical regions of the country, notably in urban areas like Bratislava and Kosice;
- to **phase out environmentally harmful subsidies** to brown coal; and
- to **improve water management**, including in relation to infrastructure projects, agricultural use, landscape management (drainage systems, nitrates pollution and **forest management**), and implement a more advanced system for the treatment of urban waste water.

Slovakia organised an **EIR National Dialogue** in April 2017 focusing on the main findings of the 2017 report. The dialogue included a panel discussion with stakeholders, including journalists. The analytical report by the Slovak Institute for environmental policy (IEP), released also in 2017 and presented during the dialogue, identified the same challenges for Slovakia.

Sector-specific dialogues were organised to help steer Slovakia's implementation of EU environmental laws and policies. A **Clean Air Dialogue** took place in April 2018 and a **Nature Dialogue** took place in May/June 2018.

In 2017, the Commission launched the TAIEX-EIR Peer-to-Peer (**EIR P2P**) tool to facilitate peer learning between experts from environmental authorities. Slovakia hosted a EIR P2P workshop on reducing emissions from domestic heating. Slovak experts also participated in workshops organised in other Member States.

### Progress on meeting challenges since the 2017 EIR

The Ministry of the Environment has kept up the momentum created during the Slovak Presidency in the second half of 2016. Their work has mainly involved drafting the strategy but the actual implementation of Slovakia's environmental agenda continues to face several challenges.

A poor performance on **waste management**, with low recycling rates and a strong dependence on landfilling remains one of the main concerns. According to the Commission's 2018 'early warning report', Slovakia is at risk of not meeting the 2020 municipal waste recycling target of 50 %. The necessary change in the waste management performance would heavily depend on the enforcement of new waste legislation and further fiscal incentives.

The **air sector** still needs to reduce emissions from the burning of solid fuel in homes and from agriculture, transport and industry. Moreover, the lack of robust air quality monitoring and air pollution data complicates policy efforts. First steps have been taken to phase out **environmentally harmful subsidies** of high-emissions electricity generation from lignite, advancing it from 2030 to 2023 although the exploitation of lignite can continue beyond.

Assessment of second generation of River Basins Management Plans shows that Slovakia has a long way to achieve the good status/potential objectives for water bodies due to insufficient **water management** policy, including past shortcomings in the application of exemptions to the objectives of the Water Framework Directive. Despite on-going investments to the infrastructure projects mainly co-financed by the EU funds, these are not sufficient for reaching full compliance with the Urban Waste Treatment Water Directive.

**Biodiversity** — with one of the largest **NATURA 2000** networks in the EU — continues to be under pressure. There are still significant gaps in the designation of sites and setting of conservation objectives and measures because the management plans are missing. Specific problem relates to forest management plans and logging in protected areas.

Although citizens became more vocal in raising environmental problems, stronger **environmental governance** through transparent and efficient development consent and Strategic/Environmental Impact Assessment (SEA/EIA) processes are needed to balance the different interests and needs.

### Examples of good practice

- The Institute for environmental policy was established in April 2016. It became a leader in the Ministry of the Environment's analytical work (including its cooperation with OECD and WB) and its work feeds into the preparation of the new Slovak 2030 environment strategy.
- A compliance check unit under the Ministry of the Environment was created in 2016 to strengthen the role of EIA authorities. Creating this unit was one of the prerequisites for receiving 2014-2020 European Structural and Investment Funds (ESIF). Assisted by the European Investment Bank (EIB)/Jaspers, the unit has developed a new methodological approach to verify projects to be co-financed by EU funds.
- Two Slovak projects qualified among the 28 best LIFE nature/information projects in 2016-2017.

## Part I: Thematic areas

### 1. Turning the EU into a circular, resource-efficient, green and competitive low-carbon economy

#### Measures towards a circular economy

The Circular Economy Action Plan emphasises the need to move towards a life-cycle-driven ‘circular’ economy, reusing resources as much as possible and bringing residual waste close to zero. This can be facilitated by developing and providing access to innovative financial instruments and funding for eco-innovation.

Following the adoption of the Circular Economy Action Plan in 2015 and the setting up of a related stakeholder platform in 2017, the European Commission adopted a new package of deliverables in January 2018<sup>1</sup>. This included additional initiatives such as: (i) an EU strategy for plastics; (ii) a Communication on how to address the interplay between chemical, product and waste legislation; (iii) a report on critical raw materials; and (iv) a framework to monitor progress towards a circular economy<sup>2</sup>.

The circular (secondary) use of material in Slovakia was 4.9 % in 2016 (below the EU-28 average of 11.7 %). The country performed slightly above the EU-28 average for the number of persons employed in the circular economy (at 1.76 % of total employment in 2016, against an EU-28 average of 1.73 %)<sup>3</sup>.

In the 2017 Special Eurobarometer 468 on attitudes of EU citizens towards the environment, 86 % of people in Slovakia said they were concerned about the effects of plastic products on the environment (EU-28 average 87 %). 88 % said they were worried about the impact of chemicals (EU-28 average 90 %)<sup>4</sup>. People in Slovakia seem to strongly support circular economy initiatives and environmental protection measures.

However, there seems to be a gap between attitudes and behaviour. According to the European Commission’s analysis, the Slovak economy is projected to grow.<sup>5</sup> At

the same time the current economic model with its strong dependence on industry, impedes efforts to alleviate pressure on the environment<sup>6</sup>. Failing to adopt the circular economy model will only increase the challenge and widen the existing regional disparities.

The new 2018-2030 Environment Strategy which is being prepared by the IEP/MoE<sup>7</sup>, is expected to put greater focus on the circular economy in Slovakia. Furthermore, the 2030 economic policy will introduce an updated raw materials policy which covers circular economy principles. Agenda 2030 vision for Slovakia is also under the preparation. These documents should assist Slovakia in ensuring policy coherence.

Figure 1: Resource productivity 2010-2017<sup>8</sup>

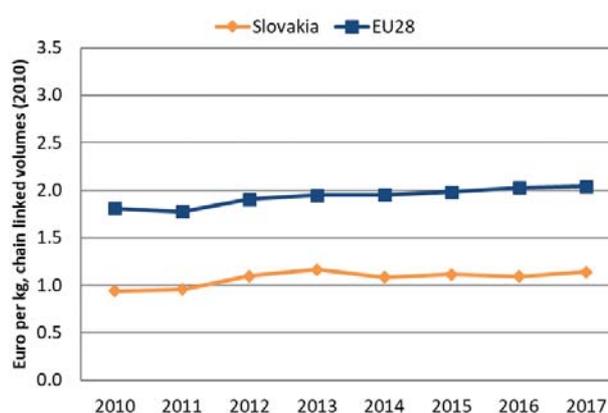


Figure 1 shows that since 2013 there has been a slight decrease in how efficiently the economy uses material resources to produce wealth. In 2017, Slovakia was below the EU average for resource productivity, with 1.14 EUR/kg (the EU average is 2.04 EUR/kg)<sup>9,10</sup>.

the manufacturing sector. [European Commission 2018 European Semester, Country report Slovakia](#)

<sup>6</sup> The Slovak economy is characterised by a growing manufacturing sector, a rather low endowments in sub-soil assets, and a growing consumption of material resources. As a result, the country is highly dependent on external markets for both imports of raw material and exports of manufactured goods, This is coupled with rising amounts of waste generated and increasing pressure on the environment. [Ministry of the Environment of the Slovak Republic, study “Making the Slovak republic more resource efficient economy”](#)

<sup>7</sup> Ministry of the Environment of the Slovak Republic, [Environment Strategy](#).

<sup>8</sup> Eurostat, [Resource productivity](#).

<sup>9</sup> Resource productivity is defined as the ratio between gross domestic product (GDP) and domestic material consumption (DMC).

<sup>10</sup> Slovak authorities suggests that this is caused by the historical structure of the industry.

<sup>1</sup> European Commission, [2018 Circular Economy Package](#).

<sup>2</sup> [COM\(2018\) 029](#).

<sup>3</sup> European Commission, [Indicators for the Circular Economy Monitoring Framework](#), 2018.

<sup>4</sup> European Commission, 2017, [Special 486 Eurobarometer](#), ‘Attitudes of European citizens towards the environment’.

<sup>5</sup> Real GDP growth is expected to reach 4 % in 2018 and 4.2 % in 2019. Accelerating private consumption is set to remain the strongest driver of growth for both years, buttressed by rising employment and robust wage growth. Both private and government fixed investment is likely to accelerate markedly in 2018 and 2019. External demand is also expected to act as an increasingly important source of economic growth, partly owing to expanding production and export facilities in

## Environmental Implementation Report 2019 — Slovakia

The number of EU Ecolabel products and EMAS- licensed organisations in a specific country can give a rough estimate of the circular economy transition. These two indicators show to what extent the circular economy transition is engaging the private sector and other national stakeholders. These two indicators also show the commitment of public authorities to policies that support the circular economy. As of September 2018, Slovakia had only 2 licenses covering 8 products registered in the EU Ecolabel scheme out of a total of 70 099 in the EU. This shows a low take-up of these licences<sup>11</sup>. Five Slovak organisations are currently registered in EMAS<sup>12</sup>.

### SMEs and resource efficiency

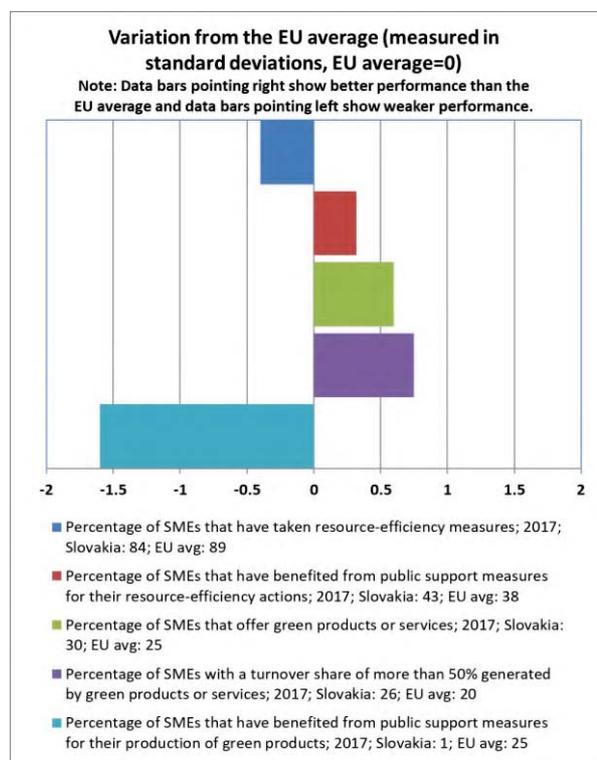
Performance of Slovak SMEs on environmental issues is broadly in line with the EU average (see Figure 2). However, Slovakia's overall performance deteriorated compared to the previous reference period, when the country scored above the EU average. For instance, fewer SMEs have benefited from public support measures for their resource-efficiency measures, falling from 52 % in 2015 to 43 % in 2017 but still in line with the EU average. The biggest decline in this area is the proportion of SMEs benefiting from public support measures to produce green products, which fell from 28 % in 2015 to 1 % in 2017.

The latest Eurobarometer on 'SMEs, resource efficiency and green markets'<sup>13</sup> asked companies about both recent resource-efficiency actions they had taken and additional resource-efficiency actions they planned to take in the next 2 years. The Eurobarometer then compared these responses with responses given to the same questions in 2015. The proportion of companies that undertook resource-efficiency measures is fairly close to the EU-28 average, but has a substantial decrease in saving water (-17 %) and in minimising waste (-13 %). Similarly, although ambition levels to undertake such measures are close to the EU-28 average, they have decreased significantly compared to recent years.

Among Slovak companies, 28 % find grants to be helpful. Only 17 % find technical consultancy useful and only 10 % find financial consultancy useful. These are among the lowest scores in the EU for both indicators. 16 % of respondents would opt for the demonstration of new technologies (EU-28 average 22 %). All other forms of support are rated in a much more critical way in Slovakia

than in the average EU country. 25 % don't consider any type of assistance to be useful (EU-28 average 20 %) for their resource-efficiency projects.

Figure 2: Environmental performance of SMEs<sup>14</sup>



Despite decreasing, there is still substantial interest among the Slovak business community in investing in resource efficiency.

### Eco-innovation

Slovakia ranked 23rd on the 2018 European Innovation Scoreboard, with a 4.8 % increase since 2010<sup>15</sup>. It ranked 21st in the overall 2017 European Eco-innovation Scoreboard with a total score of 74 (see Figure 3).

As shown in Figure 4, Slovakia's overall eco-innovation score was 75 in 2017, ranking it 20th out of the 28 EU countries (compared with 24th in 2014 and 23rd in 2015) and putting it 25 % below the EU average. This is due to a lack of a coherent eco-innovation policy framework in Slovakia as well as low investment in Research and Development (R&D).

Barriers to eco-innovation and the circular economy in Slovakia include (i) a weak demand for eco-innovation products and services; (ii) insufficient private sector investment in R&D; (iii) very low public funding of businesses' R&D expenses; and (iv) too few high-level graduates in engineering and science in the country's workforce.

<sup>11</sup> European Commission, [Ecolabel Facts and Figures](#).

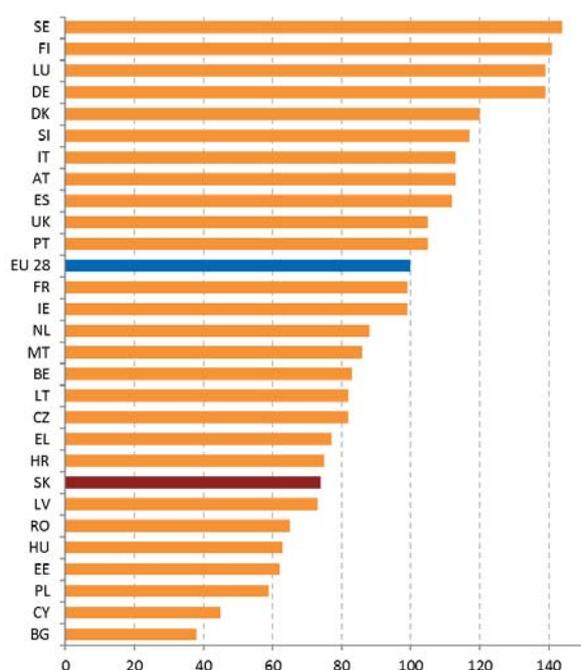
<sup>12</sup> As of May 2018. European Commission, [Eco-Management and Audit Scheme](#).

<sup>13</sup> Flash Eurobarometer 456 'SME, resource efficiency and green markets' January 2018. The 8 dimensions were Save energy; Minimise waste; Save materials; Save Water; Recycle by reusing material internally; Design products easier to maintain, repair or reuse; Use renewable energy; Sell scrap materials to another company.

<sup>14</sup> European Commission, [2018 SBA fact sheet - Slovakia](#), p.14.

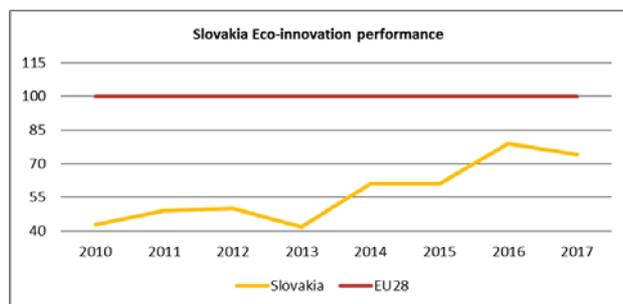
<sup>15</sup> European Commission, [European innovation Scoreboard 2018](#), p. 15.

Figure 3: 2017 Eco-innovation index (EU=100)<sup>16</sup>



The further uptake and support of eco-innovation is hampered by: (i) fragmented policies and an incoherent administrative framework; (ii) slow progress in implementing measures that support R&D; (iii) insufficient financial backing; and (iv) a lack of public awareness which results in a low demand for eco-innovation.

Figure 4: Slovakia's eco-innovation performance



The main factors that drive eco-innovation and the circular economy are: (i) successful regional integration; and (ii) strong connections between Slovakia's gas and electricity networks and those of neighbouring countries which is a huge advantage for the country's energy sector. High levels of total turn over show that Slovakia would benefit from more innovation. Rather stable employment in knowledge-intensive manufacturing and services and higher share of employment in medium and high-tech manufacturing is providing a good foundation for developing eco-innovative products and services.

In comparison to the last reporting period, some steps

<sup>16</sup> [Eco-innovation Observatory](#): Eco-Innovation scoreboard 2017.

have been taken to support the country's environmental goals since the 2017 EIR. For example, one of the specific steps in reducing of the emissions and promoting the cleaner transportation is an Action plan for the development of electro-mobility as well as Strategy for low/carbon development until 2030, both being under preparation. There are also a number of initiatives under way by businesses and NGOs to increase waste recycling and recovery, such as the Slovak Circular Economy Institute<sup>17</sup>.

### 2019 priority actions

- Complete a policy framework that would enable the uptake of circular economy measures.
- Increase the funding opportunities for SMEs in Slovakia.

### Waste management

Turning waste into a resource is supported by:

- (i) fully implementing EU waste legislation, which includes the waste hierarchy, the need to ensure separate collection of waste, the landfill diversion targets, etc.;
- (ii) reducing waste generation and waste generation per capita in absolute terms; and
- (iii) limiting energy recovery to non-recyclable materials and phasing out landfilling of recyclable or recoverable waste.

This section focuses on management of municipal waste<sup>18</sup> for which EU law sets mandatory recycling targets<sup>19</sup>.

Although the generation of municipal waste increased in Slovakia in 2017, it remains considerably below the EU average (378 kg/y/inhabitant vs around 487 kg/y/inhabitant, see Figure 5). Despite some recent improvements to ensure more consistency in the reports to the European Commission, there are still differences between national statistics and those of Eurostat. A pilot phase of New Waste Management Information System, which should improve data collection also for international reporting as well as waste management planning, has been launched in summer 2018<sup>20</sup>.

<sup>17</sup> European Commission, Eco-Innovation Observatory: [Eco-innovation Country Profiles 2016-2017](#).

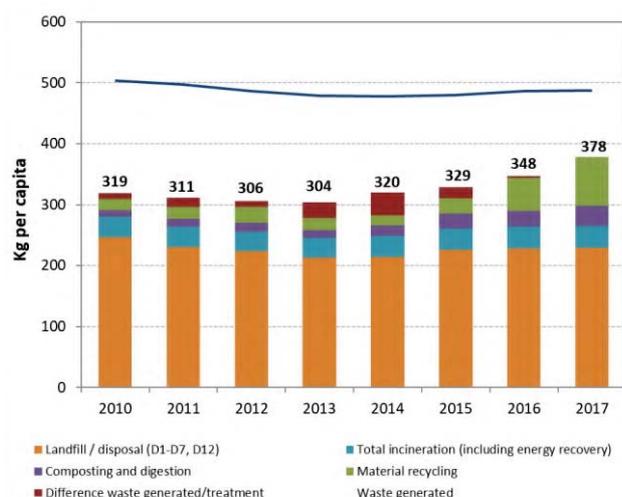
<sup>18</sup> Municipal waste consists of mixed waste and separately collected waste from households and from other sources, where such waste is similar in nature and composition to waste from households. This is without prejudice to the allocation of responsibilities for waste management between public and private sectors.

<sup>19</sup> See Article 11.2 of [Directive 2008/98/EC](#). This Directive was amended in 2018 by [Directive \(EU\) 2018/851](#), and more ambitious recycling targets were introduced for the period up to 2035.

<sup>20</sup> Ministry of Environment of the Slovak Republic, [Waste Management Information System](#).

## Environmental Implementation Report 2019 — Slovakia

**Figure 5: Municipal waste by treatment in Slovakia 2010-2017<sup>21</sup>**



Slovakia still has a high landfilling rate of municipal waste. At 60 % (66 % in 2016), it is among the highest in the EU. Recycling (including composting) remains low (30 % vs the EU average of 46 %). The steep increase in the recycling rate in 2014-2017 was mainly due to adjustments in the statistical reporting methodology rather than by an improvement in performance.

Therefore the country needs to make significant efforts to meet the 50 % municipal waste recycling target by 2020 (see Figure 6)<sup>22</sup>. According to the Commission's 'early warning report'<sup>23</sup> Slovakia is at risk of not meeting this target. The report recommended a number of urgent priority actions to be taken by Slovakia to bridge the implementation gap.

The country will need to make an even greater effort to meet the post-2020 recycling targets<sup>24</sup>.

Moreover, Slovakia still struggles to comply with the 2013 target to divert 50 % of bio-degradable municipal waste from landfills. Incineration accounts for 10 % of municipal waste treatment. The high number of dump sites<sup>25</sup>, like around Bratislava, is also a huge problem, as are old industrial sites like the most critical one in

<sup>21</sup> Eurostat, [Municipal waste by waste operations](#).

<sup>22</sup> Member States may choose a different method than the one used by ESTAT (and referred to in this report) to calculate their recycling rates and track compliance with the 2020 target of 50 % recycling of municipal waste.

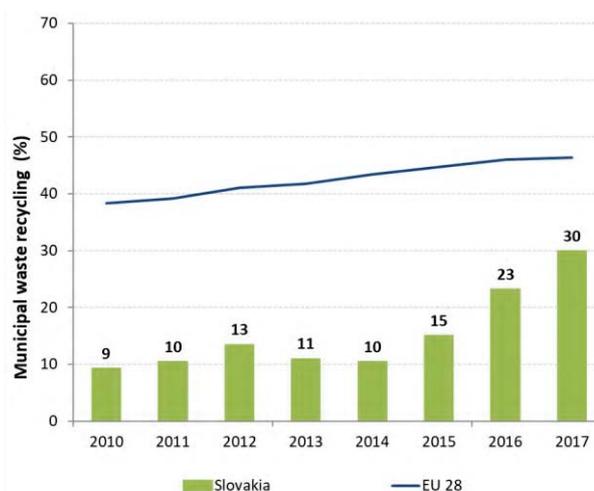
<sup>23</sup> [SWD\(2018\)424](#) accompanying [COM\(2018\) 656](#).

<sup>24</sup> [Directive \(EU\) 2018/851](#), [Directive \(EU\) 2018/852](#), [Directive \(EU\) 2018/850](#) and [Directive \(EU\) 2018/849](#) amend the previous waste legislation and set more ambitious recycling targets for the period up to 2035. These targets will be taken into consideration to assess progress in future Environmental Implementation Reports.

<sup>25</sup> [IEP study](#) shows that stronger prevention measures and enforcement measures are needed.

Vrakuna<sup>26</sup>. Proper closure of old landfills is pending<sup>27</sup>.

**Figure 6: Recycling rate of municipal waste 2010-2017<sup>28</sup>**



Slovakia has a very high number of municipalities (around 3 000). This leads to fragmentation, inefficiencies and a lack of economy of scale in waste collection and treatment. In addition, the capacity of many small municipalities to adequately design and procure high quality collection services based upon international good practice, is likely to be very limited. Data collection is also likely to be inadequate for these municipalities.

Slovakia's waste legislative framework is deemed to be quite complex. New Waste Act is in force as of 2016 (79/2015 Coll.) and since then Slovakia applies extended producer responsibility (EPR) rules for packaging waste. The revenues generated from this scheme should help to improve services, provided that they directly benefit the budgets of the relevant municipalities. The Waste Act was already subject to several amendments. From 2017, individual households are required to separate bio-waste, unless they practice home composting. A support programme for home composting has been launched. However, requirements to sort bio-waste have been specified inadequately and include many exemptions (eg. municipalities that incinerate their residual waste are exempt from collecting kitchen waste). This has stalled

<sup>26</sup> The inventarisation of environmental burdens in Slovakia took place in 2006 -2008 and identified almost 2000 sites, of which around 250 are of high risk. Vrakuňa landfill is a site of a former chemical plant which has an impact on one of the most important sources of the drinking water in the Central Europe located in the south of Slovakia. The implementation of the project of encapsulation of site should be supported from EU funds, but is delayed.

<sup>27</sup> The Court of Justice of the EU (ECJ) ordered Slovakia in July 2018 to pay fines for non-compliance with its judgment from April 2013 concerning the Považský Chlmec landfill. A number of other landfills are in a similar situation to Považský Chlmec and need to be closed or re-permitted. An amendment to Act 39/2013 Z. z. on integrated pollution prevention and control entered into force in July 2018 to ensure the proper closure of old landfills.

<sup>28</sup> Eurostat, [Recycling rate of municipal waste](#).

bio-waste (particularly kitchen waste) collection and treatment markets. The 'pay-as-you-throw' (PAYT) scheme has not been extended since the 2017 EIR and, in any case, the level of uptake is low. Finally, fee for light plastic bags was introduced in 2018.

The landfill fee in place as of 2004 has been too low to sufficiently incentivise separate collection. Following several years of negotiations, a new Act to increase the fees entered into force as of January 2019<sup>29</sup>. This is a positive development and together with an amendment of the national Waste act also in force as of January 2019 (to increase the sorting of packaging municipal waste and non-packaged products and to strengthen the rules for operation and closure of landfills) is aimed at the landfilling decrease. It remains to be still seen whether these developments will bring the necessary incentives for a change in Slovakia's waste performance.

### 2019 priority actions

- Increase further landfill taxes to divert recyclable waste from landfill. Channel the resulting revenues into measures to improve waste management in line with the waste hierarchy.
- Avoid building excessive infrastructure for the treatment of residual waste, e.g. mechanical-biological treatment (MBT) facilities.
- Improve and extend separate collection of waste, including for bio-waste. Establish minimum service standards for separate collection (e.g. frequency of collections, types of containers, etc.) in municipalities to ensure high capture rates of recyclable waste. Use economic deterrents, e.g. PAYT schemes and set mandatory recycling targets for municipalities with measures (e.g. fines) in case of non-compliance.
- Close and rehabilitate non-compliant landfills as a matter of priority.
- Improve the functioning of extended producer responsibility systems, in line with the general minimum requirements on EPR<sup>30</sup>.

<sup>29</sup> The fee can vary from €7 per tonne to €17 depending on the sorting level of municipal waste; to be further increased annually.

<sup>30</sup> Set out in [Directive \(EU\) 2018/851](#) amending [Directive 2008/98/EC](#).

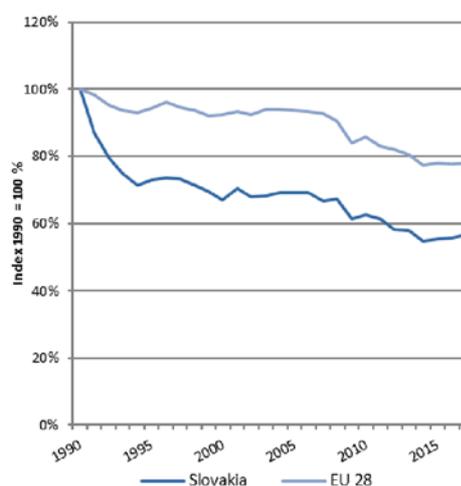
## Climate change

The EU has committed to undertaking ambitious climate action internationally as well as in the EU, having ratified the Paris Climate Agreement on 5 October 2016. The EU targets are to reduce greenhouse gas (GHG) emissions by 20 % by 2020 and by at least 40 % by 2030, compared to 1990. As a long-term target, the EU aims to reduce its emissions by 80-95 % by 2050, as part of the efforts required by developed countries as a group. Adapting to the adverse effects of climate change is vital to alleviate its already visible effects and improve preparedness for and resilience to future impacts.

The EU emissions trading system (EU ETS) covers all large greenhouse gas emitters in the industry, power and aviation sectors in the EU. The EU ETS applies in all Member States and has a very high compliance rate. Each year, installations cover around 99 % of their emissions with the required number of allowances.

For emissions not covered by the EU ETS, Member States have binding national targets under the Effort Sharing legislation. Slovakia had lower emissions than its annual targets in each of the years 2013-2017. For 2020, Slovakia's national target under the EU Effort Sharing Decision is to avoid increasing emissions by more than 13 % compared to 2005. For 2030, Slovakia's national target under the Effort Sharing Regulation will be to reduce emissions by 12 % compared to 2005.

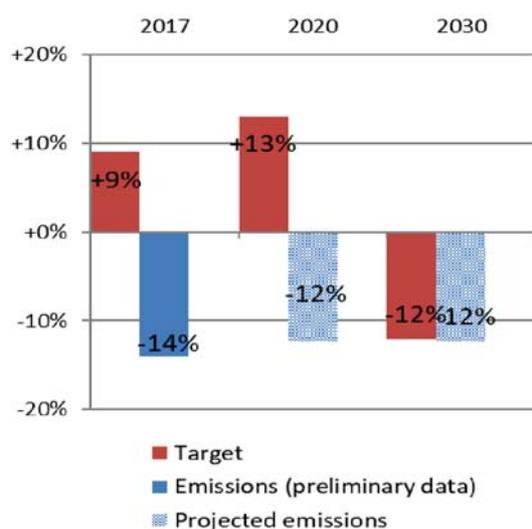
**Figure 7: Change in total greenhouse gas emissions 1990-2017 (1990=100%)<sup>31</sup>**



Slovakia is working on a low carbon development strategy, in cooperation with the World Bank.

<sup>31</sup> Annual European Union greenhouse gas inventory 1990–2016 ([EEA greenhouse gas data viewer](#)). Proxy GHG emission estimates for 2017. Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

**Figure 8: Targets and emissions for Slovakia under the Effort Sharing Decision and Effort Sharing Regulation<sup>32</sup>**



Transport represents almost a quarter of the EU's GHG emissions and is the main cause of air pollution in cities. Transport emissions in Slovakia decreased by 1 % from 2013 to 2016.

The F-gas Regulation requires Member States to run training and certification programmes, introduce rules for penalties and notify these measures to the Commission by 2017. Slovakia has notified both measures.

The Kyoto Protocol governs the accounting of GHG emissions and removals from forests and agriculture. Preliminary accounting for 2013-2016 shows net credits of, on average, -3.0 Mt CO<sub>2</sub>-eq, which corresponds to 2.6% of the EU-28 accounted sink of -115.7 Mt CO<sub>2</sub>-eq. Slovakia is one of eight EU Member States which exceed the cap of 3.5% from emissions of the base year (1990).

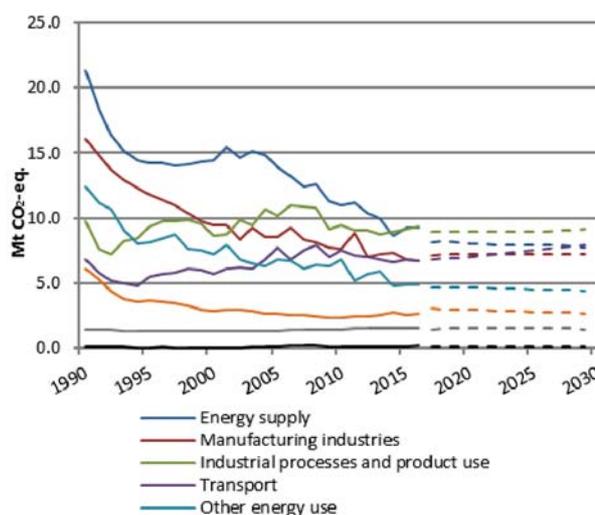
The EU Strategy on adaptation to climate change, adopted in 2013, aims to make Europe more climate-resilient, by promoting action by Member States, better-informed decision making, and promoting adaptation in key vulnerable sectors. By adopting a coherent approach and providing for improved coordination, it seeks to enhance the preparedness and capacity of all governance levels to respond to the impacts of climate change.

Slovakia adopted its National Adaptation Strategy (NAS) in 2014. To date, no specific national adaptation plan (NAP) has been adopted, though some adaptation actions are included into existing sectorial strategies and plans for water management, agriculture and forestry. Some adaptation plans have been also adopted on a local level. Regardless of which, the NAS proposes a set of adaptation measures in the following sectors: geological

<sup>32</sup> Proxy GHG emission estimates for 2017/Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

environment, water management, biodiversity, urban environment, health, agriculture, forest management, transport, energy, tourism, and disaster risk management. Progress on the NAS is periodically reviewed, and the Government adopted a progress report in 2016, containing a mostly qualitative assessment of undertaken adaptation efforts. A more detailed Monitoring and Reporting Framework has yet to be developed. Adaptation measures with positive impacts on public health are considered to be a top priority.

**Figure 9: Greenhouse gas emissions by sector (Mt. CO<sub>2</sub>-eq.). Historical data 1990-2016. Projections 2017-2030<sup>33</sup>**



The total revenues from the auctioning of emission allowances under the EU ETS over the years 2013-2017 were EUR 356 million. 24 % of the auctioning revenues have been spent on climate and energy purposes. National legislation stipulates main purposes of how auctioning revenues should be spent on climate related purposes<sup>34</sup>.

### 2019 priority action

In this report, no priority actions have been included on climate action, as the Commission will first need to assess the draft national energy and climate plans which the Member States needed to send by end of 2018. These plans should increase the consistency between energy and climate policies and could therefore become a good example of how to link sector-specific policies on other interlinked themes such as agriculture-nature-water and transport-air-health.

<sup>33</sup> Annual European Union greenhouse gas inventory 1990–2016 ([EEA greenhouse gas data viewer](#)). Proxy GHG emission estimates for 2017/Approximated EU greenhouse gas inventory 2017 (European Environment Agency). Member States national projections, reviewed by the European Environment Agency.

<sup>34</sup> [There was a problem with transparency of emissions trading in Slovakia in the past.](#)

## 2. Protecting, conserving and enhancing natural capital

### Nature and biodiversity

The EU biodiversity strategy aims to halt the loss of biodiversity in the EU by 2020. It requires full implementation of the Birds and Habitats Directives to achieve favourable conservation status of protected species and habitats. It also requires that the agricultural and forest sectors help to maintain and improve biodiversity.

#### Biodiversity strategy

Slovakia adopted a revised national biodiversity strategy and action plan to 2020<sup>35</sup> in 2014.

#### Setting up a coherent network of Natura 2000 sites

On the basis of the latest update of the assessment, Slovakia's terrestrial Natura 2000 network under the Birds and Habitats Directives is now considered to be virtually complete.

By early 2018, 30.0 % of Slovakia's land area was covered by Natura 2000 sites (EU average 18.1 %), with Birds Directive SPAs covering 26.7 % (EU average 12.4 %) and Habitats Directive SCIs covering 12.5 % (EU average 13.9 %). Slovakia has 683 Natura 2000 sites — 41 SPAs and 642 SCIs.

#### Designating Natura 2000 sites and setting conservation objectives and measures

Natura 2000 is considered to be integrated (with the definition 'complementary') into the national system of protected areas as there is a high degree of overlap between conservation measures for Natura 2000 sites and for nationally protected areas. The Act on Nature and Landscape Protection, governs both networks (Act 543/2002 Coll. as amended).

While the designation of the SPAs is complete, the SCI network is not and no SCIs were designated as SACs<sup>36</sup>. In October 2017 Slovakia proposed to add 169 more sites to the network. While an assessment has shown that even with these additions the network remains incomplete, there are discussions ongoing with Slovakia which is committed to complete the network<sup>37</sup>. There is an

ongoing infringement case against the Slovakia concerning the incomplete Natura 2000 network.

In spite of efforts over the last years, there has been a delay in approving management plans for Natura 2000 sites. So far, 83 management plans for 90 SCIs have been approved, including those covered by the management plans of national parks and protected landscape areas. In addition, management plans have been approved for 13 SPAs.



Infrastructure development, such as roads, motorways or small hydro-electric power plants or water reservoirs and anti-flood infrastructure continues to have a major impact on biodiversity by causing the fragmentation of natural habitats. Inappropriate design or location of new constructions, in particular linear structures, creates barriers to the migration of animals, separating individual populations into smaller groups and posing a threat of local extinctions. Another example is an abrupt modification of water courses in the protected areas (as reported during the floods in Summer 2018<sup>38, 39</sup>).

Delays and insufficient measures to assess, mitigate or compensate the damage by infrastructure development remain common. The construction of the D4/R7 Bratislava bypass resulted in the destruction of forest areas along the Danube, which were the habitats of three protected bird species. Slovakia agreed to a package of compensation measures which are still to be put in place<sup>40</sup>. To mitigate the effects of the road on migrating wildlife, an ecoduct between Svrčinovec and Skalité is in the planning phase even if the construction of this

<sup>35</sup> [National Strategy for the Protection of Biodiversity to 2020](#).

<sup>36</sup> As there is no obligation in SK legislation.

<sup>37</sup> Following discussions with the Commission in May/June 2018 in the context of the Nature Dialogue.

<sup>38</sup> [Enviroportal](#).

<sup>39</sup> [Dennikn, news article](#).

<sup>40</sup> The Ministry of the Environment of the Slovak Republic, [Project compensatory measures](#).

## Environmental Implementation Report 2019 — Slovakia

section of the D3 motorway finished in 2017<sup>41</sup>. Several small hydro-electric power plants were built on the Hron river for which no or an insufficient EIA was carried out<sup>42</sup>.

Around 48,9 % of Slovak forest overlaps with Natura 2000 sites. The contradictory approaches to forest management in protected areas have been identified as one of Slovakia's three biggest environmental challenges<sup>43</sup>. The country needs to address this as a key priority to improve the overall resource efficiency of its rural economy<sup>44</sup>. The intensity of the forest exploitation as measured by certain indicators has grown in the last decade and clear cutting is heavily used<sup>45,46</sup>.

Slovakia has around 10 180 hectares of primeval forests which make up 0.46 % of the country's total forest area<sup>47</sup>. In March 2018, an agreement was reached between the state forest company and NGOs to cease logging in these areas<sup>48</sup>. The Slovak Ministry of the Environment has presented in October 2018 new proposal for nature protection Act to strengthen the management of nationally protected areas<sup>49</sup>.

The sustainable use of (woody) biomass remains a concern in certain regions of Slovakia where high quality wood is cut and burnt for energy purposes. To help its renewable energy policy objectives, Slovakia uses EU funds to increase the use of biomass<sup>50</sup>. However, these subsidies are regarded as environmentally harmful and a campaign by NGOs has been under way since 2014 to stop this support<sup>51</sup>. The subsidies should be ceased according to the legislative change adopted in December 2018<sup>52</sup>. This is a progress although the change does not include woody biomass coming from calamity and sanitary logging on NATURA sites. The lacking impact assessment can adversely affect the integrity of the sites, in breach of the Habitats Directive.

<sup>41</sup> [GlobSK, news portal.](#)

<sup>42</sup> [Webnoviny.](#)

<sup>43</sup> The Institute of the environmental policy in Slovakia: [The three most important challenges for the environment in Slovakia.](#)

<sup>44</sup> OECD, [Policy Paper: Making the Slovak Republic a more resource efficient economy.](#)

<sup>45</sup> Aktuality, [news article.](#)

<sup>46</sup> Dennikn, [news article.](#)

<sup>47</sup> [Pralesy](#) website.

<sup>48</sup> Lesmedium, [Lesníci nebudú zasahovať v pralesoch](#)

<sup>49</sup> The Ministry of the Environment of the Slovak Republic, [proposal for nature protection Act.](#)

<sup>50</sup> OP Quality of Environment and the Rural Development Programme contain provision to prepare *Criteria for the sustainable use of the biomass in the regions of Slovakia will be prepared at the national level before granting any support for use of biomass*. The document was presented in September 2016, however the stakeholders criticised the analysis when it comes to the existing stock of woody biomass and calculation of its future potential.

<sup>51</sup> [Biomasaaker.](#)

<sup>52</sup> [Ekonomika.](#)

Moreover, excessive logging in some Natura 2000 sites is due to forest management plans not conforming with the Habitats Directive. Furthermore, the logging limits set in the forest management plans can be exceeded in the event of pest outbreaks. This has led to a nearly 50 % decline in the number of the Capercaillie (a large forest bird) in SPAs since 2004<sup>53</sup>. The Commission opened infringement proceedings against Slovakia in summer 2018, with further steps at the beginning of 2019<sup>54</sup>.

### Progress in maintaining or restoring favourable conservation status of species and habitats

Considering that Member States report every 6 years on the progress made under both directives<sup>55,56</sup>, no new information is available on the state of natural habitats and species, or on progress made in improving the conservation status of species and habitats in Slovakia, as compared to the 2017 EIR.

Overall, it is acknowledged that improvements in the status of species and habitats have recently been reported in Slovakia.

### 2019 priority actions

- Move towards the completion of the Natura 2000 designation process and the establishment of conservation objectives and measures for all sites.
- Provide adequate resources and strengthen capacity to implement the necessary conservation measures to maintain or restore habitats and species of Community interest to a good conservation status.
- Integrate biodiversity considerations into other policies and their associated funds (notably agriculture, forestry and infrastructure planning).
- Ensure sustainable forest management and promote the efficient use of biomass.

### Maintaining and restoring ecosystems and their services

The EU biodiversity strategy aims to maintain and restore ecosystems and their services by including green infrastructure in spatial planning and restoring at least 15 % of degraded ecosystems by 2020. The EU green infrastructure strategy promotes the incorporation of green infrastructure into related plans and programmes.

<sup>53</sup> [Enviroportal.](#)

<sup>54</sup> European Commission, [Press release.](#)

<sup>55</sup> The core of the 'Article 17' report is the assessment of conservation status of the habitats and species targeted by the Habitats Directive. According to the latest report, 56 % of habitats and 61 % of species were in unfavourable status.

<sup>56</sup> According to the latest report submitted under Article 12 of the Birds Directive, 76 % of the breeding species showed short-term increasing or stable population trends (for wintering species this figure was 69 %).

## Environmental Implementation Report 2019 — Slovakia

The EU has provided guidance on the further deployment of green and blue infrastructure in Slovakia<sup>57</sup> and a country page on the Biodiversity Information System for Europe (BISE)<sup>58</sup>. This information will also contribute to the final evaluation of the EU Biodiversity Strategy to 2020.

Slovakia has a range of policies and strategies in place to develop and improve green infrastructure. The Act on Nature and Landscape Protection defines a coherent European network of protected areas and sets conditions for the management and protection of these areas. It sets out that the Territorial System of Ecological Stability (TSES) is a spatial structure of interrelated ecosystems that ensure diverse conditions and life forms in the landscape. Under this system, documents must be prepared at regional level. The Slovak Environment Agency has developed 22 of these documents in addition to methodological guidance for regional TSES development. The national biodiversity strategy to 2020 and related action plan set green infrastructure-related objectives. However, with the significant delay in the adoption of the Natura2000 management plans, the impact of other tools — despite benefiting green infrastructure — is marginal as they have no formal status for actual landscape management.



Abandoned agricultural land is a separate issue and is not included in a green infrastructure approach.

There are no specific financial tools to preserve and develop green infrastructure. Certain green infrastructure elements, such as protected areas and Natura 2000 sites, are financed through the state budget and/or the budgets of regional authorities and complemented by various EU funds.

<sup>57</sup> European Commission, The [recommendations of the green infrastructure strategy review report](#) and the EU Guidance on a strategic framework for further supporting the deployment of EU-level green and blue infrastructure.

<sup>58</sup> [Biodiversity Information System for Europe](#).

### Estimating natural capital

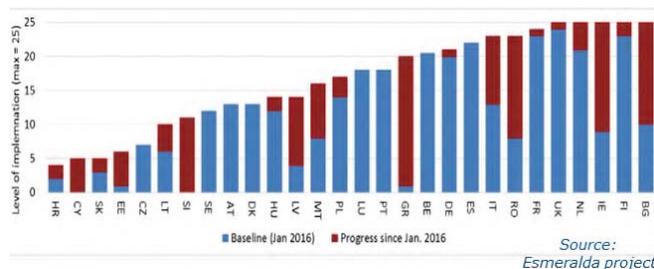
The EU biodiversity strategy calls on Member States to map and assess the state of ecosystems and their services<sup>59</sup> in their national territories by 2014, assess the economic value of such services and integrate these values into accounting and reporting systems at EU and national level by 2020.

Activities related to MAES are under way in Slovakia and the country has provided new information on its MAES webpage on BISE since 2015 on its work to map and assess ecosystems and their services.

Slovakia had planned to develop a methodology to assess ecosystem services, to undertake a national assessment in 2018 and to publish a national report in 2019<sup>60</sup>.

At the final Esmeralda workshop and MAES Working Group meeting in Brussels in September 2018, Slovakia was shown to have made limited progress when it comes to the implementation of MAES (Figure 10).

Figure 10: Implementation of MAES (September 2018)



Business and biodiversity platforms, networks and communities of practice are key tools for promoting and facilitating natural capital assessments among business and financial service providers, for instance via the Natural Capital Coalition's Protocol<sup>61</sup>. Slovakia has not yet established such a platform.

### 2019 priority action

- Strengthen support to the mapping and assessment of ecosystems and their services, valuation and development of natural capital accounting systems.

<sup>59</sup> Ecosystem services are benefits provided by nature such as food, clean water and pollination on which human society depends.

<sup>60</sup> According to the Slovak authorities, the preparation of the national assessment is on-going.

<sup>61</sup> Natural Capital Coalition, [Natural Capital Protocol](#)

## Invasive alien species

Under the EU biodiversity strategy, the following are to be achieved by 2020:

- (i) invasive alien species identified;
- (ii) priority species controlled or eradicated; and
- (iii) pathways managed to prevent new invasive species from disrupting European biodiversity.

This is supported by the Invasive Alien Species (IAS) Regulation, which entered into force on 1 January 2015.

The report on the baseline distribution of invasive alien species (IAS) (see Figure 11), for which Slovakia did not review its country or grid-level data, shows that of the 37 species on the first EU list, eight have been observed in the environment. However, none of these eight seem to be widely distributed. According to the data, Slovakia appears to have fewer IAS than its neighbouring countries, but this could be due to poorer data availability as the listed species were not subject to surveillance before the adoption of the first EU list<sup>62</sup>.

**Figure 11: Number of IAS of EU concern, based on available georeferenced information for Slovakia<sup>63</sup>**



Between the entry into force of the EU list and 18 May 2018, Slovakia had not notified any new appearances of IAS of EU concern, according to Article 16(2) of the IAS Regulation.

As, according to the baseline distribution, *coypu* (*Myocastor coypu*) seems to be in an early invasion stage,

<sup>62</sup> According to Slovak authorities, from 12 species on the second EU list, 5 have been observed and also widely distributed. Slovakia realises some measures for eradication of IAS.

<sup>63</sup> Tsiamis K; Gervasini E; Deriu I; D'amico F; Nunes A; Addamo A; De Jesus Cardoso A. [Baseline Distribution of Invasive Alien Species of Union concern. Ispra \(Italy\): Publications Office of the European Union; 2017, EUR 28596 EN, doi:10.2760/772692.](#)

Slovakia is advised to try to eradicate this species to avoid considerable long-term management costs.

The national Act setting out the provisions on penalties for infringements, as required by Article 30(4) of the IAS Regulation, is still to be adopted.

### 2019 priority actions

- Slovakia is urged to notify its provisions on penalties, as required by Article 30(4) of the IAS Regulation.
- Slovakia is urged to investigate the apparent lack of data on invasive alien species and seek ways of improving its surveillance system.

## Soil protection

The EU soil thematic strategy underlines the need to ensure a sustainable use of soils. This entails preventing further soil degradation and preserving its functions, as well as restoring degraded soils. The 2011 Roadmap to a Resource Efficient Europe states that by 2020, EU policies must take into account their direct and indirect impact on land use.

Soil is a finite and extremely fragile resource and it is increasingly degrading in the EU.

Slovakia is below the EU average for artificial land coverage (2.9 % vs 4.1 %). The population density is 115.5/km<sup>2</sup>, which is slightly below the EU average of 118<sup>64</sup>.

Contamination can severely reduce soil quality and threaten human health or the environment. A recent report of the European Commission<sup>65</sup> estimated that potentially polluting activities have taken or are still taking place on approximately 2.8 million sites in the EU. At EU level, 650 000 of these sites have been registered in national or regional inventories. 65 500 contaminated sites already have been remediated. Slovakia has registered 1 758 sites where potentially polluting activities have taken or are taking place, and already has remediated or applied aftercare measures on 678 sites.

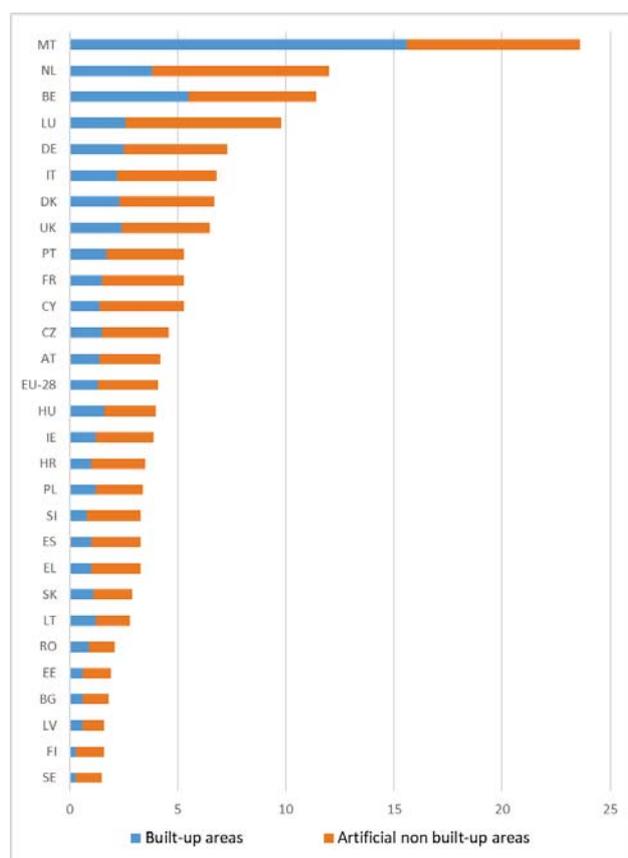
Soil erosion by water is a natural process, but this natural process can be aggravated by climate change and human activities such as inappropriate agricultural practices, deforestation, forest fires or construction work. High levels of soil erosion can reduce productivity in agriculture and can have negative and transboundary impacts on biodiversity and ecosystem services. High levels of soil erosion can also have negative and transboundary effects on rivers and lakes (due to increased sediment volumes and transport of

<sup>64</sup> Eurostat, [Population density by NUTS 3 region](#).

<sup>65</sup> Ana Paya Perez, Natalia Rodriguez Eugenio (2018), Status of local soil contamination in Europe: Revision of the indicator "Progress in the management Contaminated Sites in Europe".

contaminants). According to the RUSLE2015 model<sup>66</sup>, Slovakia has an average soil loss rate by water of 2.18 tonnes per hectare per year ( $t\ ha^{-a}\ yr^{-y}$ ) compared to the EU mean of 2.46  $t\ ha^{-a}\ yr^{-y}$ . This indicates that soil erosion in Slovakia is medium on average. Note that these figures are the output of an EU-level model and can therefore not be considered as locally measured values. The actual rate of soil loss can vary strongly within a Member State depending on local conditions.

**Figure 12: Proportion of artificial land cover, 2015** <sup>67</sup>



Soil organic matter plays an important role in the carbon cycle and in climate change. Soils are the second largest carbon sink in the world after oceans.

<sup>66</sup> Panagos, P., Borrelli, P., Poesen, J., Ballabio, C., Lugato, E., Meusburger, K., Montanarella, L., Alewell, C., The new assessment of soil loss by water erosion in Europe, (2015) Environmental Science and Policy, 54, pp. 438-447.

<sup>67</sup> Eurostat, [Land covered by artificial surfaces by NUTS 2 regions.](#)

### 3. Ensuring citizens' health and quality of life

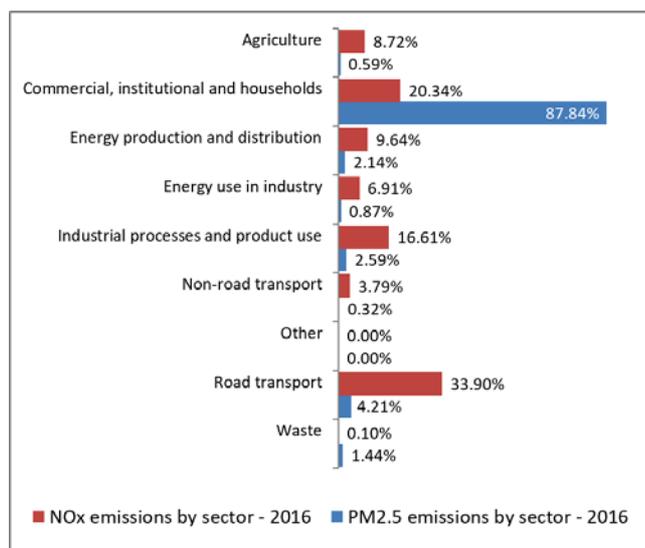
#### Air quality

EU clean air policy and legislation require the significant improvement of air quality in the EU, moving the EU closer to the quality recommended by the World Health Organisation. Air pollution and its impacts on human health, ecosystems and biodiversity should be further reduced with the long-term aim of not exceeding critical loads and levels. This requires strengthening efforts to reach full compliance with EU air quality legislation and defining strategic targets and actions beyond 2020.

The EU has developed a comprehensive body of air quality legislation<sup>68</sup>, which establishes health-based standards and objectives for a number of air pollutants.

The emissions of several air pollutants has decreased significantly in Slovakia<sup>69</sup>. The emission reductions between 1990 and 2014, mentioned in the previous EIR, continued between 2014 and 2016. Emissions of sulphur oxides (SO<sub>x</sub>) fell by 40.13 %, emissions of nitrogen oxides (NO<sub>x</sub>) fell by 16.28 %, emissions of ammonia (NH<sub>3</sub>) fell by 2.93 %, emissions of fine particulate matter (PM<sub>2.5</sub>) fell by 6.47 % and emissions of volatile organic compounds (NMVOCs) fell by 2.91 % (see Figure 13 for the total PM<sub>2.5</sub> and NO<sub>x</sub> emissions per sector).

**Figure 13: PM<sub>2.5</sub> and NO<sub>x</sub> emissions by sector in Slovakia<sup>70</sup>**



<sup>68</sup> European Commission, 2016. [Air Quality Standards](#).

<sup>69</sup> See [EIONET Central Data Repository](#) and [Air pollutant emissions data viewer \(NEC Directive\)](#).

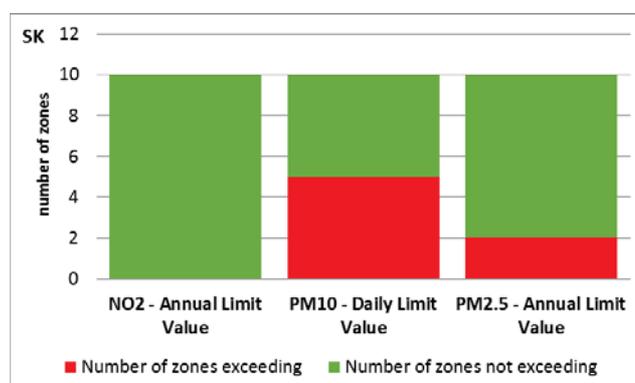
<sup>70</sup> 2016 NECD data submitted by Member State to the EEA.

Despite these reductions in emissions, Slovakia needs to make additional efforts to meet its emission reduction commitments (compared with 2005 emission levels) set by the new National Emissions Ceilings Directive<sup>71</sup> for 2020-2029 and for any year from 2030.

Air quality in Slovakia is still a cause for concern. For 2015, the European Environment Agency estimated that about 5 200 premature deaths were attributable to fine particulate matter<sup>72</sup> concentrations, 240 to nitrogen dioxide concentrations and 210 to ozone concentration<sup>73</sup>. Any significant improvement is unlikely since then.

For 2017<sup>75</sup>, EU air quality standards were reported as being exceeded for particulate matter (PM<sub>10</sub>) in five quality zones out of ten (e.g. Banskobystricky kraj, Kosicky kraj and Kosice) and for fine particulate matter (PM<sub>2.5</sub>) in two out of ten (Banskobystricky kraj and Zilinsky kraj). In addition, target values for ozone concentrations were exceeded, as were target values for benzo(a)pyrene. See Figure 14 for the number of air quality zones exceeding NO<sub>2</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> levels.

**Figure 14: Air quality zones exceeding EU air quality standards in 2017<sup>76</sup>**



The persistent breaches of air quality standards (for PM<sub>10</sub>), which have severe negative effects on health and the environment, are being followed up by the European Commission through infringement procedures in all Member States concerned, including Slovakia. Slovakia's

<sup>71</sup> [Directive 2016/2284/EU](#).

<sup>72</sup> Particulate matter (PM) is a mixture of aerosol particles (solid and liquid) covering a wide range of sizes and chemical compositions. PM<sub>10</sub> (PM<sub>2.5</sub>) refers to particles with a diameter of 10 (2.5) micrometres or less. PM is emitted from many anthropogenic sources, including combustion.

<sup>73</sup> Low level ozone is produced by photochemical action on pollution.

<sup>74</sup> EEA, [Air Quality in Europe – 2018 Report](#), p.64. Please see details in this report as regards the underpinning methodology.

<sup>75</sup> EEA, [EIONET Central Data Repository](#).

<sup>76</sup> [EEA, EIONET Central Data Repository](#). Data reflects the reporting situation as of 26 November 2018.

## Environmental Implementation Report 2019 — Slovakia

current or planned measures appear to be able to appropriately tackle the identified gaps, if correctly implemented. The Commission will continue to closely monitor the implementation of these measures<sup>77</sup> and their effectiveness in quickly redressing the situation. The aim is to have adequate measures in place to bring all zones into compliance.

### 2019 priority actions

- Take, in the context of the National Air Pollution Control Programme (NAPCP), actions towards reducing the main emission sources - and meet all air quality standards.
- Accelerate the reductions in particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) emissions and concentrations. This will require, for example, further reducing emissions from energy production and heat generation using solid fuels, or promoting efficient and clean district heating and/or fiscal incentives.
- Build on the 'Coal regions in transition' initiative to reduce the use of coal for domestic heating to limit air pollutants emissions.
- Upgrade and improve the air quality monitoring network as this is essential for public information and planning.

### Industrial emissions

The main objectives of EU policy on industrial emissions are to:

- (i) protect air, water and soil;
- (ii) prevent and manage waste;
- (iii) improve energy and resource efficiency; and
- (iv) clean up contaminated sites.

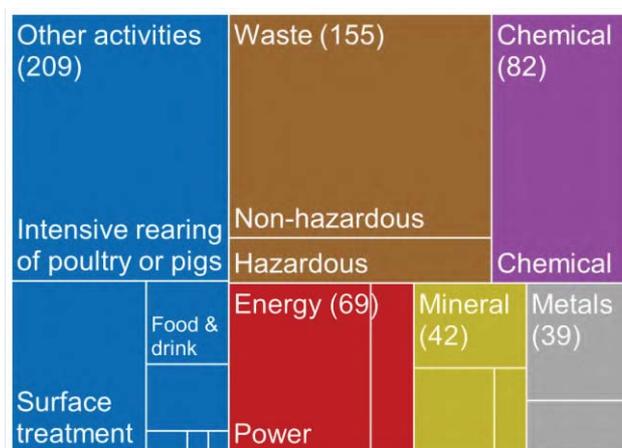
To achieve this, the EU takes an integrated approach to the prevention and control of routine and accidental industrial emissions. The cornerstone of the policy is the Industrial Emissions Directive<sup>78</sup> (IED).

The below overview of industrial activities regulated by the IED is based on the 'industrial emissions policy country profiles' project<sup>79</sup>.

In Slovakia, around 600 industrial installations must have a permit according to the IED. In 2015, the industrial sectors in Slovakia with the most IED installations were the intensive rearing of poultry or pigs (21 %), followed by non-hazardous waste management (22 %) and

chemicals (14 %).

**Figure 15: Number of IED industrial installations by sector, Slovakia (2015)**<sup>80</sup>



The industrial sectors identified as contributing the most emissions to air in Slovakia are: (i) the energy-power sector for sulphur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), cadmium (Cd), chromium (Cr), copper (Cu), lead (Pb), mercury (Hg), nickel (Ni), zinc (Zn) and polychlorinated dibenzodioxins and polychlorinated dibenzofurans (PCDD/F); (ii) metal production (non-ferrous) for cadmium (Cd), arsenic (As), chromium (Cr), copper (Cu), lead (Pb), nickel (Ni) and zinc (Zn); (iii) iron and steel production for nickel (Ni); (iv) 'other activities' (mostly the intensive rearing of poultry or pigs and surface treatment) for non-methane volatile organic compounds (NMVOCs) and ammonia (NH<sub>3</sub>); (v) mineral production for chromium (Cr); and (vi) the waste management sector for mercury (Hg). The breakdown is shown in Figure 16.

'Other activities', chemicals, iron and steel production and energy-refining were identified as contributing significantly to environmentally hazardous water emissions. Waste management followed by metal production and energy-refining are the main contributors to hazardous waste generation while metal production, waste management, energy-power and 'other activities' sectors are the main contributors to non-hazardous waste generation.

The enforcement approach under the IED creates strong rights for citizens to have access to relevant information and to participate in the permitting process for IED installations. This empowers NGOs and the general public to ensure that permits are appropriately granted and their conditions respected.

The best available techniques (BAT) reference documents and BAT conclusions are developed through the exchange of information between Member States,

<sup>77</sup> European Commission, [Clean Air Dialogue between the Commission and Slovakia promotes actions for cleaner air](#)

<sup>78</sup> [Directive 2010/75/EU](#) covers industrial activities carried out above certain thresholds. It covers energy industry, metal production, mineral and chemical industry and waste management, as well as a wide range of industrial and agricultural sectors (e.g. intensive rearing of pig and poultry, pulp and paper production, painting and cleaning).

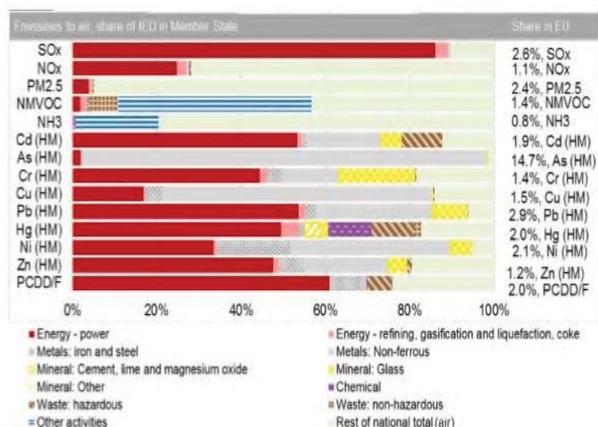
<sup>79</sup> European Commission, [Industrial emissions policy country profile – Slovakia](#).

<sup>80</sup> European Commission, [Industrial emissions policy country profile – Slovakia](#).

## Environmental Implementation Report 2019 — Slovakia

industrial associations, NGOs and the Commission. This ensures a good collaboration with stakeholders and a better application of the IED rules.

**Figure 16: Emissions to air from IED sectors and all other national total air emissions, Slovakia (2015)**



The Commission relies on national competent authorities' efforts to apply the legally binding BAT conclusions and associated BAT emission levels in environmental permits, resulting in considerable and continuous reduction of pollution.

For example, by applying the recently adopted BAT emission levels for large combustion plants, emissions of sulphur dioxide will be cut on average by between 25 % and 81 %, nitrogen oxide will be cut by between 8 % and 56 %, dust by between 31 % and 78 % and mercury by between 19 % and 71 % at EU level. The extent of the reduction depends on the situation in individual plants.

The challenges identified for Slovakia were air pollution from the lignite-fired power plants and steel production and water pollution from the oil refining sector.

### 2019 priority actions

- Review permits to ensure that they comply with the newly adopted BAT conclusions.
- Strengthen control and enforcement to ensure compliance with the BAT conclusions.
- Address air pollution from the lignite-fired power plants and the steel sector. Address pollution from oil refining as appropriate.

### Noise

The Environmental Noise Directive<sup>81</sup> provides for a common approach to avoiding, preventing and reducing the harmful effects of exposure to environmental noise.

Excessive noise from aircraft, railways and roads is one of the main causes of environmental health-related issues

<sup>81</sup> Directive 2002/49/EC.

in the EU<sup>82</sup>. Based on a limited set of data<sup>83</sup>, environmental noise causes at least 200 premature deaths per year in Slovakia and is responsible for around 500 hospital admissions. Noise also disturbs the sleep of roughly 90 000 people in Slovakia. The implementation of the Environmental Noise Directive has been significantly delayed. According to the latest full set of information that could be analysed, (i.e. 2012 for noise maps and 2013 for action plans) noise mapping for most major roads is significantly delayed and most major roads and all major railways are still missing from the action plans. These instruments, adopted after a public consultation had been carried out, should include the measures to keep noise low or reduce it.

### 2019 priority actions

- Complete noise action plans for noise management and use them in planning praxis
- Complete noise mapping and use them in planning praxis

### Water quality and management

EU legislation and policy requires that the impact of pressures on transitional, coastal and fresh waters (including surface and ground waters) be significantly reduced. Achieving, maintaining or enhancing a good status of water bodies as defined by the Water Framework Directive will ensure that EU citizens benefit from good quality and safe drinking and bathing water. It will further ensure that the nutrient cycle (nitrogen and phosphorus) is managed in a more sustainable and resource-efficient way.

The existing EU water legislation<sup>84</sup> puts in place a protective framework to ensure high standards for all water bodies in the EU and addresses specific pollution sources (for example, from agriculture, urban areas and industrial activities). It also requires that the projected impacts of climate change are integrated into the corresponding planning instruments e.g. flood risk management plans and river basin management plans, including programme of measures which include the actions that Member States plan to take in order to achieve the environmental objectives.

<sup>82</sup> WHO/JRC, 2011, Burden of disease from environmental noise, Fritsch, L., Brown, A.L., Kim, R., Schwela, D., Kephelopoulou, S. (eds), [World Health Organisation, Regional Office for Europe](#), Copenhagen, Denmark.

<sup>83</sup> European Environment Agency, [Noise Fact Sheets 2017](#).

<sup>84</sup> This includes the [Bathing Waters Directive \(2006/7/EC\)](#), the [Urban Waste Water Treatment Directive \(91/271/EEC\)](#) (on discharges of municipal and some industrial wastewaters), the [Drinking Water Directive \(98/83/EC\)](#) (on potable water quality), the [Water Framework Directive \(2000/60/EC\)](#) (on water resources management), the [Nitrates Directive \(91/676/EEC\)](#) and the [Floods Directive \(2007/60/EC\)](#).

### Water Framework Directive

Slovakia has adopted and reported the second generation of River Basin Management Plans under the Water Framework Directive and the European Commission has assessed the status and the development since the adoption of the first River Basin Management Plans, including suggested actions in the EIR report 2017.

The **most significant pressures on surface water** are diffuse agriculture (33% of surface water bodies), physical alteration of channel/bed/riparian area/shore related to flood protection (29%) and physical alteration of channel/bed/riparian area/shore related to agriculture (14%). For **groundwater bodies the most significant pressure** were discharges not connected to sewerage network affecting 8% of groundwater bodies, urban waste water pressures (7% of groundwater bodies) and waste disposal sites (7%).

Altered habitats due to morphological changes was the **most significant impact** on all surface water categories (35% of river water bodies), followed by organic pollution (27%), nutrient pollution (13%) and chemical pollution (6%). In the Danube River Basin District chemical pollution impacted 11% of groundwaters and in 3% abstraction exceeded available groundwater resource of groundwater body.

Overall there appears to have been a significant increase (50%) in the numbers of sites used for surveillance monitoring from the first to the second River Basin Management Plans. Conversely there was a significant decrease (54%) in the number of sites used for operational monitoring.

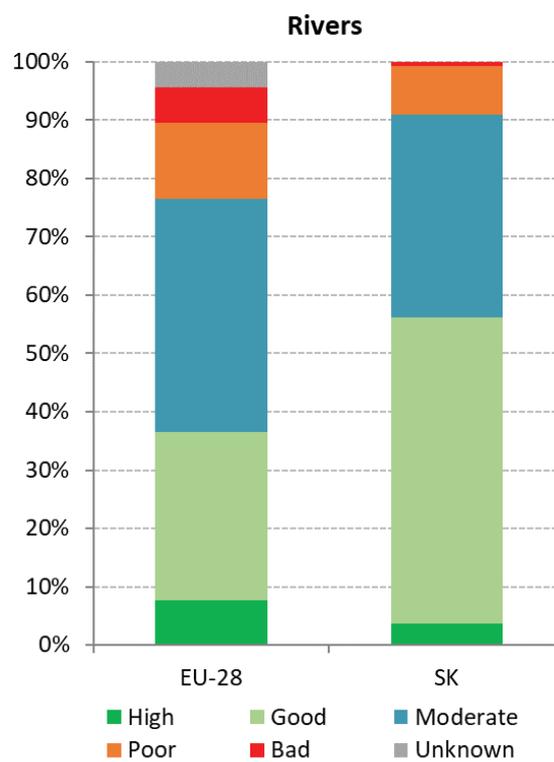
As regards the **ecological status in surface water bodies**, 56% of water bodies are in at least good ecological status/potential as illustrated in figure 17. This shows that Slovakia still has a long way to go to achieve the good status/potential objectives set down in the Water Framework Directive.

Between the first and second River Basin Management Plans there appears to be a net decrease in monitoring sites and surface water bodies monitored for operational purposes with regard to the chemical status.

Since the first River Basin Management Plans, Slovakia has carried out some limited monitoring of selected Priority Substances in sediment and biota. There was a small increase in the proportion of river water bodies with **good chemical status** from 95% to 98%. Expert judgement has been used to classify 74% of the river water bodies but the approach is not clear. The inventories of emissions are incomplete and do not include all (groups of) priority substances. It is therefore unclear whether all relevant pressures have been

identified for the water bodies that are not monitored but assessed as being in good chemical status.

**Figure 17: Ecological status or potential of surface water bodies in Slovakia<sup>85</sup>**



The groundwater monitoring situation did slightly improve, but 28% of the groundwater bodies remain unmonitored. The status situation has improved as well from 5.4% of the total groundwater body area failing **good quantitative status** in the first River Basin Management Plans to 2.8% in the second River Basin Management Plans.

Progress has been made in identifying pressures in the River Basin Management Plans and addressed by measures (Key type of measures). Some measures are completed since the first Programme of Measures but lack of finance have been an obstacle in relation to the implementation of the measures.

Gap analyses have been performed for most significant pressures for 2015 and 2021 (not for 2027), but progress anticipated by 2021 is modest.

Where environmental objectives are not yet achieved exemptions can be applied in case the respective conditions are met and the required justifications are explained in the River Basin Management Plans. The exemption regarding new projects, which potentially can

<sup>85</sup> EEA, [WISE dashboard](#).

## Environmental Implementation Report 2019 — Slovakia

affect the status of water bodies, are not yet in place in the management plan of the Danube and Vistula RBD.

Slovakia therefore need to ensure that the requirements in the Water Framework Directive (Article 4(7)) is meet, in particular make an assessment of whether the project is of overriding public interest and whether the benefits to society outweigh the environmental degradation, and the absence of alternatives that would be a better environmental option. Furthermore, these projects may only be carried out when all practicable steps are taken to mitigate the adverse impact on the status/potential of the water bodies. Respective information on the application of Article 4(7) needs to be reported in the RBMPs.

Hydro power stations can for example lead to new changes in the physical (hydromorphological) characteristics of the surface water bodies. As regards newly permitted projects, an amendment to the national Water Act is in force as of March 2018. It introduces new, two-steps procedure to address the requirements of Article 4(7) of the Water FD. The new act was not a part of the assessment of the RBMPs. As regards SHPs<sup>86</sup>, Slovakia committed to analyse various options on how to nullify the unlawful consequences of the failure to carry out environmental impact assessment including the need to carry out ex post assessments and the implementation of additional measures which would mitigate impacts of implemented projects<sup>87</sup>.

### Nitrates Directive

The method for identifying **nitrate** vulnerable zones (NVZ) has been revised and the designation is now based on water quality data (and no longer only on maps). The designation has been assessed by the Commission. Some zones seem to have pollution levels close to those of NVZ but are not designated as NVZ. These zones are mostly in the border regions with Austria and Czech Republic and are calculated to be within the NVZ limits<sup>88</sup>.

<sup>86</sup> Slovakia updated in 2017 *Concept of utilising the hydro-energetic potential of watercourses by 2030*. As a result of the update, it does not specify SHPs to be constructed but rather identifies profiles where constructions is possible once all legislative requirements are met.

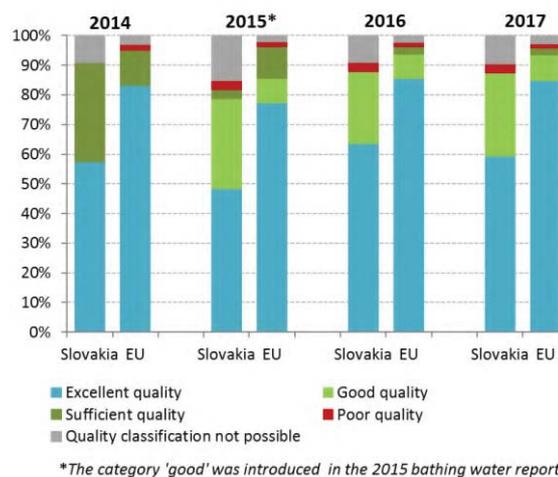
<sup>87</sup> Specific condition is included in the programming documents for ESIF funds 2014-2020. *In the case of SHP a prerequisite for the implementation of a project are measures to mitigate negative impacts on the environment, including measures to limit interference with the flow continuity of the water stream and creating barriers, arising from the process of environmental impact assessment (according to the Act on environmental impact assessment) with an emphasis on the assessment of cumulative impact of the constructions on the given water body and compliance with the requirements of Article 4, Paragraph 7, 8 and 9 of the WFD*. This is due the transposition and application gap of the provisions of several EU legislation, SEA, EIA and Water FD. It is a subject to an infringement proceedings followed by the Commission.

<sup>88</sup> The 2016 Court of Auditors report 'Danube river basin II: Quality of water' stated there is a lack of ambition in the Member States

### Bathing Water Directive

Figure 18 shows that in 2017, out of Slovakia's 32 **bathing waters**, 59.4 % were of excellent quality, 28.1 % were of good quality and 0 % were of sufficient quality (compared to 63.6 %, 24.2 % and 0 % respectively in 2016). Only one body of bathing water was of poor quality<sup>89</sup>. Detailed information on Slovakia's bathing waters is available on a national portal<sup>90</sup> and on an interactive map viewer designed and hosted by the European Environment Agency<sup>91</sup>.

Figure 18: Bathing water quality 2014–2017 <sup>92</sup>



### Urban Waste Water Treatment Directive

On the implementation of the **Urban Waste Water Treatment Directive**, Slovakia had a final deadline 31 December 2015 to comply with the rules (as set in its Accession Treaty). So far, the Commission has checked Slovakia's compliance with the Accession Treaty's intermediate deadlines of 2004, 2008 and 2010, but not yet that of 2015. According to the latest data, 99.6 % of waste water is collected in Slovakia<sup>93</sup>. Of this, 97.9 % undergoes secondary treatment (240 out of 262 agglomerations) and 57.2 % undergoes more stringent treatment (52 out of 79 agglomerations with compliance obligations).

concerned including Slovakia to address causes of pollution. It stated that Member States are not using all the possibilities offered by the Nitrates Directive: European Court Of Auditors, [Special report no 23/2015: Water quality in the Danube river basin: progress in implementing the water framework directive but still some way to go](#).

<sup>89</sup> European Environment Agency, 2017. [European bathing water quality in 2016](#), p. 17.

<sup>90</sup> [Slovak national portal, bathing water quality](#).

<sup>91</sup> EEA, [State of bathing waters](#).

<sup>92</sup> European Environment Agency, 2018. [European bathing water quality in 2017](#), p. 21.

<sup>93</sup> The data refers to the agglomerations above 2000 p.e. according to the UWWTD. According to the Slovak authorities, connection rate in Slovakia was less than 67.72 % of total numbers of inhabitants in 2017.

Therefore, the Commission found that a number of agglomerations did not comply with the collection and treatment requirements of the Directive by the Accession Treaty's intermediate deadlines and consequently launched an infringement procedure in 2016.

An investment of around EUR 1 200 million is needed to ensure that waste water in the remaining agglomerations is properly collected and treated<sup>94</sup>. According to the 2017 EIR, the planned projects are not sufficient for reaching full compliance with the Directive, as there are many more agglomerations in breach of the rules than there are projects. The results of the last projects are expected by 2021-2022, far beyond the 2015 deadline set in Slovakia's Accession Treaty.

### Floods Directive

The Floods Directive established a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences associated with significant floods.

Slovakia has adopted and reported its first Flood Risk Management Plans under the Directive and the European Commission conducted an assessment.

The Commission's assessment found that good efforts were made with positive results in setting objectives and devising measures focusing on prevention, protection and preparedness. The assessment also showed that, as was the case for other Member States, Slovakia's Flood Risk Management Plans do not yet include concrete enough measures and a baseline to monitor the progress achieved in implementing the measures (by extension the objectives too). In addition, there is scope for reinforcing the aspect of public participation and the active involvement of stakeholders in relation to the Flood Risk Management Plan.

### 2019 priority actions<sup>95</sup>

- Ensure that projects, which potentially can affect the status of water bodies, are thoroughly assessed and justified in line with the requirements in the Water Framework Directive (Article 4(7)).
- Implement the necessary measures to ensure that there will be no future delay regarding all agglomerations that are in breach of the Urban Waste Water Treatment Directive.
- Follow-up possible nitrate polluted waters close to the border with The Czech Republic and Austria.
- Take steps to reinforce the aspect of public participation and the active involvement of stakeholders in relation to the Flood Risk Management Plan.

<sup>94</sup> (COM(2017) 749) and (SWD(2017)445).

<sup>95</sup> 2019 Priority Actions are based on the EC assessment of 2<sup>nd</sup> round of RBMPs.

## Chemicals

The EU seeks to ensure that by 2020 chemicals are produced and used in ways that minimise any significant adverse effects on human health and the environment. An EU strategy for a non-toxic environment that is conducive to innovation and to developing sustainable substitutes, including non-chemical options, is being prepared.

The EU's chemicals legislation<sup>96</sup> provides baseline protection for human health and the environment. It also ensures stability and predictability for businesses operating within the internal market.

In 2016, the European Chemicals Agency (ECHA) published a report on REACH and the CLP Regulation<sup>97</sup> that showed that enforcement activities are still evolving. Member States cooperate closely within the Forum for Exchange of Information on Enforcement<sup>98</sup>. This cooperation has shown that there is scope to increase the effectiveness of enforcement activities, particularly for registration obligations and safety data sheets where the level of non-compliance is still relatively high.

While progress has been made, there is room to further improve and harmonise enforcement activities across the EU, including controls on imported goods. Enforcement remains weak in some Member States, particularly for controls on imports and supply chain obligations. The enforcement architecture is complex in most EU countries and enforcement projects reveal differences in compliance between Member States.

A 2015 Commission study already emphasised the importance of harmonised market surveillance and enforcement when implementing REACH at Member State level, deeming it to be a critical success factor in the operation of a harmonised single market<sup>99</sup>.

In March 2018, the Commission published an evaluation of REACH<sup>100</sup>. The evaluation concludes that REACH delivers on its objectives, but that progress made is slower than anticipated. In addition, the registration dossiers often are incomplete. The evaluation underlines the need to enhance enforcement by all actors, including registrants, downstream users and in particular for importers, to ensure a level playing field, meet the

<sup>96</sup> Principally for chemicals: REACH (OJ L 396, 30.12.2006, p.1.); for Classification, Labelling and Packaging, the CLP Regulation (: OJ L 252, 31.12.2006, p.1.), together with legislation on biocidal products and plant protection products.

<sup>97</sup> European Chemicals Agency, [Report on the Operation of REACH and CLP 2016](#).

<sup>98</sup> ECHA, on the basis of the projects [REF-1](#), [REF-2](#) and [REF-3](#).

<sup>99</sup> European Commission (2015), *Monitoring the Impacts of REACH on Innovation, Competitiveness and SMEs*. Brussels: European Commission.

<sup>100</sup> [COM\(2018\) 116](#).

## Environmental Implementation Report 2019 — Slovakia

objectives of REACH and ensure consistency with the actions envisaged to improve environmental compliance and governance. Consistent reporting of Member State enforcement activities was considered important in that respect.

Inspection bodies carry out official controls of REACH. The objectives of their inspections depend on each authority's area of responsibility and are specified by their respective 'competency acts'<sup>101</sup>.

In general, REACH inspectors in Slovakia are entitled to:

- order corrective measures to be taken;
- impose fines in administrative proceedings if they reveal non-compliance with duties imposed by REACH; and
- impose a disciplinary fine if a duty holder obstructs inspectors in the course of their duty.

Other authorities offer assistance to REACH enforcers. For example, the Centre for Chemical Substances and Preparations provides advice and the Ministry of the Economy organises conferences and coordinates inspection activities.

### Making cities more sustainable

EU policy on the urban environment encourages cities to put policies in place for sustainable urban planning and design. These should include innovative approaches to urban public transport and mobility, sustainable buildings, energy efficiency and urban biodiversity conservation.

The population living in urban areas in Europe is projected to rise to just over 80% by 2050<sup>102</sup>. Urban areas pose particular challenges for the environment and human health, but they also provide opportunities for using resources more efficiently. The EU encourages municipalities to become greener through initiatives such as the Green Capital Award<sup>103</sup>, the Green Leaf Award<sup>104</sup> and the Green City Tool<sup>105</sup>.

### Financing greener cities

In accordance with the Partnership Agreement for Slovakia, attention is given to the territorial dimension of urban development measures in the programming period 2014-2020. At least 5 % of the ERDF allocation will be invested in sustainable urban development actions that will mainly be implemented with the support of integrated territorial investments in the country's

regional capital cities.

### Participation in EU urban initiatives and networks

Slovak municipalities are generally less involved in EU initiatives than municipalities in other EU countries.

However, Slovakia's cities are involved in initiatives such as Eurocities and the EU Covenant of Mayors. As of June 2018, 28 Slovakian cities were signed up to the EU Covenant of Mayors.



Given that in 2017, 11.9 % of Slovak population living in cities considered that their neighbourhood was affected by pollution, grime or other environmental problems (down from 16.1 % in 2014<sup>106</sup>), all urban initiatives and networks contributing to achieve a better urban environment should be encouraged.

With the exception of Zilina city's involvement in the CIVITAS network and Hnusta city's involvement in the 'ReNewTown' network, Slovak cities' involvement in EU urban networks is low.

Slovak municipalities traditionally take part in national networks or awards, for example the 'Village Renewal programme' with its 'village of the year' award<sup>107</sup>. Although almost 90 % of Slovak villages took part in this initiative since 1997, the financial contribution for urban development projects is limited.

### Nature and cities

Around 19 % of Slovakia's Natura 2000 network is in functional urban areas<sup>108</sup>, slightly above the EU average of 15 % (see Figure 19). Urban sprawl puts pressure on urban Natura2000 sites, such as those in Bratislava.

<sup>101</sup> ECHA, [National Inspectorates - Slovakia](#).

<sup>102</sup> European Commission, Eurostat, [Urban Europe](#), 2016, p.9.

<sup>103</sup> European Commission, [European Green Capital Award](#).

<sup>104</sup> European Commission, [European Greenleaf](#).

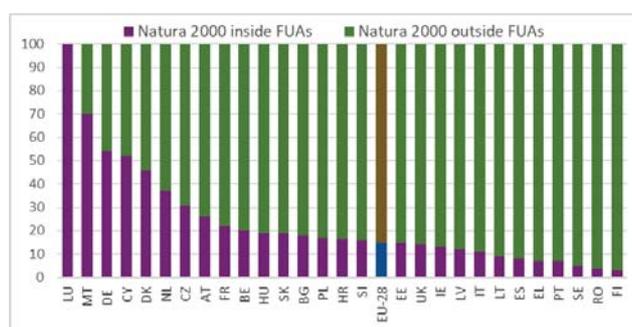
<sup>105</sup> European Commission, [Green City Tool](#).

<sup>106</sup> European Commission, Eurostat, [Pollution, grime or other environmental problems by degree of urbanisation](#).

<sup>107</sup> SK, [Program obnovy dediny](#).

<sup>108</sup> European Commission, [Definition of Functional Urban Areas](#).

**Figure 19: Proportion of Natura 2000 network in Functional Urban Areas (FUA)<sup>109</sup>**



### Urban sprawl

According to the European Environment Agency’s study on urban sprawl<sup>110</sup>, between the mid-1950s and the end of the 1990s Bratislava’s industrial, commercial and transport areas have grown at a significant rate and its residential areas at a moderate rate. Bratislava is among the cities that were affected by the strong centralised planning regimes that prevailed during the communist era and that are now facing the same rapid urban sprawl as other European cities.

### Traffic congestion and urban mobility

The number of passenger cars per inhabitants has been growing rapidly between 2005 (242 cars per 1000 inhabitants) and 2016 (390 cars per 1000 inhabitants), although still below the EU average (505 cars per 1000 inhabitants)<sup>111</sup>.

Around 8% of all passenger cars registered in Slovakia in 2016 were powered by diesel engines, which is low compare to the EU average (42%)<sup>112</sup>.

The average number of hours spent in traffic congestion annually rose from 23.03 in 2014 to 23.68 in 2016<sup>113</sup>.

Traffic intensity and congestion differs widely per region. The highest traffic intensity is in the Bratislava capital region. Key transport infrastructure (e.g. the D1 highway) needs to be completed as do major urban by-passes (such as Bratislava’s D4) or important public transport projects (like tram network in Bratislava or Kosice). Investment in more environmentally-friendly means of transport is still low.



Bratislava and Kosice’s congestion levels are above the EU average but not the highest in the EU (being below 30%)<sup>114</sup>. Nevertheless, congestion could potentially increase significantly in Bratislava as a number of residential projects are planned to be built in the coming years and the public transport system is underdeveloped. Both cities have projects (supported by EU funds) under way to extend their tram networks<sup>115</sup>.

<sup>109</sup> European Commission, [The 7<sup>th</sup> Report on Economic, Social and Territorial Cohesion](#), 2017, p. 121.

<sup>110</sup> Sprawl threatens the very culture of Europe, as it creates environmental, social and economic impacts for both the cities and countryside of Europe. Moreover, it seriously undermines efforts to meet the global challenge of climate change. European Environment Agency, [Urban sprawl in Europe](#).

<sup>111</sup> European Commission, Eurostat, [Passenger cars in the EU](#).

<sup>112</sup> EEA, [Size of the vehicle fleet](#).

<sup>113</sup> European Commission, [Hours spent in road congestion annually](#).

<sup>114</sup> [Tomtom traffic index](#).

<sup>115</sup> European Commission, [Press release 1](#), [Press release 2](#), [Press release 3](#).

## Part II: Enabling framework: implementation tools

### 4. Green taxation, green public procurement, environmental funding and investments

#### Green taxation and environmentally harmful subsidies

Financial incentives, taxation and other economic instruments are effective and efficient ways to meet environmental policy objectives. The circular economy action plan encourages their use. Environmentally harmful subsidies are monitored in the context of the European Semester and the energy union governance process.

Slovakia's revenue from environment-related taxes remains below the EU average. Environmental taxes accounted for 1.76 % of GDP in 2017 (EU-28 average 2.4 %) (see Figure 20) and energy taxes accounted for 1.57 % of GDP (EU average 1.84 %) <sup>116</sup>. In the same year, environmental tax revenues were 5.32 % of total revenues from taxes and social security contributions (lower than the EU 28 average of 5.97 %).

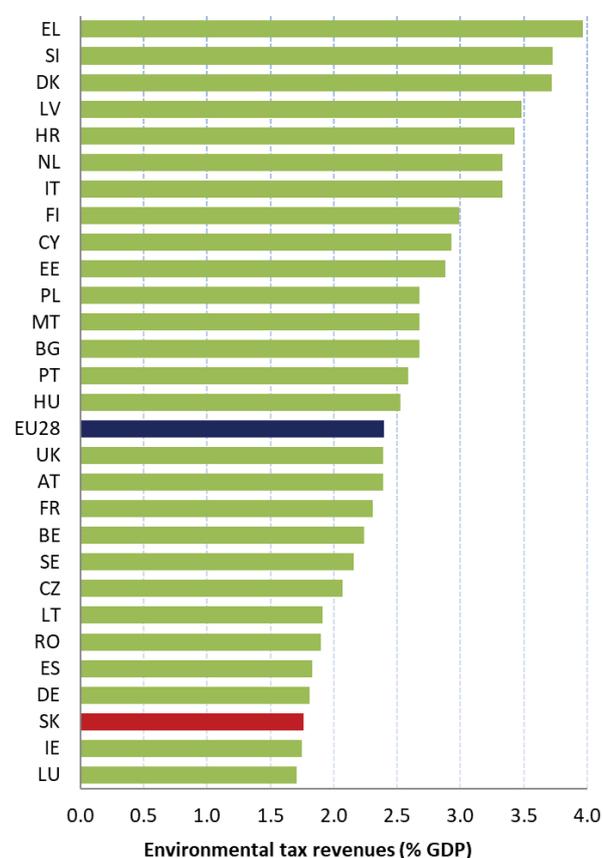
Slovakia's tax structure results in a proportion of revenues from labour tax in total tax revenues that is higher than the EU average. Slovakia's tax revenues were 53.4 % in 2016, while the implicit tax burden on labour was 36.5 % <sup>117</sup>. Consumption taxes remained relatively low (31.3 %, 18th in EU28), showing that there is some potential for shifting taxes from labour to consumption, particularly to environmental taxes.

Under the European Semester, the Commission has repeatedly noted in Slovakia's country report that its revenue from environmental taxes is among the lowest in the EU <sup>118</sup>. The 2018 country report said that tax and fee-based tools to improve waste management are underused. Some fiscal incentives have been introduced in the course of 2018, their impact is yet to be seen (please refer to the waste chapter of this report).

Slovakia has some examples of sound fiscal measures for the environment. One is its air pollution fees that have been in place since 1967. Experts are currently discussing

the need for a new amendment to these fees (as the last one dates from 2008) <sup>119</sup>.

Figure 20: Environmental tax revenues as % of GDP (2017) <sup>120</sup>



Meanwhile, fossil fuel subsidies and exemptions increased slightly in the past decade, mainly due to the support for electricity produced by lignite. In 2016, tax exemptions were still in place for the use of coal and natural gas. These exemptions added up to EUR 121 million in 2016, while the subsidies amounted to over EUR 95 million <sup>121</sup>.

The support still given in Slovakia for the production of

<sup>116</sup> Eurostat, [Environmental tax revenues, 2018](#).

<sup>117</sup> European Commission, [Taxation Trends Report](#), 2018.

<sup>118</sup> European Commission, [European Semester Country Report 2018](#), p. 16.

<sup>119</sup> Institute for European Environmental Policy, Case Studies on Environmental Fiscal Reform, [Air Pollution fees in Slovakia](#).

<sup>120</sup> Eurostat, [Environmental tax revenues, 2018](#).

<sup>121</sup> OECD, [Inventory of Support Measures for Fossil Fuels](#), 2018.

## Environmental Implementation Report 2019 — Slovakia

electricity from low quality brown coal is a striking example of an environmentally harmful subsidy<sup>122</sup>. The Horna Nitra region in Slovakia was one of the EU Platform for Coal Regions in Transition's pilot regions<sup>123</sup>. Although the platform has the potential to steer Slovakia's transition process in the right direction, some stakeholders fear that this opportunity might be lost<sup>124</sup>. First steps have been taken to phase out **environmentally harmful subsidies** of high-emissions electricity generation from lignite, advancing it from 2030 to 2023, according to the Government decision from 2018, although the exploitation and using of domestic coal can continue beyond<sup>125</sup>. Addressing this problem is of key importance for improving the resource efficiency of the Slovak economy<sup>126</sup>.

No progress has been made on reducing the 'diesel differential' (difference in the price of diesel versus petrol) since 2005. In 2016 there was a 40 % gap between petrol and diesel tax rates, while in 2005 the gap was only 7 %<sup>127</sup>. Excise tax rates levied on petrol and diesel in 2016 remained constant since 2015 (EUR 0.55 per litre for petrol and EUR 0.39 for diesel)<sup>128</sup>.

Tax treatment for company cars is a cause for concern in Slovakia<sup>129</sup>. However, fiscal measures were introduced for this type of car in 2018. For example, a programme to support the purchase of electric cars that was put in place in 2017 has been extended<sup>130</sup>.

CO<sub>2</sub>-based motor vehicle taxes are not in place in the country. However, some highways fees for the use of specified sections are based on emissions<sup>131</sup>. Incentives to encourage people to buy cars with lower CO<sub>2</sub> emissions were put in place in 2016. These were linked to annual circulation taxes and subsidies, road tolls, congestion or low emission zone charges and also to buying cleaner vehicles<sup>132</sup>. New vehicles bought in Slovakia are among the least environmentally friendly in

<sup>122</sup> The production of electricity from domestically produced lignite from Novaky's mine is subsidised in Slovakia by electricity consumers in form of feed-in tariff. Novaky power plant, fuelled by this lignite, is the second biggest emitter of GHG in Slovakia.

<sup>123</sup> European Commission, [No region left behind: launch of the Platform for Coal Regions in Transition](#).

<sup>124</sup> Bankwatch, [The European Commission's platform for coal regions in transition: case studies highlight tilt toward coal companies](#)

<sup>125</sup> [The Government of the Slovak Republic](#).

<sup>126</sup> OECD, Policy Paper: [Making the Slovak Republic a more resource efficient economy](#).

<sup>127</sup> European Environment Agency 2017, [Environmental taxation and EU environmental policies](#), p. 27.

<sup>128</sup> European Commission, [Taxes in Europe Database](#), 2018.

<sup>129</sup> European Commission, [Taxation of commercial cars in Belgium](#), 2017, p. 3.

<sup>130</sup> FleetEurope, [Major changes to company car taxation in Europe](#) [accessed 10 July 2018].

<sup>131</sup> ACEA, [CO<sub>2</sub> based motor vehicle taxes in Europe](#) [accessed 10 July 2018].

<sup>132</sup> European Environmental Agency, [Appropriate taxes and incentives do affect purchases of new cars](#), 18 May 2018.

the EU, with average CO<sub>2</sub> emissions of 124.8 grams per kilometre (EU average 118 grams per kilometre in 2016)<sup>133</sup>.

The use of alternative fuels in new passenger cars sold in Slovakia has decreased considerably over the past few years. In 2016, the proportion of new passenger cars using alternative fuels was only 15 % of that in 2013<sup>134</sup>. Most of the country's vehicles that use alternative fuels are compressed natural gas vehicles.

### Green public procurement

The EU green public procurement policies encourage Member States to take further steps to apply green procurement criteria to at least 50 % of public tenders. The European Commission is helping to increase the use of public procurement as a strategic tool to support environmental protection.

The purchasing power of public procurement amounts to around EUR 1.8 trillion in the EU (approximately 14% of GDP). A substantial proportion of this money goes to sectors with a high environmental impact such as construction or transport. Therefore, green public procurement (GPP) can help to significantly lower the negative impact of public spending on the environment and can help support sustainable innovative businesses. The Commission has proposed EU GPP criteria<sup>135</sup>.

Slovakia's national action plan (NAP) for GPP was adopted in 2011. The government adopted the NAP's third update (for 2016-2020) in December 2016. This sets a target of 50 % of GPP at central government level. There is no obligation to use GPP in Slovakia. However, the EU GPP criteria are recommended for several product groups, like cleaning products and services, IT office equipment, transport, copy and graphic paper, furniture, food and catering services, textiles, electricity, display devices, garden products and services, and construction.

According to information on the implementation of the NAP, GPP was only applied in 3.5 % of procedures in terms of their number and 7.9 % in terms of their value in 2016<sup>136, 137</sup>. A study by the European Parliament shows

<sup>133</sup> European Environment Agency, [Average CO<sub>2</sub> emissions from new passenger cars sold in EU-28 Member States plus Norway, Iceland and Switzerland in 2016](#).

<sup>134</sup> European Commission, [Transport in the European Union Current Trends and Issues](#), 2018, pp.27-28.

<sup>135</sup> In the Communication 'Public procurement for a better environment' (COM (2008) 400) the Commission recommended the creation of a process for setting common GPP criteria. The basic concept of GPP relies on having clear, verifiable, justifiable and ambitious environmental criteria for products and services, based on a life-cycle approach and scientific evidence base.

<sup>136</sup> The Ministry of the Environment of the Slovak Republic, [Green Public Procurement](#)

## Environmental Implementation Report 2019 — Slovakia

that Slovakia has only partly implemented its NAP on GPP<sup>138</sup>. According to the Slovak Institute for Environmental Policy's analysis, more effective processes and knowledge on GPP are required for full implementation of the NAP<sup>139</sup>.

### Environmental funding and investments

European Structural and Investment Fund (ESIF) rules oblige Member States to include environment and climate objectives in their funding strategies and programmes for economic, social and territorial cohesion, rural development and maritime policy.

Achieving sustainability involves mobilising public and private financing sources<sup>140</sup>. Use of the European Structural and Investment Funds (ESIFs)<sup>141</sup> is essential if countries are to achieve their environmental goals and integrate these into other policy areas. Other instruments such as Horizon 2020, the LIFE programme<sup>142</sup> and the European Fund for Strategic Investments (EFSI)<sup>143</sup> may also support the implementation and spread of good practices.

According to the 2017 Special Eurobarometer 468 on attitudes of EU citizens towards the environment, 85 % of Slovaks support greater EU investment in environmental protection (in line with EU-28 average of 85 %).

### European Structural and Investment Funds 2014-2020

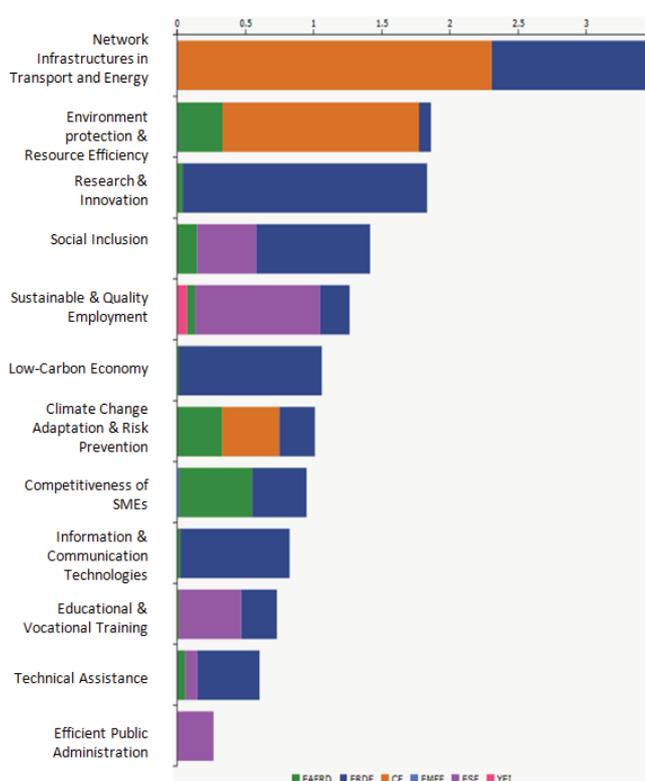
Through nine national and regional programmes, Slovakia has been allocated EUR 15.32 billion from ESIF funds for 2014-2020. This means that with its national contribution of EUR 4.72 billion, Slovakia has a total budget of EUR 20 billion to invest in various areas, such as creating jobs and growth, supporting sustainable transport and protecting the environment, and investing in research and innovation. Public investments, including in the environment sector, depend heavily on EU funds.

The country's main programme for implementing environmental policies is the Quality of Environment Operational Programme (OP). The programme is

expected to: (i) increase the surface area of rehabilitated land by 452<sup>144</sup> hectares; (ii) increase the surface area of habitats that receive support to attain a better conservation status by 20 131 hectares; (iii) increase the waste recycling capacity by 197 466 tonnes/year; (iv) increase the waste recovery capacity by 329 676 tonnes/year; (v) increase the number of people served by improved wastewater treatment by 220 705<sup>145</sup>; (vi) carry out 390 green infrastructure elements; and (vii) help reduce PM emissions by 6 960 tonnes/year and selected pollutant emissions by 38 083 tonnes/year.

It is too early to draw conclusions on the use and results of ESIF for 2014-2020. Nevertheless, according to the 2017 annual implementation report<sup>146</sup> for the OP, the biggest challenge is the implementation of investments that address old environmental burdens.

**Figure 21: ESIF 2014-2020 – EU allocation by theme, Slovakia (EUR billion)**<sup>147</sup>



### Cohesion policy

Current data suggests that the EU funds for 2007-2013 were almost fully spent (95 %)<sup>148</sup>. Furthermore, in 2007-

<sup>137</sup> According to the Slovak authorities, based on the monitoring progress of GPP in 2017, GPP was applied in 3.25 % of procedures in terms of their number and 6.43 % in terms of their value

<sup>138</sup> European Parliament, [Green Public Procurement and the Action Plan for the Circular Economy](#), 2017, pp. 79-80.

<sup>139</sup> The Ministry of the Environment of the Slovak Republic, [Green Public Procurement](#).

<sup>140</sup> [COM\(2018\) 97](#).

<sup>141</sup> i.e. the European Regional Development Fund (ERDF), the Cohesion Fund (CF), the European Social Fund (ESF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF). The ERDF, the CF and the ESF are referred to as the 'cohesion policy funds'.

<sup>142</sup> European Commission, [LIFE programme](#).

<sup>143</sup> European Investment Bank, [European Fund for Strategic Investments, 2016](#).

<sup>144</sup> 351 ha after the programme modification.

<sup>145</sup> Additional population of 7 365 p.e. is served under the Integrated Regional OP and Rural Development Programme has a measure for this kind of investments as well.

<sup>146</sup> The Government of the Slovak Republic, [2017 annual implementation report](#).

<sup>147</sup> European Commission, [European Structural and Investment Funds Data By Country](#)

## Environmental Implementation Report 2019 — Slovakia

2013 (2008 and 2016 data comparison) there was no change in the overall direct environmental investment in Slovakia's OPs (EUR 1.8 billion)<sup>149</sup>. However, there were reallocations between areas of investment. The biggest decreases were recorded in drinking water investments (-57%), land rehabilitation (-45%) and waste investments (-20%). By contrast, investment in climate change and risk prevention increased by more than 100%. This was due to the programme being modified to enable the purchase of civil protection equipment, while the Slovak authorities made the commitment to support equally the strengthening of the ecosystems' capacity to cope with the climate change in 2014-2020 period.

### Rural development

The EAFRD allocated EUR 1 560 million to Slovakia for its national rural development programme. Slovakia opted to transfer part of the Pillar II budget to Pillar I for direct payments (this transfer was for 21.3% of allocations for every budgetary year between 2015 and 2020, subject to amendments). This reallocation has limited the budget available for rural development.

The budget available for agri-environmental-climate measures is EUR 105.7 million, or 6.8% of the total EAFRD — one of the lowest proportions in the EU. This is despite the fact that Priority 4 (ecosystems) accounts for 42.7% of the total budget. The reason is that a significant amount (EUR 360 million or 23% of the total budget) is spent on areas with natural constraints, which also fall under Priority 4. Organic farming only accounts for EUR 68 million (4% of the total budget).



It would be appropriate to increase the Rural Development Programme's contribution to improve existing measures or introduce new ones. In particular, rural development funds could be used to pay for

environmentally-friendly land management practices and other environmental measures. Carrying out '1st Pillar greening' in an environmentally ambitious way would clearly help to improve the environment in areas not covered by rural development.

The rural development programme supports the reconstruction of drainage channels which can be questionable from the environmental point of view. However, safeguard measures have been introduced. The programme also supports fire forest prevention measures.

### The Connecting Europe Facility (CEF)

The CEF is a key EU funding instrument developed specifically to direct investment towards European transport, energy and digital infrastructure to address identified missing links and bottlenecks and promote sustainability. By the end of 2017, Slovakia had signed agreements for EUR 704 million for projects under the Connecting Europe Facility<sup>150</sup>.

Among the projects, focus on renewable transport and rehabilitation of old infrastructures and landscapes are worth mentioning<sup>151</sup>.

### Horizon 2020

Slovakia has benefited from Horizon 2020 funding since the programme started in 2014. As of January 2019, 148 participants have been granted a maximum amount of EUR 38.1 million for projects from the Societal Challenges work programmes dealing with environmental issues<sup>152 153</sup>.

In addition to the abovementioned work programmes, climate and biodiversity expenditure is present across the entire Horizon 2020. In Slovakia, projects accepted for funding in all Horizon 2020 working programmes until December 2018 included EUR 43 million destined to climate action (48.3% of the total Horizon 2020 contribution to the country) and EUR 3.5 million for biodiversity-related actions (3.9% of the Horizon 2020 contribution to the country)<sup>154</sup>.

One of the projects under way that involves Slovak partners is the SIMRA project. This project focuses on

<sup>150</sup> European Commission, [European Semester 2018 Country Report Slovakia](#), p. 14.

<sup>151</sup> European Commission, [EU investments in transport in Slovakia](#).

<sup>152</sup> European Commission [own calculations based on CORDA \(COmmon Research DAta Warehouse\)](#). A maximum grant amount is the maximum grant amount decided by the Commission. It normally corresponds to the requested grant, but it may be lower.

<sup>153</sup> i.e. (ii) Food security, sustainable agriculture and forestry, marine and maritime and inland water research and the bioeconomy; (iii) Secure, clean and efficient energy; (iv) Smart, green and integrated transport; and (v) Climate action, environment, resource efficiency and raw materials.

<sup>154</sup> European Commission [own calculations based on CORDA \(COmmon Research DAta Warehouse\)](#).

<sup>148</sup> European Commission, [European Structural and Investment Funds Data](#).

<sup>149</sup> European Commission, [Integration of environmental concerns in Cohesion Policy Funds](#)

## Environmental Implementation Report 2019 — Slovakia

community-led social innovation initiatives in Europe and across the Mediterranean region with a particular impact on agriculture, forestry and rural development.

### LIFE programme

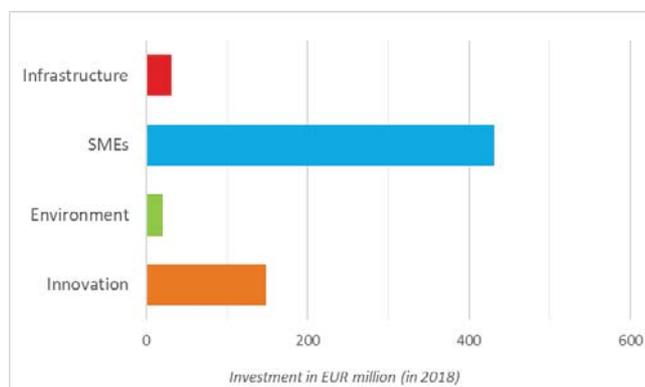
Since its launch in 1992, the LIFE programme has co-financed a total of 32 projects in Slovakia. Of these, eight focus on environmental innovation, 22 on nature conservation and two on information and communication. These projects have received a total investment of EUR 63 million, of which EUR 33 million has been contributed by the EU<sup>155</sup>.

For 2014-2017 EUR 9 million was allocated to Slovak projects by the EU<sup>156</sup>. The Slovak project entitled 'Danube birds conservation — conservation of endangered bird species populations in natural habitats of the Danube inland delta', run by the local NGO 'Regional Association for Nature Conservation and Sustainable Development' was selected as among the EU's best LIFE Natura projects in 2016-2017<sup>157</sup>.

### European Investment Bank

In 2013-2018, EIB loans to Slovakia amounted to around EUR 3.7 billion<sup>158</sup>. The EIB Group<sup>159</sup> loaned Slovak businesses and public institutions more than EUR 630 million in 2018, as shown in Figure 22, from which around EUR 20 million (3.1 %) were directly invested in environment-related projects.

Figure 22 EIB loans to Slovakia in 2018<sup>160</sup>



### European Fund for Strategic Investments

The EFSI is an initiative to help overcome the current investment gap in the EU. Slovakia is making better use of EFSI and as of January 2019 the EFSI had mobilised

around EUR 537 million in the country. This is expected to trigger a total private and public investment of EUR 1.2 billion. European Investment Fund financing enabled by the EFSI amounts to EUR 25 million. This is expected to mobilise around EUR 211 million in total investment. Transport has received the highest level of investment<sup>161</sup>.

### National environmental financing

Slovakia spent EUR 534.5 million on environmental protection in 2016, a 32 % decrease from 2015<sup>162</sup>. 56 % of these payments were allocated to waste management activities (the annual average percentage of environmental spending allocated to waste management in the EU is 49.7 %). EUR 66.3 million was allocated to wastewater management (12 % of total) and EUR 31 million to pollution abatement (6 % of total). 7 % of environmental spending was to protect biodiversity and the landscape (EUR 37.1 million). Between 2012 and 2016, the general government funding for environmental protection amounted to EUR 3.2 billion<sup>163</sup>.

The most relevant national fund is the Environmental fund<sup>164</sup>, set up in 2005. This fund provides grants and loans to projects that follow the national environmental strategy. The main fund's income is the auctioning of allowances within the EU emissions trading system, environmental fees and contribution from the state budget<sup>165</sup>.

### 2019 priority action:

- Improve the capacity to use EU funds for the environment effectively, including to prepare for the next financing period 2021-2027.

<sup>155</sup> European Commission, [LIFE by country: Slovakia](#).

<sup>156</sup> Commission services based on data provided by EASME.

<sup>157</sup> European Commission, LIFE programme, [best LIFE Natura projects in 2016-2017](#), Bratislavské regionálne ochrannárske združenie, [LIFE project](#).

<sup>158</sup> European Investment Bank, [Delivering impact in finance in the Netherlands](#), 2017.

<sup>159</sup> The EIB Group includes EIB and EFSI investments and loans.

<sup>160</sup> European Investment Bank, [The European Investment Bank in Slovakia](#), 2018.

<sup>161</sup> European Commission, [European semester country report Slovakia, 2018](#).

<sup>162</sup> Eurostat, [General Government Expenditure by function](#), 2018.

<sup>163</sup> Eurostat, [General Government Expenditure by function](#), 2018.

<sup>164</sup> [Slovak Environmental fund](#).

<sup>165</sup> [The actual income in 2017 was approx. EUR 130 million](#).

## 5. Strengthening environmental governance

### Information, public participation and access to justice

Citizens can more effectively protect the environment if they can rely on the three ‘pillars’ of the Aarhus Convention:

- (i) access to information;
- (ii) public participation in decision making; and
- (iii) access to justice in environmental matters.

It is of crucial importance to public authorities, the public and business that environmental information is shared efficiently and effectively<sup>166</sup>. Public participation allows authorities to make decisions that take public concerns into account. Access to justice is a set of guarantees that allows citizens and NGOs to use national courts to protect the environment<sup>167</sup>. It includes the right to bring legal challenges (‘legal standing’)<sup>168</sup>.

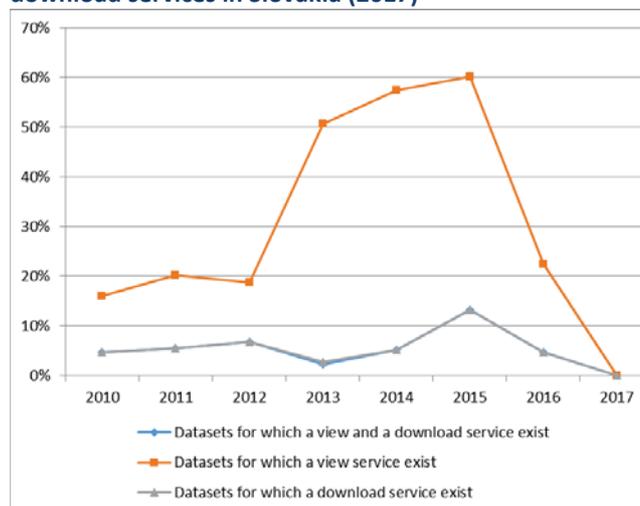
#### Environmental information

Information governance in Slovakia is a mixed picture, although most of the main policy areas are accessible from the national web portal on the environment<sup>169</sup> which links to the other specialised environmental information systems’ portals<sup>170</sup>.

Slovakia’s implementation of the INSPIRE Directive leaves room for improvement. The accessibility of spatial data through view and download services is poor. Slovakia’s performance has been reviewed based on its 2016 implementation report<sup>171</sup> and its most recent monitoring data from 2017<sup>172</sup>. Slovakia has made good progress in data identification and documentation. Additional efforts are needed to make the data accessible through services and to improve the conditions for data reuse. Slovakia also needs to make additional efforts to prioritise environmental datasets in the implementation of environmental legislation. In particular, it needs to

prioritise data sets identified as high-value spatial data sets<sup>173</sup>.

**Figure 23: Access to spatial data through view and download services in Slovakia (2017)**



#### Public participation

In Slovakia, public participation is mainly regulated through Act no. 24/2006 Coll. on Environmental Impact Assessment and through Act No. 39/2013 Coll. on Integrated Prevention and Control of Environmental Pollution. A Methodological Guidance of the Ministry of the Environment covering both the EIA and the SEA process was issued in 2017<sup>174</sup>. The guidance includes a description on the roles of different actors in the EIA process, including the role of the public.

There is little to no information on how Slovakia ensures public participation in practice in the decision making procedures and whether it covers all environmental policies.

The Eurobarometer figures from 2017 show that people in Slovakia agree strongly (83 % of respondents) that an individual can play a role in protecting the environment. This has not changed since 2014.

#### Access to justice

The Ministry of the Environment’s website has a section on the Aarhus Convention where it provides information on access to justice in environmental matters. However, the information provided is very general and there is no clear explanation of how people can exercise their rights.

<sup>166</sup> The Aarhus Convention, the Access to Environmental Information Directive 2003/4/EC and the INSPIRE Directive 2007/2/EC together create a legal foundation for the sharing of environmental information between public authorities and with the public. This EIR focuses on INSPIRE.

<sup>167</sup> The guarantees are explained in Commission Notice on access to justice in environmental matters, OJL 275, 18.8.2017 and a related Citizen’s Guide.

<sup>168</sup> This EIR looks at how well Member States explain access to justice rights to the public, and at legal standing and other major barriers to bringing cases on nature and air pollution.

<sup>169</sup> National web portal on the environment.

<sup>170</sup> Specialised environmental information systems’ portals.

<sup>171</sup> INSPIRE SK country sheet 2017.

<sup>172</sup> INSPIRE monitoring dashboard.

<sup>173</sup> European Commission, List of high value spatial data sets.

<sup>174</sup> The Ministry of the Environment of the Slovak Republic, Methodological Guidance covering both the EIA and the SEA proceeding.

## Environmental Implementation Report 2019 — Slovakia

A transparent and user-friendly manual on the public's right to access to justice in environmental matters and on how to exercise this right is available on an NGO's 'Via Iuris' website<sup>175</sup>. However, this cannot replace structured and user-friendly online information from public authorities.

Previously in Slovakia, the lack of legal standing for the public (including for environmental NGOs) was a major challenge in bringing environmental cases before the Court. This was mainly because legal standing could not be admitted as part of the administrative procedure necessary for taking a court action. Judgments of the Court of Justice of the European Union (ECJ) of 8 March 2011 and 8 November 2016, in cases C-240/09 (*Lesoochranské zoskupenie VLK*) and C-243/15 respectively, in which the preliminary reference was submitted by the Slovak Supreme Court, set an important guidance also for the legal standing of environmental NGOs useful in the EU context as they gave a coherent interpretation of EU law.

According to its civil procedure code, Slovakia applies the 'loser pays' principle civil procedures. However, in specific circumstances, the court may compensate the winner's proceedings costs in full or in part. The 'loser pays' principle does not apply in administrative justice and the public authority is not entitled to reimbursement of the costs, even when it was successful<sup>176</sup>.

According to the Act on court fees, environmental NGOs, municipalities and regions' self-governing units are exempted from these fees when they act on matters that benefit the public. Environmental NGOs have to prove their mission by submitting their statutes to the Court. Proceedings concerning inactivity of public authority, protection against the unlawful conduct of a public authority or claiming damages for an unlawful decision or conduct of a public authority are relieved of a court fee.

### 2019 priority actions

- Improve access to spatial data and services by making stronger links between the central INSPIRE website and regional portals. Identify and document all spatial datasets required for the implementation of environmental law<sup>177</sup> and make the data and documentation at least accessible 'as is' to other public authorities and the public through the digital services set out in the INSPIRE Directive.

<sup>175</sup> Via Iuris web portal. [The manual](#) describes how the public can protect the environmental rights before the court in cases where these rights have been violated by an unlawful decision by a public authority. It deals in particular with the description of the rights of the public under the Act. No 162/2015 Coll. (of access to court in environmental matters).

<sup>176</sup> The European e-Justice Portal, [Access to justice in environmental matters - Slovakia](#).

<sup>177</sup> European Commission, [INSPIRE](#).

- Better inform the public about their access to justice rights.

### Compliance assurance

Environmental compliance assurance covers all the work undertaken by public authorities to ensure that industries, farmers and others fulfil their obligations to protect water, air and nature, and manage waste<sup>178</sup>. It includes support measures provided by the authorities, such as:

- (i) compliance promotion<sup>179</sup>;
- (ii) inspections and other checks that they carry out, i.e. compliance monitoring<sup>180</sup>; and
- (iii) the steps that they take to stop breaches, impose sanctions and require damage to be remedied, i.e. enforcement<sup>181</sup>.

Citizen science and complaints enable authorities to focus their efforts better. Environmental liability<sup>182</sup> ensures that the polluter pays to remedy any damage.

### Compliance promotion and monitoring

Online information is given to farmers on how to comply with obligations on nitrates and nature. The quality of this information is an indicator of how actively authorities promote compliance in areas with serious implementation gaps. In Slovakia, information on the Nitrates Directive is available on the National Food and Agricultural Centre's information portal<sup>183</sup>. The portal runs the national farm advisory system, although this only lists the laws transposing the relevant EU legislation<sup>184</sup>. A code of appropriate land use and protection of waters<sup>185</sup> and a harmonised registration-information system (HRIS)<sup>186</sup> (a tool to monitor nitrates in the forbidden period defined in the Nitrates Directive), are publicly available. Slovakia's State Nature Conservancy body<sup>187</sup> publishes general information on the Natura 2000 areas on its website<sup>188</sup>. However, it does not list any specific obligations for landowners to fulfil.

<sup>178</sup> The concept is explained in detail in the Communication on 'EU actions to improve environmental compliance and governance' [COM\(2018\)10](#) and the related Commission Staff Working Document, [SWD\(2018\)10](#).

<sup>179</sup> This EIR focuses on the help given to farmers to comply with nature and nitrates legislation.

<sup>180</sup> This EIR focuses on inspections of major industrial installations.

<sup>181</sup> This EIR focuses on the availability of enforcement data and co-ordination between authorities to tackle environmental crime.

<sup>182</sup> The Environmental Liability Directive [2004/35/EC](#), creates the framework.

<sup>183</sup> [National Food and Agricultural Centre's information portal](#).

<sup>184</sup> [National Food and Agricultural Centre's information portal](#), relevant legislation.

<sup>185</sup> [A code of appropriate land use and protection of waters](#).

<sup>186</sup> [Harmonised registration-information system](#).

<sup>187</sup> [Slovakia's State Nature Conservancy body](#).

<sup>188</sup> Slovakia's State Nature Conservancy body, [Natura 2000 areas](#)

## Environmental Implementation Report 2019 — Slovakia

Major industrial installations can be a serious pollution risk. Public authorities must have plans in place to inspect these installations and to make individual inspection reports available to the public<sup>189</sup>. The integrated Pollution Prevention and Control's online information system<sup>190</sup> provides information on inspection results<sup>191</sup>. Its filter menu (<http://enviroportal.sk/ipkz>) provides information on the type of inspection, the date, the results of the inspection and measures taken. The Slovak Environmental Inspectorate<sup>192</sup> publishes annual activity reports and reports on individual inspections. However, information on inspection plans is not publicly available.

### Citizen science and complaint handling

Engaging the general public through citizen science can increase knowledge about the environment and help the authorities in their work. The value of individuals' involvement is recognised in Slovakia, but the authorities often approach citizens' initiatives in a very formal way. One of the most visible environmental initiatives is 'We are the forest' — a citizens' initiative<sup>193</sup> to fight against deforestation in protected areas.

The availability of clear online information about how to make a complaint shows how responsive authorities are to complaints from the public. The Slovak Environmental Inspectorate does not publish any detailed information on how to submit a complaint about an environmental nuisance or environmental damage — it only provides contact details<sup>194</sup>. Complaints about alleged maladministration by an environmental authority can be submitted to the Ministry of the Environment by mail. Information on how to do so is provided on the Ministry's website<sup>195</sup>.

### Enforcement

When monitoring identifies problems, a range of responses may be appropriate. The Department of Hazardous Materials Detection and Environmental Crime of the Criminal Police Office, at the Police Presidium<sup>196</sup> publishes data on environmental crimes. According to 2017 data<sup>197</sup>, of all environmental crimes in Slovakia, about 51 % relate to the theft of wood, 31 % are wildlife

crimes, in particular poaching, 10 % are plant and animal protection violations and about 9 % are 'other crimes'<sup>198</sup>.

However, no published information is available on the sanctions applied or on compliance after the follow-up measures and enforcement action have been taken. Information is also lacking on responses to cross-compliance breaches on nitrates and nature.

Tackling waste, wildlife crimes and other environmental offences is especially challenging. It requires close cooperation between inspectors, customs authorities, police and prosecutors. In Slovakia, there is no publicly available information on cooperation agreements or mechanisms.

### Environmental liability

The Environmental Liability Directive (ELD) establishes a framework based on the 'polluter pays' principle to prevent and remedy environmental damage. The 2017 EIR focused on gathering better information on environmental damage, on financial security and guidance. The Commission is still collecting evidence on the progress made.

#### 2019 priority actions:

- Better inform the public about compliance promotion, monitoring and enforcement. At a minimum this should involve: (i) ensuring that online information is available to farmers on how to comply with obligations on nature; and (ii) providing more online information on inspection plans.
- Publish information on the outcomes of enforcement action and on the follow-up to detected cross-compliance breaches on nitrates and nature.
- Ensure that more information is available on how professionals dealing with environmental crime work together.
- Improve financial security for liabilities and ELD-guidance and publish information on environmental damage.

<sup>189</sup> Article 23, Industrial Emissions Directive, 2010/75/EU.

<sup>190</sup> [The integrated Pollution Prevention and Control's online information system.](#)

<sup>191</sup> The integrated Pollution Prevention and Control's online information system, [information on inspection results.](#)

<sup>192</sup> [Slovakia's State Nature Conservancy body.](#)

<sup>193</sup> ['We are the forest' — a citizens' initiative.](#)

<sup>194</sup> [The Slovak Environmental Inspectorate.](#)

<sup>195</sup> Ministry of the Environment of the Slovak Republic, [Access to information.](#)

<sup>196</sup> Ministry of interior of the Slovak Republic, [data on environmental crimes](#), 2017.

<sup>197</sup> Slovak Police Force, [Environmental crime rate in Slovak republic.](#)

<sup>198</sup> As regards the waste crime, there has been an increase in detected crimes reported over the period 2011 to 2016 from about 100 to 200. However, there was a significant decrease in the clarification rate from about 25 % to less than 5 % in this period. On the other side, wildlife crime has significantly decreased over the period from 2011 to 2016 from about 650 to 280 detected crimes; the clarification rate is about 70 %.

### Effectiveness of environmental administrations

Those involved in implementing environmental legislation at EU, national, regional and local levels need to have the knowledge, tools and capacity to ensure that the legislation and the governance of the enforcement process bring about the intended benefits.

#### Administrative capacity and quality

Central, regional and local administrations must have the ability to carry out their own tasks and work effectively with each other, within a system of multi-level governance.

In general, administrative capacities remain insufficient in Slovakia and this has a negative impact on the enforcement of the environmental laws and policies. The most affected sectors are water management and nature protection. Regional offices are still badly affected by a high turn-over of staff.

The Ministry of the Environment has kept up the positive momentum created during the Slovak Presidency in the second half of 2016. The new 2030 national environmental strategy is one of its flagship initiatives.

As already mentioned in this chapter, the public in Slovakia has lately become more active and vocal when it comes to its reactions to issues related to environment. Despite their limited resources (financial and human) the environmental NGOs in Slovakia play an important role in this respect and can have a great impact on attracting attention of general public to such problems. Certain negative practices observed towards civil society in recent months merit attention and should be properly addressed, where unjustified<sup>199</sup>. Stronger environmental governance should be encouraged in order to balance the different interests and needs throughout society, for example through putting in place transparent and efficient development consent and SEA/EIA processes<sup>200</sup>.

Although environmental legislation is relatively strict, enforcement is low.

Slovakia has an average number of infringement cases for non-conformity with and bad-application of EU environmental law (mainly affecting the water, nature and waste sectors). A few cases are addressed to the national courts that oversee environmental matters and

to the Commission. Nevertheless, the Slovak Constitutional Court has sought guidance from the ECJ on several occasions in recent years.

The infringement procedures under way for non-compliance with nature legislation are due to insufficient designation of new NATURA 2000 sites and poor management of existing sites including missing management plans. Specific problem relates to forest management plans and activities such as logging in protected areas, affecting the target species, like *Capercaillie*.

Infringement procedures in the waste sector are due to the poor application of EU landfill legislation. The fact that Slovakia has not been able to regularise the Považský Chlmec landfill since 2013 - for which the judgment of the Court of Justice of the EU) was issued - shows that the ability to effectively enforce EU legislation still needs to be improved. A number of landfills are in a similar situation to Považský Chlmec and need to be closed or re-permitted.

Infringement procedure in water sector also pointed on, among others, gaps in legislation enforcement (please see previous chapters of the report).

#### Coordination and integration

As mentioned in the 2017 EIR, the transposition of the revised EIA Directive<sup>201</sup> provides an opportunity for countries to streamline their regulatory framework on environmental assessments. Slovakia transposed the Directive by the deadline of May 2017.

The Commission encourages the streamlining of environmental assessments to reduce duplication and avoid overlaps in environmental assessments for projects. Streamlining helps to reduce unnecessary administrative burden. It also accelerates decision making, without compromising the quality of the environmental assessment procedure<sup>202</sup>.

Slovakia already integrated the EIA and Natura 2000 assessments into the EIA process before the revision of the EIA Directive. However, it has not integrated other assessments such as those under the Water Framework Directive or the Industrial Emissions Directive in the process. An amendment to the national Water Act in force as of March 2018 introduces new, separate, two-

<sup>199</sup> [The Slovak Spectator, news.](#)

<sup>200</sup> Similarly as other authorities, environmental authorities are subject to numerous pressures and corruption cases were reported. The corruption level and its trend, including the public administration, is of concern in Slovakia. There was no progress in stepping up the fight against corruption and tackling corruption remain one of the Country [Specific Recommendations 2018 \(since 2014\)](#).

<sup>201</sup> [Directive 2014/52/EU](#) of the European Parliament and of the Council of 16 April 2014 amending [Directive 2011/92/EU](#) on the assessment of the effects of certain public and private projects on the environment.

<sup>202</sup> The Commission issued a guidance document in 2016 regarding the setting up of coordinated and/or joint procedures that are simultaneously subject to assessments under the EIA Directive, Habitats Directive, Water Framework Directive, and the Industrial Emissions Directive, OJ C 273, 27.7.2016, p. 1.

## Environmental Implementation Report 2019 — Slovakia

steps procedure to address the requirements of Article 4(7) of the Water FD.

Slovakia has in place a multi-stage development consent system, in which the EIA process is followed by the zoning decisions and building permit stages. Since 2015, the EIA process is completed by the binding and appealable EIA Statement. The reform of permitting system, (based on 1976 Construction Act, amended for numerous times since then), is still pending. The infrastructure projects (mainly transport sector) have long preparation period and projects with old/pre-accession EIAs are still in a pipeline for EU co-financing in programming period 2014-2020. For some of the project new EIAs were carried out and compliance check is done by specific Compliance check unit at the Ministry of Environment. For number of projects, screening of the changes which have occurred since old EIAs was seen as a general solution, however such an approach should not result in circumventing the obligations of the EIA Directive to carry-out full EIA<sup>203</sup>.

### Adaptability, reform dynamics and innovation (eGovernment)

Although Slovak public authorities are increasingly adopting and using electronic services that enable them to interact with the public online, the country performed below the EU average in 2018<sup>204</sup>. For Digital Public Services, the country has a score of 0.50/1 based on Europe's Digital Progress Report 2018, lower than the EU28 average (0.57/1)<sup>205</sup>. However, the situation has considerably improved since the year 2016, mainly in terms of open data.

In October 2017, the "Detailed Action Plan on Digitisation of Public Administration" was published. The aim of the action plan is to develop an eGovernment system that is useful for citizens, public administration, businesses and academia.

Slovakia is taking steps towards modernising its public administration. Nevertheless, an adequate level of coordination between different public administrative authorities is needed to achieve successful implementation of the action plan.

### Enabling financing and effective use of funds

The country receives significant EU support, which is mainly devoted to foster regional development.

<sup>203</sup> National court ruled out in December 2018 that a [full EIA is needed instead of about 30 separate screenings to assess the changes in the project D4/R7 highway Bratislava](#).

<sup>204</sup> European Commission, [DESI country profile Slovakia](#), 2018, p. 9.

<sup>205</sup> European Commission, [Europe's Digital Progress Report \(EDPR\) 2017 Country Profile Slovakia](#), p. [Europe's Digital Progress Report \(EDPR\) 2017 Country Profile Slovakia](#), p. 10 and European Commission, [DESI country profile Slovakia](#), 2018, p. 9.

However, the use of EU funds during the 2007–2013 programming period has been delayed<sup>206</sup>. The implementation rate has scaled-up at the very end of the previous programming period but sometimes environmental projects suffer delays and funding is finally allocated to other domains.

### 2019 priority actions

- Improve further the overall environmental governance (such as transparency, citizen engagement, compliance and enforcement, as well as administrative capacity and coordination).
- Continue in the reform of the state administration in order to improve the situation in the Slovak forest.

### International agreements

The EU Treaties require the EU environmental policy to promote measures at international level to deal with regional or worldwide environmental problems.

The EU is committed to strengthening environmental law and its implementation globally. It therefore continues to support the Global Pact for the Environment process, which was launched by the United Nations General Assembly in May 2018<sup>207</sup>. The EIR is one of the tools to ensure that the Member States set a good example by respecting European Union environmental policies and laws and international agreements.

Slovakia has signed and ratified almost all multilateral environmental agreements. It has signed but not yet ratified the MARPOL Annex VI on the prevention of air pollution from ships.

### Forests: EU Timber Regulation (EUTR)<sup>208</sup>/ Forest Law Enforcement, Governance and Trade (FLEGT) Regulation<sup>209</sup>

In accordance with the EUTR, which prohibits the placing on the EU market of illegally harvested timber, competent authorities in EU Member States must conduct regular checks on operators and traders, and apply penalties in case of non-compliance.

Between March 2015 and February 2017, Slovakia carried out 1328 checks on operators of domestic timber. This is above the number of checks Slovakia had planned for that period<sup>210</sup>. However, it is hard to assess the relevance of this number as Slovakia was not able to provide an

<sup>206</sup> International Monetary Fund, Slovak Republic: [EU funds, enhancing absorption to reduce regional disparities](#), 2017, pp. 3-7.

<sup>207</sup> [UN General Assembly Resolution 72/277](#) and [Organizational session of the ad hoc open-ended working group](#).

<sup>208</sup> [Regulation \(EU\) No 995/2010](#).

<sup>209</sup> [Regulation \(EC\) No 2173/2005](#) of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

<sup>210</sup> 1200 checks were planned for the biennial period.

estimate of the total number of operators. Of the penalties issues, Slovakia reported issuing the highest number to operators (294) of timber, primarily of domestic timber.

On cooperation (Article 12 of the EUTR), Slovakia reports to have collaborated with various national governmental bodies and with other EU competent authorities, mainly through the FLEGT/EUTR expert group meetings and the ad hoc expert group on FLEGT.

### **Genetic resources: Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising (ABS)<sup>211</sup>**

In accordance with the EU ABS Regulation, which transposes the required compliance measures under the Nagoya Protocol into EU law, Slovakia has appointed competent authorities and applied sanctions for infringements of the Regulation. However, Slovakia has not submitted a due diligence declaration to date, nor has it applied any penalties. Slovakia submitted its first EBS Regulation implementation report to the Commission at the end of 2017.

### **International wildlife trade: the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>212</sup>**

In line with the obligations laid down in the Basic Regulation<sup>213</sup> which transposes the major obligations of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) into EU law, Slovakia has established relevant national authorities and regularly processes requests for import, re-export and intra-EU trade documents on a regular basis.

Reports on seizures of illegal wildlife shipments (in particular those reported every 6 months to TRAFFIC under its contract with the Commission and those exchanged through the EU-TWIX platform), show the extent of the customs authorities' activity.

### **2019 priority action**

- Increase efforts to be party to relevant multilateral environmental agreements, by signing and ratifying the remaining agreements

<sup>211</sup> [Regulation \(EU\) No 511/2014](#).

<sup>212</sup> [The Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#).

<sup>213</sup> Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (the Basic Regulation).

## **Sustainable development and the implementation of the UN SDGs**

Sustainable development links environmental, social and economic policies in a coherent framework and therefore helps to implement environmental legislation and policies.

The Slovak Republic has started to implement the 2030 Agenda in accordance with the document entitled 'The Basis of Implementation of the Agenda 2030 for Sustainable Development', which was approved by Government Resolution no 95/2016. National implementation of the 2030 Agenda will be under the responsibility of the Deputy Prime Minister of the Slovak Republic for Investment and Informatics' office. The external dimension is covered by the Ministry of Foreign Affairs and European Affairs. However, sustainable development can only be ensured through its synergies and by integrating it in all public policies. The Ministry of the Environment will therefore be closely involved in the implementation of the 2030 Agenda and in putting mainly environmental SDGs into practice.

The 2030 Agenda will revive sector-specific strategies and activities developed previously to reach the 2030 environmental targets, in particular the 2001 strategy for sustainable development. In the domestic sphere, the environment sector takes a long-term approach to topics that are part of the SDGs. In this context, the Ministry of the Environment monitors six primary objectives and plans to cooperate more with all stakeholders by setting up a joint working group.

The Ministry of the Environment is currently preparing a new environmental policy strategy, which will align with the 2030 Agenda objectives<sup>214</sup>. It is very important for Slovakia to set up a sound funding mechanism for the implementation of the 2030 Agenda 2030, given the financial difficulty of this task and the likely changes in EU funding beyond 2020. (After 2020, the EU cohesion fund's rules are expected to require a higher rate of co-financing by Member States and the fund is not expected to cover major infrastructure projects.)

The draft 2030 Agenda sets a two-year monitoring framework. Given that the national framework to implementation the 2030 Agenda is still being prepared and that it will be completed by the Vision and Development Strategy to 2030, the Government Resolution proposes to extend the deadline of the first report to the end of June 2020. This is in line with the two-year cycle proposed originally. Slovakia submitted its voluntary national review on the implementation of the SDGs to the UN in 2018.

<sup>214</sup> Ministry of Environment, Slovak Republic, [new env. strategy](#).