

BIOREGIO PROJECT

ANALYSIS OF NATIONAL INSTITUTIONAL FRAMEWORKS AND LEGISLATIONS AFFECTING BIODIVERSITY AND ECOLOGICAL CONNECTIVITY IN THE CARPATHIAN COUNTRIES

NATIONAL REPORT SLOVAKIA

PILOT AREA

Duna Ipoly National Park/Poiplie Ramsar Site (Hungary – Slovakia)

Author: Imrich Vozár, Slovakia

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Legal analysis coordinated and supervised by Dr. Mariachiara Alberton
(E-mail: mariachiara.alberton@eurac.edu)

EUROPEAN ACADEMY (EURAC) TEAM

TABLE OF CONTENTS

Section I - GENERAL PART

1	Introductory framework	4
1.1	The constitutionalized division of power	4
1.2	Legislative and administrative competences in the field of environment, landscape protection, land use and spatial planning, water, hunting, agriculture, transport, tourism, energy and mining	4
1.3	Authorities in charge of nature protection, monitoring and controlling activities, finance mechanisms	5
2	Legislative and administrative frameworks relevant for Biodiversity and Ecological Connectivity	7
2.1	Protected areas	7
2.1.1	Implementation of relevant European Directives	7
2.1.2	Implementation and management of the Nature 2000 Network	10
2.1.3	Procedure for establishing protected areas and the different protection regimes	14
2.1.4	Participatory rights of local communities	17
2.1.5	Buffer areas and their legal regime	17
2.1.6	Management plans for protected areas, administering bodies and funds	18
2.2	Ecological connectivity and related sectors	21
2.2.1	Ecological networks and connectivity in the Constitution and national legislation	21
2.2.2	Specific tools for the implementation of ecological connectivity	21
2.2.3	Integration of ecological connectivity in key processes and sectors	25
2.2.4	Conservation of cultural landscapes and historic sites in national legislation	27
2.2.5	Land use compatible with biodiversity conservation in national legislation	28
2.2.6	Ecological forestry management and afforestation in national legislation	29
2.2.7	Forest management plans	30
2.2.8	Illegal harvesting and logging	30
2.2.9	Restoring damaged sites and ecosystems	31
2.2.10	Illegal construction	32
2.2.11	Effective implementation of EIA and SEA procedures	33
2.2.12	Public participation in EIA and SEA procedures	34
2.2.13	Ecotourism in national legislation	35
2.3	Hunting	35
2.3.1	Hunting laws and their exemptions	35
2.3.2	Bans on hunting for specific species	35
2.4	Cross-border cooperation	37
2.4.1	Cross-border cooperation in bordering protected areas	37
3	Case law	40

4	Suggestions for improving national legislation	42
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Section II – PILOT AREA

Duna Ipoly National Park/Poiplic Ramsar Site (Hungary – Slovakia)

1	Regional/local institutional frameworks and legislation affecting biodiversity protection and ecological connectivity in the pilot area	49
2	Cross-border cooperation instruments affecting biodiversity protection and ecological connectivity in the NP	51
	ANNEX: QUESTIONNAIRE	52

Section I - GENERAL PART

1 Introductory framework

1.1 The constitutionalized division of power (See Questionnaire 1.1)

The Slovak Republic is a unitary state. In terms of the establishment of the state, Slovakia is a republic with a parliamentary democracy as a political system.

The constitutional division of powers is made as follows:

- **Executive power:** President and Government of the Slovak Republic
- **Legislative and constituent power:** National Council of the Slovak Republic
- **Judicial power:** Constitutional Court and ordinary courts' system

In terms of territorial division, the Constitution defines **local self-governments** as follows “*municipalities and higher territorial units are separate territorial and administrative units of the Slovak Republic, associating people who have permanent residence in their territory*”.

The law establishes the competences of local self-governments, as well as in which areas they execute delegated governmental competences.

1.2 Legislative and administrative competences in the field of environment, landscape protection, land use and spatial planning, water, hunting, agriculture, transport, tourism, energy and mining (See Questionnaire 1.1)

In each legal area, the competences of the central government are assigned to individual ministries on the basis of the Act no. 575/2001 Coll. on the organization of government activities and organization of central state administration.

Individual ministries may submit their own legislative proposals. In case of legal regulations, the Government discusses the proposals and, after their approval, it submits their application to a legislative assembly – the National Council of the Slovak Republic - for approval. If required by law, the Government approves also secondary legislation provisions – government regulations that are not subject to the approval of the National Council. In case of subordinate legislation issued according to the law by various ministries (Ministries Decree), the relevant ministries approve and issue directly these regulations.

If there is a legal empowerment, other state bodies (functionally subordinated to some ministries) may issue subordinate legislation (decrees) as well. E.g. regional environmental authorities are legally empowered to issue decrees declaring some of the protected areas.

In order to ensure a good performance of local state administration, local government authorities can be constituted in some areas. For example, in relation to state administration of the environment, there are regional environmental authorities which carry out these competences in their territorial districts.

The distribution of material competences among different ministries is referred in the Act on the organization of governmental activities and organization of the central state administration as follows:

- the Ministry of Environment is responsible for protecting the environment and landscape, as well as ecological aspects of spatial planning, water management, flood protection, protection of water quality and quantity, their rational use and fishing;
- the Ministry of Transport, Construction and Regional Development is responsible for land development and planning (except for their environmental aspects) as well as transport ;

- the Ministry of Agriculture and Rural Development are responsible for hunting, forestry, agriculture and protection of agricultural land;
- the Ministry of Economy is responsible for tourism, energy and mining.

1.3 Authorities in charge of nature protection, monitoring and controlling activities, finance mechanisms (See Questionnaire 1.1)

The division of competences in the area of nature protection lays down the Act no. 525/2003 Coll. on the state administration of the environment in connection to the Act. 543/2002 Coll. on nature and landscape conservation.

The **Ministry of Environment** is the central government authority in the area of nature protection. Among other things, its role is to:

- manage and supervise the state administration and outline the main directions of its activities, fulfills functions of main state supervision;
- carry out central reviews of the conservation status of specially protected parts of nature;
- submit proposals to declare national parks to the Government for its approval;
- declare protected landscape areas and Natura 2000 sites and procure management plans for those territories;
- submit a draft concept of state policy of nature and landscape conservation to the Government for its approval, as well as the Master plan of supra-regional territorial system of ecological stability of the Slovak Republic;
- issue exemptions from protection of endangered species of plants and animals, as well as exemptions from protection of A zone in a protected area;
- in the second instance, decide on appeals against decisions of regional environmental authorities; and
- establish a specialized organizations for nature and landscape protection (see below).

A **Regional Environmental Authority** exercises its powers over the territory of a region. Within its territory - among other things, its role is to:

- manage and supervise state administration in matters of nature and landscape protection in the region;
- in the second instance, decide on appeals against decisions of district environmental authorities;
- declare and reject protection of protected areas in the following categories - protected resort, nature reserve, nature monument, private protected area, protected tree and its buffer zone, and also buffer zone of a natural cave or waterfall;
- prepare and approve management plans of protected areas;
- carry out regional reviews on the conservation status of specially protected parts of nature;
- allow, in reasonable cases, exemptions from prohibited activities in territories with the second, third, fourth or fifth level of protection and in Special Protection Areas;
- issue regulations for visiting national parks and their buffer zones;
- decide on financial compensation related to restriction of common management activities.

A **District environmental authority** exercises its powers within its boundary. Among other things, the role of this body within its territory is to:

- carry out state administration in matters of nature and landscape protection to the extent stipulated by the Nature Conservation Act;

- prepare and approve a document on the ecological stability of the regional territorial system;
- carry out district reviews on the status of specially protected parts of nature and landscape;
- impose to natural persons and other legal entities penalties under the Nature Conservation Act and inform the Ministry of Environment about their storage; and
- decide about right to compensation for injuries and property damage caused by selected species of animals.

A Municipality carries out state administration (in its cadastral area) regarding the care of trees growing outside the forest; it procures and approves a document on the ecological stability of the local territorial system and a management plan for the care of trees.

The State Nature Conservancy is an expert organization in the field of nature protection established by the Ministry of Environment. Administratively, it is divided into National Parks Services, Protected Landscape Areas Services and Services of Caves. The State Nature Conservancy is an organization that protects wildlife on the field, and provides management and practical implementation of nature conservation. Among its main activities there are:

- processing expert opinions for decision-making and other activities of nature conservation authorities;
- processing protection projects as well as other technical documents and statements by promulgation (amendment, revocation) of specially protected parts of nature and landscape;
- preparing and managing selected documentation on nature conservation and landscape protection, providing information and implementing specific measure resulting from this documentation;
- carrying out a survey and research of specially protected parts of nature and landscape;
- designing or implementing plans for special protection of nature and landscape, including their revision and implementation of state supervision;
- monitoring the condition and changes of the ecological status in natural ecosystems and providing measures to maintain and improve their ecological stability;
- coordinating activities of members of the nature protection guards;
- taking part in international cooperation through the implementation of international programs, projects and agreements in matters of nature conservation and landscape protection; and
- performing cultural and educational activities, promotional activities and publishing.

The Slovak Environmental Inspection is a specialized supervisory authority carrying out state supervision (also) in the area of nature conservation and landscape protection. It can impose penalties to natural persons and other legal entities according to the Nature Conservation Act and can also order necessary remedial measures to correct existing deficiencies. This body is financed from the state budget through the budget of the Ministry of Environment.

In terms of **Forest protection**, the state administration regarding Forestry is carried out under the Act no. 325/2005 Coll. on Forests. It deals with setting rules, particularly in forest management.

State administration of forest management is entrusted to the Ministry of Agriculture and Rural Development (central government body), regional forest offices and district forest offices.

All these public authorities are **financed from the state budget**. An exception is the State Nature Conservancy, which is a state contributory organization connected to the budgetary

chapter of the Ministry of Environment, thus a portion of its income belongs to the state budget while other revenues for its activities have to be provided from other resources (admission into the protected areas, repayable service revenues, successfully submitted projects from various public funds).

2 Legislative/administrative frameworks relevant for biodiversity and ecological connectivity

2.1 Protected areas

2.1.1 Implementation of relevant European Directives (See Questionnaire 1.2)

- **Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora** has been implemented by the following legislation:
 1. The Act no. 543/2002 Coll. on nature and landscape protection, as amended;
 2. The Decree of the Ministry of Environment no. 24/2003 Coll. implementing the Act. 543/2002 Coll. on nature and landscape protection;
 3. The Act no. 274/2009 Coll. on hunting, as amended.
- **European Parliament and Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds** has been implemented by the following legislation:
 1. The Act no. 543/2002 Coll. on nature and landscape protection, as amended;
 2. The Decree of the Ministry of Environment no. 24/2003 Coll. implementing the Act. 543/2002 Coll. on nature and landscape protection;
 3. The Act no. 274/2009 Coll. on hunting, as amended;
 4. The Decree of the Ministry of Environment no. 173/2005 Coll., which declares the Special Protection Area Horná Orava;
 5. The Decree of the Ministry of Environment no. 216/2005 Coll., which declares the Special Protection Area Malé Karpaty;
 6. The Decree of the Ministry of Environment no. 377/2005 Coll., which declares the Special Protection Area Lehnice;
 7. The Decree of the Ministry of Environment no. 234/2006 Coll., which declares the Special Protection Area Sysľovské polia;
 8. The Decree of the Ministry of Environment no. 593/2006 Z. Coll., which declares the Special Protection Area Dolné Považie;
 9. The Decree of the Ministry of Environment no. 17/2008 Coll., which declares the Special Protection Area Trábeč;
 10. The Decree of the Ministry of Environment no. 18/2008 Coll., which declares the Special Protection Area Ostrovné lúky;
 11. The Decree of the Ministry of Environment no. 19/2008 Coll., which declares the Special Protection Area Ondavská rovina;
 12. The Decree of the Ministry of Environment no. 20/2008 Coll., which declares the Special Protection Area Poiplie;
 13. The Decree of the Ministry of Environment no. 21/2008 Coll., which declares the Special Protection Area Kráľová;
 14. The Decree of the Ministry of Environment no. 22/2008 Coll., which declares the Special Protection Area Košická kotlina;

15. The Decree of the Ministry of Environment no. 23/2008 Coll., which declares the Special Protection Area *Parížske močiare*;
16. The Decree of the Ministry of Environment no. 24/2008 Coll., which declares the Special Protection Area *Poľana*;
17. The Decree of the Ministry of Environment no. 25/2008 Coll., which declares the Special Protection Area *Bukovské vrchy*;
18. The Decree of the Ministry of Environment no. 26/2008 Coll., which declares the Special Protection Area *Medzibodrožie*;
19. The Decree of the Ministry of Environment no. 27/2008 Coll., which declares the Special Protection Area *Dolné Pohronie*;
20. The Decree of the Ministry of Environment no. 30/2008 Coll., which declares the Special Protection Area *Cerová vrchovina-Porimavie*;
21. The Decree of the Ministry of Environment no. 31/2008 Coll., which declares the Special Protection Area *Žitavský luh*;
22. The Decree of the Ministry of Environment no. 32/2008 Coll., which declares the Special Protection Area *Sľňava*;
23. The Decree of the Ministry of Environment no. 440/2008 Coll., which declares the Special Protection Area *Dunajské Luhy*;
24. The Decree of the Ministry of Environment no. 437/2008 Coll., which declares the Special Protection Area *Úľanska mokraď*;
25. The Decree of the Ministry of Environment no. 434/2009 Coll., which declares the Special Protection Area *Strážovské vrchy*;
26. The Decree of the Ministry of Environment no. 435/2009 Coll., which declares the Special Protection Area *Dubnické štrkovisko*;
27. The Decree of the Ministry of Environment no. 436/2009 Coll., which declares the Special Protection Area *Senianske rybníky*;
28. The Decree of the Ministry of Environment no. 438/2009 Coll., which declares the Special Protection Area *Laborecká vrchovina*;
29. The Decree of the Ministry of Environment no. 439/2009 Coll., which declares the Special Protection Area *Muráňska planina – Stolica*;
30. The Decree of the Ministry of Environment of the Slovak Republic no. 187/2010 Coll., which declares the Special Protection Area *Veľkoblavovské rybníky*;
31. The Decree of the Ministry of Environment of the Slovak Republic no. 189/2010 Coll., which declares the Special Protection Area *Nízke Tatry*;
32. The Decree of the Ministry of Environment of the Slovak Republic no. 192/2010 Coll., which declares the Special Protection Area *Slovenský kras*;
33. The Decree of the Ministry of Environment of the Slovak Republic no. 193/2010 Coll., which declares the Special Protection Area *Slanské vrchy*;
34. The Decree of the Ministry of Environment of the Slovak Republic no. 194/2010 Coll., which declares the Special Protection Area *Veľká Fatra*;
35. The Decree of the Ministry of Environment of the Slovak Republic no. 195/2010 Coll., which declares the Special Protection Area *Vihorlatské vrchy*;
36. The Decree of the Ministry of Environment of the Slovak Republic no. 196/2010 Coll., declares Special Protection Area *Volovské vrchy*;
37. The Decree of the Ministry of Environment of the Slovak Republic no. 202/2010 Coll., which declares the Special Protection Area *Záhorské Pomoravie*;

38. The Decree of the Ministry of Environment of the Slovak Republic no. 2/2011 Coll., which declares Special Protection Area Malá Fatra;
 39. The Decree of the Ministry of Environment of the Slovak Republic no. 3/2011 Coll., which declares the Special Protection Area Slovenský raj;
 40. The Decree of the Ministry of Environment of the Slovak Republic no. 4/2011 Coll., which declares the Special Protection Area Decree of Vysoké Tatry;
 41. The Decree of the Ministry of Environment of the Slovak Republic no. 26/2011 Coll., which declares the Special Protection Area Chočské vrchy;
 42. The Decree of the Ministry of Environment of the Slovak Republic no. 27/2011 Coll., which declares the Special Protection Area Špačinsko-nížňianské polia;
 43. The Decree of the Ministry of Environment of the Slovak Republic no. 28/2011 Coll., which declares the Special Protection Area Čergov.
- **The Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000, establishing a framework for Community action in the area of water policy** was implemented by the following legislation:
 1. The Act no. 364/2004 on water, as amended (the Water Act);
 2. The Decree of the Ministry of Environment no. 224/2005 Coll., laying down details on the definition of the river basin, environmental objectives and water planning;
 3. The Act no. 7/2010 Coll. on flood protection;
 4. The Government Regulation no. 269/2010 Coll., laying down the requirements to achieve a good water status;
 5. The Decree of the Ministry of Environment no. 313/2010 Coll., establishing the details of a preliminary assessment of flood risk and its review and updating;
 6. The Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic no. 418/2010 Coll., implementing certain provisions of the Water Act;
 7. The Decree of the Ministry of Agriculture, Environment and Regional Development of the Slovak Republic no. 419/2010 Coll., establishing details on the production of flood hazard maps and flood risk maps, reimbursement on the expenses for their preparation, review and update on designing and range of the inundation area and its imaging on the maps.
 - **The European Parliament and Council Directive 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage** has been implemented by the following legislation:
 1. The Act no. 359/2007 Coll. on prevention and remedy of environmental damage, as amended.
 - **The Council Directive 85/337/EEC of 27 June 1985 on the impact assessments of certain public and private projects on the environment** has been implemented by the following legislation:
 1. The Act no. 24/2006 Coll. on the assessment of environmental impact.
 - **The European Parliament and Council Directive 2001/42/EC of 27 June 2001 on the impact assessments of certain plans and programs on the environment** has been implemented by the following legislation:
 1. The Act no. 24/2006 Coll. on the assessment of environmental impact.

2.1.2 Implementation and management of the Nature 2000 network (See Questionnaire 1.2)

Legal provisions introducing in Slovakia a system of protected areas Natura 2000 (based on relevant articles of the Habitats Directive - Art. 7 - as well as on relevant provisions of the Birds Directive), are located in the Act no. 543/2002 Coll. on the nature and landscape protection, as amended (further only as 'the Nature Conservation Act'). Central provisions go from § 26 to § 28, which read:

§ 26 - Special Protection Area

- (1) Habitats of migratory bird species, in particular areas of their breeding, moulting, wintering and resting places along their migration routes and habitats of bird species of Community importance can be declared as special protection areas to ensure their survival and reproduction.*
- (2) The Ministry procures a national list of proposed Special Protection Areas (further only as the list of SPAs), which has to be approved by a Governmental Resolution. After its adoption, the government sends the list of SPAs to the European Commission.*
- (3) The Ministry publishes in its journal the list of SPAs, which contains the name of the sites of proposed Special protection areas, cadastral areas in which the sites are located, the site areas and the draft of protection reasons.*
- (4) When assessing the impact of any activity on the environment according to a special regulation, the authorization of this activity - has to comply with the regime of a proposed Special Protection Area included in the approved list of SPAs which is considered a protected area declared according to this Act from the date of approval of this list .*
- (5) In a special protection area, activities that may have negative effects on the scope of its protection, are prohibited.*
- (6) The Ministry declares habitats of bird species and habitats of Community importance of migratory bird species listed in the approved list of SPAs as a Special Protection Area and establishes their territorial boundaries as well as a list of activities pursuant to paragraph 5, including spatial and temporal limits of their power.*

§ 27- Special Area of Conservation

- (1) Special Area of Conservation under this Act means the territory of the Slovak Republic made up of one or more sites,
 - a) on which there are habitats of Community importance or species of Community importance, which are subject to protection by declaring a protected area,*
 - b) which are included in the national list of these sites procured by the Ministry after discussion with the Ministry of Agriculture (hereinafter referred to as 'national list').**
- (2) In the national list may be included only sites for which a draft in accordance with § 54.9 point b) has been prepared.*
- (3) The Ministry shall discuss with the landowners (administrators, tenants) of sites included in those proposed of Community importance, enlistment of these sites into the national list; part of the hearing is particularly focused on the justification for classifying those sites in the national list, definition of activities, the performance of activities which require the consent of the state environmental authority or which are prohibited under this Act, and the method of compensation for the limitation of standard farming in their territories (§ 61).*
- (4) After negotiating the national list, the government sends it to the European Commission for its approval.*

(5) After its approval by the Government, the national list - which contains the names of proposed sites of Community importance, cadastral areas in which those sites are located, the site areas, the level of territorial protection of the proposed sites of Community importance, the details of their territorial protection and the justification of the proposal - is included in a generally binding legal regulation issued by the Ministry. Details of territorial protection determine mainly the territorial and temporal period of application of prohibitions and restrictions under the applicable level of protection (§ 13 to § 16).

(6) The national list will be continuously updated according to the status of habitats and species of Community interest whose protection is declared or based on a proposal the European Commission; the provisions of paragraphs 2 to 5 shall equally apply. If the European Commission proposes to include within a national list a site hosting priority habitats or priority species which, on the basis of relevant scientific information, is considered important for conservation and survival, this site is added to the national list, even if a proposal for its inclusion is disputed, until the dispute is resolved or until the decision of the Council of the European Union on this proposal is issued.

(7) The proposed site of Community importance listed in the national list according to paragraph 5, shall be considered a protected area declared under this Act to the level of protection stated in the national list. Assessing the impact of any activity on the environment according to a special regulation for allowing this activity shall be done in accordance with the level of protection of proposed sites of Community importance and declared protected area.

(8) If the proposed site of Community importance is located in a protected area [§ 17.1 point. a) to f)] or in its buffer zone with the second to the fifth level of protection, and the level of protection of the proposed site of Community importance and declared protected area or buffer zone is different, the later passed legislation shall apply for the level of protection of the common area .

(9) The proposed sites of Community importance approved by the European Commission shall be declared by a nature protection authority as protected areas or zones of a protected area under this Act within two years from the approval of the national list by the European Commission.

§ 28 - Natura 2000

(1) Special protection areas, protected areas and zones of protected areas according to § 27.9 are part of the Natura 2000 network, which aims to ensure the favourable conservation status of habitats of Community importance and the favourable conservation status of species of Community importance in their natural range.

(2) Any plan or project not directly connected to managing an area belonging to a Natura 2000 network, a proposed Special Protection Area or a Special area of Conservation (further indicated as 'territory of the network of protected areas') or which is not needed for management, but that is likely to have a significant effect on the territory - separately or in combination with other plans or projects - is subject to an assessment of its effects on such area in terms of the objectives of its protection.

(3) Any person who intends to undertake a plan or project pursuant to paragraph 2 (hereinafter 'applicant') is obliged to submit a proposal of the plan or project to a relevant nature conservation authority for an assessment. This obligation does not apply to plans or projects that are subject to impact assessment pursuant to special regulations.

(4) The nature protection authority shall issue, for the draft plan or project pursuant to paragraph 3, an expert opinion based on evaluation of criteria referred in Annexes 3 and 10

of a special regulation. If, in the expert opinion of the nature conservation authority, a plan or project is not related to managing the territory of the network of protected areas, or is not necessary for managing such area and is likely to have, alone or in combination with other plans or projects, significant impact on this area, such plan or project will be subject to an impact assessment according to a special regulation.

(5) If, as a result of an impact assessment under a special regulation, it is necessary to take measures to compensate the negative effects of the plan or project on the integrity of the territory of the Natura 2000 network (hereinafter referred to as 'compensatory measures'), the applicant is required to request the approval of the Ministry on the modality and conditions of their implementation.

(6) Compensatory measures must be comparable in scale, focused on affected habitats and species and must ensure comparable functionality with those functions that were fulfilled by the territory affected by the plan or project in order to ensure the overall coherence of the Natura 2000 network.

(7) The applicant is required to execute compensatory measures at his own expense. If the applicant fails to implement compensatory measures, the Ministry may carry out them at the expense of the applicant.

(8) The Ministry shall inform the European Commission about adopted compensatory measures.

(9) Details of the criteria for evaluating the proposals and projects pursuant to paragraph 3 will be issued by the Ministry.

When establishing a protected area, which is also part of the Natura 2000 network, **conditions of protection** are simultaneously set out. The more strictly the territory is protected, the higher is the level of its protection and the number of restrictions on land use increases too (prohibited activities and activities conditionally approved by a state nature conservation authority). The most strictly protected areas are registered in the fifth level of protection. The conditions of protection defined for each level of protection are set out in the provisions of § 11 and §16 of the Act (see below).

From the perspective of managing protected areas belonging to Natura 2000 network, important are the provisions related to the preparation and approval of **nature conservation documentation** (§ 54 of the Nature Conservation Act). Pursuant to these provisions, the so-called management plan is a key management document for protected areas. Management plans are the basis for ensuring the ongoing management of protected areas or their buffer zones and for protected areas of international importance. The approved management plan for a protected area is the binding basis for drawing up and approving following management plans and should ensure an adequate ongoing care of that territory. The management plan, among other things, includes practical measures for protected areas.

Following Art. 3 and Art. 10 of the Habitats Directive, which state information on sufficient support and improvement of the ecological coherence, essential provisions of the Nature Conservation Act, as well as other Acts, must be pointed out.

In this sense, the Nature Conservation Act defines, in § 2.2 point. a), the important concept of '*territorial system of ecological stability*' which means '*spatial structure of interconnected ecosystems and their components, which ensure the diversity conditions and forms of life in the country. The basis of this system is represented by bio-centers, corridors and interactive elements of supra-regional, regional or local importance.*'. It is also important to note the term '*important landscape element,*' which is - in accordance with the provisions § 2.2 point. c) - '*such part of the territory which creates characteristic appearance of the country and*

contributes to its ecological stability, especially forest, peatland, stream-side vegetation, lake, wetland, river, rock, gorge, stone sea, sand dunes, park, alley, tuft . On the basis of these definitions are established the key obligations for the subjects that can be touched by nature and landscape protection. The provision of § 3.1 provides that *'Everyone is obliged to protect nature and landscape against jeopardization, harm or destruction and take care of its components and elements, according to their possibilities, for the purpose of their preservation and protection, improving the environment and creating and maintaining the territorial system of ecological stability'*. Under the provision of § 3.2, an important landscape element can be used only *'in such a way that its condition is not disrupted, jeopardization is avoided or its eco-stabilizing functions is not weakened'* and according to the provisions of § 3.3 *'Creating and maintaining the territorial system of ecological stability is a public interest. Entrepreneurs and legal persons who intend to carry on business which may endanger or impair the territorial system of ecological stability are required to propose measures that will contribute to its creation and maintenance.'*

The Nature Conservation Act also determines the form of preparing a **territorial system of ecological stability** and introducing it into other planning institutes, through the means of § 54 about nature conservation documentation. § 54.7 prescribes the documentation necessary to ensure the territorial system of ecological stability:

- 'a) Master plan of supra-territorial system of ecological stability of the Slovak Republic as a strategy document for the protection of diversity of conditions and forms of life in the state,*
- b) document of regional territorial system of ecological stability as a document intended to protect the diversity of conditions and forms of life in a region,*
- c) document of local territorial system of ecological stability as a document intended to protect the diversity of conditions and forms of life at the local level. '*

The fact that **nature conservation documentation is a basis for other planning institutes** (such as, in particular, spatial planning documentation under the Building Act, the approval of Forest Management Plans under the Forest Act, the approval of Flood Risk Management Plan under the Act on Protection Against Flooding etc.) as well as for decision-making of nature conservation authorities, is provided in the provision of § 54.20.

Links to other regulations is stated also in § 9 of the Nature Conservation Act, under which the competent nature conservation authorities are obliged to issue their opinion in the process of approving spatial planning documentation and decisions issued under the Building Act, decisions issued pursuant to the Mining Act, decisions issued under the Forest Act, decisions issued pursuant to the Act on the Protection and Use of Agricultural Land and the Act on the Prevention and Remedying of Environmental Damage.

It is also necessary to point out some of the provisions of specific regulations that reflect those articles of the Habitats Directive concerning ecological coherence and the Natura 2000 network.

For example, the Building Act in its § 39a.3 establishes the obligation to obtain a decision on land use in order to perform landscaping activities which would *'significantly change the territorial system of ecological stability of the landscape, the use of important landscape elements or drainage conditions in the area, especially the excavation or backfilling trenches, landfills, the mounds and melioration* '.

Likewise, the Act on the Protection and Use of Agricultural Land determines in § 3, in case of using agricultural land, an obligation *'to ensure utilization of agricultural land so that the ecological stability of the area is not endangered and the functional interrelatedness of natural processes in the landscape environment is maintained.*'.

2.1.3 Procedure for establishing Protected Areas, administering bodies and funds (See Questionnaire 1.2)

The Nature Conservation Act sets the following categories of protected areas and provides a competent authority for the designation of a protected area.

- **Protected Landscape Area** is a large area, usually over 1,000 hectares, with fragmented ecosystems, important for the conservation of biological diversity and ecological stability, with characteristic landscape features or specific forms of historical settlements. The Ministry of Environment may designate some territory as a Protected Landscape Area. In terms of IUCN criteria, it should be in category V of protected areas.
- **National Park** is a large area, usually over 1,000 hectares, primarily with an ecosystems substantially unchanged by human activities, or with a unique natural landscape and structure, forming supra-regional bio-centers and the most important natural heritage, where nature conservation is a priority in relation to other activities. The Government of the Slovak Republic may designate some territories as National Park. In terms of IUCN criteria, it should be in category II of protected areas.
- **Protected Resort** is a location, usually up to 1,000 hectares, where the habitats of Community or national interest are present, or where the habitats of the species of Community or national interest are present and where the favourable conservation status of these habitats depends on human management. The Regional Environmental Authority may designate the Protected Resort with a generally binding decree. In terms of IUCN criteria, it should be in the category IV of protected areas.
- **Nature Reserve** is a site, usually up to 1,000 hectares, which contains natural habitats, or habitats only a little altered by human activities, or habitats of Community or national interest, habitats of species of Community or national interest. The Regional Environmental Authority may designate the Nature Reserve with a generally binding decree. In terms of IUCN criteria it should be in category I of protected areas. The Nature Conservation Act does not introduces further distinction of categories Ia and Ib.
- **Natural Monument** is a spot, line or other small scale ecosystem, its component or element, usually up to 50 hectares, which is of scientific, cultural, environmental, aesthetic or landscape importance. The regional environmental authority may designate the natural monument with a generally binding decree. In terms of IUCN criteria, it should be in category III of protected areas.
Directly according to the law, **all natural waterfalls and caves** are natural monuments (natural phenomena that meet the legal criteria).
- **Protected Landscape Element** is an important landscape element that fulfills the function of bio-center or bio-corridor or interaction element, in particular of local or regional importance. The district environmental authority may designate the protected landscape element with a generally binding decree. In terms of IUCN criteria, it should be in category III of protected areas.
- **Special Protection Area** can be habitats of migratory birds, especially their breeding, moulting, wintering and resting places along their migration routes, and habitats of bird species of Community interest, where it is necessary to ensure their survival and reproduction. A Special Protection Area can be declared by the Ministry of Environment.

The **process of designating** protected areas is provided by § 50 of the Nature Conservation Act. The process of change or cancellation of a protected area is provided by § 53 of the Nature Conservation Act.

An **expert opinion** is required to start the process of designating protected areas, this opinion is a **conservation project** which is one of the nature conservation documents. Conservation projects shall be drawn up as a basis for designating protection or change of the protection regime of protected areas and their buffer zones. Conservation projects of protected areas are binding for further processing of nature conservation documentation. A conservation project can be processed only by a qualified person (i.e. the person who has expertise in terms of nature conservation and is registered in the list of qualified persons), or the State Nature Conservancy of the Slovak Republic as an expert conservation organization established by the Ministry of Environment.

A conservation project is delivered to the nature conservation authority competent for the designation of a relevant protected area (for example, the Ministry of Environment is the competent for designating a new National Park,). After considering the conservation project, the competent nature conservation authority may (or may not) begin the process of designating a protected area.

If the nature conservation authority recognizes that the process of designation of a protected area may begin, then the intention of designating a protected area shall be **notified to the owner (administrator, tenant) of the land**, the affected municipality and also to the concerned governmental authorities. In particular, an intention contains the basic characteristics of designation in terms of protection and place of realization. When there is a large number of affected landowners, or their residence is unknown, announcement of the intention may be delivered as a public notice.

The affected municipality is obliged, within 15 days from receiving the notification of the intention, to **inform the public** in its territory on the intention and make it accessible for a minimum period of 15 days.

The owner (administrator, tenant) of the land, the affected municipality and the concerned governmental authority have the right, within 30 days from receiving the notification of the intention or its public notice, to **submit written comments** to the nature conservation authority. Subsequently, the nature conservation authority is obliged, within 30 days, to negotiate the comments with those who submitted them.

An area that is intended to be designated as protected, might be subject to the so called **preliminary protection**, to prevent damage or destruction of its natural values during the process of designation. Preliminary protection is determined by identifying conditions for implementation of the activities carried out in this territory and is valid until the designation of a protected area comes into force.

A protected area must be declared **within two years of the publication of the intention**, otherwise preliminary protection expires.

In Slovakia, no single category of protected areas is declared via some Act. Each of them may be designated by a regulation based on legal empowerment established in the Nature Conservation Act.

National Parks are designated by a regulation of the Government of the Slovak Republic.

Protected Landscape Areas and Special Protected Areas, are designated by a generally binding Decree of the Ministry of Environment.

Nature Reserves, Protected Resorts and Natural Monuments are designated by a generally binding Decree of the Regional Environmental Authority.

Protected Landscape Elements are designated by a generally binding Decree of the District Environmental Authority.

In terms of **strictness of protection**, the Nature Conservation Act provides **the levels of protection**, which can be assigned to individual protected areas. The higher the level of protection the more stringent protection regime is applied.

In Protected Landscape Areas the second level of protection applies.

In National Parks the third level of protection applies.

In Protected Resorts the second, third, fourth, or even fifth level of protection apply. The Regional Environmental Authority considers what level of protection has to be declared for a protected resort to preserve its nature values.

In Nature Reserves the fourth or fifth level of protection apply. It is at the consideration of a Regional Environmental Authority what level of protection has to be declared for a Nature Reserve to preserve its nature values.

Natural Monuments are protected under the fourth or fifth level. The Regional Environmental Authority decides what protection applies to a Natural Monument to preserve its nature values.

Protected Landscape Element can be subject to the second, third, fourth, or even fifth level of protection. The District Environmental Authority establishes what protection has to be declared for a Protected Landscape Element to preserve its nature values.

Each protected area can also be divided into **zones on the basis of the conservation status** of habitats, if it is necessary to ensure their preservation. The zones are usually defined as parts of the protected area of coherent nature according to natural values in them, primal ecosystems, extent of human action and human land use, so that the fifth level of protection is designated in the zone A, the fourth level of protection in the zone B, the third level of protection in the zone C and the first or second level of protection in the zone D. The area can also be divided into sub-zones, if parts of protected areas with different natural value are located within a zone.

A Special Protection Area does not provide levels of protection, but the Ministry with its declaration specifies prohibited activities that may affect the object of protection of the Special Protection Area.

Currently, in the Slovak Republic protected areas can **be declared only by state authorities**. Large-scale protected areas (national parks, protected landscape areas) can be declared by state central governmental authorities, small-scale protected areas (nature reserves, protected areas, natural monuments) by regional environmental authorities or district environmental authorities (declaring protected landscape elements).

Municipal authorities (municipalities, superior territorial units) do not have the legal empowerment to designate protected areas and they play only a passive role in gathering the comments during the process of promulgation of a protected area in their cadastral area.

Currently the promulgation process is running for thirteen new prepared protected areas.

In eight of these cases, protected areas are being designated in the category '**Protected resort**'; which corresponds to IUCN category IV. There are three proposed Protected resorts, namely 'Skalica Alluvium of Morava River', 'Šranecké sands' and 'Bežnisko', in Protected landscape area Záhorie, another proposed Protected resort 'River Váh near Zamarovce' on the river Váh in the west part of Slovakia, two proposed Protected resorts 'Hill Ploská' and 'Upper grove' in the district of the town Nové Zámky (southwest part of Slovakia) and two proposed Protected resorts 'Canal of Bodíky' and 'Abov' in the Protected landscape area of Danube meadows.

In four cases, protected areas are being designated in the category ‘**Nature Reserve**’; which corresponds to IUCN category I. There is a proposed Nature reserve ‘Valley of Bystrá Creek’ in National Park Low Tatras, a proposed Nature reserve ‘Dry Mountain’ in National Park Veľká Fatra and two proposed Nature reserves ‘Rydošová’ and ‘Javoriny’ in a Protected landscape area of the East Carpathians.

In one case, a protected area is being designated in the category ‘**Protected landscape element**’; which reflects IUCN category III. The proposed Protected landscape element is ‘Meadows on Bystré’ in the district of town Šal’a (southwest part of Slovakia).

2.1.4 Participatory rights of local communities (See Questionnaire 1.2)

The Nature Conservation Act provides for the designation of the so-called **Private Protected Area** and establishes its process of designation in § 31.

An owner of land that meets the conditions laid down in the Nature Conservation Act for one of the categories of protected areas (with the exception of the National Park and the Protected Landscape Area) can develop a conservation project in order to designate a Private Protected Resort, a Private Nature Reserve or a Private Nature Monument and submit it to the Regional Environment Authority. In case that the considered territory meets the statutory requirements (see paragraph 2.1.3 above for the definitions of each category of a protected area) for the designation of a protected area, the Regional Environmental Authority must declare the private protected area with its Generally Binding Decree establishing also a level of protection and details of its territorial protection. In the Private Protected Area can apply only the level of protection corresponding to the relevant category of protected area.

From the above follows that the Nature Conservation Act allows the designation of a private protected area for ‘enlightened’ owners of natural valuable land, but this declaration is subject to the compliance with statutory criteria for designating a Private Protected Area, which is assessed by a state authority – the relevant Regional Environment Authority.

At present, there are two private protected areas declared in Slovakia.

When a process of designating a protected areas is initiated by state environmental authorities, the public, as well as other concerned entities - affected municipalities, affected landowners or managers of the land, or tenants of the land - **have the right to submit comments during this process.** Those comments are submitted during the publishment of an intention to designate a protected area and must be evaluated and discussed by a state authority. The state authority has the duty to allow the submission of comments, however, they are not legally binding and the state authority discretionally decides how these comments will be taken into account in the subsequent process of designation.

In this context, it should be noted that, recently, in their judgments Slovak courts dictated to state authorities to decide about the submitted comments in the form of an administrative decision with all formal requirements, which may be appealed. If this decision-making judicial practice will be actually confirmed by other similar judgments, the public and local actors will get a powerful procedural tool to affect the designation of protected areas.

2.1.5 Buffer areas and their legal regime (See Questionnaire 1.2)

Pursuant to § 17 of the Nature Conservation Act, each protected area can have its **buffer zone**. The establishment of the buffer zone is carried out in the same process that designates

the protected area. It is at the discretion of the state environmental authority, which designates the protected area, whether the establishment of a buffer zone is necessary for its protection. According to the Nature Conservation Act, in the buffer zone applies one lower level of protection than in the protected area itself. This means that a protected area in the fifth level of protection will have its buffer zone in the fourth level of protection.

For Nature Reserves, if the buffer zone is not declared during the designation process, the Nature Conservation Act provides that in such case the buffer zone covers the area within 100 meters from the borders of the protected area and the third level of protection applies.

If the buffer zone is not declared in the process of designating a Natural Monument, the Nature Conservation Act provides that, in such case, the buffer zone covers the area within 60 meters from the borders of the protected area, and the third level of protection applies.

The state authority responsible for designating a protected area may also, at its sole discretion, decide that the buffer zone is not necessary for preserving the protected area. In this case, during the process of designation of a protected area, the state authority shall establish that the buffer zone is not declared.

This decision must be based on the factual situation and should be supported by data from the conservation project, which is the basis for declaring a protected area. During the process of designating a protected areas (when it shall also be decided on the declaration of the buffer zone) the public or other concerned bodies raised can express comments against the (non) establishment of a buffer zone. The competent environmental authority is obliged to deal with those comments and their evaluation must be justified (see above to the process of designating protected areas, paragraph 2.1.3).

For the purposes of the environmental impact assessment - under a special law regulation, the buffer zone is considered as a protected area itself.

2.1.6 Management plans for Protected Areas, administering bodies and funds (See Questionnaire 1.2)

Management plans for protected areas are prepared and approved by state environmental authorities. The Ministry of Environment prepares management plans for National Parks and territories of Natura 2000. These management plans are approved by the government. The Ministry of Environment also procures and approves management plans for Protected Landscape Areas.

Regional Environmental Authorities prepare and approve management plans of Protected Resort, Nature Reserve and Natural Monument.

District Environmental Authorities prepare and approve management plans of Protected Landscape Elements.

Currently, only a few protected areas have approved valid management plans (in particular, only 21 protected areas). Management plans might not be approved for various reasons (lack of funds, conflicts with users of territories on the form and method of managing the territory etc.) in National Parks and even not in any Protected Landscape Area. Thus, none of the large-scale protected areas has a valid Management Plan. Legislative conditions remain unfulfilled in practice and in protected areas in Slovakia there are no practical, long-term and clearly defined forms and methods of management of land applied.

In terms of administration and management of protected areas, the situation in the Slovak Republic is confusing and complicated and it is set in contradiction with the effective management of protected areas.

In terms of managing protected areas, the Ministry of Environment established an expert organization of nature conservation, the **State Nature Conservancy of the Slovak Republic**. Administratively, this institution is divided into National Parks Services, Protected Landscape Areas Services and Services of Caves. The State Nature Conservancy is an organization that protects wildlife in practice, provides management and practical implementation of nature conservation.

National Parks Services and Protected Landscape Area Services have no legal personality - only the State Nature Conservancy of the Slovak Republic as such has legal personality. Services are only organizational divisions of the State Nature Conservancy. This fact determines their organizational and financial dependence on the headquarters of the State Nature Conservancy. They do not have the opportunity to act in their own name when exercising their competences, which makes it impossible to effectively manage the protected area. It is also necessary to highlight a lack of financial support to the State Nature Conservancy from the state budget, which causes problems in its staff capacities

In addition to this, the State Nature Conservancy does not exercise real **administration and management of protected areas**, but operates only as an expert organization that provides expert standpoints to the performance of the activities of other subjects. Real management of protected areas is implemented by other subjects. In case of forest land in the state-owned property, the management is carried out by state public enterprises founded by the Ministry of Agriculture, whose primary mission is exploitation of forest lands (in the whole territory of the Slovak Republic, including protected areas) and making profit from forest exploitation. A similar situation exists in case of the other areas (e.g. agricultural land, water areas) than forest land owned by the state.

In addition, only about 50% of the total acreage of the protected areas is owned by the state. The rest of the land is in the hands of private owners who manage the area and ideally would prefer farming without any restriction due to nature conservation.

Thus follows that in protected areas there is not even one administrator who would perform management in accordance with the mission of the protected area. On the contrary, in protected areas, activities are performed by several administrators whose interests might be frequently in conflict with each other and opinion on exploitation of land different. As a result, in one protected area are often present various types of management and strained relationships between entities that operate on the protected land. This all happens also in the territory of National Parks, whereby the Nature Conservation Act in its § 17 defines that there is a '*nature conservation priority over other activities*'. Therefore, managing land in national parks should be provided by an organization whose mission is **not** to make profit, **but to conserve nature**.

A partial solution to this situation could be to transfer the management of state-owned land in protected areas to the State Nature Conservancy. This status, which is present in protected areas of Slovakia (i.e. status when a parcel in a protected area is managed by an organization established by the Ministry of Agriculture - as the state-owned enterprises - whose priority business is to manage land for making profit; on the same parcel operates also the State Nature Conservancy whose activities should be determined *de facto* as a way of managing the protected area in order to prevent damage or destruction), is at least ineffective, uneconomic, counterproductive and likely to cause unnecessary conflicts between state organizations, as

the interest of each of them is fundamentally different. Since the sole purpose of protected areas management should not be their exploitation, but the preservation and enhancement of their natural values, the most expedient solution to a given condition would be transferring the management of state-owned land in protected areas to the State Nature Conservancy. This body would be then able to manage protected areas in a way that their natural values remain unchanged. This could be considered as the most effective way to protect areas in state ownership. In conclusion, from the perspective of nature conservation, the current system is ineffective.

A similar situation occurs in terms of **execution of state administration regarding protected areas**. Even in this case, the State Nature Conservancy has only a status of expert organization, which provides expert opinions to the state administration on the decision-making activities in the field of nature conservation. Although its opinions are on compulsory basis, they are not binding. In addition, nature conservation authorities have jurisdiction only on defined issues of the protection of nature. Protected areas are also affected by other legislation (e.g. the Act on Forests, the Act on the Protection and Use of Agricultural Land, the Water Act, the Building Act etc.) according to which other state bodies are competent for decision-making. Those state authorities promote other interests, so their decisions are often in contrary to the mission of the protected area.

A partial solution to this situation could be a shift of the state administration in all proceedings carried out pursuant to the Nature Conservation Act to the State Nature Conservancy, so that this institution has the status of state nature conservation authority at least in proceedings related to protected areas. In addition, it would be worth reducing the administrative burden: the Nature Protection Act recognizes Nature conservation authorities (namely the Ministry of Environment, Regional and District environmental authorities and municipalities) which lead administrative procedures, and also an expert organization for nature conservation, which has to give its expert opinions useful as the main basis for decision-making. This situation brings significant administrative burden and slowdown in decision-making processes in the field of nature and landscape protection. From a logical and systematic point of view, this solution would bring empowerment and increase the responsibility of the State Nature Conservancy, as an expert organization for nature and landscape protection.

Protected areas are mainly financed through the **state budget**. The State Nature Conservancy, which performs expert tasks in relation to nature conservation and protected areas, is a contributory organization connected to the budgetary chapter of the Ministry of Environment. Another source of public funding is the **Environmental Fund**, which was established by Act No. 587/2004 Coll. on the Environmental Fund. Its purpose is to fund a variety of activities related to environmental protection, among others, protected areas.

Similarly, funds for a special way of land farming on private land, which is in conformity with the purpose of protection of the area, is mainly taken from public resources, whether it is the state budget (paying reimbursement of claimable compensation for limiting common management of land in protected areas), or resources from the European Union (such as the so called rural Development Programme and its Natura 2000 payments under the Council Regulation EC no. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development).

Another source of funding are other incomes of the State Nature Conservation that come either from repayable activities carried out by the aforementioned body for other entities, or levying the admission to protected areas according to § 58 of the Nature Conservation Act.

2.2 Ecological connectivity and related sectors:

2.2.1 Ecological networks and connectivity in the Constitution and national legislation (See Questionnaire 1.2)

In its Art. 44, the Slovak Constitution includes the so called **Right to a Favorable Environment**, which is defined as follows:

- (1) Everyone has the right to a favorable environment.*
- (2) Everyone is obliged to protect and enhance the environment and cultural heritage.*
- (3) No one may, over the measures provided by the Act, endanger or damage the environment, natural resources and cultural heritage.*
- (4) The State cares for the moderate use of natural resources, ecological balance and effective care of the environment and ensures the protection of determined species of wild plants and wild animals.*
- (5) Details of the rights and obligations under paragraphs 1 to 4 shall be established by an Act. ‘*

This article shows that the Constitution does not recognize the concept of ecological networks and connections as such, but according to the cited paragraph 4, the State is under an obligation to take care of the *‘ecological balance, as well as an active care of the environment.’* Since paragraph 5 of that article provides for the elaboration of details on the implementation of this Article, the duty to maintain and preserve ecological networks can be generally considered as part of the State's obligation. This obligation should also come out from the definition of environmental protection mentioned in § 9 of the Act. 17/1992 Coll. on the Environment, where it is provided that: *‘Protecting the environment involves activities to prevent pollution or environmental degradation or pollution or damage is limited or eliminated. This includes protection of its individual components or particular ecosystems and their interrelatedness, but also protection of the environment as a whole. ‘*

2.2.2 Specific tools for the implementation of ecological connectivity (See Questionnaire 1.2)

The term ecological network is not defined and used in Slovak legislation. Thus, to implement this concept it is necessary to apply other legal tools:

The **Act no. 17/1992 Coll. on environment** contains definitions of certain terms including the concept of ecological networks or connections. These terms are also used by some other regulations, so it is important that they are defined in the legal system.

In § 3 *‘ecosystem’* is defined as *‘a functional system of living and non-living components of the environment, which are interconnected in exchanging substances, energy flow and transfer of information and that interact and evolve at a certain time and space.’* In § 4 *‘ecological stability’* is defined as *‘the ability of an ecosystem to compensate for variations caused by external factors and to preserve its natural features and functions.’* In § 5 is defined *‘tolerable load of the territory’*, which is *‘loading area by human activity, where no damaging of the environment occurs, especially of its components, ecosystem functions and ecological stability.’* The term *‘Sustainable human development’* is defined in § 6 as *‘development which gives the current and future generations the possibility to meet their basic needs and at the same time does not decreases the diversity of nature and the natural*

functions of ecosystems.’. In § 10 the concept of ‘*ecological damage*’ is defined as ‘*loss or impairment of natural ecosystem functions arising from damage to their constituents or disruption of internal links and processes as a result of human activity.*’. The Act on Environment also includes a number of general principles for the protection of the environment; an important principle here is defined in § 16, which states that ‘*Education, awareness and learning are carried out in order to lead to thought and action which are consistent with the principle of sustainable development, the awareness of responsibility for maintaining the quality of the environment and of its individual components, and to respect for life in all its forms.*’.

The Nature Conservation Act defines the ‘*territorial system of ecological stability*’ as a fundamental tool for the protection of ecological systems or connections (see above). It also establishes the fundamental obligation to preserve them as specified in the provision of § 3.3: ‘*Creating and maintaining territorial system of ecological stability is in the public interest. Entrepreneurs and legal persons who intend to carry on business, which may endanger or impair the territorial system of ecological stability, are also required to propose measures that will contribute to its creation and maintenance.*’.

The Nature Conservation Act also contains provisions to protect landscape, and these may also be useful instruments for the protection of ecological networks or connections. § 3.2 prescribes the obligation to exploit an important landscape element only in a way that will not disrupt its condition and will not jeopardize or weaken its stabilization function. At the same time, the Nature Conservation Act provides for the declaration of protected areas to preserve important landscape elements under the category ‘*Protected Landscape Element*’. Such protected area may be declared for ‘*significant landscape element, which serves as biocentres, biocorridor or interaction element of a local or regional significance.*’.

The Act no. 326/2005 Coll. on Forest deals specifically with the issue of forests (the Nature Conservation Act is a special regulation to the Act on Forests, i.e. the Forests Act applies only if the Nature Conservation Act provides otherwise).

In § 1 is determined the purpose of the Act on Forest, which is ‘*the preservation, enhancement and protection of the forests as a component of the environment and the natural resources of the country and to fulfill their irreplaceable functions,*’ as well as to ‘*ensure differentiated, specialized and sustainable forest management*’. In § 2, the main terms of the Act are defined: ‘*Forest*’ is defined as ‘*an ecosystem that consists of forest land with forest cover and its air environmental factors, plant species, animal species and soil with its hydrological and air regime,*’; ecological stability of the forest is ‘*the ability of the forest to resist or cope with external, but also internal influences without permanent distortion of the functional structure of the forest,*’ biological diversity means ‘*variety of forest ecosystems and within diversity of plant and animal species and between species,*’ and the sustainable management ‘*forest management in the manner and extent that maintains their biological diversity, resilience, production and regeneration ability, durability and ability to perform the functions of forests.*’.

The Act on Forests, in § 5, provides that by the use of forest land for purposes other than to fulfill the functions of forests, are protected mainly special categories of forest lands; only indispensable areas of forest land shall be used and disruption of the integrity of the forest limited, and such use does not restrict exploitation of functions of the surrounding forest.

The Act no. 364/2004 Coll. on Water covers the use and protection of water. Similarly to the Act on Forests, the Nature Conservation Act is a special regulation.

The Water Act provides in its § 5 environmental goals for groundwater, for surface waters, and separately for protected areas. In general, it is declared that there should be no water deterioration in relation to sustainable water use, and also, the need to improve water status until a certain date is stated there. In terms of planning or management tools, the so called River Basin Management Plan should be introduced, as provided in § 13, and it is defined as *'an essential tool for achieving the objectives of water planning in the river basins that, on the basis of the analysis of the current status of surface waters and groundwater, and impact assessments of human activity on water conditions, establishes environmental goals and program measures to achieve them, including securing financial resources. The River Basin Management Plan is required to be used in landscape planning or may become a landscape plan as such.'* The second planning tool is the so called Water Plan of Slovakia provided in § 14, which is *'water planning document for the protection and improvement of surface waters, groundwater and water ecosystems, for the sustainable and efficient use of water, to improve water conditions, to ensure the territorial system of ecological stability and protection from the harmful effects of water.'* The establishment the specific environmental goals is provided in the Regulation of the Government No. 279/2011 Coll. declaring a binding part of the Water Plan of Slovakia, which contains a program of measures to achieve the environmental goals.

In relation to the protection of river basins, it is necessary to mention **the Act no. 7/2010 Coll. on Flood Protection**. Its provision of § 8.1 defines a flood risk management plan which *'determines the appropriate objectives of flood risk management for the geographic area of sub-basin, located in the river basin in the area of Slovakia, where is a potential significant flood risk or where it may be assumed that its appearance is likely. The objectives of the flood risk management plan are aimed at reducing the likelihood of flooding in the flood areas, to reduce the potential adverse consequences of flooding on human health, the environment, cultural heritage and economic activity.'* In view of this, connection to the territorial system of ecological stability in terms of content should be highlighted, since § 8.5 states that *'Proposed measures for long-term basin management will at least contain projection of the territorial system of ecological stability, important landscape elements and environment stabilizing measures as a single newly created proposal, or these will be taken from existing projects of land consolidation and land use plans, or the proposal will contain an environmentally optimal spatial structure and functional land use (landscape-ecological plan) taken from the existing land-use plans. In addition, the proposal will include spatial projection of nature protection areas, protected areas of water resources, land resources, forest resources and mineral resources.'*

The Act no. 139/2002 Coll. on Fishing regulates the conditions for protection, farming and fishing the fish and other water organisms so that, directly or through ecological interrelations, any disruption of water ecosystems and the threat to genetic resources of fishes is avoided. A tool that could be used as part of the concept of ecological networks or connections can be found in § 7 where it is stated that *'In order to protect the genetic resources of the fish and the improvement of the status of the indigenous species of fish, the Ministry of Environment, according to the results of the ichthyologic survey, after consultation with the user of the fishing ground, can declare the whole fishing ground as a protected fishing area.'*

The Act no. 274/2009 Coll. on Hunting regulates hunting and similarly to the previous regulations, the Nature Conservation Act is a special regulation to this Act (e.g. the Act on Hunting generally regulates hunting conditions all over Slovakia, but the Nature Conservation

Act provides that in the 5th level of protection is forbidden to kill any animal; in the 5th level of protection, the Act on Hunting does not apply).

The Hunting Act defines *‘hunting management’* which it considers as *‘a range of activities operated by the user of the hunting ground, in the field of planning of hunting, protection of hunting, breeding, care of the animals and their environment and hunting aimed at ensuring the standard stock of animals in the required quality and the population structure in maintaining the ecological balance in nature.’* *‘Hunting’* is defined, as *‘a set of activities focused on sustainable, rational, systematic hunting management and the use of wildlife and the natural resources as a natural wealth and a part of natural ecosystems; it is a part of the cultural heritage, and the environmental protection.’* For practical and applicable tools defined in the Act on Hunting, it is worth mentioning also the definition of large-scale hunting management, meaning *‘management of hunting areas in a way that ensures good health of animals, optimal abundance, quality, correct age and sex structure of the population, as well as other fauna as a component of the ecosystems.’*

The Act no. 50/1976 Coll. on Land use planning and on Building Code (the Building Act) is a regulation which establishes the process, which sets out the framework on how the territory will be used in the future (land use planning), it also prescribes the process by which buildings are located and realized. From this point of view, the Building Act is an important Act also in terms of ecological networks or connections.

According to its § 1 land use planning establishes *‘preconditions for continued compliance of all activities in the territory with particular reference to the environment, to achieve ecological balance and ensure the sustainable development, for prudent use of natural resources and preservation of natural, cultural and civilizational values.’* In land use planning, the spatial arrangement and regulations of land use is determined, together with necessary sanitation, reconstruction or land reclamation interventions in the territory and also the manner of its further exploitation. At the same time, in land use planning, protected parts of the country are defined and protection of all protected parts of the country is ensured. In addition to these declarations, it is important that the Building Act provides also practical tools to meet these declarations. In its § 7 is stated that in land use planning are used as binding documents also sustainable development strategies, state environmental policies and environmental action programs. As obligatory, documents of territorial system of ecological stability, territorial projections of nature and landscape protection, management plans for nature and landscape conservation as well as cultural and historical heritage protection programs are used. It is also important to note the fact that in the binding part of the planning documentation shall be approved the principles and regulations of the settlement structure, layout and land use, territorial system of ecological stability, environmental care, landscaping, protection and prudent use of natural resources, protection of cultural heritage, conservation areas, historic areas and significant landscape features, public transport and arrangement of technical infrastructure, provision of areas for public utility buildings and for protection of the country.

In terms of location of buildings, it is important to note, that the decision concerning the locating of buildings (sitting permission) also contains requirements for the protection of nature and landscape and for the care of the environment. These requirements are specified in sitting permission, based on the opinions and statements of state authorities which are binding for the building authority (e.g. the statement of nature conservation authority is binding for the building authority in the land use proceedings, and without its issuing the building authority cannot decide).

In terms of locating buildings, the relevant decision concerning their location (sitting permission) also contains requirements for the protection of nature and landscape and for the care of the environment. It is also important that decisions on land use is required for those activities that would *'carry out landscape changing, which substantially alters the territorial system of ecological stability, appearance of the landscape, the use of important landscape features or drainage conditions in the territory, mainly for excavation or backfilling trenches, landfills, or for infilling and drainage.'*

The Act no. 220/2004 Coll. on the Protection and Use of Agricultural Land provides protection of properties and functions of agricultural land and ensures sustainable management and use of agricultural land as well as protection of environmental functions of agricultural land, specifically biomass production, filtration, neutralization and transformation of substances in nature and maintaining the ecological and genetic potential of living organisms in nature. In terms of practical tools it is necessary to mention the provisions of § 3 that provides the obligation for landowners (or tenants, or trustees) to *'ensure that the use of agricultural land does not endanger the ecological stability of the area and the functional interrelatedness of natural processes in the landscape environment is preserved.'*

The Act no. 139/1961 Coll. on Roads (Roads Act) contains only a general declaration that *'roads are being constructed, reconstructed, maintained and managed in accordance with the principles of public transport and road policy, the concept of transport development and with regard to environmental protection.'*

Similarly, **the Act no. 91/2010 Coll. on the promotion of tourism** also only declaratively provides that public organizations established to promote tourism *'promote sustainable tourism development in order to protect and maintain the environment and respect the way of life of local population and property rights,'*, however this Act has no practical tools to implement these declarations.

2.2.3 Integration of ecological connectivity in key processes and sectors (See Questionnaire 1.2)

The issue of ecological networks or connections in the countryside, covered in other legislation which govern the 'core processes' affecting the conservation of ecological networks, is reflected only scarcely. In Slovak legislation, a strong sectorialism can be observed, thus a legal regulation related to one issue does not deal with related problems, which are covered by another legislation. Relations among legal regulations on related topics are usually vague and in many cases are not respected. In this context, as a negative example can be mentioned a provision of the Act on Roads, which (from the perspective of protecting ecological networks) contains only a general declaration that *'roads are being constructed, reconstructed, maintained and managed in accordance with the principles of public transport and road policy, the concept of the development of transport, and of environmental protection.'* and nothing else.

Therefore, in each case of permitting processes pursuant to different legal regulations, it is necessary to refer to the provisions of the Nature Conservation Act, in particular to § 1.2 which provides priority for the regulation on nature protection over other related legal regulations.

In this context, it is also useful to refer to the provisions related to **the protection of natural habitats** included in the Nature Conservation Act. Pursuant to this Act, habitat is a place of natural occurrence of a certain of plant or animal species, their population or community in

differentiated geographic, abiotic and biotic properties; natural habitats are thus a basis of ecological networks in the country. Its § 6 provides that the protection of habitats of European importance and habitats of national importance includes restricting or regulating interventions that can have a negative impact on their favourable conservation status, creating the conditions for achieving or maintaining a favourable conservation status of habitats and monitoring habitats' occurrence and condition.

Similarly, it is important to point out the provisions of the Nature Conservation Act governing **protection of trees growing out of a forest** because trees are the backbone of ecological networks in the country (for example, the vegetation growing along the river beds of streams and rivers, trees, which form tufts in agricultural land, trees along the alleys or solitary growing trees). Under § 48.1 *'It is prohibited to damage and destroy trees'*, and it is understood that *'cutting down a tree shall require the agreement of the nature conservation authority, unless the Nature Conservation Act provides otherwise. Permission for cutting down the tree may be, in justified cases, issued only after the assessment of the ecological and aesthetic functions of the tree and its effects on human health and with the approval of the owner or manager, or tenant, if such authorization is set in the agreement on the lease of land on which the tree is growing, if the applicant is not the owner, and after the tree is marked for cutting.'* From this obligation, exceptions are established; obligation to request approval does not apply to an orchard, in case of imminent threat of health or property damage or if the tree does not meet stated proportions, or if the cutting is carried out by authorization under other legal regulations (such as administrators of watercourses, in relation to roads maintenance or other engineering networks in their buffer zones). In this case, the entity that performs activities under some specific regulation has the obligation to issue a notification 15 days before cutting. During this time, cutting down trees can be prohibited by the nature conservation authority.

In terms of other legal regulations, the **Act on Forests** in its § 5 provides that *'Forest land can be used for other purposes than to fulfill the functions of forests, if the competent authority of the state administration on forests, with the prior opinion of the state administration authorities, decides on their temporary removal or permanent removal from the fulfillment of forest functions, or on the restriction of the use of the forests functions in relation to them...'* The exclusion or limitation of their use may occur only when necessary and in justified cases, especially when the role of social and economic development cannot be met otherwise. This applies to the procurement of land use plans and the processing of proposals for mining areas; the processors are required to ensure protection of forest lands and, in order to approve development plans and proposals of new mining areas, they are obliged to ask the approval to the state administration authority on forests, which should defend the interests of the protection of forest land.

When issuing the sitting permission - in the building location proceeding under the Building Act - this permission, which may affect forest lands, cannot be agreed without the consent of the owner or the administrator of the forest land. However, this is not the case when issuing a sitting permission concerning the location of highways and motorways, including their parts.

In case of permitting the constructions of highways and motorways, the protection of forest land is weaker: for their location in the landscape, the consent of the owner or

administrator of forest land is not required. This is a strong legal deficiency that affects the protection of ecological networks in the country as well.

Every person who asks for removing forest land from its fulfillment of forest functions and receives an approval from the authority of the state administration of forests, must pay a specified amount.

A similar procedure is stated also for the protection of agricultural land under the Act on the Protection and Use of Agricultural land. Even in the protection of agricultural land to issue a sitting permission for the construction of speedways, it is not required to obtain the opinion of the owner of the land.

2.2.4 Conservation of cultural landscape and historic sites in national legislation (See Questionnaire 1.2)

Landscape protection is provided by the Nature Conservation Act and in some cases also by the Act no. 49/2002 Coll. on the Protection of Cultural Monuments.

The **Nature Conservation Act** in its § 1 aims at contributing to the preservation of characteristic landscape. However, the characteristic landscape protection, namely protection of cultural landscape, plays only a minor role in the following legal provisions of this Act. In § 3.2, an obligation is defined according to which a subject can use a significant landscape feature only in a way that does not disturb its condition and does not threaten or weaken its eco-stabilization function. At the same time, the Nature Conservation Act provides for the possibility of declaring protected areas for the protection of significant landscape elements by the category '*Protected Landscape Element*'; such protected areas may be declared for a '*significant landscape element, which serves as a bio-centre, bio-corridor or interaction element of a local or regional significance*'. Significant landscape element is defined as such part of the territory which constitutes the characteristic look of the landscape and contributes to its ecological stability, especially forest, peatland, riparian vegetation, lake, wetland, river, rock, canyon, stone sea, sand dunes, park, alley, tuft.

Protection of cultural or historical landscape, is assured only by designating a protected area in the category of Protected Landscape Area. This is a '*large area, usually of 1,000 ha, with fragmented ecosystems, important for the conservation of biological diversity and ecological stability, with characteristic landscape or specific forms of historical settlements*'.

In its other provisions, The Nature Conservation Act is not devoted to the protection of the characteristic landscape or historic cultural landscape.

Similarly, the **Act on Protection of Cultural Monuments** dedicates minimal attention to the protection of landscape or historical cultural landscape. This Act provides mainly for the protection of immovable cultural heritage, mostly buildings (or group of buildings) in urban areas of cities or villages. A designation of the so called '*Historic Site*' could be considered as a possibility of protecting the landscape, pursuant to § 2.4 '*residential territorial unit or rural territorial unit with concentrated cultural heritage values or archaeological finds and archaeological sites, which is, due to their protection under this Act, designated as a conservation area or historic zone*'.

As a conservation area can be also designated a '*historic territory with a homogenous residential arrangement with a large concentration of cultural monuments or territory with a group of important archaeological finds and archaeological sites, that can be topographically defined*'; and as a historic zone may be designated '*historic territory with*

residential arrangement, the territory of cultural heritage values of landscape or territory with archaeological finds and archaeological sites, that can be topographically defined. Therefore, landscape as such cannot be protected, in the meaning of this Act.

2.2.5 Land use compatible with biodiversity conservation in national legislation (See Questionnaire 1.2)

Provisions governing the form of land use compatible with the protection of biodiversity are contained in **the Nature Conservation Act**. By establishing a protected area, the conditions of protection are set as well. The more strictly the area is protected, the higher is its level of protection and also the number of restrictions of land use increases (prohibited activities and activities which are subject to the approval of the state authority of nature conservation).. § 11 and § 16 of the Nature Conservation Act prescribe the different regimes according to the level of protection. The 5th is the most strict level of protection, thus, ideally protected areas in the 5th level should not be used at all. The decision of issuing an approval to operate activities or to grant an exemption from the prohibition may also include more detailed operating conditions, including time limits.

In the 1st level of protection, that applies to the whole territory of Slovakia outside protected areas, it is necessary to obtain an approval for intervening on the habitats of European or national importance as well as for activities that would change the status of wetlands, particularly their backfilling, drainage or extraction of reed, peat, mud and the river material.

In the 2nd and higher levels of protection, in terms of land use, the following activities are regulated:

- the disposal of existing permanent grassland,
- construction of forest roads,
- fencing of land outside the settled area of villages, except fencing tree nurseries, orchards and vineyards,
- pasturing, feeding, and roosting livestock on free lairages and holding them outside buildings or facilities, location of sheepfold, buildings and other facilities for their protection;
- execution of technical geological works, mining and other mining activities,
- application of chemicals and fertilizers, mainly pesticides, toxic chemicals, fertilizers and silage juice in executing agricultural, forestry or other activities.

In the 3rd and higher levels of protection, in terms of the land use, the following activities are regulated:

- organization of a common hunt,
- carrying out mining and other mining activities.

In the 4th and higher levels of protection, in terms of land use, the following activities are regulated:

- clear cutting of forest trees,
- plowing existing grasslands,
- cutting down trees outside the forest,
- collection of minerals and fossils,
- placing equipment on the rivers or on other water area which is not served for sailing or management of the water stream or constructed water reservoir,
- sitting of a building.

In the 5th level of protection, in terms of land use, the following activities are regulated:

- intervening in the forest and damaging vegetation and soil cover,

- construction of forest roads,
- establishing hunting equipment or piscicultural device,
- lighting up a jogging track, ski track or sports complex,
- disturbing peace and quiet,
- catching, killing or hunting animals.

In terms of biodiversity protection, every territory in Slovakia can be used only in accordance with these legal conditions.

2.2.6 Ecological forestry management and afforestation in national legislation (See Questionnaire 1.2)

Forest management is regulated by the Act on Forests. This Act, in its § 12, regulates the distribution of forests into the following categories: **protection forests, forests of special purpose and commercial forests.**

The Forests Act defines **differentiated forest management** as *‘a purposeful system of forest management, that takes into due account diverse natural, growth, economic and social conditions and the requirements applied in the preparation and the implementation of the Forest Management Plan.’* Such management should be used in protection forests and in forests of special purpose. On the contrary, **conventional forest management**, which is *‘a way of farming with regard to the provisions of this Act that allows the rational use of all its functions, mainly the production function’* should be applied in commercial forests.

Pursuant to § 13, **protection forests** are such forests, which were declared as such and in which natural conditions predetermine the protective function. These forests must be managed to fulfill the purpose for which they were declared. The following forests may be declared as protected forests:

- forests on extremely unfavorable sites, mainly as screes, ravines, steep slopes consistently covered by the parent rock, unpaved gravel sediments, peatlands, wetlands and flood plain area of watercourses,
- alpine forests at the upper tree line, which perform the function of protecting forests in the lower lands, forests on exposed mountain slopes under the strong influence of adverse climate and forests reducing the risk of avalanches,
- forests on the upper tree line with prevailing occurrence of the mountain pine,
- other forests with prevailing soil protection functions.

Pursuant to § 14 of the Act on Forests **‘Special purpose forests are such forests which have been declared as such and whose purpose is to ensure the specific needs of the society, entities, or individuals, to ensure which way of forest management is significantly modified compared to a common forest management’**. The following forests may be declared as forests of special purpose:

- those located in protection zones of water sources,
- those located in protection zones of natural healing resources and sources of natural mineral waters,
- suburban and other forests with significant medical, cultural or recreational functions,
- those located in protected areas and forest land with occurrence of habitats or protected species of European importance,
- those important for forest research and forestry education.

In these forests, pursuant to the Act on Forests, farming should be executed differently than in commercial forests (this should be defined in the forest management plan). However, the Act

on Forests does not clearly define different ways of farming in these categories, thus it often happens that these specific categories of forests do not significantly differ from common commercial forests, and in practice they are managed in the same way.

The Act on Forests expressly provides that a **special management regime can be used to keep the favourable conservation status** of a protected area, as well as the favourable status of plant and animal species and the favourable status of habitats.

In terms of **reforestation**, § 20, that deals with renewal of forest, is important. Reforestation is classified as natural regeneration (the forest grows from seeds or from sprouts of trees) or artificial renewal (the forest grows by planting seeds or seedlings or sowing seeds), or as a combination of both. A forest management company must restore forests habitats with suitable forest trees with a preference for natural reforestation. In the artificial restoration, only a reproductive material from the sources under a special regulation can be used. In case of reforestation on a glade, a forest management company is obliged to carry out reforestation within two years from its origination, except in protected areas with the 5th level of protection. If natural reforestation is expected, the period may be extended for further two years.

2.2.7 Forest management plans (See Questionnaire 1.2)

According to the Act on Forests, processing forest management plans is **obligatory** for all forest lands. The forest management plan is designed for a so called forest management unit for a period of 10 years and its fulfillment is supervised by an expert forestry manager. This is set in the provision of § 36 of the Act on Forests, according to which ‘... *expert forest management means obligation to ensure forest management under the forest management plan by an expert forest manager.*’.

However, it should be noted that the forest management plan comprises only two **mandatory parameters**, the rest is left at the discretion of the expert forest manager: (i) it is not possible to exceed the determined amount of harvesting and (ii) a period to ensure reforestation after harvesting.

2.2.8 Illegal harvesting and logging (See Questionnaire 1.2)

Illegal timber harvesting is subject to sanctions both under the Act on Forests and also under criminal law.

In its § 63, the **Act on Forests** provides for an offense (for individuals), and in terms of illegal harvesting it is specified that ‘*offense in the forestry sector is committed by a person who harvests woodland trees or shrubs, branch-wood, resin or living bark.*’. For such an offense, a penalty can be imposed up to 3.300 Euro.

Other administrative offenses (if committed by legal persons) are established in § 64. In terms of harvesting, the subject-matter is worded as follows: a state administration on forests will impose a fine for an entrepreneur or entity ‘*which uses forest land for purposes other than forest functions without a decision of the state administration on exemption or restriction of the use of the forest, or prevents or restricts their use to fulfill the functions of forests (§ 7)*’ or ‘*which does not fulfill its obligations in harvesting wood (§ 22 and § 23), transportation of wood and storage of wood (§ 24) or in making the use of forest and the forest roads available (§ 25);*’. For these administrative offenses it is possible to impose a penalty from 166 Euro to 100.000 Euro. When imposing a fine and determining its amount, relevance is given to

specific circumstances on the way, duration and possible consequences of infringements of obligations, as well as cooperation and approach of the persons concerned to eliminate the consequences and adopted measures.

It is questionable whether in the Act on Forests the subject-matters for other administrative offenses are written adequately, because there is a clear lack by missing subject-matters which would sanction illegal harvesting.

In terms of **criminal law**, the offense of ‘*Violation of protection of trees and shrubs,*’ should be noted, which states that ‘*Whoever, contrary to the generally binding legal regulations in the field of forest management, on a large scale, damages or destroys a tree or shrub, or cuts them, shall be punished by imprisonment for three years.*’. Therefore, in order to classify an illegal harvesting act as criminal offense, the material loss must reach the sum of at least 2.660 Euro. The Criminal Code provides more stringent subject-matters if the offense is committed for more serious misconduct (e.g. if a higher damage is caused or when the offense has been made repeatedly by the same perpetrator).

Penalties and other administrative offenses are imposed by the competent authority of the state administration on forests. Criminal offenses can only be decided by the court.

2.2.9 Restoring damaged sites and ecosystems (See Questionnaire 1.2)

In § 27 the **Act on Environment** provides that ‘*Everyone who has caused environmental degradation or by other wrongful conduct has caused ecological damage, is obliged to restore the natural function of disturbed ecosystems or parts thereof. If this is not possible or not practical for serious reasons, the subject is obliged to compensate the ecological damage in another way (refill) and where this is not possible, to pay the damage in money. Concurrence of the refund shall not be excluded. The method of calculating the ecological damage and the further details will be stipulated by a special regulation.*’.

The **Nature Conservation Act** is the special regulation which provides details on this general obligation. Until 2010 a provision, included in this Act, stipulated the obligation to make **adequate restoration measures** for habitats destroyed or damaged by human interventions, resulting mainly from the nature conservation documentation. This obligation was not applied when a regular management of agricultural cultures or of forest plants was performed. If it was not possible to implement restoration measures, a **compensation in the amount of the public amenity value of affected habitats had to be payed**. However, this provision was amended in 2010 and those obligations were repealed from the text of the Act.

Thus, in the Nature Conservation Act, currently exist only the obligation of **restoring damaged habitats of European importance**, which are also included in the Natura 2000 network. The Nature Conservation Act stipulates that as a result of the environmental impact assessment, it is possible to set an obligation to execute the necessary measures to compensate the adverse effects of the plan or project on the integrity of the territory of the Natura 2000 network. These compensatory measures must be in comparable scope focused on the affected habitats and species of European importance and have to ensure functions comparable with those fulfilled by the territory affected by the plan or project, so as to ensure the overall coherence of the Natura 2000 network.

The Nature Conservation Act also provides the obligation to carry out **alternate measures concerning cutting down trees growing out of the forest**. The nature protection authority in the decision on approval of cutting down a tree shall determine the obligation to make adequate compensatory planting of trees at a predetermined location and at the applicant’s

expense. Preferred are geographically original and traditional tree species. If, for some reasons, is not possible to order compensatory planting, the nature protection authority imposes **financial compensation, up to the amount of the public amenity value of trees**. The nature protection authority has to impose an obligation to pay the compensation as well to whoever cuts down trees without permission, covering the amount of the public amenity value of trees. These financial compensations belong to the income of the village, which is required to use this income only to cover the costs associated with the care of the trees growing on its territory.

In connection with the renewal of degraded ecosystems and habitats, there is as well the **Act no. 359/2007 Coll. on Prevention and Remedy of Environmental Damage**, which is an implementation of the European Parliament and Council Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage. This Act regulates the rights and responsibilities of operators by implementing the prevention and remedy for environmental damage, including sharing the related costs, the role of the state administration bodies in the prevention and remedying of environmental damage and responsibility for breach of obligations under this Act.

This Act provides that *'The remedy for environmental damage on protected species and natural habitats and water is an environmental remediation to the ground state and elimination of the risk of serious adverse effects on health. This object is achieved through the primary remediation, complementary remediation and compensatory remediation.'*

primary remediation means *'the remedial measures, by which a renewal of damaged natural resources or their functions caused by environmental damage, into the ground state or almost into the ground state, will be achieved'*; **complementary remediation** are measures, which will be used if it is not possible to carry out the primary ones. Complementary remediation provides a similar level of natural resources and their functions that would be provided if the damaged site had been returned to the ground state. These additional corrective measures can be carried out in any other place than that on which the environmental damage has been caused. If possible and appropriate, the measures should be geographically related to the place where the environmental damage has been caused.

In case the previous options are not effective, it is possible to use **compensatory remediation**, corrective measures whose purpose is to compensate interim losses of natural resources and their functions before their renewal. They consist of additional improvements of protected species, natural habitats or water either on the damaged site or at an alternative site.

They consist in additional improvements of protected species, natural habitats or water, damaged either on site or at an alternative site.

2.2.10 Illegal construction in national legislation (See Questionnaire 1.2)

The Building Act establishes sanctions for illegal building without building permission or notification.

Offenses or other administrative wrongs (depending on whether the builder is a natural person or legal entity) happen when the builder:

- construct a simple building, small building, performs building adjustments or maintenance works that need to be notified without such notification or in conflict with it;
- carries out terrain works, for which a permission is required, without such permission or contrary to it;

- alters the building without a permission or in contrast to it;
- carries out activities that need sitting permission without such permission or in conflict with it;
- constructs a new building without a building permission or in contrast to it.

Penalties may be dispensed from 330 Euro up to 16.660 Euro, depending on the severity of the offense and what kind of person committed it.

The Building Act also stipulates the so called proceeding on supplementary building permission, by which it is possible to authorize the building even though it was built illegally. If the building authority finds that the building has been built without a permission or contravening it, the building authority starts (on its own initiative) a proceeding on supplementary building permission. The owner of the building is prompted to submit a special evidence within a specified period that the additional permit is not in conflict with public interest. If the owner fails to submit the required documents or if, on their background, it is demonstrated that the building contradicts public interest, the building authority orders the removal of the construction. If its inconsistency with public interest is not proved, the building authority authorizes construction works that were already carried out as well as the conditions for the completion of the building or orders those modifications that were already realized. If the procedure on supplementary building permission demonstrates inconsistency with public interest or the builder fails to comply, within a specified period, with the terms of the supplementary building permission, the building authority orders to remove the construction.

It is important to note that this procedure is extensively abused to legalize illegal constructions; only a minimum of such procedures (if any) lead to the actual removal of illegal constructions.

In terms of **criminal law**, it is important to highlight the crime of unauthorized building execution which merits is *'Whoever, without a building permission or in contravention with it, builds the building or part of the building which is not a simple building or a small building according to the relevant building regulations, and thereby will cause serious harm to the rights or legitimate interests of the landowner or more individuals, shall be punished by imprisonment up to two years.'* The punishment is increased if this criminal offense occurred repeatedly. The Criminal Code also provides criminal penalties for the unauthorized execution of building in a protected area. In this case the offender may be subject to a penalty of imprisonment from 1 to 5 years.

Penalties for offenses and other administrative wrongs are imposed by the competent building authority or by the National Building Inspection. On the other hand, the commission of a crime offense can be decided by court only. Rarely (if ever) happened that cases of illegally constructed buildings have been subject to criminal proceedings.

2.2.11 Effective implementation of EIA and SEA procedures (See Questionnaire 1.2)

The Act no. 24/2006 Coll. on the environmental impact assessment is implementing the Council Directive no. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended), as well as the Directive of the European Parliament and Council no. 2001/42/EC on the assessment of the effects of certain plans and programs on the environment. This Act regulates the procedure for expert and public assessment of the expected environmental impact (the 'impact assessment') of strategic documents during their preparation and before their approval as well as of proposed activities

before deciding on their location or before their authorization under special regulations, the scope of state administration bodies and municipalities in impact assessment procedure and the rights and obligations of participants in the impact assessment process.

In terms of documents, **the subject of strategic impact assessment** is a strategic document prepared for agriculture, forestry, fisheries, industry, energy, transport, waste management, water management, telecommunications, tourism, land use planning or land use, regional development and the environment, together with a strategic document co-financed by the European Union; both texts are likely to have significant effect on the environment as well as provide a framework for the approval of any proposed activities listed in Annex 8 of the Act. Another strategic document, including its amendments, has to be assessed either individually or in combination with other texts or activities, since this is likely to have significant impact on the territory belonging to a Natura 2000 network.

All activities listed in Annex 8 of the Act are subject to the environmental impact assessment of proposed activities. This Annex corresponds to the relevant Annex of the EIA Directive. Subject to the impact assessment are also proposed activities, including their amendments, which are likely to have, alone or in combination with other activities or documents, significant effect on the Natura 2000 network.

The final statement coming from the environmental impact assessment, as well as assessment from the environmental impact of strategic documents, has only a tentative nature and does not constitute binding basis for the authorization process. For this reason, EIA/SEA is often only a formal administrative procedure that has no positive effect on nature conservation.

Financing the process of preparing EIA/SEA documentation might present problems. The assessment is carried out by consultants, who are paid directly by the investor and are selected from a list of qualified experts. Obviously, the investor has no interest on an expert opinion which goes against the investment plan. Thus, expert assessors are in conflict of interest since they have to write an objective statement, but are paid directly by the investor.

2.2.12 Public participation in EIA and SEA procedures (See Questionnaire 1.2)

The Act on Environmental Impact Assessment enables the public to effectively get involved and participate in the EIA process, as well as in the following permitting procedures.

This is one of the most effective ways to influence authorization procedures by the public. This instrument is used relatively frequently by the public.

To become a participant of an authorization procedure following the EIA, **an individual** must be older than 18 years, must submit a written statement on the conduct of the EIA process and deliver it to the competent authority. The interest of the individual in the decision concerning the authorization action must result from this statement.

In order to get involved into an authorization procedure, following the EIA, **a legal entity** (e.g. municipality, medical institution, business entity whose business is based on a healthy environment etc.) must submit a written statement on the conduct of the EIA process and deliver it to the competent authority. Its interest in the decision concerning the authorization action must result from its statement.

There is also the possibility to have a **‘Citizens’ Initiative’** when two or more natural persons, older than 18 years, sign a joint statement during the EIA process and deliver it to the competent authority. Together with this opinion, for the citizens’ initiative has to be submitted a list of signatures where the name, residence, year of birth and signature of persons who support the common position is stated. The Citizens’ initiative is made mostly of

local people, who are directly affected by planned activities and will be the most influenced by the proposed operation, and who have the most accurate knowledge of local conditions. In their opinions they should focus on the shortcomings and wrong arguments included in the different phases of the EIA, as well as on how the proposed activity could affect the local context and their lives.

A **civic association**, founded by members of the citizens' initiative or by other individuals, can participate to an authorization procedure, following the EIA. The essential condition is that the civic association has been explicitly established to protect the environment. This purpose should be expressed in the statute of the association. To become a Participant of an authorization procedure, following the EIA, the civic association must submit a written statement on the conduct of the EIA process and deliver it to the competent authority.

A **non-governmental organization promoting environmental protection** can contribute to proceedings concerning the authorization of proposed building or other operation submitting (as in the previous cases) a written opinion on the conduct of the EIA process and also the relevant evidence of registration of the NGOs.

2.2.13 Ecotourism in national legislation (See Questionnaire 1.2)

The Act no. 91/2010 Coll. on the promotion of tourism just declaratively provides that Public organizations established to promote tourism '*promote sustainable tourism development in order to protect and maintain the environment and respect the way of life of the local population and property rights*'. However, in the other provisions of this Act, there are no practical tools to implement this declaration.

2.3 Hunting

2.3.1 Hunting laws and their exemptions (See Questionnaire 1.2)

In the Slovak Republic any law related to the hunting sector and its implementing regulations shall be adopted at the national/central level, due to the fact that Slovakia is a unitary state.

The Act no. 274/2009 Coll. on hunting and its Implementing Decree no. 344/2009 Coll. on implementation of Act on Hunting regulate the hunting sector.

The European Commission has initiated an **Infringement procedure** against Slovakia (No. 2012/4003) for inappropriate implementation of Art. 2, Art. 7.1, 3 and 4 and Art. 9. 1 and 2 point. b), c) and d) of the European Parliament and Council Directive 2009/147/EC on the conservation of wild birds. The reason is the lack of protection of selected bird species and discrepancy in the Nature conservation regulations and the Hunting regulations, especially the fact of missing the so called 'non-hunting zones' in some Special Protected Areas.

2.3.2 Bans on hunting for specific species (See Questionnaire 1.2)

The European Lynx (*Lynx lynx L.*), Brown Bear (*Ursus arctos, L.*), European Otter (*Lutra lutra L.*), Chamois (*Rupicapra rupicapra tatraica, L.*) and Western Capercaillie (*Tetrao urogallus L.*) are **protected species** in accordance with § 33 of the Nature Conservation Act, and their protection conditions are established in § 35 of the Nature Conservation Act as follows:

In relation to these protected species of animals it is forbidden to:

- intentionally capture or kill them in their natural range in the wilderness;
- intentionally disturb them, especially in the period of breeding, rearing, hibernation or migration;
- intentionally damage, destroy or collect their eggs in the wilderness;
- damage or destroy the breeding or resting places;
- interspecies hybridize;
- hold, transport, sell, trade or offer them for sale or exchange.

For the protected species **is not established a hunting period** in the Hunting regulations.

However, under § 40 of the Nature Conservation Act, it is possible to **derogate from the conditions** of protection. In justified cases, the Ministry of Environment may allow an exemption from the conditions of protection of protected species, if there is no alternative and if an exemption will not jeopardize conservation of the population of these species. Exceptions may be allowed only for the following reasons:

- in order to protect the species that are concerned or the protection of natural habitats;
- in order to prevent serious damage to crops, livestock, forests, fisheries, aquaculture and if the exemption does not apply to species of wild birds, also to prevent serious damage to the property of another type;
- in the interest of public health or public safety and if the exemption does not apply to species of wild birds, also in the interest of other imperative reasons of overriding public interest including those which have social or economic nature and those with beneficial consequences of fundamental importance for the environment;
- for the purposes of research and education, re-population of the species and their returning to the natural habitats or for their breeding or planting in human care if it is necessary for these purposes;
- for taking, capture or holding a small number of individuals under strictly controlled conditions on a selective basis and to a limited extent.

Those exceptions are used relatively often when hunting the brown bear (it is allowed to catch about 60 brown bear individuals per year).

According to the Nature Conservation Act, **the wolf (*Canis lupus L.*)** is not a protected species, thanks to the fact that the Slovak Republic, during the negotiations on accession to the European Union, succeeded to obtain an exception. The wolf is not protected all year round and can be hunted between the 1st of November to the 15th of January, as established in the implementing decree to the Act on Hunting and also in the implementing decree to the Nature Conservation Act. This does not apply in two border areas where protection of the Gray Wolf is established all year round. These cross-border migration corridors are at the border with the Czech Republic in the Protected Landscape Area Kysuce and at the border with Hungary, in the National Park Slovak Karst.

The chamois occurs in two subspecies in Slovakia. The original subspecies of the chamois (*Rupicapra rupicapra tatrica*) naturally occurs in the High Tatras National Park and is protected all year round. Conversely, the Alpine Chamois (*Rupicapra rupicapra rupicapra*) is not a native species, but has been artificially introduced into some Slovak mountains. This subspecies can be hunted from the 1st of September to the 31st of December of the calendar year; it may be caught, hurt and killed in the hunting areas of Veľká Fatra and Slovenský raj.

The European Hare is not a protected species in Slovakia. The implementing decree of the Act on Hunting provides for its hunting during the period from the 1st of November to the 15th of January. In case of hunting with the Falcon predators, the period of hunting is established from the 1st of September to the 31st of December.

2.4 Cross-border cooperation

2.4.1 Cross-border cooperation in bordering Protected Areas (See Questionnaire 1.2)

In the Slovak legal order there are no special provisions for the creation or management of transboundary protected areas. Nevertheless, there are signed-up framework agreements with several neighboring states, respectively with their relevant authorities, on cooperation in the field of nature conservation in protected areas at the common borders.

- **Cooperation with Austria:**

Multilateral character is present in the Vienna Declaration, an agreement on future cooperation and joint activities in the DANUBEPARKS – the System of Protected Areas on the Danube, signed in June 2009 in Vienna, particularly for the implementation of joint projects.

- **Cooperation with the Czech Republic:**

Long-term cooperation between cross-border protected areas (Kysuce Protected Landscape Area / Beskydy Protected Landscape Area, Biele Karpaty Protected Landscape Area in both countries - White Carpathians, trilateral Ramsar site Niva on the confluence of the Morava-Thaya-Danube) is formalized via a framework agreement on cooperation between the Slovak State Nature Conservancy and the Agency for Nature Conservation and Landscape of the Czech Republic, signed in January 2010 and the Memorandum of Understanding between the Ministries of Environment of the Czech Republic, Austria and Slovakia in August 2001, which is implemented through the so called Trilateral Ramsar Platform.

Cooperation involves the application of common interest relating to nature and landscape protection and enforcement, provision and exchange of technical information, publications and methodological materials, strategic and conceptual documents, consultancy, implementation of the European Community legislation, implementation of international conventions and protocols for the protection of nature, technical cooperation in conservation and natural history research and surveys; cooperation in environmental education, publications and promotional activities; solution and implementation of joint projects and programs, including financial management and marketing, and designing and implementation of the concept of nature in border areas, organizing joint events (conferences, seminars, exhibitions, etc.). Part of the agreement foresees the implementation of protocols that further elaborate activities for a relevant year and responsibility for their implementation, including planning and implementation of joint projects.

- **Cooperation with Hungary:**

Development cooperation is based on the Treaty on Good neighborly and friendly cooperation between the Slovak Republic and Hungary from the 19 March 1995 and was the subject of negotiations of the Slovak-Hungarian Working Group on nature and landscape protection, operating within the joint Slovak-Hungarian Commission for the protection of environment and nature.

The Cooperation Agreement between the legal predecessor of the State Nature Conservancy and the National Park Bükk Directorate in Eger was signed in 1994. The State Nature Conservancy of the Slovak Republic has signed a cooperation agreement with the National Park of Duna-Ipoly Directorate (2000, 2002), the National Park Aggtelek Directorate (April 2001), the National Park Fertő - Hanság Directorate (February 2005) and an agreement on cooperation with the National park Bükk Directorate was updated in May 2007. For all these

cooperation agreements, annual implementing protocols for the calendar year are developed and evaluated, in these documents specific activities are defined.

- **Cooperation with Poland:**

Cooperation for nature conservation is coordinated by the ministries of the environment as well as by the Working Group on Environmental Protection and Forestry, working within the International Committee of the Polish-Slovakia cross-border cooperation, which focuses on specific issues in cross-border protected areas, practical experience in protecting Natura 2000 network, nature conservation management in border protected areas, monitoring of selected protected and priority species of European and National importance, etc.

There is a long-term cooperation in cross-border High Tatras National Park, as well as trilateral Sister Park Arrangement between the Rocky Mountains National Park (USA), High Tatras National Park (Slovakia) and Tatras National park (Poland) signed in September 2007, which aims at the exchange of experience and training and exchange of the staff through projects.

Cooperation in the Pieniny National Park was signed by Polish representatives from the National Park Pieniny and the Pieniny National Park Service in Slovakia in February 1991 and was ratified by the Agreement on international cooperation in conservation of nature in Pieniny at the occasion of the 70th anniversary of the declaration of the Pieniny National Park in Poland, 70th anniversary of the declaration of the Slovak Nature Reserve Pieniny, 70th anniversary of the first International Park in Europe and 35th anniversary of the declaration of the Pieniny National Park, in Slovakia in June 2002. The so called annual implementation plan is signed as a part of this agreement.

A cooperation agreement between the State Nature Conservancy of the Slovak Republic, the Protected Landscape Area Upper Orava Service and the National Park Babiogorski (Poland) was signed in 2002, a cooperation agreement between the State Nature Conservancy of Slovakia and the Protected Landscape Area Wojewodstwa śląskiego at Bedzin Directorate was signed in February 2003 and their executors are the services of the Protected Landscape Area Upper Orava and the Protected Landscape Area Kysuce. In cooperation with the Babiogorski National Park, activities in the project of international biosphere reserve Babia Hora (extension to the territory of Slovakia) were realized and a proposal was submitted to the National MAB Committee, beyond that other cross-border cooperation projects were carried out.

Ready to sign is an agreement on cooperation between the State Nature Conservancy of the Slovak Republic and the Directory of Protected Landscape Area Karpaczkich (Poland). Its implementation will be ensured mainly by the Protected Landscape Area Eastern Carpathians Service.

In the trilateral biosphere reserve under the auspices of UNESCO – Eastern Carpathians the Ministry of Environment has been working for several years on a proposal on cooperation in the International Biosphere Reserve East Carpathians with the ministries of environment in Poland and Ukraine.

- **Cooperation with Ukraine:**

The State Nature Conservancy of the Slovak Republic has prepared a draft of trilateral cooperation agreements with neighboring protected areas in Slovakia, Poland and Ukraine. So far, only the cooperation agreement between the State Nature Conservancy of the Slovak Republic and Užanský National Natural Park (Ukraine) was signed in December 2011 and the agreement has been implemented through its implementing protocol.

According to the Slovak legal order it is not possible to establish a cross-border protected area. The only exception is the establishment of the so called **Biosphere Reserves (BR)** under the patronage of UNESCO. Coordination of this program named Man and the Biosphere (MAB) is provided by the Slovak Commission for UNESCO and the Slovak Committee for Man and the Biosphere program created in 1993 (the Intergovernmental Man and Biosphere program under the heading of UNESCO Secretariat, comes under the steering of the Slovak Commission for UNESCO at the Ministry of Foreign Affairs and it is just a matter of agreement that taking care of BR is partially ensured by the services of national protected areas that overlap with the BR territory). The Bilateral Biosphere Reserve Slovak Karst (Slovakia / Hungary) was approved by the UNESCO Program Man and the Biosphere in 1977, the Bilateral Biosphere Reserve Tatry (Slovakia / Poland) was established in 1993 and the Biosphere Reserve East Carpathians in 1993 initially as a bilateral (Slovakia / Poland) and later in 1997 as a trilateral (Poland / Slovakia / Ukraine) Biosphere Reserve without any legal provisions and legal definition, only under an agreement with neighboring states, respectively signed by their coordination bodies.

The European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities was approved by the Slovak National Council by the Resolution No. 517 of 26th October 1999 and the President of the Slovak Republic ratified the convention on 10 January 2000. The Convention entered into force in the Slovak Republic on the 1st of May 2000. On the same date, the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities came into force. Protocol 2 of this Convention concerning inter-territorial cooperation came into force in Slovakia on 1 February 2001.

On the basis of this Convention, the following bilateral international treaties were adopted:

- the Agreement between the Government of the Slovak Republic and the Government of the Republic of Poland on Transfrontier Cooperation, in force as of the 19th of January 1995;
- the Agreement between the Government of the Slovak Republic and the Czech Republic on Transfrontier Cooperation, in force as of the 19th of January 2001;
- the Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on Transfrontier Cooperation, in force as of the 29th of January 2001;
- the Agreement between the Government of the Slovak Republic and the Government of the Republic of Hungary on Transfrontier Cooperation between Territorial Communities or Authorities, in force as of the 28th of October 2001;
- the framework contract between the Slovak Republic and Austria on Transfrontier Cooperation between Territorial Communities or Authorities, in force as of the 1st of September 2004.

In all cases, the Contracting Parties have agreed to promote and ensure coordination of cross-border cooperation in the following areas:

- a) regional development and spatial planning,
- b) **protection of the environment, especially protection of nature,**
- c) **agriculture, forestry and water management,**
- d) tourism, especially joint projects to promote tourism.

Despite the fact that under the European Regulation 1082/2006 on Grouping of Territorial Cooperation (EGTC) several European groups of territorial cooperation were established, neither is focused on nature conservation.

3 Case law (See Questionnaire 1.3)

a) Sitting permission cannot be issued prior to the decision of approval for cutting trees.

In proceedings under the Building Act for the location of some buildings that required cutting down a lot of trees, the decision authorizing sitting of those buildings was issued without preventing cutting trees according to the Nature Conservation Act. The Nature Conservation Act states that *'In relation to proceedings conducted in the building sector which may affect the interests of nature and landscape conservation, the designated governmental authority can decide on the matter earlier, after receiving the decision on issuing the permission for tree cutting provided by the Nature conservation authority...'* An action was brought against the sitting permission and (in the last instance) the Supreme Court, in its judgment no. **5Sžp/10/2009** dated 12th of January 2010, designated the sitting permission as illegal. The building authority should not decide the case before it is decided according to the Nature Conservation Act, otherwise the provision of the Nature Conservation Act are ineffective.

b) The process of promulgation of protection zones of High Tatras National Park

In the process of designating protection zones in the High Tatras National Park, the competent nature conservation authority should also deal with all the comments brought by the public into the process of promulgation of these protection zones. The competent nature conservation authority did not deal with any of the comments submitted by the public, and none of them were discussed. Such a procedure has been challenged in court. The Regional Court in Žilina issued on the 1st of June 2010 the judgment no. **20S/66/2010**, arguing that in this case the inaction of the nature conservation authority is illegal. Its duty was to properly deal with every comment presented in the process of designating protection zones, issue an individual administrative act (decision) for their evaluation, giving the possibility to appeal. Otherwise, the public (or other interested parties) do not have a real opportunity to influence in any way the promulgation of protection zones of protected area (or protected area as a whole).

c) Protection of the Brown Bear

The Ministry of the Environment used to issue an annual exemption to hunting the Brown Bear, allowing for the caught of 60 to 80 individuals of this protected species. Exemptions had been issued for a lump sum in advance, without explicit identification of specific individuals of the brown bear and with the same justification for each issuing and without sufficient findings whether there are reasons for the exemption to kill the brown bear. After lengthy litigation (the applicant was a NGO focused on nature conservation), the Regional Court in Bratislava issued the final judgment no. **2S 232/07**, which declares the procedure of the Ministry of Environment illegal and abolishes the relevant decisions issuing the exemptions. The Supreme Court established that any decision must be adequately justified and the justification must retract for each individual of the bear, whether, in a given particular case, the conditions for an exemption under the provisions of § 40 of the Nature Conservation Act, on the protection conditions of protected species, are met.

d) The fine imposed on a plowed habitat of the Great Bustard

The Special Protected Area 'Sysľovské polia' - declared as such to protect the species of Great Bustard - an area of permanent grasslands which represented a food and nesting habitat of the Great Bustard, was plowed by users of this agricultural land. For this activity the user

was fined for violating the prohibitions under the Nature Conservation Act. The penalized subject filed an action before the court. The Supreme Court confirmed this decision by judgment no. **3Sžp 2/2008** issued on 4th of December 2008 to award penalties and in its judgment indicated that: *‘With regard to Art. 44 of the Constitution of the Slovak Republic and § 17.1 of the Act no. 17/1992 Coll. on the Environment, the Supreme Court concludes that the public interest in environmental protection as a fundamental assumption of the existence of human beings is extraordinary and therefore the law of the Slovak Republic pays attention in case of a conflict of this interest with the performance of public rights of some individuals on the basis of the permissible limit for exercising of these rights. This is especially obvious in the case of a conflict of public interest in environmental protection and private law, which is, for example, the right of ownership, whose content (article 20) and increased protection through the administrative justice (Article 46 Art. 2 second sentence), are reflected directly in the Constitution of the Slovak Republic. Then it is quite natural, that the provisions of the legislature through § 4.1 of the Nature Conservation Act established the general obligation of prevention not only for the State, but also for individuals that, with regard to maintaining a healthy environment, should adapt the performance of their activities in order to avoid damaging the environment or its components, and further in special provisions, for example, § 61 par. 1 first sentence of the Nature Conservation Act as well as § 3.1 point. c) of the Act on the Protection and Use of Agricultural Land, elaborated this preventive obligation for the conditions governing the ownership performance or the use of agricultural land.’*

e) New Nature Reserve Smrekovica in the National Park Veľká Fatra

The process of promulgating a new nature reserve ‘Smrekovica’ was initiated by a non-governmental nature conservation organization, particularly in order to protect primeval forest vegetation, as well as to protect the habitat of the Capercaillie. However, during the process of promulgating this new nature reserve, the user of the forest land - the state owned enterprise ‘Forests of the Slovak Republic’ - started timber harvesting in the area which should be declared as nature reserve. If harvesting had been performed there (which partially really occurred), the reason for the declaration of a nature reserve would be lost. Following the initiative of the aforementioned environmental NGO, the district environmental authority issued a decision in accordance with § 4.1 and 2 of the Nature Conservation Act, which prohibited carrying out timber harvesting because of the risks regarding protected species. This decision was appealed, but the Court confirmed its legality. In justification of the judgment no. **21S/95/2011**, dated on 23rd of May 2012, the court said that *‘it is possible to express prohibition on timber harvesting of forests and related economic activities ... with regards to this is as well logical that if the District Environmental Authority had not acceded to this solution, by timber harvesting or also by exercising other economic activities of the applicant, also from the view of the Court, the massif of Smrekovica would become completely extracted and then, in essence, there would be no reason to protect it under the Nature Conservation Act. The court considers appropriate using that provision ... which, in relation to the protection of nature, has a preventive character and therefore the prohibition of timber harvesting, as was assessed in the operative part of the decision of the District Environmental Authority, was appropriate for the situation.’* It should also be noted, that during the judicial proceedings, the Smrekovica site was declared by decree, issued by the Regional Environmental Authority, as a new natural reserve with the 5th - most stringent - level of protection.

f) Highway Turany – Hubová

The Slovak Republic seeks to complete the motorway network within its territory. The priorities include the highway between Bratislava and Kosice, known as ‘Highway D1’. The final Statement coming from the environmental impact assessment for the construction of the ‘Highway D1 Martin - Ľubochňa’ issued by the Ministry of Environment in 2002 recommended, in its Part B (on the Highway between the villages Turany and Hubová), a variant through the tunnel Korbeľka, which is about 5 kilometers long. However, the operator is currently promoting a route of highway D1 in its part Turany – Hubová through the valley of the river Váh and omitting the Korbeľka tunnel, with three shorter tunnels instead (tunnel Šútovo will be 400 meters long, tunnel Fatra 280 meters long and tunnel Rojkov 1,550 meters long). This promoted variant significantly affects some areas of the NATURA 2000 network and also two national parks (Veľká Fatra National Park and Malá Fatra National Park). The sitting and building permissions for the referred construction of the relevant part of D1 highway have already been granted, but a complaint to the European Commission has been subsequently filled by a few environmental NGOs, together with some scientist, against the Slovak Republic for breaching the obligations under the Habitats Directive. The European Commission started infringement proceedings against the Slovak Republic and stopped financing the construction works, which are mostly supported with European public funds. The infringement procedure has not terminated yet and the negotiations between the Slovak Republic and the European Commission continue. The construction works have so far stopped and it is not yet clear which variant will be implemented.

4 Suggestions for improving national legislation

a) Unapproved Management plans of protected areas.

The non approbation of management plans provokes a lack of legislative regulation; currently, none of the large-scale protected areas (National Parks and the Protected Landscape Areas), but only a few small-scale protected areas have an approved management plan. Due to this fact, protected areas do not have clear and concrete rules on how their territories can be used from the perspective of ensuring the purpose of a protected area.

At the same time, in the protected areas, other plans or programs are simultaneously applied influencing their use – for example forest management plans approved according to the Act on Forests or municipal and regional land-use plans approved under the Building Act.

It is therefore necessary to reach the following objectives:

- develop a legislative amendment that provides (similarly to the approbation of forest management plans) an obligation for competent Nature Conservation Authorities to approve and effectively apply a management plan for each of the protected areas;
- legally stipulate the binding force of management plans of protected areas, following their approval;
- integrate all planning institutes simultaneously applied in protected areas into one management plan to avoid their mutual competition and use protected areas in accordance with their original purpose.

b) Management of protected areas and state administration in protected areas.

In terms of managing protected areas, the Ministry of Environment established an expert organization of nature conservation, which is the State Nature Conservancy of the Slovak

Republic. Administratively, it is divided into National Parks Services, Protected Landscape Areas Services and Services of Caves. This entity protects wildlife in practice, provides management and practical implementation of nature conservation.

National Parks Services and Protected Landscape Area Services have no legal personality. (only the State Nature Conservancy of the Slovak Republic as such has legal personality). The services are only organizational divisions of the State Nature Conservancy. Therefore, they are organizationally and financially depending on the headquarters of the State Nature Conservancy. They do not have the opportunity to speak in their own name when exercising their competences, which makes it impossible to effectively manage the protected area. It is also necessary to highlight a lack of provided financial backing of the State Nature Conservancy from the state budget, which is reflected in the lack of its staff capacities.

The State Nature Conservancy does not exercise real administration and management of protected areas, but operates only as an expert organization that provides expert standpoints to the performance of activities of other subjects. The real management of protected areas is implemented by other subjects. In the case of state-owned forest land management is carried out by state public enterprises founded by the Ministry of Agriculture, whose primary mission is managing forest lands (in the whole territory of the Slovak Republic, not only in protected areas) and making profit from it. A similar situation exists in other areas different than forest land owned by the state (e.g. agricultural land, water areas).

In addition, only about 50% of the acreage of protected areas is owned by the state. The other land is in the hands of private owners, who are managing the area on their own and ideally would prefer farming without any restrictions related to nature conservation.

From the above thus follows that in protected areas there is not even one administrator who would manage the protected area in accordance with its original mission. On the contrary, in protected areas, several administrators perform management and their interests might be frequently in conflict and their opinion on exploitation of a protected area different. As a result, various types of management exist in one protected area and there are strained relationships between entities that operate on the protected land. This happens also in national parks, whereby the Nature Conservation Act in its § 17 defines that there is a '*nature conservation priority over the other activities.*'

A similar situation occurs in terms of execution of state administration regarding protected areas. The State Nature Conservancy has only the status of an expert organization in this case as well, providing only expert opinions to decision-making activities for the state administration in the field of nature conservation. Although its opinions are on compulsory basis, they are not binding. In addition, the nature conservation authorities have jurisdiction only in the defined field of the nature protection. However, protected areas are also affected by other legislation (e.g. the Act on Forests, the Act on the Protection and Use of Agricultural Land, the Water Act, the Building Act etc.) where other state bodies are competent for decision-making. These state authorities promote other interests than the protection of nature, so their decisions are often in contrary to the mission of the protected area.

It is therefore necessary to reach the following objectives:

- transferring the management of state-owned land in protected areas to the State Nature Conservancy. The status that reigns in protected areas of Slovakia (i.e. the situation according to which a parcel in a state-owned protected area is managed by an organization established to carry on an economic activity, created by the Ministry of Agriculture as a state-owned enterprise whose priority is to manage land for making a profit; and, in the same area, the State Nature Conservancy operates managing *de facto* the protected area in order to prevent

damage or destruction) is at least ineffective, uneconomic, counterproductive and likely to cause unnecessary conflicts between the state organizations, as the interest of each of them is fundamentally different. Since the sole purpose of protected areas management is not their exploitation, but the preservation and enhancement of their natural values, the most expedient solution to this situation would be transferring the management of state-owned land in protected areas to the State Nature Conservancy. This body would be able to manage protected areas in a way that their natural values remain unchanged. This could be considered as the most effective way to preserve protected areas on the state-owned land;

- the state shall support the repurchase or long-term renting of land in protected areas, in order to diminish the area managed by private entities whose motivation for land use is mainly economic;
- the state shall support (financially as well as by other means) the environmentally friendly management of private landowners in protected areas, if this is not in conflict with the mission of the protected area;
- the state shall support protected areas management performed by other bodies than state organizations, whose mission is nature protection (non-governmental organizations, scientific organizations, etc.);
- in terms of state administration of protected areas, it would be appropriate if the state administrative decision-making power came under one organization, which should be the State Nature Conservancy of the Slovak Republic. In addition to the Nature Conservation Act, this organization should perform decision-making power according to the Act on Forests, the Act on Protection and Use of Agricultural Land, the Water Act and the Building Act. This amendment would bring, among other benefits, a significant reduction of the administrative burden in protected areas and would generate stronger position and responsibilities of the State Nature Conservancy.

c) Financing protected areas

The current protected areas financing and managing system (the funding of the State Nature Conservancy), is insufficient for effectively implementing nature conservation objectives in protected areas.

It is therefore necessary to reach the following objectives:

- empowering the State Nature Conservancy as previously explained, which should be also directly related to ensuring its adequate financial, personnel and material capacities;
- preparing legislative amendments that would lead to the possibility of using other sources for financing protected areas (e.g. levying of admission for entrance into protected areas, the use of fines or other fees for the purposes of protected areas, as well as providing other paid services – e.g. charged professional guiding through protected areas implemented by the State Nature Conservancy).

d) Strengthening the legislation to protect landscape, historical forms of land use and the landscape elements to ensure ecological interconnection of different areas.

In the Nature Conservation Act, the protection of the countryside beyond protected areas (e.g. landscape protection, preservation of historical forms of land use and protection of landscape elements ensuring ecological connectivity of the territory) is minimal. The concept of ecological connectivity is only marginally reflected in other regulations governing the use of the countryside.

In Slovak regulations is not defined the concept of ecological networks (or environmental or green links). Similarly are not defined its elements, or such tools which would specify the way and possibilities for its protection, with the exception of protected areas. An exception is the concept of territorial system of ecological stability which is only partially reflected in the land use planning tools.

It is therefore necessary to reach the following objectives:

- strengthening the protection of landscape elements and of forms of land use in the Nature Conservation Act. These landscape elements ensure ecological connectivity outside protected areas. The existing legal definitions of landscape elements should be followed by practical provisions to ensure their real protection, for example preference for some of the historical forms of land use, administrative landscape or landscape elements protection, obligation to maintain those elements in the country, determination of competence of self-government bodies (municipalities) so that they can protect such landscape elements themselves, etc.;
- defining the protection of landscape elements in an appropriate manner in other legal regulations, by emphasizing the primacy of the Nature Conservation Act over other regulations governing land use;
- defining the concept of ecological network, its components, as well as provision of effective tools for its protection outside protected areas.

e) Protection of habitats and revitalization measures.

By the year 2010, everyone, who by its activities damaged or destroyed a habitat, has an obligation to provide reasonable alternative revitalization measures. Implementation of revitalization measures is ordered by the District Environmental Authority. If it is not possible to carry out the alternative revitalization measures, takes place the obligation to pay financial compensation in the amount of the public amenity value of habitat.

Revitalization measures served as a very functional and effective tool for conservation, which was enforceable against the entity required to implement them. Its essence was to provide management for significant natural values (sites, endangered species) which, without human care, would successively worse off or otherwise degrade. If activity of an entity resulted in a damage to or destruction of a habitat, this entity was obliged to carry out management of the damaged or any other habitat on the same or another site. Replacement revitalization measures could be, for example: periodic mowing of meadows with protected flora, which requires traditional farming; cutting down self-seeding trees on natural rare meadows, which are spontaneously overgrown by trees; removing invasive plant species, which expel original species of plants; adjusting water regimes; planting greenery in farmland as a refuge for fauna; improving nesting conditions for the rare species of avifauna; restocking waters by original species of fish; removing barriers to enable migration of fauna; repairing trails damaged by erosion or construction of infrastructure for guidance of visitors in valuable habitat types etc. Thus the entity, whose activities resulted in a damage or destruction of the habitat, at the same time, ensures and participates in the protection of rare species or habitats at another place. The practice has clearly demonstrated the effectiveness of such measures and the application of those provisions has contributed to a significant intensification of communication and cooperation between nature conservation and business entities.

In case it was not possible to carry out alternative revitalization measures, the obligation of paying compensation applies, up to the amount of the public amenity value of habitat. The solidarity principle can be observed here, since this financial compensation represents an

income to the Environmental Fund and not an income to the state budget. From the Environmental Fund the resources are shifted back into the environment, in terms of the Act on Environmental Fund. Financial compensation thus served as some sort of ‘pardon’ for those entities, whose activities damaged or destroyed a naturally valuable site, but it is impossible to determine alternative revitalization measures for them.

The obligation to carry out substitute revitalization measures, or eventually financial compensation, was also an expression of the general principle of environmental protection: the ‘*polluter pays*’ principle, established by § 27 of the Act on the Environment, according to which ‘*Everyone who by an environmental degradation or by other wrongful conduct has caused an ecological damage, is obliged to restore the natural function of disturbed ecosystems or parts thereof. If this is not possible, or for serious practical reasons, ecological damage must be replaced by another method (refill); where this is not possible, the entity must pay the damage in money. Concurrence of the refund shall not be excluded. The method of calculating the environmental damage and further details will be stipulated in a special regulation*’. Possibility of setting the financial compensation is provided in § 31 of the Act, according to which ‘*For environmental pollution or its components, and for the economic use of natural resources, the natural or legal persons pays taxes, fees and other payments, if specific regulations provide so.*’. Adherence to the ‘*polluter pays*’ principle was undertaken by the Slovak Republic also by accession to the international Framework Convention on the conservation and sustainable use of the Carpathians.

In 2010, there was an amendment of the provisions of the Nature Conservation Act and the obligation to make revitalization measures, as well as the obligation to pay the financial compensation, were omitted. This amendment significantly reduced the possibility to effectively influence the processes related to ecological connectivity of landscape.

It is therefore necessary to reach the following objectives:

- the obligation to carry out revitalization measures for the destruction or damage of habitats, alternately the obligation to pay financial compensation for their destruction, should be re-established in the Nature Conservation Act.

f) Strengthening the protection of forest land and agricultural land during the construction of motorways and highways.

When issuing a sitting permission concerning forest lands, this permission cannot be issued without the consent of the owner or manager of forest land. This is not valid for the location of construction of highways or motorways. When constructing road infrastructure (motorways and highways), the protection of forest land is weaker, because their location in the country does not require approval of the landowner or the administrator of forest land. This represents a significant deficiency, also in terms of protection of ecological connections in the country.

A similar procedure exists for the protection of agricultural land under the Act on the Protection and Use of Agricultural Land. Even in this case, to issue a decision on land use in relation to the construction of speedways, the opinion of the owner of the land is not required.

It is therefore necessary to reach the following objectives:

- when locating the construction of highways or motorways (there is no need to emphasize that the line constructions has immense importance in relation to the ecological connectivity of an area), the same procedures as when permitting other construction projects should be preserved; i.e. in order to locate them in a country, the consent of the owner of forest or owner of agricultural land must be required.

g) Promoting an environmentally friendly tourism.

The Act on the Promotion of Tourism declaratively provides that public organizations established to promote tourism ‘promote sustainable tourism development in order to protect and maintain the environment and respect the way of life of local population and property rights’, but in other provisions of this Act, there are no practical tools to implement this declaration.

It is therefore necessary to reach the following objectives:

- the Act on the Promotion of Tourism should include the concept of development of environmentally friendly tourism by forming its definition, providing tools to support its use and setting preferences over other types of tourism (e.g. tax breaks).

h) Protection of Gray Wolf (*Canis Lupus*)

In accordance with the Nature Conservation Act, the wolf (*Canis lupus L.*) is not a protected species, thanks to the fact that the Slovak Republic, during the negotiations on accession to the European Union, succeeded to obtain an exception. The wolf is not protected all year round and can be hunted between the 1st of November to the 15th of January, as established in the implementing decree of the Act on Hunting and also in the implementing decree of the Nature Conservation Act. This does not apply in two border areas where protection of the Gray Wolf is established all year round. These cross-border migration corridors are at the border with Czech Republic in the Protected Landscape Area Kysuce and at the border with Hungary, in the National Park Slovak Karst.

It is therefore necessary to reach the following objectives:

- Legislative provisions granting all year round protection of the gray wolf in the whole area of Slovakia, or at least in the protected areas. The wolf does no longer exist in most of the countries of the European Union. A relatively high abundance of the wolf in Slovakia cannot justify the possibility (even if for a limited period of time) of its hunting in this country.

i) Legislative ensuring of cross-border cooperation

In nature conservation regulations on cross-border cooperation do not exist even in the form of statutory declarations, except for the fulfillment of international conventions in the field of nature conservation. This is the reality despite the fact that bordering areas are often the most well preserved in terms of natural values and are linked to protected areas of the adjacent state and together they create one unit and their management should therefore be coordinated.

It is therefore necessary to reach the following objectives:

- The legal text should contain at least a basic definition of cross-border cooperation in the field of nature conservation and establishment criteria for its implementation.

l) Documentation of EIA / SEA

The final statement of an environmental impact assessment, as well as the assessment of the environmental impact of strategic documents has only a tentative nature and does not constitute binding basis for the authorization process. For this reason, it is often a formal administrative procedure which has no effect on nature conservation.

The problem is also financing the process of documentation EIA/SEA. Assessment is carried out by experts who are paid directly by the investor and selected from a list of qualified

persons for assessment. There is no doubt that the investor has no interest on an expert statement which goes against the investment plan. Expert assessors thus are in conflict of interest, since they have to write an objective statement, but are paid directly by the investor.

It is therefore necessary to reach the following objectives:

- develop legislative provisions ensuring that the final statement of the process of the environmental impact assessment will be a binding basis for the following authorization procedures;
- change the method of financing professional assessors, so that they are not directly paid by the investor (e.g., in order to ensure their random selection for assessing; and providing a special financial fund, from which the assessors will be paid).

SECTION II: PILOT AREA

The Duna Ipoly National Park/Poiplie Ramsar Site (Hungary - Slovakia) (See Questionnaire 3.2)

1. Regional/ local institutional frameworks and legislation affecting biodiversity protection and ecological connectivity in the pilot area

The Ramsar site Poiplie is the last wetland ecosystem of the Ipeľ river basin, located in the south of central Slovakia. This site is a large complex of wetland habitats with high diversity of vascular plants and animals that live in particular communities of open water surfaces, marshes, humid meadows and floodplain forests. The site has an area of 410.87 hectares.

Due to the fact that Slovakia is a unitary state and generally binding legal regulations are applicable on its whole territory, for the territory of the Ramsar site Poiplie, the relevant parts of the above text of analysis shall apply, also in terms of institutional framework. in pilot area see above.

Since this is an area established by an international treaty, the declaration of the protected area is provided by the Ministry of Environment. Practical management of the protected area is provided by the State Nature Conservancy of the Slovak Republic.

In addition, it can be noted that the area of the Ramsar site Poiplie is also a part of the **Special Protection Area Poiplie**, which was designated under requirements of the Directive no. 2009/147/EC on the conservation of wild birds. The Special Protection Area Poiplie was declared by a decree of the Ministry of Environment No. 20/2008 Coll. in order to ensure the favorable conservation status of habitats of birds of European importance and habitats of migratory species of the following birds: White Stork (*Ciconia ciconia*), Lesser Gray Shrike (*Lanius minor*), Little Crake (*Porzana parva*), Spotted Crake (*Porzana porzana*), Common Kingfisher (*Alcedo atthis*), Syrian Woodpecker (*Dendrocopos syriacus*), European Bee-eater (*Merops apiaster*), Common Scops-Owl (*Otus scops*), Barred Warbler (*Sylvia nisoria*), Crested Lark (*Galerida cristata*), Common Quail (*Coturnix coturnix*), Common Stonechat (*Saxicola torquata*), Sand Martin (*Riparia riparia*), Western Marsh-Harrier (*Circus aeruginosus*), Little Bittern (*Ixobrychus minutus*) and to ensure conditions for their survival and reproduction. The Special Protection Area has an area of 8,062.9 hectares. On its territory, the conditions of protection are provided by the decree containing the operations whose execution is limited and some activities are prohibited to ensure the purpose of the regulation.

On this territory, the following shall be deemed as **prohibited activities**:- cutting down trees or undertaking any interventions in trees growing out forest from the 1st of March until the 31st of July,

- executing intentional timber harvesting from the 1st of April until the 31st of July,

- changing the type of land from the existing permanent grassland to other types of agricultural land or its use for non-agricultural purposes,

- mechanized mowing or mulching of the existing permanent grassland by manner 'from the edges to the middle' on a coherent area of more than 0.5 hectares,

- applying certain chemical substances.

Exemptions from the prohibited activities may be granted by the competent regional environmental authority.

Other conditions for the protection of the Ramsar site Poiplie are **provided by the Nature Conservation Act**. For most of its territory, the 1st level of protection is established, with the exception of small-scale protected areas which are located on its territory. This concerns the

following protected areas:

- **The Nature Reserve Ipeľ Hunts** was declared as such for the protection of native marshland and aquatic habitats of the Poiplie region as a part of the territory of registered localities of the Convention on Wetlands of International Importance. In its territory, the 5th level of protection applies.
- **The Nature Reserve Cudín marshland** was declared as such to protect the preserved habitats of European importance: tall herb communities on wet grasslands (6430) and lowland and submountainous hay meadows (6510) and the species of European importance: *Lycaena dispar*. In its territory, the 4th level of protection applies.
- **The Nature Reserve Kiarov marshland** was declared as such to ensure the protection of hygrophilous, marshland and aquatic habitats of the Poiplie region with the occurrence of a number of rare, endangered and protected species of fauna and flora. In its territory, the 5th level of protection applies.
- **The Nature Reserve Ryžovisko** was declared as such in order to ensure protection of wetland ecosystems in the alluvial plain of the Ipeľ River. In its area, the protected and endangered species of flora and fauna occur and the 5th level of protection applies.

None of the protected areas has a declared buffer zone. These protected areas cover only minimal size of the total area of the Ramsar site.

The Nature Conservation Act provides **protection conditions** for all wetlands in Slovakia. Its § 6.4 provides that *'the change in the state of wetlands, especially its modification by backfilling, drainage, harvesting of reeds, peat, mud or river material, requires approval from the Nature conservation authority, except for carrying out these activities by administrators of the watercourse in accordance with a special regulation.'* **Approval** can be issued by the competent district environmental authority. Under § 2. 2 point g) of the Nature Conservation Act, the wetland is an *'area of marsh, fen or peatland, wet meadow, natural flowing water and stagnant water, including natural water stream and water surface of ponds and water reservoirs'*.

The Ramsar site Poiplie does not have its own management plan approved.

A **general management plan for all the wetlands in the Slovak Republic** was approved for the years 2008 - 2014 as well as the Action Plan for its implementation for the years 2008 - 2011, by the Resolution of the Government of the Slovak Republic No. 848/2007 of the 3rd of October 2007. This management plan contains four strategic goals: the sustainable use of wetlands, management care of wetlands of international importance, development of international cooperation and capacity building for the implementation of the Ramsar Convention. In 2011, the Slovak Government Resolution has approved also the Action Plan for the years 2012 - 2014.

The Action Plan, *inter alia*, includes the following tasks which are relevant also for the protection of the Ramsar site Poiplie.

- Task No. 1.4.2.: *'Integrate conservation and sustainable use of wetlands (including floodplains) to all departmental strategic and policy documents, especially in the field of biodiversity conservation, land development, water management, climate change, agriculture (rural development, forestry), construction of transport infrastructure, urban development, tourism development and so on'*.
- Task. 2.2.1.: *'To develop and implement management plans for all 14 Ramsar sites in Slovakia, harmonized with the management programs and plans of ecological restoration of the national network of protected areas, management plans of Special Areas of Conservation, Special Protection Areas (in case of overlaps) and river basin management plans, such as with wetland species conservation programs, in collaboration with the owners (managers, tenants) of the territory'*.

- Task no. 3.1.3.: *'Implement cross-border cooperation with the Czech Republic, Hungary, Poland and Ukraine to ensure effective conservation and management of transboundary wetlands with the use of cross-border agreements and projects'*.
- Task no. 3.2.1.: *'Cooperate, coordinate and harmonize the management care of wetland, and sustainable use of wetlands with other international legal mechanisms, in particular with the European Commission (the Habitats Directive, the Birds Directive, the Water Framework Directive), with the Convention on Biological Diversity, with the Carpathian Convention, with the Convention on Cooperation for the Protection and Sustainable Use of the Danube, with the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, with the Framework Convention on Climate Change, with the European Landscape Convention, with the Man and the Biosphere Programme and with their national coordinating bodies by regular communication and by mutual representation in these bodies'*.

2. Cross-border cooperation instruments affecting biodiversity protection and ecological connectivity in the NP

With regard to cross-border cooperation on the territory of the Ramsar site Poiplie, it is necessary to refer to the **declaration of the cross-border Hungarian / Slovakian Ramsar site**, Valley of the Ipeľ River. The locality was declared by the common declaration of the Ministry of Environment and Water of the Republic of Hungary and the Ministry of Environment of the Slovak Republic dated 2nd of February 2007. Among the originally registered Ramsar sites in Slovakian Poiplie and Ipoly-völgy in Hungary, one location has *de iure* been labeled as Valley of the Ipeľ River. This led to the declaration of the interest of ensuring a harmonized care of these shared wetland (letter of the relevant ministries of both countries addressed to the Secretary General of the Ramsar Convention on the 2nd of February 2007, signed at a joint session of the Slovakian-Hungarian Working Group on Nature Conservation and Landscape).

At the same time, **a long cross-border cooperation runs in this area, which is a subject to the cross-border agreements** between the State Nature Conservancy of the Slovak Republic and the National Park Duna - Ipoly. The Cooperation Treaty between the Slovak Environmental Agency and the National Park of the Duna-Ipoly Directorate was signed in 2000, and later, after the separation of the State Nature Conservancy, the Agreement on Cooperation between the State Nature Conservancy of the Slovak Republic and the National Directorate of the Duna-Ipoly was updated and signed on the 7th of March 2002. The cooperation includes mutual support and cooperation in ensuring the protection of nature and landscape in the border area covered by the parties, coordinating the formulation and implementation of the concept of nature conservation in the border area, providing technical information, advisory services, especially in ensuring the care of protected parts of nature, technical cooperation in conservation and natural history researches and surveys, looking for solutions and implementations of joint projects and programs, organization of joint events (conferences, seminars, exhibitions, etc.), exchange of professional publications and promotional materials. The agreement is realized through the implementing protocol for the calendar year with specific long-term and short-term tasks.

ANNEX: QUESTIONNAIRE

(Prepared by Dr. Mariachiara Alberton)

1. GENERAL PART

1.1 Introductory questions:

- Provide brief information on the form of constitutionalized division of power of your country (i.e. federal/unitary model)
- Describe briefly how are the legislative and administrative competences in the field of environmental/landscape protection/ land use and spatial planning/water/hunting/agriculture/transport/tourism/energy?/mining? divided among different government levels
- Describe briefly what are the bodies in charge of nature protection (for legislation, implementation and enforcement). At what level (state/regional/local) are monitoring and controlling authorities been established for nature and forest protection? How are they financed? (Public, e.g. state, funds?)

1.2 Questions on legislative/administrative frameworks relevant for biodiversity and ecological connectivity

Protected areas:

- How have European directives (i.e. Habitats directive, Birds directive, Water framework directive, Environmental liability directive, EIA and SEA directives) been implemented in your country? (For non EU countries: have legislation similar to the mentioned directives been approved in your country?) Draft laws?
- What are the provisions for the implementation and management of Natura 2000? (See in particular artt. 3 and 10 of the Habitats directive and national reports on implementation)
- Who is in charge of establishing protected areas (i.e. strict nature reserves, wilderness areas, national parks, national natural monuments, habitat/species management areas, protected landscapes, managed resource protected areas. See IUCN categories of protected areas)? What is the procedure for designating such areas? What is the legal basis? What is the different protection regime of those categories in your country? List existing categories of protected areas in your country and compare them with IUCN categories.
- Are protected areas mostly established by State/Regions/local governments/administration?
- Have local communities the right to designate protected areas? Is this an autonomous right or dependent on province/regional/state authorisation? If not, how can local communities participate in the setting up of protected areas? In which phase (initiative, project definition,

project approval, ex post information) and with what powers (ex. voluntary consultation, mandatory opinion, mandatory and binding opinion etc.)?

- Are protected areas in the process of being established in your country? What is their regime? (See IUCN categories of protected areas)
- Do national laws contain specific provisions concerning the surroundings of protected areas? (Thus ensuring that critical areas are buffered from the effects of potentially damaging external activities). What is the legal regime therein provided?
- Have management plans for protected areas been established at state/regional/local level?
- Who is in charge of administering and managing protected areas (see IUCN categories of protected areas)? Public enterprises, state controlled institutions, private organisations?
- On what basis are protected areas financed? (state/regional/local funds?)

Ecological connectivity and related sectors:

- Are ecological networks/connectivity mentioned as concepts in the Constitution?
- Are ecological networks/connectivity included in other national legislative acts? (please consider the following sectors: environmental protection, i.e. nature and biodiversity, water management and protection; hunting and fishing; forest; landscape; land use and spatial planning; agriculture; transport; tourism).
- Which are the specific (national) tools mentioned therein for implementing ecological networks? (For example: develop sustainably managed agricultural landscape; promote sustainable forest management and prevent deforestation/degradation; develop spatial plans that reduce habitat fragmentation and destruction; address ecosystem issues in the river basin management plans for river districts; achieve good ecological status of waters; sign cooperation agreements with other management authorities)
- Are ecological networks integrated in key processes and sectors? (E.g. In the agriculture sector, priority given to agricultural management, connectivity, land abandonment; in the transport sector a balance is assured to green and grey networks; in climate change policies, priority is given to adaptation measures and connectivity; in water management, the principles and objectives of the Water Framework Directive 2000/60/EC are implemented, etc.).
- Does national legislation include provisions on conservation of cultural landscape and historic sites? Provide reference and examples
- Does national legislation include provisions on compatible forms of land use (with the conservation of biodiversity)? Provide reference and examples
- Is legislation on ecological forestry management, afforestation enacted? Describe briefly contents
- Are forest management plans obligatory?
- Are illegal harvesting and logging punished in your country? Who may issue fines/sanctions in these cases? Are there penal or administrative sanctions?
- Do provisions on restoring damaged sites and ecosystems exist? Are they enforced? Who is under such an obligation?

- Is illegal construction sanctioned in your country? Are there penal or administrative sanctions? Who may issue these sanctions?
- Are plans or projects having a significant effect on the environment subject to EIA/SEA (or equivalent) procedures?
- Is public participation prescribed as part of the procedure?
- Is ecotourism promoted in the legislation?

Hunting:

- At what level are hunting laws approved (state/regional)?
- Can hunting sub-national laws contain exemptions from national laws?
- Are hunting laws in compliance with the bird directive?
- Are bans on hunting imposed for the following species: European Lynx (*Lynx lynx* L.), Brown Bear (*Ursus actos*, L.), European Wolf (*Canis lupus*, L.), European Otter (*Lutra lutra*, L.), Chamois (*Rupicapra rupicapra*, L.), Western Capercaillie (*Tetrao urogallus*, L.), European Hare (*Lepus europaeus*, Pallas)?

Cross-border cooperation:

- Do provisions on cross-border cooperation for the management of bordering protected areas exist in your country? If yes, have any cross-border cooperation agreements been concluded? Please describe their scope and purpose
- Who is in charge and what are the legal tools/procedures to designate a transboundary protected area?
- Have cooperation been developed in your country on the basis of the “European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities” and related Protocols?
- Has legislation similar to the European Regulation 1082/2006 on Grouping of Territorial Cooperation (EGTC) been implemented in your country (for non EU countries)? Have initiatives related to nature protection and ecological connectivity been promoted through this tool (For EU; and through similar tool for non EU countries)?

1.3 Case law

Is there any case law in the above-mentioned sectors concerning ecological connectivity/networks? Please quote and summarise existing cases

2. PILOT AREAS

Analysis of regional and local institutional framework and legislation (beside the national institutional framework and legislation) affecting the biodiversity protection and ecological connectivity of selected pilot areas (for specific guiding questions see above: 1. General Part of the Questionnaire):

- a) Analysis of regional/local institutional frameworks and legislation affecting biodiversity protection and ecological connectivity in pilot areas;
- b) Analysis of cross-border cooperation instruments affecting biodiversity protection and ecological connectivity in pilot areas;
- c) Analysis of relevant case law related to biodiversity protection and ecological connectivity in the pilot areas (if any)

Sectors of analysis:

- Protected areas and biodiversity;
- Landscape;
- Land use planning and control (spatial planning, land use and management within the transport sector);
- Environmental impact assessments and strategic environmental assessments;
- Agriculture and agro-environment;
- Forestry;
- Water;
- Hunting;
- Tourism.