

134/1992 Coll.
ACT
of the Slovak National Council
on 26 February 1992
on the State Administration of Air Protection

Amendment: 148/1994 Coll.

Amendment: 256/1995 Coll.

Amendment: 222/1996 Coll.

The Slovak National Council passed a resolution on the following Act:

Authorities of the State Administration for Air Protection and Their Jurisdiction

Article 1

Authorities of the State Administration for Air Protection

The state administration in matters of air protection according to the Air Act 1) and this Act is carried out by:

- a) the Ministry of the Environment of the Slovak Republic, 2)
- b) the Slovak Environmental Inspection, 3)
- c) Slovak Environmental Agencies, 4)
- d) municipalities. 5)

.....
1) the Act No. 309/1991 Coll. on air protection against polluting sources (the Act on Air) in wording of later provisions.

2) the Act of the Slovak National Council No. 453/1992 Coll. that changes and amends the Act of the Slovak National Council No. 347/1990 Coll. on the organization of ministries and other central authorities of the state administration of the Slovak Republic in wording of later provisions.

Article 2 of the Act of the Slovak National Council No. 595/1990 Coll. on the state administration of the Environment. .

3) Article 7 and 8 of the Act of the SNR No. 595/1990 Coll.

4) Article 3 and 6 of the Act of the SNR No. 595/1990 Coll.

5) Article 5 of the Act of the Slovak National Council No. 369/1990 Coll. on the municipal establishment in wording of later provisions.

Article. 2 and 11 of the Act of the Slovak National Council No. 595/1990 Coll.

Article 2

The Ministry of the Environment of the Slovak Republic

(1) The Ministry of the Environment of the Slovak Republic (hereafter the "ministry") is the central authority of the state administration in matters of air protection.

(2) The ministry

- a) directs the action of the state administration in matters of air protection,
- b) carries out the main state supervision in matters of air protection,
- c) secures the monitoring of the transmission and the dispersion of substances that pollute the air,
- d) within its jurisdiction secures research, monitors technical development in the area of air protection and supports the distribution of technologies that restrict air pollution,
- e) grants permission according to § 11 item 1 let. d) of the Air Act for proposals and changes of technical norms where application concerns air protection and for the approval of exceptions from their binding if a special Act 6) permits the issuance of the exception.

- f) grants permission according to § 11 item 11 let. h) of the Act on Air for the manufacturing and import of equipment, materials, and products that pollute or can pollute the air,
- g) certifies according to Article 11 par. 3 of the Act on Air expert qualifications of persons who submit expertises,
- h) determines according to Article 14 par. 4 of the Act on Air special immission limits for smog warning and regulations systems,
- i) determines after the agreement with the Ministry of Health of the Slovak Republic immission and deposition limits and monitors the compliance of immission and deposition limits,
- j) keeps a record of large and medium pollution sources, their emissions, and evaluates this information,
- k) discloses information to the public within the scope of and according to Article 13 of the Act on Air and publicizes at least twice a year the information about the air quality and about the share of individual pollution sources (hereafter “pollution sources”),
- l) grants licenses to legal entities and physical persons for performing emission measurements on pollution sources that are stated in Article 3 par. 1a of the Act on Air and for immission measurements and these results serve the needs of proceedings by the authorities of the state administration for air protection and verifies the accuracy of their results through a designated organization.
- m) fulfills other tasks in matters of air protection that follow from this Act and from relevant provisions.

.....
 6) The Act No. 142/1991 Coll. on Czecho-Slovak Technical Standards in wording of the Act No. 632/1992 Coll.

Article 3

The Slovak Environmental Inspection

(1) The Slovak Environmental Inspection (hereafter the “Inspection”) is the expert Inspection through which the ministry carries out the central state supervision in matters of air protection within the scope of Article 8 par. 3 of this Act. It supervises mainly:

- a) the observance of the file of technical-operational parameters and technical-organizational measures of air protection that is designated for the operation of pollution sources,
- b) the observance of emission limits for air pollution and general requirements for operations of pollution sources, 7)
- c) the maintenance of the record of operations by the operators of large and medium pollution sources,
- d) the compliance with the measures for the limitation of the progress of emergency situations and removal of consequences by the operators of large and medium pollution sources,
- e) the compliance of warning and regulation measures that were announced during a smog emergency.

(2) The Inspection proposes measures for correction to the appropriate Environmental Agency so that shortcomings detected by its inspecting activity can be removed.

(3) The Inspection imposes penalties for the violation of obligations established by the Air Act, by this Act and by general obligatory legislation issued for their execution that were detected by its inspection. 8)

(4) The inspection organ cooperates with Environmental Agencies and municipalities especially when issuing permission according to Article 11 par. 1 of the Act on Air and when determining the limits according to Article 14 par. 3 of the Act on Air.

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 7) Article 5 par. 4 of the Act on Air in wording of later provisions
 8) Article 18 of the Act on Air in wording of later provisions

Environmental Agencies

Article 4

District Environmental Office

(1) District Environmental Office

- a) determines according to Article 14 par. 3 of the Act on Air emission limits for the existing large pollution sources,
- b) grants permission according to Article 11 par. 11 let. e) of the Act on Air for proposals of the spatial planning documentation of a large territorial unit,
- c) establishes methods of declaring the warning and regulation measure through a general obligatory order 9) and is entitled to reserve the declaration of the measure if the smog emergency extends beyond the territory of the jurisdiction of the Subdistrict Environmental Office, at the same time it cooperates with the appropriate authority of the state health administration,
- d) discloses information to the public within the scope of and according to Article 13 of the Act on Air and publicizes at least within three months of the following year the information about the air quality and about the share of its pollution by the individual sources.

(2) In matters of air protection within the district territory of its jurisdiction, the District Environmental Office issues general obligatory orders. 9)

(3) The District Environmental Office orders, according to Article 12 par. 2 of the Act on Air, a restriction on or a suspension of the operation of the pollution source if the operator of the large or medium pollution source:

- a) does not fulfill obligations that follow from Article 7 par. 1h of the Act on Air during the severe or immediate danger or damage to the air quality except for the obligation to inform the air protection authority, the state district physician 9a), and the public, .
- b) exceeds the emission limit and did not comply with the measures for correction imposed by the appropriate authority of the state administration for air protection according to § 12 item 1 or according to Article 7 par. 1b and c of the Act on Air,
- c) repeatedly violates obligations for whose violation a penalty has already been imposed according to Article 18 par.10 of the Act on Air.

(4) The District Environmental Office issues general obligatory orders 9) in matters of the use of equipment that restrict emissions of those substances into the air that contribute to the deterioration of the ozone layer. In them it especially establishes the production methods, repairs, and liquidation of refrigerating and air-conditioning apparatuses.

.....
9) The article 139a of the constitutional Act No. 143/1968 Coll. on the Czechoslovak Federation in wording of later provisions.

9a) Article 74 of the Act No. 20/1966 Coll. on the health care of people in wording of the Act of the Slovak National Council no 419/1991 Coll. and the Act of the Slovak National Council No. 295/1992 Coll.

Article 5

The Subdistrict Environmental Office

(1) The Subdistrict Environmental Office grants permission according to Article 11 par. 1 of the Act on Air:

- a) for the location and approval of the construction of large and medium pollution sources including their changes and for the initiation of their operation,
- b) for the installation of technical equipment for monitoring emissions and immissions of substances that pollute the air if permission for it is not granted according to letters a and e,
- c) for proposals of the spatial planning documentation of the zone and residential unit,
- d) for the operation of the research-developmental and technological facilities that belong under the category of large and medium pollution sources if permission for them is not granted according to letters a and e,

- e) for changes in the use of fuel and raw materials and for changes in the use of technological equipment of large and medium pollution sources.
- f) for issuing and changing the file of technical-operational parameters and technical-organizational measures according to Article 7 par. 2 of the Act on Air.

(2) The Subdistrict Environmental Office

- a) approves regulatory rules for the operation of large and medium pollution sources in areas where the smog warning and regulation system is established, 10)
- b) imposes measures for correction upon operators of large and medium pollution sources if they do not fulfill their obligations imposed by the Act on Air and this Act according to Article 12 par. 1 of the Act on Air.
- c) imposes penalties upon operators of large and medium pollution sources according to Article 18 of the Act on Air and Article 13 of this Act,
- d) announces the warning and regulation measures and orders a restriction on or a suspension of the operation of the pollution source based upon the general obligatory publication and informs the public through the established method (Article 4 par. 2) according to Article 12 par. 3 and Article 16 par. 2 of the Act on Air,
- e) establishes the emission limits for the existing medium pollution sources according to Article 14 par. 3 of the Act on Air,
- f) negotiates the contravention in matters of air protection, 11)
- g) resolves doubts according to Article 3 par. 3 of the Act on Air about the delimitation of the pollution source and its classification.

(3) The Subdistrict Environmental Office

- a) monitors the use and operation of equipment that prevents emissions of those substances into the air that contribute to the deterioration of the ozone layer in the stratosphere.
- b) can order a suspension of the operation in the case that it does not satisfy the requirements of the publication of the ministry according to Article 17k of this Act.

(4) The Subdistrict Environmental Offices have the jurisdiction that according to the Act on Air, this Act, and general obligatory legislation issued for their execution does not fall under other authorities of the state administration for air protection.

.....
10) Article 15 of the Act on Air.

11) Article 45 and 46 of the Act of the SNR No. 372/1990 Coll. on contraventions in wording of the Act of the SNR no 524/1990 Coll.

Article 6

The Municipality

The municipality

- a) grants permission according to Article 11 par. 1f of the Act on Air for the approval of the construction of small pollution sources,
- b) supervises the observance of obligations of operators of small pollution sources, 12)
- c) imposes measures for correction according to Article 12 par. 1 of the Act on Air upon operators of small pollution sources that do not fulfill their obligations imposed by the Air Act and by other general obligatory legislation,
- d) imposes penalties according to Article 18 of the Act on Air upon operators of small pollution sources for the violation of legal obligations imposed upon them by the Air Act and this Act,
- e) can order a suspension of a small pollution source or a restriction on its operation when requirements established in Article 18 par. 10 of the Act on Air are satisfied,
- f) establishes according to Article 8 par. 1a of the Act on Air requirements for the operation of small pollution sources,

g) can establish zones with the restricted operation of mobile pollution sources through general obligatory legislation,

h) grants permission according to Article 11 par. 1b of the Act on Air for activities to which the building proceedings does not apply that pollute or can pollute the air and are entered in the record that is published in the Official Journal of the ministry.

i) grants permission according to Article 11 par. 1g of the Act on Air to change the used fuels and raw materials and to change the use of technological equipment of small pollution sources.

.....
12) Article 3 par. 2c and Article 8 of the Act on Air in wording of later provisions.

The State Supervision of Air Protection

Article 7

The State Supervision of Environmental Agencies

Environmental Agencies supervise the compliance of provisions of the Act on Air, this Act and general obligatory legislation established for their execution as well as the compliance of decisions issued by them and within the scope of their jurisdiction they impose measures for correction.

Article 8

The Central State Supervision

(1) Within the frame of the state supervision, the ministry supervises how the Environmental Agencies and municipalities execute provisions of the Act on Air, this Act, and general obligatory legislation issued for their execution. If it detects shortcomings it is entitled to impose necessary measures for their removal.

(2) During the execution of the main state supervision, the ministry supervises how legal entities and physical persons observe the Air Act, this Act and general obligatory legislation issued for their execution, decisions of Environmental Agencies and municipalities in matters of air protection.

Article 9

The Competence of Persons to Perform the State Supervision in Matters of Air Protection

(1) When fulfilling their tasks, persons who perform the state supervision according to Article 7 and 8 of this Act are entitled to enter premises, companies, facilities and properties if permission according to special provision is not required; furthermore, to secure necessary findings, demand necessary information, explanations, information, basic documents, and view the appropriate documents. At the request of persons who are performing the state supervision, the legal entity or physical person is required to secure the necessary accompaniment.

(2) When performing the state supervision persons who perform the supervision are required

a) to identify themselves with the proper licence of the organ under whose authority they are performing the state supervision,

b) to preserve the confidentiality of matters that are a part of the state, economic, and official secret that they have learned while performing the state supervision. 13)

.....
13) The Act No. 102/1971 Coll. on the protection of the state secret in wording of the Act No. 383/1990 Coll. and the Act No. 558/1991 Coll.

Article 10

Operators of large and medium pollution sources are required to report true and complete information about the pollution source, emissions, and the compliance of emission limits for the past calendar year to the organization designated by a committee and to the Subdistrict Environmental Office always by February 15. Methods and conditions for detecting and monitoring the information about the compliance of the established emission limits shall be established by the ministry through general obligatory legislation.

Article 11

The Proceedings

(1) If it is not explicitly enacted otherwise in this Act, general provisions on the administrative proceedings are followed during the proceedings. 14)

(2) To acts in law executed by the authority of the state administration for the air protection according to Article 2 par. 2e, g, h, l, Article 4 par. 1b, c, sec 5 par. 1a, c, Article 5 par. 2d, and Article 6a of this Act, general provisions on the administrative action do not apply except for provisions on local jurisdiction. .

(3) In cases according to Article 4 par. 3a of this Act, the District Environmental Office may announce the decision about the restriction on or the suspension of the operation of the pollution source verbally and enter it into the report; it is necessary to deliver a written copy of this decision to the operator without delay.

(4) It is possible to appeal the decision according to section 3 within three days of the day when the written copy of this decision was delivered. The appeal cannot be postponed; the appellate body makes a decision on it immediately.

(5) If the authority of the state administration for air protection simultaneously issues several approvals to the same applicant, it can do so in one decision.

(6) Expenses for the expert opinion according to Article 11 par. 2 of the Act on Air are covered by the person who submitted the proposal, project plan, measure, and the application concerning the air for the issuance of the approval.

(7) The approval according to Article 11 par. 1 of the Act on Air is an obligatory policy for authorities that issue decisions according to other legislation on the location, approval and the use of constructions, equipment or activities.

.....
14) The Act No. 71/1967 Coll. on the administrative proceedings (Administrative Proceedings).

Common, Preliminary, Abrogation,
and Final Provisions

Article 12

(1) The ministry establishes the details for determining emission limits of the existing pollution sources through general obligatory legislation.

(2) In the time limit of three months from the day when this Act comes into force, operators of the existing large and medium pollution sources are required to apply at the appropriate authority of the state administration for air protection for the determination of the emission limit and for the period to reach the emission limit established for new pollution sources.

(3) The application should contain:

a) the material balance of the technological process,

- b) results of emission measurements and the identification of the entity who performed the measurements,
- c) the proposal of the emission limit if the pollution source does not satisfy emission limits for the new sources that follows from the minimum of reachable emissions by given technological devices when a correctly applied technology is used (Article 14 par. 3 of the Act on Air),
- d) the proposal for technical solutions, economic analysis, and the schedule of methods for reaching the emission limit for a new pollution source including the estimated quantity of emissions for individual years.

(4) The authority of the state administration for air protection decides on the application according to item 2 before June 30, 1993; in case of detection of an existing pollution source within three months of the day when the action of determining the emission limit began.

(5) In its decision, the authority of the state administration for air protection determines the expiration date of the emission limit for the existing large and medium pollution source that must not be after December 31, 1998.

(6) From the time when this Act comes into force until the time when the authority of the state administration for air protection issues the decision, operators of existing large and medium pollution sources are required to operate these sources in accordance with obligations established in Article 7 par. 1 except letter b and in Article 7 par. 2 of the Act on Air.

Article 13

(1) For not complying with obligations according to Article 12 par. 2 of this Act, the appropriate Environmental Agency imposes a penalty up to the amount of SK 500,000 upon a law entity or natural person with a trade license.

(2) The penalty can be imposed within one year from the day when the appropriate authority of the state administration for air protection learned about the violation of the obligation, at the latest within three years of this Act entering into force.

Article 14

The administrative proceedings that began before this Act entered into force shall be finished by the authority of the state administration for the protection that acts upon the matter according to current provisions.

Article 15

(1) Penalties imposed by regional offices, district offices, and inspection bodies in matters of air protection constitute an income for the State Fund for the Environment of the Slovak Republic. 15)

(2) Penalties imposed by a municipality according to § 6 let. d) of this Act and according to special provisions in matters of air protection 16) constitute an income for municipalities.

.....
15) Article 3 of the Act of the Slovak National Council No. 128/1991 on the State Fund for the Environment of the Slovak Republic in wording of the Act of the Slovak National Council No. 311/1992 Coll.

16) Article 6 item 1 of the Act of the Slovak National Council No. 311/1992 Coll. on fees for air pollution.

Article 16

By not fulfilling obligations according to the Air Act and this Act a citizen commits an offence against the protection of the environment. 11)

.....

11) Article 45 and 46 of the Act of the SNR No. 372/1990 Coll. on offences in wording of the Act of the SNR No. 524/1990 Coll.

Article 16a

(1) Lawful decisions on the determination of emission limits for those research-developmental and technological facilities that according to this Act constitute existing large and medium pollution sources are abrogated on July 1, 1994.

(2) Operators of research-developmental and technological facilities that constitute existing large or medium pollution sources are required to apply at the appropriate air protection authority for the issuance of approval by December 31, 1994 according to Article 11 par. 11j of the Act on Air.

Article 16b

In those places of this Act where the terms an “existing pollution source” and a “new pollution source” are used, they are understood to be an existing pollution source and a new pollution source according to Article 19a of the Act on Air.

Article 17

Through general obligatory legislation, the ministry establishes

- a) requirements for keeping the record of operations of large, medium and small pollution sources and the scope of other information that operators of large, medium, and small pollution sources are required to submit to the air protection authority,
- b) the detecting of the quantity of released pollution substances, methods and requirements for detecting and monitoring the information about the compliance of the established emission limits and requirements for technical equipment to monitor emissions of substances that pollute the air and the time limit for their elimination,
- c) requirements on the fuel quality and keeping a record of operations, the scope, type, and the methods for submitting the information that producers, importers and sellers of fuels are required to submit to the air protection authority
- d) requirements on the qualifications of workers who service large and medium pollution sources,
- e) requirements for granting licenses to legal entities and physical persons to perform measurements of emissions on pollution sources mentioned in Article 3 par. 1a of the Act on Air and measurements of immissions where the results serve the needs for the proceedings of authorities of the state administration for air protection and for policies of the execution of this activity,
- f) areas that demand special air protection and special measures to restrict air pollution,
- g) policies for the establishment and operation of smog warning and regulation systems including special emission limits,
- h) requirements for the verification of expert qualifications of entities who submit expert opinions according to Article 11 par. 3 of the Act on Air,
- j) content of the program for reduction of emissions from pollution sources for large and medium sources of pollution,
- k) methods for the use of devices that prevent emissions of those substances into the air that contribute to the deterioration of the ozone layer in the stratosphere; in it, it shall establish the production methods, repairs and liquidation of refrigerating and air-conditioning apparatuses.

Article 18

Par. No. 26 and 27 from Annex A, par. No. 12 from Annex B, par. No. 65 through 68 from Annex C and par. No. 3 and 4 from Annex D of the Act of the Slovak National Council No. 595/1990 Coll. on the State Administration of the Environment are abrogated.

Article 19

This Act shall enter into force on the day of the announcement, that is, on April 1, 1992.

The Act No. 148/1994 Coll. entered into force on July 1, 1994.

The Act No. 256/1995 Coll. entered into force on December 1, 1995.

The Act No. 222/1996 Coll. entered into force on July 24, 1996.

F. Mikloško, sign manual.

J. Čarnogurský, sign manual.