

176/1992 Coll.
REGULATION
of the Slovak Commission for the Environment
from 20 March 1992
on conditions for the provision and use of finances
of the State Fund of the Environment of the Slovak Republic

The Slovak Commission for the Environment (hereafter the "Commission") according to Article 5 par. 7 of the Act of the Slovak National Council No. 128/1991 Coll. on the State Fund of the Environment of the Slovak Republic (hereafter the "Act") establishes:

Article 1

The Regulation adjusts conditions for the provision of finances of the State Fund of the Environment of the Slovak Republic (hereafter the "Fund") and conditions for the use of finances by legal entities and natural persons.

The Fund

Article 2

(1) The Fund is internally structured as follows:

- a) a section for the protection of the quality and quantity of water and water's rational use,
- b) a section for air protection,
- c) a section for nature protection,
- d) a section for waste management
- e) a general section.

(2) Sources of the Fund stated in Article 3a through c of the Act flow into the section of protection of quality and quantity of water and water's rational use.

(3) Sources of the Fund stated in Article 3d and e of the Act flow into the section of air protection.

(4) Sources of the Fund stated in Article 3f of the Act flow into the section of nature protection.

(5) Penalties imposed by Environmental Agencies and the Slovak Environmental Inspection of waste management 1) flow into the section of waste management.

(6) Sources of the Fund stated in Article 3g through m of the Act flow into the general section.

(7) Sources of the Fund stated in Article 3n of the Act flow into the section that corresponds with the area of the environment of their origin; otherwise, they flow into the general section.

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1) Article 11 and 12 of the Act No. 238/1991 Coll. on waste.

Article 3 par. 2 and Article 5 par. 3f of the Act of the SNR No. 494/1991 Coll. on the state administration of waste management

Article 3

(1) Finances of the Fund in sections stated in Article 2 par. 1 a through d may be used only in accordance with their internal structure. Finances of the Fund from the general section may be used for all areas of the environment.

(2) Expenditures related to the administration and operation of the Fund and the activity of the Board of Fund are covered by the interest on finances of the Fund.

Article 4

(1) Finances of the Fund may be granted only in a manner and for the purpose stated in par. 4 of the Act for the purpose of creating and protecting the environment.

(2) When granting finances of the Fund, priorities of the state ecology policy and criteria that follow from it are crucial. They are determined and published by the Commission before the beginning of the appropriate calendar year.

(3) Furthermore, the following is taken into consideration when granting finances of the Fund:

- a) the ecological burden on the territory,
- b) the ecological benefit from solving the problem for which finances of the Fund should be granted,
- c) the ecological-economical efficiency of expended finances of the Fund,
- d) the solvency, technical and ecological credibility of the applicant for finances of the Fund (hereafter the "applicant"),
- e) the fact whether finances from another state fund or state budget were granted for the same matter.

Article 5

(1) It is possible to grant finances from the Fund to the applicant up to the amount of total expenditures.

(2) For purposes of this Regulation the following is considered to be the total expenditures:

- a) the total expenditures, constructions,
- b) in other cases all expenditures necessary for the realization of the operation.

(3) If finances are granted to prevent an extraordinarily severe aggravation of or threat to the environment or to eliminate detrimental consequences (hereafter the "accident"), the amount of granted finances must not exceed the scope of the estimated or created detriments.

(4) Sources of the Fund for expenditures that are higher than the expenditures stated in par. 2 and 3 may be granted only when the increase in expenditures was caused by the growth of the ecological effect.

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2) Article 8 of the Regulation of the State Commission on Scientific, Technical and Investment Development No. 43/1990 Coll. on the project preparation of constructions.

Article 6

(1) To the Commission and to organs managed by it and to organizations, finances of the Fund may be granted only for the fulfillment of those tasks in which these organs are indispensable and with the permission of the Ministry of Finance of the Slovak Republic.

(2) The Minister-Chairman of the Slovak Commission for the Environment (hereafter the "chairman") publishes the information every half year about granting finances of the Fund that contains the list of those whose finances were granted, the purpose of the grant and the amount of granted finances.

The Application for the Provision of Fund Resources

Article 7

(1) The applicant requests the provision of Fund resources in writing.

(2) The application must contain:

- a) identification of the applicant, operation for which the finances of the Fund are requested, the place and time of its realization with stating the month and year of the start and end, project engineer, supplier, author of the solution,
- b) the amount of total expenditures of the operation
- c) the description of the activity and the justification of the urgency for its realization,
- d) the amount of required finances,
- e) the information about the facts according to Article 4 par. 3 sub-par.e,
- f) methods for securing further finances.

(3) If the applicant applies for the takedown from the Fund for an investment operation, to the application he attaches:

- a) a construction plan prepared according to special provisions, 3)
- b) a decision about the approval of the construction, 4)
- c) decisions ad standpoints toward impacts on the environment that place conditions on the approval of finances, 5)
- d) an agreement about merging finances if it was concluded,
- e) booking regulations of constructions.

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3) Article 4 of the Regulation No. 43/1990 Coll.

4) Article 54 of the Act No. 50/1976 Coll. on the Spatial planning and Building Orders (the Building Order).

5) For example Article 8, 13 of the Act no 138/1973 Coll. on Water (Act on Water), Article 4 of the Act No. 238/1991 Coll., Article 50 par. 11 of the Act No. 20/1966 Coll. on the Health Care of People.

Article 8

(1) The applicant submits the application to the District Environmental Office in the district area whose investment or non-investment operation is being realized. The district office factually considers the application after previous negotiations with the appropriate authority of the state administration according to special provisions. 6)

(2) The District Environmental Office sorts the submitted applications according to priorities and necessities of the regional ecological policy and submits them to the Fund by the deadline June 30 or December 31 of the appropriate year.

(3) If the application does not contain the prescribed information, the Fund calls upon the applicant to complete it within the established time limit.

(4) The application which the applicant did not complete within the established time limit shall not be evaluated. The Fund shall inform the applicant about this fact.

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6) The Act No. 138/1973 Coll.

The Act No. 238/1991 Coll.

The Act No. 309/1991 Coll. on the air protection against polluting substances (the Air Act).

The Act of the SNR No. 1/1955 Coll. on the state nature protection.

The Act No. 50/1976 Coll.

The Act of the SNR No. 595/1990 Coll. on the state administration for the environment.

Article 9

The Fund registers the application, gathers and examines facts that are necessary for the decision on the application.

The Decision on the Application for Fund Resources

Article 10

(1) At least twice a year the Fund submits applications for finances of the Fund to the Commission that evaluates the applications and sorts them especially in respect to Article 4 par. 2.

(2) Applications are evaluated by the Board of Fund 7) which submits its standpoint to the chair.

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7) Article 2 item 4 of the Act of the SNR No. 128/1991 Coll. on the State Fund of the Environment of the Slovak Republic.

Article 11

(1) Based upon the standpoint of the Board of Fund the chair shall decide whether the application for finances of the Fund is accepted, refused or whether the decision is postponed to another date.

(2) The chairman immediately announces the decision to the applicant, Fund, and the appropriate district office of the environment (Article 8 par. 1):

(3) A repeated application for the same matter if no new information is stated in it may be submitted after the expiration of one year from the decision of the chairman on the refusal of the application.

(4) If the chairman accepts the application, in his decision he shall state conditions under which the finances of the Fund shall be granted. Conditions are obligatory for the agreement of granting finances of the Fund (hereafter the "agreement").

(5) To the decision according to par. 1 general provisions on the administrative action do not apply. 8)

..... The Act No. 71/1967 Coll. on the Administrative Proceedings (administrative proceedings).
Article 6 of the Act of the SNR No. 128/1991 Coll.

Article 12

(2) Based upon the decision of the chairman to grant the finances of the Fund, the Fund concludes an agreement with the applicant within 1 month of the delivery of the decision.

(2) The agreement must be in writing and contains detailed conditions under which the finances are granted; especially the amount of the granted financial sum, the purpose for its use, deadlines and procedures for spending finances of the Fund, deadlines and conditions for returning the finances. Provision of special regulations about the agreement stay untouched. 9)

(3) The Fund is required to submit the agreement to the Commission, the appropriate District Environmental Office (Article 8 par. 1) and financial institution through which the finances will be provided.

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9) Civil Code.
Commercial Code.

Article 13

Accidents

(1) In the case of an accident (Article 5 par. 3) where the guilty party is unknown, the Environmental Agency competent in solving accidents asks the chairman to provide finances that are necessary to prevent or eliminate detrimental consequences.

(2) The application contains:

- a) the identification of the applicant,
- b) the description of the emergency and its consequences, proposals of measures to prevent spreading and elimination of the defective situation, calculation of estimated damages and expenditures necessary for the realization of the proposed measures,
- c) the standpoint of the Inspector Office of the Slovak Environmental Inspection which participated in the investigation of the accident,
- d) the amount of desired finances

(3) The chairman decides on the application without unnecessary delay; he announces the decision to the applicant and to the Fund.

(4) Article 7 through 12 do not apply to the decision on the application in the case of accidents where the guilty party is unknown.

Article 14

(1) The applicant is required to use finances of the Fund only for the purpose for which they were granted. 10)

(2) The applicant is required to treat finances of the Fund effectively and efficiently in accordance with conditions stated in the decision to grant the finances of the Fund and in the agreement as well as in accordance with instructions of the Fund.

(3) The applicant is obliged to return:

- a) unused finances of the Fund and
- b) the same amount of Fund finances that were used in contradiction with the established or agreed conditions.

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10) Article 5 par. 5 of the Act of the SNR 128/1991 Coll.

Article 15

(1) The Fund regularly checks the fulfillment of conditions under which the finances were granted.

(2) If the Fund finds out that the applicant is not complying with the established or agreed conditions when he spends the finances of the Fund or he proceeds in a manner inconsistent with the law or other general obligatory legislation, it shall carry out measures that are necessary for correction and informs the Commission about the detected facts.

(3) If the Fund finds out that the applicant did not use and did not return finances of the Fund or used them in contradiction with the established or agreed conditions, it shall take actions that are necessary to achieve their return including the payment of penalties. It informs the Commission about the course of its action.

Article 16

This Publication comes into force on the day of its announcement.

Minister-Chairman:
Ing. Tirpák CSc., sign manual