

**An ACT**

of 6 February 1998

**on the State Environment Fund**

The National Council of the Slovak Republic has resolved to pass the following Act:

Article 1

Establishment of the fund

(1) A State Environment Fund is established (hereafter referred to as the "Fund"),<sup>1</sup> whose purpose is to concentrate financial resources, reallocate them and to ensure their effective use in the interest of the protection and enhancement of the environment.

(2) The Fund is a legal entity based in Bratislava. It is not entered in the commercial register.

Article 2

Fund management

(1) The Fund is administered by the Ministry of the Environment of the Slovak Republic (hereafter referred to as the "Ministry").

(2) The Fund is headed by a director, who is appointed and dismissed by the Minister of the Environment of the Slovak Republic (hereafter referred to as the "Minister").

(3) The Minister establishes a State Environment Fund Board (hereafter referred to as the "Fund Board") as his advisory body for the creation and use of the fund's resources. The Fund Board has 11 members including the director of the Fund, who also acts as its secretary.

(4) The details of the organisation and activities of the Fund are regulated by the Fund's charter, which is approved by the Government of the Slovak Republic.

Article 3

Breakdown of Fund finances and their sources

(1) The Fund's finances are divided into a group of finances determined for unreturnable financing (hereafter referred to as "unreturnable finance group") and a group of finances determined for returnable financing (hereafter referred to as "returnable finance group")

(2) Fund sources which flow into the unreturnable finance group are

- a) fines imposed by nature and landscape protection authorities,<sup>2</sup>
- b) payments made for the registration of persons professionally competent to assess the impact of activities on the environment,<sup>3</sup>
- c) revenue from public collections determined for the protection and enhancement of the environment,

---

<sup>1</sup> Article 24 section 1 of National Council of the Slovak Republic Act 303/1995 Col. on budgetary rules as amended by National Council of the Slovak Republic Act 386/1996 Col.

<sup>2</sup> Article 64 of National Council of the Slovak Republic Act 287/1994 Col. on nature and landscape protection.

<sup>3</sup> Article 7 of Ministry of the Environment of the Slovak Republic Ordinance 52/1995 Col. on the register of professionally qualified persons for the assessment of the impact of activities on the environment.

- d) income from monetary sanctions imposed for the breaching of budgetary discipline in the handling of Fund finances,<sup>4</sup>
- e) penalties for delayed remittance and payment to the Fund,<sup>4</sup>
- f) compensation for release of waste water to surface waters and to groundwater,<sup>5</sup>
- g) fines imposed by state water management authorities,<sup>6</sup>
- h) charges for the pollution of the atmosphere by large and medium sources of pollution<sup>7</sup> and penalty payments under a separate regulation,<sup>8</sup>
- i) fines imposed by district offices and provincial offices or by the Slovak Environment Inspectorate for breach of regulations concerning the protection of the atmosphere,<sup>9</sup>
- j) a portion of charges for waste landfilling,<sup>10</sup>
- k) fines imposed by district offices and provincial offices or the Slovak Environment Inspectorate in the field of waste management,<sup>11</sup>
- l) interest on Fund finances held in bank accounts,
- m) donations and contributions from domestic and foreign legal and natural persons,
- n) subsidies from the state budget,<sup>12</sup>
- o) other sources if so determined by a separate regulation.

(3) Fund sources which flow into the returnable finance group are:

- a) repayments of loans and credits granted by the Fund,
- b) interest payments on loans and credits granted by the Fund,
- c) credits and loans granted by banks and other entities,
- d) contributions provided from the National Property Fund of the Slovak Republic under terms determined by a separate regulation,<sup>13</sup>
- e) donations and contributions from domestic and foreign legal persons and natural persons,
- f) subsidies from the state budget,<sup>12</sup>
- g) other sources, if so determined by a separate regulation.

## Article 4

### Use of Fund finances

(1) Fund finances in both groups (article 3 section 1) may be used for

- a) the support of actions aimed at the achievement of aims of state environment policy at a national, regional or local level,
- b) the procuring of land-use planning documentation and other environmental documentation,<sup>14</sup>

---

<sup>4</sup> Article 47 of National Council of the Slovak Republic Act 303/1995 Col. as amended by National Council of the Slovak Republic Act 386/1996 Col.

<sup>5</sup> Article 44 of Act 138/1973 Col. on waters (the Water Act)

<sup>6</sup> Article 47 of Act 138/1973 Col.

<sup>7</sup> Article 7 section 1 of Slovak National Council Act 311/1992 Col. on charges for the pollution of the atmosphere.

<sup>8</sup> Article 6 section 4 of Slovak National Council Act 311/1992 Col.

<sup>9</sup> Article 18 of Act 309/1991 Col. on the protection of the atmosphere from polluting substances (the Atmosphere Act) as amended by National Council of the Slovak Republic Act 148/1994 Col.

<sup>10</sup> Article 5 section 5 of National Council of the Slovak Republic Act 327/1996 Col. on charges for the landfilling of waste.

<sup>11</sup> Article 11 of Act 238/1991 Col. on waste as amended by National Council of the Slovak Republic Act 255/1993 Col. Article 18 of Slovak National Council Act 494/1991 Col. on state waste management administration.

<sup>12</sup> Article 24 section 4 of National Council of the Slovak Republic Act 303/1995 Col. as amended by National Council of the Slovak Republic Act 386/1996 Col..

<sup>13</sup> Article 28 section 3 letter o) and article 32 section 3 of Act 92/1991 Col. on the terms of transfer of state property to other persons as amended by later regulations.

<sup>14</sup> For example article 7 of Ministry of the Environment of the Slovak Republic Ordinance 112/1993 Col. on the delineation of areas requiring special atmospheric protection and on the operation of smog warning and regulation systems, article 41 of National Council of the Slovak Republic Act 287/1994 Col. and article 19 sections 3 and 4 of Slovak National Council Act 330/1991 Col. on land modifications, the settlement of land ownership, land registry offices, the land fund and land communities.

- c) the support of investigation, research and development aimed at the improvement of the environment including the implementation of the results of such activities,
- d) environmental education, training and promotion,
- e) the prevention of occurrence and spread of accidents threatening or damaging the environment and the removal of their effects,
- f) environmental monitoring, information systems, and documentation preparation,
- g) payment of expenses connected to the management of the Fund and the activities of the Fund Board, which may not exceed 5% of the Fund's resources; for the remuneration of Fund employees separate regulations apply,<sup>15</sup>
- h) payments on credits or loans granted to the Fund by banks and other entities [article 3 section 3 letter c)],
- i) the support of research and implementation of projects for the protection of rare and endangered species of animal, including rare and endangered species of wild animals,
- j) the planting and maintenance of greenery in urban areas,
- k) the settlement of losses incurred through the limitation of normal management of land,<sup>16</sup>
- l) the provision of care for specially protected parts of nature and the landscape,
- m) the revitalisation of emissions-damaged forests.

(2) Fund finances from the unreturnable finance group may be granted as

- a) subsidies and grants,
- b) direct expenses for the buying of land which contains specially protected parts of nature or the landscape.<sup>17</sup>

(3) Fund finances from the returnable finance group may be used as loans or credits.

(4) No legal right may be claimed to provision of finance from the Fund.

(5) The provision of Fund finances from both groups must be in line with the priorities and aims of the strategy contained in the state environmental policy approved by the Government of the Slovak Republic.

(6) A draft annual budget of the Fund showing the expected level of resources in the Fund and the expected level of utilisation of the Fund shall be approved by the Minister.

## Management of Fund resources

### Article 5

(1) The Minister is responsible for the management of the Fund's finances.<sup>18</sup>

(2) The Fund is obliged to ascertain all circumstances necessary for rulings on the provision of Fund finances and to monitor their utilisation; in the use of the Fund under article 4 section 1 letter a) it shall proceed in co-operation with state environmental management authorities. State administration bodies, communes, legal persons and natural persons shall supply the Fund with information for this purpose.

(3) The Fund's finances may only be used for the purpose for which they were granted. The applicant is obliged to return unused funds to the Fund.

---

<sup>15</sup> Act 143/1992 Col. on wages and remuneration for employment readiness in budgetary and some other organisations and bodies as amended by later regulations.

Article 24 section 4 of National Council of the Slovak Republic Act 303/1995 Col. as amended by National Council of the Slovak Republic Act 386/1996 Col.

<sup>16</sup> For example National Council of the Slovak Republic Act 287/1994 Col. as amended by National Council of the Slovak Republic Act 222/1996 Col..

<sup>17</sup> Articles 12, 27 and 34 of National Council of the Slovak Republic Act 287/1994 Col..

<sup>18</sup> Article 46 section 2 of National Council of the Slovak Republic Act 303/1995 Col..

(4) If the applicant has used the funds in contravention of the determined or agreed conditions, he is obliged to return them to the Fund and is also liable to pay penalty charges under a separate regulation.<sup>4</sup>

(5) The balance of the Fund's finances is, at the end of the year and after clearing of finances with regard to the state budget, brought over to the following year.

#### Article 6

(1) The Minister shall rule on the provision of funds from the Fund's unreturnable finance group on the basis of a recommendation from the Fund Board. In the case of funds to be used in event of an accident threatening or damaging the environment and for the removal of its effects the Minister may make a ruling without a recommendation from the Fund Board; in the event of use of funds in this way he shall inform the Fund Board accordingly.

(2) Rulings on the provision of finances from the returnable finance group are made by the Fund in accordance with article 4 section 5.

(3) On the basis of the rulings in sections 1 and 2 the Fund shall sign a contract on the provision of Fund finances with the applicant.

(4) The Fund's finances are accounted for in a special account with the National Bank of Slovakia.<sup>19</sup>

(5) The Ministry shall select through the public procurement process<sup>20</sup> the bank which shall carry out the financial operations connected with the use of the Fund's finances.

(6) The National Bank of Slovakia shall make transfers of funds to the bank in section 5 on the basis of an order from the Fund.

#### Article 7

##### Relationship with the administrative code

The general regulation on administrative action<sup>21</sup> does not apply to rulings made under this Act.

#### Article 8

##### Authorising provisions

The details concerning the organisation and activities of the Fund Board, the content and submission of applications for the provision of Fund finances, on the particulars of contracts between the Fund and applicants for the provision of Fund finances, on the management of the Fund's resources and the procedure and conditions of provision of Fund finances are determined by a generally binding legal regulation issued by the Ministry.

##### Temporary and closing provisions

#### Article 9

(1) The assets and liabilities of the State Environment Fund of the Slovak Republic established by Slovak National Council Act 128/1991 Col. are the assets and liabilities of the Fund under this Act.

---

<sup>19</sup> Article 25 section 1 of National Council of the Slovak Republic Act 566/1992 Col. on the National Bank of Slovakia as amended by later regulations.

<sup>20</sup> National Council of the Slovak Republic Act 263/1993 Col. on the public procurement of goods, services and public works (the Public Procurement Act) as amended by later regulations.

<sup>21</sup> Act 71/1967 Col. on administrative action (the Administrative Code).

(2) Rights and duties flowing from the labour relations and other relations of the State Environment Fund of the Slovak Republic pass to the Fund established by this Act.

(3) The balance of funds of the State Environment Fund of the Slovak Republic established by a separate regulation<sup>22</sup> is a source of funds for the Fund's unreturnable finance group.

#### Article 10

The following are repealed:

1. Slovak National Council Act 128/1991 Col. on the State Environment Fund of the Slovak Republic as amended by Slovak National Council Act 311/1992 Col. and National Council of the Slovak Republic Act 58/1995 Col.,
2. Articles 2 to 6 of Slovak Commission for the Environment Ordinance 176/1992 on terms for the provision and use of funds of the State Environment Fund of the Slovak Republic.

#### Article 11

Slovak Commission for the Environment Ordinance 176/1992 on terms for the provision and use of funds of the State Environment Fund of the Slovak Republic, with the exception of articles 2 to 6, remains in effect, unless in contravention of this Act, until the issue of a new executive regulation on the basis of this Act.

#### Article 12

##### Effectiveness

This Act becomes effective on 1 April 1998.

**Michal Kováč** in his own hand

**Ivan Gašparovič** in his own hand

**Vladimír Mečiar** in his own hand

---

<sup>22</sup> Slovak National Council Act 128/1991 Col. on the State Environment Fund of the Slovak Republic as amended by later regulations.

**Slovník termínov použitých v preklade 832/98 - zákon o Štátnom fonde životného prostredia**

<b>Slovensky</b>	<b>Anglicky</b>
Štátny fond životného prostredia	State Environment Fund
ochrana a tvorba životného prostredia	protection and enhancement of the environment
Rada Štátneho fondu životného prostredia	State Environment Fund Board
skupina návratného / nenávratného financovania	returnable / unreturnable finance group
ochrana prírody a krajiny	protection of nature and the landscape
povrchové / podzemné vody	surface waters / groundwater
vodné hospodárstvo	water management
odpadové vody	waste water
znečisťovanie ovzdušia	atmospheric pollution
veľké a stredné zdroje	large and medium sources
krajský úrad	provincial office
okresný úrad	district office
obec	commune
uloženie odpadov	landfilling of waste
odpadové hospodárstvo	waste management
odborne spôsobilé osoby na posudzovanie vplyvov činnosti na životné prostredie	persons professionally competent to assess the impact of activities on the environment
štátna environmentálna politika	national/state environment policy
výchova, vzdelávanie, propagácia	education, training, promotion
prieskum, výskum	investigation, research
vznik a šírenie havárie	occurrence and spread of accidents
dokumentaristiku	documentation preparation
živočíchy	animals
zver	wild animals
zeleň	greenery
osobitne chránené	specially protected
usporiadanie pozemkového vlastníctva	settlement of land ownership
pozemkové spoločenstvá	land communities
verejné obstarávanie	public procurement
Slovenská inšpekcia životného prostredia	Slovak Environment Inspectorate