

**REGULATION of the Ministry of Environment of the Slovak Republic
dated March 6th, 1995**

on List of Professionally Qualified Persons for Environmental Impact Assessment

The Ministry of Environment of the Slovak Republic (hereinafter only "Ministry") under Article 42 paragraphs 3 and 4 of the Act of the National Council of the Slovak Republic number Coll. on Environmental Impact Assessment (hereinafter only "Act") enacts :

**PART ONE
INTRODUCTORY PROVISIONS**

Article 1

Subject of Regulation

This Regulation specifies details on :

- a. entering of natural persons and legal entities into the register of professionally qualified persons for considering of effects of intended structures, facilities and other activities (hereinafter only "activity") on the environment (hereinafter only "register"),
- b. keeping of a register
- c. deleting of natural persons and legal entities from the register
- d. fees for entering into the register

Article 2

Professional Qualifications

For the purposes of this Regulation under professional qualifications the following is understood :

- a. sum of theoretical knowledge and practical experience in the given field of activities (Article 9), which is necessary for working out of
 1. documentation in the process of considering of effects on the environment (Article 42 of the Act)
 2. assessment (Article 19 of the Act)
- b. knowledge of generally binding legal regulations, as well as international agreements, which specify issues of consideration of effects of activities on the environment, to which the Slovak Republic has committed itself.

**PART TWO
ENTERING A NAME INTO A REGISTER**

Article 3

General Requirements for Entering a Name into a Register

1. It is possible to enter the name into the register of a natural person that
 - a. has full competence for legal acts
 - b. has necessary professional qualifications in the given field of activities or in the given area of activity under Article 9
 - c. has the required qualifications in the given field of activities or in the given area of activity under Article 9
 - d. has participated in professional training under Article 11
 - e. has a clean record
 - f. has paid the fees according to Article 7
2. Under the necessary qualifications of a natural person for entering the name into the register in the field of activities under Article 9 paragraph 2 the following is understood :
 - a. completed university education in the given field and professional experience of at least 6 years or
 - b. completed bachelor study in the given field of study and professional experience of at least 8 years or
 - c. completed secondary school specialised education in the given field and professional experience of at least 9 years.
3. Under the necessary qualifications of a natural person for entering the name into the register in the area of activities under Article 9 paragraph 3 the following is understood :
 - a. completed university education in the given field and professional experience of at least ten years or
 - b. completed bachelor study in the given field of study and professional experience of at least 12 years.
4. For the purposes of this Regulation a person who has a clean record is the person, who has not been legitimately sentenced for a deliberate crime or for a crime of endangering of the environment ¹⁾ or who has not been repeatedly deleted from the register for reasons entered in Article 10 paragraph 1 c), paragraph 2 c) and paragraph 3 a).
5. Into the register a legal entity can be entered or a natural person, who is authorised for business
 - a. who in the foundation charter or in the statutes ²⁾ has activities entered or has licence for business ³⁾ in the field of activities or in the area of activities for which entering of the name into the register is required,
 - b. whose responsible representative ⁴⁾ has been entered into the register
6. The Ministry can in well-founded cases refrain from meeting conditions under paragraph 1 c) and e).

Article 4
Application for Entering One's Name into the Register

1. The application for entering one's name into register (hereinafter only "application" is filed by the applicant at the Ministry.
2. If the applicant is a natural person, the following will be entered in the application
 - a. name, surname, permanent residence, personal number and telephone number (fax number)
 - b. field of activities or area of activities under Article 9, for which an application for entering one's name into register has been filed.
3. The applicant will attach to the application according to paragraph 2 the following :
 - a. Excerpt from criminal register, which must not be older than three months
 - b. certified document on achieved education
 - c. document or as the case may be an affidavit of the applicant or an affidavit of the professional institution or of at least two specialists about the duration of professional experience of the applicant.
 - d. other documents about professional profile of the applicant, how he acquired them, in particular a certified document on acquiring professional qualifications according to special regulations, ⁵⁾ on participation in a post-graduate course or on acquiring of a scientific degree,
 - e. summary of professional, publication and scientific activities in relation to the field of activities or to the area of activities for which an application has been filed for entering one's name into a register.
 - f. document on participation in professional training under Article 11,
 - g. receipt on covering the fees under Article 7.

If the applicant is a legal entity or a natural person authorised for business activities (Article 3, paragraph 5, a)), in the application the following will be entered

- a. name (business name) and seat, if it is a natural person, permanent residence and place of business, if it is different from permanent residence and a telephone number (fax number),
 - b. identification number of the organisation (IČO)
 - c. brief characteristics of subject of activities (business), personnel, technical and other facilities
 - d. field of activities or area of activities under Article 9, for which an application for entering one's into the register has been filed
5. To the application according to paragraph 4 the applicant will attach
- a. certified document under Article 3 paragraph 5 a),

- b. certified document about employing of a responsible representative (Article 3 paragraph 5 b)) with stating of his name, surname and a number of the certificate of entering his name into the register (Article 6 paragraph 1),
 - c. other documents and information about professional profile of the applicant, especially on his design, expertise and assessment activities, technical, laboratory and other facilities
 - d. receipt of paying the fees under Article 7
6. If the application does not contain the details according to paragraphs 5 to 6 or if in order to verify meeting of requirements for entering one' s name into a list other pertinent data are necessary, the Ministry will invite the applicant to supply them and will set the time limit for supplying them.

Article 5

Verification of Meeting Requirements for Entering One' s Name into Register

1. Meeting requirements for entering one' s name into a register is verified by the commission of the Ministry (hereinafter "commission"). Commission is a consultative institution of the Ministry.
5. The chairman of the commission and its members are appointed and removed by the Minister of Environment (hereinafter only "Minister) from the employees of the Ministry, environmental offices and from organisations controlled by the Ministry, from corps of consultants (Article 13), as well as other specialists from theory and practice.
6. The statutes and rules of procedure are approved by the Minister.
7. Meeting of requirements for entering one' s name into a register is verified by the Commission as a rule on basis of data and documents entered in the application under Article 4
8. In well-founded cases, especially if on basis of the data stated in the application it is not possible to judge explicitly the professional capacity of the applicant or if the applicant applies for entering his name into the register of more fields or areas of activities, whereas in these fields of activities he does not have professional qualifications according to special regulations, ⁵⁾ the Commission can issue its standpoint only after having performed an interview with the applicant.
9. If the applicant does not participate in the interview according to paragraph 5, the Ministry can refuse entering his name into the register.

Article 6

Entering the Name into the Register

1. Taking into consideration the proposal of the Commission, the Ministry, as a rule within 60 days from servicing of the application, will enter the applicant' s name into the register and will service him the certificate on entering his name into the register (hereinafter only "certificate") or in the given time limit he will be notified of refusal of entering his name into the register and the reasons for refusal.
2. The time limit from inviting the applicant to complete his application (Article 4 paragraph 6) to filing of the completed application is not included in the time limit under paragraph 1.

3. A sample of certificate is entered in annex number 1 of this Regulation.
4. If the Ministry refuses to enter the applicant's name into the register, the paid fees will be paid back to the applicant under Article 7. If the applicant, not even after repeated invitation to complete the application, has not completed the application (Article 4 paragraph 6) or has not participated in the interview without giving reasons for it (Article 5 paragraph 5), the fees will not be paid back.

Article 7
Fees

1. For entering the name into the register the fees are paid. The fees for registration in one field of activities or in one area of activities (Article 9) is 1000 Sk.
2. If it is the re-entry into the register of the applicant, who had been deleted from the register for reasons entered in Article 10 paragraph 1 c) and e), paragraph 3 a) to c), the fees are double.

PART THREE
KEEPING OF THE REGISTER

ARTICLE 8
Keeping and Updating of the Register

1. The register is kept by the Ministry and every year it is published in the Bulletin of the Ministry of Environment of the Slovak Republic.
2. The register is separately kept for
 - a. natural persons
 - b. legal entities and natural persons authorised for business activities namely according to fields of activities and areas of activities entered in Article 9.
3. The following is entered into the register of persons under paragraph 2 a)
 - a. data under Article 4 paragraph 2 a)
 - b. field of activities or area of activities (Article 9), in which such person is entered
 - c. number and date of entering into register
4. A part of records, according to which the Ministry keeps a register of persons according to paragraph 2 a) are also documents or data under Article 4 paragraph 3 c) to e).
5. Into the register of persons under paragraph 2 b) the following is entered
 - a. data under Article 4 paragraph 4 a) and b)
 - b. field of activities or area of activities (Article 9), in which such person is entered
 - c. number and date of entering one's name into register

6. A part of records, according to which the Ministry keeps a register of persons according to paragraph 2 b) are also documents or data under Article 4 paragraph 4 c) and paragraph 5 b) and c).
7. The Ministry updates the register at least once a year. For this reason the persons entered in the register immediately notify to the Ministry change of data entered in Article 3 paragraph 1 a) and d) and paragraph 5 and in Article 4 paragraph 2 a) and paragraph 4 a) and b).
8. It is possible to have a look into the register at the Ministry, environmental offices and in the Slovak Environmental Agency.

Article 9

Fields of Activities and Areas of Activities

1. The register is kept according to fields of activities and areas of activities.
2. The fields of activities are particularly
 - a. biology
 - b. geology
 - c. pedology
 - d. physics
 - e. chemistry
 - f. environmental science
 - g. transport
 - h. forestry
 - i. agriculture
 - j. architecture
 - k. town planning and zoning and planning
 - l. water system
 - m. waste system
 - n. protection of atmosphere
 - o. health protection
 - p. social science
 - r. geography
 - s. energy
 - t. technologies

- u. mining
 - v. environmental law
 - w. environmental economy and planning
 - x. informatics
3. Areas of activities are particularly
 - a. extraction and treatment of tenacious minerals
 - b. extraction, treatment and underground storing of crude oil and natural gas
 - c. energy structures
 - d. line structures
 - e. treatment and processing of ores and non-ferrous metals
 - f. structures for mechanical engineering production
 - g. structures for waste systems
 - h. water works
 - i. structures for food processing technologies
 - j. agricultural production
 - k. forest economy
 - l. military objects and activities
 - m. construction of objects for recreation and travel industry
 - n. construction of sport centres
 - o. zoning development and zoning and planning
 - p. nuclear facilities and facilities for treatment of nuclear waste
 - q. facilities for chemical and pharmaceutical industry
 - r. facilities for wood processing and paper industry
 - s. structures and facilities for transport, post offices and telecommunications
 4. Apart for field of activities (paragraph 2) or area of activities (paragraph 3) if necessary into the register also a closer specialisation will be entered.

PART FOUR
DELETING FROM THE REGISTER

Article 10
Deleting from the Register

1. The Ministry will delete from the register a natural person that
 - a. does not have legal capacity any more
 - b. has been legitimately sentenced for a crime entered in Article 3 paragraph 4.
 - c. has been entered into the register on basis of consciously incorrect data entered in the application and its annexes or stated during an interview (Article 5 paragraph 5)
 - d. died or was declared for dead
 - e. applied for deletion from the register
2. The Ministry will delete from the register a legal entity or a natural person authorised for business activities that
 - a. does not have licence for business activities or for execution of specialised activities, for which it had been entered in the register or ceased meeting the requirement under Article 3 paragraph 5 b),
 - b. has been cancelled
 - c. has been entered into the register on basis of consciously incorrect data entered in the application and its annexes or stated during an interview (Article 5 paragraph 5)
 - d. applied for deletion from the register
3. The Ministry can delete from the register a person entered in paragraph 1 or 2 that
 - a. repeatedly and coarsely infringed his/her duties in consideration of effects on the environment, particularly if the documentation or an assessment or a part of it s/he worked out is of low quality and inobjective (on purpose) or if s/he acted in contradiction with Article 19 paragraph 2 of the Act
 - b. without having a compelling reason did not notify the change of data under Article 8 paragraph 7
 - c. did not participate in training under Article 12
 - d. cannot execute his/her activities because of relevant facts of long-lasting character.

PART FIVE
COMMON AND CONCLUSIVE PROVISIONS

Article 11
Professional Training

1. The Ministry or organisation authorised by the Ministry organises a specialised training of applicants who apply for entering their names into the register in order to ensure the knowledge of generally binding legal regulations and international agreements (Article 2 b)), as well as principles of assessing of effects of activities on the environment.

2. Specialised training of applicants for entering their names into the register in the field of activities under Article 9 paragraph 2 that are in the given field of activities an authorised person under special regulations, ⁵⁾ is carried out according to annex number 2 of this Regulation.
3. Specialised training of applicants for entering their names into the register in the field of activities under Article 9 paragraph 2 that are not in the given field of activities an authorised person under special regulations, ⁵⁾ is carried out according to annex number 3 of this Regulation.
4. Specialised training of applicants for entering their names into the register in the area of activities under Article 9 paragraph 3 is carried out according to annex number 4 of this Regulation.
5. The costs connected with specialised training according to paragraphs 2 to 4 are covered by the applicant.

Article 12 ***Training***

1. If there is a change of generally binding legal regulations enacting the process of assessing the effects on the environment or as the case may be connected with this process or if such training is necessary for reasons of ensuring the required standard of process of assessment, particularly for specifying of methodologies of evaluation and details of documentation, the Ministry will invite the relevant persons entered in the register to participate in a specialised training.
2. The Ministry can authorise an organisation specified by the Ministry to organise a training according to paragraph 1.
3. The curriculum of the training under paragraph 1 will be approved by the Ministry.
4. The costs associated with the training according to paragraph 1 will be covered by the participant of the training.

Article 13 ***Corps of Consultants***

1. For solving of specialised issues associated especially with keeping of register, for ensuring of specialised training of applicants for entering their names into a register (Article 11) and training of persons entered in the register (Article 12) the Ministry has appointed a corps of consultants.
2. The members of the corps of consultants are appointed and removed by the Minister from professionals from theory and practice.

Article 14 ***Expertises***

1. The Ministry determines elaborators of assessment under Article 19 of the Act (hereinafter only "assessment") from persons entered in the register. Working out of assessment cannot be assigned to the same person that participated in working out of documentation for the process of assessment of the given activities (Article 42 of the Act).

2. In extraordinary cases working out of an assessment can be assigned to a person that has not been entered into the register.
3. Under an extraordinary case under paragraph 2 the following is understood and especially if
 - a. for a certain thing concerning assessment of effects of the given activities on the environment no other person has been entered into the register that would be able to work out an assessment of required standard
 - b. any other person entered in the register cannot work out an assessment.
4. According to the need the Ministry will verify professional qualifications of the person under paragraph 2, whereas the provisions of this Regulation will be used adequately.

Article 15
Force

This Regulation is in force from 1st April 1995.

Jozef Zlocha, sign manual

Annex number 1
of the Regulation of the Ministry of Environment of the Slovak Republic number 52/1995 Coll.

CERTIFICATION

The Ministry of Environment of the Slovak Republic certifies that ¹⁾

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was entered on the day.....under
 number..... into the register of professionally qualified persons for environmental
 impact assessment under Article 42 of the Act of the National Council of the Slovak Republic
 number 127/1994 Coll. on environmental impact assessment in the field - area ²⁾ of activities ³⁾

under Article 9 paragraph..... of the Regulation of the Ministry of Environment of the Slovak
 Republic number 52/1995 Coll.

Bratislava.....
 signature

L.S.

Annex number 2
of the Regulation of the Ministry of Environment of the Slovak Republic number 52/1995 Coll.

Scope of Professional Training under Article 11 paragraph 2

The applicants for entering their names into the register under Article 11 paragraph 2 will participate in professional training in the duration of 16 hours on these topics :

1. Act of the National Council of the Slovak Republic number 127/1994 Coll. on Environmental Impact Assessment inclusive relevant executive regulations.
2. Agreement of the European Economic Commission of the United Nations Organisation on environmental impact assessment, which extend beyond the state borders (E/ECE/1250, Espoo - Finland 25th February 1991) and consequential relevant international contracts by which the Slovak Republic is bound.
3. Act on the environment and act on state administration for the environment
4. Basics of legal amendment of zoning and planning and construction order.
5. Importance, objectives and methodology of environmental impact assessment.

Annex number 3

of the Regulation of the Ministry of Environment of the Slovak Republic number 52/1995 Coll.

Scope of Professional Training under Article 11 paragraph 3

The applicants for entering their names into the register under Article 11 paragraph 3 will participate in professional training in duration of 24 hours on these topics :

1. Act of the National Council of the Slovak Republic number 127/1994 Coll. on Environmental Impact Assessment inclusive relevant executive regulations.
2. Agreement of the European Economic Commission of the United Nations Organisation on environmental impact assessment, which extend beyond the state borders (E/ECE/1250, Espoo - Finland 25th February 1991) and consequential relevant international contracts by which the Slovak Republic is bound.
3. Act on the environment and act on state administration for the environment
4. Basics of legal amendment of zoning and planning and construction order.
5. Importance, objectives and methodology of environmental impact assessment.
6. Basics of legal amendment of individual constituents of environment (water, soil, atmosphere, nature, rocks) and waste system.
7. Basics of legal amendment of care for health of people, creation and protection of healthy conditions for life.

Annex number 4

of the Regulation of the Ministry of Environment of the Slovak Republic number 52/1995 Coll.

Scope of Professional Training under Article 11 paragraph 4

The applicants for entering their names into the register under Article 11 paragraph 4 will participate in professional training in duration of 32 hours on these topics :

1. Act of the National Council of the Slovak Republic number 127/1994 Coll. on Environmental Impact Assessment inclusive relevant executive regulations.
2. Agreement of the European Economic Commission of the United Nations Organisation on environmental impact assessment, which extend beyond the state borders (E/ECE/1250, Espoo - Finland 25th February 1991) and consequential relevant international contracts by which the Slovak Republic is bound.
3. Act on the environment and act on state administration for the environment
4. Basics of legal amendment of zoning and planning and construction order.
5. Importance, objectives and methodology of environmental impact assessment.
6. Basics of legal amendment of individual constituents of environment (water, soil, atmosphere, nature, rocks) and waste system.
7. Basics of legal amendment of care for health of people, creation and protection of healthy conditions for life.
8. Main kinds of effects on the environment and measures for their elimination or decrease.
9. Basics of legal amendment of the areas entered in notes below line to references ⁴⁾ and ⁸⁾ of the Act of the National Council of the Slovak Republic number 127/1994 Coll. in relation to process of assessment and permitting of activities, which have not been included already in items 3, 4, 6 and 7 of this annex.