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## THE DEVELOPMENT AND CURRENT SITUATION OF ENVIRONMENTAL IMPACT ASSESSMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT IN SLOVAK REPUBLIC AND HUNGARY

**Tamásová A.**

Department of Landscape Ecology, Faculty of Natural Sciences, Comenius University in Bratislava, Mlynská dolina, 842 15 Bratislava 4, Slovak Republic

E-mail: [angelika.tamasova@gmail.com](mailto:angelika.tamasova@gmail.com)

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### ABSTRACT

This article is dedicated to the issue of environmental impact assessment (EIA) and strategic environmental assessment (SEA) in the Slovak Republic and Hungary. The purpose of the article is aimed at an evaluation of how environmental assessment was developed in these countries and reflected to the Slovak and Hungarian law systems. We also characterize the current situation of EIA and SEA in these countries. Information for the analysis was mainly obtained from legislative regulations and internal materials of Ministry of Environment of the Slovak Republic and Ministry of Rural Development of Hungary. The development and current status of EIA and SEA in Slovak Republic and Hungary was evaluated by basic comparative method. The provided evaluation of the current Slovak legislation and its comparison with the situation in Hungary focuses mainly on the development and characteristics of governmental regulations in the field of environmental assessment. Although the main objective and principles of EIA and SEA in these countries are the same, legislative adaptation of these processes is different.

**Key words:** environmental impact assessment, strategic environmental assessment, Slovak Republic, Hungary

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## INTRODUCTION

Since the 1970's several instruments of environmental planning and management secured the requirements for prevention of environmental degradation and demands of sustainable development. One of these instruments is environmental assessment, a process ensuring that impacts of proposed projects, activities, plans or programs on the environment are identified, predicted, evaluated and assessed by the participation of experts, public and other stakeholders prior to decision-making process, i.e. prior to their permission or approval (Pavličková, K., Kozová, M. et. al. 2009). Environmental assessment has also a significant role in landscape protection and development. In this process state of and impacts on the landscape are evaluated and measurements for protection and further development are proposed.

Environmental assessment was gradually implemented in states of European Union since 1975. Since the beginning of 1990's countries of Central and Eastern Europe, as well as Slovak Republic and Hungary<sup>1</sup> have introduced this instrument to their law systems. At present the legislation of environmental assessment in these countries originates and is based mainly on European Union directives and international conventions. Currently two directives are in force, the codified Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (EIA Directive) and Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive), which were many times amended. Furthermore, two significant international conventions, the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, Finland, 1991) and Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kiev, Ukraine, 2003) regulate the field of transboundary environmental assessment.

This article is dedicated to environmental impact assessment (EIA) and strategic environmental assessment (SEA) in Slovak Republic and Hungary. The main objective of the provided paper is to evaluate how EIA and SEA was developed in these countries and reflected to the Slovak and Hungarian law systems and to characterize the current situation.

## MATERIAL AND METHODS

Information about the current situation of environmental assessment in the Slovak Republic was obtained from Act No. 24/2006 Coll.<sup>2</sup> about environmental assessment. Up to date information about the situation in Hungary was extracted from Act. No. 1995/LIII. on the general rules of environmental protection<sup>3</sup>, Governmental Decree No. 314/2005. (XII. 25.) on environmental impact assessment and on integrated pollution prevention and control process<sup>4</sup> and Governmental Decree No. 2/2005. (I.11.) on environmental assessment of certain plans and programs<sup>5</sup>. Documents available on website [www.enviroportal.sk](http://www.enviroportal.sk) and internal materials provided by the Ministry of Environment of the Slovak Republic<sup>6</sup> and Ministry of Rural Development of Hungary<sup>7</sup> were used as well. The development and current status of environmental assessment in these

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<sup>1</sup> according to Amendment no. T/5001/47 of the Fundamental Law of Hungary, the official name of the country is Hungary

<sup>2</sup> Zákon NR SR č. 24/2006 Z. z. o posudzovaní vplyvov na životné prostredie v znení neskorších predpisov

<sup>3</sup> 1995. évi LIII. törvény a környezet védelmének általános védelméről

<sup>4</sup> 314/2005. (XII. 25.) Kormányrendelet a környezeti hatásvizsgálati és az egységes környezethasználati engedélyezési eljárásról

<sup>5</sup> 2/2005. (I. 11.) Kormányrendelet egyes tervek, illetve programok környezeti vizsgálatáról

<sup>6</sup> Ministerstvo životného prostredia Slovenskej Republiky

<sup>7</sup> Vidékfejlesztési Minisztérium

countries was evaluated by basic comparative method - comparative analysis. The provided analysis of current Slovak legislative and its comparison with the situation in Hungary focuses mainly on the development of governmental regulations and on the characteristics of environmental assessment in these countries.

## RESULT AND DISCUSSION

In 1983 State Council of Environmental Protection and Nature of Hungary<sup>8</sup> ordered to carry out assessments about the effects of major investments on the environment (Magyar, E. 2007). The first separate governmental decree about EIA was approved only in 1993. In Slovak Republic the first separate act about EIA was Act. no. 127/1994 Coll. from 1994. Since 1990's legislation have developed (Tab. 1 and Tab. 2 provides a brief summary about this development).

*Tab. 1 Development of EIA and SEA in the Slovak Republic*

Country	SLOVAK REPUBLIC					
Legislative regulation	Act. no. 17/1992 Coll. about environment	Act. no. 127/1994 Coll. about environmental assessment	Act. no. 391/2000 Coll. which amended Act. no. 127/1994 Coll.	Decree no. 52/1995 about the list of qualified persons for the process of environmental assessment	Act No. 24/2006 Coll. about environmental assessment	Decree no. 113/2006 about the details of professional qualification
Original name	Zákon č. 17/1992 Zb. o životnom prostredí	Zákon NR SR č. 127/1994 Z. z. o posudzovaní vplyvov na životné prostredie	Zákon NR SR č. 391/2000 Z. z., ktorý mení a dopĺňa zákon NR SR č. 127/1994 Z. z. o posudzovaní vplyvov na životné prostredie	Vyhláška MŽP SR č. 52/1995 Z. z. o zozname odborné spôsobilých osôb pre proces posudzovania vplyvov na životné prostredie.	Zákon NR SR č. 24/2006 Z. z. o posudzovaní vplyvov na životné prostredie	Vyhláška MŽP SR č. 113/2006 Z. z., ktorou sa ustanovujú podrobnosti o odbornej spôsobilosti na
Explanation	Basic concept and definition of EIA.	First separate act about environmental assessment.	Adopted because of the harmonization of Slovak legislation with EU directives, did not address SEA.	To the Act. no 127/1994 Coll.	Contains incorporated requirements of EU directives (EIA and SEA) and international conventions.	To the Act. no 24/2006 Coll.

*Tab. 2 Development of EIA and SEA in Hungary*

Country	HUNGARY						
Legislative regulation	Governmental Decree no. 44/1984. (XI. 6.) on investment policy	Governmental Decree no. 86/1993 (VI. 4.) about the EIA of selected activities	Act. no. 1995/LIII. on the general rules of environmental protection	Governmental Decree no. 152/1995. (XII. 12.) about activities	Governmental Decree no. 44/1984. (II. 14.) about environmental assessment	Governmental Decree no. 2/2005. (I. 11.) on environmental assessment of certain plans and programs	Governmental Decree no. 314/2005. (XII. 25.) on EIA and IPCC process
Original name	44/1984. (XI. 6.) MT rendelet a beruházások rendjéről	86/1993. (VI. 4.) Korm. r. egyes tevékenységek környezeti hatásvizsgálatáról	1995. évi LIII. törvény a környezet védelmének általános szabályairól	152/1995. (XII. 12.) Korm. r. a környezeti hatásvizsgálat elvégzéséhez kötött tevékenységek köréről	20/2001. (II. 14.) Korm. r. a környezeti hatásvizsgálatról	2/2005. (I. 11.) Korm. r. egyes tervek, illetve programok környezeti vizsgálatáról	314/2005. (XII. 25.) Korm. r. a környezeti hatásvizsgálati és az egységes környezethasználati engedélyezési eljárásról
Explanation	Compulsory EIA for all major government investments and projects.	First separate governmental decree about EIA.	Basic concept and definition of EIA and SEA.	Contains list of selected activities mandatory to EIA, participants of EIA, process of EIA and content of EIA documentation.	Contains incorporated requirements of EIA directive and international conventions.	Contains incorporated requirements of SEA directive and international conventions.	Combined two legislative regulations (20/2001. (II. 14) and 193/2001. (X. 19)) and unified the system and requirements of EIA and IPCC.

<sup>8</sup> Országos Környezet- és Természetvédelmi Tanács

## The current situation of environmental impact assessment and strategic environmental assessment in Slovak Republic and Hungary

At present Act No. 24/2006 Coll. is applicable in Slovak Republic on the field of environmental assessment, which regulates the procedure for professional and public assessment of the effects of proposed strategic documents and activities on the environment before their authorization or approval, transboundary impact assessment, competencies of state administration bodies, municipalities and rights and responsibilities of concerned public. The second part of the Act regulates the process of SEA (§ 4 - § 14), and the third part the process of EIA (§ 18 - § 37). Since 2007 eleven amendments of the Act were approved (275/2007 Coll., 454/2007 Coll., 287/2009 Coll., 117/2010 Coll., 145/2010 Coll., 258 / 2011 Coll., 408/2011 Coll., 345/2012 Coll., 448/2012 Coll., 39/2013 Coll., 180/2013 Coll.) (MŽP SR. 2013).

In Hungary there are six legislative regulations [1995/LIII., 2004/CXL., 314/2005. (XII. 25.), 33/2005. (XII. 27.), 347/2006. (XII. 23.), 297/2009. (XII. 21.)] applicable to the field of environmental impact assessment. Act LIII. of 1995 in § 66 - § 69 declares the basic requirements for EIA, IPPC and enumerates various types of licenses. Governmental Decree No. 314/2005. (XII. 25.) on environmental impact assessment and on integrated pollution prevention and control process provides further details on EIA process, the list of activities mandatory to EIA, the list of activities which are subjects to preliminary assessment and requirements for documentation. In addition, this governmental decree includes regulations regarding integrated pollution prevention and control process (IPCC) procedure. 28 amendments of the governmental decree were approved since 2006 (MRV M, 2013). At present there are five legislative regulations in Hungary [1995/LIII., 2004/CXL., 33/2005. (XII. 27.), 2/2005. (I. 11.), 297/2009 (XII. 21.)] applicable to the field of strategic environmental assessment. Basic requirements for SEA are included in Act LIII of 1995, which pays attention to the SEA in § 43 - § 45. According to Governmental Decree No. 2/2005. (I. 11.) on environmental assessment of certain plans and programs, which specify further details, SEA has to be a part in elaboration, coordination and approval of a strategic document. 12 amendments of the governmental decree were approved since 2006.

Slovak Republic and Hungary are both members of international community and EU, so they are obliged to implement EU directives and international conventions adopted by the EU into their national legislation. In 2009 two reports were published by the European Commission focusing on implementation, application and effectiveness of the EIA and SEA Directives in EU member states, which conclude that the above mentioned processes have been incorporated successfully not only to the law system but also into practice in Slovak Republic and Hungary (European Commission 2009a, 2009b). While implementing EIA and SEA into national legislation, these countries have used various methods of integration, which reflects in a couple of differences in continuance of these processes (Tamášová A. 2013).

Environmental impact assessment in the Slovak Republic is an independent process ended by a final statement about the expected impacts of proposed activity. EIA has to be carried out before the permitting procedure, which ensures that the results about the expected impacts of the proposed activity are available. While issuing any kind of permission related to the proposed activity, the final statement has to be taken into consideration. In Hungary EIA is the first step of the permitting procedure and is ended by issuing an environmental permit or rejecting the proposal. It is not possible to issue other types of permit for activities, which haven't received environmental permit yet. It is important to highlight, that Hungarian legislative allows combining the processes of EIA and IPPC. Slovak legislation does not allow such an alternative. Strategic environmental assessment is also an independent process in the Slovak Republic, ended by a final statement about the expected impacts of strategic document. Without a final statement, which has to be taken into consideration, the competent authority is not allowed to approve the strategic document. In Hungary SEA is already one of the components of approval procedure. Report on the expected impacts of strategic document is elaborated and submitted for approval together with the document

itself. While implementing transboundary environmental assessment to the Slovak and Hungarian legislation, both countries conformed to the recommendations outlined in international conventions and directives of the European Union. (Tamásóvá A. 2013)

In the past Slovak Republic as well as Hungary received a few infringements from the European Commission stating that the EIA and SEA Directive was not fully and correctly transposed to Slovak or Hungarian law. In recent years an intensive harmonization of Slovak and Hungarian legislation with EU legislation took place and resulted in significant changes. In 2012 the European Commission stated in a new infringement that Directive 2011/92/EU was not fully transposed to Slovak law, so new changes are expected in the field of environmental impact assessment in Slovak Republic.

## CONCLUSIONS

While implementing the processes of EIA and SEA to the national legislation of Slovak Republic and in Hungary various methods of integration were used, which is reflected in the current arrangement of EIA and SEA processes in these countries (Tamásóvá A. 2013). Although the main objective and principles of environmental assessment are the same, legislative adaptation of these processes is different. Currently Act No. 24/2006 Coll. is applicable in Slovak Republic. It has been amended many times and provides a complex and comprehensive policy, which establishes a clear and transparent process. In Hungary several legislative regulations are applicable. The processes of EIA and IPPC are ensured by Governmental Regulation no. 314/2005. (XII. 25.). SEA in Hungary is secured by an independent Governmental Regulation no. 2/2005. (I. 11.). Information is strewed, the procedure of EIA and SEA is complicated and sometimes difficultly understandable even for the developers and concerned public (Tamásóvá A. 2013).

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