

Response of the Slovak Republic to Questionnaire regarding to Air Pollution and Human Rights

1. Please provide specific examples of constitutional provisions, legislation, regulation, standards, policies and programmes in relation to preventing, reducing or eliminating air pollution, both outdoor and indoor. Please include, inter alia, any instrument that refer directly to the right to healthy environment and/or the right to breathe clean air.

The Slovak Republic is a sovereign, democratic and legal state as it is stated in the first Article of the Constitution. Furthermore, Article 44 of the Constitution provides that everyone has the right to a favourable environment and everyone is obliged to protect and enhance the environment. No one shall the limits laid down by the law to threaten or damage the environment (Article 44, para 3). According of Article 45 of the Constitution everyone has the right to get timely and complete information about the state of the environment and about the causes and consequences of this condition.

These provisions of the Constitution are further elaborated in Act 17/1992 the Environmental Act, as amended. This Act states that the territory should not be burdened by human activity over the carrying capacity (Article 11) and the permissible level of pollution determine the limits should be laid down by special regulations (Article 12). These values must be determined in accordance with the achieved state of knowledge so that it does not endanger human health (Article 12).

Act No. 205/2004 Coll. on the collection and dissemination of environmental information regulates the duties of state administration authorities on this issue.

The Slovak Republic is a Member State of the European Union. The Slovak Republic has transposed into its legislation all air protection regulations.

Act No. 137/2010 Coll. regulates the protection of ambient air, its permissible pollution level, national obligations to reduce emissions of certain pollutants into the air as regards anthropogenic emissions, the definition and setting of air quality objectives to prevent, prevent or reduce harmful effects on human health and the environment as a whole, obtaining air quality information, assessing air quality and informing the public about air quality, monitoring of long-term trends and improvements resulting from national measures and measures of the European Union, rights and obligations of persons in the field of air protection, administrative offenses in the field of air protection. A Basic provision for source operator is to use the best available techniques.

The principle of polluter pays is enforced in Act No. 401/1998 on air pollution charges.

There are nine implementing decrees issued by the Ministry of Environment of the Slovak republic, which is responsible for the protection of the ambient air. For example, ministerial Decree No. 410/2012 Coll., as amended, sets emission limit values for (common and specific) for wide scale of processes and technologies (combustion plants, waste incineration, organic solvents, etc.) and further technical requirements and operating conditions. Ministerial Decree No. 244/2016 Coll. on air quality sets for example limit values for certain air pollutants (sulphur dioxide, nitrogen dioxide and oxides of nitrogen,

particulate matter PM_{2,5} and PM₁₀, carbon monoxide, lead, ozone, benzene, PAH, cadmium, arsenic, nickel, and mercury).

- 2. Please provide specific examples of good practices in preventing, reducing, or eliminating air pollution, both outdoor and indoor. These examples may occur at the international, national, sub-national, or local level. Examples may involve air quality monitoring; guaranteeing procedural rights (e.g. public access to air quality information, public participation in decision-making about air pollution, access to remedies); air quality legislation, regulations, standards, and policies; initiatives to reduce air pollution from specific sectors (e.g. electricity generation, industry, transportation, indoor cooking, heating, and lighting); laws, policies and programmes to protect vulnerable population from air pollution; laws, policies, or programmes to concurrently address air pollution and climate change; and effective enforcement of rules governing air pollution.**

Significant progress has been achieved over the almost last three decades in the European Union and Slovakia in the field of the anthropogenic air emissions reducing. In spite of this progress the air quality in some Slovak and European areas is poor, limit values mainly for particulate matter are exceeded. Therefore, it is necessary to continue in reducing of air emissions.

The 7th Environment Action Programme confirms the Union's long term objective for air policy, to achieve levels of air quality that do not give rise to significant negative impacts on and risk to human health and the environment.

One of the tools is the further reduction of national air emissions. The European Parliament and the Council has adopted Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC. This Directive establishes the emission reduction commitments for the anthropogenic emissions of sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and fine particulate matter (PM_{2,5}). To achieve this reduction Member states are obliged to draw up, adopt and implement national air pollution control programmes (NAPCP) (Article 6).

The aim of the NAPCP is to propose a comprehensive strategy and concept for reducing emissions into the atmosphere to the level of national emission reduction commitments (national emission ceilings) for the Slovak Republic.

In addition to measures already adopted, the program should include new measures to achieve national emission ceilings, and it is necessary:

- assess the impact of emission sources on air pollution at national level and the impact on neighboring countries,
- take into account of the need to reduce emissions to meet the air quality objectives,
- to take measures to reduce PM_{2,5}, prioritize measures to reduce black carbon emissions,
- ensure consistency with other plans and programs from other areas (agriculture, transport, local heating) established within the European Union or national legislation.

The program will also describe the political framework in which it was created (political priorities, division of responsibilities, planned business-as-usual development) and a description of how coherence with other policies is ensured.

This National Program has to be prepared and delivered to European Commission until 31 March 2019.

Slovakia also is under the preparation a new Air Quality Strategy.

The aim of the Air Quality Strategy is to prepare a comprehensive concept of air quality management for the Slovak Republic and achieve good air quality throughout the territory of the Slovak Republic, it means that limit values and target values for human health, ecosystems and vegetation, including limit values for fine particulate matter PM_{2,5}, must be attained.

The strategy has to include:

- analysis of reasons of impaired air quality – assessment of the sectoral share of sources on air pollution
- assessment of goals and penetration with other policies and national strategies
- draft measures to be taken at national level, (regional level and local level)
- creation (elaboration) of a catalog of measures according to sectors suitable for air quality management at regional and local level
- potential for improvement of the air quality by implementing the measures resulting from the strategy - evaluation of effects and impacts of proposed measures on air quality by model calculations
- calculation of financial costs for the implementation of proposed measures
- proposals for possible sources of financing, including the elimination of the impact on the state budget
- design of an effective management model for air quality management areas (greater responsibility for self-government: regions and municipalities).

The strategy will also include 12 Air Quality Plan for improvement of the air quality according to Directive 2008/50/ES in air quality control areas (Non-attained areas).

3. Please identify specific challenges that your government, has faced in attempting to address air pollution and its impacts on human rights.

The Slovak Republic is in the infringement process due to breaching of the requirements of Directive 2008/50/EC on Ambient Air Quality (exceedance of limit values for PM₁₀ and nitrogen oxides – NO_x). Therefore, it is necessary to prepare new programs for those zone where the limit values are breached. This situation has impacts on human rights.

4. Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to air pollution (e.g. women, children, persons living in poverty, members of Indigenous people and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities).

During the winter session can occur (and had been occurred) smog situation (excessive air pollution) caused by inversion situation. In such cases the smog alert system is applied. Responsible authorities have to inform vulnerable population (older people, children,

persons with disabilities) inform about the situation and give them some instruction on right behaviour.

5. Please provide specific examples related to the regulation of businesses and other non-state actors in relation to the protection of human rights from air pollution and the fulfilment of their obligation in this regard.

Operators of stationary sources are obliged to fulfil all obligation from Act No. 317/2010 Coll., as amended, as are set in Article 14, 15, 16.

6. How do you ensure that the rights of environmentalists working on air quality issues (environmental human rights defenders) are protected? What efforts has your Government made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

The legal system of the Slovak Republic protects the right of citizens to request good quality of the environment, including the air (see the answers to point 1).

Ministry of the Environment of the Slovak Republic has invited relevant stakeholders to participate on preparation of the national Air Quality Strategy and National Air Pollution Control Programme – Ministry of Economy, Ministry of Transport, Ministry of Agriculture, Ministry of Finance, and source operators from industry, agriculture, transport and also public representing by environmental organisation.

In the case of the breaching of human rights in the field of environment all inhabitants of Slovakia can ask the Public Protection Defender to protect them.