

Fundamental Principles of Slovak Environmental Law

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Fundamental principles of environmental law in the Slovak Republic are laid down by **the Slovak Constitution**¹ in Title II – Fundamental Rights and Freedoms, Section 6 – The Right to Protection of the Environment and of Cultural Heritage. These are individual constitutional rights laid down separately among other constitutional rights and freedoms, e.g. political, economic, social and cultural rights. Hereby the legislator has confirmed the intent to strengthen the importance of the legal regulation on environmental protection. Everyone shall have the right to favourable environment, i.e. environment enabling to meet basic human needs while preserving natural diversity and ecosystems. Everyone shall have a duty to protect and improve the environment and to foster cultural heritage, no one shall imperil or damage the environment, natural resources and cultural heritage beyond the limits laid down by the law. In addition, the Constitution stipulates the governmental (state) responsibility to care for economical exploitation of natural resources and for ecological balance, to carry on effective environmental policy, as well as to secure protection of determined sorts of wild plants and wild animals. The Constitution guarantees the right to full and timely information about the environmental situation and about the reasons and consequences thereof for everyone.

Except of the above mentioned fundamental rights and guarantees, more provisions on environmental protection are laid down by the Constitution. These are mainly the limitations to other fundamental rights and freedoms in order to protect the environment. The exercise of right in property must not be detrimental to the health of other people, nature, cultural sites or the environment beyond the

¹ Constitution of the Slovak Republic: Act No. 460/1992 Coll. as amended

margin laid down by the law. In addition to the right to own property, the legislator has limited the freedom of movement and residence, which may be restricted by the law if it is necessary in the interest of the environment protection in specified territories.

The constitutional regulation on environmental protection in the Slovak Republic is followed by the general legal regulation *lex generalis* in the form of **Act No. 17/1992 Coll. on Environment**². The purpose of this Act is to define basic terms and determine basic principles of environmental protection and obligations of natural and legal persons in the process of protecting and improving the environment and utilization of natural resources. The Act No. 17/1992 is based on the principle of permanently sustainable development³, whereas the permanently sustainable development is defined as the development which preserves for present and future generations the possibility of meeting their basic needs and, at the same time, does not reduce the diversity of nature and preserves the natural functions of ecosystems. The environment is specified as everything that provides natural conditions for the existence of organisms, including human beings and as the precondition of their future development. Its major components are air, water, rocks, soil, organisms, ecosystems and energy. According to the Act No. 17/1992, environmental protection consists of activities that prevent pollution or damage to the environment or reduce or eliminate pollution and environmental damage. Environmental protection includes the protection of individual components of the environment, organisms or specific ecosystems and their interrelationships, as well as the protection of the environment as a whole. Pollution of the environment means the introduction of physical, chemical or biological agents, which by their nature or their quantity are foreign to the given environment, into the environment through human activity. Damage to the environment means aggravating the state

² Act No. 17/1992 Coll. on Environment as amended

³ Beside the principle of sustainable development defined in the Art. 6 of the Act. No. 17/1992, the other principles of environmental protection are defined in the Art. 11 – 16 of the Act.

of the environment by pollution or other types of human activity in excess of the limits determined by special regulations.

Besides the **principle of permanently sustainable development**, the Act No. 17/1992 determines **following principles of environmental protection**:

- a. the principle of acceptable level of environmental pollution – the territory must not be burdened by human activity in excess of the level of acceptable load⁴,
- b. the prevention principle – if it can be assumed that irreversible or serious damage could threaten the environment, any doubt concerning the realistic nature of such threat cannot be a reason for postponing measures intended to prevent such damage,
- c. the principle that everyone may approach the relevant authority and claim legal rights concerning the environment,
- d. education shall be implemented in such a way as to promote thinking and activities which comply with principle of sustainable development and which encourage awareness of responsibility for maintaining the quality of environment and respect for life in all its forms.

The Act No. 17/1992 includes provisions stipulating obligations of natural and legal persons with regard to environmental protection, responsibility for the breach of obligations in environmental protection, economic tools in environmental protection, such as taxes, fees and other payments for polluting the environment or its components and for economic exploitation of natural resources if required by special regulations, as well as the form, scope and

⁴ The acceptable level of environmental pollution is determined by limit values stipulated by special regulations. These values are determined in accordance with the existing state of knowledge in such a way as to prevent damage to human health, other living organisms and other components of the environment with regard to the cumulative effects or synergistic effects of pollutants or polluting activities.

content of dissemination of information about the state of the environment to the general public and reporting⁵.

Whereas the Act No. 17/1992 represents *lex generalis* in the field of environmental protection in the Slovak Republic, this field is further regulated by variety of legal regulations *lex specialis* in the form of:

- a. acts,
- b. decrees of the ME SR,
- c. decisions of the ME SR,
- d. other legal regulations that may have environmental impact, issued by respective state authorities and institutions from other sectors.

Abbreviations

ME SR Ministry of Environment of the Slovak Republic

Literature

- Constitution of the Slovak Republic: Act No. 460/1992 Coll. as amended
- Act No. 17/1992 Coll. on Environment as amended

⁵ The Ministry of Environment of the Slovak Republic (ME SR) is responsible for annual reporting on environment – State of the Environment Annual Report of the Slovak Republic, www.enviro.gov.sk