



# **JOINT COMMENT OF THE SLOVAK NATIONAL CENTRE FOR HUMAN RIGHTS, VIA IURIS AND CLIMATE COALITION**

For consideration in the context of the review of Slovakia's National Implementation Report during Thirtieth meeting of the Working Group of the Parties to the Aarhus Convention

*May 2026*





## **INTRODUCTION**

**The Slovak National Centre for Human Rights (Centre)** is a national human rights institution (NHRI) established in the Slovak Republic, accredited with status B by the Global Alliance of National Human Rights Institutions (GANHRI). As an NHRI, the Centre is a member of the European Network of National Human Rights Institutions (ENNHRI). The Centre was established by the Act of Slovak National Council No. 308/1993 Coll. on the Establishment of Slovak National Centre for Human Rights. Pursuant to the Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection from Discrimination, as amended (Anti-Discrimination Act), the Centre also acts as the only Slovak equality body. As an NHRI and equality body, the Centre performs a wide range of tasks in the field of protection and promotion of human rights and fundamental freedoms, including the principle of equal treatment. The Centre monitors and evaluates the observance of human rights and the equal treatment principle, including by monitoring compliance with international human rights treaties and recommendations of international human rights mechanisms.

**VIA IURIS** is an expert legal organization that utilizes the law as an instrument of justice. Our activities are centred on three main program pillars: the rule of law, civil society, and environmental protection. Our typical work methods include monitoring, analysis, expert argumentation, public information, leveraging media pressure, petitions, and other tools for public participation, as well as advocacy at the European level.

**The Climate Coalition** is a platform of environmental organizations whose goal is to jointly advocate for solutions to the climate crisis and environmental protection. The Coalition focuses primarily on reducing emissions, supporting renewable energy sources, and ensuring a just transformation of the economy. The platform pursues these goals through campaigns, expert policy positions, communication, and public awareness activities.

The Centre along with VIA IURIS and Climate Coalition submits to Secretariat of the Aarhus Convention a written comment in the context of the review of National Implementation Report of Slovakia during Thirtieth meeting of the Working Group of the Parties to the Aarhus Convention.

**Contact:** Ms. Lenka Vestenická, Human Rights Officer, [vestenicka@snslp.sk](mailto:vestenicka@snslp.sk)



## **Exercising rights in conformity with the provisions without penalization, persecution and or harassment - Article 3(8)**

In recent years, the protection of environmental rights has become one of the areas in which organizations face various forms of restrictions on their activities, and individuals involved in environmental protection have encountered harassment and even physical attacks.

In 2024, the Centre held consultations between representatives of the civil society sector and Michel Forst, the UN Special Rapporteur on the rights of environmental defenders. The meeting took place in light of indications of violations of obligations under the Aarhus Convention, such as the high number of experts dismissed from organizations directly managed by the Ministry of Environment of the Slovak Republic, as well as several widely reported cases of smear campaigns, attacks via social media, and the negative portrayal of organizations active in the field of environmental protection<sup>1</sup>. Therefore, the Centre conducted a research report on the protection of the rights of human rights defenders and the conditions for the work of the civil society sector in the field of environmental protection. The report mapped the prevalence of harassment and restrictions on the rights of human rights defenders between 2020 and 2024, the conditions for civil society activities and their development in 2024 and communications by representatives of the Ministry of Environment of the Slovak Republic regarding nonprofit organizations on Facebook accounts in 2024.

The findings of the report suggest that as many as 80% of respondents reported experiencing at least one of the forms of harassment surveyed, and 60% had experienced more than one of them. The most common form of harassment (60%) was the spreading of false information and defamation, which involved questioning the expertise, intentions, and overall moral integrity of the individuals concerned and often affected not only the human rights defenders themselves but also their families<sup>2</sup>. Over the last three years, NGOs working in this area monitored various forms of disinformation spreading. One of the most prevalent narrative concerns funding. The Minister of Environment on many occasions blamed the NGOs active in nature protection for “parasitizing on the ministerial budget” and framed them as being “wealthy from the ministerial projects.” When discussing the zoning of national parks, the Minister of Environment again spread disinformation, claiming that EHRDs’ arguments for leaving large areas of national parks under the highest level of protection, in line with EU nature commitments, serve the economic interests of the rights defenders.

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1 Data collection took place via an online survey between November 2024 and April 2025, and 52 responses were received.

2 Slovak National Centre for Human Rights. (2025). When environmental protection becomes a risk: the experiences of environmental defenders Available in Slovak at: <https://www.snslp.sk/wp-content/uploads/Ked-je-ochrana-zivotneho-prostredia-rizikom.pdf>.



In the Centre's report, more than half of the respondents experienced various forms of verbal harassment (email, text messages, phone harassment, in-person harassment)<sup>3</sup>. This form of harassment was on various occasions used also by the representatives of the Ministry of Environment. For example, they labelled human rights defenders as extremists and used dehumanizing language, notably in the context of legislative processes, the adoption of regulatory measures, and the approval of projects.

Alarmingly, the Centre's report shows that 12 cases of EHRDs' harassment included threats, and 10 cases included physical attacks that in many cases were experienced repeatedly. Findings show that the use of power by public administration bodies to restrict the activities of human rights defenders, harass them, or interfere with their personal rights, was experienced by some of the respondents, most frequently through complaints filed with inspection authorities (12 responses), as well as through criminal complaints (6) or lawsuits (6). For most of the forms of monitored harassment, an increase in frequency was recorded for the year 2023 or 2024<sup>4</sup>. A report conducted by Amnesty International Slovakia<sup>5</sup> shows that the NGOs in Slovakia face excessive administrative controls, which put administrative burden on their activities and organization, and as reported by various NGOs, such controls were also conducted in the environmental sector.

In recent years, the protection of environmental rights has become one of the areas in which organizations face various forms of restrictions on their activities, and individuals involved in environmental protection have encountered harassment and even physical attacks.

By enabling such a hostile environment towards the EHDRs and undermining their expertise and work, the state party does not recognize the importance the civil society plays in the environmental protection as is stated in the Convention.

### **Environmental education and environmental awareness – Article 3 (3)**

Environmental education and awareness are guided by the principles set in the Sectoral Concept of Environmental Education, Training and Awareness Raising until 2025, which was adopted in 2015 and Concept for the development of environmental education, training, and awareness within the Slovak Environment Agency until 2030, which was adopted in 2020. However, since then, the NHRI and NGOs have not monitored any other conceptual document in this area. Moreover, binding inter-sectorial strategy on environmental education connecting the Ministry of Education, Research, Development and Youth and the Ministry of Environment is currently absent.

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3 Slovak National Centre for Human Rights. (2025). When environmental protection becomes a risk: the experiences of environmental defenders Available in Slovak at: <https://www.snslp.sk/wp-content/uploads/Ked-je-ochrana-zivotneho-prostredia-rizikom.pdf>.

4 Ibid.

5 Amnesty International. (2025). Demonization, smearing, and threats – what NGOs in Slovakia are facing as a result of authoritarian practices. Available in Slovak at: <https://www.amnesty.sk/demonizacia-ociernovanie-a-vyhrazanie-comu-celia-mvo-na-slovensku-v-dosledku-autoritarskych-praktik/>.



Institute for Environmental Policy and Institute of Educational Policy in 2021 assessed the formal environmental education in Slovakia. In its report, the Institutes called for adopting an inter-sectorial binding strategy that would be drafted based on research conducted in this area and in collaboration with the non-governmental organizations, academia, and representatives of schools and teachers. To provide relevant data to support the strategic aims, continuous evaluation of the environmental school programs should also be implemented<sup>6</sup>.

Furthermore, the report highlighted the need for teacher training support, including courses on environmental education for future teachers at the pedagogical faculties, postgraduate education and the expansion of training programs for current teachers. Environmental education in schools, in many instances, lacks a focus on the relationship between the environment and society. It does not provide enough information on civic engagement in nature protection. As a result, this area of education is, in many cases, handled by the non-governmental sector<sup>7</sup>.

However, recent developments in the funding of environmental education from the Green Education Fund and the Environment Fund may threaten the provision of environmental education by non-governmental organizations. In 2024, the Ministry of Environment stopped this funding to the non-governmental organizations, including long-term established NGO partners to schools and educational institutions. In his argument, the Minister of the Environment attacked the NGOs and blamed them for receiving too much funding from the previous government<sup>8</sup>.

In 2025, legislative attempts to amend the Act on Nature and Landscape Protection proposed that persons engaged in economic activities within the second and third protection zones would require approval from property owners<sup>9</sup>. This could also include and as a result limit many educational activities, such as youth camps and excursions. Such activities are often conducted by non-governmental organizations and serve to educate children about environmental issues. Therefore, it is necessary that any changes concerning economic activities in these protected areas exclude environmental educational activities.

### **Personnel and Professional Capacities of Administrative Authorities as a Prerequisite for Ensuring Public Access to Information, Participation in the Decision-Making Process, and Access to Justice**

In this context, we would like to draw attention to the personnel policy of the Ministry of the Environment of the Slovak Republic under the leadership of Minister Tomáš Taraba. This policy

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6 Institute for Environmental Policy and Institute of Educational Policy. (2021). What are they teaching you at that school Analysis of the state of formal environmental education in Slovakia. Available in Slovak at: <https://www.minedu.sk/data/att/f44/20816.9b5ab6.pdf>.

7 Ibid.

8 Climate Coalition. (2024). NGOs criticize changes in the functioning of funds, Taraba speaks about support for schools. Available in Slovak at: <https://klimatickakoalicia.sk/mimovladky-kritizuju-zmeny-fungovania-fondovtaraba-hovori-o-podpore-skol/>.

9 Proposal by Members of the National Council of the Slovak Republic Milan Garaj, Dagmar Kramplová and Adam Lučanský to issue an Act amending and supplementing Act No. 543/2002 Coll. on Nature and Landscape Protection. Available in Slovak at: <https://rokovania.gov.sk/RVL/Material/30809/1>.



has resulted in a significant outflow of experts from the environmental sector, either due to dismissals initiated by the Ministry or because of disagreement with the current departmental procedures.

Early in 2025, state conservation officers also criticized the reduction in the number of employees at the State Nature Conservancy of the Slovak Republic<sup>10</sup>. They warned that without sufficient experts; the organization would be unable to fulfil its legislatively mandated duties. State Nature Conservancy of the Slovak Republic is a professional organization without whose input and opinions administrative authorities in the field of environmental protection would not be able to make informed decisions. More than 100 employees addressed a letter to the leadership of State Nature Conservancy and the Ministry of the Environment expressing fundamental disagreement with changes to State Nature Conservancy 's organizational rules, which led to staff reductions in the organization. They also highlighted that this step was implemented without prior detailed and transparent analysis of the organization's tasks, agenda, obligations, and personnel capacities. The consolidation measures did not consider the scope of responsibilities of the various units within the organization. By the end of 2024, several positions were eliminated, significantly limiting and even rendering the organization's professional activities impossible. State conservation officers emphasized that nature protection in Slovakia faces major challenges that cannot be effectively addressed without experts.

Thus, despite the personnel shortages in the department, the new ministry leadership has proceeded with massive layoffs of its expert staff, which is already reflected in the efficiency and quality of decision-making in practice.

Although Ministry of Environment states in its report: "The quality of education, research, and development should be improved. Individuals capable of creative management, innovative thinking in working with legal norms, and leadership skills should be prepared for public administration. This is a discipline that requires learning how to work with and for people while preparing them to lead others within complex dynamic systems," Ministry's actions contradict these needs.

In recent years, the personnel policy of the Ministry of the Environment of the Slovak Republic has shown a trend in which experts and critical thinkers are not welcomed in the department. Conversely, political appointments and loyalty to the leadership are favoured.

### **Fundamental Changes in Act No. 24/2006 Coll. on Environmental Impact Assessment (EIA) from the Perspective of the Rights of the Interested Public to Access Information and Participatory Rights in Environmental Decision-Making -Changes Effective as of January 1, 2025**

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10 TASR. (2025). *Environmentalists criticize the reduction of employees: It will endanger nature.* Available in Slovak at: [https://www.teraz.sk/slovensko/ochranari-redukcia-pracovnikov-ohroz/850853-clanok.html?utm\\_source=teraz&utm\\_medium=organic&utm\\_campaign=click&utm\\_content=.%253Bsearch](https://www.teraz.sk/slovensko/ochranari-redukcia-pracovnikov-ohroz/850853-clanok.html?utm_source=teraz&utm_medium=organic&utm_campaign=click&utm_content=.%253Bsearch).



Despite the fact that the submitted national report on the implementation of the Aarhus Convention covers the period up to 2024, we would like to highlight significant changes that have occurred in the EIA Act as a result of recent amendments, especially regarding the rights of the interested public to access information and participate in proceedings under this Act. This is important because the national report is submitted significantly past the deadline and, in the meantime, substantial shifts have taken place regarding rights guaranteed under the Aarhus Convention.

### **Changes in Screening Proceedings**

A fundamental change in EIA Act concerns the screening proceedings, which, as of January 1, 2025, are conducted outside the regime of Act No. 71/1967 Coll., the Administrative Procedure Code. Under this new legal framework, the interested public no longer has the status of a participant in these proceedings. Specifically, after the announcement of a proposed activity, the public may only send so-called "unsolicited opinions." During the proceedings, the interested public does not have access to the case file (which is guaranteed only to the applicant and the affected municipality on whose territory the proposed activity or its change is to be executed Section 29(10)) which weakens public's position, as without sufficient information, they are unable to provide an informed response. If the public wants to access the case materials, they must rely on a request for information under Act No. 211/2000 Coll. on Free Access to Information, where the administrative authority has a 12-working day deadline to provide the requested information. The public gains access to the file only after it files an appeal against the screening decision (the binding opinion from screening) (Section 30(15)). This hinders effective public participation in the proceedings, as the access to information is cumbersome and the manner of submitting comments is limited.

Due to changes effective January 1, 2025, the so-called "affected municipalities" have also had their rights to participate in EIA proceedings significantly curtailed. Although the EIA Act in its provision Section 3(r) defines an affected municipality as "a municipality on whose territory the proposed activity or its change is to be carried out, or whose territory is affected by the proposed strategic document, or whose territory may be impacted by the proposed activity, its change, or the adoption of the proposed strategic document," the amendment to the EIA Act effective January 1, 2025, grants certain rights that were previously guaranteed to affected municipalities in the meaning of Section 3(r) only to municipalities where the activity or its change is to be carried out, excluding neighbouring or other affected municipalities.

Specifically, in screening proceedings, the intention regarding the proposed activity or notice of its change is now delivered only to municipalities on whose territory the proposed activity or its change is to occur. Other affected municipalities under Section 3(r) are no longer notified and can learn of it only through the central information system—Enviroportal. These changes also affect how residents of these other municipalities are informed. Only municipalities where the proposed activity or change is to be carried out are obligated to inform their residents. Concerning other municipalities, it is at their discretion whether they inform their residents by posting this information on official notice boards or on their websites. Another important change is that comments to initial project information may now only be submitted by affected



municipalities where the proposed activity or its change is to be carried out. Other affected municipalities under Section 3(r) may only submit "unsolicited opinions," similarly to the interested public. These municipalities also do not have access to the file during screening proceedings; their access comes only upon filing an appeal, when the file is made available for review and copying. This represents a significant weakening of the position of affected municipalities, especially since it is quite common that neighbouring municipalities are more affected by a proposed activity than municipalities where it is actually implemented (e.g., due to weather conditions).

The subject of screening proceedings is to determine whether the proposed activity or its change may have adverse effects on the environment. Often the subject of screening procedures are activities that narrowly miss the threshold for mandatory assessment. Therefore, it cannot be denied that these activities have an environmental impact. It is known from practice that involvement of expert public in screening proceedings is crucial, as they often possess more precise and updated information about the affected territory than state authorities, which have long been understaffed (a fact noted also by the Ministry of Environment in its report). Thanks to public participation, it has often been possible to prevent serious and irreversible environmental damage. Examples include small hydropower plants on the Hron River which were prevented from construction thanks to expert public. There is also the known practice of the so-called "salami slicing," where applicants divide the proposed activity into several phases to avoid mandatory assessment that would apply if the project were submitted as a whole. Subsequently, these phases are submitted to screening proceedings separately. However, due to the new legal framework, the public's rights during screening proceedings have been substantially limited, which will undoubtedly affect effective defence of public interest in environmental protection. The EIA Act implements Aarhus Convention provisions in Slovak conditions, and thus the new legal framework, which prevents effective public participation in most proceedings, is unacceptable and contrary to the Aarhus Convention requirements.

The possibility for the interested public to engage in proceedings already at the stage of submitting the intention/change regarding possible impacts, if it concerns screening proceedings, is very important, for example, in relation to protected areas where the activity does not meet thresholds according to the EIA Act annex but may have significant impact on the protected area and is therefore subject to assessment pursuant to Act No. 24/2006 Coll. in the sense of Section 28 of Act No. 543/2002 Coll. on Nature and Landscape Protection. The nature protection authority decides based on inputs from the nature protection organization, which, due to its personnel limits (lack of experts on specific species/habitats in some departments) and overall capacity may fail to issue proper opinions and overlook important aspects of significant impacts on protected areas. Therefore, it is essential that public involvement occurs at the earliest steps of the EIA process, allowing identification of potential impacts (as ecological aspects with high expertise may be easily overlooked by officials at district offices and relevant ŠOP SR departments and National Parks when the impacts concern very specific species or habitats).

During screening proceedings, the impact assessment authority convenes an oral hearing, but this is only announced and open to the applicant, sectoral authority, permitting authority,



affected authority, the municipality where the activity or its change is to take place. Neither the public nor “other” municipalities have access to this procedural stage. This is problematic from the perspective of access to information and from the requirement for the earliest possible involvement of the interested public to ensure that their participation is not merely formal but effective.

The binding opinion resulting from screening proceedings is notified only to the applicant, sectoral authority, permitting authority, affected authority, and the municipality where the activity/change is to be executed. The interested public or other municipalities, which despite submitting so-called unsolicited comments, do not receive this decision and can learn about it only from the central information system or the official notice board of the impact assessment authority. Only the municipality on whose territory the activity/change will be carried out is obliged to immediately inform the public about the binding opinion on its website, if established, and on its official notice board. Consequently, residents of neighbouring municipalities are disadvantaged in terms of information, despite potentially being equally or more affected by the proposed activity than residents of the municipality where the activity is to occur.

### **Changes in Environmental Impact Assessment Proceedings**

The latest amendments to the EIA Act have also brought substantial changes regarding public rights to information access and participation in Environmental Impact Assessment Proceedings. Information about the proposed activity or its change is now sent by the EIA authority only to the permitting authority, sectoral authority, affected authority, and the municipality where the activity/change is to take place. Other municipalities are not notified and can only learn about it through the central information system. The information is published only in the municipality where the activity or its change is to occur, not in other affected municipalities.

Oral hearings related to the submitted information are held only with the participation of the sectoral authority, permitting authority, affected authority, and the municipality where the activity or change is to take place. These hearings are not accessible to the public or other municipalities. Commenting on initial documentation- information about the proposed activity is reserved only for the sectoral authority, permitting authority, affected authority, and the affected municipality.

The determination of the scope of the assessment is no longer subject to public comments under the new legal framework. The public’s first opportunity to enter the proceedings is at the stage of preparation of the assessment report, on which they can submit comments. Unlike the previous legal framework, the public can no longer influence or bring arguments regarding which aspects should be focused on in the impact assessment, and which impacts should be examined.

### **Public Participation in Environmental Decision-Making – The Case of Málinec Pumped Storage Hydroelectric Power Plant**

On February 4, 2025, a non-legislative material titled “Proposal for the Designation of the Investment Project Málinec Pumped Storage Hydroelectric Power Plant’ as a Strategic Investment” of the state was published for abbreviated inter-ministerial commenting. The public



submitted several substantive objections to this material; however, the Ministry of the Environment of the Slovak Republic never convened a meeting (legal obligation) to discuss the presented objections. Thus, the approval process for the Málinec Pumped Storage Hydroelectric Power Plant project stalled without informing the commenting parties.

On December 5, 2025, the state enterprise Vodohospodárska výstavba (VV, š. p.) submitted to the Ministry of Environment a “Request for Assessment of the Investment Project Málinec Pumped Storage Hydroelectric Power Plant as a Significant Investment and Proposal for Issuance of a Certificate for Approval by the Government of the Slovak Republic.”

On January 2, 2026, a non-legislative material titled “Request for Assessment of the Investment Project Málinec Pumped Storage Hydroelectric Power as a Significant Investment and Proposal for Issuance of a Certificate for Approval by the Government of the Slovak Republic” was published by the Ministry of Environment for inter-ministerial commenting in legislative process LP/2026/1 (departmental number 42/2026). So, after failing to declare the pump-storage project as a strategic investment the Ministry initiated a procedure to declare it as a significant investment. These regimes are slightly different, but both enable the state authorities to develop projects in public interest in an accelerated way. Numerous reasoned dissenting comments and proposals for withdrawal of the material from discussion were submitted, including two collective public comments.

On February 3, 2026, an online inter-ministerial dispute procedure was held with representatives of the public addressing the collective comment prepared by WWF Slovakia, VIA IURIS, Ursia Civic Association, Slatinka Association, Friends of the Earth CEPA, Green Majority Initiative, Climate Coalition, Centre for Philanthropy, Environmental Activities Centre, and Za živé rieky initiative. A reconciliation meeting at the level of statutory representatives of the Ministry of Environment lasted approximately three minutes. Minister Tomáš Taraba represented MŽP, stating that the Ministry maintained its position, disputes remained unresolved, and the material would be forwarded to the Government with the noted disputes. No opportunity for discussion on the outstanding disputes was provided during the meeting, and commenting entities, including public and concerned region authority were denied the chance to express their views, meaning the comments were never deliberated.

On February 11, 2026, Ministry of Environment submitted to the Government of the Slovak Republic a “Proposal for the Issuance of a Certificate of Significant Investment for the Investment Project ‘Málinec Pumped Storage Hydroelectric Power Plant pursuant to Act No. 371/2021 Coll. on Significant Investments as amended. The Government approved this proposal the same day by Resolution No. 57 of February 11, 2026 (hereinafter also “Resolution No. 57/2026” or “the defendant’s decision in the second instance”).

On February 24, 2026, the Ministry of Environment issued a certificate of significant investment for the latter project No. 1/2026. The commenting public learned of this issuance from the websites of the Government and Ministry.



The entire approval process of the Málinec Pumped Storage Hydroelectric Power Plant project was marked from the outset by significant non-transparency and a lack of communication on the part of the Ministry of the Environment towards affected residents. The project was declared a significant investment despite neither fulfilling the statutory definition of a significant investment according to the Act on significant investments nor any demonstration, in this formalistic process, of its necessity and the public interest in its construction. Conversely, the Ministry of Environment failed to address the arguments of experts who objected to the project on the grounds that it is unacceptable due to its impact on the potable water source—the Málinec water reservoir. The approval of PVE Málinec–Látky involved an entirely arbitrary procedure by the Ministry of Environment and the Government of the Slovak Republic, in direct conflict with obligations arising from the Aarhus Convention. That is why environmental NGOs and local communities turned in April 2026 to the national courts to review the legality of the Ministry's and governmental proceedings. Here again it is to be noted that NGOs demand the court to review the legality of governmental resolution even though these are in principle excluded from the court's review. In environmental decision-making this is unacceptable and we identify there a serious contravention to Aarhus convention obligations.

#### **Public Participation in Environmental Decision-Making – Protection of the Brown Bear**

Public participation in proceedings with significant environmental impact under Article 6(1)(b) of the Aarhus Convention should be ensured through participation granting all rights specified in that article. Slovak legislation consistently allowed nature protection organizations to participate as parties in proceedings under Act No. 543/2002 Coll. on Nature and Landscape Protection.

However, in 2024, Slovakia introduced several legislative changes significantly restricting the public's right to participate in environmental proceedings as well as access to information about decisions by public authorities in nature protection.

Act No. 335/2024 Coll., effective January 1, 2025, amended the Nature and Landscape Protection Act so that an association with legal personality operating for at least one year in nature protection is considered a "participant person" only if it notifies its participation in writing within a deadline set by the nature protection authority, and is not classified as a party to the proceeding. This considerably weakens the public's procedural rights. The rights of a "participant person" are not equivalent to the rights guaranteed under Article 6 of the Aarhus Convention. Compared to the Aarhus Convention, such participants lack the following rights:

- The right for an administrative authority to explain in its decision how it dealt with the participant's proposals, objections, and statements concerning decision documentation.
- The right to access the content/text of the decision including its reasoning.

Shortly before Act No. 335/2024, Act No. 127/2024 Coll. amended the Nature and Landscape Protection Act alongside changes to Act No. 42/1994 Coll. on Civil Protection. This amendment introduced a new statutory ground for granting an exception to protection of a protected species—specifically, the brown bear—by accelerating the related procedure. The new reason for granting an exception is point (f), stating that an exception may be granted if a state of



emergency is declared regarding the undesirable presence of the brown bear pursuant to a special law referencing civil protection legislation.

Previously, exceptions from protection conditions followed the standard administrative procedure that included public information and participation. The amendment in Section 81(2)(r) excludes general administrative procedure rules from applying to granting exceptions under Section 40(3) related to declared states of emergency, explicitly referring to civil protection law specifying situations involving the brown bear. It also exempts the obligation to publish notification on the authority's website about the commencement of such proceedings. According to Section 82(8) of the Nature and Landscape Protection Act, this exemption applies to proceedings listed in Section 81(2), including the process for granting such exceptions.

Practically, this means that not only can environmental organizations not participate in such proceedings, but they are also generally unaware of them. The only way to learn about these proceedings is by regularly filing requests under the Freedom of Information Act, which nature protection authorities perceive from environmental organizations as almost "harassment."

Since this amendment, the Slovak state has legally addressed the so-called "problematic" bears through states of emergency and shooting exceptions.

Numerous lawsuits against this approach have been filed by nature protection organizations in Slovakia. Via Iuris together with the initiative "We Are Forest" and Aegis Foundation filed 33 lawsuits. Courts allow these to be reviewed as cases by the interested public under Act No. 162/2015 Coll., the Administrative Judicial Procedure Act. Since these organizations were not allowed participation in administrative proceedings, they justify their active legal standing by Article 9(3) of the Aarhus Convention. So far, a first-instance court has ruled on one lawsuit in favor of nature protection organizations, criticizing the Ministry for lack of clear identification of bears set for shooting, insufficient evidence for review of the decision, and failure to consider alternatives to shooting.

Directly following the amendment enabling accelerated exception approvals, the Slovak Government declared a state of emergency in 55 districts by Resolution No. 182 dated April 2, 2025. It also approved an emergency action plan for shooting up to 350 bears. Several environmental organizations filed lawsuits against this resolution, basing their legal standing on Articles 6(1)(b), 9(2), and 9(3) of the Aarhus Convention. Since under domestic law government resolutions are not judicially reviewable, the court dismissed the lawsuits despite the decisions having significant environmental and Natura 2000 impacts. A cassation complaint has been filed against this resolution.

The resolution demonstrably caused changes in:

- The number of decisions granting exceptions from protected species protections: 11 decisions before April 1, 2025; over 50 after.
- The number of bears permitted for culling: 62 from October 2024 to March 2025; more than 200 from April to October 2025.



- The geographic scope: exceptions issued for three districts before April 2025 (Liptovský Mikuláš, Turčianske Teplice, Kežmarok); after April 2025 for over 15 districts.
- The nature of permissions: from October 2024 to March 2025, up to 9 bears allowed per decision; from April to October 2025, higher numbers allowed (12, even 25 per decision).
- The types of applicants: before April 2025 mainly local hunting associations; from April 2025 also state and public institutions (LESY SR, Technical University in Zvolen, Military Forests and Estates SR, etc.).

The current implementation of the Aarhus Convention in Slovakia shows a marked regression in 2024 and 2025, demonstrated by deliberate restrictions on public participation in decision-making. Legislative practice reflects a degradation in the status of environmental organizations. Critically, the state uses the institution of state of emergency to circumvent transparent administrative procedures and limit information sharing, effectively excluding the public from oversight of sensitive environmental matters. Protection of rights thus remains dependent on judiciary review, forcing organizations to rely on the international convention due to insufficient national law remedies. However, court proceedings are lengthy, and environmental damage often occurs before judicial decisions are adopted.

### **Breaches of legislative rules in detriment of public participation rights**

Legislative process in the IX. electoral term has been marked by unprecedented increase in use of shortened legislative procedure. This means that the public has faced a new reality where legal acts were published for commenting in very short times. Another malpractice is bringing the legal acts to legislative process as MPs proposals which according to Slovak legislative rules are not subject to public commenting.

- Total number of laws passed until 21. May 2026: 273  
Of which:
  - 62 in shortened legislative procedure, representing 22.71%
  - 224 government bills approved
  - 48 parliamentary bills approved
  - 16 laws returned by the President, of which 12 were re-approved, 1 is still pending consideration, and 3 were not approved



IX. electoral term***	all passed acts	shortened legislative procedure	(%)	governmental proposals - adopted	MPs proposals - adopted	proportion MPs proposals / all acts
2023	11	10	90.91	11	0	0.00
2024	134	29	21.64	106	28	20.90
2025	108	21	19.6	92	15	13.80
2026	20	2	10	15	5	25
Total	273	62	22.71	224	48	17.50

### Reasons for Applying the Shortened Legislative Procedure

Examples of stated reasons for using the shortened legislative procedure include:

- The National Recovery Plan (Plán obnovy)
- Significant economic damages

Often the reasons stated by authorities do not correspond to any legal justification which would be a reason for shortened legislative procedure (for instance amendment to Water Act in 2023) or are stated formally and do not correspond to the reality. Even legislative proposals that are not approved through the shortened legislative procedure often undergo an unjustifiably shortened commenting process. In environmental legislation these malpractices concerned mainly the EIA act which since 2020 passed through 13 amendments from which often in shortened procedure. The legislative process has become less participative, and it also impacts the very quality of environmental legislation. Not only exclusion of the public from decision making but also lowering standards in environmental protection. Paradoxically enough, some laws that are being adopted under the shortened legislative procedure have been stuck in the parliament for several months already due to lack of political consensus within the ruling coalition (e.g. Nature Conservation Law).