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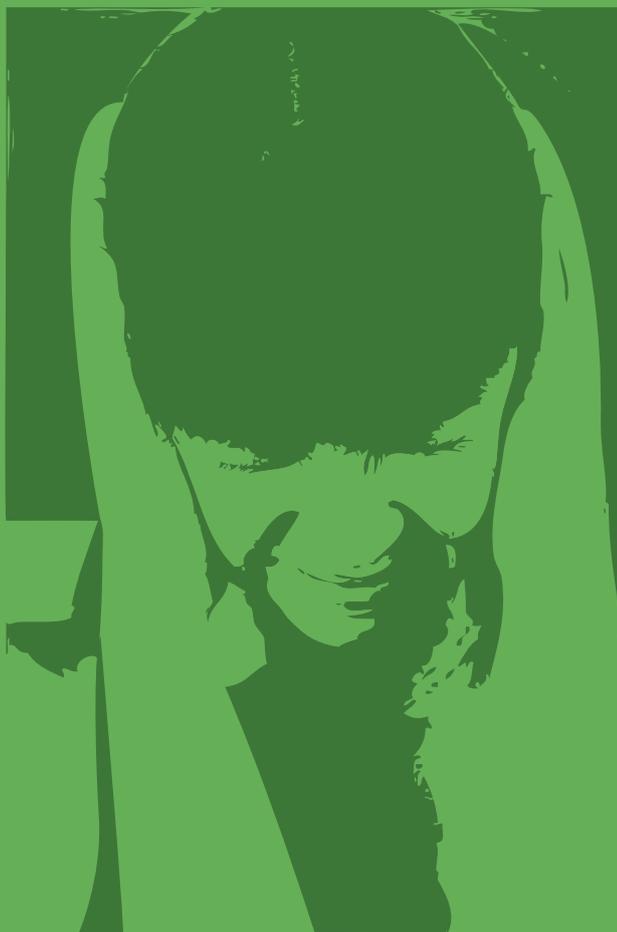


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the European Commission – LIFE+ programme.*

# Make some noise

Shadow report on implementation of the Environmental  
Noise Directive

## Slovakia



## Justice & Environment

Justice & Environment (J&E) is a European network of environmental law organisations. J&E is a non-profit association with a mission that *aims for better legislation and implementation of environmental law on the national and European Union (EU) level to protect the environment, people and nature*. J&E fulfils this mission by ensuring the enforcement of EU legislation through the use of European law and exchange of information.

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# National report Slovakia



## 1. Implementation of the END (Environmental Noise Directive) on national level

### 1.1. General info

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise was transposed into Slovak national law in the beginning of 2005. It happened by adopting two main legal regulations:

- Act No. 2/2005 Coll. on Assessment and Control of Environmental Noise which entered into force on February 1, 2005

The above mentioned act defines its purpose in setting up the integrated approach in the process of environmental noise assessment and control in order to avoid, prevent or reduce harmful effects of environmental noise exposure. The act contains basic definitions related to SNMs and APs creation. It stipulates duties, obligations and fines for natural and legal persons, state bodies and local municipalities as well. It also contains binding terms for SNMs and APs completion. The annex of this act enumerates information that need to be reported to European Commission.

- Decree of the Government No. 43/2005 Coll. on Details of Strategic Noise Maps and Action Plans on Noise Protection which entered into force on February 15, 2005.

Cited decree describes noise indicators in more details, sets limit values for different sources of noise and elaborates detailed information on data which SNMs and APs have to contain.

Apart from these two substantial regulations, there are three further regulations with relevance to environmental noise issue which are to be mentioned here:

- firstly it is Ordinance of the Ministry of Health No. 195/2005 Coll. giving more detailed information on providing requested data from responsible natural and legal persons in SNMs preparation process;

- secondly it is Expert Guideline No. OZPaZ/5459/2005 as the more comprehensive material issued by Public Health Authority of the Slovak Republic which regulates the progress of SNMs preparation. This Expert Guideline sets exact computing methods applicable for different sources of noise in Slovakia. It specifies areas for which calculation must be done and also sources of noise which must be taken into consideration

- thirdly it is Expert Guideline of Public Health Authority of the Slovak Republic No. OZPaZ/5828/2007 which defines principles of APs preparation and rules for information given to the public in compliance with Act. No. 2/2005 Coll.

#### ***1.1.1. Information on how many strategic noise maps (SNMs) and action plans (APs) were prepared in Slovakia, how many quiet areas were established***

According to Article 7(1) and 8(1) END there were three SNMs together with three APs prepared and published during the first reporting period. Under the conditions of the Slovak republic only one agglomeration with more than 250.000 inhabitants was created for the purposes of END (Bratislava

agglomeration with 528.123 inhabitants). The next (and also the last) agglomeration considered in the Slovak republic (Košice agglomeration with 226.192 inhabitants) falls into reporting period as referred in Art. 7(2) END with the reporting term up to 30/06/2012. The two remaining SNMs and APs are related to major roads. With respect to the body responsible for their preparation (National Motorway and Slovak Road Administration company) they are divided into two separate parts: motorways and express ways (which falls under the National Motorway) and 1<sup>st</sup> class roads and roads of lower classification (which falls under the Slovak Road Administration). According to the last available statistics there are neither major railways with more than 60.000 train passages per year nor major airports with more than 50.000 movements per year in Slovakia. Due to this there were no SNMs and APs prepared for this infrastructure under obligation of Article 7(1) and 8(1) END.

Considering the quiet areas the situation is explained below. According to information published on web site dealing with SNMs and APs there were no quiet areas in agglomerations announced or established. As for the quiet areas in open country, the Slovak Ministry of Environment has delimited these with respect to national legislation on nature protection. Under respective legislation the term “quiet areas in open country” covers selected protected areas (their number and area is then identical). Talking about quiet areas in open country in Slovakia means talking about the territory of 9 National Parks, 14 Protected Landscape Areas, 384 Nature Protected Areas and 38 Special Protected Areas under Birds Directive all of which represent the quiet areas.

### ***1.1.2. Information on legal context (liability of action plans, or their connection to other fields of law, like link to land use planning, permitting etc)***

#### **a) are the action plans measures to be integrated into land use plans**

Wording of END as well as national legislation ensures that every AP shall include actions intended to be taken by the competent authorities in the fields within their competence. These actions may also consist of measures in the area of land use planning or traffic planning. Following the wording of national legislation it seems that integration of AP measures into land use plans is stipulated only as a possibility and may not be used in a certain cases.

In two of three adopted APs in Slovakia the list of proposed measures of competent authorities is missing. Only the AP for motorways and express ways deals briefly with this issue, but anyway it has nothing to do with land use planning or traffic planning. In the two remaining APs which deal with road traffic there is also a reference to land use planning (in the part named “long-term strategy”), but it is mentioned only as an example of tools which can be used to achieve the aim. According to the remaining context it is obviously only a proclaimed principle and it has a character of a recommendation.

#### **b) is the body issuing land use permit (for building, roads, airports) obliged to apply the action plans measures?**

The situation is the same as described in the paragraph above. According to the national legislation on environmental noise, there is no direct or indirect relation between AP measures and permitting procedures or authorizing authorities. In the Slovak Republic the obligation to adopt an action plan binds municipalities, road administrators, railway operators and airports operators. Only these responsible subjects are then also obliged to ensure that AP measures are being really applied. Under the Slovak laws there is no imperative instruction for bodies issuing land use permits to take into account AP measures in order to apply them in practice.

On the other hand, in every administrative procedure in which a permission for any kind of construction (apart from buildings, roads and airports) may be granted, the responsible authority shall set (independently on AP) an obligation not to exceed limit values for noise as a relevant and binding condition for issuing the permit. This may result in adopting some appropriate anti-noise measures (under the separate law) regardless AP and its measures.

**c) is there clear and specific mechanism and source of finances for financing the anti-noise measurements?**

Information regarding any financial mechanism or source for financing anti-noise measurements is not available - the Slovak law does not deal with this issue explicitly. In the Slovak Act No. 2/2005 Coll. on Assessment and Control of Environmental Noise only the matter of financing for SNMs and APs expenditures is handled. All expenditures related to SNMs and APs completion, adoption and publishing bears responsible legal entities determined according to the subject of noise mapping (the major municipality in the agglomeration for whole agglomeration, road administrators for major roads, railway operators for major railways, airport operators for major airports). More detailed information on SNMs and APs and guidelines can be found in the Decree of the Government No. 43/2005 Coll. According to the definition of limit value, the exceeding of noise indicator enables the above mentioned responsible subjects adoption of necessary measures in order to lower the level of noise.

As mentioned before, there have already been three APs adopted in Slovakia. First AP for Bratislava agglomeration does not contain any information on financing anti-noise measures, besides the list of perspective anti-noise measures is also not included. In the second AP for major roads (motorways and express ways) there is a part dedicated to financing, but it contains only data on how much these measures will cost but not a word on who will cover the expenses. In another part of this AP there is a brief notice that AP measures will be evaluated together with the Slovak Ministry of Transport, Post and Telecommunications and it is necessary to look for sources of financing (e.g. co-financing with municipalities, owners, EU funds etc.).

Notice: On April 28, 2009 the Slovak parliament adopted Act No. 170/2009 Coll. amending Act No. 2/2005 Coll., which shall enter into force on August 1, 2009. According to the wording of this act (originally proposed by Ministry of Health Issues) since August 1, 2009 there will be no financial support from state for municipalities, which are obliged to adopt SNM and AP. In another words, affected municipalities will be responsible on they own for ensuring sufficient funding. As the reason for this step Ministry of Health declared, that the previous codified model of financing was not usual within other EU countries and was no longer sustainable. As an example the preparation of SNM of Bratislava agglomeration was presented. Although the Slovak Government in its resolution No. 894 (issued in 2004) agreed that the budget of Ministry of Health shall be raised of additional 70 millions Slovak crowns for the purpose of SNM making in the period of years 2005-2007, this aim was problematic to achieve in reality. Finally only 20 millions crowns were given to Ministry of Health, the remaining sum of 50 millions had this ministry to find from its own resources. Due to these financial troubles the continuous SNM making was also endangered. With regard to the fact, that SNM is mainly a systematic tool for local municipalities for strategic decision-making, Ministry of Health proposed and the National Council (Slovak parliament) passed the above mentioned act which means, that all next SNMs and APs are going to be financed without state help.

## 1.2. Overview in details

### ***1.2.1. Information on timely preparation of strategic noise maps and action plans, according to deadlines of END***

Information on terms for the real preparation of SNMs and APs are not available to public. The only accessible findings come from report on SNM in Slovakia made by the Public Health Institute in accordance with Article 10 (2) END, which was sent to the European Commission in December 2007. This report was enclosed by final report from SNM of Bratislava agglomeration and report from SNM of 1<sup>st</sup> class roads. Both final reports are dated 2006, so it is possible to conclude, that at least these two SNMs was sent up the END deadline set on June 30, 2007. Other information, mainly with connection to APs, are not available.

During verbal consultation with responsible state coordination body (Slovenská agentúra životného prostredia - Slovak Environmental Agency), who carries the reporting duties of the Slovak Republic to the Commission, it was presented, that there is a serious problem with APs processing and these have not been completed yet. For this reason there is also a delay with reporting obligation as stated in Article 10 (2) with respect to Article 8 (1) NED. According to this consultation the Commission was informed on this delay and its reasons. The APs completion was presumed to be finished in the first half of 2009, but up to now there is still no information available of its progress.

On the other hand the SNM- and AP-processor's representative stated that all the three SNMs were prepared and elaborated just in time, but only two of them (SNMs for motorways and for 1<sup>st</sup> class roads) were delivered to the responsible entities. The last SNM of Bratislava agglomeration was delivered with a delay of about 4 months, which was caused by the cash flow complications on the side of Ministry of Health and subsequently on the side of responsible local municipality. In addition there were presented some information on APs – according to them two APs related to major roads were finished again in time and delivered to responsible entities but work on the one for agglomeration has been suspended because of missing finances. The asked processor's representative confirmed that there was an effort to complete this task in the first half of 2009, but competent authorities failed to perform next necessary steps, so there is no clear perspective for the term of completion.

In order to obtain an official statement on SNMs and APs completion, request on Public Health Authority of the Slovak Republic was sent according to provisions of Freedom of Information Act. This competent state authority made a reply in which the following completion dates were mentioned:

#### **Dates of factual SNMs completion**

for Bratislava agglomeration	15. 06. 2007
for motorways and express ways	30. 04. 2007
for 1st class roads	04. 06. 2007

#### **Dates of factual APs delivery to Public Health Authority**

for Bratislava agglomeration	not delivered yet
for motorways and express ways	04. 08. 2008
for 1st class roads	09. 04. 2009

### **1.2.2. Information on meeting END requirements on public participation in action plans preparation process**

- a) Early and effective opportunities of PP**
- b) Results of the PP taken into account**
- c) Information about decision taken given to public**
- d) Reasonable time frame allowing sufficient time given to PP**

The issue of public participation in APs preparation process is not very well documented. The main reason for this is that APs have not been completed yet which means they have not been discussed with the wide public yet.

In the section “records from the public consultations” two of three partly published APs contain a notice, that these records will be published and documented after the end of discussions. While none reports from public consultations regarding the proposed AP for Bratislava agglomeration and AP for 1<sup>st</sup> class roads have not been published yet, it may be deducted that public consultations have not been organized yet.

In the AP for motorways there is a PDF file named Records from public consultations, which comprises minutes from two sessions organized in order to consult the prepared AP with affected public. The National Motorway Company as an entity responsible for preparation the AP for motorways sent AP summaries and invitation to public consultation to those local and regional municipalities (self-governing regions, cities and villages), which are located in territories affected by AP. There was also an advertisement about planned public consultations on July 3 and 4, 2008 in the two widely read opinion-making newspapers. These two public consultations took part on July 8, 2008 in the seat of Banska Bystrica Self-governing Region and on July 15, 2008 in the seat of Trnava Self-governing Region.

Both of these two records describe the course of meetings, questions of representatives of affected municipalities, answers of representatives of responsible entity and short final conclusions. Some requests were solved immediately; some of them were clarified or explained. All participants had the possibility to send supplementary written statements till July 31, 2008.

The main conclusions from public consultations records are these:

- on the basis of AP the responsible entity, in close cooperation with Ministry of Transport, Posts and Telecommunications, will develop a concept of solution for noise problems (including detailed noise studies for problematic areas, examination of efficiency of existing anti-noise measures, financing possibilities)
- already running anti-noise measures will continue without regard to AP
- all additional measures will proceed with respect to financial limits of responsible entity and/or Ministry of Transport, Post and Telecommunications

- e) Information on meeting END requirements on availability and dissemination of strategic noise maps and action plans**
- f) Availability and dissemination through the means of IT (internet)**

All information concerning completed SNMs and APs which have been disclosed up to the present are concentrated on a special web site on <http://www.hlukovamapa.sk> (transl. [www.noisemap.sk](http://www.noisemap.sk)).

Layout of the web site is very simple and the content of its sub-menus is very easy and intuitive to find. This web site is divided into six main sub-menus dedicated to

- aims of SNMs and APs in general,
- relevant legislation,
- SNM and AP of Bratislava agglomeration,
- SNM and AP of 1<sup>st</sup> class roads,
- SNM and AP of motorways, and
- useful links.

#### **g) Information are clear, comprehensible and accessible**

In all three available SNMs and APs information given either in text or in graphical form seem to be quite clear written or designed. Texts are brief, but in general they cover all relevant issues. All three web page sub-menus for agglomeration, motorways and 1<sup>st</sup> class roads are segmented into one part dedicated to SNM and the other part dedicated to AP. Both SNM and AP parts are divided into content trees, whose elements are inspired by END and national legislation demands.

#### **h) Summary of the most important conclusions is provided**

Although the structure of all three SNMs is very similar as long as the content prescribed by END and national legislation is concerned, the situation with APs is obviously different. The two APs dealing with noise from motorways and 1<sup>st</sup> class roads contain very clear and transparent conclusion from noise mapping and its evaluation, so it is possible to find concrete outputs (e. g. number of people affected, noise limits exceeding) in one short text. Such conclusions (outputs) are not available on web site dedicated to Bratislava agglomeration, since its AP has not been completed yet (it does not meet all necessary requirements).

**1.2.3. Meeting END requirements on content of strategic noise maps (according to the Annex IV of END, art. 1,2,3,6,7,8), especially:**

**a) If a strategic noise map presents data on one of the following aspects:**

	<b>SNM of Bratislava agglomeration</b>	<b>SNM of motorways</b>	<b>SNM of 1st class roads</b>
an existing, a previous or a predicted noise situation in terms of a noise indicator	only existing situation determined by mapping	only existing situation determined by mapping	only existing situation determined by mapping
the exceeding of a limit value	available in a graphical form	available both in graphical form in SNM and textual statistic in AP	available both in graphical form in SNM and textual statistic in AP
the estimated number of dwellings, schools and hospitals in a certain area that are exposed to specific values of a noise indicator	222 939 dwellings, 426 schools, 211 hospitals	13 900 dwellings, 65 schools, 13 hospitals	71 900 dwellings, 269 schools, 68 hospitals
the estimated number of people located in an area exposed to noise	546 300 people	102 500 people	378 080 people

**b) If additional and more detailed information are given, such as:**

	<b>SNM of Bratislava agglomeration</b>	<b>SNM of motorways</b>	<b>SNM of 1st class roads</b>
a graphical presentation	available	available	available
maps disclosing the exceeding of a limit value	available	available	available
difference maps, in which the existing situation is compared with various possible future situations	N/A	N/A	N/A
maps showing the value of a noise indicator at a height other than 4 m where appropriate	N/A	N/A	N/A

**c) If strategic noise maps for local or national application are made for an assessment height of 4 m and the 5 dB ranges of Lden and Lnight as defined in Annex VI.**

	<b>SNM of Bratislava agglomeration</b>	<b>SNM of motorways</b>	<b>SNM of 1st class roads</b>
<b>assessment height</b>	4 m	4 m	4 m
<b>dB ranges</b>	less than 35, 35-40, 40-45, 45-50, 50-55, 55-60, 60-65, 65-70, 70-75, 75-80, more than 80	less than 35, 35-40, 40-45, 45-50, 50-55, 55-60, 60-65, 65-70, 70-75, 75-80, more than 80	less than 35, 35-40, 40-45, 45-50, 50-55, 55-60, 60-65, 65-70, 70-75, 75-80, more than 80

**d) If strategic noise maps for agglomerations put a special emphasis on the noise emitted by road traffic, rail traffic, airports, industrial activity sites, including ports**

The SNM of Bratislava agglomeration contains brief characteristic and description of its area in which different noise sources are mentioned – road traffic, rail traffic, airport and industrial enterprises. The SNM for this agglomeration reflects and considers

- noise from traffic on 3 289 km of roads in total,
- noise from traffic on 384 km of rails in total (311 km train rails, 73 km tram rails),
- noise from traffic on one international airport with approx. 30 500 movements per year, and
- noise from selected 31 industrial enterprises.

Numerical data on noise limit values exceeding are being divided according to noise indicators intervals and according to different noise sources, so there are data available for noise coming from road traffic, rail traffic, air traffic and industry.

**e) If separate strategic noise maps for road-traffic noise, rail-traffic noise, aircraft noise and industrial noise are made in agglomerations**

Concerning the graphical plots presentation, the complex SNM of Bratislava agglomeration consists of separate partial SNMs. In the section “graphical presentation of the noise annoyance” on web page [www.hlukovamapa.sk](http://www.hlukovamapa.sk) there is an external link to another web page [www.laermkarten.de/bratislava/](http://www.laermkarten.de/bratislava/) on which noise maps in a graphical form are displayed. Following separate noise maps are available:

- road traffic noise levels with Lden indicator
- road traffic noise levels with Lnight indicator
- rail traffic noise levels with Lden indicator
- rail traffic noise levels with Lnight indicator
- air traffic noise levels with Lden indicator
- air traffic noise levels with Lnight indicator
- industrial noise levels with Lden indicator
- industrial noise levels with Lnight indicator

In addition, a clear geographical map of agglomeration is available. All of these different maps have common color distinction (color key legend) for various noise value intervals. For anyone it is possible

to move through those maps with arrow cursors, to select the size of screening window and its raster and to choose between various pre-selected scales (1:10 000, 1:20 000, 1:40 000, 1:80 000, 1:160 000 and 1:320 000).

**1.2.4. Meeting END requirements on content of action plans (according to the Annex V, art. 1-4), especially:**

a) If action plan include the following elements:

	AP of Bratislava agglomeration	AP of motorways	AP of 1st class roads
a description of the agglomeration, the major roads, the major railways or major airports and other noise sources taken into account	- considered area of 853,15 km <sup>2</sup>  - only very brief description, less descriptive as in SNM	- considered area of 421 km <sup>2</sup> - total roads length of 284,5 km - only very brief description, less descriptive as in SNM	- considered area of 284,9 km <sup>2</sup> - total roads length of 237,7 km - only very brief description, less descriptive as in SNM
the authority responsible	Capital city Bratislava	National Motorway Company	Slovak Road Administration
the legal context	both EU and national	both EU and national	both EU and national
any limit values in place in accordance with Article 5	available	available	available
a summary of the results of the noise mapping	N/A	available	available
an evaluation of the estimated number of people exposed to noise, identification of problems and situations that need to be improved	N/A	available	available
a record of the public consultations organised in accordance with Article 8(7)	N/A	records from two public consultations available	N/A
any noise-reduction measures already in force and any projects in preparation	N/A brief information mentioned in SNM	available	available
actions which the competent authorities intend to take in the next five years, including any measures to preserve quiet areas	N/A	available (but only from the scope of responsible entity – execution of noise studies and building of anti-noise shields)	N/A
long-term strategy	N/A	available (but very brief, formalistic and vague)	available (but very brief, formalistic and vague)
financial information (if available): budgets, cost-effectiveness assessment, cost-benefit assessment	N/A	available (total financial costs for preliminary anti-noise measures estimated for 906,21 mil. SKK)	N/A
provisions envisaged for evaluating the implementation and the results of the action plan	N/A	N/A	N/A

**b) Description of actions which the competent authorities intend to take in the fields within their competence, for example:**

	AP of Bratislava agglomeration	AP of motorways	AP of 1st class roads
traffic planning	N/A	N/A	N/A
land-use planning	N/A	N/A	N/A
technical measures at noise sources	N/A	building of anti-noise shields	N/A
selection of quieter sources	N/A	evaluation of acoustic efficiency	N/A
reduction of sound transmission	N/A	N/A	N/A
regulatory or economic measures or incentives	N/A	N/A	N/A
other	N/A	detailed noise studies preparation	N/A

**2. Description of national legal frame of protection against noise****2.1. Information on existence of binding limits for outdoor noise (including definition of outdoor protected against noise) and on existence of binding limits for indoor noise**

In Slovakia there is a joint legal regulation for both outdoor and indoor noise limits. This regulation is incorporated in the Ordinance of the Ministry of Health No. 549/2007 Coll. on Details of Permissible Values of Noise, Infrasound and Vibrations and on Requirements of Noise, Infrasound and Vibrations Objectification in the Environment, which entered into force on December 1, 2007.

This ordinance applies to noise occurring whether continuously or discontinuously in the outdoor environment or indoor environment which is caused by activity of people or by functioning of technical facilities. The ordinance contains negative definition as well - it does not apply on noise on workplaces, on noise inside vehicles, on places with traffic services and in case of natural disasters or emergencies.

Outdoor environment is defined as protected external space

- out of buildings in which people stay for relaxation, recreation, healing or other reasons with the exception of work
- in front of facades of dwellings, schools, hospitals and other buildings demanding quiet environment.

Indoor environment is defined as protected internal space of buildings where people stay permanently or repeatedly for the long time, it comprises mainly rooms in dwellings, old people's homes, lodging houses, hospitals or other rooms demanding quiet environment (classrooms, study halls, reading rooms).

Binding permissible limit values of noise indicators are incorporated into annex of the above mentioned ordinance. Limit values are separated according to the category of considered area,

according to day intervals and according to the source of noise. Reference day intervals are divided into day (from 06:00 to 18:00), evening (from 18:00 to 22:00) and night (from 22:00 to 06:00).

Limit values of noise indicator for outdoor noise are following:

Category of area	Reference day intervals	Limit values for road traffic noise (dB)	Limit values for rail traffic noise (dB)	Limit values for air traffic noise (dB)	Limit values for other noise sources (dB)
I.*	day	45	45	50	45
	evening	45	45	50	45
	night	40	40	40	40
II.**	day	50	50	55	50
	evening	50	50	55	50
	night	45	45	45	45
III.***	day	60	60	60	50
	evening	60	60	60	50
	night	50	55	50	45
IV.****	day	70	70	70	70
	evening	70	70	70	70
	night	70	70	70	70

\* Area of I. category means area with special protection level against noise, e. g. spa areas, spa towns

\*\* Area of II. category means area in front of windows of flats and houses, protected rooms in schools, medical centres and other protected objects and vacation resorts.

\*\*\* Area of III. category means the same area as in the second category but near motorways, first class roads, local communications with public transport, railways and airports, city centres.

\*\*\*\* Area of IV. category means non living area, industrial and production zones, areas of plants

Limit values of noise indicators for indoor noise are following:

Category of Internal space	Reference day intervals	Limit values for noise coming from internal sources (dB)	Limit values for noise coming from outdoor (dB)
A*	day	35	35
	evening	30	30
	night	25	25
B**	day	40	40
	evening	40	40
	night	30	30
C***	during use	40	40
D****	during use	45	45
E*****	during use	50	50

\* Internal space A category means rooms in hospitals, rooms of spa residents

\*\* Internal space B category means dwellings, hostels, old people's house, nursery schools and kindergartens

\*\*\* Internal space C category means classrooms, study halls, reading rooms, auditoriums, conference rooms, courtrooms

\*\*\*\* Internal space D category means rooms for public, informational points

\*\*\*\*\* Internal space E category means spaces in which communication is needed, e. g. school workrooms, waiting rooms and vestibules

## 2.2. Information on any special legal condition for noise from transport

There are three specific provisions in the Annex of the Ordinance of the Ministry of Health No. 549/2007 Coll. on Details of Permissible Values of Noise, Infrasound and Vibrations and on Requirements of Noise, Infrasound and Vibrations Objectification in the Environment relating to noise from transport.

1. According to the first one, the limit value of noise indicator can be exceeded if it was proved enough, that presently existing noise from road- and rail- traffic exceeds limit values of noise indicator for areas of II. and III. category due to the increase of transportation capacity and this noise can not be reduced by implementation of any available technical or organizational measures. For potential adoption of such measures there is a condition that these measures must not negatively nor substantially influence the transportation performance. The conclusion is that if fulfilment of such conditions is proved, it is legally possible to exceed limit values of noise indicator up to 5 dB in areas of II. category and up to 10 dB in areas of III. and IV. category. Very similar exception applies also to the noise from air traffic where responsible state authority is competent to grant a dispensation. It may be granted if there are prescribed flight processes for take-offs and landings with certain specification of flight trajectory. In such cases limit values of noise indicator can be exceeded up to 5 dB in areas of II. and III. category.
2. The next specific provision applies to new buildings planned to be build up in certain areas. According to this provision it is possible to locate new houses and buildings demanding quiet environment (with the exception of schools, nursery schools, hospitals etc.) also in those areas where existing noise exceeds limit values of noise indicator for areas of II. category or in areas where such exceeding may be expected in the future. But this exception may only be applied on the basis of previous affirmative opinion of competent state body responsible for health protection and if
  - appropriate measures against noise influence of indoor environment in such buildings are to be taken simultaneously,
  - the considered limit value of noise indicator in neighbouring space of such buildings will not exceed in the future of more than 5 dB the limit values of noise indicator set for areas of III. category.
3. The last provision applies to situation when new buildings are intended to be situated in certain areas belonging to areas of IV. category. If administrative buildings or buildings with workplaces which demand quiet environment are going to be build up in an area of IV. category, limit values of noise indicator for noise coming from traffic or other sources are set on 65 dB (for day, evening and night) instead of general limit values 70 dB. This lower limit values refer to windows designated to ventilation of workplaces with permanent stay of people.

**2.3. Information on specialized state bodies, which do have competence to deal with noise problems on the basis of national legislation (preventive, i.e. sources of noise during the course of issuing a permit for construction work, sanctions, i.e. supervision that specified noise limits are not exceeded, can the body award a fine)**

**2.4. Information on what options do citizens have to achieve protection against noise in relation to administrative state bodies, which address this issue (option of initiating noise metering, fine proceedings, etc.)**

Concerning the issue of noise and its combating in Slovakia there are three possible ways how to achieve problem solving from citizen's perspective.

The most competent state body when dealing with noise from various sources in general is specialized state body established with the aim of public health protection. Its name is Public Health Authority of the Slovak Republic (PHA) and it is non-profit state organization led by Chief Hygienist of the Slovak Republic with its residence in Bratislava. PHA is linked with its financial relations to the budget of the Ministry of Health of the Slovak Republic. Public Health Authority of the Slovak Republic carries out its activities on the territory of the Slovak Republic through the net of its regional offices.

Competences of PHA and its regional offices are clearly set in Act No. 355/2007 Coll. on Protection, Support and Development of Public Health which entered into force on September 1, 2007 (a very few provisions will enter into force on January 1, 2010 only). According to this act PHA and regional offices of PHA are entitled to perform state health supervision, which means to perform control of observance of this act together with other binding regulations with regard to public health protection.

In the above cited act there is a provision of § 27 according to which:

- every enterpriser or legal person who is using or operating any source of noise, infrasound or vibrations must
  - ensure that exposure of population and environment where they live is the lowest possible and it must not exceed the permissible limit values
  - ensure that objectification and assessment of noise, infrasound and vibrations is performed once a year
  - ensure that periodical metering and evaluating of limit values for noise, infrasound and vibrations is performed once a year for all used or operated sources
- when projecting, building or substantially restoring traffic related buildings and infrastructure the noise in related outdoor or indoor environment must not exceed permissible limit values by estimated transportation capacity
- when projecting, building or substantially restoring houses it is necessary to ensure protection of indoor environment of such houses against noise coming from outdoor environment

To Public Health Authority was given a competence to check up if responsible entities mentioned in § 27 of the Act No. 355/2007 Coll. carry out their legal duties. PHA can perform state health supervision from its own initiative or on the basis of someone's complaint or announcement. If the probing is positive and PHA finds imperfections or if there is a breach of law, responsible entity may be fined in a range from 165 to 16 596 euro and appropriate necessary measures may be ordered to perform.

Another state bodies which have to face and deal with noise difficulties are bodies issuing building permits. Their competence in this field results from Building Code No. 50/1976 Coll.

According to this and related regulation building authorities have to ensure

- that all kinds of intended and planned buildings and constructions meet all prescribed requirements with respect to protection against outdoor and indoor noise
- that all kinds of intended and planned buildings and constructions meet all prescribed requirements for limit values observance in the field of noise emissions

- that all kinds of existing or renovated buildings and constructions meet all above mentioned requirements for their whole lifetime period

Building permits issuing authorities together with specialised state body named Slovak Building Inspection are empowered to perform state building supervision, through which the control of observance of building code and other binding regulations in this field is executed. If acting authority finds in a certain case breach of law it may result into

- issuing of a decision addressed to responsible entity which orders to make necessary adjustments (in less serious cases);
- issuing of a decision addressed to responsible entity which orders to perform safeguarding measures (in serious cases);
- issuing of a decision addressed to responsible entity which orders demolition of a building (in serious cases);
- fining the responsible entity in the range up to 5 millions Slovak crowns (approx. 165 969 euro) at most.

Remark: In the Ordinance of the Ministry of Environment of the Slovak Republic No. 532/2002 Coll. on Details of General Technical Requirements on Buildings there is a provision with connection to protection against noise in general. According to that provision urbanistic measures shall be adopted preferentially when ensuring the protection of buildings against noise coming from traffic instead of measures protecting buildings individually.

The third possible way how to possibly achieve noise annoyance reduction applies only (and even not every time) to noise caused by road traffic. Noise coming from road traffic depends on many different factors (lane surface type and its quality, speed limit, transportation capacity, number of lanes, car tyres used etc.). Some of these factors may be influenced in a positive way when responsible entity or competent administrative body adopts effective technical or organisational measures. Therefore it is sometimes possible to initiate a special process of assessment of measures which are available and executable and have not crucial negative impact on transportation conditions. These measures may consist for instance from speed limit decrease, installation of retarders, exchange of lane surface for the one with better acoustic attributes, traffic rerouting etc. and their combinations where meaningful. Affected people can file a petition or sent a complaint to competent state body and to responsible entity as well. Road authorities according to their consideration are able to select between available measures which were mentioned above and order to responsible entities realisation of these measures by issuing of a decision. Entities responsible for road administration (which are in fact somehow linked by their legal nature to the relevant ministry) can execute required measures also according to their own initiative or on the basis of people's petition and so achieve noise reduction finally.

- Information on mechanism for decision about exception from noise limits, and if citizens effectively participate in the proceeding

In Slovak regulation on noise there is only one example when competent state body is deciding about granting an exception from noise limits to demanding entity. But there are two more cases when noise limits are allowed to be exceeded legally.

The only one situation in which competent state body for public health protection (regional office of the Public Health Authority of the Slovak Republic) can issue a permit allowing applicant to exceed

binding limit values of noise indicator can happen in relation with noise from air traffic. As described also in the paragraph on special provisions on noise from traffic, this exception may be granted if there are prescribed flight processes for take-offs and landings with certain specification of flight trajectory according to specific binding regulation (link on Convention on International Civil Aviation also known as Chicago Convention is provided). In such cases limit values of noise indicator can be exceeded up to 5 dB in areas of II. and III. category (for different categories description see previous texts).

Category of area	Ref. day intervals	Limit values for air traffic noise (dB)	Maximum limit values if exception is granted (dB)
II.	day	55	60
	evening	55	60
	night	45	50
III.	day	60	65
	evening	60	65
	night	50	55

As already written in the part dedicated to special provisions regulating noise from traffic, next case of legally possible exceeding of limit values of noise indicators apply to existing noise from road- and rail-traffic when it is proved that it can not be reduced by any measures available. In such circumstances it is allowed directly by the law to exceed limit values of noise indicator for road traffic noise. This exception is given right in the text of legal regulation and no decision or permit of competent authority is required. Responsible entity must only reliably prove that existing noise from transport can not be reduced.

Category of area	Ref. day intervals	Limit values for road traffic noise (dB)	Maximum limit values with legal exception (dB)
II.	day	50	55
	evening	50	55
	night	45	50
III.	day	60	70
	evening	60	70
	night	50	60
IV.	day	70	80
	evening	70	80
	night	70	80

Finally, limit values of noise indicator may be exceeded when new houses and buildings demanding quiet environment are planned and situated in the area, where existing noise from transport exceeds limit values set for areas of II. category. But this can only happen when state body for public health protection gives its affirmative expert opinion to such intent in advance. In addition to that, certain protective measures for indoor environment are to be adopted simultaneously and limit values for areas of III. category must not be exceeded of more than 5 dB.

## **2.5. Information on existence of other (for instance civil legal) instruments for protection against noise**

In Slovak Civil Code there is a provision § 127 (1) concerning so-called “neighbourly lawsuits”, according to which every owner of a thing (incl. real estate) must not neither annoy anyone nor seriously endanger execution of someone’s rights. Further in the legal text there are enumerated examples of prohibited conduct which include the annoyance of neighbours with noise over accustomed level. Offended owner is entitled to file a lawsuit against his neighbour who is annoying him with noise coming from any source. This legal tool in noise cases is very rare used (if ever in Slovakia) because of three main reasons:

- it is hard to define what does it exactly mean “noise annoyance over accustomed level” and therefore it is hard to predict the result of court decision
- the plaintiff is not allowed to demand any active conduct from defendant in order to stop noise annoyance, only defendant’s negative obligation not to annoy over accustomed level can be sued which is very hard to enforce
- people better rely on any other legal tool than on lawsuit to the court because of long lasting civil proceedings and the necessity of financing it from their own resources

Note: As far as we know there is a positive example from Czech Republic where this kind of lawsuit was filed against owner of a road and it was successful on the appellate court.

## **3. Short conclusion: if there is sufficient level of legal protection, which legal tools are effective from the citizen’s perspective, what should be addressed in order to improve the situation**

Legal protection against noise in Slovakia is perhaps well enacted in laws and regulations but their application and their enforcement in real life is quite poor.

Concerning strategic noise mapping and action plans, text of Slovak laws (and END as well) is here and there unclear and allows more ways of interpretation. Sometimes the real sense of the regulation is supplanted by formal activity or steps without real content and connections to other areas. Preparation and adoption of SNMs and APs is very good idea and may help in combating noise annoyance but if following steps and activities are not well managed and realised, they will remain only as an idea. The great weakness of END implementation in Slovakia seems to lie in insufficient funding for smoothness of this process. Delayed work on APs and their missing content are making this important project less effective. Moreover, APs are formulated only as recommendations; they are not legally binding for anyone and therefore it stays only up to the goodwill of responsible entities when and how adopt certain measures. Another weak point of this project is the missing clear and binding connection of SNMs and APs to land use planning and town planning.

From the citizen’s point of view there are legal tools available through which competent authorities are forced to pay attention to noise issue. The most effective seems to be petition or complaint to state bodies responsible for public health protection with respect to all noise sources and to building authorities with respect to noise from buildings and constructions.

When using this legal tools, noise metering by experts can be achieved as well as issuing of decision ordering adoption of appropriate measures or fining. Relevant state bodies are empowered with sufficient competencies and shall able to find a solution. But when competent authorities would not enforce their decisions properly, then all these tools are weak and fail to their function in protection against noise. When thinking about civil lawsuits it must be taken into account that there is a time- and costs- barrier.

Finally there are two principal recommendations:

- there shall be a direct and binding connection between measures and strategies in APs and measures and strategies of land use plans, what would ensure that contribution of APs will mirror in real life and will positively influence people in affected areas
- competent national authorities shall enforce their decisions and ordered measures not only by fining (because the fine for responsible entity does not solve the problem with noise) but together with fining ensure that appropriate measure is really performed (even through alternative way)

#### **4. Contact information**

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