



Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify)



Slovakia

Written by: Dr. Boris Valach, Jurga Tallat-Kelpšaitė, eclareon GmbH

28 January 2021, Berlin

Disclaimer: "This document has been prepared for the European Commission however it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein."

Supported by the



eclareon



SolarPower
Europe



Öko-Institut e.V.
Institut für angewandte Ökologie
Institute for Applied Ecology

Executive summary

This report scrutinises relevant administrative permission procedures for renewable electricity generating plants. Since the Slovak Government plans the strongest growth in a few RES-E technologies, it puts a particular emphasis on the country’s onshore wind, solar PV and biomass sector.

In order to realise a RES-E project in Slovakia, an investor must complete several administrative processes. Once its project charter is in line with applicable spatial plans, it must ensure to obtain relevant electricity licenses. Besides, the consent of the Ministry of Economy for an energy facility construction is required for RES-E plants over 1 MW, or over 500 kW for solar PV plants. An environmental impact assessment (EIA) process, however, precedes these procedures. In addition to all wind installations, solar PV and biomass plants above 5 MW are subject to the EIA Act. Subsequently, as a first step in the following grid connection permit procedure, an investor has to submit a request for an opinion to the relevant DSO. Apart from a limited annual number of RES-E capacities to be connected to the grid, only requests on so-called Small Sources up to 10 kW are well accepted by DSOs now. Finally, when an investor implements its RES-E plant, it is eligible to be exempted from an excise tax through filling-out of a tax return.

Except for a still prevalent (partial) connection moratorium for RES-E, the Slovak RES sector has been facing numerous challenges. If a RES developer intends to build a RES-E plant with a capacity of more than 1 MW, it is obliged to obtain the aforementioned ministerial consent, which significantly increases the administrative burden for such investments. In addition to lengthy zoning and construction procedures, the process of the EIA does not seem to function well either. For instance, so-called full EIA is requested for wind power plant projects regardless of their installed capacity. Also, an already time-demanding EIA process is exacerbated by subjects which tend to raise unreasonable requests, leading to further delays. Moreover, RES-E operators are legally obliged to pay for a costly so-called G-component. Such legislation conflicts with the EC’s Wind Energy Package, according to the main Slovak RES association.

Table 1 contains a traffic light assessment of the relevant process steps for the installation of solar PV, onshore wind and biomass power plants in Slovakia.

Table 1: Traffic light assessment of the relevant process steps

Process step	Site selection	Electricity production license	Application preparation process	Administrative authorisation	Grid connection permit	Corporate legal-fiscal	Other
PV ground-mounted	Green	Green	Grey	Red	Magenta	Green	Grey
PV rooftop	Green	Green	Grey	Yellow	Magenta	Green	Grey
Onshore wind	Green	Green	Grey	Red	Magenta	Green	Grey
Biomass	Green	Green	Grey	Red	Magenta	Green	Grey

■ No barriers identified	■ Moderate barriers identified
■ Minor barriers identified	■ Not relevant for target country
■ Severe barriers identified	■ No projects implemented

Table of contents

Executive summary	2
1. National RES targets and relevant RES technologies	4
2. Administrative and grid connection procedures	5
2.1. Relevant process steps.....	5
2.1.1. Site selection	6
2.1.2. Electricity production licence.....	8
2.1.3. Administrative authorisation	9
2.1.4. Grid connection permit.....	16
2.1.5. Corporate-legal fiscal	21
3. Use of IT systems.....	22
4. Complaint procedure.....	23
5. Specific features to ease administrative procedure	25
6. Indicators to measure the performance of the overall process.....	26
References	28

1. National RES targets and relevant RES technologies

Slovakia is planning to increase the overall share of renewable energy in its gross final energy consumption from 14% in 2020 to 19.2% in 2030 according to the National Energy and Climate Plan (NECP; MHSR, 2019). In the electricity sector (RES-E), the share is to be increased from 22.4% to 27.3%. In line with the figures provided in the Slovak NECP, the country aims at an increase of 6 percentage points in the heating and cooling sector (RES-H&C) totalling at a 19% share in 2030 (MHSR, 2019).

The country already greatly surpassed its overall 2020 RES target of 14% by almost 3% in 2019. The RES-H&C sector was the main contributor to the rapid overall year-on-year share's increase from 11.9% in 2018 to 16.9% in 2019. In the sector, the share almost doubled between the years, from 10.6% to 19.7%. The reason for such a huge leap is an addition of households' RES-H contribution to the national statistics, which was totally missing so far (Potočár, 2021). Therefore, according to the Eurostat's statistics SHARES, Slovakia also met its 2030 RES-H&C target of 19% in 2019 when already a 19.7% share was recorded (Eurostat, 2021).

Building on the previous paragraph, the country's further RES deployment is projected to mainly expand in the RES-E sector in coming years. According to the final NECP, an increase of approx. 5 percentage points is to be achieved between the years 2020 and 2030. The foreseen growth in the sector should be mainly ensured by the development of the country's wind power and solar PV capacities. The planned rise in the Slovak wind power sector is worth highlighting because currently, the country operates its second-lowest installed capacity of approx. 3 MW in the EU-27 (Eurostat, 2021). According to the overarching energy and climate policy document for the years to come, the country should experience a huge increase in its wind onshore capacities, peaking at 500 MW in 2030. Apart from the hydro-power sector, a significant upward trend is envisaged in the biomass sector (esp. biogas and biomethane) (MHSR, 2019). As a result, and in line with the aforementioned information, the report scrutinises relevant permission procedures in the RES-E sector, with a particular focus on onshore wind power, solar PV and biomass technologies.

Last but not least, it should be noted that Slovakia has been still facing (partial) connection moratorium, which applies to all renewables generating electricity except for small-scale ones of up to 10 kW (Valach, 2020). Figure 1 displays the annual deployment of PV and onshore wind between 2010 and 2019 and underlines the consequences of the moratorium, leading to an almost complete stop of deployment in both technologies since 2014.

Figure 1 displays the annual deployment of solar PV between 2010 and 2019. It can be observed that the deployment mainly took place until 2013, and only minor deployment took place in 2018.

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

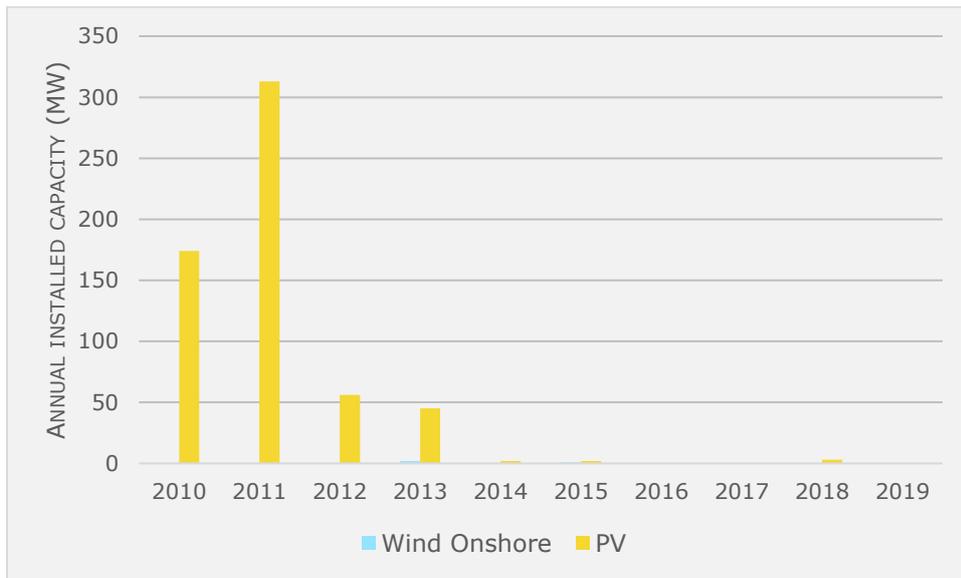


Figure 1: Annual installed capacity of PV and Wind onshore 2010-2019 (source: EurObserv'ER)

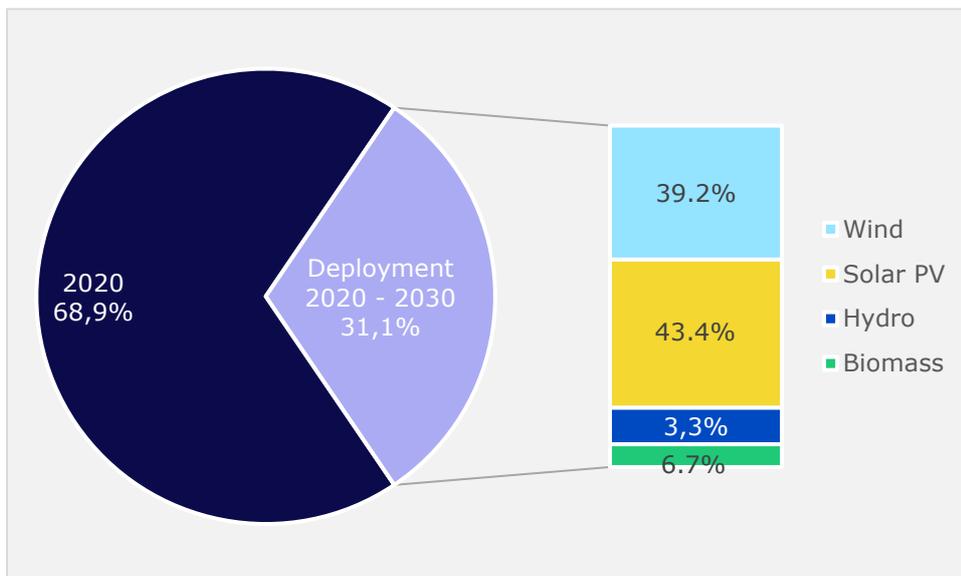


Figure 2: Planned deployment of RES-E 2020-2030 in relation to past deployment (source: NECP)

2. Administrative and grid connection procedures

2.1. Relevant process steps

The first step towards the realisation of a renewable energy project is choosing a suitable site, including renting or buying the property where an investor plans to construct the installation. When the investor applies for a zoning decision, it should inform beforehand whether an envisaged activity is following the existing spatial plans, with the planned usage of the land concerned. In the case of new land-use documents or their revisions, the strategic environmental assessment's (SEA) provisions apply accordingly. When identifying suitable sites for wind plants, investors may utilise the Ministry of Economy's

Directive on Wind Plants' Localisation (2010), which sets standards for their placing in the country.

As far as an electricity production license is concerned, these are issued either in the form of permits or certificates, depending on the type and size of a plant. In the case of RES-E prosumers, none of them is required.

Most permitting and spatial planning work is undergone in the administrative authorisation part. Processes governed by the EIA Act and Building Act are relevant and are commonly the most time-consuming ones out of all relevant processes. In the environmental impact assessment (EIA), all wind projects are mandatorily assessed (so-called full EIA). For PV solar plants and biomass facilities producing electricity (RES-E), this limit is set up to 50 MW for an investigation process, respectively 50 MW or more for the full EIA. Zoning proceedings and building construction proceedings are also dependent on the certain type of a RES plant. For example, solar PV installations may be legally allowed either based on a building permit, the change of building's use or written notification. In case of small wind installations, these are authorised only through a notification in the merged zoning and construction proceedings. For remaining ones, the full process ending with a construction permit applies, together with the Transport Authority's approval. Finally, in the case of RES-E projects over 1 MW and solar PV plants over 500 kW, a certificate for an energy facility construction issued by the Ministry of Economy (MoEc) is envisaged.

Once all the necessary permits have been obtained, the project will proceed to the grid connection permit stage. Although it is a relatively straight-forward process, Slovakia has been still facing (partial) connection moratorium (so-called freeze status). Nevertheless, RES-E plants are given priority connection, and electricity from renewable sources must be given priority dispatch. So-called Small Sources up to 10 kW of installed capacity and Local Energy Sources with the total installed capacity not higher than 500 MW enjoy additional preferential grid connection access.

Finally, as a part of the corporate legal-fiscal process, the generation of RES-E from all researched technologies is encouraged by an exemption from excise tax in the form of a tax return. In the case of Small Sources up to 10 kW of installed capacity, these are directly exempt from electricity tax without any additional tax registration requirements.

2.1.1. Site selection

Process flow

Concerning the site selection process, procedures under territorial/spatial planning and strategic environmental assessment (SEA) are relevant.

Referring to § 8 par. 1 of the Building Act, territorial planning documentation comprehensively addresses the spatial arrangement and functional use of the territory. In Slovakia, there are four levels of spatial planning documentation processed for the national (Ministry of Transport and Construction of the Slovak Republic), regional level (respective self-governing region), municipalities (obligatory for municipalities with over 2,000 inhabitants), and parts of the municipality (municipality).¹

¹ According to the law, municipalities and self-governing regions are obliged to regularly, but at least once every four years, review the approved zoning plan, whether its amendments or additions are not necessary or whether a new spatial plan needs to be procured (§ 30 of the Building Act).

In line with the definition of a strategic document, if new land-use documentation or its revision is required, the SEA provisions apply accordingly (Kanderková and Kováčová, 2013).

Territorial planning

When an investor applies for a zoning decision, as a first step, it has to inform whether an envisaged activity is in accordance with the existing spatial plans, with the planned usage of the land concerned. Changes or additions (e.g., another type of buildings should be added as eligible to certain locality) to the binding part of the spatial planning documentation, which might be also proposed by natural and legal persons, shall be approved by the authority that had approved the original spatial planning documentation, and in such cases, the provisions should be applied adequately.

With regards to costs associated with the acquisition of spatial planning documentation, they shall be borne by the spatial planning authority which procures it. However, the spatial planning authority may demand partial or full reimbursement of the costs of obtaining spatial planning documentation from subjects (incl. natural persons or legal entities) whose sole need caused the acquisition of spatial planning documentation.

Strategic Environmental Assessment (SEA)

An important moment in the functionality of the SEA process is the determination of a so-called Competent Authority that assesses and directs the whole process and finally develops the final output of the assessment. The Competent Authority is the state administration body that fulfils the obligations in the area of impact assessment on the environment. It is the Ministry of Environment (MoEn), a district office in the seat of the region, and a district office (if it is not in law stated otherwise). Two types of processes can occur in the SEA process, namely the mandatory evaluation and (b) the investigation. The process of mandatory evaluation applies to strategic documents prepared for the area of energy, territorial planning, the environment, and others (MoEn et al., 2017).

In case of a supplement or change in the spatial planning documentation, they must be in line with the existing spatial planning documentation and, therefore, it is defined as its minor modification only.² In such cases, an investigation follows (Methodical Guidance on Spatial Planning Documentation with the EIA Act).

The mandatory evaluation of the strategic document consists of the following steps:

1. Communication on the strategy paper and its comments;
2. Determining the scope of evaluation of the strategic document and the time schedule;
3. Report on the evaluation of the strategic document together with the draft strategic document and their comments;
4. Public discussion of the evaluation report together with the draft strategy paper;
5. Expert opinion on the strategic document;
6. Final opinion from the assessment of the strategy document.

If a mandatory evaluation of strategic documents with a national impact is realised, instead of point No. 6, an opinion of the MoEn is envisaged. Moreover, an environmental impact clause is elaborated as the last step (No. 7) of the mandatory evaluation process.

² Details on the content and structure of the report on the evaluation of the strategic document, which is the spatial planning documentation, are given in Annex No. 5 of the EIA Act.

In the investigation process, it is being decided on whether the draft strategy paper will be assessed by the law. If the document is assessed, it follows the steps as provided above.³ If it is not the case, the process ends (MoEn et al., 2017).

Deadlines

Territorial planning

The draft of spatial planning documentation must be issued for public inspection within 30 days. The public is entitled to submit comments on the draft spatial planning documentation within 30 days from the date of notification (§ 22 par. 1 of the Building Act). In the case of zonal planning, the municipality shall publish the draft zoning plan on the official notice board for at least 30 days and shall invite natural persons and legal entities in the usual manner in the place to comment on it. Before the deadline, the municipality shall convene a public hearing for the inhabitants of the municipality; at a public hearing, the municipality will provide an expert interpretation of the processor (§ 23 par. 1 of the Building Act).

Strategic Environmental Assessment (SEA)

For the mandatory evaluation as well as for the investigation the maximum duration period is given. In the first case, the total duration of the process is 111 days. In the second one, it should not last longer than 35 days. However, these periods do not include time required for preparatory work, deadlines caused by returning the documentation for completion (additional time period is provided), and the time needed to clarify the comments and requirements for the purpose of issuing a decision.

Detected barriers

No barriers related to this process were identified.

Identified good practice

No good practice related to this process was identified.

2.1.2. Electricity production licence

Process flow

In Slovakia, it is possible to do business in the energy sector only based on the authorisation issued by the Regulatory Office for Network Industries (RONI), which might be either a permit to conduct business in the energy sector or a certificate of fulfilment of the notification obligation.

As far as the permit is concerned, according to § 4 par. 1 Letter a of the Energy Act, the production, transmission, distribution and supply of electricity is considered energy business. It is, however, not required for the production and supply of electricity by electricity-generating installations with a total installed capacity not exceeding 1 MW (§ 6 par. 4 Letter a of the Energy Act). Regarding the certificate, persons carrying out

³ A strategic document enters the investigation procedure if it does not meet the criteria according to § 4 par. 2 of the EIA Act, i.e., it is not a type of strategic document that is obligatorily assessed, but if it falls under one of the following categories: (1) strategic document, not included in the range of strategic documents that are the subject of environmental impact assessment, but nevertheless provides a framework for approval one of the proposed activities listed in Annex No. 8 of the EIA Act, including its amendment; (2) the strategy paper set out in the range of strategy papers to which the environmental impact assessment applies, but it is the type of strategic document, which determines use of small areas at local level; (3) a minor change to a strategy paper within a range of strategy papers subject to the environmental impact assessment (MoEn et al., 2017).

activities for which no authorisation is required are subject to one-time notification obligation only. The certificate of compliance with the notification obligation issued by the RONI is a document of the right to conduct business.

In addition, no authorisation to conduct business in the energy sector (neither permit nor certificate) is needed for electricity production for own consumption (i.e., prosumers).

The following process steps need to be completed to obtain the permit:

- The permit shall be issued by the RONI on the basis of a written application. At the same time, an applicant is obliged to prove the fulfilment of conditions according to the Title I of Energy Act, incl. professional competence (RONI, 2020).
- Upon receipt of the application, the RONI shall immediately issue an acknowledgement of receipt to the applicant.
- A person who has been issued a permit to conduct business in the energy sector (except for a foreign person) is obliged to submit a proposal for entry of the permitted activity in the Commercial Register.

Deadlines

Regarding the permit, upon receipt of the application, the RONI shall immediately issue an acknowledgement. The RONI shall immediately inform the applicant/ relevant single point of contact on the issuance of the permit or of the rejection of the application. A person who has been issued a permit to conduct business in the energy sector is obliged to submit a proposal for entry of the permitted activity in the Commercial Register within 30 days from the date of entry into force of the decision (§ 8 par. 5 of the Energy Act).

With regards to the certificate, persons carrying out activities for which no authorisation is required are subject to a one-time-only notification obligation, which shall notify the RONI within 30 days of the commencement, termination and change of such activity (§ 4 par. 7 of the Energy Act).

Detected barriers

No barriers related to this process were identified.

Identified good practice

No good practice related to this process was identified.

2.1.3. Administrative authorisation

Process flow

As far as administrative authorisations are concerned, the environmental impact assessment (EIA) process, zoning and construction procedures, and obtaining a certificate for an energy facility construction are relevant.

Regarding the proposed activities subjected to the EIA, they are listed in Annex No. 8 to the EIA Act. In its Chart No. 2 on the energy industry (Item No. 3), wind generating installations are defined as facilities without any limit. The EIA is therefore mandatory in case of the construction of all wind plants in Slovakia, including small-scale installations

up to 10 kW of installed capacity.⁴ Concerning photovoltaic power plants, the provisions of the EIA Act apply solely for PV plants over 5 MW. In the case of plants in the power range between 5 and 50 MW, an investigation process follows. For PV plants with the installed capacity of 50 MW and higher, the mandatory assessment applies (EIA Act, Annex No. 8, Chart No. 2, Item No. 13). These limits also apply to biomass plants producing electricity. Additionally, the competent authority may decide that the not listed activities may be subject to the EIA process on the basis of a written initiative of members of the public (§ 19 of the EIA Act).

Concerning the zoning and construction proceedings, the Building Act differentiates between two types of solar PV installations placed on the roof or outer walls of the buildings in Slovakia (Hudcovská, 2011). First, there is a photovoltaic power plant which is defined as a device for the production of electricity from solar energy (RES-E), most often located directly on the roof structure or the perimeter of the building, the power of which is fed directly to the distribution system. The device connected in this way serves primarily for the production of electricity for supply to the distribution system. In such cases, the change in the use of the building, which is connected with the change of the building usage, will be discussed by the respective building authority during the construction proceedings. Second, there is a photovoltaic facility for the production of electricity from solar energy (RES-E), most often located directly on the roof structure or perimeter of the building, the power of which is output to the building's own electrical installation. In such cases, no building permit is required. It is, however, important that the placement of the panels on the roof does not significantly change the appearance of the building, interfere with the load-bearing structures of the building nor the way the building is used is changed (§ 55 par. 2 Letter c of the Building Act). If it is the case, a builder is allowed to carry out the works after written notification to the respective building authority (§ 57 of the Building Act; Hudcovská, 2011).

With regards to wind power facilities, if an applicant intends to implement a small wind power installation with a built-up area not exceeding 300 m² and the height of the building does not exceed 15 m, such construction can be authorised solely through a notification in a merged zoning and construction proceeding. Otherwise, the zoning proceeding is followed by the construction one with the construction permit issued at its end (Ježík, 2018).

Last but not least, general provisions of the Building Act apply to biomass plants generating electricity (RES-E).

Mandatory Environmental Impact Assessment (so-called full EIA)

The full EIA consists of the following steps (MoEn et al., 2017):

- Intention and its commenting procedure. An applicant (e.g., a RES investor/developer) shall deliver a project intention (e.g., one on a RES plant's construction) to the competent authority⁵. It must be made available to the

⁴ With regards to wind power plants, there is a MoEn's Directive on Wind Plants' Localisation (2010) which serves environmental authorities at different levels as well as investors to identify suitable sites before and also in the process of environmental impact assessment (EIA). It sets standards for placing of wind plants and wind parks in the country. Besides, there is also a Methodology for Assessing the Visual Impact of Wind Farms and Wind Parks on the Landscape (Jančura et al., 2010), which builds on the MoEn's Directive on Wind Plants' Localisation (2010) and is applied in the EIA process. The Methodology derives from the Methodology of Identification and Evaluation of the Characteristic Appearance of the Landscape (2010).

⁵ Similarly to the SEA process, the competent authority is the state administration body that fulfils the obligations in the area of impact assessment on the environment. It is the Ministry of Environment (MoEn), a district office in the seat of the region, and a district office (if it is not in law stated otherwise). Therefore, which authority is the competent one depends on what is being decided. It is the MoEn for project intentions, which

public. The project intention is the first documentation that is developed in the initial (pre-project) phase of project preparation. The purpose of the intention is to provide basic information about the activity proposed, about the environment in which it is to be implemented, its foreseen effects, and it also includes proposals for measures to eliminate, reduce or compensate its negative impacts (MoEn et al., 2017, p. 48).

- Determining the scope of the evaluation and the timetable. The competent authority shall publish the scope of the evaluation of the proposed activity, deliver it to the subjects concerned, and also to the applicant. The applicant and the municipality shall inform the public about the scope of its evaluation and enable to comment on it.
- The evaluation report and its commenting procedure. The applicant shall submit an activity assessment evaluation report to the competent authority. The competent authority shall publish it on the MoEn's website and deliver it to the subjects concerned and non-governmental organisations. Written opinions shall be delivered to the competent authority as a next step.
- Public consultation of the project intention. A public hearing is ensured by the municipality concerned in cooperation with the applicant. They together also decide on its exact form. At the public hearing, the applicant's duty is to provide a qualified interpretation of the issue, addressed by the evaluation report together with its main results.
- Expert opinion. A professionally qualified person shall draw up an expert opinion on the proposed activity and deliver it to the competent authority.
- Final opinion. The competent authority shall deliver the final (binding) opinion to the subjects concerned and publish it on the MoEn's website.

In subsequent administrative proceedings, the public has the right to be a participant if its members have been involved in the EIA process (if the EIA preceded the authorisation).

Zoning and constructions proceedings

The zoning and construction proceedings consist of the following steps:

Application for a zoning decision⁶

Placing buildings, changing land use and protecting important interests in the territory can only be based on a zoning decision, which is also a decision on the location of the construction. The main condition for issuing a zoning decision is that the proposed change in the territory is in accordance with the existing zoning plan of the municipality and the zoning plan of the zone. Therefore, as a first step, an investor has to inform whether an envisaged activity is in accordance with the existing zoning plans, with the planned usage of the land concerned. The building authority is responsible for territorial proceedings. However, if a territorial authority other than the respective building authority is competent under the special regulations for the territorial proceedings issuing

are mandatory assessed (i.e., full EIA). For instance, wind plants, and solar PV or biomass plants of over 50 MW. A district office is the competent authority under the EIA-related investigation procedures. A district office in the seat of the region is relevant for the assessments based on the issued decisions, expert opinions of the state bodies for nature and landscape protection respectively (MoEn et al., 2017, p. 39).

⁶ An application for a zoning decision belongs to the site selection process, however, it is interconnected with construction proceedings because these proceedings might be also merged. A zoning together with a construction decision might be issued at the same time in some cases. More precisely, according to § 39a par. 4 of the Building Act, the respective building authority shall combine the territorial procedure for the location of the building with the construction procedure of a simple building or its extension and superstructure, if the conditions of the location are unambiguous with regard to the conditions in the territory; in the case of other constructions, it shall do so provided that the conditions for their location result from the zoning plan of the zone.

the decision on the use of the territory or on the protected area or protection zone, this authority shall agree on the draft decision or measure with the responsible building authority (§ 33 of the Building Act).

The Transport Authority is a concerned body of the state administration in the field of civil aviation, according to the provisions of § 28 par. 3 and § 30 of Aviation Act. It is the case in the permitting process for constructions (incl. wind plants) and equipment of a non-construction nature in the protection zones of aerodromes and aeronautical ground facilities, as well as for other structures that could jeopardise air safety. Therefore, it is necessary to ask the Transport Authority for approval in case of certain activities.⁷

Application for a construction permit

A construction permit is required for constructions (e.g., a RES plant) of all kinds, irrespective of their construction, purpose and duration. There are, however, a few exceptions when only a notification to the relevant building authority (i.e., construction/building office) is required such as, for example, in the case of small-scale constructions which fulfil an additional function to the main construction and which cannot significantly affect the environment (e.g., such as micro wind installations as provided above; § 55 of the Building Act).

Proposal to issue an occupancy permit

The occupancy permit constitutes the right to use the construction and the obligation to use it only for the purpose specified in the occupancy permit. It is issued by the relevant building authority. In general, this permit is relevant for all RES-E plants, i.e., constructions with construction permits.

Certificate for an Energy Facility Construction

If an investor decides to construct a RES plant with a higher output than 1 MW and solar PV plant with a higher output than 500 kW, the MoEc's consent in the form of a certificate is needed (§ 12 par. 2 of the Energy Act). In the case of increasing original capacities over the defined energy outputs, it is required, too. The certificate for the construction of an energy facility is a document for territorial and construction proceedings and a document for an application for connection of an electricity production facility to the transmission system or the distribution system (MoEc, 2020).

The following process steps relate to the certificate's issuance:

1. The certificate for the construction of an energy facility is issued by the MoEc on the basis of a request from an applicant. Identification information on the applicant and investment plan is to be provided. In the case of electricity generating facilities, the following documents are also required:
 - a) relevant distribution system operator's (DSO) opinion, incl. its assessment of free capacity available for grid connection;
 - b) electricity transmission system operator's (TSO, i.e., SEPS) opinion;
 - c) RONI's opinion for plants with 1 MW of installed capacity and more;

⁷ For instance, for constructions, facilities of non-construction character, use of construction mechanisms and activities which by its height, by their nature respectively, could violate the restrictions imposed by the protection zones of an airport or aeronautical ground facility (§ 29 par. 3); constructions and equipment 100 m or more above terrain (§ 30 par. 1 Letter a); constructions and equipment 30 m or more high located on natural or artificial elevations that extend 100 m or more above the surrounding landscape (§ 30 par. 1 Letter b of the Aviation Act) and others.

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

- d) a proof of professional competence for electricity generating plants with over 30 MW of installed capacity;
 - e) demonstration of experience (solemn declaration) for installations with an output of more than 30 MW;
 - f) opinion of the parties concerned (MoEc, 2020).
2. If the applicant's investment plan is following the Energy Policy, the MoEc shall issue the certificate. The MoEc is required to publish the criteria for issuing a certificate for the construction of energy facility designed to ensure compliance with Energy Policy (§ 12 par. 14 of the Energy Act).⁸
- A successful applicant is obliged to inform the MoEc about the status of preparation and progress of construction of the electricity facility (§ 13 par. 16 of the Energy Act).

Deadlines

Mandatory Environmental Impact Assessment (so-called full EIA)

Intention and its commenting procedure

An applicant shall deliver a project intention to the competent authority, which shall have the possibility to return the project within 7 working days for completion. It must be made available to the public for at least 21 days from the publication of the information on its delivery. Members of the public may give an opinion on the intention within 21 days from the day when they learnt of its publication. If the proposed activity is to be the subject of the impact assessment, an applicant is obliged to deliver the intention with the requirements according to the law to the competent authority before commencing the authorisation procedure for the proposed activity.

Determining the scope of evaluation and timetable

The competent authority shall publish the scope of the evaluation of the proposed activity on its website, deliver it to the subjects concerned, and also to the applicant within 15 days. The applicant and the municipality shall inform the public about the scope of the evaluation and enable it to comment on it within 10 days.

The evaluation report and its commenting procedure

The applicant shall submit an EIA report to the competent authority (the competent authority has the possibility to return the evaluation report within 7 working days for completion), which elaboration and delivery may be limited in time. The competent authority shall immediately publish it for comments on the MoEn's website and deliver it without delay to the subjects, incl. the public concerned.

Public consultation of the project intention

The municipality concerned announces the date and the place of the public hearing at least 10 working days before it is taking place.

Expert opinion

Within 60 days from the delivery of the notification on the designation of a professionally qualified person, the person shall draw up an expert opinion on the proposed activity and deliver it to the competent authority. This period may be extended by the competent

⁸ The Energy Policy is approved by the Government of the Slovak Republic on the proposal of the MoEc (§ 12 par. 3 of the Energy Act).

authority by a maximum of 30 days in justified cases and shall be notified to the applicant.

Final opinion

Within 30 days from the delivery of the expert opinion, the professionally qualified person will draw up a final opinion. Within 30 days of the issuing of the final opinion, the competent authority shall deliver the final opinion to the subjects concerned and publish it without delay on the MoEn's website. The final opinion shall be binding for the subsequent authorisation procedures and shall be valid for 7 years from the date on which it becomes final.

The total duration of the mandatory EIA is 190 days. This period, however, does not include the following:

- time required for preparatory work, including the processing of the notification, resp. evaluation report (incl., ornithological studies mandatorily conducted for wind power plant projects within the EIA process, which normally takes approx. 6-24 months, for instance);
- deadlines caused by returning the documentation for completion (additional time period is provided);
- the time needed to clarify the comments and requirements for the purpose of issuing a decision;
- deadlines arising from the Administrative Code (see footnote No. 18 for more information).

Zoning and construction proceedings

In line with the Building Act, the relevant construction authority is obliged to issue a zoning decision within 30 days from the commencement of the proceedings. In particularly complex cases, it shall take a decision within 60 days at the latest. If the administrative body cannot decide within 30 or 60 days, it is obliged to notify the party to the proceedings, stating the reasons (§ 49 of the Administrative Code). The zoning decision is valid for two years. The same deadlines apply for issuing of construction permits.

According to the results of the building procedure, the building authority issues a decision. The deadline for issuing a construction permit begins to run only after the builder submits a complete application together with complete attachments. If it is the case, the building authority will announce the commencement of the construction proceedings within 7 days of submitting a complete application.

The building permit is delivered to all participants in the construction proceedings who can appeal against it. If they do not do so, after the expiration of the legal period (15 days from the delivery of the decision to each participant) it becomes effective and the builder can start with the construction (after announcing the commencement of construction; § 66 par. 3 Letter h of the Building Act). Also, the building permit expires if the construction has not begun within two years from its effective date unless the building authority has in justified cases determined a longer period to start the construction.

Certificate for an Energy Facility Construction

If the applicant's investment plan is in line with the Energy Policy, the MoEc shall issue a certificate within 60 days from the date of delivery of the application; this period may be extended by 30 days (§ 12 par. 7 of the Energy Act). If the application for the issuance of the certificate is incomplete, the MoEc shall invite the applicant to complete the

application within the specified period, otherwise it shall stop the proceedings. A successful applicant is obliged to inform the MoEc in writing once a year about the status of preparation and progress of construction of electricity facility from the validity of the decision (§ 13 par. 16 of the Energy Act).

Detected barriers

Poor access to land. The overall situation regarding the access to land in Slovakia is unfavourable for several reasons. Firstly, lands are fragmented into tiny parcels in the vast majority of the country's territory, and parcels are owned by a high number of owners. Therefore, it is very challenging and time-consuming to obtain land plots of a bigger size. Secondly, there is the other major issue with "unidentified" landowners as well as the lands that belongs to non-living ones. Hence, it is not possible to buy and/or rent and/or lease such land for building purposes of RES plants. However, it is legally possible to use agricultural land for building purposes, but there are certain fees for agricultural land status change. The fee value depends on agricultural land quality. There is no special regime for RES projects applied in the country yet (Solar Power Europe, 2020).

Requirement of so-called full (mandatory) EIA in case of small wind power installations. Annex No. 8 to the EIA Act lists the proposed activities subjected to the environmental impact assessment (EIA). In its Chart No. 2 on the energy industry (Item No. 3), wind generating installations are defined as facilities without any limit. The EIA is therefore obligatory for the construction of all wind plants in Slovakia, including small-scale installations up to 10 kW of installed capacity (so-called Small Sources).

On the one hand, the national subsidy scheme Green to Households has theoretically made it possible to install small wind power plants since the end of 2015. On the other hand, all wind power installations, including the micro-ones, must be subjected to the mandatory evaluation procedure. The whole process usually lasts more than a year (see the previous subsection) and the required measurements cost thousands of Euros. In addition, for small and even medium wind turbines it can be considered as an excessive requirement from decision-makers. One expert has noted that in the National Council of the Slovak Republic (NR SR) there existed amendments of the Acts No. 24/2006 Coll. and No. 309/2009 Coll., which proposed also an exception in elaborating the EIA for wind power plants with lower performance (e.g., for electricity generation for households). However, these changes have not been supported by the majority of the Slovak Members of Parliament (MPs) until now (Valach, 2020).

Since a new Slovak Government was formed in March 2020, the members of which had proposed the discussed amendments in the NR SR, it seems that these changes will be implemented in the ongoing parliamentary term. Moreover, according to the news from November 2020, the Government plans to revise the current EIA Act next year, which should create a more effective framework for this process and shorten assessments as much as possible. Also, it seems that not all wind facilities should be mandatory assessed (Valach, 2020; Galek, 2020; Karaba, 2020; Pravda, 2020).

Diverse entities prolong the EIA process. In Slovakia, the environmental impact assessment (EIA) currently allows basically everyone (i.e., the general public) to enter the process. According to stakeholders, there is mainly one entity particularly active in this matter, which even does not seem to have a legitimate interest in all major construction projects in the country. This is reflected in the fact that it comments on almost all such investments (incl. RES plants) once they enter the EIA process.

Rajničová (2020) mentions that the Association of House Administration led by Mr Slávik sends formal comments (often unreasonable such as requests to build fountains, statues, etc.) on individual constructions and if the authorities exclude it from the process, it appeals against the decision. This, however, results in significant time losses due to the extended period for subsequent approval and authorisation processes. As she adds, as soon as a subject becomes a participant in the EIA procedure, it participates in all upcoming proceedings, from the territorial through construction to the end of its approval procedure. Building on unconfirmed information, it seems that once an investor (incl. major developers) enters the association or cooperates with it otherwise and also supports it financially, the association withdraws its comments and the proceedings continue smoothly.

According to news from December 2020, the MoEn is preparing a draft act amending the EIA Act (No. 24/2006 Coll.), which should speed up and improve the processes. Among others, a change in the circle of entities which may enter the EIA process is envisaged (SME, 2021; Galek, 2020; Karaba, 2020).

Requirement of the MoEc's Consent for RES-E Plants over 1 MW. If an investor decides to construct a RES plant with a higher output than 1 MW and solar PV installations with a higher output than 500 kW, the permission of the MoEc (certificate for an energy facility construction) as well as the permit issued by the RONI for RES exceeding 1 MW is needed (§ 12 par. 2 of the Energy Act No. 251/2012 Coll.). In the case of increasing original capacities over the defined energy outputs, the permissions are required, too. This increases the administrative burden for larger investors, incl. the ones who will decide to participate in newly introduced RES auction rounds since it is very demanding from the administrative perspective (several documents and opinions are required as provided above), according to stakeholders. The MoEc argues that there are great concerns in Slovakia that if, for example, large-scale wind power projects get realised, they will cause instability in the transmission system due to their natural volatile power generation (Valach, 2020; Jambrich et al., 2020).

Identified good practice

No good practice related to this process was identified.

2.1.4. Grid connection permit

Process flow

In Slovakia, access of electricity from renewable energy sources to the grid is mainly regulated by the RES Act. Renewable energy plants must be given priority connection, and electricity from renewable sources must be given priority dispatch.

Operators of small renewable installations producing electricity up to 10 kW (so-called Small Sources) are entitled to a simplified grid connection procedure. Also, an operation of Small Sources is not considered an energy business, unless it is incentivised through a Feed-in Tariff (FIT; § 4 par. 4 of the Energy Act).

Besides, as of 1 January 2019, Slovakia promotes the deployment of decentralised large-scale RES-E plants through the implementation of so-called Local Energy Source's concept. According to § 2 par. 3 Letter n of the RES Act, the Local Energy Source is a facility for the production of electricity from RES which is generated to cover the consumption of an offtake point with the total installed capacity not higher than 500 kW.

Although such plants are not eligible to be operational with state-purchasing prices, they are exempt from the payment of the Tariff for the System Operation (TPS).⁹ Also, an operator has additional preferential grid connection rights (§ 4b par. 2 of the RES Act).

The following process steps relate to the issuance of grid connection permit:

- Request for an opinion. DSOs currently do not accept requests for an opinion on connection to the distribution grid (for more information on the connection moratorium and conditions applicable for so-called Small Sources and Local Energy Sources see below).
- Application. In the case of a positive opinion, as a next step, the operator of a renewable energy plant shall apply for a grid connection agreement.¹⁰
- Agreement. After a plant operator has paid the connection fee for its plant, the DSO is obliged to connect the plant to its grid if it complies with the technical requirements and the terms and conditions for connection to the grid, and others (§ 5 par. 2 and 3 of the RES Act). In such cases, the DSO is obliged to extend its grid on the request of an electricity producer in question, if the connection of a plant to the grid requires the grid to be extended. If the construction of a plant requires the certificate for an energy facility construction, the DSO is obliged to extend the grid only upon the submission of the respective certificate.
- Connection. A plant may be connected to either the transmission or the distribution grid provided that a secure, reliable and stable operation of the grid is ensured (§ 5 par. 2 of the RES Act).

Small-scale devices

The following process steps related to the issuance of grid connection permit in case of simplified procedures for small and decentralised energy sources:

- a) Small-scale RES-E up to 10 kW of installed capacity (Small Sources)
 - Request for an opinion on connection to the distribution grid. A DSO is obliged to send an opinion on the reserved capacity for the connection of a Small Source based on an applicant's request for the opinion.
 - Notification on putting a source into operation. The producer or a person authorised by him shall notify the relevant DSO on the date of putting the Small Source into operation beforehand.
 - Notification of operation. As a next step, a small electricity producer shall deliver to the relevant DSO a notification of the operation of a Small Source (§ 4a par. 3, 4 and 6 of the RES Act).
- b) Decentralised RES-E up to and including 500 kW of installed capacity (Local Energy Sources)
 - Request for an opinion. A DSO is obliged to announce an opinion on the reserved capacity for the connection of a Local Energy Source based on the

⁹ The state supports the development of renewables producing electricity mainly via a FiT (known as support through a surcharge in the Slovak RES legal framework), which is secured through the TPS, representing part of the electricity price for final electricity consumers (households as well as businesses). The TPS forms a significant part of final electricity price since it also subsidises combined heat and power production (CHP) plants and it still incentivises the domestic coal mining. According to the RONI's data, it represents approx. 22.1% of the final electricity price. In Slovakia, its value increased from EUR 2.72 per MWh in 2009 to EUR 23.621 per MWh in 2020 (Valach, 2020).

¹⁰ A distribution system operator (DSO) shall provide the following information to a given operator of electricity from renewable sources, which asks for connection: a cost estimate for connection; an estimated date when the application for connection will be accepted and processed; a schedule for any proposed grid connection (§ 5 par. 6 Letter a-c of the RES Act).

request (§ 4b par. 5 of the RES Act). There are the maximum capacity limits for Local Energy Sources announced by the MoEc annually.

- Application for grid connection. An applicant must request the grid connection on the basis of § 4b on the Local Energy Source of the RES Act.
- A notification of the operation of a Local Energy Source. The complete notification should be delivered by the end of the validity of the DSO's opinion on the reserved capacity to the DSO (§ 4b par. 3 Letter c of the RES Act).
- Confirmation of electricity production in a Local Energy Source. The RONI shall issue to the electricity producer a confirmation of electricity production in the Local Energy Source upon the delivery of the complete application. The complete application should also include a copy of the contract on connection to the distribution system for the Local Energy Source. A RES-E operator needs such confirmation to be exempted from the payment of the Tariff for the System Operation (TPS).

Deadlines

RES-E plants

Once the plant complies with the technical requirements and the terms and conditions, the grid operator shall connect it to its grid within 5 working days (§ 5 par. 8 of the RONI's Decree on Electricity Market).

Small-scale RES-E up to 10 kW of installed capacity (Small Sources)

In order to be eligible for such connection procedure, an applicant should conclude a contract on connection to the distribution system with a relevant DSO. The DSO is obliged to send an opinion on the reserved capacity for the connection of a Small Source valid for 6 months within 10 working days from the date of delivery of the request for an opinion on connection to the distribution grid. At least 2 days before putting the Small Source into operation, the producer shall notify the relevant DSO. Subsequently, a small electricity producer shall deliver to the relevant DSO a notification of the operation of the Small Source within 5 working days from its commissioning, or until the expiry of the DSO's opinion on reserved capacity at the latest (§ 4a of the RES Act).

Decentralised RES-E up to and including 500 kW of installed capacity (Local Energy Sources)

With regards to the timeline, the DSO is obliged to announce an opinion on the reserved capacity for the connection of a Local Energy Source within 15 working days from the date of delivery of the request for an opinion valid for a maximum of 6 months. The DSO shall also notify the producer of electricity in the Local Energy Source no later than 5 working days before it is disconnected or the electricity distribution is interrupted. This should happen if its maximum reserved capacity is exceeded. In addition, the RONI shall issue to the electricity producer a confirmation of electricity production in the Local Energy Source within 30 days from the delivery of the complete application. If the application is not complete, the RONI shall invite the applicant to complete the application within a specified period, which may not be shorter than 30 days (§ 4b of the RES Act).

Detected barriers

DSOs have announced a connection moratorium. Since December 2013, the entire Slovak RES sector has been facing a connection moratorium (so-called Freeze Status) because all three regional distribution system operators (DSOs) stopped issuing licenses

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

(except for so-called Small Sources up to 10 kW). The Slovak electricity transmission system operator (i.e., Slovenská elektrizačná prenosová sústava; TSO) carried out a study in late 2012, which says that wind and photovoltaic plants with a higher performance destabilise the grid and belong to the category of unpredictable energy sources. All three regional DSOs announced a full or at least partial connection moratorium for all RES installations a year later.

According to the Slovak Association of Photovoltaic and Renewable Energy Industry (SAPI), the MoEc finally partially overcame this major barrier on 27 February 2019. Based on an amendment of the RES Act, which entered into force on 1 January 2019, the MoEc officially announced capacities for some new RES amounting to 43 MW in total for 2019. These capacities were divided into two categories – RES promoted via a FIT (12 MW in total; excluding PV and wind plants) and RES meeting the criteria of the so-called Local Energy Source (up to 500 kW; 31 MW in total) without any claim for direct financial support. However, these limits apply only to three regional DSOs, each one with more than 100,000 delivery points. In June 2019, the MoEc announced 19 MW designated for the Local Energy Sources located throughout Slovakia for 2020. The FIT is totalling 27 MW for RES-E and CHP (15 MW for RES-E only) for 2020. New capacities for 2021 were announced in 2020, too.

Some experts assume that the Freeze Status (in a different form and de facto) still prevails for new RES, which will not be connected once the aforementioned upper limits are reached. The same applies for auctions for large-scale RES over 500 kW announced at the beginning of 2019 as well.

On 3 February 2020, the MoEc launched the first-ever auctions for 30 MW of new RES-E plants with the installed capacity of 500 kW up to and incl. 10 MW (for rooftop PV plants the capacity was lowered to 100 kW - 2 MW). However, on 1 April 2020, the MoEc cancelled the one-round auction round allegedly due to the COVID-19 pandemic. Although a new auction should have already been launched around summer 2020, which was later on postponed to the end of 2020 (with an allocation of 50 MW for PV, wind and biomass plants), according to information from December 2020, it will be open in 2021 at the earliest. The problem the new management of the MoEc is currently dealing with is an accumulated deficit resulting from the Slovak system of RES operational support (in the form of so-called Tariff for the System Operation; TPS). Since a new government composed of totally different political parties took over the power in March 2020, it may happen that the details of a new call for auctions will differentiate (dramatically). For instance, in addition to the technology-neutral auction rounds, technically specific auctions focused on, for example, hydro-power plants should have been launched, too. Also, another type of auctions the current representatives of the MoEc are thinking about is an auction where the state prepares the site and relevant permits and companies would compete only for the supply of technology.

Finally, according to the news from late October 2020, the long-lasting ban on connecting new RES to the distribution network, except for currently permitted exceptions (please see above), should be finally brought to an end in early 2021. This should happen thanks to the completion of a cross-border connection with Hungary. As a result, about 260 MW of new capacity in the electricity grid should be released (Valach, 2020; Karaba, 2020; Galek, 2020; Jambrich et al., 2020; Fečke Gyöngyová, 2020).

Grid fee (so-called G-component). G-component (payment for access to the distribution system or grid fee or G-tariff or G-charge) was introduced in the Ordinance on Price Regulation in Electricity (Decree No. 221/2013 Coll.) in July 2013 by the energy regulatory body (RONI). From January 2014 on, a new fee for grid capacity reservation

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

was applied to all electricity producers. The amount of payment ranges from approx. EUR 17,000 to EUR 21,000 per year per 1 MW of installed capacity. Although currently, RES operators can carry the burden of such payment, the situation might be worse once the operational support (FiT) for RES-E plants expires. Another problem is that the G-component should also apply to new large-scale RES-E promoted by capacity auctions (feed-in premium; FIP) once they are implemented (probably in 2021).

Producers of green energy constantly criticised the RONI for the illegal introduction of an obligation to pay the G-component based only on the contract of connection to the grid. The exception from the so-called G-component applies only to small hydroelectric power installations (up to 5 MW), Small Sources (installations up to 10 kW) whose owners do not do business in the energy sector. Originally, RES operators understood that such exception applies also to newly introduced Local Energy Sources, however, regional DSOs also keep applying it (according to § 27 par. 2 Letter b of the Energy Act) to these RES-E plants (i.e., energy prosumers), which is perceived unlawful by stakeholders.

The majority of stakeholders have identified this payment as the key retroactive measure with negative effects. Furthermore, in July 2016, the finding of the Constitutional Court of the Slovak Republic (Finding No. 220/2016 Coll.; 'PL. ÚS 17/2014-132') declared the G-component fee as unconstitutional. Although the distribution system operators (DSOs) did not take this decision into account and they further applied the fee at the beginning, now they are obliged to return back this fee to RES-E producers for the period before 1 January 2019. For instance, on 26 September 2018, the Regional Court in Žilina confirmed the decision of the District Court Žilina, which as the first court in the country reflected the aforementioned findings of the Constitutional Court in June 2017.

The core of the dispute about the G-component lies in the difference between the terms of access and connection to the distribution grid. According to the Constitutional Court's Finding, entities having no contract on access to the distribution system have no reason to pay the fee. Therefore, only those producers who use the distribution system for trading or have a contractual relationship with a DSO are obliged to pay it. Regarding its retroactivity, the finding of the Constitutional Court states that the contested provisions are not retroactive (but still unconstitutional) because they have not imposed the obligation to pay fees retroactively for the period prior to the date of entry into force of the Decree, but they apply to the future price regulation.

Concerning the amount of the fee, on 14 November 2019, the SAPI and a major electricity producer Slovenské elektrárne offered cooperation on setting a new methodology for the G-component's calculation, which is in line with new EU legislation, to the RONI. More concretely, their first proposal submitted to the RONI suggests the maximum average amount of G-component to EUR 0.5 per MWh. The new methodology was also supported by other organisations, i.e., the Association of Solar Electricity Producers (AVES), the Association of Hydropower Engineers of Slovakia (AHES) as well as the Slovak Biogas Association (SBA). This suggestion was, however, refused by the RONI. In late October 2020, new representatives of the MoEc and RONI admitted its change in the near future.

As of 1 January 2019, the G-component is in accordance with the law since the decision-makers reflected the aforementioned Finding of the Constitutional Court in the major reform of RES Act. As a result of this change, RES-E producers are legally obliged to pay the fee from 2019 onwards. However, according to RES stakeholders, as of 1 January 2020, the G-component is in conflict with the European Commission's Winter Energy Package (Regulation 2019/943 on the Internal Market of Electricity) since it is discriminatory and not cost-related. In this context, the SAPI, Slovenské elektrárne and

Veolia Energia Slovensko submitted a complaint to the EC in October 2020 (Valach, 2020; Karaba, 2020; Jambrich et al., 2020; Fečke Gyöngyová, 2020; Sadloňová and Tóthová, 2019; SAPI, 2020).

Identified good practice

No good practice related to this process was identified.

2.1.5. Corporate-legal fiscal

Process flow

In Slovakia, the consumption of electricity is subject to an excise tax. The generation of electricity from RES is encouraged by exempting it from this tax if its production is proven by the guarantee of origin. All RE technologies (i.e., solar, wind, geothermal, water and biomass) are eligible (§ 7 par. 1 Letter e of the Act on Excise Duty on Electricity; MoF, 2015).

The amount of tax allowance is equal to the amount of tax entitled persons are exempt from. Its value is calculated on the basis of the amount of electricity in MWh generated and the corresponding tax tariff. Since 1 January 2010, the tax on electricity has been EUR 1.32 per MWh (§ 6 of the Act on Excise Duty on Electricity).¹¹

A subject liable to pay electricity tax is a subject who produces electricity from RES (§ 10 of the Act on Excise Duty on Electricity). Such a person is obliged to apply to the customs office for registration of the taxpayer of electricity following § 67 of the Tax Procedure Code as the first step. Before the registration of the electricity taxpayer and the issuance of the certificate of registration of the electricity taxpayer, the locally competent customs office shall verify the required facts. From that moment, the payer of electricity tax is obliged to file a tax return to the relevant customs office regularly. Concerning the tax return, the tax can be refunded only on demonstrably taxed electricity to an electricity taxpayer who has produced tax-exempt electricity with its RES guarantee of origin.

Small-scale devises

In the case of small operators of RES generating electricity up to 10 kW of installed capacity (so-called Small Sources), the above-mentioned steps do not apply and such producers are directly exempt from electricity tax without additional tax registration requirements (§ 15a Act on Excise Duty on Electricity).¹²

Deadlines

Registration. If the facts and data provided by a subject turn out to be true, the relevant customs office shall register the applicant and issue it a certificate of registration of the taxpayer of electricity within 15 days from the date of submission of the application (§ 11 par. 5 Act on Excise Duty on Electricity).

Payment of electricity tax. The payer of electricity tax is obliged to file a tax return to the customs office no later than the 25th day of the calendar month following the

¹¹ Further information concerning the trading and disposing of a guarantee of the origin of electricity from RES and related tax exemptions is provided (in Slovak) in the MoF's Guidance from the year 2015 (MoF, 2015).

¹² Additionally, municipalities are empowered to decide that plots of land where solar PV plants generating electricity from renewable energy sources are located are subject to reduced taxation from real properties (§ 8 par. 4 Local Taxes and Local Fee Act).

calendar month in which he became liable to pay tax (§ 12 par. 2 Act on Excise Duty on Electricity).

Tax return. The customs office refunds the tax within 30 days from the date of filing the tax return or additional tax return if all conditions for a tax refund are met (§ 13 par. 9 Act on Excise Duty on Electricity).

Detected barriers

No barriers related to this process were identified.

Identified good practice

No good practice related to this process was identified.

3. Use of IT systems

(Strategic) Environmental Impact Assessment (SEA/EIA). State administration bodies for the EIA have an obligation to provide information to a comprehensive information system administered by the MoEn. The system for impact assessment consists of five interconnected basic modules (four internal modules and one public) and three main parts (MoEn et al., 2017, p. 60).

The public module called Enviroportal is freely accessible, it does not require a login to the system or any notification. It is a basic platform for publishing outputs from information systems, and it also provides authorised information about the environment in Slovakia. Information for the public and other participants in the EIA process on all proceedings in the process of assessing the impact of strategic documents and proposed activities on the environment, including their changes, can be found within the public module, i.e., in the SEA/EIA Information System.¹³

As the abovesaid Enviroportal serves mainly for information purposes, the EIA processes themselves are still administered in an “offline mode”.

Electricity production license. Concerning applications for authorisations to conduct business in the energy sector, these may be issued based on an application sent by electronic means and signed by electronic signature (MoI, 2020). Such applications might be submitted through the Central Portal of Public Administration of the Slovak Republic called Slovensko.sk.¹⁴

When submitting an application for the certificate for the construction of an energy facility, the aforementioned central portal, which is operational from the year 2013, could be used. More specifically, the e-Government Act, which enables electronic communication between companies and citizens with public authorities, entered into force as of 1 November 2013. Via the online platform, investment applications may be submitted and applicants should find the results of such submissions in their electronic message boxes (eDesk).¹⁵

Administrative authorisation. The application for a building permit is submitted in writing at the filing office of the relevant building authority. Electronic service is also available for applying for a building permit, but it is not commonly used allegedly due to

¹³ <https://www.enviroportal.sk/sk/eia> (in Slovak)

¹⁴ <https://www.slovensko.sk/sk/najst-sluzbu> (in Slovak)

¹⁵ https://portal.mhsr.sk/files/esluzby/prirucky/prirucka_17_sk.pdf (in Slovak)

the size of required annexes. However, the true reason seems to be that those public institutions are not legally obliged to use e-government services, which slows down the entire process.

Grid connection permit. It is possible to submit a Small Source connection request online, e.g., on the website of the Západoslovenská distribučná (ZSD; one of the three regional DSOs operational in Slovakia).¹⁶ Other applications are normally submitted in a written form. DSOs have not been able (or forced) to implement an electronic grid connection process to the full extent yet.

Corporate-legal fiscal. There is an online platform to apply to pay electricity tax (registration).¹⁷

However, regarding the tax declarations, they must be submitted online, although some exemptions related to a type of entity apply. For instance, civic associations and non-profit organisations should use an online platform only voluntarily. Before doing so, a person must register itself on the portal of the Financial Administration of the Slovak Republic.¹⁸

4. Complaint procedure

First of all, it is necessary to apply a special regulation (i.e., EIA Act, Building Act, Energy Act) and if an act does not regulate the given relationship or aspect of the proceedings, then the relevant provisions of the Administrative Code apply.

In general, the party to the proceedings has the right to appeal against the decision of the administrative body (§ 53 of the Administrative Code).¹⁹ The appeal is lodged with the administrative authority that issued the contested decision. Unless a special law provides otherwise, the appellate body is the administrative body of the next higher-level superior to the administrative body that issued the contested decision.

The classic way of defence against decisions issued under the Administrative Code is an appeal, which must be filed within 15 days of the date of delivery of the decision (§ 54 par. 2 of the Administrative Code). A party may withdraw the appeal until it has been decided. If the party withdraws the appeal, it may not appeal again. If the appeal is well-founded, the appellate body annuls the decision and returns the case to the first-instance administrative body for further proceedings and a new decision. The appeal body's decision on the appeal may not be further appealed (§ 59 of the Administrative Code).

The reopening of the proceedings is another remedy by which the decision of the administrative body can be challenged (§ 62 of the Administrative Code). A reopening of proceedings may be sought if there are new facts or evidence which may have a material effect on the decision and could not be invoked in the original proceedings without the

¹⁶ <https://www.zsdis.sk/online-sluzby/pripojenie-maleho-zdroja/index.html#/ziadost/uvodne-informacie> (in Slovak)

¹⁷ <https://pfseform.finanncasprava.sk/Formulare/eFormVzor/REG/form.479.html> (in Slovak)

¹⁸ <https://www.slovensko.sk/sk/zivotne-situacie/zivotna-situacia/ ako-podat-danove-priznanie-ele/> (in Slovak)

¹⁹ In simple matters, in particular, where a decision can be taken on the basis of documents submitted by a party to the proceedings, the administrative authority shall take a decision without delay (this, however, does not apply to construction proceedings). Taking a decision without delay is not further defined in the law, however, it is understood as within 30 days at the latest. According to the Administrative Code, the administrative body is obliged to decide on the matter within 30 days from the commencement of the proceedings. In particularly complex cases, it shall take a decision within 60 days at the latest. If the administrative body cannot decide within 30 or 60 days, it is obliged to notify the party to the proceedings and clarify the reasons (§ 49 par. 1 and par 2. of the Administrative Code). Such extensions cannot be reviewed.

fault of the party or if the decision is based on evidence which has proved to be untrue (Bartko, 2020). A new decision in the case annuls the original decision and the new decision in the matter may be appealed (§ 64 of the Administrative Code).

Also, § 65-68 of the Administrative Code define a review of the decision outside the appeal proceedings. An illegal decision may be reviewed by a higher administrative body (an extraordinary remedy). A three-year period for reviewing a valid decision is again valid.

According to Bartko (2020), the legal order of the Slovak Republic offers the possibility to file against a valid administrative decision or measure of a public administration body through a materially, locally and causally competent court by bringing an administrative action (§ 3 and § 9 of the Administrative Judicial Code). In the context of administrative justice, the courts review the legality of decisions issued by administrative authorities which have become final after exhaustion of ordinary remedies (§ 47 par. 4 of the Administrative Code). This action must also, as a general rule, be brought no later than two months after notification of the administrative decision against which it is directed (§ 181 par. 1 of the Administrative Judicial Code). Within these procedures, processes, as well as permits, might be challenged before a relevant court (§ 182 par. 1 of the Administrative Judicial Code).²⁰

Furthermore, according to the current legislation, an appeal is the only proper remedy against a decision of a court of the first instance (i.e., relevant District Court), unless the law precludes it. An appeal is admissible against a resolution of the court of the first instance and is decided by the court of the second instance (i.e., relevant Regional Court).

Besides, an appeal to the Supreme Court of the Slovak Republic may be lodged against a valid court decision as a measure of last resort. The Supreme Court of the Slovak Republic decides on the appeal (MoJ, 2020a).

Even if the court dismisses the action as unfounded, the law allows for another appeal in certain circumstances, namely an appeal in cassation (§ 438 of the Administrative Judicial Code). The appeal in cassation (an extraordinary remedy in the administrative judiciary) is admissible against any valid decision of a regional court. It is decided by the Supreme Court of the Slovak Republic.

Last but not least, if there is a dispute between parties and if the nature of the case allows so, the parties to the proceedings may conclude an agreement between themselves (reconciliation) with the approval of the administrative body (§ 48 of the Administrative Code).²¹

²⁰ § 98 of the Administrative Judicial Code enumerates the circumstances when administrative courts should dismiss appeals. Among other reasons, appeals should be also dismissed in the following cases: it has been already decided on the same matter by an administrative court, or another case on the same matter brought by the same plaintiff is already pending before an administrative court. According to the Supreme Court of the Slovak Republic, the term 'same matter' means that the same parties are to be heard and the subject-matter of the proceedings must be the same as that in the proceedings validly closed. Therefore, the subject-matter of the proceedings is an identical claim asserted on the same factual basis between identical parties. This implies that, e.g., a permit can be challenged for the second time, if it does not fit the definition of the term 'same matter'.

²¹ Note that a major reform of the judiciary, which was approved by the Members of Parliament of the National Council of the Slovak Republic (NR SR) on 9 December 2020, entered into force on 1 January 2021. For instance, among others changes, the reform is establishing the Supreme Administrative Court of the Slovak Republic as the highest judicial body in the field of administrative justice, which should be fully operational in the second half of 2021 (MoJ, 2020b).

Finally, with regards to efficiency and effectiveness of complaint procedures, the practice of the courts confirms the frequent violation and non-compliance with the statutory deadlines for issuing a decision by administrative authorities in Slovakia, according to Peťovská et al. (2019). Complaint procedures as well as the processes themselves (esp. the ones led under the EIA and Building Act) as related to administrative procedures are perceived excessively long and ineffective by stakeholders.

5. Specific features to ease administrative procedure

Table 2 below provides information on the existing specific features to ease administrative procedures in Slovakia.

Table 2: Specific features to ease administrative procedures

Specific feature	Existing	Short description
Simultaneous procedures	no	
National contact points and one-stop-shops	no	
Application of 2+1 and 1+1 rules	no	
Simple notification procedure	yes	Operators of small renewable installations producing electricity up to 10 kW (so-called Small Sources) are entitled to a simplified grid connection procedure. This applies to all RES-E technologies. As a first step, a request for an opinion on connection to the distribution grid must be submitted. In the case of a positive opinion, the producer shall notify the relevant DSO on the date of putting the Small Source into operation. Finally, the electricity producer shall deliver a notification of the Small Source's operation to the relevant DSO (§ 4a par. 3, 4 and 6 of the RES Act).
Pre-planning	yes	At the national level, suitable geographical sites have been identified for wind power plants in Slovakia. More concretely, there is a MoEn's Directive on Wind Plants' Localisation (2010) serving environmental authorities at different levels as well as investors to identify suitable sites before and also in the EIA process, and it differentiates between territories suitable, conditionally suitable and unsuitable for the construction of wind power plants.
Pre-application consultation	yes	Within the EIA process, which precedes construction procedures, already a project intention is commented on. The competent authority shall publish the intention on the website of the MoEn and deliver it to the departmental authority, the permitting authority, the concerned authority and the municipality. The municipality is obliged to inform the public about this fact and the project intention must be made available to the public for at least 21 days from the publication of the information on its delivery. The public may give an opinion on the intention within 21 days from the day when they learnt of its publication.

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

Project acceptance measures	no	
Measures to streamline litigation by third parties	no	
Other	no	

6. Indicators to measure the performance of the overall process

Table 3 below provides information on the indicators to measure the performance of the overall administrative and grid connection process in Slovakia.

Table 3: Performance indicators to assess administrative and grid connection processes

Performance indicator	Description
Average response time by the competent authorities and TSO/DSO for grid connection procedures	N/A
Process duration	<p>Since December 2013, RES connection moratorium (with a few exceptions) prevails in Slovakia (see Section 2.1.4.).</p> <p>Most permitting and spatial planning work is undergone in the administrative authorisation part. Processes governed by the EIA Act and Building Act are relevant and are also commonly the most time-consuming ones out of all relevant processes, and are, therefore, most negatively perceived by stakeholders.</p>
Project approval rates	N/A
Costs of administrative processes	<p>In general, the level of fees related to administrative processes is not considered an issue. However, the financial burden resulting from the EIA process even in the case of small-scale projects (esp. wind installations) is unacceptably high, according to stakeholders. Speaking about wind power projects, especially ornithological studies, which are obligatory prepared within the EIA process, are deemed lengthy and costly.</p> <p>Apart from that, G-component (payment for access to the distribution system or G-tariff or G-charge) is excessively high. The fee was introduced in the RONI's decree in July 2013. From January 2014 on, a new fee for grid capacity reservation has been applied to all electricity producers. The amount of payment ranges from approx. EUR 17,000 to EUR 21,000 per year per 1 MW of installed capacity. The exception from the so-called G-component applies only to small hydroelectric power installations (up to 5 MW), Small Sources (installations up to 10 kW) whose owners do not do business in the energy sector.</p>
Share of permits that are legally challenged	N/A
Share of legal challenges that are overruled	N/A
Stakeholder interests	Opportunities for public involvement are perceived sufficient. In some cases, they are often seen as superfluous (see barrier

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

	"Diverse entities prolong the EIA process" in Section 2.1.3. of this report for more information).
--	--

References

- Bartko, 2020. How to Defend Against Decisions of Public Administration Bodies. [online] Available at: <<https://www.podnikajte.sk/zakonne-povinnosti-podnikatela/ako-sa-branit-voci-rozhodnutiam-organov-verejnej-spravy>> [Accessed 28 January 2021].
- Energoklub, 2019. THE PROCESS OF CONNECTING LOCAL ENERGY SOURCES TO THE SYSTEM IS FACING CRITICISM. Available at: <<https://energoklub.sk/sk/clanky/proces-pripajania-lokalnych-zdrojov-do-sustavy-je-pod-palbou-kritiky/>> [Accessed 28 January 2021].
- Eurostat, 2021. RES SHARES 2019. Available at: <<https://ec.europa.eu/eurostat/web/energy/data/shares>> [Accessed 28 January 2021].
- Hudcovská, 2011. Methodical Guidance of the Ministry of Transport, Construction and Regional Development of the Slovak Republic, Department of State Construction Administration and Spatial Planning, for Regional Building Authorities and Building Authorities (Municipalities) on the Issue of Permitting the Installation of Photovoltaic Power Plants (PV) and Photovoltaic Equipment (PV) on the Roof Structure or Building Envelope. Available at: <<https://www.mindop.sk/ministerstvo-1/vystavba-5/statna-stavebna-sprava/dokumenty-a-materialy/usmernenia/povolovanie-stresnych-instalacii-fotovoltickych-elektrarni-fve-a-fotovoltickych-zariadeni-aktualizovane>> [Accessed 28 January 2021].
- Jančura et al., 2010. Methodology for Assessing the Visual Impact of Wind Farms and Wind Parks on the Landscape. Available at: <<https://www.sazp.sk/app/cmsSiteBoxAttachment.php?ID=156&cmsDataID=0>> [Accessed 28 January 2021].
- Ježík, 2018. Small Wind Turbines. [online] Available at: <<https://ernestjezik.blog.sme.sk/c/473120/male-veterne-turbinky.html>> [Accessed 28 December 2021].
- Kanderková and Kováčová, 2013. THE TERRITORIAL PLAN AND ITS STRATEGIC ASSESSMENT (SEA) AS A TOOL FOR THE TERRITORIAL REGULATION. [online] Available at: <<https://www.uzemneplany.sk/clanok/uzemny-plan-a-jeho-strategicke-posudenie-sea-ako-nastroj-regulacie-zastavania-uzemia>> [Accessed 28 January 2021].
- Methodical guidelines of the Ministry of the Environment and the Ministry of Transport, Construction and Regional Development of the Slovak Republic on the issue of assessing spatial planning documentation as a strategic document pursuant to Act No. 24/2006 Coll. on Environmental Impact Assessment and on Amendments to Certain Acts, as amended.
- MHSR, 2019. Integrated National Energy and Climate Plan for 2021-2030. Available at: <https://ec.europa.eu/energy/sites/default/files/documents/sk_final_necp_main_sk.pdf> [Accessed 28 January 2021].
- MoEn et al., 2017. Environmental Impact Assessment in the Slovak Republic. Available at: <https://www.enviroportal.sk/uploads/files/EIA_SEA/2018/Posudzovanie-vplyvov-na-zivotne-prostredie-v-SRfinal-pre-tlac.pdf> [Accessed 28 January 2021].
- MoEc, 2020. ES17 CERTIFICATION OF THE CONFORMITY OF THE INVESTMENT INTENTION WITH THE LONG-TERM CONCEPT OF ENERGY POLICY. Available at: <<https://portal.mhsr.sk/licencovanie-osvedcovanie/vydavanie-osvedceni-sulade->

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

- investicneho-zameru-dlhodobou-koncepciou-energetickej-politiky/> [Accessed 28 January 2021].
- MoF, 2015. Information on the Method of Applying the Exemption from Excise Duty on Electricity in Accordance with § 7 par. 1 letter e) of the Act No. 609/2007 Coll. Available at: <https://www.financnasprava.sk/_img/pfsedit/Dokumenty_PFS/Zverejnovanie_dok/Dane/Spotrebne_dane/2015.10.20_SPD.pdf> [Accessed 28 January 2021].
- MoI, 2020. Energy. Available at: <<https://www.minv.sk/?energetika-1>> [Accessed 28 January 2021].
- MoJ, 2020a. Appeal. Available at: <<https://www.justice.gov.sk/Stranky/Nase-sluzby/Trestne-pravo/Dovolanie/Casto-kladene-otazky.aspx>> [Accessed 28 January 2021].
- MoJ, 2020b. One Step Closer to Reform Changes in the Judiciary. Available at: <<https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=28>> [Accessed 28 January 2021].
- Peťovská et al., 2019. Legal Regulation of Proceedings Against Inaction of a Public Administration Body. Available at: <https://www.srovpraxi.sk/33/pravna-uprava-konania-proti-necinnosti-organu-verejnej-spravy-uniqueidmRRWSbk196FPkyDafLfWACuqyBmlr_0pkASrD5ftv1_YDU92e66IFA/> [Accessed 28 January 2021].
- Potočár, 2021. Heat pumps, biomass and biofuels. The Ministry of Economy of the Slovak Republic explains the surprising increase in the share of RES. Available at: <<https://www.energie-portal.sk/Dokument/tepelne-cerpadla-biomasa-aj-biopaliva-mh-sr-vysvetluje-prekvapivy-narast-podielu-oze-106778.aspx>> [Accessed 28 January 2021].
- proIS s.r.o., 2008. Environmental Impact Assessment in the Slovak Republic: A Practical Guidance for Municipalities. Available at: <https://www.enviroportal.sk/uploads/2011/05/page/environmentalne-temy/star_6/Posudzovanie_vplyvov_na_%c5%beivotn%c3%a9_prostredie_v_SR_-_Pr%c3%adru%c4%8dka_pre_obce.PDF> [Accessed 28 January 2021].
- Rajničová, 2020. The Nightmare of Investors is to Comment on the Building Code. Available at: <<https://www.asb.sk/biznis/nocna-mora-investorov-ma-pripomienkovat-stavebny-zakon>> [Accessed 28 January 2021].
- RONI, 2020. Tariff of Administrative Fees. Available at: <<http://www.urso.gov.sk/?q=node/206/>> [Accessed 28 January 2021].
- Sadloňová and Tóthová, 2019. Issues Related to the Regulation of Local Energy Sources and Their Producers. Available at: <<https://www.energie-portal.sk/Dokument/otazky-v-suvlosti-s-pravnou-upravou-lokalnych-zdrojov-a-vyrobcami-elektřiny-v-nich-105662.aspx#sdfootnote3sym>> [Accessed 28 January 2021].
- SAPI, 2020. Electricity Producers File a Complaint About the G-component. Available at: <<https://www.sapi.sk/clanok/vyrobcovia-elektřiny-podavaju-staznost-o-g-komponente>> [Accessed 28 January 2021].
- SME, 2021. How Marcel Slávik earns money, haunted by Sulík (questions and answers). [online] Available at: <<https://index.sme.sk/c/22579037/na-com-zaraba-slavik-po-ktorom-ide-sulik-otazky-a-odpovede.html>> [Accessed 28 January 2021].
- Solar Power Europe, 2020. Internal working document.
- Valach, 2020. RES Analytics Database: Slovakia. Available at: <<https://www.renewables-networking.eu/obstacles>> [Accessed 28 January 2021].

Interviews

Fečke Gyöngyová, 2020. Telephone interview. Interviewed on 25 November 2020.

Galek, 2020. Face-to-face interview. Interviewed on 25 November 2020.

Jambrich et al., 2020. Online teleconference. Interviewed on 23 November 2020.

Karaba, 2020. Telephone interview. Interviewed on 23 November 2020.

Legislation

Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Code).

Act No. 50/1976 Coll. on Land-Use Planning and Building Order (the Building Act).

Act No. 145/1995 Coll. of the National Council of the Slovak Republic on Administrative Fees.

Act No. 143/1998 Coll. on Civil Aviation (the Aviation Act) and Amending Certain Acts.

Act No. 153/2001 Coll. on the Prosecution Service.

Act No. 582/2004 Coll. on Local Taxes and Local Fee for Municipal Waste and Minor Construction Waste.

Act No. 24/2006 Coll. on Environmental Impact Assessment and on Amendments and Supplements to Certain Acts.

Act No. 609/2007 Coll. on Excise Tax on Electricity, Coal and Natural Gas and on Changes and Amendments to Act No. 98/2004 Coll. on Excise Tax on Mineral Oil as Amended.

Act No. 309/2009 Coll. on the Promotion of Renewable Energy Sources and High-Efficiency Cogeneration and Amending Certain Acts.

Act No. 563/2009 Coll. on Tax Administration (Tax Procedure Code).

Act No. 250/2012 Coll. on Regulation in Network Industries.

Act No. 251/2012 Coll. on Energy and Amending Certain Acts.

Act No. 305/2013 Coll. on the Electronic Form of Governance Conducted by Public Authorities and on Amendments and Supplements to Other Acts (e-Government Act).

Act No. 162/2015 Coll. (Code on Judicial Proceedings in Administrative Cases).

Act No. 447/2015 Coll. on Local Development Fee and on Amendments to Certain Acts.

Act No. 314/2018 Coll. on the Constitutional Court of the Slovak Republic and on the Amendment of Certain Acts.

Constitutional Act No. 460/1992 Coll. The Constitution of the Slovak Republic.

Decree of the Ministry of the Environment of the Slovak Republic No. 453/2000 Coll. Implementing Certain Provisions of the Building Act.

Decree of the Ministry of Economy of the Slovak Republic No. 270/2012 Coll. on Professional Competence in the Energy Business.

Decree of the Office for Regulation of Network Industries No. 18/2017 Coll., which establishes price regulation in the electricity industry and certain conditions for the performance of regulated activities in the electricity industry, as amended.

Decree of the Regulatory Office for Network Industries of 9 September 2019, Which Amends the Decree of the Regulatory Office for Network Industries No. 490/2009

Technical support for RES policy development and implementation – Simplification of permission and administrative procedures for RES installations (RES Simplify) Slovakia

Coll., Which Lays Down Details on the Support of Renewable Energy Sources, High-efficiency Cogeneration and Biomethane, as Amended.

Decree of the Regulatory Office for Network Industries No. 24/2013 Coll. Laying Down the Rules for the Functioning of the Internal Electricity Market and the Rules for the Functioning of the Internal Gas Market.

Directive of the Ministry of the Environment of the Slovak Republic of 21 April 2010 No. 3/2010 - 4.1. Laying Down Standards and Limits for the Placement of Wind Power Plants and Wind Parks in the Territory of the Slovak Republic.