



15.4.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0879/2017 by Slavomir Elias (Slovak) on the alleged danger to the thermal water sources by the extraction of the brown coal in Slovakia**

### 1. Summary of petition

The petitioner claims that the Laskár thermal water extraction site in Central Slovakia is threatened by the existing and planned mining activity. For instance, the Nováky power plant near Bojnické medicinal baths, which will close in 2021, is responsible for approx. 7 % of all CO<sub>2</sub> emissions in Slovakia and is the second largest emitter of sulphur oxides throughout the EU. The further mining of the lignite (brown coal) planned for 2023-2034 in the protected zone of thermal resources could seriously disrupt the sources of thermal water and cause an irreversible damage to medicinal water sources. The Slovak Ministry of Environment is currently re-examining the environmental impact, after having issued the first favourable opinion. The Mining Inspectorate of Spa and Sources of the Slovak Republic stated that proposed operations affect the interests protected by law and threaten the medicinal sources. Furthermore, the petitioner claims that the Slovak state interferes in the calculation of the cost of production of lignite by buying the indigenous coal and that its price is established between the buyer and the monopoly supplier without any control by a national regulator or another regulatory authority. The petitioner adds that in order to maintain some 4000 jobs linked to mining activity the state subsidises every employee of the mine.

### 2. Admissibility

Declared admissible on 23 January 2018. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 15 April 2019

The project “Coal exploitation in 12th mining field of the Novaky mining area I” has not been authorised yet by the Slovak authorities. The Environmental Impact Assessment (EIA) procedure for the project started in April 2016 and a positive EIA statement was issued

however it was cancelled upon appeal and the procedure was restarted in September 2017.

There is no EU legislation that specifically ensures protection of thermal sources but EU water legislation requires Member States – unless exemption according to Article 4.7 of the Water Framework Directive is granted which requires specific detailed investigations and justification – to refuse authorisation for an individual project where it may cause a deterioration of a water body or where it jeopardises the attainment of good status or potential. The process of determining the potential impacts of this project on the relevant water body or bodies is therefore necessary to ensure compliance with the obligations of the Water Framework Directive.

Regarding groundwater, the Groundwater Directive is applicable. Under Article 5 of the Groundwater Directive, Member States shall carry out trend assessments for groundwater bodies at risk and reverse upward trends. Trends and measures shall be summarised in river basin management plans.

The Commission is in contact with the Slovak Republic on a possible measure concerning the Nováky power plant, which is being duly assessed under EU State aid rules. The Commission is not aware of any public subsidy granted to the employees of Slovak lignite mines.

In the context of the Initiative for Coal Regions in Transition, the Commission is also providing technical assistance to the Slovak Republic in the development of a transition strategy and related action plan, through the Structural Reform Support Service. The strategy and action plan will look at specific transition-related challenges, including environmental issues in the self-governing region of Trenčín and specifically in the area of Prievidza. Delivery for both the strategy and action plan is planned by the first half of 2019.

## Conclusion

An Environmental Impact Assessment procedure is currently underway concerning the project for the expansion of mines in Prievidza. It is not within the Commission's remit to intervene in this process. As no decision on authorisation has been taken so far by the competent national authorities, a breach of the EU law has not been identified.