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Danube Transnational Programme DAPhNE

D 3.2.2 National legal framework report **SLOVAKIA**

Work Package 3

Activity 3.2 Improve & harmonize port legislation

PP Responsible: VP, a.s.

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Thank you for writing a national legal framework report on your jurisdiction for the DAPhNE project. The template contains headings, brief explanations and questions. The questions shall function as guidance only. The final report shall be a continuous text, which neither includes the questions nor direct answer to the questions only (eg not just "yes" or "no"). Please read through the questions below and put your input for the report where indicated. The final report shall be drafted in a way that each heading is followed by a chapter, which includes the answers to the guidance questions plus any information that you deem relevant for the specific chapter.

1. Scope of the document

The project is called DAPhNE – Danube Ports Network – and it is funded in the framework of the Danube Transnational Program (DTP). The overall aim of DAPhNE is to facilitate Danube ports to become key-elements of a more efficient and sustainable transport network in the Danube region. The project consists of different work packages dealing with various topics in line with the main objectives of DAPhNE.

The activities included in work package 3 of the DAPhNE project are linked to the regulatory framework of Danube ports. The legal conditions in force as well as the financing and funding possibilities available for Danube ports are investigated and measures are suggested to improve the current situation. An improved regulatory framework will help eliminate the quality gaps in terms of infra- and superstructure which exist between Upper and Middle & Lower Danube sections. One important objective of the work package is to provide inputs for a more harmonized approach in regards to legal port issues. When tackling the legal framework it is important to start from the national level and then move up to identify solutions applicable at regional level.

Six DAPhNE consortium members have overtaken the obligation to coordinate the elaboration of national reports covering the port legal aspects applicable in Austria, Hungary, Croatia, Slovakia, Bulgaria and Romania. The homogenous structure of these reports will allow an easier comparison between the Danube riparian countries and will facilitate the elaboration of a set of recommendations connected to port legislation (output 3.2).

The legal topics chosen to be investigated under the current report contribute to disclose information that will enable the Danube Ports to reach in the long run the following objectives:

- Untap the potential of Danube ports as centres for economic development that are desirable business locations
- Put in place high-quality infra- & super-structure in place all along the Danube ports
- Facilitate cost-effective and easy-to-use port services
- Ensure lowest possible eco-footprint in the construction and operation of Danube ports

Although the consortium members are aware of the variety of functions that ports have (passenger, military, fishing, leisure activities, etc.) the scope of the current report is to focus on those legal aspects that are relevant for transport, logistics and cargo-handling. The legal background for other types of businesses using ports as business locations will also be investigated.

1.1 General terms

For the purpose of the current report the definition of a port as included in the Commission Regulation (EU) 2017/1084 of 14 June 2017 shall be considered as starting point. Each of the partners in charge of writing the national reports will further explain how ports are defined based on the legal framework in place in their jurisdiction.

Due to the overlap of the function of inland and maritime waterway the legislation applicable to both inland and maritime ports will be considered for analysis for those countries where this is relevant (e.g. Romania).

(154) **“port”** means an area of land and water made up of such infrastructure and equipment, so as to permit the reception of waterborne vessels, their loading and unloading, the storage of goods, the receipt and delivery of those goods and the embarkation and disembarkation of passengers, crew and other persons and any other infrastructure necessary for transport operators in the port;

(155) **“maritime port”** means a port for, principally, the reception of sea-going vessels;

(156) **“inland port”** means a port other than a maritime port, for the reception of inland waterway vessels

1.2 Definitions according to the national legal framework

1. How is a port defined in your national jurisdiction?

[Please include here the official definition of a port (inland/maritime, where applicable) in line with the legal framework in force in your jurisdiction. Please also list the legal documents giving the official definitions.

The goal is to find out if there are differences at national level between riparian countries in the definition of ports especially in relation to the general definitions given at EU level.]

The port is a defined area including the water section, buildings and facilities used for the transshipment, storage, processing and transport of goods, boarding and landing of passengers and protection of vessels in the passage of ice-streams and floods, as well as the performance of activities related to the operation of vessels and their repair, reconstruction or construction.

There are two types of ports in Slovakia: public and non-public (private).

2. Description of the current port governance models (if there are more than one)

2.1 Regulatory framework

2. Please set out the port legislation in your jurisdiction in general. In particular:

- Which legal regulations exist?
- To which parties from the private and public sector is the legislation applied?
- Apart from federal or state laws is there also secondary legislation, which specifies the laws?
- How has EU port legislation been implemented into your jurisdiction?
- Are there any other types of legal acts and strategic documents specifically relevant for ports?

[Please do not elaborate on shipping legislation, but focus on the legal regulations specifically relevant for ports. You do not need to elaborate on individual legal regulations in other areas of law (eg labour law, tax law, construction law etc) but focus on codifications specific for ports. Please provide the name of the regulation and a short description of the subject matter.]

The legislation applies to all entities operating in the field of water transport. Separate legislation on port issues in particular way does not exist.

National documents and legislation

Act no. 338/2000 Coll. on inland navigation and on the amendment of certain laws, as amended, with 9 implementing regulations and "Regulation of the Government of the Slovak Republic no. 193/2009 Coll. on the technical competence and operational competence of vessels, as amended by Government Regulation no. 416/2009 ". This Act lays down the conditions for the implementation of inland navigation, the rights and obligations of legal entities and natural persons involved in inland navigation, the conditions of business in water transport, the conditions of regulation of the market in water transport, the competence of state administration bodies and state professional supervision in the field of inland voyage, classification and fitness of vessels, rights and duties of ship's crew members, investigation of navigational accidents and penalties for violation of the obligations established by this Act. The Act no. 338/ 2000 Coll. will be amended in October 2018; the related provisions will be the subject to this document as expected status of the matter. In addition to the Act, there is secondary legislation regulating the issue of water transport and ports. For related decrees and regulations of port issues see Annex 3.

EU legislation is regularly transposed into the Slovak legislation. Transposition of legislation is the very usual reason for amending national regulations.

The most important development documents include:

Strategic Plan for the Development of Transport Infrastructure of the Slovak Republic by 2030 - This document is the strategic document of the Slovak Republic for the medium-term development of transport infrastructure by 2030. The subject of the document is the analysis of the current development of transport policy of the SR and the EU, achievement of the agreed transport objectives. The strategy defines visions, objectives, priorities and measures in the field of transport development, which will support the increase of the competitiveness of the Slovak economy, contribute to the social development of the society and allow the elimination of regional disparities so that the economic potential of the Slovak Republic in the 2030 horizon is closer to the average EU level with the requirements of sustainable development. The document represents the output of the first phase of the creation of a comprehensive transport sectoral strategy of the Slovak Republic and follows and elaborates in more detail the strategies and principles for transport development so far, especially the Transport Development Strategy of the Slovak Republic up to 2020 and the Transport Policy of the Slovak Republic up to 2015.

Updated Concept of Development of Public Ports Bratislava, Komárno and Štúrovo (approved by Government Resolution No. 846/2010) - the document defines the long-term concept of the development of public ports Bratislava, Komárno and Štúrovo.

The document, approved by Government Resolution no. 846/2010 defines the long-term concept of the development of public ports Bratislava, Komárno and Štúrovo. The Concept of the development of public ports was formulated on the basis of the constraints resulting from the current state (ie, in particular water transport legislation in the Slovak Republic and the EU, trends in water transport, property law relations and financial resources for the development of public ports) and the estimates of further development.

The Strategy of the Development of the Bratislava public harbor (Bratislava Port Master Plan) is updated and will be finalized in following short period. Public ports, Inc. following the Act No.338 / 2000 Coll. have prepared the concept of the development of Štúrovo harbor, which independently assess the development potential of the port in Štúrovo. At present, Public Ports, Inc. realize Master Plan of the Komárno Port as a common conception of the development of the Komárno / Komárom harbor (funded by the CEF).

Which entities are involved in issuing/updating the port legislation in your jurisdiction?

[Please give a brief overview over the entities involved in issuing/updating port legislation including statutes, secondary legislation and any other types of legal acts or strategic documents specifically relevant for ports.]

The National Council of the Slovak Republic is the main body responsible for the law on water transport and ports. It adopts laws, in particular on the initiative of the Government or specifically the Ministry

of Transport and Construction of the Slovak Republic. These two entities are also the main institutions responsible for secondary legislation, in particular in the form of a regulation, a decree, a strategy, a concept, a position, a program or a plan. All these types of documents were adopted either by the National Council (approved Acts), the Ministry of Transport and Construction or by the Government (approved or issue secondary regulations, decrees, strategies, a concepts, positions, programs or plans).

Please set out the competent port authorities in your jurisdiction in general. In particular:

- What is the highest port authority (eg Ministry of Transport) and which other authorities are competent in port matters?
- Are there any other entities (eg state owned companies, national companies) that have competences in port matters?

In waterway transport there are several organizations with various competences influencing the activity of ports in the Slovak Republic. These include the Ministry of Transport and Construction of the Slovak Republic, the Transport Authority, Verejné prístavy, a.s. (the Public Ports, joined-stock company), the Waterborne Transport Development Agency and finally the Water Management Enterprise, state owned company with competences in water management.

Ministry of Transport and Construction of the Slovak Republic

The Ministry of Transport and Construction of the Slovak Republic (hereinafter referred to as "MTC SR") is at the top of waterway sector organizational structure. The Section of Water Transport, Inland Waterway Division and Maritime Office—ensures the development of inland waterway transport, it defines its needs and represents its interests in the construction and alteration to waterways and ports under the Inland Navigation Act and applicable legislation. ~~It has the following responsibilities and powers:~~

MTC SR in the area of waterway transport development in Slovakia:

- a) defines the concept of development of inland navigation, waterways and ports and in cooperation with the Ministry of Environment it ensures its implementation in compliance with the state transport policy aims,
- b) ensures inland waterway transport development, it defines its needs and represent its interests in construction and alterations to waterways and ports,
- c) cooperates in drafting the principles of state transport policy in waterway transport and development of the whole transport network,

d) helps to engage water transport into intermodal transport,

e) monitors the development of transportation and material and technological basis of water transport within the transport network from ecological, energy, material and investment viewpoint,

f) evaluates the proposals for the construction of new ports and transshipment facilities for transport of goods and passengers by waterways and for refurbishment and modernization of existing public ports,

g) cooperates with the competent authorities and organizations in drawing up the proposals for improving the navigation conditions in waterways and promotes the restoration of our section of international Danube waterway to achieve the parameters of fairway approved by the Danube Commission,

(2) in the context of inland navigation control, it:

a) issues the binding statement in proceedings with the Construction Authority in relation to the establishment and operation of temporary buildings in the priority investment assets used by the public ports users or in relation to the buildings extending to the waterway or being the part of waterway,

b) presents its opinion in relation to the inland navigation interests when discussing the land use planning documents,

c) approves the establishment of ports and delineates its territory,

d) after the discussions with the competent territorial authority it defines the territory of public ports,

e) presents its opinion on lease agreements under which the Public Ports, joined-stock company leases its priority investment assets,

f) grants and withdraws the authorizations to legal persons for performing technical inspections of vessels,

g) grants and withdraws the authorizations to natural persons and legal persons for conducting trainings for applicants requesting the certificates of proficiency in security advising and for conducting trainings for applicants requesting the certificates of specific knowledge in the transport of dangerous good by inland waterways,

h) proposes and informs the European Commission of measures to be taken if there is an accident or an extraordinary event on the vessel or waterway during the transfer of dangerous goods despite the compliance with the valid safety measures,

- i) fulfill its duty of notification under European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (paragraph 1.8.4 of ADN Agreement),
 - j) submits an application for accepting the classification company to the European Commission and sends all information and documents required to meet the criteria of acceptance,
 - k) grants and withdraws the permit for participation of foreign carriers in inland waterway transport (cabotage clearance),
 - l) issues the transportation permit under the Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services,
 - m) grants and withdraws the certificates for the navigation on the Rhine,
 - n) grants and withdraws the licenses to provide public waterway transportation services,
 - o) issue certificates of proficiency in the public waterway transport,
 - p) based on the information of carriers it checks the changes in the offered capacity of vessels registered in the vessel register used for the transport of goods by waterway, it evaluates the waterway transport intensity in relation to the vessel capacity, density of waterway network and its conditions and it monitors whether the offered capacity of vessels and intensity of waterway transport does not result in a seriously impaired financial capacity of carriers,
 - q) it can provide a grant to the carrier in the public waterway transport to increase the ecological compatibility of vessels, to increase the ecological safety of vessels, alteration of vessels for transport of goods in order to increase their multimodality provided that the rules for state aid are not affected,
 - r) it monitors the application of environmental protection principles in relation to the minimization of negative impact of waterway transport on environment during the operation of vessels and ports,
 - s) it monitors the development of the port and canal related fees and other fees on the international Danube waterway and based on the results of their comparison it approves new rates for using the public ports in Slovakia,
 - t) it imposes fines under the Inland Navigation Act,
- (3) In waterway transport legislation:
- a) it prepares draft laws and implementing provisions for inland navigation,

- b) it prepares proposals for unification of regulations related to waterway transport in operational, technical, commercial, economic, legal and other areas with the regulations applicable in the European waterways,
- c) it specifies the methodology for national and sectoral statistical reporting in waterway transport with respect to the requirements of international organizations and the requirement for application of this methodology applicable in EU,
- (4) it represents Slovakia in the matters of inland navigation in dealings with international organizations operating in inland navigation (Danubian Commission, Central Commission for the Navigation on the Rhine, United Nations Economic Commission for Europe),
- (5) it acts as the deputy of the representative of the Slovak Republic for professional issues in the Danube Commission and it coordinates the participation of competent authorities and organizations in the fulfillment of professional duties,
- (6) it fulfills duties arising out of the international inland navigation agreements,
- (7) it ensures international cooperation in the carriage of dangerous good by inland waterways,
- (8) it fulfills duties arising out of the International Agreements on Water Management of Frontier Waters between the Slovak Republic and Hungary, Slovak Republic and Austria, Slovak Republic and Czech Republic, Slovak Republic and Poland and Slovak Republic and Ukraine; it participates in the work of individual commissions for frontier waters in addressing the issues in the common section of waterways concerning the inland navigation and waterways maintenance and development

Transport Authority (Dopravný úrad)

The Transport Authority was established by the Act of the National Council of the Slovak Republic no. 402/2013 Z.z. on The Office for the Regulation of Electronic Communications and Postal Services and the Transport Authority and on Amendments to Certain Acts (Transport Office Act) with effect from January 1, 2014, as a state administration body with a Slovak national competence in the field of railways and railways, civil aviation and inland cruise. The Transport Authority is the legal successor of the Railway Traffic Control Authority, the Aircraft Authority of the Slovak Republic and the State Navigation Administration.

The Agenda of the former State Navigation Administration was taken over by the Transport Authority through the Inland Shipping Division of the Transport Authority, which ensures the performance of state administration and state professional supervision in the field of inland navigation in accordance with the law of the National Council of the Slovak Republic no. 338/2000 Z.z. on inland navigation and on the amendment and supplementation of certain laws.

The inland navigation division of the Transport Authority performs the tasks of inland navigation. In accordance with Act no. 338/2000 Z.z. on inland navigation and on the amendment and supplementation of certain laws, as amended, performs state professional supervision over the management and maintenance of waterways and ports, the operation of vessels and small boat hires on waterways and in ports, the professional competence of the crew members and the operation of the canal locks, the capacity of vessels with the exception of mining equipment on vessels under a special regulation. In the case of vessels which have been permanently decommissioned, it shall supervise their removal, compliance with the rules of inland navigation, the conduct of a training course, the professional competence of safety advisers and experts, the transport of dangerous goods.

The division consists of three organizational units:

- Maritime Safety, Waterways and Ports Department
- Technical Supervision Department
- Section for the performance of state professional supervision

Public ports, Inc. (Verejné prístavy, a.s.)

Company Public Ports, Inc. (in Slovak Verejné prístavy, a.s., hereinafter referred to as "VP, a.s.") was established on 21.01.2008 as a result of the Act No. 500/2007 Coll., Amending Act no. 338/2000 Coll. on Inland Navigation and on the amendment and supplementation of certain laws as amended.

VP, a.s. originated from the state enterprise Slovenská plavba dunajská, š.p. and part of the budget organization State Navigation Administration. Founder and sole shareholder of VP, a.s. is the state. Acting on his behalf is the Ministry of Transport. The statutory body of the company is a board that manages all its activities, acts on its behalf and represents it in legal acts. The individual members of the Board of Directors are elected by the General Meeting of the sole shareholder. The Chairman of the Board of Directors is also the Company's CEO.

Company VP, a.s. was founded on the grounds of optimizing the operation of state assets in conditions of the commercial environment and streamlining the use of transport infrastructure in public ports in order to develop national and international water transport, namely through:

- ensuring the preparation and implementation of the construction of public ports, including the preparation of short and long-term concepts of their development;
- ensuring the operation, registration, maintenance and repair of facilities in the public ports areas;
- renting of land in the territorial districts of public ports and other activities directly related to the management of property in the territorial districts of public ports;
- collecting payments for the use of public ports;

- creating conditions for the development of combined transport, including handling of combined transport cost units;

Public ports are a joint-stock company 100% owned by the Slovak Republic. The amount of the registered capital places VP, a.s. among the larger companies in the Slovak Republic. Business activities of the VP, a.s. constitute their own source of income to finance the normal operation and operation of public ports. This is mainly revenue from rentals, services, the collection of fees for the use of public ports.

Water Transport Development Agency (Agentúra rozvoja vodnej dopravy)

The Water Transport Development Agency (Agentúra rozvoja vodnej dopravy, hereinafter referred to as "ARVD") is a state budget organization established as a result of the Section 38a of Act no. 556/2010 Coll., Amending Act no. 338/2000 Coll. on Inland Navigation and on the amendment and supplementation of certain laws as amended.

The rationale for the establishment of the Water Transport Development Agency was the transfer of competences for the management and development of waterways discussed between the Ministry of the environment and the Ministry of transport, construction and regional development of the SR and the result is that competence for the development of waterways has been transferred to the Ministry of transport, construction and regional development of the Slovak Republic through the newly established Water Transport Development Agency, while the competence of the waterway administration remained in the Department of environment through the relevant waterway manager - the Slovak Water Management Company.

The main activity of ARVD is the development and modernization of waterways. The Water Transport Development Agency should also play an important role in the modernization and development of waterways in the development of public ports, ensuring efficient and transport related to the construction of necessary navigation facilities.

Podľa uvedeného zákona medzi hlavné činnosti ARVD patrí zabezpečovať:

- rozvoj a modernizáciu vodných ciest v súlade so schválenou dopravnou politikou,
- prípravu a realizáciu výstavby a rekonštrukcií súčastí vodných ciest a ďalších stavieb potrebných na prevádzku vodnej dopravy na vodných cestách, na ich správu a údržbu a obstaranie ďalšieho majetku potrebného na správu a údržbu vodných ciest,
- podklady na spracovanie koncepcií v oblasti sledovaných vodných ciest a výhľadovo sledovaných vodných ciest po vzájomnej dohode so správcom vodného toku,
- propagáciu vodnej dopravy.

ARVD further processes the background materials, proposals and justifications for obtaining and efficient allocation of funds for investments in waterways, coordinates and provides for repairs, reconstruction and modernization of the components of the waterway, implements pilot projects for the development of intermodal transport axes, participates in the development and implementation of new technologies and operational systems for waterways and performs the abovementioned activities in cooperation with the competent state administration authorities.

ARVD is required to negotiate contractually the future administrator before commencing the construction of waterway components and other structures necessary for the operation of transport on waterways. On the day of issuance of the approval decision, the management of the site is transferred to the respective manager free of charge.

Slovak Water Management Company, state company (Slovenský vodohospodársky podnik, š. p.)

Slovak Water Management Company, a state company, (Slovenský vodohospodársky podnik, š. p. hereafter referred to as SVP, š. p.) is a state enterprise, the founder of which is the Ministry of the Environment of the Slovak Republic.

It is a manager of watercourses and river basins in Slovakia and is included among strategically important state-owned enterprises with a modified management method, because it has also managed assets that according to the Constitution of the Slovak Republic, Art. 4 is the exclusive property of the State. It provides a management of watercourses and tangible fixed assets built on them, takes care of the quantity and quality of surface and underground water. Part of the SVP's activities is a form of public service - it is primarily flood protection and maintaining conditions for water transport.

The SVP has a national competence with four branches established on the basis of natural river basins. It manages water flows of 32,738 km, 287 water reservoirs, 2,811 km of protective dams and a channel network of 1,812 km. The total basin area is 49 015 km².

From the point of view of water transport, the main subjects of activity are mainly

- management of the entrusted watercourses and the provision of all their functions, the exercise of the right to manage the watercourses and the water works built on them,
- ensuring the development, operation and maintenance of waterways, creating conditions for the use of watercourses and tanks for navigation and other economic exploitation
- execution of construction and maintenance works, mining of river materials, mining and production of aggregates and removal of trees growing outside the forest.

The following outputs are provided by the SVP:

- Overview of construction costs
- The Danube atlas
- Analysis of the impacts of river transport on eco systems in the Danube basin
- Selection of measures and specifications for the award of studies in the sense of Government Resolution no. 642 of 16.9.2009
- Development of inland waterway transport and protection of the environment in the Danube river basin
- • Background documentation

2.2 Port owner

5. Who owns the port based on the legal definition in force in your jurisdiction?

Public Ports, Inc (VP a.s.) was established by Act No. 338/2000 Coll. on Inland Navigation and on the amendment and supplementation of certain laws as amended (hereinafter "Act No. 338/2000 Coll."). The state placed its property in the company VP, a. S, becoming the 100% shareholder of the company. Act no. 338/2000 Coll. claims that prioritized investment property ("PIM") shall be determined in public ports and handled so as to enhance the function of public ports. This also brings the limitation of funding opportunities for potential investment stocks, given that PIM can not be the subject of a lien (for example, as credit guarantees).

As a result of the Act no. 556/2010 Coll., Amending and amending Act no. 338/2000 Coll. on Inland Navigation and on the amendment and supplementation of certain laws as amended, VP a.s. may allow the concessionaire the right to use the PIM of the company during the concession term specified in the concession agreement, hereinafter referred to as the "concession asset", to the extent and under the terms agreed in the concession agreement and in accordance with Act no. 338/2000 Coll. It is further stipulated that, if agreed in a concession agreement, the company may, with the consent of the government, use the concession asset as a deposit for the establishment of a legal person established with the concessionaire as a contribution to the legal capital of a legal person established by the concessionaire, (hereinafter referred to as "Joint Undertaking") or as a contribution to the joint venture's capital.

2.3 Types of ports

6. Is there a differentiation made on port legislation between public (state-owned, owned by regional/local public bodies) ports and privately owned ports?

[If yes, please give a definition of public and private ports and set out the different regulations applicable to private and/or public ports. Please explain the different cases valid at national level and provide the legal framework regulating those cases.]

- Public ports (state-owned): what types of services do they provide and who manages them?

- Private ports: what types of services do they provide and who manages them?
- Are there any other types of ownership relevant in your jurisdiction, eg public-private ownership, any type of combination between these ownership models etc?

Ports are established on sites suitable in terms of security and continuity of navigation, environmental protection, management of water supplies and connection of the waterway to the other modes of transport. The establishment of a port is subject to approval of the Ministry. Ports may have the nature of ports designed for public use (hereinafter the “public port”) or ports designed for non-public use (hereinafter the “non-public port”). Public port territory is defined by the Ministry after consultation with the relevant district authority and municipalities

The public ports are the port of Bratislava, the port of Komárno and the port of Štúrovo. The public ports users are the legal or natural persons performing their activities in the area of public ports. They must respect the orders and instructions of the Transport Authority, the public port operator and the waterway manager while performing these activities. The legislation does not address various measures relating to the specific type of port. Actually, all the ports and terminals with the exception of the terminal Kližská Nemá and Ladmovce are public and managed by the state-owned enterprise Verejné prístavy a. s.

[Depending on the legal provisions in force, please also list the types of Danube ports in your country.]

Public ports in Slovakia are:

- Bratislava Harbor
- Komárno Harbor
- Štúrovo Harbor

Public transshipment stations of regional importance:

- Prekladisko Šaľa (Váh river)

Private (not public) transshipment stations:

- Prekladisko Kližská Nemá (Danube River)
- Přebkladisko Ladmovce (not on the Danube River)

Other types of the port ownership (e.g. joint ownership, joint ventures) do not exist in Slovakia.

Please provide as Annex 1 a list of all Danube ports in your country, grouping them by the different categories/types of ownership they fall under.

3 Investing in ports, construction and permitting

The goal of this chapter is to clarify which legal entity has responsibilities for developing ports and carrying out port investments. In this respect it is also important to find out which permits are required for the construction of new ports as well as for the amendment of existing ports.

In line with Commission Regulation (EU) 2017/1084 of 14 June 2017, the consortium will consider the following definitions as starting points:

(157) **“port infrastructure”** means infrastructure and facilities for the provision of transport related port services, for example berths used for the mooring of ships, quay walls, jetties and floating pontoon ramps in tidal areas, internal basins, backfills and land reclamation, alternative fuel infrastructure and infrastructure for the collection of ship-generated waste and cargo residues;

(158) **“port superstructure”** means surface arrangements (such as for storage), fixed equipment (such as warehouses and terminal buildings) as well as mobile equipment (such as cranes) located in a port for the provision of transport related port services;

(160) **“dredging”** means the removal of sediments from the bottom of the waterway access to a port, or in a port.

Concerning the dredging in general, a difference exists between “capital dredging” and “maintenance dredging”. “Capital dredging” is the activity of creating new civil engineering works by means of dredging, such as harbour basins, canals, etc., and the deepening of existing waterways, approach channels. “Maintenance dredging” is the activity of keeping existing watercourses, harbour basins, etc., at the required nautical and / or hydrological depth by removing siltation.

3.1 Port infrastructure in line with the national legal framework in force

How is port infrastructure defined in your jurisdiction?

7. How is port infrastructure defined in your jurisdiction?

[Please name the types of elements defined as infrastructure and the legal document in force explaining them.]

The Slovak legislation does not contain any explicit definition of the port infrastructure. The existing definitions are the definitions of ports, port areas, waterways and their component parts. The Act No. 338/2000 Coll. on Inland Navigation sets out only the term the priority investment assets meaning the lands and facilities of the public ports delineated by the Ministry approved port territorial zones.

3.1.1 Responsibilities for infrastructure investments in ports Which entity is authorized/obliged by law to carry out port infrastructure investments?

8. Which entity is authorized/obliged by law to carry out port infrastructure investments?

[Please provide information on the entities authorized and obliged by law to carry out port infrastructure investments. Please also provide the names of authorities and a list of main contact details.]

Investments in the port are authorized to implement the Company Public Ports, a.s .. Company Public ports (VP, a.s.) was founded on the grounds of optimizing the operation of state assets in conditions of the commercial environment and streamlining the use of transport infrastructure in public ports in order to develop national and international water transport, mainly through:

- ensuring the preparation and implementation of the construction of public ports, including the preparation of short and long-term concepts of their development,
- ensuring the operation, registration, maintenance and repair of facilities and facilities in the public areas'

3.2 Port superstructure in line with the national legal framework in force

9. How is port superstructure defined in your jurisdiction?

[Please name the types of elements defined as superstructure and the legal document in force explaining them.]

Superstructure in the port is not define in legislative.

Superstructure in the port, including transshipment technologies, warehouse areas, warehouses, crane tracks and other accessories, belongs to the company Slovak Shipping and Ports (Slovenská plavba a prístavy SPaP). The general amenities of the Bratislava Public Port are summarized in the following table.

Table 1: Equipping the Bratislava harbor

| Parameter | Value |
|----------------------------|-------|
| Number of cranes | 19 |
| Maximum capacity of cranes | 560 t |
| Počet mobilných žeriavov | 2 |

| | |
|---|-----------------------|
| <i>Maximum load capacity of mobile cranes</i> | 28 t |
| <i>Number of mobile handlers</i> | 5 |
| <i>Assistance to crafts</i> | Áno |
| <i>Belt conveyor</i> | Áno |
| <i>Pneumatic equipment</i> | Áno |
| <i>Ro-Ro ramp for passenger cars and trucks</i> | Áno |
| <i>Area of covered warehouses</i> | 25 790 m ² |
| <i>Size of uncovered warehouses</i> | 75 335 m ² |

Source: VP, a.s.

Transfer technologies

The transshipment of goods in the port is provided by the following crane and other transshipment techniques:

- 9 pieces of GANZ type cranes;
- 3 pieces of KSB type crane;
- 3 KONE bridge cranes;
- 2 pieces of KSB hard position;
- 3x container manipulator;
- 2x forklift;
- Ro-Ro position.

3.2.1 Responsibilities for superstructure investments in ports Who is authorized by law to carry out port superstructure investments?

10. Who is authorized by law to carry out port superstructure investments?

[Please provide information on the entities authorized/obliged by law to carry out port superstructure investments.

VP a. s. as the public ports operator is encumbered by many long-term agreements concluded in the past. The existing commercial business relationships and inadequate funding are one of the main obstacles for the further development of public ports in Slovakia. The problem lies in a non standard division of ownership rights between VP a. s. - an owner of the lands and Slovenská plavba a Prístavy (SPaP) - a dominant operator in the port owning the port infrastructure (roads and railways, public utilities), transshipment facilities and warehouse buildings which leases lands of VP, a. s. on a long-term basis. Due to the existence of above agreements VP a. s. is not eligible for European funding for

refurbishment of the port and SPaP a. s. is not motivated to invest in the development of infrastructure and superstructure. The conditions of infrastructure of the ports owned by SPaP are mostly unsatisfactory or its useful life has already expired. The maintenance is carried out only to the minimum necessary extent and the leased terminal areas are not used to their fullest advantage. The current status of ownership structure of the port of Bratislava has a negative impact on the existence of optimal market environment

3.3 Port dredging in line with the national legal framework in force

3.3.1 Responsibilities for dredging Who is authorized by law to carry out dredging, in particular maintenance dredging, in your country?

11. Who is authorized by law to carry out dredging, in particular maintenance dredging, in your country?

[If there are different scenarios that apply, please describe them.]

Slovenský vodohospodársky podnik, š.p. (SVP, š.p.), established by the Ministry of the Environment of the Slovak Republic, as the manager of watercourses operates and maintains waterways and creates conditions on watercourses and reservoirs for navigation and other economic use. Its total costs for navigation purposes consists of dredging of fords, marking the navigation route and installation and maintenance of navigational and bank signs, measurement and evaluation of changes in the waterway's bed, preparation of navigational markings, repairs of embankment and directional structures.

3.4 Construction and Permitting of Ports Please briefly set out the requirements in order to construct a new port or amend an existing port following your jurisdiction.

12. Please briefly set out the requirements in order to construct a new port or amend an existing port following your jurisdiction.

[Please include a brief description of the required permits, the competent authorities and the required procedures in order to build or amend a port.]

The ports are established in areas suitable in terms of the navigation safety and continuity, environment protection, water management interests and connection of waterways to other means of transport. The establishment of port must be approved by the Ministry. Any structures extending to the waterway or crossing the waterway can be erected only upon the prior approval of MTC SR. (paragraph m, Article 38) of Act No. 338/2000 Coll. as amended) Such structures can be erected only in manner not impairing the conditions for vessel operation.

Beside that the Construction Authority permits are required and the party interested in erecting the structure or altering the structure in the port must participate in the construction permitting process. This activity includes the development of preliminary project documentation and project documentation (design preparation, engineering, land settlement, land use permit process and construction permitting process, etc.) and providing the related activities for investing activity itself.

Any investing activity is subject to the assessment of the State Nature Conservancy to assure that the project will probably not have any significant adverse impact on the NATURA 2000 network sites or if the relevant project has an impact on the Natura 2000 site an adequate assessment of project impact on such territory (in relation to the objectives of environment protection) must be carried out. The opinions of the public administration authorities and other competent authorities (e. g. Ministry of Environment, Ministry of Culture, Ministry of Transport or self-governments etc.) are also required.

13. Are there any restrictions or limitations as to who can construct a new port or amend an existing port in your jurisdiction?

[Please include information on the parties to which the respective legislation is applied from the public and private sector.]

The legislation does not explicitly address the issue of who can build a port. With regard to the above the ports of international significance Bratislava, Komárno and Štúrovo are owned and operated by the Public Ports, joint-stock company and therefore Public Ports, joint-stock company can carry out the alterations or invest in their development. The lands in the territory of public ports of Bratislava, Komárno and Štúrovo are owned by VP a. s. When VP a. s. was established these lands were contributed to the company by a founder - MTC SR as a contribution in kind. Therefore the refurbishment and modernization of the port is the responsibility of VP a. s. In the case of infrastructure such as cranes, movable property and operational infrastructure the owner and operator of the respective property (it is SPaP in BA) assumes responsibility for the technical conditions. To make further lease of such land by its keeper VP a. s. the special regulations and procedures apply. The structures on the lands of public ports can be erected only with the prior approval of MTC SR.

In the case that other party is interested in erecting or building a new port or terminal the MTC SR approval is required. MTC SR will evaluate the proposals for erection of new ports and transshipment facilities for transport of goods and passengers by waterways and for refurbishment and modernization of existing public ports. MTC SR also gives the consent for establishment of ports and delineates their territory. An interested party would have to also participate in the construction and land use permitting process.

14. Is there a prohibition or a limitation on the construction or amendment of ports in your jurisdiction?

[Please elaborate on prohibitions or limitations with regard to the area/place/property where a port may be erected. Also include information on prohibitions or limitations with regard to the purpose of the port (eg handling of dangerous substances).]

The ports are established in areas suitable in terms of the navigation safety and continuity, environment protection, water management interests and connection of waterways to other means of transport. The establishment of port must be approved by the Ministry. The area of public ports is defined by the Ministry after negotiations with the relevant District Office and municipalities concerned. The lands in the territory of public ports may be owned only by the state. Any structures extending to the waterway or crossing the waterway can be erected only upon the prior approval of MTC SR. These structures can be built in way not worsening the conditions of vessel operation

15. Is there a requirement for a special construction permit with regard to the construction or the amendment of ports in your jurisdiction?

The structures on the leased lands of public ports can be erected only with the prior approval of the Ministry and the Construction Authority. The process is laid down by Act No. 50/1976 Coll. Pursuant to Act No. 50/1976 Coll. as amended the ports, navigation canals and locks, modification of flows, dams and dikes, irrigation and land drainage systems are considered as civil engineering structures (Article 43a). Pursuant to the Act the ports are also the so-called linear structures to which the building permit issued under the previous land use decision refers. The Project Documentation must be complete and it is developed by an authorized designer. With regard to the linear structures these are the specific purpose structures relevant in terms of nation-wide interests and the large-scale structures or the structures with many participants in the permitting process. The decision concerning the construction is subject to land use and construction permitting process carried out by the Construction Authority. The opinion on the authorization is issued also by MTC SR. The temporary building can be erected under the leased contract only upon the binding statement of MTC SR.

16. If yes, please summarize the regulatory regime for construction permits. In particular:

- What permits or other authorizations (eg use permit) are required and which regulator issues them?
- Which are the competent authorities?
- What timeframe has to be considered?
- What are penalties or consequences for non-compliance?

Pursuant to the Construction Act the basic document for laying out the structures, landscaping and other actions in the territory is the zoning plan. It addresses the spatial arrangement and functional use of territory in full and it harmonizes the interests and activities influencing the territorial development, environment and ecological stability. It lays down the regulations for spatial

arrangement and functional use of territory. The basis for land-use decision can be a master plan addressing the territorial and technical, landscape and ecological, environmental, urban planning or architectural issues. During the land use planning process the Construction Authority evaluates the proposal especially in the light of its compliance with the land use planning documents or land use planning background document (Master Plan) and in the light of environment conservation as well as the needs and consequences of the required action in the territory; the binding background document for making a decision are the binding statements of competent authorities.

Structures, their alterations and maintenance work can be carried out only under the building permit or notification submitted to the Construction Authority. The building permit is required for all structures and structural alterations according to the submitted documentation and pursuant to the basic and general construction requirements. The permit is issued by the relevant Construction Authority.

The Construction Authority determines through the Building Permit the binding conditions of structure erection and its use and makes a decision about the objections of the process participants. The landscaping permit is also issued by the Construction Authority. The finished structure can be used only upon issuance of the final building approval after the completion of building approval process. The competent Construction Authority for waterworks and structures subject to an integrated permitting process in Slovakia is the so-called Special Construction Authority (Article 120 of Act No. 50/1976 Coll.) The permitting process is complex and the time framework cannot be exactly determined or anticipated.

MTC SR which issues the opinion on the permit is also the participant of the proceeding. The structures are subject to evaluation by EIA (refer to the paragraph below)

Deadlines related to the land use decision and construction permitting process vary and depend on the quality of submitted documents, the construction permitting process itself, Construction Authority's review and objections of affected parties, etc. The Construction Authority announces the beginning of the construction permitting process within 7 days from submitting the completed application for building permit, in the case of large-scale structures the announcement on the beginning of process is extended to 15 days. The Construction Authority must review all issues related to permitting the construction. The process is complex and the time framework cannot be exactly determined or anticipated. Currently the main negative aspect of this process is a very long period of investment and pre-investment plan preparation lasting approximately 5 to 7 years.

The fines related to the construction permitting process are set out in Articles 105 - 107 of Act No. 50/1976 Coll. and they depend on the type of unlawful conduct. The fines are imposed by MTC SR for

damaging and incorrect identification of waterworks and the Transport Authority. The amount of the fine reflects the severity of conduct

17. Is there a requirement for a special operating license/plant permit/business premises authorization with regard to ports in your jurisdiction?

The Slovak legislation does not specify any special license or permit for construction activities associated with the ports. In general, there is the preliminary project and project plan preparation phase followed by assessment of impacts, issuance of land use decision, construction permitting process and finally the issuance of building permit

18. If yes, please summarize the regulatory regime for operating licenses/plant permits/business premises authorizations. In particular:

- What permits or other authorizations are required and which regulator issues them?
- Which are the competent authorities?
- What timeframe has to be considered?
- Is there a statute of limitation on operating permits for ports?
- What are penalties or consequences for non-compliance?

N/A

19. Is there a requirement for a special permit under water regulations with regard to the construction, amendment and operation of ports in your jurisdiction?

In Slovak legislation there are no explicit regulations related to the regulation of under water regulations. The Water Act - Act No. 364/2004 Coll. creates conditions for comprehensive water protection, including water ecosystems and ecosystems that directly dependent on water, preserving or improving the state of water, efficient, economical and sustainable use of water, river basin management and improving the quality of the environment and its components, reducing the adverse effects of floods and droughts , ensuring the functions of watercourses and safety of water structures.

Decree No. 147/2013 Coll. Of the Ministry of Labor, Social Affairs and the Family of the Slovak Republic, laying down the details of ensuring the safety and health protection of construction works and related work, and details of professional competence for the performance of certain work activities, determines the construction work under extraordinary conditions.

20. If yes, please summarize the regulatory regime for permits under water regulations. In particular:

- What permits or other authorizations are required and which regulator issues them?
- Which are the competent authorities?

- What timeframe has to be considered?
- What are penalties or consequences for non-compliance?

In Decree No. 147/2013 Coll. the design documentation of the construction will identify proposals for technical measures, organizational measures and other measures to ensure safety and health at work. If special conditions arise during construction work, the contractor shall determine in cooperation with the designer the necessary technical measures, organizational measures and other measures to ensure safety and health at work. These works are listed in Annex no. 6 and diving works belongs under the Decree. The Decree determines the provision of special conditions for work of divers in the marked area, marking the area itself, space for warming of divers, working at a depth of more than 13m, the necessity of a decompression chamber at the workplace and other related requirements for the attainment of workplace safety. Worker - diver must also have a certificate of work determined

Competent authority is a Labour Inspectorate. The penalties are from 50 to 1000 euro based on the significance of the offense. The Construction Authority is also part of the process in the meaning of permitting the construction works (see other paragraphs for the detail).

21. Is there a specific requirement to carry out an environmental (impact) assessment (EIA) for port construction or amendment projects in your jurisdiction?

[Please include a brief description of the environmental assessments in your jurisdiction, including environmental impact assessments, conformity assessments and strategic environmental assessments.]

Generally, all strategic documents (master plan, strategies, etc.) concerning the development of ports must be accompanied by SEA - (so-called Strategic Environmental Assessment) and the feasibility study with EIA based on the specific technical and project design. The Slovak Republic transposed the European legislation in these general regulations

Several environmental protection documents state that human activity affects the ecological and chemical state of rivers in different ways. Environmental issues do not include just waterway transport and waterway development projects, but also electricity generation at hydroelectric power plants and the regulation of watercourses due to flood protection. The documents note that the greatest environmental impacts are caused by technical measures that worsen the original hydromorphological properties (eg sediment transport, morphodynamic development of the channel network, exchange processes between rivers and floodplains, groundwater regime) and/or change the natural diversity of plants and animals (eg barriers for migratory fish species or destruction of river banks, beds and fish spawn areas).

Therefore, prior to potential development and investment projects, the legislation requires assessing the need to prepare environmental impact assessments: impact on the surrounding water sources, on NATURA 2000 areas and on climate change. Given the position (water surface) and the immediate vicinity of NATURA 2000 protected areas, it is also necessary to consider the potential impact of investment and development activities in the context of the Water Framework Directive and the Habitats Directive.

The Slovak legislation does not cover the specific requirement for conducting EIA in the case of port structures. Generally, the Act No. 24/2006 Coll. on Environmental Impact Assessment is complied with. The purpose of EIA is in general:

- to provide effective and timely high-level protection of environment and contribute to the integration of environmental aspects into the preparation and approval of strategic documents with regard to the promotion of sustainable development,
- to identify, describe and evaluate the direct and indirect impact of the proposed strategic document on environment or of the proposed activity on environment including transboundary impacts,
- to clarify and compare the pros and cons of the proposed strategic document including its variants or of the proposed activity including its variants also in contrast to the zero variant,
- to determine measures preventing the pollution of environment, mitigating environmental pollution or preventing damage to environment,
- obtain an expert basis for the approval of strategic document or issuance of the decision on permitting the activity in accordance with the specific provisions.

The assessment is focused on:

- the process of assessment of expected impacts of strategic documents on environment during their preparation and before their approval,
- the process of assessment of expected impacts of proposed activities on environment before making a decision on their implementation or before their permitting in accordance with the special provisions

22. If yes, please summarize the regulatory regime for EIA. In particular:

- What types of port projects are covered?
- Are permits or other documents required before the port project can start and which regulator issues them?
- Which are the competent authorities?
- What are penalties or consequences for non-compliance?

The processes of investment and pre-investment preparation have been significantly enhancing since 2013. This is demonstrated not only by numerous feasibility studies and technical studies but also by an advanced stage of EIA. These are generally related to investment projects in transportation, construction in ports and waterworks.

With respect to the presence of protected areas of Community interest around the waterways it is necessary to respect the relevant legislation when making interventions in waterways and conduct a reasonable assessment and environmental impact assessment. It means that any other activities such as the preparation of detailed project documents can be carried out provided that the compliance with the applicable EU laws is ensured, in particular the Habitats Directive and Water Framework Directive and based on an analysis of alternatives the best environmental option is chosen.

To fulfill these principles the various representatives of the Ministry of Environment, Water Management, Transport, researchers and experts in the field of water structures, waterway transport, ecology, land use planning, tourism and economy including other stakeholders such as environmental non-governmental organizations and private sector representatives must participate in the planning process.

Penalties

- Pursuant to paragraph 6, Article 62 of Act No. 24/2006 Coll. the person eligible for conducting EIA can be excluded if they made a repeated breach of their obligations in the process of EIA or gave false or incomplete data in the expert judgment..

23. Does the relevant public procurement legislation in your jurisdiction foresee any special regulations with regard to port construction or amendment projects?

The Public Procurement Act does not specifically regulate the construction or reconstruction of ports. However Act No. 343/2015 Coll. applies also to activities relating to the exploitation of a geographically specified territory for the purpose of operation of public airports, maritime ports, inland ports or other terminal facilities for air, sea or inland waterway carriers.

24. Is the construction and operation of a port subject to an economic needs test in your jurisdiction?

There is no economic necessity test in public procurement legislation.

25. If yes, please summarize the process of such economic needs test. In particular:

- What types of ports require an economic needs test?
- Which authority is conducting the economic needs test and which other parties/stakeholders are required or allowed to express their opinion?

- What factors are taken into consideration when assessing the economic needs?

There are no regulations for the economic necessity test in public procurement legislation. However, projects funded by the EU funds require a feasibility study to be carried out on any project in the field of waterway transport. The studies also include assessing cost-benefit analyzes, environmental impacts, as well as assessing the economic need and the existence of demand for the services. Because of the fact that most of the investments in the area of water transportation is carried out by the EU funds, most of the development projects are considered within this scope.

As part of the of public spending higher efficiency policy, the so called Department of „Value for Money“ exists within the Ministry of Finance of the Slovak Republic. It assesses the economic merits of all projects financed from public funds above EUR 10 million.

26. Does the legislation applicable to the construction/extension and/or operation of ports provide for expropriation or other forms of coercion rights (eg shared use rights, temporary use of property)?

[Please include a brief description of the expropriation regime in your jurisdiction and elaborate on any other rights that grant the operator of a port construction project access to the required property.]

Pursuant to Act No. 282/2015 Coll. of 22 September 2015 on Expropriation of Land and Structures and on Forced Restriction of the Ownership Title and on Amendments to Certain Acts, the ownership title to real estate may be may be restricted or the real estate may be expropriated in public interest in order to establish or operate public ports.

In decisions on the expropriation of title to land or structure, the expropriation authority:

a) Determines the purpose of expropriation in public interest;

b) Decides on:

- Transfer of ownership title to land or structure;
- Restriction of ownership title to land or structure; or
- Establishment, restriction or extinction of a right corresponding to easement on land or structure necessary to build a structure, or a measure in public interest; a measure in public interest is a measure issued in order to protect life, health, state security, environment, mineral resources, caves, groundwater, natural healing resources, watercourses, cultural heritage and completed or incomplete structures in public interest.

Expropriation authority is the respective District Office in the region headquarters. The Ministry of Transport, Construction and Regional Development of the Slovak Republic is the state authority of the second instance in expropriation matters, the district office of the region headquarters is the expropriation authority of the first instance in expropriation process and it defines which competent expropriation authority will conduct an expropriation process and issues decisions regarding expropriation if the lands or structures subject to expropriation are located in the territories of several district offices at the seats of regions having the competence of expropriation authorities, it defines which competent expropriation authority will conduct an expropriation process and issues decisions regarding expropriation, if the district office at the seat of region competent to conduct expropriation process is the expropriator or other participant of expropriation process

27. Is there any special regulation regarding public-private partnerships for port investment projects?

The legislation or PPP programmes contain no specific rules for the area of waterway transport. According to the Ministry of Finance, public-private partnership (PPP) is a form of cooperation between the public and private sectors to fund the construction, reconstruction, operation and maintenance of infrastructure and provision of public services through this infrastructure. Under PPP, public sector entities are partners and clients of the private sector from which they purchase services. The private partner funds and carries out construction, operates and maintains the work (infrastructure). These services are provided against payments from end users of the work or from a public partner. The key characteristics of PPP is the sharing of risks associated with the construction and operation of the work between the private and public partner and long-term contractual relations.

28. Is the termination of the operation of ports or the demolition of ports specifically regulated in your jurisdiction?

[If yes, please elaborate also on the relevant procedure and whether or not the competent authority can request remediation measures.]

As VP, a.s. was established by the state based on Act No. 500/2007 Coll., the only entity authorised to dissolve is the state, ie the Government of the Slovak Republic.

If the port is owned by a private individual the owner must submit to the Construction Authority issuing the required permit an application for structure removal. In the application for permit the structure owner will specify the type, purpose, place and structure identification, the reasons for the structure removal and the date of expected beginning and end of activities, information whether the structure will be removed by the owner or through the contractor, the method of waste disposal and the use of vacant land and measures protecting the adjacent lands and buildings. With regard to the related regulations (such as impact of construction activities on waterway or the relevance of structure

extending to the waterway or the fact that the port is the part of waterway) MTC SR will express its opinion on the permit issued by the Construction Authority.

3.5 Port financing: Rules & Practices

This section shall deal with the financial sources available for developing port infrastructure and superstructure as well as maintenance needed in the Danube ports. In this respect financing is used as a general term which includes both public and private sources, while the term funding refers to government subsidies or other public funds available via national or European programs.

Please set out the types of financial sources available for port investments and maintenance in your jurisdiction:

[Please include information on (i) private investments, (ii) public investments and (iii) public-private collaborations for investments and lay down any special rules and practices regarding the different investment types.]

Private investments

The conditions of infrastructure of the ports owned by SPaP are mostly unsatisfactory or its useful life has already expired. The maintenance is carried out only to the minimum necessary extent and the leased transshipment areas are not used to their fullest advantage.

Public investments

Investments into the development and modernization of waterways infrastructure and their parts have been recently very low mainly due to inadequate funding and uncertainties regarding the competences in waterway and port development and modernization. The public investments represent only an insignificant part of the total spending on the transport infrastructure

PPP projects

PPP projects are not yet used in waterborne transport.

Other funds

Funds could be obtained by charging waterways; this topic has been discussed for a long time. In 2008, the European Commission presented a proposal for an infrastructure charging strategy that would incorporate external costs such as accidents, pollution, air pollution, noise and traffic congestion into charges, which could contribute to infrastructure funding opportunities. A similar charging system in waterway transport has not been introduced. However, it should be noted that it would be possible to

charge waterway transport in the Slovak Republic only after completion of the national waterways and their components

Please provide information on the financial sources and the corresponding duties as they are assigned to the different parties involved.

[Starting from the previous sections where responsibilities were defined in connection to investments, please give an overview linking the financial sources with the duties of the parties assigned as responsible.]

Private investments

The current mutual agreements between VP a. s. and SPaP do not represent a motivating factor for making new private investments.

Public investments

The National Budget resources are inadequate for the development of waterway transport in Slovakia as the funding of road infrastructure is the priority. With respect to EU funds the Operational Programme Integrated Infrastructure considers the investments in the development of waterway transport amounting to EUR 137 million to be used mostly for the refurbishment of the public port of Bratislava and the rest will be used for the preparation of feasibility studies and for the project and preliminary project preparation.

The further potential funding is provided by the Connecting Europe Facility (CEF Transport) allocating EUR 24.05 milliard and Interreg SK-HU (Improving transboundary mobility - allocating EUR 35 milliard) and Interreg SK-AT (Promoting sustainable transport solutions). However, the last two of them are more aimed at improving communication or mutual cooperation leading to further development of waterway transport.

In terms of public investments it can be said that the development of waterway transport in relation to other modes of transport is highly underfunded and neglected.

Are there any specific rules regarding how much a port can reinvest and allocate to maintenance from the fees it receives?

There are no specific rules in this area.

3.5.1 Rules and procedures for public funding of port investments

Please set out the public funding system for ports in your jurisdiction. In particular:

- Are there national programs or case-by-case activities for port investments? If yes, please give an overview of the legal framework, the procedures for applying, the timeframe, overall sums available and the eligibility of candidates.

There are no national programs for investment in ports.

- Are there European programs for port investments available and in use? If yes, please give an overview of the legal framework, the procedures for applying, the timeframe, overall sums available and the eligibility of candidates

Operational Programm Integrated Infrastructure (OPII) indicates investments into the refurbishment of the port of Bratislava; one of the measurable indicators of Operation Programme is the renovated port. VP a. s. as a potential beneficiary and operator of the public ports is encumbered with many long-term contracts signed in the past which have been restricting the use of non-repayable financial aid provided by OPII.

The following table shows non-investment projects relating to the potential development of the port of Bratislava have been identified within OPII.

| Project | Amount | Project description |
|---|----------------|--|
| OPII | | |
| Feasibility study - Modernization and construction of a new public port of Bratislava | 2.5 mil. eur | The project focuses on the preparation of the feasibility study (including technical study, EIA and CBA) that is going to verify and review the need for modernization or construction of the following elements: port walls and nautical equipment in the basin of Pálenisko, Winter port and Passenger port, slopes and equipment, berth structures and water depths in the port basins of Bratislava. The Project of port modernization is focused on improving the conditions and construction of a new port infrastructure in order to create conditions enabling the growth of waterway transport and to ensure liberal business conditions and modernization of infrastructure in the ports on the Danube. |
| Project documents for Modernization and Construction of the Public Port of Bratislava | 5.525 mil. eur | The project aims at the preparation and delivery of preliminary project and project documents and preparation of execution documents for modernization and construction of the public port of Bratislava. |

| | | |
|---|----------------|---|
| Project documents - Revitalization and Completion of Construction of Edges and Compacted Surfaces | 3.825 mil. eur | The project aims at preparation and delivery of preliminary project and project documents and preparation of execution documents for modernization and construction of the public port of Bratislava. |
| Security project and emergency plan of the public port of Bratislava | 42 500 eur | The project aims at preparation of emergency plan for the public port of Bratislava containing the complex set of written and graphical documents divided to general, emergency and operational part. The purpose of an emergency plan is to provide preventive measures in order to prevent an uncontrollable release of polluting or dangerous substances into environment and to define measures for emergency situations. |
| Construction of LNG terminal in the public port of Bratislava - preliminary project design | 0.65 mil. eur | The Project covers the development and delivery of feasibility study focusing on verification and review of the alternatives for the construction of LNG terminal in the public port of Bratislava. Development of Technical study, CBA, Safety documents related to the specific technology and EIA including the environmental impact assessment process are the part of the Project. The goal of the study is to identify an adequate technology for production and distribution of LNG in the public port of Bratislava. The Project is the part of preliminary project plan regarding the intention to build LNG terminal in the public port of Bratislava. |
| Port security - preliminary project plan | 0.4 mil. eur | The aim of this Project is to develop and deliver Technical and economical studies (including Technical study, EIA, CBA) Implementation of the Project will be directly related to the results of Security Project and Emergency Plan prepared with the support of OPII. Its goal is to build a complex port security system improving the level of services provided by the public ports through ensuring security in compliance with the common European standards. |
| Construction of vessel base in the public port of Bratislava - preliminary project plan | 0.415 mil. eur | This Project focuses on development of Technical and economical study which is going to propose and review the variants of possible solution for the construction of base for waste management and refuelling on the international Danube waterway (along with |

| | | |
|--|---------------|---|
| | | identification of auxiliary services required by users) in the public port of Bratislava through the multi criteria analysis. The structure design and station capacity, the best location for the station in the container port of Bratislava will be the part of proposal in accordance with the applicable legislation. A cost-benefit analysis (CBA) and environmental evaluation up to the level of environmental impact assessment (EIA) will be prepared for an optimal alternative of project solution. |
| CEF | | |
| Preparation of Master Plan and Feasibility Study for the port of Komárno | 0.63 mil. eur | The Project is under way. The preparation of Master Plan and feasibility study for the development of the port of Komárno coordinated with the Master Plan for the development of inland ports on the Hungarian section of the Danube (2015-HU-TM-0152-S) |

- Are there any other types of national public funding systems available?, If yes, please elaborate.

National schemes do not exist.

- Are there national rules and funding programs available that allow the collaboration between the public and the private sectors using public funding?

The rules are not specifically defined. However, PPP projects in the field of water transport are not common.

- Are there different eligibility grids that apply to private entities and public entities when competing as a consortium for joint funding?

In the case of public funding, the aid must comply with State aid rules, the details of which are specified in the document of DAPhNE project: „National state aid report template - State-aid schemes for funding investments in ports (public funding)“

4 Port Authority/Administration

Ports usually have a governing body referred to as the Port Authority, Port Management or Port Administration. "Port Authority" is used widely to indicate any of these three terms.

Therefore, it makes sense to start this section with definitions of the terms:

- port administration
- port authority
- port management

and in contrary to the "port authority" the "port operator" provides logistics services and can be either private or public.

This chapter shall clarify aspects dealing with those responsible for managing Danube ports and their duties in line with the legal framework in force. The distinction between port owners, port administration/port authority/ port managers and port operators shall be clearly made in those countries where this is the case. The analysis of the legal framework will also highlight the services that have to be provided in the Danube ports as well as the applicable fees, how they are calculated, updated and applied. How are the terms "port administration", "port authority" and "port management" defined in your jurisdiction?

How are the terms "port administration", "port authority" and "port management" defined in your jurisdiction?

In Slovakia, the responsibility for managing ports is divided into:

Port administration

Port Administration is responsibility of Public Ports, a.s.; the company responsible for maintenance and repairs within the ports. The Company was established and 100% owned by the State whose rights are exercised by the Ministry of transportation and Construction of the SR.

Port authority (Port Authority)

The Ministry of Transport and Construction of the SR is responsible for the overall policy in the field of water transport and for the development and functioning of the ports.

Port operator / management (Port Operator)

Slovenská plavba a prístavy, a.s. (Slovak cruise and harbors, Inc.) is a private company owning infrastructure and superstructure in public ports; it manages the infrastructure and superstructure within the ports; it is the dominant operator in the port of Bratislava and Komárno.

4.1 Port administrations & responsibilities Name the port administrations that were appointed by law and list their responsibilities

Name the port administrations that were appointed by law and list their responsibilities

- Is there a difference between port owners and port administrations in your jurisdiction?

[Please list all port administrations in case several scenarios apply to the Danube region in your country.]

[There is no difference in principle. However with regard to the legislation there is a difference. The owner of the ports is Verejné prístavy a.s. founded 21 January 2008 under Act No. 500/2007 Coll. amending and supplementing Act No. 338/2000 Coll. on Inland Navigation. The Slovak Republic is the founder of the company with the Ministry of Transport and Construction of the Slovak Republic 100 % owner of Verejné prístavy, a.s. acting on its behalf]

Please give a brief outline of the legal requirements regarding port administration. In particular:

- Who is responsible for the port administration?
- What are the main competences of port administrators?
- What permits, registrations and other authorizations are required for port administration and what is their term?

Verejné prístavy a. s. is responsible for the management of ports.

The competences of Verejné prístavy a. s.:

- ensuring preparation and construction of the public ports in Slovakia and development of long-term and short-term development concepts,
- ensuring operation, maintenance and repair as well as keeping record of structures and facilities in the territories of public ports,
- lease of lands in the territories of public ports and further activities directly related to asset management in the territories of public ports,
- collection of payments for the use of public ports,
- creation of conditions for the development of combined transport including handling the loading units of combined transport.

Verejné prístavy a. s. is responsible for the management of priority investment assets. It can be leased based on the lease agreement however the term of lease cannot exceed 30 years and the prior consent of the Ministry is required. The temporary structures used by the public port users can be established and operated only upon the prior binding statement of the Ministry. The Company may also enter into

Concession Agreements upon the prior approval of the Government of the Slovak Republic and under conditions laid down by Act No. 338/2000 Coll.

The amendment to Act on Inland Navigation that is being drafted lays down that the term of validity of lease agreements is subject to the Ministry approval if the priority investment assets are leased for the term exceeding one year or the lessee's right to repeated lease exceeding one year was agreed in the lease agreement]

4.2 Services provided by the port administrations Please give a brief outline of the legal requirements regarding port services. In particular:

Please give a brief outline of the legal requirements regarding port services. In particular:

- Which port services are legally required? (eg bunkering, drinking water, bathroom facilities, waste disposal facilities, sewage, disposal of oil)
- Which rules apply to moorings?
- Which safety requirements apply? (eg fire safety, life belts, ice breakers)
- Which legal prohibitions apply (eg no swimming/fishing in the port basin)?
- What are the penalties or consequences for non-compliance?

None of the public port services are explicitly requested by law or legally required.

Act No. 35/2014 Coll. amending and supplementing Act No. 338/2000 Coll. on Inland Navigation and on amendments and supplements to certain act as amended amending and supplementing certain acts lays down that the fee for the use of public ports in the Slovak Republic does not have to be paid in the case of order for immediate discontinuation of navigation and under Article 39 (p) of Act No. 338/2000 Coll. The vessels of the waterway operator while performing its duties, the vessels of Police Force, Armed Forces of the Slovak Republic, Fire and Rescue Corps of the Slovak Republic, Civil Protection, Customs Offices and Transport Authority are exempt from the fees. The relevant correlations and activities can be considered as enforced by law.

Similarly admission of a vessel in transit under specific circumstances such as necessity of medical treatment of death of the crew member can be considered as enforced by the port provision.

Otherwise the use of public ports is subject to payment. The fees for the use of public ports are determined and collected by VP a. s. based on the schedule of rates approved by the Ministry and the payments yield is considered the company's income. The services provided by the ports include e. g. refuelling, water refilling, waste management, toilets and the services related to sewage or oil disposal are available only upon the order of the vessel's master.

Anchoring areas

The Article 4 of the Navigation provision No. 175/2015 of the Transport Authority provides for the conditions and rules for ship parking in the designated points in the public ports of the Slovak Republic and in the port of Bratislava as well as in the ports of Komárno and Štúrovo. The provision defines the river kilometres designated for vessel parking according to the vessel width, the mooring rules and rules banning the anchoring. The rules are also defined according to the river bank and for individual anchoring areas and port basins.

Currently discussed amendment to Act No. 388/2000 Coll. on Inland Navigation envisages to allow the Transport Authority to grant the permit for operation of wharf, terminal, berth or anchoring area on the monitored waterway based on the application and the Transport Authority will also specify the conditions of their use.

It is forbidden to conduct the following activities in the port:

- a) Damage banks and their reinforcement including free movement of the vessel using own power drive in the handling point,
- b) Use for vessel mooring equipment and devices not designated for such use,
- c) Damage and overload the berth facility,
- d) Leave any objects protruding over the vessel edge or shoreline if they can pose a threat to the vessel safety,
- e) Create navigation barriers,
- f) Cross the fairway with a rope or a chain,
- g) Use VHF channels for other than official use,
- h) fish, swim or walk on frozen bodies of water in the port basins, terminal, layup and handling points,
- i) Use the ship sound signalling devices in the port basins in arbitrary and unjustified manner,
- j) Carry out maintenance or repair activities behind the side of a vessel in places not designated for such activities.

Safety regulations

The operations on waterway or in its protection zone are defined by the Transport Authority through the navigation provisions. The Navigation provisions are published on the Authority's website. The Navigation provision No. 175/2015 lays down the Transport Authority's conditions aimed at ensuring the safety of navigation in the public ports on the Danube. This provision covers the conditions of use of the port by vessels that may use the port services if they meet the safety, hygiene, epidemiological and fire safety regulations. In the case of other issues, the port users must notify the Transport Authority. In the case of adverse navigation conditions, the Transport Authority specifies the conditions of safe vessel operation through the Navigation provision. The port operator is responsible for the port operation in the public port.

Maintenance, repair or renovation of the vessel in the public port can be carried out only in the designated area. The vessel can anchor in the port basins only in extraordinary circumstances and only in specified handling points in order to avoid the vessel running aground.

Pursuant to Act No. 124/2006 Coll. the waterway transport is the activity associated with higher level of risk which may result in serious harm to employees in the performance of their duties or during which the serious harm is more likely to occur.

Penalties

Penalties are specified in Article 6 of Port Manual. They range from EUR 375 to EUR 10 000 according to the type of breach of duties. The highest penalties are applied mainly due to pollution of environment and jeopardizing the navigation

4.3 Finance of services

Please explain how services are paid for in the Danube ports in your jurisdiction.

- Are port fees applied and are they paid by the port users or is there a special state finance available to compensate these fees?
- Is there a direct or indirect charging system in place in your jurisdiction?

[In case there are several scenarios applicable to the Danube Ports in your jurisdiction, please describe them on a case by case basis.]

[The fees are paid by the port users. There are no grants for their payment from public funds. The fees are direct and they are specified in a price list. The fees are paid for the use of public ports of Bratislava, Komárno and Štúrovo]

4.4 Port fees

How are the access fees or taxes for the use of ports regulated in your jurisdiction?

[Please describe the general categories of fees applicable to Danube ports in your jurisdiction and how they are linked to the types of services available in those ports.]

- Which services are included in the fee? (eg use of the port and mooring, use of waste disposal facilities, ice removal in winter)
- Describe fees/taxes for port infrastructure and port services.
- Who is obliged to pay the fee and when?
- What is the mode of payment of the fee?
- Who is liable for the fee?

[The fees are paid by the port users. The fee is calculated according to the duration of the vessel's stay in the public port (for each day) and the vessel's dimensions stated in the ship's certificate or in a document replacing the ship's certificate or the volume of good loaded or unloaded in the public port stated in tons in the bill of landing (for each ton). The price list specifies the conditions for free use of the port

The fees are calculated based on the daily stay, type of ship (cabin, cruise ship, ship carrying out transshipment, floating facility) for transshipment, stationary vessels, laid up vessels to be discarded, transferred ton of goods, transshipment of liquid goods, winter layup according to the type of vessel, drinking water, etc... In certain cases, the fees are not collected (special arrangements, due to the flooding or threat to the navigation, rescue vessels, vessels with an exception granted, vessels in transit and if any unexpected extraordinary event - treatment, death, etc. occurs)

The fee for the use of public ports by vessels can be paid by a cashless money transfer based on an issued invoice, in cash (with exception of the port of Štúrovo) or by electronic transfer (with exception of the port of Štúrovo). The fee for the vessel stay and handling is usually collected upon departure or when the departure of the ship from the public port is reported. The fee can be paid any day of the week including holidays at the specified time and places in the ports. When calculating and determining the final fee for the use of the public port the ship data and transshipped cargo obtained from the River Information Services and the specific schedule of rates]

Who decides on the amount of the fees or taxes for the use of ports and how is it calculated?

[If available, please include the calculation methods that are in force. Specify if there are clear legal rules in force for this or if each port administration has their own calculation method in force. How often are port fees updated and is there an official explanation for this?]

The determination of charge is fully in the competence of VP, a.s., which issues a single schedule of charges for all public ports in Slovakia (Bratislava, Komárno, Štúrovo). This schedule of charges applies to the use of ports. The schedule of charges is updated on market development. The explanation report on the change of the schedule of charges is submitted to the approver, the Ministry of transportation and Construction of SR, Section of Waterway Transport. Verejné prístavy, a.s. determines the method of collecting charges for the use of public ports on waterways in the Slovak Republic

In case secondary fee or port tax legislation or other fee legislation is issued, please elaborate on the respective authority issuing such legislation and provide information on the legal procedure for issuing it.

Verejné prístavy, a.s. determines the method of collecting charges for the use of public ports on waterways in the Slovak Republic, their amount and calculation pursuant to Article 5 (14) of Act No. 338/2000 Coll. on Inland Navigation and on Amendment to Certain Acts.

Is there a special complaint process available for port users with regard to port services and access fees/taxes in your jurisdiction?

[If yes, please indicate whether there is a special complaint body or institution and give a brief overview over the complaint process, the parties involved, the costs and the timeframe.]

There is not any special complaint process available for port users with regard to port services and access fees/taxes in Slovakia. However, the complainant may complain to the Slovak Trade Inspection.

Please include as Annex 2 a list of fees applicable in all Danube ports in your jurisdiction, including the link to the website where they are available for consultation online.

4.5 Port bylaws

For the scope of the current document bylaws shall refer to the rules or laws established by an organization or community to regulate itself, as allowed or provided for by some higher authority.

Port bylaws lay down rules in respect of order, safety and environment in the port and its surroundings and the quality of the services in the port. Port bylaws can also be described as port regulations.

Does the relevant port legislation in your jurisdiction foresee the possibility to issue port bylaws?

- Is there a specific national legislation regulating the elaboration and publication of port bylaws or any other port rules that have an equivalent value?
- If yes, please explain if there is a general set of provisions imposed at national level applicable to all Danube ports or if there are specific provisions defined on a case by case basis.
- If there is no such rule, please explain this aspect, by stating that bylaws do not apply to your jurisdiction

[Act No. 338/2000 Coll. on Inland Navigation lays down certain areas where the specific regulations are issued. They include also so-called navigational security measures. The port also issues the schedule of rates and defines the port operational manual, i. e. internal rules of users' conduct in the port. The law also envisages the restriction of certain contract options for Verejné prístavy, a.s. (Public Ports, joint-stock company) concerning the conclusion of concessionaire agreements and lease of priority investment assets based on the contract.

The amendment to Act No. 338/2000 Coll. on Inland Navigation which is being drafted envisages that the wharf, terminal, berth or anchoring area operator is entitled to give to the vessel operator, vessel master, vessel crew member, passengers and other persons who are in the area of wharf, terminal, berth or anchoring area instructions to ensure the safe operation and these persons must respect them. The operation of the port is governed by the port manual issued by the port operator.

The navigation security measures are issued by the Transport Authority and they are published at their website. They regulate the conduct of vessels on the waterway. The Transport Authority issues the navigation security measures regarding the conduct of port users. The measures governing the ports on the Danube include for example navigation security measures for laying-up the vessels in the territory of Slovakia during winter season 2015/2016, navigation procedures laying down the Transport Authority's conditions for assuring the safety of navigation in the public ports on the Danube or navigation procedures regulating the work on the Danube waterway.

The port also issues an operational manual laying down the conditions for the use of public ports and defining the conditions for the vessel's operator, the conduct of vessels in the port, entry to the port and exit from the port, vessel identification, repairs, long-term lay-up of a vessel, penalties, protection of vessels and port area, graphical display of ports - Bratislava, Komárno, Štúrovo in relation to the location of handling and lay-up spaces, lay-up and repair locations, identification of locations and their description with respect to their purpose in the relevant sections of the river, etc.

The ports issue their own schedule of rates determining the fees, their calculation and purpose for port users. The schedule of rates defines the method of payment and places where they can be paid.

The ports have issued the "Notification on the development area in the personal port of Bratislava". This notification was issued in compliance with an Updated Concept of Development of the Public Ports in Slovakia, approved by the resolution of the Government of the Slovak Republic No. 846/2010 and Strategic Development Plan for Transport Infrastructure in the Slovak Republic by 2020 prepared by MTC SR and approved by the Government of the Slovak Republic in June 2014. The documents set out the necessity to improve services provided to the customers in the defined area of the public ports of Slovakia in relation to the development of the transport of passengers by inland waterway. Currently, the development of the transport of passengers by inland waterway in the passenger port of Bratislava becomes the priority.

The port users must abide by the orders of the waterway manager - Slovenský vodospodársky podnik, š.p. (Slovak Water Management Enterprise, state-owned enterprise) reflecting the current status of the river.]

4.5.1 Entity issuing the port bylaws Which entity is in charge of issuing the port bylaws/port rules in your jurisdiction?

Which entity is in charge of issuing the port bylaws/port rules in your jurisdiction?

The Transport Authority issues the navigation security measures. The list of all navigation security measures is available on a Transport Authority website: <http://plavba.nsat.sk/plavebna-bezpecnost/plavebne-opatrenia/>

An amendment to Act No. 338/2000 Z.z. which is being drafted envisages that the Transport Authority defines the conditions for operation of the wharf, terminal, berth and anchorage in the issued permit for wharf, terminal, berth or anchorage operation on the monitored waterway in order to ensure safe and continuous navigation and determines whether the wharf, terminal, berth or anchorage has a security function.

The port issues the port manual and schedule of rates; the Port issued also Notification on the Development of Area of the Passenger Port of Bratislava. Ministry of Transport and Construction of the Slovak Republic approves the schedule of rates.

Is there a specific procedure in place for updating/revising the port bylaws/rules?

[If yes, please give a brief outline on the procedure for issuing port bylaws.]

The navigation security measures imposed by the Transport Authority under Act No. 338/2000 Coll. on Inland Navigation have a nature of the current regulation of conditions required by an actual and existing waterway or port status. Under certain circumstances (e.g. the waterway status changes or there is a change in the ports, etc.), the Transport Authority issues a new navigation security measure.

An update of the schedule of rates is subject to the MTC SR approval

Please provide the port bylaws/rules of equivalent value of the Danube core network ports in your jurisdiction as Annex 3.

4.5.2 Area of application of bylaws To which area do the bylaws apply and which port users should be aware of them?

To which area do the bylaws apply and which port users should be aware of them?

[Please also elaborate on whether or not some port bylaws limit the third party access rights (eg access to oil ports).]

[The measures are aimed at safety, navigation, use of ports and their services, conduct in the ports, environmental protection, service prices and penalties.

The port users follow them.

Restrictions are addressed in the context of restricting the entry into the public ports. Only the users respecting the operational manual can enter the ports. Restrictions are related to the safety in the container ports. Due to this reason the entry and movement of public port users in the container public port of Bratislava and Komárno is monitored. The public port operator or a person authorized by the port operator issues the permits for vehicle entry and exit to the public container port of Bratislava

and Komárno and it has the right not to allow the person to enter the public container port if it does not provide the access authorization]

4.5.3 Environmental requirements included in the port bylaws Do the port bylaws applicable in your jurisdiction foresee specific requirements for aspects dealing with pollution prevention aspects such as: air emissions, alternative fuels, etc?

Do the port bylaws applicable in your jurisdiction foresee specific requirements for aspects dealing with pollution prevention aspects such as: air emissions, alternative fuels, etc?

[In case there are specific environmental requirements applicable to different port locations in your jurisdiction, please list all of these.]

[Environmental aspects are generally laid down in relation to the collection and disposal of municipal waste and liquid waste and sewage and drainage collection. The remains of dangerous cargo or sewage water can be handled only when the permit was issued and compliance with the conditions set out in the port operational manual is assured.

The measures are not explicitly aimed at any other aspects concerning the emissions or alternative fuels. V The locations for the construction of LNG service stations in the public ports of Bratislava and Komárno have been specified. With regard to the development of the port of Bratislava the preparation of project documents related to the LNG terminal establishment is planned to be carried out in the next period (refer to section 3.5.1).

4.6 Rules and Procedures regarding the Harbormaster Please give an overview of the legal requirements regarding the harbormaster department in your jurisdiction.

Please give an overview of the legal requirements regarding the harbormaster department in your jurisdiction.

[Please list the duties and responsibilities of the harbormaster departments in the Danube Ports in your jurisdiction.]

[There is no exact specification of duties and responsibilities as far as the legal requirements on the controller or port manager are concerned.

The legal provisions are associated with other professions such as qualification of the vessel crew, minimum health requirements for the crew members, they regulate the certificates of proficiency of water transport carrier, lay down the details on trainings and testing of the safety advisor and expert on the transport of dangerous goods by inland waterways]

5 Rules and regulations to become a port operator

This chapter shall explain the legal framework and the administrative procedures applicable to third parties interested in becoming a port operator in your jurisdiction.

The indicative timeline of the procedures applied as well as the estimated costs shall also be included in this chapter.

Is there a requirement for a specific concession in order to operate a port and/or to provide port services in your jurisdiction?

- What concession or other authorizations are required and which regulator issues them?
- Which are the competent authorities?
- What timeframe has to be considered for achieving the right to operate?
- What are the penalties or consequences for non-compliance?

[Today there are not any specific conditions to acquire the operator's status in the public port in independent way. The company must be established pursuant to the applicable commercial law - the Commercial Code.

Competent authorities and their impact on the port operator

Pursuant to Act 338/2000 Coll. Verejné prístavy a. s. (Public Ports, joint-stock company) can enter into a concession agreement concerning the use of priority state assets the validity of which is subject to the approval by the Government of the Slovak Republic. The planned amendment to Act No. 338/2000 Coll. assumes that the company may lease the priority investment assets through the lease agreement while the term of lease cannot exceed 30 years. The lease agreement will be valid only upon the Ministry consent, if the priority investment assets is leased for the period of more than one year also repeatedly or if the agreement is signed repeatedly with the same lessee over three consecutive years and the priority investment assets are leased for more than one year or it was agreed in the lease agreement the lessee's right to repeated lease the term of which cannot exceed the maximum of one year.

The law establishes the conditions for handling the assets by a concessionaire in accordance with the signed agreement. The law also in Article 6 of Act No. 338/2000 Coll. lays down the essentials of such relationships. For example, the concessionaire is obliged to preserve the purpose of priority assets, ensure the maintenance and operation of assets and pay the related costs, ensure its security, inform the company about the concession assets within the scope of duties agreed in the concession agreement and fulfill other duties agreed in the concession agreement. The concessionaire may not pledge the concession assets, use it for securing its obligations or third party obligations or transfer ownership of assets to other parties, etc.

Time schedule and fines

Time schedule for acquiring the operator's rights in the port has not been determined and it is subject to the potential agreement between the operator and Verejné prístavy a. s. (Public Ports, joint-stock company) Fines and penalties have been agreed in the Agreement and individually]

Does the relevant public procurement legislation in your jurisdiction foresee any special regulations with regard to port operation?

There are no specific regulations in the area of port management in public procurement legislation.

Are there any restrictions or limitations as to who can operate a port in your jurisdiction?

[Please include information on the parties to which the respective legislation is applied from the public and private sector.]

There are no regulatory restrictions. VP, a. s., as an operator of public ports is burdened by a number of long-term contracts concluded in the past. Therefore, its existing commercial legal relationships and provision of sufficient funding are the main obstacles to the development of public ports in Slovakia. The essence of the problem lies in a non-standard division of ownership between VP, a. s., which owns the land, and Slovenská plavba a Prístavy (SPaP), which owns the infrastructure and superstructure in public ports and leases land from VP, a. s, in the long term. This limitation has a major impact on the formulation of a long-term concept of the development of public ports in Slovakia.

Is there an obligation to contract/public service obligation for the port operator?

[If yes, please give a brief outline of the obligation to contract/public service obligation, the specific situations when such obligation to contract/public service obligation would be triggered and the contract partners.]

If the users follow the port manual and navigation security measures, there are no restrictions on the use of ports. In general, the vessel can sail into the zone of the public port if it is in good technical and operational conditions, it has valid ship certificates and unless safety, hygiene, epidemiological or fire safety regulations prevent this (Navigation security measure of the Transport Authority No. 175/2015)]

Are there specific rules for the operation of privately owned ports?

There are no specific rules relating to the private ports. The ports owned by private individuals should comply with the same legislation as the public ports. There is no a private port in Slovakia, only a private tranship point – Kližská Nemá

6 Rules and regulations for using port locations for economic activities other than port services

This chapter will address the legal framework applicable to those economic entities that are interested in carrying out economic activities that are not related to port services. The rules and procedures applied will be explained in a comprehensive manner along with the entities involved in each of the stages of these procedures. The port area can be used to carry out activities that are not only related to port operations and services. It is the responsibility of the port administration to manage the port land and to carry out procedures that result in the concession / lease of the port land for different purposes. Since there are specific authorities that have responsibilities according to the legislation applicable to ports we are interested in all types of procurement/ concession procedures they have power over as long as they are related to the port land. Consequently, we also want to know additional details about what it entails starting new types of economic activities in ports, other than those related to port services.

In case there is an economic entity interested in, for instance setting up a manufacturing plant within the port area and thus needs to receive and deliver cargo by water, what are the procedures this company would have to comply with in order to invest in a particular port location?

[Please give an overview on (i) whether economic activities other than port services are allowed within the port area in your jurisdiction, (ii) what procedures the economic entity interested in carrying out such economic activities has to follow and (iii) whether there are any specific rules applicable on such economic activities other than port services carries out in a port area.]

[Besides the restriction on the use of the public port for fun events and sports events outside of a designated space specified by the navigation measure under Act No. 338/2000 Coll. on Inland Navigation, there are no restrictions on its use for other economic activities. Today the ports are used in the context of letting the free offices, free warehouse premises, car weighing, lorry parking or letting the RoRo terminal location.]

Is there a requirement for a specific concession in order to carry out economic activities other than port services in a port area in your jurisdiction?

- What concession or other authorizations are required and which regulator issues them?
- Which are the competent authorities?
- What timeframe has to be considered?
- What are the penalties or consequences for non-compliance?

Act No. 338/2000 Coll. defines the port clearly as a delineated area including the water section, structures and facilities used for transshipment, storage, working and transport of goods, passenger

boarding and disembarking and protection of vessels when crossing ice and floods **and** for performing activities related to the vessel operation and their repair, renovation or construction.

Any other economic activities such as erection of a plant in the port area would be the subject to approval process described in section 3 of this document. The competent authorities' opinions on other potential economic uses of ports with exception of above services were the subject-matter of *ad hoc* evaluation. Therefore, timing cannot be predicted. With regard to the fact that the ports can be used for other economic purposes only upon the competent authorities' opinion, legislation does not address the common fines related to the use of ports for other economic activities. Fines can be agreed in the terms and conditions of the Agreement related to other economic activities in the ports]

Does the relevant public procurement legislation in your jurisdiction foresee any special regulations with regard to carrying out economic activities other than port services in a port area?

The Public Procurement Act regulates public procurement in general without explicit specification of the implementation of other economic activities in the area of ports

Are there any restrictions or limitations as to who can carry out economic activities other than port services in a port area in your jurisdiction?

There are no specific legal constraints or restrictions as to who may carry out other economic activities as port services in the port area.

Are there any restrictions or limitations as to what economic activities other than port services may be carried out in a port area in your jurisdiction?

Generally, the laws consider the restriction of any activity in the public port that might adversely affect the safety of navigation or threaten other port users. The activities may not pose any security, hygiene, epidemiological or fire risk. The activities that might in any way damage the port facilities, mainly the rescue facilities situated on the bank are also explicitly banned. The port may not be used for fun events and sports events, gravel, sand or other sediments and ice cannot be extracted there. Only the public port maintenance work can be carried out there and fishing is forbidden. Other activities associated with a significant change in the nature of economic activity in the port are subject to the opinions of competent authorities described in chapter 3 of the questionnaire. In general, the public port users must respect the orders and instructions of the Transport Authority, the public port operator and the waterway manager

7 Incentives for the reduction of the port eco-footprint

This chapter includes details about rules and regulations in force in the Danube ports in your jurisdiction regarding the reduction of the eco-footprint of the activities carried out in the port area. Many emission-producing sources are directly and indirectly related to port operations. These emission sources include port administration vehicles, power plants providing power for administration offices, tenant buildings, electrified cargo handling equipment, fuel-powered cargo handling equipment, ships, harbor craft, trucks, rail locomotives, etc. These sources produce greenhouse gases and other negative emissions harmful to people and environment. The relationships of these sources to the port administrative bodies vary by source type and between individual ports.

Are there special rules/measures in your jurisdiction that encourage parties working in the port area such as the port administrator or the port tenants (port operators and other economic entities) to reduce the emissions in the port area?

The special rules or measures do not exist. Act No. 338/2000 Coll. sets forth only the general conditions of environmental protection in the context of port establishment that may not have an adverse effect on environment, there are obligations of vessels operators regarding the technical conditions of vessels that may not pollute environment or provisions regarding the protection of environment in the event of vessel accident. Equally the port users must comply with the port code of procedures specifying the waste management options in ports. The waste management issues are continuously addressed in detail by work groups responsible for implementing the international convention CDNI (Convention on the Collection, Deposit and Reception of Waste during Navigation on the Rhine and Inland Waterways) at ZKR (Central Commission for Navigation on the Rhine).

The Slovak legislation also covers the general regulations concerning the reduction of emissions, protection of ambient air and environmental protection. The mitigation of adverse impacts of inland waterway transport on environment by reducing the emissions of gaseous pollutants and pollutants from combustion and auxiliary motors of the vessels will be achieved by respecting the specified maximum sulphur content in the vessel fuels (EU legislation was transposed via the Regulation of the Ministry of Environment of the Slovak Republic No. 362/2010 Coll. laying down the requirements for the quality of fuels and maintenance of fuel evidence) and re-motorization of vessels including the introduction of alternative fuels in the vessels and creation of port infrastructure for using alternative fuels in waterway transport

- Are there special environmental protection programs regarding air, water or soil pollution?

Special environmental programs directly related to the protection of air, water and land related to the reduction of environmental footprint of ports do not exist.

- Do "green vessels" (eg LNG powered vessels, vessels with exhaust emission treatment devices, etc) pay a smaller tax fee to access the port just because they pollute less or do they perhaps receive a tax-waiver?

No, the price list does not regulate it.

- Does a port operator who uses state of the art technology benefit from a certain type of incentive scheme such as reduced port fees, lower rent/concession fees to be paid, etc?

No. There is not any of such of benefits.

- Are there special incentive schemes included in the port bylaws regarding the set-up of LNG refueling points such as simplified procedures for the award of the port land for such refueling stations, reduced port taxes, spatial planning done to accommodate such bunkering stations, etc?

The measures relating to the port management do not directly contain the motivation schemes. VP a. s. is planning to modernize the port of Bratislava and the establishment of LNG terminal is the part of modernization efforts; currently the preparation of project documents for the relevant project is envisaged (refer to the section 3.5.1). Based on the study "Supply chain analysis and assessment of options for Danube region" the locations for the construction of LNG service stations in the public ports of Bratislava and Komárno were proposed in Slovakia

7.1 Incentives for port users & port operators

[Please provide a list of incentives and briefly describe them. When explaining these incentives, please separate them taking into account the different categories of entities active in the port area. If there is no general legal framework applicable at national level, please explain the different scenarios available for the port locations in your jurisdiction.]

The tax legislation allows the taxpayers to claim tax expenditures which may be claimed only to the extent and under conditions laid down by Act No. 595/2003 Coll. on Income Tax as expenses for the operation of own facility protecting the environment under Act No. 223/2001 Coll. on Waste and under Act No. 309/1991 Coll. on Protection of the Air against Pollution (Act on Air). The above legislation can be referred to also by port users or port operators. There is no other type of incentives specific for port users and port operators in relation to the reduction of ports carbon footprint

7.2 Incentives for investors in ports

[Please provide a list of incentives and briefly describe them. When explaining these incentives, please separate them taking into account the different categories of entities active in the port area. If there is no general legal framework applicable at national level, please explain the different scenarios available for the port locations in your jurisdiction.]

There are not any direct incentives for port investors in relation to the reduction of port carbon footprint. Within OPII the implemented project should focus on the development of preliminary project plan regarding the construction of LNG terminal in the public port of Bratislava. The Project covers the development and delivery of feasibility study focusing on verification and review of the alternatives for the construction of LNG terminal in the public port of Bratislava. The Project is the part of preliminary project plan regarding the intention to build LNG terminal in the public port of Bratislava

8 Annexes

Annex 1: List of all Danube ports

There are three inland ports in Slovakia that are included in AGN: the Bratislava, Komárno and Štúrovo ports.

- Bratislava harbor
- Komárno harbor
- Štúrovo harbor

Private transshipment station on Danube River:

- Transshipment - Kližská Nemá

Annex 2: List of fees applicable in all Danube ports

PORT FEES: <http://www.vpas.sk/wp-content/uploads/2017/09/sadzobnik.pdf>

There are following fees:

5.1 The daily charge of a passenger cabin in a public port is charged at a rate of 0.05 € / m² / day.

5.2 The daily charge of a personal cruise ship in the public port shall be charged at the rate of 0,02 € / m² / day.

5.3 A daily charge of a cargo ship which is not subject to a freight charge is charged at a rate of € 0.02 / m² / day.

5.4 A daily rate of € 0.02 / m² / day is charged for the daily stay of a vessel which has been charged separately for the transshipment, up to the day following the end of the free stay connected with the separately charged transshipment.

5.4.1 The free stay of a vessel carrying out a transshipment activity in the port territory of a public port for which it pays charges to the port operator shall be as follows:

| Weight of transported goods (t) | Number of days of free stay |
|---------------------------------|-----------------------------|
| 51-300 t | 1 day |
| 301-750 t | 2 days |
| 751-1 500 t | 3 days |

1 501-2 600 t 4 days

over 2 600 t 5 days

5.4.2 For the purposes of determining the free stay of the transporter, the total quantity of the transported goods is calculated by the sum of the transhipped and loaded goods pertaining to the particular vessel during an uninterrupted stay in the public port area.

5.4.3 In the case of a non-port activity activity (such as shooting a video and other), the operation is subject to a fee of EUR 300 per day commenced.

5.5 For the daily stay of a floating facility in a public port area, except for a floating facility at a position intended for the entry of personal cabin boats in the territorial area of the port of Bratislava, a rate of 0,005 € / m² / day is charged

5.6 During the daily stay of the floating facility at a position intended for the arrival of personal cabin boats in the public area of the public port Bratislava (left bank 1870,250 -1867,400, right bank 1869,000 -1867,000), the rate is charged :

5.6.1 0,01 € / m² / day for floating facilities which are demonstrably for the purpose of landing passenger cabin vessels;

5.6.2 If less than 20 personal cabin crew landed on a given floating facility in 12 months, a penalty of 0.01 € / m² / day for the previous 12 months (365 days) will be imposed on the operator of the floating facility;

5.6.3 € 0.0125 / m² / day for floating facilities that are demonstrably serving for the landing of personal cruise liners;

5.6.4 If less than 20 personal cruise ships landed on a given floating facility in 12 months, a penalty of EUR 0,0075 / m² / day for the previous 12 months (365 days) will be imposed on the floating establishment operator;

5.6.5 € 0.02 / m² / day for a hotel, floating restaurant, landing gear, and other floating equipment that do not serve to land large cabin vessels.

5.7 A daily rate of 0.01 € / m² / day is charged for the daily stay of the floating facility in the public area of the public harbor used for the landing of small craft and water motorcycles (marina).

5.8 A rate of 300.00 € / vessel / month is charged for non-operating vessels in the harbor district.

5.8.1 In the event of failure to comply with the conditions for placing a vessel in an unmasked vessel category within the meaning of the Rules of Operation, a penalty of 0,02 € / m² per day for each day for which the vessel has been unlawfully assigned to a non-operating category vessels.

5.9 Non-operating vessels destined for disposal, which shall be binding on the shipowner of the Public Ports, a.s. so that the liquidation will occur within 6 months from the date of the report, a rate of 50.00 € / vessel / month is charged.

5.9.1 In the event that a vessel is not disposed of within the above-mentioned time limit, a penalty of EUR 0,02 / m² / day per day for which the vessel has been unlawfully placed in Category II non-operating vessels destined for disposal.

5.10 A rate of € 0.20 / t is charged for each tonne of goods transported from a shore, shore-side or vessel-to-vessel vessel.

5.10.1 In the case of vessel-to-vessel disembarkation, the transshipment shall be charged to the ship from which the cargo is unloaded.

5.11 For the translation of liquid goods, the conversion rate is 0.40 € / t.

5.12 The Port Use Price shall be determined as a result of the public tender. The minimum price for port use shall be determined by the public port operator in the context of a public tender, based on the length, location, its lucrative nature and the way it is used.

5.13 The port charge is not collected:

5.13.1 for vessels or floating gears covered by special agreements concluded with the port operator,

5.13.2 during the immediate stop of the voyage due to floods, ice-streets or an imminent threat to sailing.

5.13.3 for survival craft, rowing boat, other chartered vessels or floating facilities,

5.13.4 for vessels of the Slovak Republic in accordance with the law or on the basis of exemptions from the payment (Dopravný úrad, MV SR, MO SR, etc.).

5.13.5. for vessels sailing under transit and forced to take action due to unforeseen events (medical treatment, death on board).

5.14 Charges for infrastructure in the port are levied by the company, which is the operator and the owner. The public port is not responsible for the operation and the damage caused to the engineering networks of other companies.

5.15 Winter standing cargo vessels - in the period from 15.12. to 15.03. vessels that do not carry cargo and are reported for winter storage at port authority, charged at a rate of 0.1 € / tonne vessel / month.

5.16 Winter standing passenger cabin vessels and personal cruise liners from 15.12. until 15.03, which are reported for winter stays at the port authority, are charged at a rate of 0.15 € / m² / month.

5.17 Drinking water is only available in the port of Bratislava on the PPS-P-12 and is charged at a rate of 2 € / m³.

5.18 The sanctions provided by the current Operating Rules of public ports of the Slovak Republic (hereinafter referred to as the "Operation Code") shall be applied in the amount and manner specified in the Operational Rules.

5.19 Value added tax (VAT) is charged at all rates indicated in accordance with applicable regulations.

Annex 3: List of port bylaws of the Danube ports

In addition to the Inland Navigation Act, there is a secondary regulations covering the activities of Public Ports, a.s. and related legal relationships also contained in other generally binding legal regulations, in particular:

Act no. 364/2004 Z.z. on Water and on Amendments to the Act of the Slovak National Council no. 372/1990 Coll. on Offenses as amended (the Water Act),

Decree of MDPT SR no. 22/2001 Coll., Laying down the details on the classification of waterways and their individual sections into relevant classes according to the classification of European waterways,

Decree of MDPT SR no. 59/2001 Coll., Laying down the details of the vessel 's quenching,

Decree of MDPT SR no. 123/2001 Coll., Laying down the details of the content, scope and course of the examination and the form of the certificate of professional competence of the carrier in the water transport,

Decree of MDPT SR no. Decree No. 124/2001 Coll., Issuing a model for the elaboration of a regulation on public water transport on inland waterways,

Decree of MDPT SR no. 12/2005 Coll. on qualification assumptions, on the verification of the professional competence of the member, the crew of the vessel and the small boatmaster, and the models of the competence certificates of the crew members of the vessel,

Decree of the MDRRR SR no. 80/2014 Z. z. Laying down the details of training and testing of the safety adviser and expert on the transport of dangerous goods by inland waterways and the activities of the test commissions.

By laws

In addition to the Act and secondary legislation, there are following Bylaws issued by the Transport Authority (Dopravný úrad):

<http://www.vpas.sk/pristavne-sluzby/plavebne-opatrenia/>

No. 179/2015 on wintering of vessels in the Slovak Republic for the period 2015/2016

No. 175/2015 which are issued "The Conditions of the Transport Authority to Ensure the Safety of Vessel Traffic in Public Ports on the Danube River"

No. 02/2016 on works on the Danube waterway

Verejné Prístavavy, a.s. issues:

Operation Rules of Public Ports of the Slovak Republic

<http://www.vpas.sk/wp-content/uploads/2016/08/PPVPSR-platnost-od-01.01.2017-Prevadzkovy-poriadok-verejnych-pristavov-SR-v.r.-podpisy.pdf>

Tariff for the collection of reimbursements for the use of public ports on waterways of the Slovak Republic

<http://www.vpas.sk/wp-content/uploads/2017/09/sadzobnik.pdf>

Information on the development area of the personal harbor Bratislava (section 14 and section 15)

<http://www.vpas.sk/wp-content/uploads/2017/01/rozvojove-uzemie.pdf>