

The Role, Powers and Challenges of the Slovak Environmental Inspectorate¹

Abstract

The Slovak Environmental Inspectorate (hereinafter 'SEI') is the main authority responsible for enforcing environmental legislation in the Slovak Republic. This article provides legal and institutional analysis of the SEI, tracing its historical development from its establishment in 1991 to its current role. The study examines the SEI's organisational structure, including its vertical and horizontal divisions, and its jurisdiction across six specialised areas of competence: water protection, air protection, waste management, nature and landscape protection, biological safety and environmental assessment and permitting. Particular attention is paid to the procedural framework governing inspections and the sanctioning of administrative proceedings, highlighting inconsistencies and outdated legal instruments. The article also explores the SEI's interactions with other administrative and criminal authorities and identifies systematic challenges such as fragmented competencies, insufficient modernisation and a lack of unified enforcement mechanisms. The author proposes targeted reforms to strengthen the SEI's mandate, improve procedural efficiency, and enhance environmental law enforcement effectiveness.

Keywords: Slovak Environmental Inspectorate, environmental law, administrative liability, environmental enforcement, inspection

1. History of the SEI

To understand the role of the SEI within the system of Slovak environmental enforcement authorities, an overview of the history of the SEI and its gradual

* | Mgr., Ing., remote Ph.D. student at Charles University, Faculty of Law, Department of Environmental Law, e-mail: janjencojunior@gmail.com, ORCID: 0009-0000-5553-4462.

1 | This work was supported by the Slovak Research and Development Agency under Contract no. APVV-23-0645.

Ján JENČO: The Role, Powers and Challenges of the Slovak Environmental Inspectorate. *Journal of Agricultural and Environmental Law* ISSN 1788-6171, 2026 Vol. XXI No. 40 pp. 407-433



changes must be provided. As mentioned by Michalovič and Maslen, the recognition of environmental law as an autonomous and coherent branch of Slovak legal doctrine forms the conceptual basis for understanding the institutional development of environmental authorities, including the SEI. Their analysis highlights that the evolution of environmental governance in Slovakia has been marked by a gradual consolidation of fragmented competences into a distinct and systematically structured field of law, enabling the establishment of specialised enforcement institutions, such as the SEI.²

The establishment of the SEI was a result of broader societal changes following the fall of the socialist regime in Czechoslovakia in 1989. Environmental protection was one of the key characteristics of the change of regime. Based on Act No. 96/1990 Coll. on the Establishment of the Slovak Commission for the Environment and on Changes in the Competence of the Ministries of the Slovak Republic,³ the Slovak Commission for the Environment (hereinafter the 'SCE') was established as an independent cross-sectoral central body of state administration of the Slovak Republic. It was a comprehensive executive authority, with a defined jurisdiction in matters related to the environment and activities directly connected to the development and protection of the environment. Given that the issue of environmental development and protection has a cross-sectoral nature, and that other ministries, through their activities, also influence the state of the environment in various areas of state administration,⁴ the SCE was established as a new collective body headed by the Deputy Prime Minister. It served as a central authority of state administration responsible for ensuring the government's coordinating activities in environmental matters.

Legally, the SEI was established by Act No. 575/1990 Coll. on State Administration for the Environment as a specialised supervisory authority through which the SCE exercised state supervision in matters of environmental care. As a sovereign public body and legal entity, the SEI began operating on 1 September 1991.⁵ Effective from 25 September 1992, the SCE was dissolved by Act No. 453/1992 Coll., which amended Act No. 347/1990 Coll. of the Slovak National Council on the Organisation of Ministries and Other Central Bodies of State Administration of the Slovak Republic, and was replaced by a regular ministry of the environment. The SEI continued to operate as the ministry's specialised supervisory authority even after the dissolution of Czechoslovakia and the establishment of the independent Slovak Republic and remains active to this day.

The SEI was originally established by a merger of two previously independent organisations – the Slovak Water Management Inspectorate and the State

2 | Michalovič & Maslen, 2024, 1–26.

3 | The Slovak Republic as a federative republic within the Czechoslovak Federative Republic.

4 | Slovak National Council 1990.

5 | Štefánek 2006, 24.

Technical Air Protection Inspectorate.⁶ Previously, both inspectorates operated independently and separately under their respective acts,⁷ with their jurisdictions primarily focused on investigating the compliance of industry and other legal entities⁸ from a technical and expert standpoint. None of these inspectorates had the power to impose fines; they were merely helping authorities for National Committees,⁹ which had the actual power to impose fines.

The newly established SEI adopted the organisational structure and territorial jurisdiction of the Slovak Water Management Inspectorate and its local water management inspectorates, which had been established in the locations of local state water management enterprises – a structure that has, interestingly, been preserved to this day. Regional environmental inspectorates, as organisational units and first-instance authorities, are located in:

1. Bratislava, which was the seat for the Danube River Basin state water management enterprise,
2. Žilina, which was the seat for the Váh River Basin state water management enterprise,
3. Banská Bystrica, which was the seat for the Hron River Basin state water management enterprise,
4. Košice, which was the seat for the Hornád River and Bodrog River basins state water management enterprise.

The head office of the SEI, as a second-instance appeal authority and governing body for the whole organisation, was located in Bratislava. Originally, the SEI had two main departments, the Department of Water Protection Inspection and the Department of Air Protection Inspection. The intensive development of environmental legislation in the 1990s and early 2000s, which resulted from Slovakia's ambition to join the EU, gradually led to the establishment of additional departments. In 1992, the Department of Waste Management Inspection was created, followed by the Department of Nature and Landscape Protection Inspection in 1995. In 2003, two more units were added to the existing four specialised departments – the Department of Biological Safety Inspection and the Department of Integrated Permitting and Control.¹⁰ The establishment of the Department of Integrated Permitting and Control represents an important milestone in functioning of the SEI, because it changed the nature of the SEI from solely a supervisory authority

6 | Hornák 2005, 3.

7 | Act No. 135/1974 Coll. on State Administration in Water Management, as amended and Act No. 35/1967 on Measures Against Air Pollution, as amended.

8 | For the purposes of this Article the term 'legal entity' also includes self-employed persons.

9 | National Committees were local government bodies that operated from the end of the Second World War until the fall of communism in 1989. They were a part of the centralised state administration and acted as extensions of the Communist Party's control over society.

10 | Štefánek 2006, 24.

to also a permitting authority.¹¹ In November 2025 the Department of Integrated Permitting and Control underwent a substantial change regarding addition of environmental assessment into its agenda and transformed into the Department of Environmental Assessment and Permitting.

From the international point of view, the SEI gained importance in 2003 when Slovakia became a full member of the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), with SEI being its representing authority.

In its history, the SEI has had to face major challenges, and its role has been greatly defined by the changing regime in Czechoslovakia in 1990, the establishment of the independent Slovak Republic in 1993 and its subsequent accession to the EU in 2004.

2. Role and legal mandate of the SEI

Within its almost 35 years of operation, the SEI has also had to face frequent changes in respective legislation. Currently, the general legal mandate of the SEI is based on Act No. 525/2003 Coll. on State Administration of Environmental Care and on Amendments to Certain Acts, as amended (hereinafter 'Act No. 525/2003 Coll.').

Pursuant to Art. 9 para. 1 of Act No. 525/2003 Coll., the SEI is a specialised supervisory authority that:

- a) carries out state supervision in matters of environmental protection within the scope and under the conditions established by specific acts,
- b) imposes fines in matters related to environmental protection,
- c) performs local state administration in the area of integrated pollution prevention and control in accordance with specific acts,
- d) engages in other activities related to environmental protection as defined by specific acts,
- e) acts as a control authority under specific acts,
- f) conducts state supervision over the achievement of the objectives of national environmental policy at both the national and regional levels, specifically in relation to actions supported by the Environmental Fund.

A more exact description of the legal mandate of the SEI is offered in the following chapters describing the institutional structure and jurisdiction of the SEI within respective areas of competence according to the specific acts.

¹¹ | The permitting role for a state authority required according to the Directive 96/61/EC concerning integrated pollution prevention and control.

3. Organisational structure of the SEI

The organisational structure of the SEI can be analysed from two perspectives. First, institutionally, as a state-established legal entity with a management structure responsible for the organisation's daily operation. Second, functionally – as a state authority exercising its powers in accordance with specific legal acts.

Institutionally, the SEI is a state budgetary organisation, financially integrated into the budget of the Ministry of Environment of the Slovak Republic (hereinafter the 'MoE'), which also serves as its founding authority.¹² Details regarding the organisation of the SEI are defined by a statute issued by the MoE.¹³ To fulfil its tasks, the SEI uses property owned by the Slovak Republic, which it manages in accordance with specific legislation.¹⁴

The SEI is divided into a head office and subordinate regional environmental inspectorates.¹⁵ The SEI is governed and its activities are overseen by the director general, who is appointed and dismissed by the secretary general of the MoE.¹⁶ Each regional inspectorate is headed by a director, appointed and dismissed by the Director General of the SEI.¹⁷ Regional inspectorates are the organisational units of the SEI, and they manage their resources within the scope defined by the head office of the SEI in its budget.¹⁸ The organisational structure of the head office of the SEI and regional inspectorates is defined by the Organisational Order of the SEI, issued by the Director General.

Generally, two types of departments may be distinguished – supporting and executing. Supporting departments are established mainly at the head office of the SEI and as of December 2025 include:

1. Office of the Director General,
2. Human Resources Department,
3. Audit Department,
4. Information Technology Department,
5. Legal Department,
6. Department of Projects and Recovery Plan,
7. Budget, Finance and Public Procurement Department and
8. Property Management Department.¹⁹

12 | Art. 9 para. 6 of Act No. 525/2003 Coll.

13 | Art.10 para. 7 of Act No. 525/2003 Coll.

14 | Art. 9 para. 8 of Act No. 525/2003 Coll.

15 | Art. 9 para. 3 first sentence of Act No. 525/2003 Coll.

16 | Art. 9 para. 4 of Act No. 525/2003 Coll.

17 | Art. 9 para. 5 of Act No. 525/2003 Coll.

18 | Art. 9 para. 7 of Act No. 525/2003 Coll.

19 | Art. 2 para. 2 subpara. a) to h) of the Organisational Order of the SEI.

These departments do not serve only the needs of the head office of the SEI but also provide support to the subordinate regional inspectorates. At the regional level, there is only one supporting department for each inspectorate, and that is the Office of the Director.

However, the structure of all of these supporting departments may vary relatively freely based upon current needs and tasks of the SEI. One such example is the Department of Projects and Recovery Plan, which was established relatively recently for a specific purpose related to the management of projects financed by European funds and the Recovery and Resilience Plan. Another example is the establishment of a temporary or permanent branch of the regional inspectorate, which may be directly managed either by the director of the regional inspectorate or it may have a specifically appointed head officer with their own office, which also serves mostly a supporting function.

Functionally, the structure of the SEI may be analysed from a vertical and from horizontal point of view. Vertically, the SEI has a head office and regional inspectorates, both of which perform state administration in the field of environmental protection within the scope defined by Art. 9 para. 1 and 2 of Act No. 525/2003 Coll. within their respective territorial jurisdictions.²⁰ The territorial jurisdiction of the head office of the SEI entails the entire Slovak Republic. The seats of regional inspectorates and their territorial jurisdictions are specified in Annex No. 2 to Act No. 525/2003 Coll.²¹

For first-instance proceedings, the respective regional inspectorate is the competent authority; the head office of the SEI is competent for second-instance proceedings.²² In administrative proceedings, regional inspectorates act independently.²³ The head office of the SEI is authorised, for the purpose of harmonising the execution of activities under Art. 9 para. 1 of Act No. 525/2003 Coll., to provide methodological guidance to the regional inspectorates.²⁴ The Director General of the SEI may, in justified cases – particularly in situations involving doubts about the impartiality of regional inspectorate, suspected violations of legal procedures during inspections or the need to carry out specific tasks – authorise a regional inspectorate to conduct inspections, impose corrective measures and issue fines outside its designated territorial jurisdiction.²⁵ The Director General may also establish a permanent or temporary branch of a regional inspectorate outside its official seat for the purpose of performing state administration in environmental protection. In such cases, the Director General shall also define the seat,

20 | Art. 10 para. 1 of Act No. 525/2003 Coll.

21 | Art. 10 para. 2 of Act No. 525/2003 Coll.

22 | Art. 10 para. 5 of Act No. 525/2003 Coll.

23 | Art. 10 para. 6 of Act No. 525/2003 Coll.

24 | Art. 9 para. 3 second sentence of Act No. 525/2003 Coll.

25 | Art. 10 para. 3 of Act No. 525/2003 Coll.

organisational structure and substantive and territorial jurisdiction of the temporary or permanent branch of the respective inspectorate.

The head office of the SEI is located in Bratislava, and there are four regional environmental inspectorates located in:

1. Bratislava,
2. Žilina,
3. Banská Bystrica and
4. Košice.

As of December 2025, there were two permanent branches located in:

1. Nitra, which is a branch of the inspectorate in Bratislava and
2. Spišská Nová Ves, which is a branch of the inspectorate in Košice.

From the horizontal point of view, interestingly, Annex No. 2 to Act No. 525/2003 Coll. does not mention anything regarding the head office of the SEI. The act only determines the departments of regional inspectorates and presumes the existence of seven types of departments, namely:

1. Department of Water Protection Inspection,
2. Department of Air Protection Inspection,
3. Department of Waste Management Inspection,
4. Department of Nature and Landscape Protection Inspection,
5. Department of Biological Safety Inspection,
6. Department of Integrated Permitting and Control and
7. Department of Landscape Planning.

The Department of Landscape Planning, however, has never existed; the author only presumes that at the time of creation of Act No. 525/2003 Coll., the legislator intended to incorporate the agenda of landscape planning within the scope of the work of the SEI by a specific act, but it never came to a successful end. Moreover, in November 2025 the Departments of Integrated Permitting and Control formally ceased to exist and were transformed into two departments, the Department of Environmental Assessment and Permitting and the Department of Integrated Inspection. Overall, there are seven types of functional executing departments at the regional level, but they differ from that which Act No. 525/2003 Coll. actually prescribes.

It must also be noted that the Department of Biological Safety Inspection is only established at inspectorates in Bratislava and Banská Bystrica.

Also, two existing permanent branches of inspectorates, those in Bratislava and Košice, do not have all the departments; they only have those that reflect the workload specific to their territory.

To summarise, none of the four existing regional environmental inspectorates has the same organisational structure as any other.

As of December 2025, the organisational structure of regional inspectorates is partially reflected in the horizontal organisational structure of the head office of the SEI, even though the head office does not have departments, but units, namely:

1. Unit of Water Protection Inspection,
2. Unit of Air Protection Inspection,
3. Unit of Waste Management Inspection,
4. Unit of Nature and Landscape Protection Inspection,
5. Unit of Biological Safety Inspection and
6. Unit of Environmental Assessment and Permitting.

These units serve as appellate bodies for decisions made by first-instance departments at the regional environmental inspectorates. The units are managed by six chief inspectors who are responsible for the harmonised execution of activities within their areas of substantive jurisdiction. The chief inspector of the Unit of Environmental Assessment and Permitting at the head office level is responsible for coordinating both the Department of Environmental Assessment and Permitting and the Department of Integrated Inspection.

4. Relations to other environmental authorities

The SEI is not the only state environmental enforcement authority in the Slovak Republic. Alongside the SEI, a separate structure of district and regional environmental authorities²⁶ (hereinafter 'D/REA') has been evolving, as well as specialised enforcement corps, such as the Nature Guard, the Water Guard, the Fisheries Guard and others. In the area of imposing administrative legal liability, these authorities have a jurisdiction similar to that of the SEI. This ambiguity often causes uncertainty in identifying the competent authority responsible for imposing environmental legal responsibility or even leads to jurisdictional conflicts. In such cases, the general rule is that if several administrative authorities have territorial jurisdiction, the proceedings shall be conducted by the authority that initiated the proceedings first, unless the competent authorities agree otherwise.²⁷ If several administrative authorities have territorial jurisdiction and each of them refuses to conduct the proceedings, the higher-level administrative authority directly superior to both of them shall designate which of them shall conduct the

26 | District and regional environmental authorities were originally established as separate structure of state administration bodies founded and governed by the MoE. However, in 2013 they were organisationally integrated into the structure of district and regional authorities, which are part of the Ministry of the Interior of the Slovak Republic.

27 | Art. 7 para. 3 of Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code), as amended (hereinafter 'Administrative Procedure Code').

proceedings.²⁸ The only exception to this general rule, specifically regarding the relationship between the SEI and competent D/REA, is that if proceedings are initiated simultaneously by the D/REA and the SEI and no agreement is reached among them as to which authority shall conduct the proceedings, the SEI is the competent authority to continue the proceedings.²⁹ From such a wording of the relevant legal provision, it may be assumed that legislator's intent is to designate the SEI as the primary and preferred environmental enforcement authority. As long as the relationship between specialised environmental enforcement corps and the SEI is concerned, it must be clarified that these corps are not established as a separate legal entities with a strict organisational structure. They are created as a collective of individually designated persons vested with enforcement authority in accordance with respective acts. Most relevant to the work of the SEI is the Nature Guard and the Water Guard, because both of these corps act according to the acts relevant to the operation of the SEI, i.e. Act No. 543/2002 Coll. on Nature and Landscape Protection, as amended (hereinafter the 'NLP Act') and Act No. 364/2004 Coll. on Waters and on the Amendment of Act of the Slovak National Council No. 372/1990 Coll. on Offences, as amended (Water Act), as amended (hereinafter the 'Water Act'). Moreover, the Slovak legal system also enables individual employees of the SEI to be both inspectors and members of the named corps.

Generally speaking, with minor exceptions,³⁰ the SEI was established and is still seen as the primary environmental enforcement authority focusing on the industry and the supervision of legal entities, while the D/REA were tasked with agenda regarding rather smaller businesses and natural persons. The specialised environmental enforcement corps focus mainly on natural persons.

The SEI has no powers regarding the criminal investigation; however, it is not rare that after an inspection conducted by the SEI, the SEI obtains information that gives rise to the suspicion that the identified violation may be qualified as an environmental criminal offence. In these cases, the SEI does not conduct sanctioning proceedings for administrative offence but forwards the case to the criminal authorities.

Any activity of the SEI may be subject to internal supervision by the MoE as its founding and supervisory authority. The SEI is also a subject to the supervisory authority of the Prosecutor's Office in the exercise of its non-criminal review functions,³¹ as well as to judicial review of its decisions within the framework of general administrative judiciary.³²

Apart from above-mentioned specific relations to other state authorities, in the performance of its duties, the SEI cooperates with other state authorities, with

28 | Art. 7 para. 4 of the Administrative Procedure Code.

29 | Art. 7 para. 2 of Act No. 525/2003 Coll.

30 | Mainly in the area of nature and landscape protection and CITES.

31 | Art. 7 para. 3 of Act No. 153/2001 Coll. on the Prosecution Service, as amended.

32 | Art. 2 para. 1 of Act No. 162/2015 Coll. Administrative Judicial Procedure Code, as amended.

local self-government bodies and with other legal entities and civic associations active in matters of environmental protection.³³

5. Procedural framework of the SEI

From the procedural point of view, the SEI usually proceeds in two steps when imposing environmental legal liability. First, the SEI conducts an inspection – a supervisory proceeding – whether the inspected subject violated the law, its implementing regulation or a decision issued on its basis. Second, if a violation has been identified, the SEI conducts a sanctioning administrative offence proceedings.

The general regulation governing the exercise of an inspection is Act No. 10/1996 Coll. on Control in State Administration, as amended (hereinafter 'Act No. 10/1996 Coll.'). Formerly, fundamental rules for supervision and inspections conducted by various state authorities, including those conducted by the SEI, were established by Act No. 418/1991 Coll. on State Control (hereinafter 'Act No. 418/1991 Coll.')

adopted in 1991. In that time, shortly after the change of the regime, industry was still mostly state owned. The relationship between the SEI and industrial operations as inspected subjects during an inspection conducted in accordance with Act No. 418/1991 Coll. may have been considered as a government-to-government relationship. Such a relationship between the inspecting and inspected subject – both being tightly connected to the state administration – implies greater transparency on the part of the inspected entity and less effort to conceal potential violations of the law. In such a legal framework, the application of less stringent instruments was sufficient when conducting inspections, and even a higher degree of procedural rigidity was acceptable.

However, a significant turning point occurred in the 1990s with the privatisation of the industry, which also brought a substantial shift a relationship between the SEI and the inspected subjects, which from that moment on can be characterised more as a government-to-business relationship. Moreover, the existing Act No. 418/1991 Coll. was replaced by the new Act No. 10/1996 Coll., which focuses on supervisory processes within the structure of state administration bodies. A fundamental difference in the conduct of state administration bodies and private entities and natural persons is that, according to the Constitution of the Slovak Republic No. 460/1992 Coll., as amended (hereinafter 'Slovak Constitution'), state administration bodies are allowed to act solely within the scope authorised by law, while private persons may engage in any conduct not explicitly forbidden by law. The new Act No. 10/1996 Coll., regrettably, did not reflect this change, and even its wording significantly 'over-ceremonialised' the entire inspection process. In this new legal framework, the application of inefficient instruments significantly

33 | Art. 11 of Act No. 525/2003 Coll.

hinders and prolongs inspections conducted by the SEI. A significant shortcoming of the procedure under Act No. 10/1996 Coll. is that it automatically assumes knowledge of the inspected entity. Especially in cases based on complaints that document the consequences of unlawful conduct without identifying the violator, it is impossible to carry out an inspection relying solely on the procedure under Act No. 10/1996.

Even the powers granted to the inspectors by Act No. 10/1996 Coll. are rather basic. Inspectors are entitled to enter buildings, facilities, operations and other premises of the inspected subject, request documents, statements and information and make photocopies of collected material or, in some rare cases, even take the materials outside the premises of the inspected subject.

On the other hand, in some cases, specific acts move away from Act No. 10/1996 Coll. but the pace of such change is very slow. For example, an inspection conducted by the SEI in accordance with the Water Act is strictly governed by Act No. 10/1996 Coll., whereas an inspection conducted by the SEI in accordance with the NLP Act uses Act No. 10/1996 Coll. only in relation to circumstances concerning the potential conflict of interests of the employees conducting the inspection.

Act No. 10/1996 presumes two ways for concluding an inspection. If a violation of the law is identified, a protocol is issued.³⁴ If an inspection is carried out without detecting any violation of the law, the SEI issues a record of the inspection.³⁵

The general legal framework of SEI procedures arises from the rather inappropriate Act No. 10/1996 Coll., which is being applied in a different scope based on the specific acts according to which an actual inspection is conducted. The purpose of an inspection is to ascertain the factual circumstances that constitute the foundation for the adjudication of rights and obligations in the subsequent administrative proceeding.³⁶ Nevertheless, the conclusions drawn during the inspection are not final and may be fully overturned in the course of the administrative proceeding. Given these circumstances, the over-ceremonialisation and unnecessary prolongation of the inspection process appear redundant and constitute an obstacle to the timely and targeted imposition of legal liability.

As long as the sanctioning–administrative offence proceedings are regarded, the existing regulation of administrative liability lacks a unified foundation, resulting in a broad category of unlawful conducts designated as administrative offences, encompassing acts of diverse character.³⁷ For the purposes of a correct understanding of administrative proceedings conducted by the SEI, a distinction on the legal status of the violator must be made. A different procedural legal framework applies to natural persons than to legal entities. This dual-track approach stems from the tradition of Slovak administrative law, which distinguishes

34 | Art. 13 para. 1 of Act No. 10/1996 Coll.

35 | Art. 13 para. 7 of Act No. 10/1996 Coll.

36 | Hendrych 2009, 52.

37 | Hamuláková 2025, 212.

between administrative offences of natural persons³⁸ and other administrative delicts,³⁹ applying a different set of procedural acts and provisions to each type of unlawful conduct.

The most general act applying to both types of unlawful conduct is the Administrative Procedure Code. Sanctioning proceedings against natural persons are also governed by the specific Act No. 372/1990 Coll. on Administrative Offences of Natural Persons, as amended. There is no such act regarding other administrative delicts, which is generally considered a drawback that should be addressed by the legislator. Each type of unlawful conduct may be subject to an even more specific regulation set out in the individual environmental legal acts. Some of these acts are outdated. Others, however, are viewed as modern and innovative even outside environmental law, e.g. payment order proceedings and the reduced-fine system for timely payments⁴⁰ introduced by Act No. 146/2023 Coll. on Air Protection and on Amendments and Supplements to Certain Acts (hereinafter the 'Air Protection Act').

Financial penalties imposed by the SEI are revenue of the Environmental Fund, an independent state fund administered by the MoE, with a mandate to financially support measures for environmental protection.

6. Specific areas of competence of the SEI

The individual areas of competence of the SEI share a common legal framework only to a very limited extent. To enhance clarity in the inspectorate's operations, individual departments are presented according to their statutory competences, while identifying the strengths and weaknesses of the relevant legal frameworks.

6.1. Water protection

Duties related to water protection are executed by six departments of water protection inspection on the first-instance level as organisational parts of regional inspectorates and permanent branches and by one unit of water protection inspection at the head office of the SEI. The agenda of the water protection division⁴¹ within the SEI includes responsibilities arising mainly from:

1. the Water Act,
2. Act No. 128/2015 Coll. on the Prevention of Major Industrial Accidents and on Amendments to Certain Acts, as amended (hereinafter the 'SEVESO Act'),

38 | Sometimes referred to as misdemeanours, in Slovak language 'priestupok'.

39 | In Slovak language 'iný správny delikt'.

40 | Michalovič & Jenčo 2024, 35–36.

41 | In this context both the departments and the unit.

3. Act No. 7/2010 Coll. on Conditions Applicable to the Placing on the Market of Chemical Substances and Chemical Mixtures and on Amendments to Certain Acts (Chemicals Act), as amended,
4. Act No. 319/2013 Coll. on Competencies of National Administrative Authorities for the Making Available on the Market and Use of Biocidal Products and on Amendments to Certain Acts (Biocides Act), as amended and
5. Regulation (EC) 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), as amended and
6. Regulation (EC) 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) 1907/2006, as amended.⁴²

Despite the relatively large number of regulations governing the water protection division, the majority of their work consists of enforcing the Water Act and the SEVESO Act. The Water Act primarily aims to:⁴³

1. protect both underground and surface water,
2. protect water-dependent ecosystems,
3. preserve and improve the condition of water resources,
4. ensure the efficient and sustainable use of water,
5. manage river basins and watercourses,
6. regulate the handling of pollutants.

The water protection division is the only division within the whole SEI that maintains a permanent emergency readiness. The purpose of this emergency readiness is to be able to respond immediately in the event of a critical water deterioration, which refers to a sudden, unforeseen and significant decline or threat to water quality caused by the discharge of wastewater or specific water without authorisation, or by an uncontrollable release of pollutants. These impacts are typically manifested through discolouration or odour of the water, oily films, foam formation on the surface, the presence of dead fish or the occurrence of pollutants in environments connected to surface or groundwater.⁴⁴ The SEI identifies the causes of critical water deterioration, coordinates response efforts and issues orders to implement corrective measures.⁴⁵ The response to critical water deterioration is not considered an inspection, however; its occurrence and investigation may lead to regular inspection of the responsible party.

42 | Art. 33 para. 1 subpara. 1 of the Organisational Order of the SEI.

43 | Art. 1 paras. 2, 3 and 4 of the Water Act.

44 | Art. 41 para. 1 of the Water Act.

45 | Art. 41 para. 10 of the Water Act.

Inspections conducted by the water protection division are more formal in nature, since they are carried out under the provisions of Act No. 10/1996 Coll. Although the Water Act does not explicitly regulate the personal jurisdiction of the SEI, the SEI conducts inspections only in relation to legal entities. Formally, the inspections conducted by the SEI are designated as the main state water protection supervision and are carried out on behalf of the MoE. Other D/REA may conduct 'only' state water protection supervision under somewhat different conditions but interestingly with stronger competences, such as restriction or prohibition of activity until the violation or its causes are eliminated.⁴⁶ Both types of inspections are conducted either on their own initiative or based on a complaint, and they typically focus on all obligations arising from the Water Act that apply to the inspected subject.

Apart from powers granted by Act No. 10/1996 Coll., inspectors may carry out necessary findings,⁴⁷ which is a relatively vague formulation but a suitable one for inspection purposes, as it allows broad interpretation. The inspector may also, with the participation of a representative of the Transport Authority, enter vessels and facilities used for water transport. Even though the Water Act allows designated employees of the SEI to hold the powers of a member of the Water Guard which are broader than those granted to an employee performing inspections – this legal instrument is not applied in the SEI's practice.

Following a finding of a violation of the Water Act during an inspection, the SEI conducts an administrative proceeding to impose a financial penalty. Rates for financial penalties set by the Water Act are rather low; however, in some specific cases, such as unlawful discharge of wastewater, the financial penalty is determined by calculation, which is also the case of the highest financial penalty ever imposed by the SEI in the sum of 743,018 EUR.⁴⁸

The SEVESO Act sets out the conditions and procedures for the prevention of major industrial accidents in installations where dangerous substances are present.⁴⁹ Given the focus of the SEVESO Act, it primarily applies to legal entities. Inspections conducted under Act No. 10/1996 Coll. are either regular, scheduled inspections or extraordinary, unscheduled inspections based on the own initiative of SEI or a complaint. Inspections conducted according to the SEVESO Act are specific in that they usually take the form of joint inspections coordinated by the SEI with the participation of representatives from the labour inspectorate, the fire and rescue corps, the public health authority or even the mining office.

Generally speaking, the water protection division as a whole is closely related to the topic of public safety and health; thus, water protection inspectors often cooperate in their work with other units of the integrated rescue system. Combined

46 | Art. 66 para. 6 of the Water Act.

47 | Art. 68 para. 1 of the Water Act.

48 | SEI 2022.

49 | Art. 1 para. 1 of the SEVESO Act.

with 24/7 emergency readiness, the experience of this division should serve as a good example for other divisions of the SEI, although the amendment and modernisation of the related legal regulations should have taken place a long time ago.

6.2. Air protection

Duties related to air protection are executed by four departments of air protection inspection on the first-instance level and by one unit of air protection inspection on the second-instance level. The agenda of the air protection division within the SEI includes responsibilities arising mainly from:

1. the Air Protection Act,
2. Act No. 286/2009 Coll. on Fluorinated Greenhouse Gases and on Amendments and Supplements to Certain Acts, as amended,
3. Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014.⁵⁰

Naturally, the most frequently used regulation is the Air Protection Act adopted in 2023, which makes it one of the newest legislations governing the operation of the SEI. Air protection shall be understood as the adoption and implementation of policies and measures aimed at preventing the release of air pollutants and reducing emissions from sources of air pollution, with the objective of ensuring compliance with national emission reduction commitments and mitigating overall air pollution levels.⁵¹ A rather comprehensive description of this act and its modern features has been prepared by Hamuláková, Sokolová & Noskovičová⁵² and Michalovič & Jenčo.⁵³ The most advanced features would be its own regulation regarding the whole process of inspection, mostly excluding the application of Act No. 10/1996 Coll. The Air Protection Act includes all potential subjects – natural persons as well as legal entities – within the personal jurisdiction of the SEI. Inspectors are vested with a robust set of powers; they may require proof of identity, summon individuals, produce photo documentation, video recordings and audio recordings, collect samples, monitor emissions and operational indicators, impose corrective measures by verbal declaration into the inspection record, restrict or suspend operations, impose a procedural fine and request cooperation from the police and the fire and rescue corps.

A specific feature of the air protection division is the establishment of technical workplaces, which are part of the Departments of Air Protection Inspection at each regional inspectorate. These technical groups conduct accredited

50 | Art. 34 para. 1 subpara. 1 of the Organisational Order of the SEI.

51 | Art. 2 para. 1 subpara. a) of the Air Protection Act.

52 | Hamuláková, Sokolová & Noskovičová 2024.

53 | Michalovič & Jenčo 2024.

emission measurements directly at the installations and also oversee commercial measurement providers. They are equipped with their own dedicated laboratory instruments and vehicles equipped with pollutant analysers to make on-site measurements. In this way, the SEI is able to independently obtain nearly indisputable evidence in the field of air protection using its own resources. Such evidence significantly facilitates further proceedings aimed at imposing sanctions in cases of identified legal violations.

As long as administrative proceedings regarding the imposition of a sanction are concerned, the Air Protection Act offers many innovative features, such as the already mentioned summary administrative procedure and system for reducing fines if timely payments are made. Thanks to the progressive character of the Air Protection Act and the advanced technical infrastructure, the air protection division of the SEI may be considered as both the legally and technically most advanced division of the SEI.

6.3. Waste Management

Duties related to waste management are executed by six departments of waste management inspection on the first-instance level and by one unit of waste management inspection at the head office of the SEI. The agenda of the waste management division within the SEI includes responsibilities arising mainly from:

1. Act No. 79/2015 Coll. on Waste, as amended (hereinafter the 'Waste Act'),
2. Act No. 127/2006 Coll. on Persistent Organic Pollutants and on Amendments to the Waste Act, as amended,
3. Regulation (EC) 1013/2006 on Shipments of Waste, as amended,
4. Regulation (EU) 2019/1021 on Persistent Organic Pollutants, as amended.⁵⁴

Beyond the legal acts and regulations governing the waste management division of the SEI, it is necessary to highlight the specific nature of the Waste Act, which not only transposes Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain directives (hereinafter the 'Waste Framework Directive') itself but also transposes a number of other directives regulating the extended producer responsibility for dedicated products, such as batteries, tyres, cars, electronic appliances, etc. The Waste Act also regulates:⁵⁵

1. the rights and obligations of legal entities and natural persons in preventing waste generation and in waste handling,
2. the handling of municipal waste,
3. the transboundary movement of waste, etc.

⁵⁴ | Art. 35 para. 1 subpara. 1 of the Organisational Order of the SEI.

⁵⁵ | Art. 1 para. 1 of the Waste Act.

Since everyone produces waste, the legal regulation on waste management affects every legal entity as well as every natural person. Regarding inspections conducted by the SEI, the Waste Act explicitly states that state supervision is carried out only in relation to legal entities. The Waste Act also stipulates the conducting of scheduled inspections at entities that have been granted a permit or an authorisation in accordance with the Waste Act at least once every four years.⁵⁶ Apart from that, the inspections are unscheduled and mostly based on the own initiative of the SEI or, less often on a complaint.

Procedurally, the waste management division of the SEI conducts inspections according to Act No. 10/1996 Coll.; however, the Waste Act gives inspectors stronger powers, such as the right to require proof of identity, to make photo documentation and video recordings, to require necessary assistance of the designated employee of inspected entity and, if the inspected entity refuses to provide such an assistance, the SEI is entitled to request the assistance of the police.

If the inspection results in the SEI identifying a violation of the Waste Act, the SEI is obliged to impose a sanction.⁵⁷ However, Act No. 300/2005 Coll. the Criminal Code, as amended (hereinafter the 'Criminal Code'), defines environmental criminal offences in waste management incredibly strictly. Before amendment of the Criminal Code in 2024, negligent handling of waste in violation of the Waste Act exceeding the amount of 266 euros was considered a criminal offence. Since the amendment, the threshold for this offence has been raised to 700 euros. Nevertheless, this amount still remains relatively low, and many violations of the Waste Act identified by the SEI must be referred to the police for criminal investigation.

Generally, the topic of waste management is gaining increasing importance, particularly in connection with the circular economy, which in Slovakia, sadly, is generally understood as being synonymous with more efficient waste management.⁵⁸ Nevertheless, proper waste management enforcement is crucial for industrial transformation and raw material independence. Given that many unlawful activities are concealed within legal business operations,⁵⁹ uncovering violations of the Waste Act requires substantial analytical capacity and a flexible legal framework that enables effective inspections. The fight against illegal waste handling is complex and multilevel, and Slovakia must use different tools and strategies to effectively tackle the threat.⁶⁰ The current, rather conservative, legal regulation of the SEI does not reflect these needs and will require significant changes in the future, including a redefinition of the relationship between administrative and criminal offences.

56 | Art. 112 para. 1 of the Waste Act.

57 | Art. 112 para. 2 of the Waste Act.

58 | Michalovič 2024.

59 | Europol 2025.

60 | Uhri & Nemes 2024.

6.4. Nature and Landscape Protection

The nature and landscape protection division of the SEI consists of five departments of nature and landscape protection inspection on the first-instance level and one unit of nature and landscape protection inspection at the head office of the SEI. The area of competence of the nature and landscape protection division is defined mainly by:

1. the NLP Act,
2. Act No. 15/2005 Coll. on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein and on Amendments to Certain Acts, as amended (hereinafter 'CITES Act') and
3. Regulation (EC) 338/97 on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein, as amended.⁶¹

Although the mandate of this division is based on only two acts and respective European secondary legislation, it represents the most operationally burdened division within the SEI. Both the NLP Act and the CITES Act establish the SEI's personal jurisdiction over both legal entities and natural persons. The enforcement of the NLP Act constitutes a significantly larger portion of operations than enforcement of the CITES Act.

The NLP Act regulates, among others, the rights and obligations of legal entities and natural persons in the field of nature and landscape protection, and its objective is to ensure the long-term preservation of natural balance and the protection of the diversity of conditions and forms of life, natural values and beauty and to create conditions for the sustainable use of natural resources and the provision of ecosystem services, taking into account economic, social and cultural needs, as well as regional and local circumstances.⁶²

The principal mandate of the nature and landscape protection division of the SEI is directed toward the enforcement of legal requirements concerning the territorial protection of protected areas, the conservation of protected species and the protection of non-forest woody vegetation. The last named constitutes the subject of the highest number of complaints on violations of the law. The operational workload necessitated amendments to the NLP Act, aiming to adapt its provisions to the need for swift and effective inspections followed by the imposition of sanctions.

The NLP Act contains its own procedural framework for the conduct of inspections, which in practice almost completely supersedes the provisions of Act No. 10/1996 Coll. It also served as a good practise example during creation of the Air Protection Act, in regard to the powers of inspectors. Inspectors of the SEI are entitled to request proof of identity, statements, information, data and explanations,

61 | Art. 36 para. 1 subpara. 1 of the Organisational Order of the SEI.

62 | Art. 1, para. 1 subpara. 1 of the NLP Act.

conduct necessary inquiries, summon individuals, produce photo documentation, video and audio recordings, collect samples and restrict or prohibit activities.

Given that this division is significantly overburdened, its inspection activities are conducted almost exclusively in response to filed complaints. Since many of the inspections cannot lead to identification of the violator, the NLP Act recognises, apart from protocol and a record of inspection, a third possible output, which is a record of investigation.⁶³

Unlike the already mentioned divisions, the nature and landscape protection division is entitled to impose not only a financial penalty but also the sanction of forfeiture of property and in less serious cases, a warning may also be imposed on a natural person.

6.5. Biological Safety

Organisationally, the smallest division of the SEI, the division of biological safety, consists of two departments of biological safety inspection on the first-in-stance level and one unit of biological safety inspection at the head office of the SEI.

The Biological Safety Division is responsible for enforcing mainly of:

1. Act No. 151/2002 Coll. on the Use of Genetic Technologies and Genetically Modified Organisms, as amended,
2. Act No. 150/2019 Coll. on the Prevention and Management of the Introduction and Spread of Invasive Alien Species and on Amendments to Certain Acts, as amended (hereinafter the 'Invasive Alien Species Act'),
3. Act No. 469/2002 Coll. on Environmental Labelling of Products, as amended,
4. Act No. 3/2010 Coll. on the National Infrastructure for Spatial Information, as amended,
5. Regulation (EC) No 1946/2003 on Transboundary Movements of Genetically Modified Organisms, as amended,
6. Regulation (EU) No 1143/2014 on the Prevention and Management of the Introduction and Spread of Invasive Alien Species, as amended and
7. Regulation (EC) No 66/2010 on the EU Ecolabel, as amended.⁶⁴

Unlike the other above-mentioned areas of competence of the SEI, in the field of genetic technologies and genetically modified organisms, the SEI does not share this competence with other D/REA. At the time of its establishment, this division faced a difficult task to address the highly specialised topic of regulating the handling of genetic technologies and genetically modified organisms. The lack of available experts was significant; however, the SEI successfully tackled

63 | Art. 71 para. 15 of the NLP Act.

64 | Art. 37 para. 1 subpara. 1 of the Organisational Order of the SEI.

this challenge and assembled a dedicated team of experts, providing them with comprehensive training and thereby ensuring the safe use of genetically modified organisms without endangering human health or the environment.⁶⁵

Having succeeded in a very unique agenda compared to other divisions of the SEI, the biological safety division of the SEI was later tasked with enforcing other, not necessarily connected, however highly specialised, legal acts, adding into its agenda topics such as invasive alien species, environmental labelling and enforcing the INSPIRE directive.

At present, the majority of the biological safety division's activities are focused on the enforcement of the Invasive Alien Species Act which regulates, among others:

1. restrictions on the possession and handling of invasive alien species,
2. the obligations and authorisations of persons and
3. measures to prevent the introduction and spread of invasive alien species.

The SEI conducts inspections exclusively in accordance with the Invasive Alien Species Act, excluding the application of Act No. 10/1996 Coll. The SEI is entitled to inspect and sanction both legal entities and natural persons. Exactly the same competence is given to the D/REA as well.

The inspectors of biological safety share very similar powers as nature and landscape protection inspectors both in supervisory and administrative proceedings.

To summarise, the biological safety division of the SEI handles a broad and diverse agenda stemming from a wide range of thematically distinct legislative acts. Over time, its primary focus has evolved from its original mandate and may currently be regarded as the 'division of everything else'. Reorganisation or redistribution of some of its tasks might bring more effective enforcement of all the respective responsibilities arising from the relevant legislation.

6.6. Environmental Assessment and Permitting

Chronologically, the latest addition to the competences of the SEI was the agenda of integrated permitting and control, which had its own division structurally designed similarly to other divisions. In November 2025 the whole system of environmental assessment, construction permitting and integrated permitting underwent significant changes. Environmental assessment was merged into integrated permitting which created a need to change the whole organisational structure of the SEI's division regarding this agenda.

Currently, duties related to integrated permitting and control are executed on the first-instance level by five departments of environmental assessment

65 | Horecká 2010, 15.

and permitting and five departments of integrated inspection and by one unit of environmental assessment and permitting on the second-instance level. The environmental assessment and permitting division is mainly responsible for enforcement of:

1. Act No. 39/2013 Coll. on Integrated Prevention and Control of Environmental Pollution and on Amendments and Supplements to Certain Acts, as amended (hereinafter the 'Integrated Prevention Act'),
2. Act No. 24/2006 Coll. on Environmental Impact Assessment and on Amendments and Supplements to Certain Acts, as amended and
3. Act No. 359/2007 Coll. on the Prevention and Correction of Environmental Damage and on Amendment of Certain Acts, as amended.⁶⁶

The main agenda of this division is based on the Integrated Prevention Act, which represents a national transposition of Directive 2010/75/EU on industrial and livestock rearing emissions (integrated pollution prevention and control), as amended, and sets measures aimed at preventing environmental pollution, reducing emissions into air, water and soil, limiting waste generation and ensuring the recovery and disposal of waste, with the objective of achieving a high level of overall environmental protection.⁶⁷ The environmental assessment and permitting division of the SEI is unique in that within the organisational structure of the SEI, it is the only permitting authority. This division performs environmental assessment and issues integrated permits allowing operation of the biggest industrial and agricultural farming installations. These integrated permits combine all the required environmental permits and construction permits. Based on that, this division also executes tasks that would otherwise fall under the competence of the D/REA according to the specific environmental legislation and general administrative authorities based on Act No. 25/2025 Coll. on Construction (Building Act) and on Amendments and Supplements to Certain Acts, as amended.

So far as inspections are concerned, the SEI conducts environmental inspections based primarily on a schedule according to the risk assessment of each installation. High-risk installations are inspected every year, while low-risk installations are inspected once in three years. The SEI is also entitled to conduct an unscheduled inspection, mainly based on a complaint. It must be noted that the SEI inspects only compliance with the conditions stipulated in the integrated permit. The usual practice of the SEI is that even though the jurisdiction of other specific divisions of the SEI over an 'integrated' installation is not excluded, these installations are inspected only by the environmental assessment and permitting division of the SEI. This results in a rather peculiar situation in which, from the perspective of environmental protection, the potentially most hazardous installations

66 | Art. 38 para. 1 of the Organisational Order of the SEI.

67 | Art. 2 para. a) of the Integrated Prevention Act.

are inspected only by a single unit for compliance with all relevant environmental regulations, whereas smaller and less significant installations may be subject to several separate inspections not only by specific divisions of the SEI but also by the D/REA.

The whole inspection procedure has its own legal framework arising from the Integrated Prevention Act, resulting in an inspection report which specifies whether the conditions stipulated in the integrated permit were complied with. If a violation of the conditions has been identified, then the SEI follows with:

1. imposing corrective measures,
2. a sanctioning procedure resulting in financial penalties,
3. a request to submit an application for a permit amendment within a specified period or
4. a restriction or suspension of the activity, if the operation has caused or poses a threat of serious harm to human health or the environment, or if there is a risk of significant material damage.⁶⁸

Generally, the environmental assessment and permitting division of the SEI stands out as a very influential permitting authority and has a significant impact on compliance with environmental legislation. Within this area of competence of the SEI, the inspecting part is less complicated, and significant changes shall be made within the legislation regarding the permitting processes, which is complicated and focuses on unnecessary details rather than on the broader impacts of the operation on the surrounding environment.

7. Challenges

Breaking the law is always easier than proving that the law has been broken. In order to effectively identify violations of environmental legislation, it is necessary that the enforcement authorities, including the SEI, have available proper legal instruments, technical instruments and personal capacities.

Particular legal oddities regarding the operation of the SEI have been identified in a previous description of the SEI. A rather complex analysis on legal challenges and suggestions on how to address them were already identified in the strategic material 'Concept for Combating Environmental Illegal Activities' adopted by the MoE in May 2023;⁶⁹ however, it was revoked without any replacement due to political interests later in 2023. Due to the revocation of the document, the MoE was a subject to criticism by the Supreme Audit Office of the Slovak Republic in 2025 for

68 | Art. 35 para. 2 subpara. d) of the Integrated Prevention Act.

69 | MoE 2023.

the lack of a conceptual approach in governing the environmental enforcement.⁷⁰ The topic of the Concept for Combating Environmental Illegal Activities was thoroughly elaborated by Michalovič and Jenčo.⁷¹ The strategic material formulated four requirements:

1. a clear and transparent definition of the competencies among various environmental state bodies,
2. a well-functioning system of state supervision and the imposing of liability,
3. effective environmental corrective measures and
4. rational management of public finances.

The lack of clear jurisdictional boundaries should be addressed. One of the suggestions was to establish two separate structures of state bodies, one for permitting authorities and one for inspecting authorities.

A clear drawback of the whole inspection procedure is some obsolete statutes and particularities in specific acts which differ in the work of inspectors, even within one organisation. Rules that have roots in a different social era more than 35 years ago, naturally, cannot compete with the ingenuity of those who want to violate the law in current times. Moreover, the use of innovative technologies and digitalisation of processes must be fully implemented within the daily operations of the SEI.

Although the principles of restorative justice are prioritised even in the field of environmental liability, their actual realisation has not yet happened; thus, environmental liability can hardly fulfil its reparative, compensatory or satisfactory functions.

Finally, rational distribution of public money within various state enforcement bodies is required hand in hand with redefining the relationship between administrative and criminal enforcement authorities.

8. Conclusion

Since its establishment, the SEI has undergone substantial institutional and functional transformation, resulting in a significant expansion of the organisation and its competencies. Over nearly 35 years of operation, its role in environmental protection has become difficult to replace by any other authority.

Nonetheless, it must be acknowledged that it is not the only state body responsible for the enforcement of environmental law. It remains a subordinate institution of the MoE, which serves as the central authority for the formulation and implementation of environmental policy. Accordingly, the SEI primarily acts as

70 | Supreme Audit Office of the Slovak Republic 2025.

71 | Michalovič & Jenčo 2022, 15–18.

an executive arm of the MoE's strategic and regulatory agenda. If the MoE intends to pursue a genuinely effective environmental protection policy, it must adopt a comprehensive and systematic approach to environmental liability – one that encompasses all relevant public authorities, including enforcement corps, and extends, where appropriate, into the domain of criminal justice authorities.

Furthermore, environmental protection must be approached rather holistically instead of through fragmented protection of individual environmental components. The prevailing regulatory framework tends to prioritise the protection of specific environmental elements, which is reflected in the uneven quality of legislation governing the activities of SEI's divisions – ranging from the scope of personal jurisdiction, procedural rules for inspections, to the methods and rates of financial sanctions. However, this inconsistency is symptomatic of structural deficiencies within the MoE itself, which creates governance gaps in separate policies.

Although the SEI is formally classified as a state administration authority, similar in status to D/REA, it benefits from a more centralised organisational structure. This allows for the concentration of expert capacities and facilitates more effective operational management and strategic oversight. Such a structure provides a sound institutional foundation for the further development of SEI. However, the coexistence of two distinct structures of authorities with overlapping mandates in the area of environmental liability enforcement frequently leads to operational inefficiencies. The absence of a formalised mechanism for inter-agency cooperation at the national level further complicates these challenges.

In terms of its supervisory powers, the SEI lacks investigative authority in several key areas. It is generally empowered to conduct inspections only on identified entities and is then required to follow a procedurally burdensome inspection process. This significantly impedes its operational efficiency, particularly in cases where the perpetrator must first be identified before being held accountable. Moreover, SEI's vertical organisational structure is defined by law and does not permit the establishment of specialised inspection units at the head office level in order to address complex or high-risk cases. Paradoxically, enforcement corps tasked with addressing less serious violations often possess broader powers than SEI inspectors. Expanding the legal powers of inspectors to enable them to carry out their duties effectively is therefore both necessary and urgent.

Through its participation in various externally funded projects and the Recovery and Resilience Plan, the SEI has undergone a process of equipment modernisation. However, the integration of these technologies into routine inspection activities remains limited. To fully leverage modern technological tools, it is essential to invest in the development of SEI's expert capacities. In certain instances, ambiguities in the legal framework hinder the use of such technologies due to concerns about compromising the validity of inspection procedures.

If the SEI is to evolve into a modern environmental enforcement authority focused on remedying identified deficiencies and working on restorative principles, the legal instruments governing environmental liability enforcement must be capable of fulfilling the full range of its functions – not only in terms of repressive measures, but also in prevention, education, compensation, satisfaction and reparation of adverse environmental impacts. The potential for innovative approaches to liability enforcement certainly deserves deeper inquiry.

Environmental illegal activities have dire effects not just on the environment itself but also on mankind. The legal maxim “justice delayed is justice denied” applies here just as in any other legal field. Without a proper system for imposing environmental legal liability and strong institutions enforcing it, efforts to protect the environment will always remain a hopeless struggle. The SEI has the capacity to be a truly formidable guardian of the environment, but only if it continues to keep its finger on the pulse of the latest developments and challenges in environmental protection.

Reference list

1. Europol (2025) *Environmental crime*, <https://www.europol.europa.eu/crime-areas/environmental-crime> [13.10.2025].
2. Hamuláková Z, Sokolová, V & Noskovičová, D (2024) Zákon o ochrane ovzdušia ako priekopník skrátených konaní správneho trestania v oblasti životného prostredia, in: *Bratislavské právnické fórum 2024: Zborník príspevkov z konferencie konanej 17–19. septembra 2024 na Právnickej fakulte Univerzity Komenského v Bratislave*, 1st edn., Bratislava: Právnická fakulta Univerzity Komenského v Bratislave, pp. 14–28. [online] <https://tinyurl.com/ycy6yed5> [13.10.2025].
3. Hendrych D *et al.* (2009) *Správní právo – Obecní část*, C. H. Beck, Praha.
4. Horecká T (2010) Geneticky modifikované organizmy a Slovensko: našlo sa riešenie (!), *Enviromagazín* 4/2010, pp. 15–17.
5. Hornák O (2005) Staviame na dôvere, *Enviromagazín special edition 2005 mimoriadne vydanie*.
6. Ministry of Environment of the Slovak republic (2023) *Stručný odpočet MŽP SR pod vedením Jána Budaja*, 15 May 2023, <https://tinyurl.com/29fee6av> [13.10.2025].
7. Michalovič M (2024) Legal regulation facilitating the transition to a circular economy in the legal system of Slovakia, *JAEL* 19(36), pp. 57–80, DOI: <https://doi.org/10.21029/JAEL.2024.36.57>.
8. Michalovič M & Jenčo J (2024) Innovative Legal Mechanisms for Environmental Accountability: Slovakia's Air Protection Act, in: *Bratislavské právnické fórum 2024: Zborník príspevkov z konferencie konanej 17–19. septembra 2024 na Právnickej fakulte Univerzity Komenského v Bratislave*, 1st edn., Bratislava: Právnická fakulta Univerzity Komenského v Bratislave, pp. 29–40. [online], <https://tinyurl.com/ycy6yed5> [13.10.2025].
9. Michalovič M & Jenčo J (2022) Koncepcia boja proti environmentálnej protiprávnej činnosti ako základný kameň revízie starostlivosti o životné prostredie v podmienkach Slovenskej republiky, in: Novotná V & Durec Kahounová M (eds.), *Bratislavské právnické fórum 2022: Zefektívňovanie boja proti nelegálnej činnosti v oblasti starostlivosti o životné prostredie*, 1st edn., Bratislava: Právnická fakulta Univerzity Komenského, pp. 96–106. [online], <https://tinyurl.com/38f733rx> [13.10.2025].

10. Michalovič M & Maslen M (2024) *Advocating for environmental law – grounds for its status as an independent branch of law in Slovak legal doctrine*, *Pravne Problemy Górnictwa i Ochrony Środowiska*, 2/2024, pp. 1–26, DOI: <https://doi.org/10.31261/PPGOS.2024.02.06>.
11. Slovak Environmental Inspectorate (2022) *Slovenská inšpekcia životného prostredia uložila prevádzkovateľovi odkaliska Poša rekordnú pokutu*, 7.6.2022, <https://tinyurl.com/3ckfu8at> [14.09. 2025].
12. Slovak Environmental Inspectorate (2025) *Organisational Order of the Slovak Environmental Inspectorate*, <https://tinyurl.com/2zv24zkf> [30.12. 2025].
13. Slovak National Council (1990) *Background Document to the draft of the Act No. 96/1990 Coll. on the Establishment of the Slovak Commission for the Environment and on Changes in the Competence of the Ministries of the Slovak Republic*, <https://tinyurl.com/ac628258> [26.08.2025].
14. Supreme Audit Office of the Slovak Republic (2025) *Nesystémový prístup rezortu ohrozuje ochranu životného prostredia a zdravie občanov*, 07.3.2025, https://www.nku.gov.sk/-/zivotne_prostredie_potrebuje_systemovy_prístup [15.10. 2025].
15. Štefánek M (2006) Pätnásť rokov Slovenskej inšpekcie životného prostredia, *Enviromagazín*, 4/2006, pp. 24–25.
16. Uhri L & Nemes O (2024) Examination of environmental legislation (related administrative law and some criminal and civil law) and sanctions for illegal waste dumping in the V4+ countries (Czech Republic, Poland, Hungary, Slovakia and Slovenia), *JAEL* 19(36), pp. 225–254, DOI: <https://doi.org/10.21029/JAEL.2024.36.225>.
17. Vrabko M et al. (2008) *Správne právo hmotné, Všeobecná časť*, 3 edn., C. H. Beck, Bratislava.