

Waste Processing Landfill Site in Pezinok

The Story in Dates

Since 1964: The “old landfill” in Pezinok that used to be a strip mine to harvest clay was being filled with waste.

1989: Velvet Revolution in Czechoslovakia was the end of the communist regime.

1996: The old landfill was privatized and bought by Ján Man senior and his company *Ekologická skládka, a.s.*

1997: The authorities pre-qualified the old landfill from a local to a regional landfill.

1997: The Regional Office in Bratislava approved the use of the old waste processing landfill beyond 2000. However, according to the later decision of the court, the Office had decided unlawfully.

September 2002: *Ekologická skládka, a.s.* asked for a land use permission to build a new landfill.

November 2002: Pezinok Municipality prevented the new landfill site by adopting a new land use planning document. The document was prepared since the end of 2001.

August 2006: Ján Man Jr. was appointed the Head of the *Regional Constructing Office (RCO)* that is based in Bratislava.

November 2006: The *Constructing Office in Pezinok (COP)* did not approve the new landfill site.

December 2006: *Ekologická skládka, a.s.* appealed to the RCO about the decision of the COP in November 2006. Ján Man Jr. the head of the RCO was at that time a member of the *Ekologická skládka, a.s.* board of trustees, and son of the chair of the board directors, Ján Man Sr.

February 2007: The RCO excluded Pezinok and other participants from the proceeding and refused to inform them whether and how the RCO decided.

March 2007: Ján Man Jr. became the owner of the estate, on which the new landfill site was supposed to be constructed. The area of the land totals 130,000 square meters.

September 2007: *Ekologická skládka, a.s.* asked the Regional Inspectorate of the Environment in Bratislava (RIE) for permission to build the new landfill site. The company did not attach the compulsory attachment, which was the Pezinok municipality’s land use planning document.

November 26, 2007: The RIE accepted Pezinok municipality’s argument on the missing attachment and stopped the proceeding.

December 31, 2007: The RCO called for a proceeding that took place on the New Year’s Eve. During the proceeding, the citizens of Pezinok were informed that the construction decision issued by the RCO from February 2007 would not be declassified – despite the fact that it was obligatory to do so – because it was classified as a trade secret. The proceeding became known as the New Year’s Eve Proceeding.

January 22, 2008: The RIE rendered a decision allowing the *Ekologická skládka, a.s.* to build the new landfill despite the ban on the landfill issued by Pezinok. The decision had allowed the construction on the landfill site to begin immediately. The citizens of Pezinok appealed against the decision instantly.

February 12, 2008: Based on the Pezinok citizens’ request, the *National Council of the Slovak Republic’s Committee on Agriculture, Environment and Nature Protection* met in a session to discuss the Pezinok landfill case and held a parliamentary enquiry. As a result, the Committee

recommended the *Ministry of the Environment* (ME) – which was the top supreme body to the RIE – to re-evaluate the location of the new landfill site.

February 15, 2008: First mass demonstration of the Pezinok citizens against the landfill. More than 5,000 people participated, and called the Prime Minister Róbert Fico to take action. At first, the Prime Minister labeled the demonstration as anti-government, but later on he met with the representatives of the civic initiative after all.

February 2008: Ján Man Sr. assigned the right to build the new landfill site to *the Westminster Brothers, Inc.* According to the media, this company was owned by individuals close to Ján Man Sr.

March 4, 2008: The *Slovak Inspectorate of the Environment* (SIE), a direct supreme body to the RIE, came to a conclusion that building the landfill site according to the decision issued by the RIE on January 22, 2008 would be unlawful, and therefore the company could not build it.

April 22, 2008: Artists and musician supported Pezinok, and held a concert against the construction of the landfill site.

May 1, 2008: Pezinok municipality and local activists asked the SIE to check the building site. According to the pictures obtained by the local police, the construction and use of the landfill site continued despite the decision of the SIE from the March 4, 2008.

May 7, 2008: The REI alleged that there was no construction taking place on the site. The only activity happening there was a clay harvest. The parliament's *Committee on Agriculture, Environment and Nature Protection* asked for a new enquiry at the construction site. It took place later on May 19, 2008 and its findings were astonishing. It discovered that there were six illegal construction buildings.

May 9, 2008: March against the landfill site – 2,000 people gathered and marched to observe the illegal construction site.

June 25, 2008: Since the illegal construction continued the Pezinok citizens demonstrated in front of the *Office of the Government*. As a result, the Prime Minister claimed that they would resolve this situation. Since that day, the work on the site stopped.

July 2008: Marián Kočner became the new representative of the *Westminster Brothers, Inc.* He claimed that until the SIE decided, the construction would not continue.

August 18, 2008: The SIE rejected Pezinok and activists' appellations and adjudged the construction of the new landfill site. Consequently, the construction continued.

September 2, 2008: Civic initiative *Skládka nepatrí do mesta* (No Landfill in the City) brought a suit to the Regional Court in Bratislava against the decision of the SIE from the August 18, 2008. They also asked the Court to issue a preliminary warrant to stop the construction, and asked the ME to examine whether the August 18 decision was in accordance with law.

September 10, 2008: Another mass demonstration took place. More than 5,000 citizens supported by famous Slovak artists and public figures gathered in the main square of Pezinok. They signed an appeal to Prime Minister Róbert Fico to act. Later on, the prime minister met with the initiative's representatives and promised a lawful solution for the cause.

October 1, 2008: Head of the RCO in Bratislava, Ján Man Jr., left his position. The Slovak Prime Minister Róbert Fico said that it was Ján Man Jr. who requested the lay-off.

October 2008: The civic initiative met several times with Ján Chrbet, the Minister of the Environment.

November 2008: The civic initiative organized a 3-week long protest in front of the ME. Citizens requested the examination of the Ministry related to lawfulness of the August 18, 2008 decision, because the construction was still in progress.

November 25, 2008: There was a new demonstration of Pezinok citizens in front of the *Office of the Government* in Bratislava. The Minister of the Environment spoke at the demonstration and publicly demanded the investor to stop all forms of construction on the lot. He was hissed out by the crowd.

November 28, 2008: The “No Landfill in the City” civic initiative submitted the petition to the *European Parliament* that was signed by more than 8,000 people. The petition claimed that legal proceedings related to the landfill broke a European law.

December 3, 2008: Civic activists informed that the *Westminster Brothers, Inc.* had never been an operator or developer of the landfill. The company changed its pronouncement from February 2008 and now claimed, the *Ekologická skládka, a.s.* had never assigned them the right to build the new landfill site.

December 4, 2008: The *Regional Court in Bratislava* rejected the suit of the civic initiative and Pezinok municipality from September 2008.

January 2009: According to the findings of the ME, the new landfill was legal.

January 27, 2009: Pezinok and civic activists asked the *Supreme Court of the Slovak Republic* to cancel the verdict of the *Regional Court in Bratislava*, cancel the permission issued by the SIE and return the case for a re-evaluation. They also asked the *Supreme Court* to issue a preliminary warrant to stop the construction, until they decided on its legality.

February 2, 2009: Massive erosions took place at the construction site that injured one worker. The landslips continued for the next two weeks. According to the independent expertise, all slopes of the construction except for one were unstable.

February 25, 2009: The construction finished and the RIE in Bratislava chaired by Miroslav Held, issued a decision that it was safe to operate. The municipality representatives were not allowed to enter the site.

April 17, 2009: The *Supreme Court* granted the suit of Pezinok citizens and issued a preliminary warrant which prohibited further construction. The landfill could not be in use until the Court decided in the case.

April 21, 2009: The landfill was illegally being filled with waste.

April 29, 2009: Pezinok citizens and civic activists blocked the landfill access route. They brought the decision of the *Supreme Court* with them and asked the police to act. The landfill access route was closed the very next day.

May 28, 2009: The *Supreme Court* decided and cancelled all the permissions related to the new landfill site issued by the state authorities as illegal. The Court made an obligation to restart the permission proceedings from the beginning and to respect the law.

October 28, 2009: The *Constitutional Court* decided to postpone the enforcement of the *Supreme Court's* decision from May 28, 2009 until the *Constitutional Court* decides on the complaints of *Ekologická skládka, a.s.* The company claimed violating of its constitutional rights. Ján Man Sr. interpreted the decision of the *Constitutional Court* as permission for the landfill to operate.

October 29, 2009: The landfill is massively being filled with waste.

November 11, 2009: The decision of the *Constitutional Court* is still not available to the public (including Pezinok Municipality, the civic initiative and the media) and nobody except of *Ekologická skládka, a.s.* knows its exact content. The *Constitutional Court*, however, usually publishes all its decision on its website.