

# Constitutional Court to assess controversial legislation

In December 2007, the National Council of the Slovak Republic passed very controversial and broadly discussed legislation on extraordinary measures to be taken during the construction of certain highways and motor vehicle roads which should accelerate the construction of mainly the D1 highway from Bratislava to Košice and the R1 motor vehicle road from Nitra to Banská Bystrica. The legislation took effect on 31 December 2007.

Under this legislation, enacted by the government coalition, construction may be carried out on the land plots of private owners prior to their final expropriation. While formerly the expropriation process had to be completed before the building

permit for the highway construction was issued, resulting in considerable delays, currently the final expropriation of relevant land plots prior to final inspection is sufficient.

The legislation also shortens certain time-limits applied in planning and building procedures.

According to the minister of transport the newly passed legislation will significantly accelerate the completion of the highway connecting Bratislava and Košice, which has been blocked so far due to lengthy expropriation mainly regarding the considerably high number of owners of small land plots in Slovakia (according to the minister, the section of the D1 high-



way from Žilina to Prešov crosses more than 6,000 different land plots).

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With respect to its compliance with the constitutionally guaranteed protection of ownership rights, the commencement of the highway construction on private land without prior due and final expropriation and any effective chance of owners being able to oppose the implemented construction is contentious. Expropriation proceedings terminated when a highway is already located on the land plot would to a considerable degree be only formal.

For these reasons, in January 2008, a group of opposition MPs filed a petition to repeal the contentious provisions of this legislation with the Constitutional Court. As this legislation has already taken effect and the National Highway Company (Národná diaľničná spoločnosť) wishes to apply it immediately, a petition on the preliminary suspension of its effect was also filed.

Thus, the final decision on construction on private land plots prior to related expropriation proceedings being termi-

nated will be taken by the Constitutional Court.

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