

Pezinok Case

one of the most important Cases of Civic Engagement in Slovakia since the Velvet Revolution

Situation in Pezinok – the Old and the New Landfills

Since 1997 Pezinok town residents have faced health and environmental risks linked to two landfills close to Pezinok, a town located 18 km north-east from Slovak capital Bratislava.

The first landfill that has come to be called, “the old landfill” is illegal, located only 150 m from a residential area with more than 1,000,000 cubic meters of stored waste, including hazardous waste, has likely been contributing to the increased rates of cancer in this area. The second landfill (aka, ‘new landfill’) was built only few hundred meters from the ‘old landfill’ and over the last 10 years has been the focus of a legal battle.

The old landfill is still growing with waste continuing to be dumped despite the fact that it was built without a construction permit and it does not meet basic safety standards: no sewage, ventilation or isolation systems and leakage that threatens fresh water resources.

The new landfill that is also being built in this area is located only 280 meters from a residential area and only 400 meters from the city center. The first building stage of which is planned to be the equivalent of the size of 12 soccer fields, depth of a 5 floor apartment building and capacity of 700,000 tons.

Municipal representatives and town inhabitants oppose the new landfill. The municipality passed an urban plan in 2002, which excluded a new landfill in this area. Despite this and the fact that all construction permits must be in compliance with this agreed urban plan, authorities ignored this and protests by locals residents and permitted the new landfill to be built. Representatives of the municipality and local activists were excluded from participating in permit proceedings. There is a strong and very well connected family active in this waste management business behind both landfills.

Does Pezinok need any Landfill?

The town of Pezinok has an advanced system of separating and recycling waste and has no need for waste storage facilities/landfill. Pezinok lies in the Small Carpathian region, a famous Slovak wine region named after its mountains. Some parts of the mountain are environmentally protected and the area includes rare floodplain forests. Ironically, the region also contains these manifold waste dumps that house hazardous waste and pose a serious threat to the environment and life quality of the citizens. Analysis proves that the capacities of the existing landfills already exceed the region’s demands. This new landfill is planned for dumping waste from other municipalities in the Bratislava region and since the region directly or indirectly neighbors three other EU member states (Austria, Czech Republic, Hungary) local people of the region are afraid that the waste from abroad could be imported to Slovakia to be stored or processed.

Statistics demonstrate that an incidence of certain types of cancers (related to waste storage), are several times higher in the area of these two landfills compared to the Slovak average. A

test hole drilling closest to the leakage from the landfill showed alarmingly high presence of certain chemicals and this information has been published.

Corrupt Angle of the Story

Pezinok is the most obvious case of strong business interests, with links to the top political figures that have gone above and beyond the law. The old landfill was privatized and bought by a local family of Ján Man sr. and his company Ekologická skládka, a.s. in 1996. Ján Man sr. was a sponsor of the SMER party and its local politicians in Pezinok. SMER party ruled in Slovakia between 2006 and 2010. His son, Ján Man jr. was a political appointee to the position of the Head of the Regional Constructing Office (RCO). Ján Man jr. was a protégé of Martin Glváč, a former State Secretary of the Ministry of Construction and a top SMER official, currently member of the parliament for the SMER party.

Another SMER appointee for the Head of the Municipal Environment Office in Pezinok issued favorable opinion for the construction of the new landfill. The same person is also an official of the Pezinok basketball team vastly sponsored by Ján Man sr.

RCO, headed by Ján Man jr., issued a permit for the landfill after the Pezinok Constructing Office disapproved the landfill at the first stage. In this decision making all participants have been dismissed except for this one investor. Decisions around the permit have not been disclosed to anyone except this investor. Ján Man Jr. was at that time a member of the Ekologická skládka, a.s. board of trustees, and only several months later became the owner of the land, on which the new landfill site was planned to be constructed.

Another business figure engaged in the case is Marián Kočner, Slovak businessman with a very unclear and problematic past. Kočner is a representative of the Westminster Brothers, Inc. a beneficiary of the assignment of the right to build the new landfill site from Ekologická skládka, a.s. This fictional and temporary transaction allowed Ján Man sr. and Ján Man jr. to ignore legal orders and continue construction. Kočner is also a personal friend at that time to the Prosecutor General, Dobroslav Trnka. Criminal proceedings initiated by activists in this case around these illegal transactions have not been recognized.

In more than 10 years, Pezinok citizens and their civic campaign initiative experienced serious breaches of law and legal provisions, manipulation and lies, conflict of political and business interests, mistreatment and dismissal from participation in decision-making, as well as absurd court decisions. Several key documents have been illegally declared as “classified”. A legal decision on banning landfill construction has disappeared from the file. An important document issued by the prosecution had “two versions” - the last page, containing the important part of the decision, has been replaced.

Powerful Campaign uses Legal Tools & People Power

Since 1998 this campaign has been an intense and very complex fight engaging with Pezinok municipality and Pezinok activists on one side, opposing investors, powerful businessmen connected to top political party leaders and corrupt state authorities over public interest on the other side of the battle. The campaign has targeted many decision-making institutions and different levels of courts, including the Supreme Court, Constitutional Court and Court of EU (Court of Justice of the European Union – referred to as ECJ).

Given the corruption surrounding this case and the political games involved, this consistent public engagement, legal action and monitoring has been critical in reaching this important current legal status of the case. Continued oversight is critical in ensuring that these landfills are not allowed to operate at the expense of the health of the community and the environment.

This grassroots campaign has included over the years:

- Producing a local newsletter to provide Pezinok inhabitants with regular information on the landfills and environmental issues called the “Pezinok Window”, including articles in monthly “Pezinčan” and leaflets.
- Organizing more than 15 public protests and public discussions in Pezinok and Bratislava were organized – in Pezinok repeatedly more than 5,000 people joined the protest to fill up the square.
- Conducting a march of 2,000 locals to the landfill premises was organized.
- Blocking of illegal waste dumping by locals.
- Organizing of local music concerts against the landfill held by local musicians and artists in Pezinok as well as supportive musicians in Bratislava.
- Public petitioning with more than 8,000 signatures, submitted to the European Parliament highlighting illegal decision-making by Slovak authorities and 6,000 signatures to the Prime Minister.
- ‘Civic Guard’ protesting that involved a 3 weeks long relay – people from Pezinok together with 100 publicly known persons took turns in front of the Ministry of Environment protesting against the landfill.
- Organizing of public exhibitions of photographs from the campaign.
- 3 day cycling tour from Pezinok to Košice, as part of a protest that ended in front of the Constitutional Court to publicize the illegal dumping of waste in Pezinok and non-disclosure of relevant decisions by the Constitutional Court.
- Public engagement work to target all segments of the Pezinok community – involving volunteers and donors, e.g. students, representatives of church, artists, scouts, local associations, and businessmen.
- Publicity of campaign to local and nation-wide media.

This campaign highlighted not only a public and environmental threat, but larger issues of our society around corruption and how grassroots efforts can effectively address where economic interests override environmental and health concerns. This grassroots effort generated much needed discussion, which previously was spoken about, around the blatant disregard and ongoing violation of law by authorities; struggles with law enforcement; access to court decisions; public access to decision-making; and questionable economic and political alliances.