AVOSETTA MEETING Vienna 2018 – QUESTIONNAIRE

SLOVENIA Report

FLEXIBILITIES WITH REGARD TO MEETING EU REGULATORY OBJECTIVES AND REQUIREMENTS

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SHORT REPORT OF RECENT DEVELOPMENTS

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I. Policies of prioritising economy and ecology

1. Are you aware of initiatives, current or planned, in policy- and/or decision-making in your country which result in prioritising economic activities over environmental interests? If so, please provide examples.

A relationship between economic progress (economic growth) and the environment can be seen among different rules, which are spread across legislation, laws and regulations. There is no umbrella law which would guide and balanced this relationship, but a direction described in the questionnaire and pictured by Austrian experience is slightly visible also in Slovenia. Indeed, there is no rule about *gold plating*, although there is an official approach on how to reduce different administrative burdens.[1] This activity is, however, directed towards all kind of administrative burdens, without especially considering the effect on the environment. The process of minimizing the administrative burden is rather divided from the environmental protection objectives although the latter can also benefit. Since, as mentioned, the approach in favor of economic growth development is spread among different rules, I list some of them. Among them are also examples which try to balance the economic growth with the environmental protection and nature conservation:

- just until recently, it was possible to perform SEA and EIA at the same time; united in the same procedure. This was possible only for projects, which were of the state relevance. Basically, all infrastructure projects, as well as projects in the field of energy supply, were included into this group of projects. The *Siting of Spatial Arrangements of National Importance Act* was replaced with the *Spatial Management Act* and it will be applicable as of 1st of June 2018.
- under this newly adopted the *Spatial Management Act* it is possible that the public interest yields a priority over the environmental issues. Article 19 foresees this possibility. The public interest must be defined by a law and can only be applied if there is no appropriate solution to which all stakeholders would agree on. If there was a conflict between economic progress and the environment, the principle of the sustainable development also needs to be considered. It is up to the Government to define even more specific criteria and guidance how to use this principle of yielding the public interest. Actually, what is known under Art. 6 of the Habitat directive (overriding reasons of public interest exception) for the Natura 2000 is to certain level extended and reaccepted in the planning act, meaning that it applies to the environment as a whole, not only to the nature protected areas.
- The environment protection permits used to be issued for 10 years. With the latest change of the environmental protection act (EPA) in 2016 this time limit is abandoned. It means that

[1] See http://www.mju.gov.si/si/novinarsko_sredisce/teme_in_programi/stop_birokraciji/.

substantial burden by the industry has been reduced; obtaining the environmental protection permit is always a substantial administrative and technical work, connected with the overall environmental safety standards (especially if the permit concerns IPPC / IE permit or Seveso permit). Nevertheless, there was no change regarding inspection reviews, which occasionally take place (according to the special plan).

- On the other hand, there are also behaviors of the Government which also imply the attitude of yielding the economic interest over the environment. Just recently, we experienced a substantive support of the government to the Austrian investor Magna Steyr with a subsidy of 18 mio. EUR for a new factory in which the dangerous substances will be used. At the same time, and this is important, the investor obtained also the first category agricultural land for the place to build the factory. There was also a huge struggle among the Government and environmental protection groups (NGOs); the later were claiming that the agricultural land shall be saved. This attitude of the Government opens the door to a wide discussion on how we are losing the agricultural land. Slovenia is one among the worst example, at least in Europe. The citizens of Slovenia are left with 880 m² agricultural land. From the self-sufficiency perspective it would be appropriate to have it app. 3000 m^2 per person. Slovenia lost a small farm every day in last 25 years. Changing the land from agricultural for building purposes is one-way direction; usually there is no U-turn. When changing agricultural land, one has to pay the indemnity, however this is the one-time cost (not very substantial), but the land is changed forever.[2]
- Slovenia has built a 600 MW power plant unit at Šoštanj - lignite power plant (TEŠ6), which has turned out to be a financial disaster, as well as locking the country into a carbon-intensive future with tens of millions of annual losses for the next four decades.[3]
- According to the official statistic in the field of energy supply there was more than 65 mio euro subventions. Even though the use of the fossil fuels is the most vulnerable to the environment, more than 68% of the subvention were, directly or indirectly, dedicated to the use of the fossil fuels and 91% of this to the use of the coal. Despite that fact, the subventions are also dedicated the field of the use of the renewables.[4] These are data from 2006 and since than a shift towards subventions of the renewables was substantive. In 2011, the percentage of subvention for the use of fossil fuels dropped to 13,5% and the part dedicated to the use of the renewables increased to 85,6%.[5] This trend continuous in the last couple of years.

II. Techniques aiming at introducing more flexibility to or even diluting regulation

1. Offsetting regulatory directions

a) EU-ETS

1. (How) was the possibility of using international credits transposed into national legislation? Has your country used the possibility of using international credits to comply with EU-ETS requirements? If so, to what extent? Are you aware of the reasons for relying on this possibility?

The possibility of using national credits (CER and ERU) is transposed on the legislative level. Under Art. 126c of EPA it is possible to use these instruments. In paragraph 3 is a direct reference to the Regulation 550/2011 and the limits imposed there are to be used also in Slovenia (used by reference

[2] See http://www.jm-excellence.si/world-soil-day-4-of-december/; https://www.rtvslo.si/okolje/novice/od-osamosvojitve-smo-izgubili-85-tisoc-hektarjev-kmetijskih-zemljisc/411632;

[3] See https://bankwatch.org/project/sostanj-lignite-thermal-power-plant-unit-6-slovenia, https://www.euractiv.com/section/climate-environment/news/eib-haunted-by-decision-to-fund-slovenian-coal-plant/;

[4] See: http://kazalci.arso.gov.si/?data=indicator&group_id=16&ind_id=123&lang_id=302

[5] See: http://kazalci.arso.gov.si/?data=indicator&group_id=16&ind_id=720&lang_id=302. Exemptions for duties to use fosil fuels are regulated here: Uredba o okoljski dajatvi za onesnaževanje zraka z emisijo ogljikovega dioksida.

only, not by substantive transposition). There is no further or more particular detailed transformation of these rules in to the Slovenian legal system. A part of the rule under Art. 130c, which was abandoned in 2013; under this rule it was explicitly stated that ERU and CER can be used to substitute the level of greenhouse gases emitted in Slovenia. The EPA regulates also that those who did not use ERU and CER by 2012, can use them also from 2013 on, but only within unused part (less than 15%) in accordance with the regulation 550/2011. However, ERU and CER which originates from joint investments (JI) in atomic energy objects and use the atomic energy as well as use of the soil and forests, cannot be used.

2. How is the change to a domestic emissions reduction target received in your country? Is this change expected to affect your country's abilities to comply with EU-ETS requirements? Are you aware that other possibilities are discussed to compensate the loss of the flexibility through international credits?

To my knowledge this change is not discussed in Slovenia – or at least I cannot find any relevant information in this respect. I also believe that CER and ERU are not widely used in Slovenia. This leads me to an opinion, that this change to use international credits, will not be of substantial burden. However, a new power plant installation in Šoštanj can change this picture rather substantially. Namely, according to the news, this plant will use most of the emission allowances received by the EU. But it will burn lignite – a high-carbon brown coal – in quantities sufficient to use up all the country's permitted carbon emissions quota by 2050, according Slovenia's governmental office for climate change.[6]

b) Effort Sharing (Non-ETS)

1. (How) were the flexibility mechanisms of the ESD transposed into national law? Has your country used any of the flexibility mechanisms yet in order to comply with ESD requirements? If so, to what extent?

Approximately 82% of all GHG in Slovenia is due to the use of the energy and its production. The biggest polluter is the production of electricity and heat. The traffic follows on the 3rd place. With respect to the EU–ETS it is relevant, that by the year 2020 a decrease of the GHG which are not part of the EU – ETS is expected. Slovenia currently uses the option to transfer unused credits (app. 5 mil. annual emissions) for 2016. (See *Decree on the implementation of the Decision (EU) on the efforts of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emissions reduction commitments by 2020).*[7] It means that Slovenia does not reach allowed level of non-ETS GHG emissions.

In this respect, the traffic is very relevant. It contributes 51% of the emissions.[8] It is reported by the Chamber of commerce, that non- ETS sectors, like traffic, agriculture,… are important, since the agreed level for decreasing the GHG (which follows also the Paris agreement in December 2015) cannot contribute to the competitiveness of the industry, at least those, which are regulated with the ETS scheme. Therefore, the Chamber of commerce expect additional regulation of non–ETS sectors. To this the Chamber of commerce adds also that CDM (clean development mechanisms) and JI (joint investments) will be replaced, but currently they are no agreed obligations.[9] However, Slovenia adopted in 2014 a programme to reach emission decrease by 2020. In 2015 the emissions were lower from the

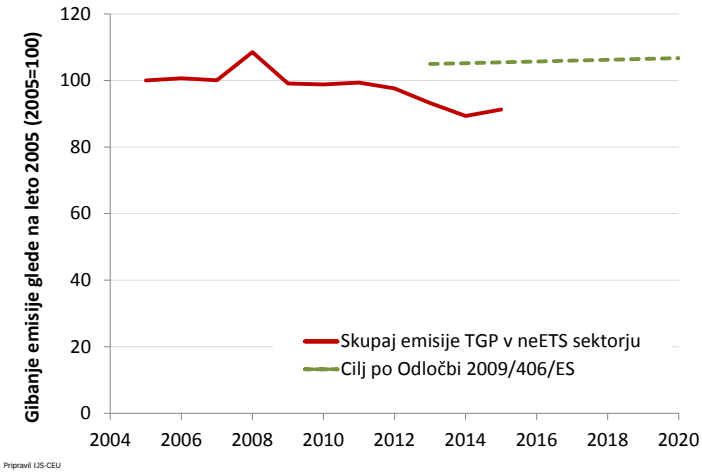
[6] See https://www.euractiv.com/section/climate-environment/news/eu-subsidies-fuel-controversial-coal-plant-in-slovenia/.

[7] OJ Nr. 15/17, 55/17 in 23/18.

[8] See: http://kazalci.arso.gov.si/?data=indicator&ind_id=705

[9] See: https://www.gzs.si/skupne_naloge/varstvo_okolja/vsebina/Podnebne-spremembe/Izpusti-TGP

annual objective for 13,4 %. This table pictures the decreasing value of emissions (red). The green line is an objective according to the Decision 2009/406.[10]



Due to that fact the ESD resulted in surplus of annual emissions; in 2014 - 3.280.017 units were transferred to 2015, then 4.943.328 units were transferred to 2016. Such transfer is possible up to 2020 (Art. 19.7 of the Regulation 525/2013). Up to 2015 the surplus was rather substantial. Then 1,3 % economic growth reduce the surplus. The same is true for 2016 and 2017. The most vulnerable area is trtrafiic, which represents 50% of all emission of the non-ETS sphere. It can cause also up to 18% growth of non GHG, meaning that the surplus can be watered-down rather quickly. The table bellow pictures that all sectors, except the traffic slows down the emission. These are data from 2016 and since there is an economic growth in Slovenia the result might be changed. Unfortunately, I have no such up-to-date data. More up-to-date data are connected with the overall emissions: in 2017, after Slovenia reached 5,1% economy growth, the Eurostata reported 3,1% increase ofthe emissions, but tis is still 2,7% less than in 2016. In the level oft he EU, Slovenia contributed 0.4% of all emissions.[11]

	Idications for sector based reducing	Achived reduction in 2005-2015
Traffic	+27%	+21,0%
General use	-53%	-42,5%
Aggriculture	+5%	-1,8%
Waste treatment	-44%	-33,9%
Industry	-42%	-26,3
Energy	+6%	-22,9
Total	**+4%**	**-8,7%**

2. Exemptions from regulatory directives

[10] Source: Ministry for the environment (documentation to the proposal of the Decree on the implementation of the Decision (EU) on the efforts of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emissions reduction commitments by 2020.

[11] See: http://www.rtvslo.si/okolje/novice/gospodarstvo-okreva-v-zrak-pa-gre-vec-izpustov-co2/453881

a) Water Framework Directive: Establishing less stringent environmental objectives

1. (How) was the possibility of establishing less stringent environmental objectives transposed into national law? Is the transposing legislation stricter than Art 4.5 by, e.g., adding further requirements for deviating from the environmental objectives?

The transposition took place under Article 56 of the Water Act.[12] This article lists quite some exemptions which empowers the Government to extend the time limits to achieve goals and objectives of appropriate water conditions, if the cots are inappropriate or if there are national conditions which justify such extension. In addition, there is also a possibility not to reach the good water quality if there is a new human activity or activity which was approved in accordance with the principle of sustainability and it is justified by overriding public interest. Additional administrative condition is that these changes have to be adopted in state planning act.

2. Have national authorities relied on the option of establishing less stringent environmental objectives in their river management plans? If so, to what extent and for what reasons? If not, why?

Indeed, national authorities relied this less stringent environmental objectives in deferent plans, also in rivers management plans. For instance, in the Danube river management plans, the reasons for quite several exceptions were:

- hidromorfologic changes,
- general degradation,
- substantive pollutions of waters, especially due to the polluter Mercury,
- in sufficient financial capabilities,
- etc.[13]

3. If national authorities have established less stringent environmental objectives in their river management plans, are these objectives regularly reviewed? Have such less stringent environmental objectives been adapted or even lifted?

This answer is linked to general rules of monitoring. Monitoring of the water resources is mandatory. Further on, if the results of monitoring give doubts, that the objectives from national program and water management plans will not be reached, the Ministry defines reasons, study through the environment protection permits and concessions, and proposes to the government to adopt appropriate measures. However, if less stringent environmental objectives are adopted, it is not possible to argue that the objectives are or will not be reached. Up to my knowledge, the answer, therefore, to this question is negative. Though, I think that objectives are regularly reviewed at least when new river management plans are prepared. This is to be done every five years.

4. Are there possibilities for the public to challenge the establishment of less stringent environmental objectives in river management plans? If so, please describe those possibilities briefly.

[12] Official journal of the RS, Nr. 40/2014.

[13] See http://vrs-3.vlada.si/MANDAT14/VLADNAGRADIVA.NSF/71d4985ffda5de89c12572c3003716c4/104be576fdcc465ac1258050002a328b/$FILE/NUV%20VO%20D.pdf, p. from 201 on.

Indeed, the public participation is defined under Art. 58 of the Water act. Water management plans are part of plans to which the public has a right to participate. The participation is similar as in case of the adoption of the state planning plans; the public is informed through the media and the invitation to participate shall be published two years before the anticipated start of the management water plan. The public has one year on a disposal to prepare opinions and petitions, initiatives, etc. After a year, the draft water management act is published, again being on the disposal for the public to give comments. Once water management plans are part of the state planning plans, they can be reviewed at the Administrative court. However, the water management act as such is not a subject of legal review.

b) Industrial Emissions Directive: Setting less strict emission limit values

1. (How) was the option of setting less strict emission limit values as permit conditions transposed into national law? Is the transposing legislation stricter than Art 15.4 by, e.g., adding further requirements for deviating from the emission limit values?

Under Art. 74 par. 10 of the Environmental Protection Act (EPA-1) it is possible that emission standards as described with BAT do not have to be respected if the damage in the environment, caused by the polluter, is not excessive or is not substantial. Nevertheless, the emission values, as described by law still needs to be respected. In other words, the result of this rule is a shift away from the BAT, not from the law.

2. Have national authorities relied on the option of setting less strict emission limit values in permitting industrial installations? If so, to what extent, for what reasons and for which types of industrial installations? If not, why?

This option has been transposed for any kind of environmental protection permit (IPPC e.i. IED, Seveso, or other kind of emission permits). The proposal was widely debated and reported by the media. In the official response the Ministry for the environment replied that it is mandatory to transpose Art. 15.4 of the Directive.[14] It also replied that decreased levels of emissions are not automatically defined by BAT. The Ministry also stated that there are still statutory emissions levels (defined under Art. 17 of EPA) und that the user of the facility needs to prepare a special evaluation why should higher levels and different kind of BAT caused unproportionable higher costs in comparison with the usefulness for the environment or due to the geographical or locally conditioned circumstances. In addition, it is not possible to use this exemption in cases where the environment is already degraded and as such defined by the government.

3. If national authorities have set less strict emission limit values in permitting industrial installations, is there a requirement to review these permit conditions regularly?

The reviewing of the environmental protection permits is regulated under special program of supervisions which is adopted every two years. This program comprehends all the facilities under all kinds of environmental protection permits, including risk assessments, time limits that needs to be respected according to the EU legislation, etc. It is appx. 270 inspections of IED facilities per year, which includes regular inspections and also inspections which are to be performed on the demand of the industry (in case they would like to change environmental protection permit). There are appx. 200

[14] See http://ec.europa.eu/environment/industry/stationary/ied/pdf/transposition%20checklist.pdf

facilities, which needs to obtain IPPC i.e. IED environmental permits and approximately half of them ask for new permit in case of changes. This is an appx. statistic, valid for last couple of years. In 2016, a change of the EPA was adopted, according to which time limitations for environmental protection permits were abandoned. The official proposal of this change relied on the IED Directive (2010/75/EU) which does not define any time limits. In the official response to the public, the Ministry for the environment, as well as the official proposal, included the argument that the facilities are regularly inspected.[15] To answered more directly, there is a requirement to inspect all facilities, not only facilities with less strict emissions limit values, but there is no requirement to review permit conditions for the latter.

4. Are there possibilities for the public to challenge the setting of less strict emission limit values as part of permit conditions, the lack of review of such less strict emission limit values respectively? If so, please describe those possibilities briefly.

Less strict emission limit values are indeed an exception; however, this exception is integrated into general, rather standard procedure to obtain the environmental protection permit. In this procedure, the public needs to be informed and draft permit shall also be available for the public and its comments. The draft permit must also include BAT conclusions. The relevant affected area needs to be defined exactly and owners of the properties in this affected area are parties in the procedure. The public is informed by media and afterwards there is a time limit of 30 days in which they can produce comments to the draft permit. This is regulated under Art. 71 of EPA. If such a permit is issued (less strict emission standard), it can only be challenged by the parties of the procedure (mentioned above) and NGOs which must prove an official status being active in public interests.[16]

3. Exemptions and offsetting combined: the case of NATURA 2000

1. How was the obligation to take compensatory measures in view of the coherence of the network as part of the appropriate assessment transposed into national law? Do the national rules go beyond the requirements of the Directive by, e.g. adding further requirements for compensatory measures?

Slovenia transposed the habitats directive (HD) and its Art. 6 rather quite literally. When a plan or project are assessed with negative impacts in the Natura 2000 (and also in case of nationally defined protected areas), and when, at the same time, the project or the plan are of overriding public interest the compensatory measures need to be undertaken. To go some steps back into procedure, first the SEA (strategic environmental assessment) needs to be performed and in the later stage of the procedure also the EIA (environmental impact assessment). However, even before this two EIA takes place, the initial stage is the *environmental impact report* (Art. 53 EPA). This is so called screening and it is very important; it basically defines the impacts of the projects that are than assess in the EIA. The screening considers also the mitigating measures. If the screening results in a negative impact assessment (EIA), together with mitigating measures, the alternative solutions are to be found. If these alternative solutions are not possible, then the overriding public interest can be taken into account, however, together with the compensatory measures. In this screening process which is a one step before the EIA, the picture shall be rather clear. It is also clear that mitigating and compensatory measures cannot be used as an alternative. It is not possible to use compensatory measures in case where there is no overriding public

[15] See http://www.mop.gov.si/fileadmin/mop.gov.si/pageuploads/zakonodaja/varstvo_okolja/arhiv/zvo_s1_stalisce.pdf.

[16] The Slovene approach regarding the NGOs is a so-called registry approach, meaning that only those NGOs which can obtain this status, can be a party in the dispute against the state bodies.

interest or even alternative solutions are taking place. This is regulated under Art. 101c of the *Nature Conservation Act*.

2. Does your national law allow for 'mitigating measures' or 'protective measures' to be considered under the rules transposing the appropriate assessment of the Habitats Directive? If so, to what effect? Can such 'mitigating measures' or 'protective measures' allow a developer not to undergo the test set out in Art 6(4) Habitats Directive?

As explained above, mitigating measures and compensatory measures are part of different assessments and cannot be simply exchanged or used according to the will of the investor. There was rather important case of a highway which should only partially trespass the Natura 2000 site (in minor part) and the plan was to use protective measures without the procedure of overriding public interest. The compensatory measure shall not be use instead of mitigating measures. This was discovered, with the help of the NGOs, by the European commission and the project stopped. Currently there is no continuance of this project. I mention it, because it helps a lot in understanding that mitigating and compensatory measures are rather two different categories which have a strict area of the application. However, the question above is the relation between the mitigating and *protective* measures. These can be used together and can be foreseen and conditioned in the SEA. If SEA makes such conditions they need to be achieved by the time the EIA is rendered. The EIA process takes into account the progress and it is then up to EIA to allow the plan or not. This was the case with the SEA for one of the highways (3rd development axis) which is planned to be built in the near future.[17] According to these case, 'protective measures' can also be taken into account in the appropriate assessment, if they are to be implemented by the adoption od the EIA.

3. Are you aware of any other options, in law or in court practice, that allow for the offsetting of negative environmental impacts within the context of the Natura 2000 framework? If so, please describe these options. If not, are you aware of discussions on this subject pushing for a change of the law?

As mentioned above, the transposition of the HD was rather straight forward, and no additional or different approaches were enacted. However, it is worth mentioning that according to our legislation, there are different types of protected areas. Beside Natura 2000, we enacted ecological important areas (EPO), protected areas (ZO), and valuable nature features (NV). For all these four categories, which together form more than half of the territory of Slovenia, the HD procedure under Art. 4.6 is applicable. It means that Slovenia broadened the approach as adopted by the European union for Natura 2000 also to other nature protected areas. Even more, the main idea of this procedure was transposed also to the *Spatial planning act*, that is to the part of the nature, which is defined as the environment, not as the nature. The procedure of the overriding public interest needs to take into account the sustainable development and to find an appropriate solution in line with this principle (Art. 19 discussed above).

4. Does ecological economics provide an answer? Is there any debate in your country suggesting that we should better factor in the socio-economic services of natural resources?

This debate has been broadened in the field of water and water resources. Namely, Slovenia changed the constitution according to which right to drinking water is a constitutional right, also a human right. Together with this change, we also regulated that the supply of drinking water shall be a priority of any economic interest. Therefore, even if a supply of drinking water is organized via concessions (i.e private capital), the concessions needs to be profit free, meaning that there shall be a strong influence of the state defining the price and how the price of water is calculated. This way basically there is no economic incentive for private capital to be engaged into the supply of drinking water. However, this is not true for other use of drinking water, like bottling, use for industrial purposes, tourism, etc. Changing the

[17] See the decision of SEA available here: http://www.mop.gov.si/fileadmin/mop.gov.si/pageuploads/podrocja/cpvo/odlocbe/drzavni_prostorski_nacrti/II_stopnja/2016/08.pdf

Constitution was also a chance to discuss the impact of the socio-economic services which are using natural resources more extensively as usually.[18]

[18] See Rajko Knez, Ajar door to private interests in water (drinking water supply) market - rare case of Slovenia, triggered by the EU proposal of the directive on concessions, 2017, COBISS.SI-ID: 5541163, available https://hrcak.srce.hr/192774.

Short country report

In this report I focus to certain difficulties Slovenia faces in practice, which also caused actions by the European commission. I also report on some positive legislative changes, which bring to the environmental protection field new solutions – some of which are transposing measures and some of which are to certain extend a reception of European legislator but are now used also in areas outside of EU environmental rules.

- Slovenia was offered extensions to comply with EU rules on a treatment of waste water. However, none of these time limits were respected. Therefore, the Commission started a proceeding for non-compliance in 2016. We treat waste water in appx. 60% only.[19] The problem originates from huge dispersion of buildings, especially individual houses across the country. Since the territory of Slovenia is also agitated it is rather difficult to build sewage system. At least, it is very costly. This is not so much a problem of urban areas, but rather in rural areas. It is to be expected, that the administrative phase of EU Commission procedure will continue at the EU Court. Another problem in this respect is also of historical reason. Namely, in the past it was possible to combine waste water together with rain water. It means that waste water treatment plans are, at rainy days, faced with huge amounts of water to be treated (including the rain water). This increases the cost for waste water treatment since the amount of water correspond to rainwater (and not to the waste water itself) increases the amount of water that needs to be cleaned up, but this part is not paid. For this reason, the sate allows municipalities to impose so called *rain tax*, meaning that the citizens need to pay also for cleaning the rain water. Calculation of this tax is based on square meters of the roofs from which the rain water is mixed together with waste water.
- It was calculated that Slovenia lost 85.000 ha of the agricultural land in last 25 years. These data broadened the discussions and forced the legislator to change the Agricultural Land Act. Procedures allowing the change of an agricultural to a building land are now stricter and there is a new category of agricultural land – land which is of the best agricultural quality is specially protected and the municipalities cannot unilaterally and exclusively decide how to use it.
- A new special Planning Management Act was adopted, and it brings also a solution to challenge general acts for special planning at the Administrative court. This was a huge shortcoming; namely, general acts adopted in the field of land planning could only had been challenge at the Constitutional Court. However, there was little chances for the Constitutional Court to do anything, since the Constitutional Court acted in this respect as a first instance court and the court could not apply legislative sources but only the Constitution. Therefore, it will be much easier for the Administrative court to decide the legality of the general acts of land planning. Actions can be brought also by the concerned public as well as the NGOs and state attorney.
- The same act (Spatial Management Act) enacted also an exception of overriding public interest which follows the idea of Art. 6 of the Habitat directive. It is applicable outside the sphere of nature, basically for all planning acts, notwithstanding which part of the environment is in question.
- The Constitutional Court of the RS decided that a shutting range (a public one, managed by the Slovene military) is not properly planed, because the Government did not follow the opinions of its own expert bodies regarding the possible negative influences on the underground water. The Government insisted to build the shutting range despite the negative assessments. The Constitutional Court decided that the Regulation establishing the shutting range cease to be valid in one-year time. The NGOs backed up the decision, saying that the underground water has a chance to be preserved.

[19] See: http://kazalci.arso.gov.si/?data=indicator&ind_id=832