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Report on national developments – Slovenia

by Rajko Knez

These are some news relating to the environmental rules and developments in Slovenia

- *Supply of drinking water as a constitutional right*

Inspired by civil initiative in European level (objections to award a supply of drinking water to concessions and private capital) newly elective Slovenian government (fall 2014) supports the idea to include a right to access or to supply a drinking water as an constitutional right and limit the supply only to state owned public services. The proposal is currently in the first phase; comparative regulations of this issue are under discussion.

- *“Rain tax”*

The Slovenian government adopted a rule, whereby certain duty is levitated to owners of constructions in case that rainwater is mixed together with the wastewater; in such a case the owner of the construction is additionally liable for payment of such a duty. This rule has to be implemented by municipalities. Some municipalities have already done so and charge the duty. Up to this governmental measure, rainwater was not charged in cases where it is merged together with wastewater to the same pipe and ended up at the wastewater treatment plant. Since merging wastewater and rainwater was rather a standard, there are many constructions now liable to pay this duty.

- *Standing of NGOs*

Slovenian government changed also the approach regarding standing of NGOs in administrative (and court) cases brought against state authorities. More in particular, conditions that certain NGO can be regarded as *NGO in public interest*. Namely, accordingly to the *Environmental protection act*, only NGOs that got a status of “NGO of public interest” can have standing in administrative procedures and administrative court procedures when acting against the state authorities. To obtain that status (acting in public interest) a decision needs to be issued by the competent ministry. However, the conditions for such a decision to be granted were quite difficult in the past. Based on critical opinions by EU Commission, the Government has changed conditions in favour for NGOs.¹

- *Infrastructure projects – thermoelectricity plant Šoštanj*

The biggest investment currently going on in Slovenia is additional block of the thermoelectricity plant Šoštanj. This is the coal thermoelectricity plant, not friendly to the environment. The expenses of the investment doubled (from initial 600 millions to 1,4 billion EUR). The loan was given by EBRD and EIB.² Due to doubts of corruption, this project is reinvestigated by several institutions, public attorneys office, the Corruption commission, as well as parliamentary commission nominated especially for this case.

- *Court procedures*

In the past year some new actions were commenced in the field of the environment against Slovenia at the EU Court of Justice:

¹ Rules on detailed conditions and criteria for acquiring the status of a non-governmental organisation operating in the public interest in the field of environmental protection, OJ of the RS, Nr. 34/14.

² See <http://www.eib.org/infocentre/press/news/all/eib-and-ebd-to-support-completion-of-tes-thermal-power-plant-sostanj-project.htm>

- there is one company in Slovenia, that still has not obtained the environmental permit (Lafarge). Under the IPPC Directive, industrial and agricultural activities with a high pollution potential must be licensed. These permits have been a legal requirement since 30 October 2007 for all IPPC installations existing on the date of Slovenia's accession to the EU. It is now the 9th year of the procedure. The environmental permit was twice annuled by the Administrative court. Although considerable progress has been made since the 2010 (first court ruling) ruling, full compliance with the first judgment of the EU Court has still not been reached. Therefore, European commission started a procedure against Slovenia for failure to issue industrial permit for a major cement factory and asks for fines.³
- Two other procedures were filed by the EU Commission against Slovenia; one concerns polluted soil in the municipality of Celje. Since public authorities have not taken any action the EU Commission commenced a procedure.⁴ Another case refers to disposal site of old tyres in the place called Kidričevo.⁵ That disposal used to have an environmental permit but the permit was not prolonged. Because of non-prolongation, the disposal site, that continued to operate, has operated illegally. The operator did not remove old tyres and therefore the Slovenian authorities took over the initiative. However things develop slowly and it is estimated that cleaning up the disposal site will last additional four years. This was not acceptable for the EU Commission and therefore it brought an action against the Slovenia at the EU Court of justice.
- In addition, Slovenia got new warnings with respect to PM₁₀ pollution in certain Slovenian towns (especially during the winter). Several years ago, Slovenia already lost one case in this respect at EU Court of Justice.

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³ See http://europa.eu/rapid/press-release_IP-15-4492_en.htm

⁴ See http://europa.eu/rapid/press-release_IP-14-51_en.htm

⁵ See <http://www.sloveniatimes.com/slovenia-taken-to-eu-court-over-illegal-tyre-dump>