

National developments report – Slovenia

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1. Legislative activity:

- *The Environmental protection act* has been quite substantially changing at the end of 2013; changes were due to the Directive 2010/75 and due to non-compliance procedures, which European Commission started against RS. The Commission claims that IPPC directive was not correctly transposed to Slovenian legal order.
- at the beginning of 2014 the new energy act was adopted, which is also an answer to several infringement cases that EU Commission started against the RS. Some of them are also pending to at the ECJ (Directive on internal market on electricity, on gas, also energy efficiency directive, as well as renewable resources directive). The new *Energy act* is very comprehensive; it is rather a code. It implements number of EU directives dealing with energy and renewable sources of energy. So far we have no information regarding pending procedures at the ECJ; might be that the Commission will propose to stop the procedures. If not, we estimate that Slovenia will have to pay approximately 10.000 EUR penalty per day, starting from breach of the implementation deadline.
- Slovenia was one among Member States that have very strict provisions on issue of *locus standy* for environmental non-governmental organisations. That has been changed with the latest change of the *Environmental protection act*. It is also due to the Commission's pressure. The latest changes of the Environmental protection acts defines also *locus standi* of the NGO's with special status. Namely, according to Slovenian law on NGO's can be party to administrative proceedings (and court proceedings, acting against the State), only if they obtained a special status. They have to fulfil certain conditions, especially they need to be active in the field of the environment in a way of public interests engagement. The status is called: organizations acting in public interest.
- the draft *Law on climate change* was not accepted to the legislative procedure; the procedure stopped at the government.

2. Jurisprudence

- Several decisions of the administrative court has been adopted where by the administrative decisions were annulled because the principle of proportionality was not taken into consideration when adopting measures in the field of environmental protection;
- Constitutional court ruled that the public service provider for supply with the drinking water is in a position to stop with the supply in case of late payments or non payments by the service recipient;
- approach at the Administrative court to enable *locus standy* to NGO is well-intentioned, but the same can not be said for the Constitutional court - according to their decision locus standy for NGO's is mostly denied.

3. Cases in practice

- Slovenia is constructing a new operational part of the biggest Thermoelectricity plant in Slovenia, which will need all the emission allowances currently dedicated to Slovenia: Nevertheless, EBCD finances the project.
- approx. 23.000 illegal constructions have been identified in Slovenia in 2013 (a new law is under preparation to define conditions for *ex-post* procedures to obtain building permits).
- Slovenia would like to rise the sufficiency in agriculture products; self-sufficiency is estimated to the level of 35% (average) and there are different advertisement and actions by the state (like: *Slovenian breakfast*), which advertise domestic agricultural products. That way the Government would like to influence Slovenian consumer to buy domestic products. European Commission has not reacted so far.