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National Report Slovenia
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I. Introduction

In the previous year Slovenia has not been engaged in lots of legislative activities regarding the protection of the environment and nature conservation. One can emphasize a proposal for changes of the Energy Act, expansion of the Natura 2000 protected areas and changes of the rules on energy efficiency of the buildings. More can be said about individual cases, some of which are to the substantial extend disputable from the environmental point of view. Some of them are listed in the report bellow.

II. Legislative development

- The proposal of the new Energy Act

The main legal instruments of the energy law in Slovenia are the Resolution on the national energy programme adopted in 2004 and the Energy Act adopted in 1999 (together with the executive regulations). Over the years the Energy Act has often been amended, mainly due to changes of the EU legislation, thus it has become a complex mixture of provisions which is no more coherent or transparent. Since the EU Third Energy Package also demanded the changes of the national legislation, the proposal of the new Energy Act was (finally) prepared and presented by the Ministry of the Economy in June 2011 and it is still in the legislative procedure. The proposal of the new Energy Act implements into the Slovenian legislation in part or in whole ten EU Directives and establishes conditions for execution of four EU Regulations. It represents one of the largest projects throughout the Slovenian legislative history since it contains over 560 articles. However, the lawsuit has already been filed by the EU Commission at the EU Court since Slovenia is far behind the transposition deadline regarding most of the directives of the Third EU Energy Packet.

- Natura 2000

The Slovenian government has expanded the Natura 2000 area in April 2013. To territorial scope of the Natura 2000 has been increased for 2.4% of state territory (477 km² in inland and 3 km² on the Adriatic see, all together approximately 480 km²). This was made according to the plan that Slovenia made already back in 2004, when it has entered into the EU. The expansion of Natura 2000 has been followed by oppositions, especially from the economic sphere. All together approximately 40% of whole territory of Slovenia is now covered by Natura 2000 protected areas.

III. Examples and Practices

A first wind power station (private; there is no public) has been finally constructed in Slovenia (Dolenja vas), after being stared with preparatory documents back in 1998. The long lasting procedure was due to the property issues as well as due to some administrative burden. Another project that is still in the development phase is a park of wind power stations on *Volovje rebro*. *Volovja rebra* is a territory which forms a part of Natura 2000 protected area as well as Regional Natural Park. There is a strong oppositional by the NGO (DOPPS - Društvo za opazovanje in proučevanje ptic), which would like to become a party in the administrative and in the court procedure. Personally, I agree with the NGO's view, that the place is not suitable for the park of wind power generation stations.

Another project that is highly questionable is a new coal plant in Šoštanj. Environmentalists are warning that a new coal plant which has secured €770 million of loans from European financial institutions risks turning the EU's 2050 climate goals into a "laughing stock". The proposed 600MW coal plant at Termoelektrarna Sostanj (coal power plant) in Slovenia will replace five less-efficient units, which had reached the end of their lifespans.

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 to Jernej Stritih, director of Slovenia's governmental office for climate change.

The EU's 2050 roadmap envisages an 80-95% reduction in greenhouse gas emissions by all member states; it is unlikely that Slovenia will succeed to reach that goal.

Two thirds of the Sostanj project's €1.2 billion cost will be accounted for by a €550 million loan from the European Investment Bank (EIB) and €200 million of loans from the European Bank for Reconstruction and Development (EBRD), under the EU's Emission Trading Scheme (ETS).

III. Slovenia and EU Court

- Ambient air quality

Slovenia lost law suit failed by European commission at the European court of justice regarding the PM 10-EU ambient air quality directive. Some municipalities has taken over the responsibility and adopted measures to improve air quality especially in the city centers (for instance in Maribor, there was a measure putting place where cars older than 12 years cannot enter in to the city center).

- Old tyres unlawful disposal

The European Commission sent on Thursday a second warning to Slovenia regarding the unlawful disposal of old tyres in a landfill near the north-eastern town of Kidricevo. The Commission is urging Slovenia to comply with EU waste legislation and clean up a large quantity of waste tyres in a gravel pit in Lovrenc pri Dravskem polju in the municipality of Kidricevo, the official notice published on Thursday indicated. Landfilling waste tyres is forbidden in the EU, the Commission pointed out. The gravel pit in question contains 107,060 cubic metres of whole and shredded waste tyres, two major fires have already broken out at the site, and the vicinity of the gravel pit constitutes one of the biggest drinking water reserves in the country. If Slovenia fails to act within two months, the Commission may refer the case to the EU Court of Justice. Currently, tyres started to be removed by the owner of the business. Old tyres will be sold for 65 US dollars per ton in Senagal.

IV. Constitutional Court – locus standi of NGOs

Lastly, a decision (U-I-316/12-7) of the Constitutional Court needs to be mentioned, which again did not grant *locus standi* to one of the Slovenia NGO (Umanotera). Umanotera challenged the governmental measures regarding permission to execute certain numbers of brown bear (*Ursus Arctos*) and Wolf (*Canis Lupus*). As in previous constitutional court's decisions NGO is not been granted a status of the plaintiff since, in accordance to the Constitutional Court, the measure in question does not affect the legal position and status of the NGO. Personally I strongly disagree with this view point of the Constitutional Court. Admittedly the decision has been taken unanimously by all the judges of the Constitutional Court (no dissenting opinion).