

Avosetta Questionnaire:

Climate Litigation

Slovenia (Rajko Knez)

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[1] State of play at national level:

In your particular Member State, have cases been decided by the national courts, and / or are there cases pending before the courts, that aim to deliver better climate protection?

Are there “horizontal” cases between private parties and / or “vertical” ones between private parties and public authorities – or both? If yes, briefly characterise them.

Actions challenging public authorities could be aimed: (1) at high level target setting for greenhouse gas emission (GHG) reduction; or (2) at the taking of more concrete measures reducing emissions (such as emissions limits for automobiles); or (3) at projects causing emissions as a side effect (such as a new runway or highway).

Briefly indicate who are the claimants; what are the standing requirements; what is the objective of the action, and what is the reasoning on the substance of the case.

So far, no such case has been lodged. This, I am sure, is true for the Constitutional Court. For other courts, I rely only on the information gathered by the NGOs in Slovenia. However, I have been told that the first such action is under preparation.

To my knowledge, we also lack horizontal cases.

Since general acts can (in Slovenia) only be annulled by the Constitutional Court, I assume that such actions will be filed at the Constitutional Court. I do not exclude horizontal cases.

Currently, there is no law or statute in Slovenia that would cope with future climate goals. Instead, there are soft law acts (resolutions, actions plans). Under the EU Regulation (2018/1999) on Energy Governance and Climate Action, each Member State must have submitted an Integrated National Energy and Climate Plan to the European Commission by 31 December 2019. This National Energy and Climate Plan is currently the closest action-strategic document (soft law) to state actions, but it is not the law.

[2] Interconnections between developments at the national and supranational level:

Where relevant, please connect the national experience to date with developments in climate litigation at the supranational level (e.g. proceedings before the CJEU and the ECtHR).

Since there is no such action pending, I, unfortunately, cannot answer this question.