

## AVOSETTA MEETING Vienna 2018

### SLOVENIA Report

#### SHORT REPORT OF RECENT DEVELOPMENTS

##### 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.<sup>1</sup> 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 state 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

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<sup>1</sup> See: [http://kazalci.arso.gov.si/?data=indicator&ind\\_id=832](http://kazalci.arso.gov.si/?data=indicator&ind_id=832)

in one-year time. The NGOs backed up the decision, saying that the underground water has a chance to be preserved.