**Aarhus Convention implementation report (2017)**

**in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add. 1)**

**The following report is submitted on behalf of the REPUBLIC OF SLOVENIA in accordance with decisions I/8, II/10, III/5 and IV/4.**

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| Name of officer responsible for submitting the national report: | Tanja Pucelj Vidović, Secretary  Teja Baloh, Undersecretary |
| Signature: |  |
| Date: |  |

**Implementation report**

**Please provide the following details on the origin of this report**

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| **Party:** | **SLOVENIA** |
| **National Focal Point:** | |
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**I. Process by which the report has been prepared**

*Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.*

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| *Answer:*  The report was prepared by the Ministry of the Environment and Spatial Planning (hereinafter: the Ministry), Environment and Spatial System Service.  When asked to provide content to be included in the report, the public and stakeholders did not respond.  The phase for the preparation of the draft report followed with the direct collaboration of other organisational structures of the Ministry of the Environment and Spatial Planning. . The draft report was forwarded to all ministries and other organisations, the operation of which is more closely linked to the requirements of the Convention, to provide notes and comments. Furthermore, the draft report was publicly posted on the website of the Ministry, including an invitation to the public (to anyone) to provide written comments and views.  The comments of the public and of individual authorities and organisations were taken into consideration to the maximum extent possible. Insofar as the comments received differ from the official position of the Republic of Slovenia, this is evident from the content of the report, as they are expressly listed as comments (opinions) within the chapters that describe the obstacles to the implementation of the Convention. |
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**II. Particular circumstances relevant for understanding   
the report**

*Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).*

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| *Answer:*  In order to provide transparency, as there have been many substantive modifications and amendments to the previous report in 2014, the report was not composed with the “track changes” function.  To better understand the abbreviations for the regulations cited in the report, we provide the full titles below:  - Environmental Protection Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 39/06 – official consolidated text, 49/06 - ZMetD, 66/06 - CC Decision of the Constitutional Court, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102, 15 and 30/16, Slovene: Zakon o varstvu okolja; hereinafter: the **ZVO-1**),  - the Nature Conservation Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 96/04 – official consolidated text, 61/06 – ZDru-1, 8/10 – ZSKZ-B, and 46/14; Slovene: Zakon o ohranjanju narave; hereinafter: the **ZON**),  - the Public Information Access Act (Official Gazette of the Republic of Slovenia [Uradni list RS], no. 51/06 – official consolidated text, 117/06 – ZDavP-2, 23/14, 50/14, 19/15 – Decision of the Constitutional Court, and 102/15, Slovene: Zakon o dostopu do informacij javnega značaja; hereinafter: the **ZDIJZ**),  **-** the Constitutional Court Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 64/07 – official consolidated text and 109/12; Slovene: Zakon o ustavnem sodišču; hereinafter: the **ZUstS**),  - the General Administrative Procedure Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 24/06 – official consolidated text, 105/06 – ZUS-1, 126/07, 65/08, 8/10, and 82/13, Slovene:: Zakon o splošnem upravnem postopku; hereinafter: the **ZUP**),  - the Administrative Dispute Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 105/06, 107/09 – Decision of the Constitutional Court, 62/10, 98/11 – Decision of the Constitutional Court, 109/12, and 10/17 – ZPP-E, Slovene: Zakon o upravnem sporu; hereinafter: the **ZUS**),  Decree on Administrative Operations (Official Gazette of the RS, Nos. 20/05, 106/05, 30/06, 86/06, 32/07, 63/07, 115/07, 31/08, 35/09, 58/10, 101/10 and 81/13; Slovene: Uredba o upravnem poslovanju), and  - Protection Against Natural and Other Disasters Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos.51/06 – UPB1, 95/07 – ZSPJS, and 97/10; Slovene: Zakon o varstvu pred naravnimi in drugimi nesrečami; hereinafter: the **ZVNDN**). |
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**III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8**

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| **List legislative, regulatory and other measures that implement the general provisions of Article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.**  Explain how these paragraphs have been implemented. In particular, describe:  (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;  (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;  (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organisations or groups promoting environmental protection;  (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally, including:  (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about Article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;  (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;  (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting non-governmental organisation (NGO) members to participate in the Party’s delegation in international environmental negotiations, or involving NGOs in forming the Party’s official position for such negotiations), including the stages at which access to information was provided;  (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;  (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;  (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalised, persecuted or harassed. |
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| *Answer:*  a.) The guidance in administrative procedures is based on the very general requirement (principle) of Article 7 of the ZUP, according to which an administrative authority is obliged to protect the rights of parties and of public benefits. The Article in question reads as follows:  *(1) In proceeding and deciding, authorities must enable parties to protect and exercise their rights in the easiest possible manner; thereby they must make sure that the parties do not exercise their rights to the detriment of the rights of others or contrary to the public benefit determined by statute or other regulation.*  *2) When an official establishes or evaluates, following the state of facts given, that the party to the procedure has a basis for exercising some right, they shall alert this party to such a basis.*  *(4) The authority must make sure that the ignorance and lay status of the party and other participants to procedures are not to the detriment of the rights to which these persons are entitled in accordance with the law.*  The requirements for suitable guidance with respect to applications, the requirement stipulating the public functioning and operation of authorities, and requirements for providing feedback also arise from the Decree on Administrative Operations (in particular, Articles 16, 26, and 106).  Furthermore, all those obliged to provide public information must also prepare, publicly post, and routinely update the catalogue of public information. The content of the catalogue is laid down in detail in the Decree on the provision and re-use of public information (Official Gazette of the Republic of Slovenia [Uradni list RS], No 24/16); among other things, it also includes a list of strategic documents, regulations, administrative and other procedures managed by the authority, and a list of public services carried out by the authority.  b) Promoting education and awareness raising  The Ministry of the Environment and Spatial Planning pays a great deal of attention to promoting education and awareness raising related to the environment and spatial planning through various activities: co-funding projects of NGO’s, children’s competitions, websites, media reports, events, and so on. A more detailed report on the activities of the Ministry of the Environment and Spatial Planning and of other ministries in this field is presented in the Report on the Environment in the Republic of Slovenia adopted by the Government of the Republic of Slovenia in February 2017. (available on: <http://www.mop.gov.si/fileadmin/mop.gov.si/pageuploads/pomembni_dokumenti/porocilo_o_okolju_2017.pdf>, pp. 224–236).  By means of the measures taken by the Ministry of the Environment and Spatial Planning and other ministries and organisations, Slovenia is putting a great deal of effort into supporting the non-governmental sector.  Funds from the European Social Fund provide significant support for the non-governmental sector. These funds have been spent on enhancing the capabilities of non-governmental organisations (NGO's) related to advocacy, the organisational development of NGO's, and the performance of public services, to improve their ability to participate in preparing and implementing public policies. With regard to the environment and spatial planning, these funds have been used to finance activities of two network organisations, namely Plan B for Slovenia (the Slovenian civil society platform for sustainable development is Plan B for Slovenia), which has 34 members and was founded in 2007, and Mreža za prostor (Network for Spatial Planning), which has been connecting NGO's in spatial planning since 2009. Among other things, both network organisations advocate the promotion of an active role, cooperation, and partnership in processes for forming environmental policies and regulations, and in spatial planning processes.  The measure “co-funding projects by NGO’s operating in the field of climate change” has also been implemented since 2015 within the Programme for the Use of Resources of the Climate Change Fund, which is managed by the Ministry of the Environment and Spatial Planning, Furthermore, education and communication projects related to climate change, the green economy, and sustainable development carried out by non-governmental and other organisations are financed within this fund’s “technical assistance” measure. It is worth noting that, in 2016 and 2017, the Ministry of the Environment and Spatial Planning used the Climate Change Fund to finance the project “Knowledge and competences relevant for fulfilling green economy objectives related to climate change at the preschool-primary school-gymnasium (secondary school) level” carried out by the Institute of Education of the Republic of Slovenia. The principles of sustainable development were also included in the project.  In 2007, the Ministry of Education and Sport adopted the Guidelines on Education for Sustainable Development, which apply from pre-school education to university education. In the field of education, the state also supports what is known as global learning, an eco-school programme, and a competition called Earth-Friendly School and Kindergarten, and the introduction of sustainable competences into occupational standards.  The Ministry of the Environment and Spatial Planning generally supports the operation of environmental non-governmental organisations through various public calls for applications for funding using integrated funds, as for this purpose it has a budget heading titled “co-funding a part of non-governmental organisations.” For example, in 2016, it directly supported 22 environmental non-governmental organisations by co-funding projects in the field of sustainable development, environmental protection, and nature conservation and by providing the free use of the premises of the Environmental Centre. Furthermore, it funded 11 projects related to promoting and raising awareness in the field of spatial planning and construction. The Ministry of the Environment and Spatial Planning continues to co-fund the working programmes of environmental non-governmental organisations through the Environmental Centre, within which there is also an info point intended to inform the general public and raise its awareness.  Slovenia is intensively carrying out the activities of the Framework Programme for a Transition to a Green Economy.  It also undertook to additionally enhance its activities related to raising the awareness of the public concerning air quality and its health and environmental impacts, and to promote measures that individuals can implement in order to contribute to improving air quality. For this purpose, the Ministry of the Environment and Spatial Planning has already launched a special website (www.mojzrak.si) that it intends to maintain and upgrade by adding more content. Special emphasis will be given to the correct use of small biomass heating devices, promoting good practices in agriculture, and to sustainable mobility.  In addition to the above, the project “Slovenia Reduces CO2” is also noteworthy ([www.slovenija-co2.si](http://www.slovenija-co2.si)).  2015, the Ministry of Public Administration in cooperation with the non-governmental organisation CNVOS (Centre for Information Service, Co-operation and Development of NGOs) carried out a series of training courses for public officials within the project “Improving competence for the implementation of regulatory impact assessments, and including the public in the drafting and implementation of policies.” More than 130 representatives of Slovenian ministries, the Government Office for Legislation, the Secretariat-General of the Government of the Republic of Slovenia, and external stakeholders participated in the training courses. The training courses were based on two steps: a day of basic training was followed by a series of nine three-day in-depth training sessions, the aim of which was to train one “multiplicator” per each ministry, i.e. a person who transfers the knowledge on managing processes for consulting the public by means of annual internal training sessions and counselling support within the ministry.  A Manual for Planning and Implementing Consultation Processes and the Guidelines on Including the Public in the Preparation of Regulations were also published within the project. Both publications provide practical instructions and guidelines for users, and they are useful to those who are experienced in drafting regulations and can routinely use matrices, as well as to beginners, because, in addition to matrices, they also offer basic information on individual steps and their impact on other steps.  c.) In 2015, the Government actively approached the drafting of a proposal for a framework Act on Non-Governmental Organisations. After undergoing interministerial coordination, the Draft Act was submitted for public review (from 28 November 2016 and 17 January 2017), and it is to be adopted in the near future. The Act will govern in a uniform manner the status of non-governmental organisations operating in the public interest in individual areas, also in the fields of environmental protection and nature conservation.  The ZVO-1 and the ZON currently already lay down the legal grounds for acquiring the status of a non-governmental organisation (hereinafter: NGO) which operates in the public interest in the field of environmental protection and nature conservation.  implementation of this provision was enabled by the 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 (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 112/05) adopted in 2006. These Rules were revised in 2014, and new Rules were issued (Official Gazette of the Republic of Slovenia [Uradni list RS], No 34/14). The conditions for acquiring the status were ameliorated, with the required period of previous operation being reduced from 5 to 3 years, while the condition related to national operation was abolished; even before then, the statutory condition of revised reports on the financial operation in the preceding year had been abolished.  In February 2017, 28 NGO’s had acquired status in the environmental field, the list of which is published on the website of the Ministry of the Environment and Spatial Planning (http://www.mop.gov.si/si/nevladne\_organizacije/). Based on express statutory provisions, these organisations have the status of accessory participants (fiction of an interest of a legal nature) in expressly defined administrative procedures. However, their options are not only limited to expressly regulated procedures. Newer practice also recognises these organisations in a broader sense. (E.g. Court judgment in case no. I U 1522/2015- of 17 July 2016).  The Nature Conservation Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 96/04 – official consolidated text, 61/06 – ZDru-1, 8/10 – ZSKZ-B and 46/14, hereinafter: the ZON) also lays down the operation of societies that are in public interest in the field of nature conservation. A society that meets the conditions laid down in the Act acquires the status of a society by means of a decision issued by the Ministry, thus granting it an *ex lege* right to represent nature conservation interests in all administrative and court procedures, which is broader than the aforementioned status in the field of environmental protection. In February 2017, 36 societies had this status.  As already mentioned, the Ministry of the Environment and other ministries and state organisations (e.g. the Ministry of Public Administration, the Climate Change Fund, etc.) provide funds for the operation of non-governmental organisations in the field of the environment, namely in the form of calls for applications related to project funding. In addition to project-oriented calls for applications, a call for applications for the funding of projects selected by non-governmental organisations is also published every two years. The last public call for applications for the funding of NGO projects in the field of the environment was published in 2016; it enabled NGO's to acquire funds in the total amount of EUR 350,000.00.  d.) As a  Member State of the European Union, the Republic of Slovenia also advocates and promotes the principles of the Convention, so it is committed to observing EU regulations that transpose the application of the principles of the Convention in international decision-making procedures related to the environment and in international organisations dealing with the environment.  In the international community, particularly in UN human rights forums, Slovenia ensures the implementation of the Aarhus Convention. (In the UN Human Rights Council, Slovenia co-proposes a resolution on human rights and development every year; this resolution deals with the obligations imposed on states by the Aarhus Convention).  Public participation is also foreseen in the procedure for forming the positions of the Government of the Republic of Slovenia concerning various significant international environmental meetings, namely by means of a process laid down for government documents. The Sustainable Development Council (a consulting body of the Minister), the members of which are both experts and representatives of civil society (NGO’s), is also included in the preparations for various international environmental meetings.  e.) It is already evident from the general constitutional provisions defining Slovenia as a state governed by the rule of law that those enforcing their rights in the Republic of Slovenia in accordance with the Convention cannot be penalised, prosecuted, or otherwise hindered in any way. |
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**IV. Obstacles encountered in the implementation of article 3**

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.*

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| *Answer:*  Relating to the implementation of Article 3.1. of the Convention:  The Human Rights Ombudsman (hereinafter: the Ombudsman) finds that the cooperation of the ministry competent for the environment with civil society is not sufficient; in particular, it warns that the Ministry of the Environment and Spatial Planning no longer has a person appointed to communicate with civil society.  Relating to the implementation of Article 3.2. of the Convention:  In its response to the draft report, the Ombudsman warns that in practice it has discovered that the responsiveness and duty to provide clarifications of administrative authorities are often lacking, and that authorities interpret their duty to provide clarification in an unduly narrow sense.  Plan B (an NGO network) finds that the provision of Article 7 of the ZUP is not implemented in practice, and it states that the recognised NGO’s have been making efforts for years to be directly informed by the Slovenian Environment Agency (ARSO – the authority competent to manage administrative procedures relevant for the environment) concerning the course of procedures and (depending on their position) to be directly called to join a procedure.  Relating to the implementation of Article 3.3. of the Convention:  The environmental NGO’s that are part of the Plan B network agree that the provision of access to environmental information in Slovenia (including through the work of the Information Commissioner) is exemplary. However, in their opinion, the situation in the field of focusing and raising the awareness of the public on the possibilities of participating in decision-making is different (more on the difficulty of implementing Article 6.4. of the Convention). They also find that the state does not suitably provide information and raise public awareness of the public concerning the access to justice in environmental matters.  Relating to the implementation of Article 3.4. of the Convention:  Plan B warns that the requirement for suitable support arising from the Convention does not only mean that a special status is recognised (or that there is an option for such recognition), but that it is “a recognition of the significance of, and the expression of respect for the work of environmental NGO’s”; at the same time, it emphasises the opposite example of “contempt for environmental protection publicly expressed within the governing political structure.”  Plan B and Alpe Adria Green (hereinafter: AAG) warn of the problem of funding the operation of environmental NGO’s. However, their views differ with regard to how this funding should be provided. AAG finds that the funding of non-governmental organisations should be independent, as the dependence on the funding provided by the Ministry of the Environment and Spatial Planning and by other ministries “makes a critical stance by NGO’s impossible ...”. Plan B also warns of the issue of funding, but it states that the current provision of cohesion funds in cooperation with the Ministry of Public Administration is a result of the past efforts of environmental NGO’s which cannot obtain such funding from their parent ministry (the Ministry of the Environment and Spatial Planning). (Furthermore, it states that environmental NGO’s receive only 1.08% of all state funds intended for NGO's from the Ministry of the Environment and Spatial planning).  Relating to Article 3.8. of the Convention: Plan B warns that, despite the legal mechanisms in place, individuals or organisations are “indirectly victimised”, usually through actions for damages due to “slander” (it provides two examples of such claims). |
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**V. Further information on the practical application of the general provisions of article 3**

*Provide further information on* ***the practical application of the general provisions of article 3.***

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| *Answer:*  Such relevant information has not been identified. |
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**VI. Website addresses relevant to the implementation of article 3**

*Give relevant website addresses, if available:*

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| <http://www.mop.gov.si>  /<http://www.ip-rs.si>  <http://e-uprava.gov.si/e-uprava/edemokracija.euprava> |
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**VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4**

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| **List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.**  Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:  (a) With respect to **paragraph 1**, measures taken to ensure that:  (i) Any person may have access to information without having to state an interest;  (ii) Copies of the actual documentation containing or comprising the requested information are supplied;  (iii) The information is supplied in the form requested;  (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;  (c) With respect to **paragraphs 3 and 4**, measures taken to:  (i) Provide for exemptions from requests;  (ii) Ensure that the public interest test at the end of paragraph 4 is applied;  (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;  (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;  (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;  (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met. |
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| *Answer:*  a.)  public for whom access to information is to be provided is not relevant, as the ZDIJZ provides access to public information to all (interest of a legal nature or other interest does not have to be shown to gain access).  Public information is any “information originating from the field of work of the authorities and occurring in the form of a document, case, dossier, register, record or other documentary material drawn up by the authority, by the authority in cooperation with another authority, or acquired from other persons” (Article 4 of the ZDIJZ).  request, the entities liable (state authorities, local government authorities, public agencies, public funds and other entities of public law, holders of public powers and public service contractors, and liable business entities under the effective control of entities of public law) are obliged to provide public information. The ZDIJZ (Article 5) provides the free access principle: public information is freely accessible to all legal entities or natural persons who apply for it. The applicant requests access to public information by submitting a written request to access or re-use public information, or an informal request can be made.  The Act exhaustively stipulates the exceptions or the conditions when liable entities may refuse access to public information (Articles 5.a and 6 of the ZDIJZ), whereby some of these exceptions are subject to the public interest test. However, whenever possible, liable entities must, pursuant to Article 7 of the ZDIJZ, ensure partial access to documents that contain public information (information referred to in Articles 5.a and 6 of the ZDIJZ must be deleted from the document).  Environmental information (environmental data) is one sort of public information and therefore ZDIJZ rules apply.  Specific for environmental information are the provisions of Article 13 of the ZVO-1 (requirement for accessibility in principle) and Article 110 of the ZVO-1. n. The latter defines environmental data in paragraph two by listing examples.  In their application, applicants state in what manner they wish to access the content of the requested information (inspection, transcript, photocopy, electronic record). The selection of the manner of access is limited by paragraph 2 of Article 25 of the ZDIJZ, according to which the authority that is obliged to provide public information may refuse to provide a photocopy of the requested information if this information is protected pursuant to the Act governing copyright. In this case, the applicant does not have the right to obtain a photocopy of the document, but the authority provides it for inspection only. But the amended Act, which entered into force on 8 May 2016 (ZDIJZ-E), provides that the liable entity must enable access to an expressly determined set of environmental data regardless of whether a photocopy of a copyrighted document of the information or otherwise is requested, namely to: “data on emissions, waste, hazardous substances in a plant, and data in the safety report and other data according with ZVO-1.  b.) Article 23 of the ZDIJZ lays down a deadline for the decision of the authority; the authority is obliged to reach a decision on the applicant’s request immediately, or at the latest within 20 business days of receiving the complete request. If an authority requires more time to provide the information because it can provide only partial access to public information or because of the size of the requested document, it may extend the deadline referred to in the preceding Article by a maximum of 30 business days. The authority itself is obliged to reach a decision on extending the deadline, including an explanation of the grounds for the extension; this decision is then delivered to the applicant. The authority is obliged to make the decision at the latest within 15 business days of receiving the request.  After the expiry of the statutory deadline, administrative silence commences, as a result of which the applicant has the right to lodge an appeal, as if its request has been denied.  If the applicant refers in its request to the prevailing public interest in disclosure, the liable entity must submit a proposal for a decision to the competent authority within 15 business days of receiving the request, and the competent authority must reach a decision on the request within 15 business days of receiving the proposal for a decision.  c.) Exceptions regarding access to information are laid down in Articles 5.a and 6 of the ZDIJZ  Article 5.a, the authority may deny access to the requested information by the applicant:  - if the request refers to information to which access is forbidden or restricted under law even to parties, participants or victims in legal, administrative, or supervisory procedures determined by law.  - if the request refers to information which was acquired or drawn up due to a supervisory procedure managed by the Bank of Slovenia in accordance with the law, the authority competent for the control of the securities market or insurance supervision, or any other supervisory authority specialised in financial supervision, provided that the supervisory procedure is still ongoing. Once the supervisory procedure is completed, the authority may also deny access or re-use if the disclosure of the requested information would cause damage to another person or if this would severely compromise the implementation of other statutory duties of the supervisory institution that managed the procedure.  - if the request refers to data concerning which the Act provides that the confidentiality of the source must be protected.  Article 6, the authority may deny access to the requested information by the applicant if the request refers to:  1. Information which, pursuant to the Act governing classified data, is defined as classified; 2. Information which is defined as a trade secret in accordance with the Act governing companies; 3. Personal data the disclosure of which would constitute an infringement of the protection of personal data in accordance with the Act governing the protection of personal data; 4.Information the disclosure of which would constitute an infringement of the confidentiality of individual information on reporting units, in accordance with the Act governing Government statistics activities; 5. Information the disclosure of which would constitute an infringement of tax procedure confidentiality or of a tax secret in accordance with the Act governing tax procedure; 6. Information acquired or drawn up for the purposes of criminal prosecution or in relation to criminal prosecution, or misdemeanour proceedings, and the disclosure of which would prejudice the implementation of such proceedings; 7. Information acquired or drawn up for the purposes of an administrative procedure, and the disclosure of which would prejudice the implementation of such procedure; 8. Information acquired or drawn up for the purposes of a civil, non-litigious civil procedure or other court proceedings, and the disclosure of which would prejudice the implementation of such procedures; 9. Information from the document that is in the process of being drawn up and is still the subject of consultation by the authority, and the disclosure of which would lead to misunderstanding of its contents; 10. Information on natural or cultural value which, in accordance with the Act governing the conservation of nature or cultural heritage, is not accessible to the public for the purpose of protecting (that) natural or cultural value; 11. Information from the document drawn up in connection with internal operations or activities of bodies, and the disclosure of which would cause disturbances in the operations or activities of the authority.    Furthermore, paragraph 2 of Article 6 provides that the information in question (with the exception of expressly determined instances) is provided, even if it is an exception, if the public interest in disclosure prevails over the public interest or interest of other persons not to disclose the requested information.  At the same time, paragraph 3 of Article 110 of the ZVO-1 provides that, notwithstanding any exceptions, environmental data concerning emissions, waste, dangerous substances in a plant, and data in the safety report for Seveso plants is always public.  With regard to the disclosure of information, the ZDIJZ also provides the implementation of a public interest test which is fully in accordance with the provisions of the Convention. Access to the requested information is permitted if the public interest in disclosure prevails over the public interest or interest of other persons not to disclose the requested information, except in the following cases: - information which, pursuant to the Act governing classified data, is denoted with one of the two highest levels of secrecy; - information which contains or is prepared on the basis of tax procedures provided to the authorities of the Republic of Slovenia by an authority of a foreign country; - information the disclosure of which would constitute an infringement of the confidentiality of individual information concerning reporting units, in accordance with the Act governing activities related to Government statistics; - information the disclosure of which would constitute an infringement of tax procedure confidentiality or of tax secrets in accordance with the Act governing tax procedures.  Without prejudice to these provisions, access to the requested information is permitted: - if the information is related to the use of public funds or information related to the execution of public functions or employment relationship of a civil servant,  - if the information is related to environmental emissions, waste, hazardous substances in a plant or information contained in a safety report and also other information if the Act governing environmental protection so stipulates.  d.) Article 20 of the ZDIJZ governs the conduct of the authority if it does not provide the requested information. If the authority which has received the request does not hold the requested information, it must immediately, and at the latest within 3 business days of receiving the request, assign the request to the authority which in relation to the content of the request is competent to resolve it, and notify the applicant thereof.  e.) Article 7 of the ZDIJZ governs partial access to information. If a document or a part thereof contains only certain information that is classified as an exception and this can be excluded from the document without jeopardising its confidentiality, an authorised person of the authority may exclude such information from the document and inform the applicant of the content or enable the re-use of the remainder of the document.  f.) After the expiry of the deadline for the decision (for more details, see item c) of the answer), administrative silence commences, as a result of which the applicant has the right to lodge an appeal, as if their request has been denied.  The applicant also has the right to an appeal if they deem that the information that was provided is not the public information stated in the request (and can thus request that the authority provide the public information stated in the request) or if the information is not provided in the requested form.  g.) Article 34 of the ZDIJZ governs the cost of providing information, and stipulates that the inspection of the requested public information is free, provided that there is no need for the implementation of partial access.  The authority may charge the applicant for the material costs for providing a transcript, photocopy or electronic record of the requested information. For economic reasons the authority may not charge the material costs of providing information that do not exceed EUR 20 (incl. VAT).  Based on the Act, the Government adopted the Decree on the provision and re-use of public information (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 24/16) which also lays down the bill of costs related to the provision of information. Every authority must publish their bill of costs in a suitable manner (official newsletter of the authority, the internet, notice board, etc.) and provide it to each applicant for inspection. |
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**VIII. Obstacles encountered in the implementation of article 4**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 4.*

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| *Answer:*  No major obstacles to the implementation of these provisions have been discovered.  In their answer, the Information Commissioner warned that, in practice, the number of complaints related to requests for access to environmental information is increasing: “The Information Commissioner dealt with only one case in this field in 2013, four in 2014, eight in 2015, and in 2016, there were already 16 such cases.” Furthermore, it warned of the worrying fact that some ministries refused to provide environmental information, particularly the Ministry of Infrastructure. |
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**IX. Further information on the practical application of the provisions of article 4**

*Provide further information on the* ***practical application of the provisions on access to information in article 4****, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

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| *Answer:*  A great deal of advice and information on the use of the provision on access to information pursuant to Article 4 of the Convention is available on the website of the Information Commissioner (<https://www.ip-rs.si/informacije-javnega-znacaja/> ).  This website provides information on the legal grounds for making a request for access to information, the procedure and the authorities liable to provide such information; the public interest test is explained, specific advice is given on how to compose a request, and a sample request is provided for use by applicants. A search engine on the decisions concerning appeals and judgments of the Administrative Court of the Republic of Slovenia and the Supreme Court of the Republic of Slovenia, divided according to topics, is also available (it is possible to search the case law referring to the requested provision of environmental data).  As already mentioned, each authority also publishes on their website a public information catalogue and a list of officials competent for access to information. State authorities and local community bodies are obliged to draft an annual report on the implementation of the ZDIJZ for the previous year and to submit it to the Ministry of Public Administration. Based on these annual reports, the Government of the Republic of Slovenia drafts a joint annual report and submits it to the National Assembly of the Republic of Slovenia for review. The last joint annual report on the implementation of the ZDIJZ refers to 2014. (<http://www.mju.gov.si/si/delovna_podrocja/transparentnost_in_dostop_do_informacij_javnega_znacaja/porocilo_o_stanju/> )  The Information Commissioner also annually reports on their work (trends in the field of access to public information). |
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**X. Website addresses relevant to the implementation of article 4**

*Give relevant website addresses, if available:*

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| <https://www.ip-rs.si/>,  <http://www.arso.gov.si>  <http://www.mop.gov.si/>  <http://www.ursjv.gov.si>  <http://e-uprava.gov.si/e-uprava/edemokracija.euprava>  <http://www.mju.gov.si/si/delovna_podrocja/transparentnost_in_dostop_do_informacij_javnega_znacaja/>  <http://www.dv.gov.si/>  <http://www.gu.gov.si/> |
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**XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5**

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| **List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.**  Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:  (a) With respect to **paragraph 1**, measures taken to ensure that:  (i) Public authorities possess and update environmental information;  (ii) There is an adequate flow of information to public authorities;  (iii) In emergencies, appropriate information is disseminated immediately and without delay;  (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;  (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;  (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;  (e) Measures taken to disseminate the information referred to in **paragraph 5**; |
| (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;  (g) Measures taken to publish and provide information as required in **paragraph 7**;  (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;  (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers. |
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| *Answer:*  a.) In addition to the measures referring to the provision of environmental data to all persons interested and their internet publication (Articles 108 and 110 of the ZVO-1, described in point III of this answer), the provision of relevant environmental data to public authorities is also suitably addressed by means of other measures. The Ministry competent for the environment ensures the management and maintenance of the environmental information system, which, pursuant to Article 105 of the ZVO-1, contains e.g. information on the condition of the environment and parts thereof, natural phenomena, valuable natural features, threatened areas, protection areas, or protected areas, etc. (it can be accessed through the ARSO geoportal <http://gis.arso.gov.si/geoportal/catalog/main/home.page>). In addition to the information acquired on the basis of the ZVO-1, the information system also contains the environmental information arising from state statistics, cadastres, public records, registers, records and other databases established by public authorities and municipal bodies and other organisations pursuant to the Act. The holders of these databases are obliged to provide the competent ministry with such data, which it requests for the purpose of the operation of the environmental protection information system, on an ongoing basis, as Article 96 of the ZVO-1 provides that the monitoring of natural phenomena, the condition of the environment, and environmental pollution is to be carried out in the country.  In addition to the environmental protection information system, the Ministry also keeps an environmental protection register, which contains a record of persons who hold an environmental protection permit, a record of entities providing public utility services related to environmental protection, EMAS records, etc. (<http://www.arso.gov.si/varstvo%20okolja/register_varstva_okolja.html>). The register is publicly accessible, but for the purpose of maintaining it, the competent municipal bodies must forward information on local public services related to environmental protection to the competent ministry.  Article 27 of the ZVO-1 governs measures in the event of an environmental accident – a person who causes an environmental accident must immediately inform the notifying authority provided for in the regulations on the protection against natural and other disasters and take such emergency measures that can mitigate detrimental consequences for the environment. At the same time, the ZVNDN lays down the obligations for the effective provision and forwarding of information on natural and other disasters that are binding on individuals, municipalities, and state authorities, and the requirement to warn and notify the population in the event of a threat, and the provision of instructions for self-protection and mutual assistance. Furthermore, it lays down the obligation to notify other countries and international authorities concerning the risk of disasters or the occurrence of disasters. The manner and forms for this are laid down in greater detail in the Decree on the organization and operation of the system of monitoring, informing and alarming (Official Gazette of the Republic of Slovenia [Uradni list RS], No 105/07) and the Decree on the contents and drawing up of protection and rescue plans (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 24/12 and 78/16).  b.) A transparent and effective manner of providing environmental information is ensured mainly through the operation of an environmental information system that combines data from various databases and records and displays them in a user-friendly manner though a web tool by switching various topical filters on and off on the ARSO (Slovenian Environment Agency) geoportal.  Furthermore, the ZVO-1 requires that an environmental report be drafted every four years by the ministry competent for the environment, in cooperation with other ministries (Article 106 of the ZVO-1). Every other year, the ministry draws up a report on the environment and parts thereof comprising environmental state indicators. The ministry publishes the reports so as to make them available to the public. At least every four years, city municipalities, municipalities or wider self-governing local communities draw up reports on the state of the environment for their respective areas. The information on the state of the environment collected by the Slovenian Environment Agency are published in the monthly bulletin Naše okolje (Our Environment) and in various yearbooks (meteorological, hydrological, seismological) and specific reports (earthquakes, climate change, nature, water; available at: [http://www.arso.gov.si/varstvo%20okolja/poro%C4%8Dila/poro%C4%8Dila%20o%20stanju%20okolja%20v%20Sloveniji/](http://www.arso.gov.si/varstvo%20okolja/poročila/poročila%20o%20stanju%20okolja%20v%20Sloveniji/)). Publications (e.g. Environmental Indicators in Slovenia, the European Environment – State and Outlook, etc. available at <http://eionet.arso.gov.si/publikacije>) are also prepared within the environmental reporting framework.  c.) As already mentioned in the answer to the preceding point b), environmental information is available in an electronic database of environmental data and in the environmental protection register, and it is available to the public. The Slovenian Environment Agency is responsible for operating this web tool. In addition to the browser Environmental Atlas of Slovenia, which also shows individual themed maps, the ARSO geoportal also enables users to search, access, and download metadata that is managed by the Slovenian Environment Agency.  d.) Pursuant to Articles 106 and 107 of the ZVO-1, a national environmental report must be drawn up. The report is received by the Government of the Republic of Slovenia, which then forwards it to the National Assembly, which publishes it. It is published online by the ministry competent for the environment ([http://www.arso.gov.si/varstvo%20okolja/poro%C4%8Dila/poro%C4%8Dila%20o%20stanju%20okolja%20v%20Sloveniji/](http://www.arso.gov.si/varstvo%20okolja/poročila/poročila%20o%20stanju%20okolja%20v%20Sloveniji/)). In order for the information from the report to reach the public, other measures are also applied, e.g. the drafting of publications, the inclusion of topics in the monthly bulletin, and the presentation of topics at various events.  e.) Most environmental information is disseminated through online publications. The ZDIJZ itself governs the provision of public information on the internet in Article 10, whereby the following must be published:  1.      consolidated texts of regulations relating to the field of work of the authority, with regard to the state register of regulations on the Web;  2.      programmes, strategies, views, opinions, and instructions that are of general significance or are relevant for the operation of the authority relating to natural persons and legal entities or for decision-making concerning their rights and obligations, and studies and other similar documents referring to the field of work of the Authority;  3.      proposals for regulations, programmes, strategies, and other similar documents relating to the field of work of the authority;  4.      all public procurement and tender documentation for the allocation of funds, grants, loans, and other forms of funding from the state budget or municipal budgets;  5.      information on activities and on administrative, judicial, and other services;  6.      other information of a public nature requested by applicants at least three times.  7.  Furthermore, Article 108 of the ZVO-1 upgrades Article 10 of the ZDIJZ by explicitly specifying the environmental data that is published online by the competent ministry:  1.     municipal regulations on the environment that have not been published in the Official Gazette of the Republic of Slovenia (Uradni list RS);  2.     national environmental action and operational programmes,  3.     environmental platform,  4.     environmental reports,  5.     environmental monitoring data or summaries thereof;  6.     conclusions concerning the best available technology,  7.     environmental protection consents and permits and the permit for GHG emissions, except information not available to the public under the relevant regulations, or a reference to the public authority from which such data can be obtained, and  8.     environmental reports and environmental impact reports or a reference to the public authority from which such reports can be obtained.  f.) In the environmental protection register, the ministry competent for the environment keeps records of persons to whom an environmental permit has been issued. Pursuant to paragraph two of Article 104 of the ZVO-1, these records include the following in particular: personal name and address, or a corporate name and registered office, type and extent of environmental burden caused by that entity's activity, and information on the relevant environmental protection permit (<http://okolje.arso.gov.si/ippc/vsebine/ippc-register>; <http://okolje.arso.gov.si/ippc/vsebine/seveso-register>; <http://okolje.arso.gov.si/onesnazevanje_zraka/vsebine/okoljevarstvena-dovoljenja>).  Moreover, the environmental protection register also keeps records on entities providing public utility services related to environmental protection, on persons holding authorisations or certificates for performing environmental protection activities, EMAS records, etc.  Environmental labelling and the certification of products and services is carried out by means of established international standards, registrations in the EMAS system, and the conferral of the Ecolabel – the European environmental label conferred by the Slovenian Environment Agency in accordance with EU regulations. The list of those who have received the Ecolabel, including a manual and additional information, is available on the website <http://www.arso.gov.si/o%20agenciji/okoljski%20znaki/ECO%20Label/>.  As green public procurement was introduced, manufacturers and suppliers were given additional encouragement to verify and provide relevant environmental information through environmental labels and declarations. Pursuant to the Public Procurement Act and the Act Regulating Public Procurement in Water, Energy, Transport and Postal Services, the Decree on green public procurement (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 102/11, 18/12, 24/12, 64/12, 2/13, 89/14 and 91/15 – ZJN-3) was adopted in 2011, the purpose of which is to reduce the negative impact on the environment caused by the public procurement of environmentally less burdening goods, services, and construction works, and by setting an example to the private sector and consumers.  g.) In the Republic of Slovenia, each ministry competent for particular fields already publishes proposals for regulations, programmes, and strategies in their fields based on the ZDIJZ. In this regard, pursuant to the Resolution on Legislative Regulation, which is not a binding document, all proposals for regulations are disclosed for at least 30 days by being published on the e-demokracija website (<https://e-uprava.gov.si/drzava-in-druzba/e-demokracija.html>). Article 35 of the ZVO-1 provides that a national environmental protection programme must be drawn up and adopted, and operational programmes for its implementations must also be adopted. The national environmental protection programme must be drawn up by the ministry competent for the environment in cooperation with other ministries; among other things, it also includes the objectives set for a specified period, priority tasks, guidelines for the development of activities, an estimate of the necessary funds, and obligations arising from ratified international treaties, strategies, and EU programmes. While it is being prepared, the competent ministry enables the public to be informed by means of a draft programme and to give opinions and make comments within a deadline of at least 30 days. The public must be informed by means of a public online announcement of where the programme is accessible and the method and time allowed for submitting opinions and comments. The acquired opinions and comments must be reviewed by the ministry and properly taken into consideration in the preparation of programmes.  The Government of the Republic of Slovenia also uses other measures to inform the public about environmental policies – e.g. by means of the web tool <http://predlagam.vladi.si/>, through which any person can propose that the Government of the Republic of Slovenia address a particular topic, and then they also receive a clarification and a response from the competent public authorities.  h.) The EMAS environmental management system (Articles 32 and 33 of the ZVO-1) and the Ecolabel (Article 31 of the ZVO-1) have been introduced in the Republic of Slovenia. The Ecolabel is intended to promote the production of products or the rendering of services that have a less detrimental impact on the environment throughout their life-cycle than other products of the same kind and thus contribute to the efficient use of environmental components and high level of environmental protection. At a legislative level, the Republic of Slovenia has not introduced any special national environmental labels. National legislation does not govern any other international standards. In part, this field is also addressed in Council Regulation (EC) No 834/2007 on organic production and the labelling of organic products, as organic foodstuffs are produced in a more environmentally friendly manner. Which produce or foodstuff can use the ‘organic’ label is governed by the Rules on organic production and processing of agricultural products and/or foods (Official Gazette of the Republic of Slovenia [Uradni list RS], No 8/14).  Article 33 of the Consumer Protection Act addresses in greater detail the rights of consumers relating to the level of information on products. It provides that the instructions for use must be enclosed with products if for their proper use a particular procedure is required or if the consumer could cause harm to themselves or to others or pollute the environment by using the product improperly. The misleading advertising of products is prohibited (Article 12 of the Consumer Protection Act).  The control of the proper labelling of products is carried out by the Market Inspectorate of the Republic of Slovenia (<http://www.ti.gov.si/si/>). Advice and assistance to consumers as well as various comparative testing between products is provided by the non-governmental organisation Slovenian Consumers’ Association (<https://www.zps.si/>), the projects of which are also co-funded by the state.  i) Within the management of the environmental information system, data on emissions and their sources, waste and waste management, hazardous substances, environmental accidents, and persons causing environmental burdens are recorded, to name just a few. The information system is connected with other databases that are kept by state authorities and the data of which refer to the environment. In addition to this system, non-governmental organisations have also developed information databases available to the public within the framework of various projects also supported by the state (e.g. the national register of illegal waste dumps <http://register.ocistimo.si/RegisterDivjihOdlagalisc/>). |
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**XII. Obstacles encountered in the implementation of article 5**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 5.*

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| *Answer:*  No such obstacles have been discovered.  In its response to the draft report, the Human Rights Ombudsman warned of the non-fulfilment of the requirement arising from the ZVO-1 on the drafting of an environmental report. The Environmental Report from April 2009 was only followed by the 2017 Environmental Report (March 2017); in the interim period, no such report was published.  In order to avoid panic, the Ombudsman finds that, in the event that phenomena occur that are understood by people as environmental accidents, it would be reasonable also to ensure that people are informed that the event had no harmful consequences. |
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**XIII. Further information on the practical application of the provisions of article 5**

*Provide further information on the* ***practical application of the provisions on the collection and dissemination of environmental information in article 5****, e.g., are there any statistics available on the information published?*

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| *Answer:*  In addition to the Atlas of the Environment kept by the Slovenian Environment Agency, the following is also kept in the form of an electronic publicly accessible database:   * the Atlas of Water at the Slovenian Environment Agency (<http://gis.arso.gov.si/evode/profile.aspx?id=atlas_voda@Arso>), * the Nature Conservation Atlas at the Institute of the Republic of Slovenia for Nature Conservation, with data on areas in the Republic of Slovenia significant for nature conservation (<http://www.naravovarstveni-atlas.si/web/>), * the E-prostor database, with spatial data at the Surveying and Mapping Authority of the Republic of Slovenia (<http://www.e-prostor.gov.si/>).   The Ministry of Public Administration is the ministry competent for the field of access to public information; it carries out incentive and development tasks for the purpose of achieving the transparent and open operation of the public sector. The transparency of the operation of public sector authorities is reflected in:   * the possibility of online access by the public to data from public records; * the proactive dissemination of information by authorities; * the cooperation of the public in adopting regulations; * the transparency of the use of public resources and the efforts to achieve integrity and to prevent corruption; * the enabling of access to public information based on individual requests; * the enabling of the re-use of public sector information through the online publication of databases as open data or based on individual requests.   The Ministry of Public Administration provides assistance and advice to applicants and authorities in deciding which public sector data can be provided to the public and under which conditions, namely in the event of specific requests for access pursuant to the ZDIJZ and in the event of the proactive online publication of public sector data and in the event of the interministerial coordination of regulation proposals that substantively define the right of the public to access information, e.g. for specific types of data.  Ministries and other state authorities have services that are responsible for public relations.  All authorities liable to provide information must appoint persons to provide public information. |
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**XIV. Website addresses relevant to the implementation of article 5**

*Give relevant website addresses, if available:*

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| <http://gis.arso.gov.si/atlasokolja/profile.aspx?id=Atlas_Okolja_AXL@Arso>  <http://www.arso.gov.si>  <http://www.mop.gov.si/si/o_ministrstvu/informacije_javnega_znacaja/>  <https://www.gzs.si/skupne_naloge/varstvo_okolja/vsebina/Odpadki-in-snovni-tokovi/Sistemi-in-orodja/Okoljske-oznake>  [http://zagovorniki-okolja.si/download/varstvo\_okolja/Zavajajo%C4%8De%20okoljske%20reklame.pdf](http://zagovorniki-okolja.si/download/varstvo_okolja/Zavajajoče%20okoljske%20reklame.pdf)  For better traceability, the remaining websites are included in the text of the answer. |
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**XV Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6**

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| **List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.**  Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:  (a) With respect to **paragraph 1**, measures taken to ensure that:  (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;  (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;  (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;  (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;  (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;  (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;  (f) With respect to **paragraph 6**, measures taken to ensure that:  (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;  (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;  (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;  (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;  (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;  (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes; |
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| *Answer:*  a., b., c.)  Slovenian legislation on cooperation of representatives of the public distinguishes between:  1. **the general public**: When an act uses the term ‘the public’, this includes anyone, i.e. any natural person or legal entity regardless of whether they are a foreigner (a foreign natural person or legal entity) a citizen or a local legal entity. The general public is entitled to procedural rights only in some administrative procedures stipulated by the ZVO-1.    2. **the interested public (the public concerned):** According to Article 43 of the ZUP, a person who demonstrates standing (legal interest) has the right to participate in procedures. Standing is demonstrated when a person asserts that they are joining a procedure in order to protect their legal benefits, which are defined as “a direct personal benefit based on statute or other regulation.” The ZUP does not distinguish between persons with a place of residence in the Republic of Slovenia and others, which means that it governs the procedural status of Slovenian and foreign persons. According to the ZUP, the procedural rights of a person who acquires the status of an accessory participant are, with the exception of the filing and withdrawal of a claim, equal to the rights of the party.  With regard to Article 6 of the Convention, the following administrative acts envisaged in the ZVO-1 are relevant:   * + the environmental protection permit for installations causing large-scale pollution (the implementation of the IED Directive): **IED environmental protection permit (OVD IED),**   + an environmental protection permit for Seveso plants **(OVD SEVESO)**, and   + an environmental protection consent (implementation of the EIA Directive): **OVS consent**.   The Act requires that the **OVS** consent be acquired for any activities that may significantly affect the environment, for which reason an environmental impact assessment must be performed relating to such activities. Following the example of the EIA Directive and Article 6 of the Convention, the ZVO-1 distinguishes between two categories of such activities, namely:  - activities for which an assessment is **always necessary** (activities referred to in Appendix 1 of the Convention) and  - activities regarding which it is only **discovered during the preliminary assessment** whether an environmental impact assessment should be carried out. In cases when decisions are made concerning activities not listed in Appendix 1, the assessment of whether the environmental impact assessment should even be performed is carried out case by case, whereby the prescribed criteria are taken into consideration when decisions are made on this issue. (It should be added that preliminary assessment was introduced into the Slovenian legal system in 2013 by means of Articles 51a and 51b of the ZVO-1; prior to this, thresholds (often absolute thresholds) were laid down by means of an implementing regulation for some activities not included in Appendix 1; if these thresholds were reached or exceeded, an environmental impact assessment had to be carried out.)  *Accessory participation*  As already mentioned, according to the ZUP, the procedural rights of members of **the public concerned (accessory participants) are, in principle, the same as the procedural rights of the party.** The authority is obliged to invite these persons to participate in a procedure, but they may also ask to participate themselves (Articles 142 and 143 of the ZUP). Persons who have the status of an accessory participant have the right to be notified on the planned procedural steps and a right to participate in all procedural steps, and in specific proceedings they may state facts and present evidence to support their claims, whereby they may make a statement concerning all relevant findings and evidence before a decision is reached, and the authority takes a suitable position on their statements and evidence in the explanatory note that forms a part of decision (e.g. it must state which facts it determined and based on what (which evidence), which evidence it accepts and why, etc.; see Articles 9 and 214 of the ZUP in particular). Both in relation to notification as well as in relation to the participation of persons with the recognised status of an accessory participant, the legislation of the Republic of Slovenia exceeds the requirements of Article 6 of the Convention.  According to the ZUP, the status of an accessory participant can be acquired by anyone who shows standing (legal interest). (In Slovenia, the concept of the subjective protection of rights applies). In procedures according to Article 6 of the Convention (OVS consent and OVD IE according to national legislation), there is a fiction of violated legal interest for some representatives of the public. This applies to environmental non-governmental organisations with a special status (Article 153 of the ZVO-1) and to particular natural persons or legal entities from what is known as the influence area of the activity. The right to represent nature conservation interests in all administrative and judicial procedures is afforded also to an association that has the status of a society operating in the public interest in the field of nature conservation, namely in accordance with paragraph three of Article 137 of the Nature Conservation Act (the ZON).  *General public*  In procedures for issuing OVS consents and OVD IE and OVD SEVESO permits, the Act also governs **the participation of the (general) public (anyone).** A more detailed regulation of the cooperation of the general public, as prescribed for the aforementioned acts, is as follows:  – OVS consent (Article 58 of the ZVO-1):  *(1) In the procedure for environmental impact assessment, the ministry must make available to the public the application for environmental protection consent, environmental impact report, and the draft decision on environmental protection consent, and allow the public to express its opinions and make comments.*  *(2) The ministry shall inform the public – by means of a public announcement in a locally established way and on the internet – in particular of:*  *1. the application for granting an environmental protection consent for the planned activity affecting the environment,*  *2. the fact that an environmental impact assessment is required for the planned activity affecting the environment,*  *3. the area referred to in point 6 of paragraph two of Article 54 of this Act,*  *4. 4. the participation of a Member State in the case referred to in paragraph three of Article 59 of this Act,*  *5. the authority that is to grant an environmental protection consent, provide the required information on the planned activity affecting the environment and accept opinions and comments,*  *6. the location where the application, environmental impact report, and draft decision are available to the public, and*  *7. the manner in which to express opinions and make comments.*  *(3) The time limit in which the public has a right of access and an opportunity to express opinions and comment shall be 30 days from the public announcement referred to in the preceding paragraph.*  – OVD permit for IE installations (Article 71):  *(1) In the procedure for issuing an environmental protection permit according to the provisions of Article 69 of this Act or for its modification referred to in points 1 and 2 of paragraph three and in paragraph fourteen of Article 77 and point 4 of paragraph one of Article 78 of this Act, the ministry shall make available to the public the application for obtaining the permit, the corresponding conclusions concerning the best available technology, and the draft decision on the environmental protection permit, and allow the public to express its opinions and comments.*  *(2) The ministry shall inform the public – by means of a public announcement in a locally established way and on the internet – in particular of:*  *1. the authority that is to issue the environmental protection permit, provide the required information on the planned activity affecting the environment and receive opinions and comments,*  *2. the extent of the installation influence area referred to in the second paragraph of Article 70,*  *3. the location where the application and draft decision referred to in the preceding paragraph are available to the public,*  *4. the participation of a Member State in the case referred to in paragraph four of this Article, and*  *5. the manner in which to express opinions and make comments.*  *(3) The time limit within which the public has a right of access and can express opinions and comments shall be 30 days and shall not be counted in the time limit of granting the environmental protection permit.*  *(4) For an installation that might have a significant impact on the environment of any other Member State, the provisions of Article 59 shall apply mutatis mutandis, and for an installation that might have a significant impact on the environment in the Republic of Slovenia, the provisions of Article 60 of this Act shall apply.*  - OVD permit for SEVESO plants (Article 88 of the ZVO-1):  *(1) In the procedure for issuing the environmental protection permit for a plant referred to in Article 86 of this Act, the ministry shall make available to the public the application for obtaining the environmental protection permit and the draft decision on the environmental protection permit.*  *(2) To ensure the participation of the public referred to in the preceding paragraph, the provisions of Article 58 of this Act shall apply mutatis mutandis.*  d.) The ZUP requires that representatives of the interested public be informed of all steps of the procedure in a timely manner (see above).  The general public (including any remaining representatives of the relevant public that were not discovered or invited by the authority) is informed on the content of the application (and on the possibility of having direct access to the application) by means of a public notification, and may express opinions and make comments within 30 days. At the same time as the application, a draft of the decision is also published, which means that the authority – provided that it does not deny the request in this phase already – has already specified the data, as stated in the extensive application by the applicant, taking into consideration any regulations, in the foreseen conditions of the activities. Such legislation enables oriented discussion (specific comments of the public on the one hand and a specific answer by the authority referring to facts, evidence, and the assessment of these facts on the other). In any case, the authority may and, provided that this is required due to the findings of the subsequent procedure acquired by cooperating with the public, must change its decision, either regarding only particular points of its operative part (the conditions) or it can refuse to issue a permit entirely.  Pending applications to obtain OVD permits are published online:  [http://www.arso.gov.si/varstvo%20okolja/presoja%20vplivov%20na%20okolje/okoljevarstveno%20soglasje/Vloge%20v%20re%C5%A1evanju/](http://www.arso.gov.si/varstvo%20okolja/presoja%20vplivov%20na%20okolje/okoljevarstveno%20soglasje/Vloge%20v%20reševanju/)  **e.)** The authority is obliged to invite the interested public (accessory participants) and the general public to participate in the procedure in a prescribed manner.  In cases when the authority is uncertain who the accessory participants are, it is obliged under the ZUP to invite persons to participate by issuing a public announcement: *“If the authority is unable to determine which persons have a legal interest in participating in the procedure, it shall issue an invitation by means of a public announcement posted on the notice board of the public authority, as well as on the national website e-Uprava (e-Administration), or it can be posted in any other locally established way.”* (paragraph two of Article 143 of the General Administrative Procedure Act).  **f.)** As already mentioned, all documents and records on activities that serve as the basis for the decision are available to the concerned public.  All documents related to the Convention are also available to the general public (as evident from Articles 58, 71, and 88 cited above).  **g.)** The interested public is in the position of an accessory participant who requires that it be allowed to provide a statement on all of the claimed facts and evidence and that the authority share in the explanatory note its position on the accessory participant’s proposals and evidence (more above).  The general public (anyone) may share their opinion and comments (and any corresponding documentation) in procedures for issuing OVS consents, OVD IED permits, and OVD SEVESO permits. They can be shared in a public debate or in writing (at any time during the course of a public debate). (See Articles 58, 71/3, and 88 cited above in greater detail).  **h.)** All allegations and motions for evidence filed by the public concerned (accessory participants) must be suitably assessed in the explanatory note of the decision (more above).    Furthermore, the ZVO-1 requires that the views of the general public also be taken into account. It requires that “*in its clarification of the environmental protection consent, the authority indicates how the public opinions and comments sought on the basis of Article 58 of this Act have been observed in the decision.”* (paragraph five of Article 61 of the Environmental Protection Act ZVO-1) This requirement also applies, mutatis mutandis, to OVD SEVESO permits. When issuing an OVD IE permit, the Ministry *“also takes into account, in the appropriate manner, the opinions and comments of the public.”* (paragraph one of Article 72 of the ZVO-1)  With regard to SEVESO plants, *the provisions of Article 58 of the ZVO-1* concerning the participation of the public apply, mutatis mutandis.  **i)** Pursuant to the ZUP, accessory participants are notified concerning the steps of the procedure and on the decision by means of personal serving.  The ZVO-1 requires that the general public also be notified on the decision referred to in Article 6, namely in the following provision of Article 65 of the ZVO-1 (to which paragraph six of Article 81.a and Article 78.a also refer):  *(1) The ministry shall inform the public of the issued environmental protection consent in 30 days at the latest after serving the decision on parties, by means of an announcement in the locally established way and on the internet.*  *(2) The announcement referred to in the preceding paragraph shall comprise in particular:*  *1. the substance of the decision and indispensable conditions for carrying out the planned activity, when specified,*  *2. the main reasons for the decision,*  *3. description of the principal measures for preventing, reducing or eliminating detrimental impacts of the planned activity on the environment when the environmental protection consent is granted, and*  *4. indication of public opinions and comments taken into account as referred to in Article 58 of this Act in the case referred to in paragraph three of Article 59, and indication of opinions and comments taken into account as given by the Member State concerned.*  Decisions on OVS consents and OVD IE permits as well as data on OVS consents and (some groups of) OVD permits are also fully available online:  <http://www.arso.gov.si/varstvo%20okolja/register_varstva_okolja.html> .  <http://www.arso.gov.si/varstvo%20okolja/presoja%20vplivov%20na%20okolje/okoljevarstveno%20soglasje/evidenca_oseb.html>  **j.)** Depending on the nature or the gravity of the changes of activities, the ZVO-1 distinguishes between activities that require an update of an administrative act (permit) and those that do not require such update.  An update of the act (OVS consent or OVD permit) is required for major changes in the operation of an installation, whereby the cooperation of the public concerned and the general public is provided in the procedure for the update of this act usually in the same manner as in the procedure for its issuing.  In order to provide supervision, the investor must report the foreseen change of activities for which an OVS consent is required or the foreseen change in the operation of an OVD IE installation to the competent authority beforehand. This authority issues a decision on whether this is a major change that also requires an update of the administrative act. (Articles 61.a and Article 77 of the ZVO-1).  The decision on the update of a permit must be made in a “regular” procedure, in which the participation of the public is provided.  The update of an OVD permit with public participation is required for SEVESO plants (Articles 61.a, 77, and 90 of the ZVO-1). |
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**XVI Obstacles encountered in the implementation of article 6**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 6.*

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| *Answer:*  *General*  The focus on the culture and practice of open operation dominated by understanding must be enhanced and expanded to all aspects of administrative operation, so that the participation of the public can lead to decisions of higher quality and to the greater legitimacy of decision-making.  For this purpose, decision-making authorities must be better equipped with skills that are required for a focused process which includes cooperation with various stakeholders that will ensure that the stated goals be attained in practice. Therefore, more human and financial resources should be provided.  On the other hand, greater awareness of the public concerning the very purpose of the procedure and whether they are participating in the procedure with the “power of their argument” is also required.  Individuals warn that the applicable construction legislation (as opposed to environmental legislation) does not contain the requirements of the Aarhus Convention when obtaining building permits, and they find that there is not sufficient transparency or public dialogue in the process of designing and deciding about on building issues. They provide the example of a mayor not allowing alternative solutions (designed by civil society) for the upgrade of the urban environment to be revealed. They also warn that the status of so-called civil initiatives (associations of persons that do not have legal personality) advocating (in their case) the protection of cultural and social goods is not regulated. With regard to this, we state that an update of construction legislation which will address both of these issues is in preparation (in the phase of Government material to be submitted to the Parliament).  Relating to the implementation of Article 6.1. of the Convention:  Plan B (a network of environmental NGO’s) states its view that the amendment to the ZVO-1 in 2016 which eliminated the time limit for the validity of environmental protection permits restricted the possibilities for public participation: “The time limit meant that a procedure was carried out as if a new permit were being issued, but now permits have unlimited validity”, or “they are updated only by means of procedural changes.” With regard to this comment, the Ministry states that the ZVO-1 provides for a periodic (10-year) review of these permits or an *ex officio* update of the OVD permit (Articles 78 and 85 of the ZVO-1); however, it is true that it governs public participation only in certain cases of ex officio updates and that it does not provide general public participation in the event of an adjustment to the changed requirements of regulations or changed technical properties.  Relating to the implementation of Article 6.4. of the Convention:  According to Plan B, the provision of Article 6.4 that requires early public participation is not being carried out, and the public is virtually never invited to participate in the early decision-making phase, and public participation is usually carried out as a formal obligation without any real intention of the decision-makers to obtain the views of the public. (Because it is clear from a detailed content that Plan B focuses its specific warnings on the practice of participating on strategic documents and regulations, more details are provided in section about article 7).  Relating to the implementation of Article 6.5. of the Convention:  Plan B finds that this article is not being carried out and that only a few investors pay attention to the identification of interested stakeholders; environmental NGO’s think that “investors avoid confronting the public” and that investors “mainly exert pressure on authorities to approve their activities as soon as possible and only by fulfilling formal public participation requirements.”  Relating to the implementation of Article 6.8. of the Convention:  Plan B finds that the comments of the public are generally not taken into account, except in the case of participation of those segments of the public that are seen as influential social groups;it views the foreseen updates of the spatial and construction legislation as a step forward. |
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**XVII. Further information on the practical application of the provisions of article 6**

*Provide further information on the* ***practical application of the provisions on public participation in decisions on specific activities in article 6****, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

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| *Answer:*  The general public and the interested public are becoming involved in procedures, but Slovenia does not hold a statistics of the actual extent of the interested or general public.  The Ministry keeps a list of environmental NGO’s with a special status pursuant to the ZVO-1 or the ZON: <http://www.mop.gov.si/si/nevladne_organizacije/> |
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**XVIII. Website addresses relevant to the implementation of article 6**

*Give relevant website addresses, if available:*

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| <http://www.arso.gov.si/varstvo%20okolja/> |
| http://www.mop.gov.si/ |
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**XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7**

*List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the* ***relevant definitions in article 2 and the   
non-discrimination requirement in article 3, paragraph 9.***

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| *Answer:*  Considering the regulatory framework in the Republic of Slovenia, a distinction should be made between so-called plans and programmes which, based on their content, are spatial planning acts (although such documents are considered to be regulations according to national law, they are covered by Article 7 of the Convention), and other acts according to Article 7 if they do or do not have the status of a regulation according to national law.  The ZVO-1 expressly governs public participation in adopting documents foreseen (prescribed) by law, such as:  - the national environmental protection programme and environmental protection operational programmes (pursuant to Article 37 of the ZVO-1; in the process of drafting the programmes in question, the Ministry must allow the public to see the draft programmes and to offer opinions and comments. A public notice on the adoption of a programme also contains justifications for the adopted programme decision, and information on public participation in the process of drafting it), and  - preparing a programme with measures to improve the quality of the degraded environment (Article 26 of the ZVO-1).  The ZVO-1 also requires public participation for all plans, programmes, and other acts for which the implementation of a comprehensive environmental impact assessment is required. These are acts in various fields the implementation of which can significantly affect the environment. The plan producer must send a notice concerning their intention to the ministry prior to drafting such an act. The notice must contain data on the type, content, and accuracy level of the plan, including a suitable cartographic depiction of prescribed or planned activities or areas that the plan covers. Within 60 days, the Ministry notifies the plan’s producer as to whether a comprehensive environmental assessment is to be implemented for the plan. The Ministry also informs the public by means of a public online announcement and a notice sent in a manner commonly practised in the local area that a comprehensive environmental impact assessment will be carried out for the plan.  The draft plan, the environmental report and its revision must be available to the public by submitting it for public debate for at least 30 days, thus enabling public discussion. During the period for public debate, the public has a right to offer opinions and make comments on the plan and the environmental report. The plan’s producer must as far as possible take into account the opinions and comments of the public, and suitably modify or amend the plan or the environmental report. After the adoption public must be notified on the adopted plan (Articles 43, 46, and 47 of the ZVO-1).  Similarly, public participation is also foreseen in the process of adopting spatial acts. In both municipal and state spatial planning procedure, the public may make comments on the initial, draft of the spatial act (and, if a comprehensive environmental impact assessment is being performed, also on the environmental report). In the process of state spatial planning act, the public may participate in the earliest phase – it can make comments and recommendations already on the decision on the adoption of the spatial act. Within the update of spatial planning legislation, a modification of public participation is planned with regard to state and municipal spatial planning. In both cases, already bases for preparing a spatial act will be published, enabling the public to comment. |
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**XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7**

*Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.*

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| *Answer:*  The public can participate in the procedure for preparing acts intended for developing environmental protection policies.  Among these, the national environmental protection programme and operational environmental protection programmes are the most noteworthy, as the law expressly requires public participation in such cases.  At the same time, the requirements of the comprehensive environmental impact assessment (including public participation requirements) are established by law for sectoral plans for managing environmental goods and for plans and programmes concerning water management, forest management, fishery, mining, agriculture, the energy sector, industry, transport, waste management and wastewater management, supplying the population with drinking water, telecommunications, and tourism, provided that these plans are used to lay down or plan activities affecting the environment for which an environmental impact assessment must be carried out in accordance with the provisions of Article 51 of this Act, or that an acceptability assessment is required pursuant to the regulations on the conservation of nature, and for other plans and programmes for which the ministry deems that their implementation could have a significant effect on the environment (Article 40 of the ZVO-1). |
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**XXI. Obstacles encountered in the implementation of article 7**

*Describe any obstacles encountered in the implementation of article 7.*

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| *Answer:*  The Human Rights Ombudsman warns that public participation in spatial planning is in general “still formal; it does not take place in the early phase, and usually only the minimum deadlines for public response are taken into account; there are no actual tendencies to achieve substantive coordination and inclusion of the comments of the public, so a partnership is not being formed.” Plan B (NGO network) finds that public participation is not ensured in the early phase, when all options are still open (Article 6.4. of the Convention), whereby public participation in adopting municipal spatial planning acts is only enabled in the phase after the preparation of a draft, when the public can no longer affect the substance of the plan. . Similar warnings have also been received from individuals.  In 2013 Slovenia began preparing a renovation of the spatial-planning and construction legislation. By fore mentioned legislation also earlier public participation in processes of adopting of spatial planning acts and wider access of the interested public to legal remedies are addrerssed . The updated proposal for statutory amendments is currently a part of the Government material to be discussed in Parliament. |
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**XXII. Further information on the practical application of the provisions of article 7**

*Provide further information on the* ***practical application of the provisions on public participation in decisions on specific activities in article 7.***

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| *Answer:*  The Republic of Slovenia endeavours to properly implement the general provisions of the Convention in accordance with the described legal and other bases.  The Ministry of the Environment and Spatial Planning, in cooperation with Jaspers and the European Commission, devised a Strategy for Training Ministries, Organisations, Non-Governmental Organisations, Municipalities, Experts, and All Participants in the Processes for Strategic Environmental Impact Assessments and Project Environmental Impact Assessments in the 2015–2019 Period. It carries out targeted and group training within various modules (all materials can be accessed at <http://www.mop.gov.si/si/delovna_podrocja/presoje_vplivov_na_okolje/usposabljanje/> ) |
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**XXIII. Website addresses relevant to the implementation of article 7**

*Give relevant website addresses, if available:*

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| The regulations and documents being prepared by the Ministry of the Environment and Spatial Planning are published on: <http://www.mop.gov.si/si/zakonodaja_in_dokumenti/predpisi_in_dokumenti_v_pripravi_okoljski_predpisi/>  National spatial plans in preparation: <http://www.dpa.mop.gov.si/?izbira=dpa&opt=priprava>  The online notification of the preparation of municipal spatial planning acts is required by law; the manner of implementation is in the purview of municipalities, which usually ensures that these documents can (also) be found on their websites.  <http://www.mop.gov.si/si/delovna_podrocja/presoje_vplivov_na_okolje/usposabljanje/> (CPVO) |
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**XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8**

*Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

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| *Answer:*  By means of the amendment to the ZVO-1 IN 2009, which entered into force on 12 January 2010 (and was adopted following a Decision by the  Constitutional Court of the Republic of Slovenia in case U-I-386/06, in which the Constitutional Court discovered non-conformity of the procedure for adopting implementing regulations with the requirements of the Aarhus Convention), the ZVO-1 introduced a provision in Article 34.a that expressly governs public participation relating to the drafting of regulations. This amendment reads as follows:    *(1) In the process of adopting regulations that can have a significant impact on the environment, the Ministry, other ministries and the competent body of the local authority must allow the public the opportunity to study the draft regulation and offer opinions and submit comments thereon.*  *(2) Regulations that can have a significant impact on the environment shall include: regulations issued in the field of environmental protection, nature conservation and the management, use or protection of parts of the environment, including the management of genetically modified organisms, and also regulations the environmental impact of which has been identified by the drafting body during the adoption process.*  *(3) The authority referred to in paragraph one of this Article shall inform the public by means of a public announcement on its website of the location in which the draft regulation is accessible and the method of, and period for, submitting opinions and comments.*  *(4) The public shall have the right to inspect the draft regulation and the opportunity to offer opinions and comments for at least 30 days, whereby this time limit may be reduced to 14 days in the event of less important modifications to the regulations referred to in paragraph two of this Article.*  *(5) The authority referred to in paragraph one of this Article shall study the opinions and comments of the public and, in so far as they are acceptable, incorporate them appropriately into the drafting of the regulation. Furthermore, it shall publish on the internet a reasoned position in which it states its views with regard to the opinions and comments of the public and its reasons for incorporating or not incorporating them in the drafting of the regulation.*  *(6) The provisions of the preceding paragraphs shall not apply to regulations where, for their adoption, the participation of the public is already prescribed by other laws.”*  The provision applies to all acts that are understood to be regulations under national law.  For regulation adoption procedures, the ministry already prior to ZVO-1 issued Instructions on Public Participation in Adopting Regulations that Could Significantly Affect the Environment (Instructions dated 5 August 2008).  Similarly the public participation  After a regulation is adopted, the Ministry's position on the comments of the public is published together with the regulation on the website of the Ministry of the Environment and Spatial Planning in the section archiving completed public participation procedures (<http://www.mop.gov.si/si/zakonodaja_in_dokumenti/veljavni_predpisi/okolje/zakon_o_varstvu_okolja/arhiv_zakljucenih_postopkov_sodelovanja_javnosti_okoljski_predpisi/> )  With regard to the adoption of regulations, the Resolution on Legislative Regulation (Official Gazette of the Republic of Slovenia [Uradni list RS], No 95/09) is also relevant, as it governs the principles and minimum recommendations for cooperation with the expert public and other interested segments of the public. It lays down that the period for the cooperation of the public in the preparation of regulations should be from 30 to 60 days; the exceptions are proposed regulations where the nature of matters does not enable cooperation.  In a similar manner, public participation is also governed by the Rules of Procedure of the Government of the Republic of Slovenia (Slovene: Poslovnik Vlade RS ). |
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**XXV. Obstacles encountered in the implementation of article 8**

*Describe any* ***obstacles encountered*** *in the implementation of article 8.*

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| *Answer:*  The Ombudsman and representatives of civil society warn of the frequent practice of ensuring only 14 (instead of 30) days of public participation when adopting environmentally-relevant regulations.. NGO’s publish online statistics concerning these cases (<http://www.stevec-krsitev.si/>). The Ombudsman warns that Article 34.a of the ZVO-1 limits the reduced (14-day) public participation only to less important regulation amendments. Furthermore, the Ombudsman warns of the discouraging results of the analysis of public participation in adopting local environmentally-relevant regulations in 2010.  Individuals also warn that “provision of regulation proposals area published without expert bases and regulation objectives, which makes it impossible to have a high-quality substantive debate.””  Some also believe that suitable answers are not provided to comments made by the public.  They also warn that the public does not have the power (instruments) to achieve that particular topic or regulation makes it to the political and/or regulative agenda (as an example, representatives give a draft proposal for the an instrument on cultural heritage protection which was prepared by public). |
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**XXVI. Further information on the practical application of the provisions of article 8**

*Provide further information on the* ***practical application of the provisions on public participation in the field covered by article 8****.*

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| *Answer:*  Efforts for better legislation, administrative processes and quality in Slovenia are coordinated by the Ministry of Public Administration. With regard to systemic efforts to include the public in processes for adopting regulation, the following documents, which are available online, should be mentioned:  - Strategy of the Government of the Republic of Slovenia Concerning Cooperation with Non-Governmental Organisations, the Government of the Republic of Slovenia, 2005,  - Manual for Planning, Managing, and Evaluating Public Participation Processes, Ministry of Public Administration, 2008  Resolution on Legislative Regulation, National Assembly, 2009;  - Manual for the Implementation of Assessments of the Consequences of Regulations and Policies, Ministry of Public Administration, 2011;  – Guidelines on Preparing a Process Plan for Including the Public in the Process of Drafting National Spatial Plans for Transmission Lines and Gas Pipelines, Ministry of the Environment and Spatial Planning, 2012 and revised in 2014;  – Recommendation to Municipalities Concerning the Early Inclusion of the Public in Procedures for Drafting Spatial Planning Documents of the Local Community, Ministry of the Environment and Spatial Planning, 2011  – Guidelines on Including Stakeholders in the Preparation of Regulations, Ministry for Public Administration, 2015,  – Including the Public in the Drafting of Regulations, Manual for Planning and Implementing Consultation Processes, Ministry of Public Administration, 2015;  - Proposals for regulations from all fields are also published on the website **e-demokracija**. This enables the interested public to monitor the process of drafting regulations, from the moment when a ministry or a government office publishes its intent to commence the development of a regulation to the moment when this regulation is submitted for Government review in the National Assembly of the Republic of Slovenia.  **-** The permanent implementation of the STOP birokraciji (STOP to Bureaucracy) project**.** A website, a mobile application, and a Facebook page have been set up as tools for collecting recommendations, initiatives to reduce administrative burdens and for treating them.  - For those responsible for preparing regulations, a web application called MSP Test was developed as a part of the MOPED information system (MOPED – modular environment for preparing e-documents), which will use, among other things, various application modules to draft regulations and enable the mandatory publication of working materials on the e-Demokracija website, thus enabling the maximum direct participation of all of the expert and lay public in drafting proposals for legislative instruments.  Among the latest projects of the Ministry of Public Administration, the following are the most noteworthy:  - In may 2015, a six-month project relating to cooperation between the Ministry of Public Administration and the Centre for Information Service, Cooperation and Development of NGO's (CNVOS), focusing on strengthening cooperation among various segments of the public in drafting regulations and other strategic and political documents concluded. –  - Currently, the multi-annual project “Better policies for better lives” is being implemented in cooperation with the OECD. |
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**XXVII. Website addresses relevant to the implementation of article 8**

*Give relevant website addresses, if available:*

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| <http://www.arso.gov.si>  <http://www.mop.gov.si>  /<http://www.uradni-list.si>  <http://www.mop.gov.si/si/zakonodaja_in_dokumenti/veljavni_predpisi/okolje/zakon_o_varstvu_okolja/arhiv_zakljucenih_postopkov_sodelovanja_javnosti_okoljski_predpisi/>  <http://www.vlada.si/delo_vlade/gradiva_v_obravnavi/> (Government materials under review).  <https://e-uprava.gov.si/drzava-in-druzba/e-demokracija.html>  [https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov.html#eyJmaWx0ZXJzIjp7ImNvbW1lbnQiOlsiLSJdLCJ0eXBlIjpbIi0iXSwic3RhdHVzIjpbIi0iXSwiY2F0IjpbIi0iXSwicmlqcyI6WyItMSJdLCJvZmZzZXQiOlsiMCJdLCJzZW50aW5lbF90eXBlIjpbIm9rIl0sInNlbnRpbmVsX3N0YXR1cyI6WyJvayJdLCJpc19hamF4IjpbIjEiXX19](https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov.html" \l "eyJmaWx0ZXJzIjp7ImNvbW1lbnQiOlsiLSJdLCJ0eXBlIjpbIi0iXSwic3RhdHVzIjpbIi0iXSwiY2F0IjpbIi0iXSwicmlqcyI6WyItMSJdLCJvZmZzZXQiOlsiMCJdLCJzZW50aW5lbF90eXBlIjpbIm9rIl0sInNlbnRpbmVsX3N0YXR1cyI6WyJvayJdLCJpc19hamF4IjpbIjEiXX19) |
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**XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9**

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| **List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.**  Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:  (a) With respect to **paragraph 1**, measures taken to ensure that:  (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;  (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;  (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused; , , , , ,  (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;  (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;  (d) With respect to **paragraph 4**, measures taken to ensure that:  (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;  (ii) Such procedures otherwise meet the requirements of this paragraph;  (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review. |
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| *Answer:*  **a.)** The right to legal protection (an administrative complaint) is afforded to anyone who finds that their request for information was not taken into account, was denied without grounds, or finds the provided information unsuitable. The right is provided also in cases of administrative silence.  The right to administrative appeal is governed by Article 27 of the ZDIJZ, the ZUP applies to the appellant procedure. A special (specialised) administrative authority that decides on appeals is formatted (The Information Commissioner and it should be emphasised that, in practice, the regulation of a specialised appellant authority greatly contributed to raising the awareness of the authorities concerning their duty to provide public information.  Authorities are obliged to observe the decision of the Information Commissioner, and if an appeal is upheld or if there is an administrative silence, they are required to provide the requested information.  Judicial protection in an administrative dispute may be exercised against a decision by the Information Commissioner.  There has been an increasing trend recently in disputes noticed by the public concerning publicly accessible environmental information. “In 2015, two such high-profile cases were the request to release a report on the environmental due diligence of Cinkarna Celje, and a request to release the amended investment programme for the installation of a replacement block at the Šoštanj Thermal Power Plant.” (From the 2015 Report of the Information Commissioner).  **b.)** Article 9.2. of the Convention:  In Slovenia, access to justice is based on a subjective concept of the judicial review of administrative acts, in which individuals can protect their rights and legal interests. In an administrative dispute, a court rules on the legality of definitive administrative acts only if the legal status of the plaintiff are encroached on.  But the administrative court is also authorised to rule in the event of administrative silence (if an authority fails to issue a document that it was obliged to issue within a prescribed deadline).  A plaintiff in an administrative dispute is (with some wider possibilities)a person who is a party or an accessory participant in a procedure for issuing of an administrative act. For this reason, the above general and special provisions (the ZUP and ZVO-1) that govern accessory participation in the procedures for issuing OVS consents and OVD permits are fundamental also for the access to Administrative court. But the planned amendment to the ZVO-1 should give environmental NGO’s opportunities to file suits regardless their previous participation in administrative procedure.  In addition to the plaintiff and the defendant, other affected persons can also participate in an administrative dispute if this is laid down by law (i.e. accessory participants) or if their rights or interest may be affected by a decision of the court (Article 16 of the ZUS-1).  An administrative dispute is not admissible if a claimant had an option to file a complaint against an administrative act and failed to file such a complaint (on time).. Therefore, legal remedies within the administrative procedure must be utilised, while this is a condition for initiating of an administrative dispute.  **c.)** Article 9.3 of the Convention  With regard to justice as referred to in Article 9.3. of the Convention, a distinction should be made between access to justice regarding -acts issued by authorities (public law acts) and justice regarding actions of private parties (private or civil law acts).  With regard to civil law justice, Slovenia (in addition to general provisions) also implemented a so-called *actio popularis (Article 14 of the ZVO-1)* :  *(1) In order to exercise the right to a healthy living environment, citizens, as individuals or through societies, associations and organisations, may file a request to the court requesting that the person responsible for an activity affecting the environment cease the activity if the activity causes or would cause an excessive environmental burden or presents or would present a direct threat to human life or health, or requesting that the person responsible for the activity affecting the environment be prohibited from starting the activity if there is a strong probability that the activity would present such a threat.*  *(2) In accordance with the law, the protection of the right to a healthy living environment shall also fall within the competence of the Human Rights Ombudsman.*  With regard to general legal instruments issued by authorities (as understood within national law), a person who shows an interest in instituting proceedings can receive justice from the Constitutional Court of the Republic of Slovenia.  Therefore, justice can be sought (an initiative for assessing the constitutionality and legality of a general act) can be filed with the Constitutional Court of the Republic of Slovenia It can be filed by anyone who has a legal interest in initiating proceedings. According to paragraph 2 of Article 24 of the Constitutional Court Act, legal interest is demonstrated *“if a regulation or general act issued for the exercise of public authority whose review has been requested by the petitioner directly interferes with his rights, legal interests, or legal position.”*  With regard to individual administrative acts not classified under Article 6 of the Convention a judicial protection in an administrative dispute (judicial review of administrative acts) can be sought . In such proceedings, the plaintiff may be a person who was a party or an accessory participant in a procedure for issuing of an administrative act. The matter of accessory participation is governed according to the general rules of the administrative procedure (the ZUP). The relevant provisions of Article 43 read as follows: *Legal interest (interest in bringing proceedings) shall be demonstrated by the person who asserts that they are enter into proceedings in order to protect their legal benefits (accessory participants). (2) A legal benefit shall be a direct personal benefit based on an act or other regulation and in some cases some specific provisions of ZVO-1 (for example in a case of environmental liability proceedings)*  In Slovenia, Article 4 of the ZUS-1 also provides a so-called *“quasi- administrative dispute.”* Paragraph one of Article 4 reads as follows: *“In an administrative dispute, a court also rules on the legality of individual instruments and actions by means of which authorities violate human rights and basic freedoms of individuals, provided that no other form of judicial protection is provided.”* With regard to this option, it should be noted that the Slovenian constitution expressly defines the right to a healthy living environment (Article 72 of the Constitution).  d). The issue of suitable and effective access to justice is a systemic issue of justice, for which the Ministry of Justice is competent. Among framework guidelines, the Justice Development Strategy: “Justice 2020 Strategy” (available at: <http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/mp.gov.si/zakonodaja/120803_Strategija_Pravosodje_2020.pdf> ) is to be mentioned.  e). The public is informed of the access to administrative and judicial review procedures and of the options to establish a suitable assistance mechanism to eliminate or reduce financial and other obstacles to access to justice though the websites of the Government of the Republic of Slovenia and the websites of courts and non-governmental organisations that are responsible for promoting access to justice (more in point II of this report). All significant decisions of the administrative, supreme, and higher courts are publicly accessible; significant judgments of first-instance courts will also gradually be published. |
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**XXIX. Obstacles encountered in the implementation of article 9**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 9.*

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| *Answer:*  The Provisions of Articles 9.2. and 9.3. of the Convention raise numerous questions concerning a question of systemically suitable implementation of the Convention requirements in the established judicial control system.  Plan B and individuals warn that most problems arise with regard to the implementation of Article 9.3. of the Convention, because the complex and restrictive interpretation of a legal interest which institutes a prerequisite for a proceeding (legal remedy) is interpreted restrictively They support their claims with examples when a direct access to justice was denied on the bases of a lack of a legal interest.  Individuals and environmental NGO’s especially warn of the difficulty of accessing the Constitutional Court, which reviews the constitutionality and legality of general legal acts (including spatial planning acts). . With regard to the interpretation of the legal interest, which is prescribed for an instituting of a procedure for the review of the constitutionality and legality of regulations, , the Constitutional Court expressed its view already in 2007 . The view is that one has no legal interest if a regulation does not affect the status of the plaintiff directly – in such cases legal interest can be shown only when all other remedies have been utilised (Decision U-I-276/07). The non-constitutionality of a regulation must therefore firstly be contested in a procedure against an individual decision.  The described practice of the Constitutional Court also applies to a legal interest of environmental non-governmental organisations. Therefore, their special status does not mean that their interest in instituting a procedure for a review of the constitutionality and legality of general legal acts, which also include spatial planning acts is automatically recognised.  Furthermore, the Ombudsman finds that effective remedies in the field of spatial planning (including the comprehensive environmental impact assessment) do not exist. However, with regard to the Ombudsman's view, the latest case law of the Administrative Court should be mentioned – in procedures for a comprehensive environmental impact assessment, the court acknowledged that recognised environmental NGO’s may participate and protect the interest of the environment and nature. Moreover a proposal of a new Spatial Management Act allows interested parties (including NGOs) to seek justice with regard to spatial planning acts before the Administrative Court. It also governs a new special status of non-governmental organisations operating in the field of spatial planning, giving them an option to the procedure against spatial planning act without needing to prove a legal interest, as this is deemed to have been granted to them *ex lege*.  Individuals (separately or combined into civil initiatives – without a special status) feel unsetisfied that they have been unable to assert a wider or public interest also in administrative judicial procedures against individual acts for their was denied on the bases of a lack of a legal interest.  It should be noted that the provision of Article 14 of the ZVO-1, which enables actio popularis, has not been utilised in practice, but the reasons for this have not been analysed. The Ombudsman warns that the case law on justice in environmental matters is scarce, and it states that, as far as it is aware, the right arising from Article 14 of the ZVO-1 has not yet been asserted. Furthermore, the Ombudsman states that the frequently highlighted reasons for this are: “a lack of legal knowledge of those who are not institutional decision-makers, potential procedural costs, and the burden of proof.” These reasons, including the need to pay legal and other experts, are also listed as obstacles to the effectiveness of justice (the implementation of Article 9.4.) by environmental NGO’s (Plan B and AAG), whereby they also stress the their efforts to change cost-related provisions in a way that would enable NGO’s to be treated as the weaker party with regard to costs.  With regard to the possibility of an administrative dispute as per Article 4 of the ZUS-1, it should be noted that – despite the constitutionally defined right to a healthy living environment (Article 72 of the Constitution) – it is not clear if or when a court would consider that another court procedure *s* is provided.  With regard to the regulation of the culling of the wolf population, Plan B also warns that, in their opinion, in some decisions NGO’s have been systematically eliminated from decision-making procedures. This is done in a manner that a general act (rules of the minister) is used for decisions that, according to their nature, should be administrative (individual) decisions adopted in an administrative procedure. On the contrary the state has not foreseen an administrative procedure (but a governmental decree) even after the Constitutional Court has ruled that this decision has the nature of an individual act.  Plan B (an NGO network) finds that the state does not meet the requirements of Article 9.5. of the Convention for it does not take active measures (actions) to ensure that the public is informed of their possibilities on access to justice. Furthermore, it warns that the state does not systematically collect information on the participation and legal recourse of the public in environmentally relevant matters. |
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**XXX. Further information on the practical application of the provisions of article 9**

*Provide further information on the* ***practical application of the provisions on access to justice pursuant to article 9****, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

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| *Answer:*  There are no statistics or substantive reports concerning the implementation of this part of the Convention.  With the help of the financial support of the ministry competent for the environment, PIC (an environmental NGO) drafted a manual for non-governmental organisations and civil initiatives titled “Legal Remedies in the Field of Environmental Protection” (published on <http://www.pic.si/dokumenti/Pravna_sredstva-prirocnik-V2-popravek.pdf>).  Furthermore, PIC launched a special website called “Environmental Defenders”, where it publishes information on the legal protection of the environment and nature (http://zagovorniki-okolja.si/). |
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**XXXI. Website addresses relevant to the implementation of article 9**

*Give relevant website addresses, if available:*

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| http:// [www.ip-rs.si](http://www.ip-rs.si)  <http://www.pic.si/dokumenti/Pravna_sredstva-prirocnik-V2-popravek.pdf>  <http://www.us-rs.si/>  <http://www.sodisce.si/usrs/>  <https://www.sodnapraksa.si/>  http://zagovorniki-okolja.si/ |
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**Articles 10–22 are not for national implementation.**

**XXXII. General comments on the Convention’s objective**

*If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.*

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| *Answer:*  By ratifying the Aarhus Convention, Slovenia showed its commitment to strengthening civil society, ensuring sustainable development, and improving the condition of the environment in the country and in the European region.  A review of the state of, and changes to, legislation and of trends in its development shows that among other instruments also legislative amendments are seen as a way of meeting Slovenia’s obligations arising from the Convention. It is to be expected that the ratification of the Convention, together with its supervisory mechanism, will continue to affect developments, as well as the speeding up of the implementation of existing national legislation governing the status of the public in environmentally relevant matters. The existing national legislation must, at the same time, stay harmonised with regulatory frameworks and case law within *acquis communitaire*.  The ratification of the Convention and its consistent implementation lead to strengthening and improving conditions for the work of environmental NGO’s and civil society in Slovenia and to supporting democratisation at the sub-regional, regional, and international levels. |
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**XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

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| **Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**  (a) With respect to **paragraph 1 of article 6 bis** and:  (i) **Paragraph 1** of annex I bis, arrangements in the Party’s regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;  (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party’s regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;  (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;  (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;  (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:  a. The nature of possible decisions;  b. The public authority responsible for making the decision;  c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;  d. An indication of the public authority from which relevant information can be obtained;  e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;  (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;  (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;  (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;  (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party’s national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity. |
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| *Answer:*  An essential regulation in the field in question is the Management of Genetically Modified Organisms Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 23/05 – UPB1, 21/10 and 90/12; hereinafter: the ZRGSO). This Act also implements the requirements (related to public participation and others) of Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms.  Paragraph 10 of Article 3 of the ZRGSO stipulates that the public has the right to be informed about GMO management, and to be involved in the procedure for issuing permits in compliance with this Act (public principle). This Act governs the management of genetically modified organisms (hereinafter: GMO’s) in a closed system as the intentional release of GMO’s into the environment.  Public participation in decision-making concerning the deliberate release of GMO's (procedure for issuing a permit to deliberately release GMO’s into the environment) is governed by Article 34 of the ZRGSO. The ministry is obliged to provide for the general public to review the technical documentation and risk assessment referred to in paragraph one of Article 31 of this Act and an opinion of the committee for the release of GMO’s on the intended deliberate release and a public hearing on the intended release. The public announcement, with a statement of the place and time when documentation may be viewed and the public hearing referred to in the previous paragraph and the manner of stating opinions and comments, must be published in the public media. The period which the ministry must allow for viewing and tendering opinions and comments must be at least 15 days and at most 30 days and must not be counted in the time limit for issuing the permit referred to in Article 32 of this Act. In the reasoning on the decision on the permit, the ministry should also include a position in regard to the opinions and comments of the general public provided within the framework of the public hearing and in the manner referred to in paragraph two of this Article. The costs of the public hearing referred to in paragraph one of this Article must be paid by the notifier.  Paragraph seven of Article 35 of the ZRGSO stipulates that the ministry should inform the public about new data and changes that have occurred after the issue of a permit for the deliberate release of a GMO into the environment and about decisions on this matter.  In accordance with paragraph two of Article 45 of the ZRGSO, permits for placing a product on the market, except for data that are protected as confidential in compliance with this Act and the risk assessment referred to in Article 39 of the ZRGSO, should be available to the public in accordance with regulations governing environmental protection.  Public participation and informing the public are also governed by Article 46, namely by ensuring that public participation is provided in the procedure for issuing a permit for placing a product on the market and notifying the public on products and their placement on the market in accordance with the provisions of Article 24 of Directive 2001/18/EC.  In addition to the above provisions, the provisions presented below are also relevant for informing and notifying the public.  Point four of Article 7 of the ZRGSO stipulates that, among other things, it is the duty of the Commission for the Management of GMO’s to enlighten and inform the public about conditions and developments in the field of the use of genetic technologies and GMO management, about their positions and opinions and about their work.  Pursuant to paragraph two of Article 10 of the ZRGSO, the scientific committee for the deliberate release of environmental GMO’s into the environment and the placement of products on the market must issue annual reports on their work in the preceding year, which they must send to the government, which then publishes these in such a manner that they are accessible to the general public.  According to paragraph three of Article 11.a, the ministry must, within three months of receiving the notification referred to in paragraph one of this Article, draft a report on any accident, details on the circumstances of the accident, the type and quantity of genetically modified organisms, and the measures taken and their success, and the accident analysis, including, where applicable, recommendations for future accidents; this report is received by the Government, which immediately informs the public thereof.  Article 12 of the ZRGSO stipulates that data on contained use, the deliberate release of GMOs into the environment and placing products on the market, and data on procedures and activities of ministries responsible for GMO management under this Act, must be public, in compliance with regulations on environmental protection and regulations governing access to public information.  Furthermore, Article 13 of the ZRGSO governs the subsidiary obligation of the state – in a case in which, in accordance with this Act, the state is responsible for guaranteeing measures for reducing or remedying the consequences of adverse effects caused by contained use, the deliberate release of GMOs into the environment or placing products on the market, the ministry must guarantee the preparation and implementation of such measures. The ministry should inform the general public about the consequences and measures referred to in the previous paragraph, and through the ministry responsible for foreign affairs, also the competent bodies of neighbouring countries if the adverse effects could have consequences for the environment or human health in these countries. |
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**XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

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| *Answer:*  No obstacles have been detected in practice. |
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**XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Provide further information on the* ***practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis,*** *e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

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| *Answer:*  Pursuant to Regulation (EC) 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed, the competent authority in the Republic of Slovenia is the Ministry of Agriculture, Forestry and Food.  In the field of GMO’s, there are two public registers in Slovenia:   * + the GMO Register pursuant to the Management of Genetically Modified Organisms Act (the ZRGSO), and   + the Register of GMO Producers pursuant to the Act on the Co-existence of Genetically Modified Plants with Other Agricultural Plants (the ZSGSROKR).   Based on national legislation, competence in this field is shared by the Ministry of Agriculture, Forestry and Food, the Ministry of the Environment and Spatial Planning, and the Ministry of Health.  The Ministry of Agriculture, Forestry and Food (the Administration of the Republic of Slovenia for Food Safety, Veterinary Sector and Plant Protection) is competent for genetically modified organisms in food and animal feed.  The Ministry of Health is competent for food supplements and food for special dietary or health purposes.  The Ministry of the Environment and Spatial Planning is competent for other management of genetically modified organisms.  The national legislation on genetically modified organisms is included in multiple acts. In addition to the ZRGSO, it is also included in the Animal Feed Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 127/06 and 90/12), the Co-existence of Genetically Modified Plants with Other Agricultural Plants (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 41/09 and 69/15), Act Regulating the Sanitary Suitability of Foodstuff, Products and Materials Coming into Contact with Foodstuffs (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 52/00, 42/02, 47/04), and the Agricultural Seeds and Propagating Material Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 25/05-UPB, 41/09, 32/12 and 90/12).  Pursuant to an option provided in Directive 2001/18/EC, the Restriction or Prohibition of the Cultivation of Genetically Modified Plants Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No 69/15) has also been adopted in Slovenia. |
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**XXXVI. Website addresses relevant to the implementation of   
article 6 bis**

*Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:*

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| *Answer:*  <http://www.mop.gov.si/si/delovna_podrocja/biotehnologija/>  <http://www.mz.gov.si/07007943.php/delovna_podrocja_in_prioritete/javno_zdravje/varnost_zivil_in_hrane/zivila_za_posebne_prehranske_namene/>  http://www.mop.gov.si/<http://www.uvhvvr.gov.si/si/>  <http://www.biotechnology-gmo.gov.si/gensko_spremenjeni_organizmi/>  <http://www.biotechnology-gmo.gov.si/slovenija/gso_v_sloveniji/registri/register_gso/>  <http://www.mz.gov.si/>  <http://www.mop.gov.si/> |
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1. **Follow-up on issues of compliance**

*If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.*

*Please include cross-references to the respective sections, as appropriate.*

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| *Answer:*  No procedure for determining compliance with the Convention before the Committee has been initiated against Slovenia. |
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