

ENVIRONMENT PROTECTION ACT (ZVO-1) SOP-2004-01-1694

I. FUNDAMENTAL PROVISIONS

1. General provisions

Article 1

(Subject)

This Act regulates the protection of the environment against burdens, which is a basic condition for sustainable development, and within this framework lays down basic environmental protection principles, environmental protection measures, environmental monitoring and environmental information, economic and financial instruments for environmental protection, public services for environmental protection and other issues related thereto.

Article 2

(Purpose and objectives)

(1) The purpose of environmental protection is to promote and direct such social development that ensures long-term conditions for human health, well-being and quality of life, and conservation of biological diversity.

(2) Environmental protection objectives shall be in particular:

1. to prevent and reduce environmental burdens,
2. to conserve and improve the quality of the environment,
3. to use natural resources sustainingly,
4. to reduce the use of energy and increase the use of renewable energy sources,
5. to remedy the consequences of environmental burdens, to improve the disrupted natural equilibrium and recover its regeneration capacity,
6. to increase material efficiency of production and consumption, and
7. to abandon and substitute hazardous substances.

(3) To achieve the objectives referred in the preceding paragraph the following shall be promoted:

1. production and consumption patterns contributing to the reduction of environmental burdens,
2. development and use of technologies preventing, eliminating or reducing environmental burdens, and
3. pollution charges and the use of natural resources shall be paid.

Article 3

(Definitions)

For the purpose of this Act:

1. The environment shall mean that part of nature which is or could be affected by human activity.

1.1. Nature shall mean the whole of the material world and the structure of interdependent elements and processes interlinked according to natural laws. Humans are an integral part of nature.

1.2. Natural phenomena shall mean any physicochemical processes, radiation, geological phenomena, climate, hydrographical and biological conditions, and any other natural phenomena causing changes in the environment.

1.3. Components of the environment shall mean soil, mineral resources, water, air, and flora and fauna including their genetic material. Biological diversity shall mean biological diversity as defined in the relevant nature conservation regulations.

1.4. A natural asset shall mean any component of nature and may be a public natural asset, a natural resource or a valuable natural feature.

1.4.1. A public natural asset shall mean a component of the environment designated by law as a public asset.

1.4.2. A natural resource shall mean any component of the environment which is subjected to economic exploitation / commercially exploited.

1.4.3. A valuable natural feature shall mean any valuable natural feature as defined in the relevant nature conservation regulations.

1.5. Cultural heritage shall mean cultural heritage as defined in the regulations relating to the protection of cultural heritage.

2. An activity affecting the environment shall mean any human activity or omission of any activity which is likely to affect the environment in a way detrimental to human health, well-being and quality of life and to the survival, health and well-being of other organisms. Activities affecting the environment shall include in particular the use of natural resources, pollution of the environmental components, construction and use of facilities, manufacturing and other industries, placing of products on the market and their consumption.

3. Emission shall mean any direct or indirect release or discharge into the environment of substances (liquid, gas or solid) or energy (noise, vibration, radiation, heat, light) from a particular source.

3.1. Emission limit value shall mean any prescribed emission value, specified as a mass expressed in terms of specific parameters, concentration or emission level, which may not be exceeded during one or more time intervals.

4. The quality of the environment is any state of the environment or its component resulting from an emission or other human activities and from the action of natural phenomena.

4.1. Environmental quality standard shall mean any prescribed quality of the environment or environmental component, specified as a limit value or long-term recommendation expressed as a concentration of a substance, a parameter of the environmental state or a level of energy to be achieved in a specified time interval.

5. Waste shall mean any substance or object which its producer, or any other person possessing that substance or object, discards, intends to discard or has to discard.

5.1. Hazardous waste shall mean any waste classified in the relevant regulation as hazardous waste due to certain hazardous components or properties.

5.2. Radioactive waste shall mean any waste classified in the regulations on the protection against ionizing radiation as radioactive waste due to certain radioactive properties.

5.3. Municipal waste shall mean any waste from households or waste similar to household waste in nature or composition produced in manufacturing, commercial, service or other industries.

5.4. Waste management shall mean any collection, transport, recovery and disposal of waste, including the control of these activities and the measures to be taken after a waste management facility ceases to operate.

5.5. Municipal wastewater shall mean any wastewater from households and wastewater similar in nature or composition to household wastewater which is produced in manufacturing, service or other industries, or a mixture of such wastewaters with industrial wastewater or rainwater.

6. An environmental burden shall mean any activity affecting the environment or any consequence of such activity which, exclusively or simultaneously, has caused or has been causing environmental pollution, environmental risk or the use of natural asset.

6.1. An excessive environmental burden shall mean any burden exceeding emission limit values, environmental quality standards, and rules of conduct or permitted use of any natural asset.

6.2. The total burden shall mean the sum of impacts and effects of several components of the same kind and the integral burden shall mean the sum of impacts and effects of all the diverse components present.

6.3. Alert threshold shall mean any value of burden on the environment or its component, as laid down in the relevant regulation, above which the detrimental effects on human health in particular population groups are likely even after short-term exposures, and at which up-to-date public information is required.

6.4. A critical burden shall mean a value of burden, as laid down by a regulation, above which detrimental effects on human health in the entire population are likely even after any short-term exposures, and at which immediate action is necessary.

6.5. Environmental pollution shall mean any direct or indirect introduction, as a result of human activity, of substances or energy into the air, water or land, or production of waste which may be harmful to the environment or human health, or which interferes with the property right by damaging or destroying the object of property right, or by interfering with the enjoyment of the right or with the right to use the environment.

6.6. The use of natural assets shall mean any general use of environmental components for which no special right is required, or any special use of environmental components for which a special right has to be obtained in accordance with the law.

6.7. An environmental risk shall mean the probability that in certain circumstances or in a certain time interval an activity would harm, directly or indirectly, the environment, or human life or health.

6.8. An environmental accident shall mean any uncontrolled or unforeseen event caused by an activity affecting the environment resulting in an immediate or delayed, direct or indirect, threat to human life or health, or to the quality of the environment. An ecological disaster under the regulations relating to the protection against natural and any other disasters shall also be considered an environmental accident.

6.8.1. A major accident shall mean any environmental accident where an uncontrolled or unforeseen event occurs during the operation of a plant, such as high emission, fire or explosion involving one or more hazardous substances. An industrial accident under the regulations relating to the protection against natural and other disasters shall be considered as major accident.

6.9. A marginal environmental pollution cost shall mean any additional cost, as laid down in the regulation, of a polluter which is incurred by the production of additional product unit or service and is not included in the cost price of the product or service.

7. A person responsible for the environmental burden (hereinafter referred to as "the person responsible for burden") shall mean any legal or natural person directly or indirectly, exclusively or simultaneously, polluting the environment, using natural assets or causing any environmental risk or environmental accident.

7.1. An installation or plant operator (hereinafter referred to as "the operator") shall mean any person responsible for environmental burden in possession of the installation or plant.

8. An installation shall mean any stationary or mobile technical unit for which it has been established that it may cause environmental burden as a consequence of one or more specified technological processes taking place in that installation, and of any other technology-related processes taking place at the same site.

9. A plant shall mean the entire area managed by one operator where there are one or more installations, including the accompanying or associated infrastructure and technological processes related thereto, in which hazardous substances are produced, stored or used in any other way.

10. A hazardous substance shall mean any substance, mixture or preparation, as laid down in the relevant regulation, present in a plant as a raw material, product, by-product, intermediate product or residue, or may be produced in case of accident.

11. The best available technique shall mean the most effective and advanced stage in the development of an activity and the methods of operation related thereto which may provide an adequate basis for the determination of the emission limit values.

11.1. A technique shall mean the technology used and the way in which the installation is designed, constructed, maintained, operated and decommissioned.

11.2. An available technique shall mean a technique developed on a scale which allows application in the relevant industrial sector under economically and technically viable conditions.

11.3. The best technique shall mean the most effective one in achieving a high general level of protection of the environment as a whole.

12. Environmental monitoring shall mean the observation and overseeing of the environment through systematic measurements or other methods and associated procedures.

13. Environmental information shall mean any information pertaining to the environment either in written, visual, audial, electronic or any other physical form.

2. Basic principles

Article 4

(Principle of sustainable development)

(1) When adopting policies, strategies, programmes, plans and general legal acts and in dealing with other issues within their competencies the State and a self-governing local community (hereinafter referred to as "the municipality") shall promote the economic and social development which in meeting the needs of the present generation takes into consideration equal possibilities for future generations to meet their needs and allows long-term conservation of the environment.

(2) For the purpose of promoting sustainable development the environmental protection requirements shall be integrated into the formulation and implementation of policies and into activities in every area of economic and social development.

Article 5

(Principle of integration)

(1) When adopting policies, strategies, programmes, plans and general legal acts and in dealing with other issues within their competencies the State and a municipality shall consider

the impact of these on the environment, so that they contribute to the achievement of environmental protection objectives.

(2) The criteria to be considered in the adoption of the acts referred to in the preceding paragraph pertaining to environmental protection shall be human health, well-being and quality of life and the survival, protection against environmental accidents, health and well-being of other living organisms.

Article 6

(Principle of co-operation)

(1) When adopting policies, strategies, programmes, plans and general legal acts pertaining to environmental protection the State and a municipality shall provide for the cooperation of persons causing burdens, providers of environmental protection public services and other persons pursuing environmental protection activities, and of the public.

(2) The State shall ensure cooperation and solidarity in resolving global and international environmental protection issues, in particular by concluding international agreements, by cooperating with other countries with regard to the plans, programmes and activities affecting the environment with cross-border impact, by informing other countries of ecological accidents, and by exchanging environmental information at the international level.

(3) When carrying out environmental protection tasks within their competence municipalities shall act in the spirit of solidarity and cooperation in order to ensure more environmentally acceptable, appropriate and economically efficient environmental protection measures.

Article 7

(Principle of prevention)

(1) Emission limit values, environmental quality standards, rules of conduct and other environmental protection measures shall be designed and each activity affecting the environment planned and carried out in such a way that it causes minimal environmental burden.

(2) The best techniques available on the market shall be used for the implementation of the provisions of the preceding paragraph.

(3) In order to prevent detrimental effects on the environment and human health the activities affecting the environment shall also be guided by long-term oriented recommendations.

Article 8

(Precautionary principle)

(1) Introduction of new technologies, production processes and products shall only be permissible when no unforeseeable detrimental effects on the environment or human health could be expected taking into account the state of science and technology and potential protective measures.

(2) Where there is a possibility of irreparable destruction of the environment or where its regeneration capacity is threatened, the lack of scientific certainty shall not be the reason for postponing the action.

Article 9

(Principle of responsibility of the person responsible for burden)

(1) The person responsible for an excessive burden shall be held criminally responsible and liable for damages in accordance with the law.

(2) The person referred in the preceding paragraph and the successor in title shall eliminate, in accordance with the law, the source and consequences of the excessive burden.

(3) The person responsible for environmental burden shall be responsible for such burden even in the case of liquidation or bankruptcy in accordance with this Act.

Article 10

(Principle of payment for burden)

(1) The person responsible for burden shall cover all the costs of prescribed measures for the prevention and reduction of pollution and environmental risk, of the use of the environment and of the elimination of the consequences of environmental burden.

(2) In order to reduce environmental burdens an environmental charge may be laid down for pollution or for environmentally harmful substances contained in raw materials, semi-finished or finished products.

(3) An obligation to give a financial guarantee may be imposed on the person responsible for burden for the payment of costs of environmental burdens caused during pursuit of the activity and after its cessation.

(4) A person responsible for burden shall be insured in accordance with the law against liability for any environmental damage that might be caused by his/her activity.

Article 11

(Principle of subsidiary action)

(1) The State shall provide for the elimination of consequences of excessive environmental burdens and shall cover the costs of such elimination if payment of costs cannot be imposed on particular or identifiable persons causing the burden or if there is no legal basis for the imposition of liabilities on the person responsible for burden or if the consequences cannot be eliminated otherwise.

(2) Notwithstanding the provisions of the preceding paragraph a municipality shall provide for the elimination of consequences of the excessive environmental burdens caused by the municipal waste management and shall cover the costs of such elimination if payment of costs cannot be imposed on particular or identifiable persons responsible for burden, or if there is no legal basis for imposing the charges on the person responsible for burden or if the consequences cannot be eliminated otherwise.

(3) When in the case referred to in the preceding paragraphs the person responsible for burden is identified later, the State or municipality has a right and obligation to recover the costs referred to in the preceding paragraph.

(4) The State shall also apply the principle of subsidiary action in cases where the source of environmental burden is outside its borders and the questions concerning the consequences of excessive burdens in the territory of the Republic of Slovenia caused by a source in a foreign country have not been settled with that country.

(5) The costs of subsidiary action of the State or municipality shall not cover the costs of claims of injured parties for the damage caused by excessive environmental burden.

Article 12

(Principle of incentives)

(1) The State and municipalities shall promote, in accordance with their competencies, the environmental protection activities preventing or reducing environmental burdens and those activities affecting the environment which contribute to the reduction of matter and energy consumption and result in lower environmental burden, or maintain it below the permissible levels.

(2) Incentives shall be determined in such a way that more environmentally sound installations, technology, equipment, products, services and activities enjoy greater benefits than those that are less environmentally sound.

(3) The State and municipalities shall encourage to raise awareness, information and education about environmental protection.

Article 13

(Principle of publicity)

(1) Environmental information shall be public.

(2) Every person shall have the right of access to environmental information in accordance with the law.

(3) The public shall have the right to participate in the procedures for adoption of policies, strategies, programmes and plans concerning environmental protection in accordance with this Act.

(4) The public shall have the right to participate in the procedures concerning plans, programmes and activities affecting the environment in other countries when they could affect the environment in the Republic of Slovenia, in accordance with this Act.

(5) The public shall have the right to participate in the procedures for issuing specific legal acts relating to the activities affecting the environment, in accordance with this Act.

Article 14

(Principle of protection of rights)

(1) In order to exercise the right to a healthy living environment citizens may, as individuals or through societies, associations and organization, file a request at court that the person responsible for an activity affecting the environment ceases the activity if it causes or would cause an excessive environmental burden or presents or would present a direct threat to human life or health, or 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) The protection of the right to a healthy living environment shall, in accordance with the law, also fall within the responsibility of the Human Rights Ombudsman.

Article 15

(Principle of admissibility of activities affecting the environment)

(1) An activity affecting the environment shall only be admissible if it does not cause an excessive burden.

(2) This Act shall specify the cases where an environmental protection consent or permit shall be required for an activity affecting the environment.

(3) For the special use of natural assets the right shall be acquired in accordance with the acts governing such use.

Article 16

(Principle of ecological function of property)

(1) In order to take into account the ecological function of property, the conservation and improvement of environmental quality and the conservation of valuable natural features and biological diversity shall be ensured in the enjoyment of a property right or a right for the general or special use of natural assets.

(2) Public natural asset may only be used in such a way that the environment or its component having a status of a public natural asset is not threatened and that its natural function is not precluded.

(3) For the purposes of the conservation of nature and improvement of the quality of human life a special arrangement may be laid down for the enjoyment of property and other rights of use or for the pursuit of activities with regard to natural assets designated as ecologically important areas or valuable natural features in accordance with the law.

(4) Measures for ensuring the ecological function of a property referred to in the preceding paragraphs shall be laid down in this Act and in the acts governing the protection or use of natural assets.

II. ENVIRONMENTAL PROTECTION MEASURES

1. Limit values and rules of conduct

Article 17

(Emissions)

(1) A polluter shall take the necessary measures to prevent and reduce the pollution so that the emissions into the environment do not exceed the prescribed limit values.

(2) A polluter shall have an environmental protection permit in accordance with this Act for an installation where an activity is carried out which may pollute the environment due to emissions.

(3) The Government of the Republic of Slovenia (hereinafter referred to as "the Government") shall lay down emission limit values, pollution reduction levels and related measures taking into account potential effects of the total and of the integral environmental burdens.

(4) The Government may specify installations for which compliance with the prescribed limit values is guaranteed by the producer or is determined in accordance with the regulations governing product conformity assessment and for which the environmental protection permit is not required.

Article 18

(Prevention of major accidents and mitigation of their consequences)

(1) When operating a plant the person posing a risk shall implement the prescribed measures for the prevention of any major accident and for mitigation of consequences thereto for humans and the environment, and in particular draw up a scheme for the reduction of environmental risk and the safety report.

(2) A person posing the risk shall have, in accordance with this Act, an environmental protection permit for the plant referred to in the preceding paragraph.

(3) The Government shall specify the types and quantities of hazardous substances, the classification of plants with regard to hazardous substances, the content of the scheme for the reduction of environmental risk and of the safety report referred to in the first paragraph of this Article, the obligation, time limits and content of the plant notification, the obligation of reporting on major accidents, and other measures for the prevention of major accidents.

(4) The Government shall also lay down the criteria for determining the minimum distance between a plant and the areas where a large number of people may be permanently or temporarily staying, the infrastructure of the national or local importance and the areas protected under regulations on the conservation of nature, as well as technical measures and other restrictions on the use of land, including the requirements for adaptation of any existing facilities.

(5) The Government shall lay down the method for the information of public about major accidents and of other European Union Member States (hereinafter referred to as "Member States") and other countries about the plants and potential major accidents that could have impact on the environment in their territories.

Article 19

(Rules of conduct)

(1) The person responsible for burden shall comply with all the rules necessary for the prevention and reduction of environmental burdens.

(2) Prohibitions, restrictions and other rules of conduct and recommendations to be applied in pursuing an activity or in consumption shall be laid down by the minister responsible for protection of the environment (hereinafter referred to as "the minister") in agreement with other competent ministers and shall concern in particular:

1. notification of practice or activity,
2. production, transport and storage,
3. professional qualification of persons pursuing an activity,
4. placing of services or products on the market,

5. labelling of raw materials, semi-finished products or products and other methods for the information of consumers,
6. specifications for products, services or procedures and assessment of compliance with the specifications,
7. warnings, signs and securities,
8. reduction of matter and energy consumption,
9. reduction of the content of hazardous and harmful substances in raw materials, semi-finished products or products,
10. substitution of substances and fuels with more environmentally sound ones,
11. requirements concerning the control of environmental soundness of products or technologies in import and transit, and
12. other practices necessary to prevent and reduce environmental burdens.

Article 20

(Waste management)

- (1) Polluter shall comply with all waste management rules necessary to prevent or reduce waste production and detrimental impact of waste on the environment, and to ensure recovery of produced waste or safe disposal thereof, if recovery is not possible.
- (2) A legal or natural person recovering or disposing of own waste or waste of other producers according to the prescribed procedures shall have an environmental protection permit to pursue such an activity, in accordance with this Act.
- (3) The minister shall lay down the rules of conduct and other conditions for waste management, which shall concern in particular:
 1. reduction of waste production and of detrimental impact of waste on the environment,
 2. sorting of waste into the lists,
 3. waste management methods including brokerage in waste management and obligation to obtain a certificate for entry in the register for waste brokerage,
 4. obligation to obtain a certificate for the entry in the register for waste collection,
 5. conditions for obtaining prescribed permits or consents,
 6. design, construction and operation of waste management installations,

7. qualifications necessary for waste management,

8. measures related to cessation of operation of waste management installations, and

9. keeping of records on waste and waste management and the manner of reporting to the ministry responsible for the protection of the environment (hereinafter referred to as "the ministry").

(4) The minister may specify the cases where the permit referred to in the second paragraph is not necessary provided that the prescribed requirements are complied with and relate in particular to:

1. emissions,

2. content of hazardous or harmful substances,

3. use of energy, and

4. type of waste and the way in which it is produced.

Article 21

(Import, export and transit of waste)

Import, export and transit of waste shall be carried out in accordance with the European Union (hereinafter referred to as "the EU") regulations governing import, export and transit of waste.

(2) Permits, certificates and other documents for import, export and transit of waste under the EU regulations referred to in the preceding paragraph shall be issued by the ministry.

Article 22

(Application of standards)

(1) The regulations referred to in Articles 17, 18, 19 and 20 may contain the reference to or mandatory use of a standard in respect of certain course of conduct or activity in accordance with the regulations on standardisation, or establish that certain course of conduct or activity is in compliance with the regulation requirements if it meets the standard requirements.

(2) The regulations referred to in the preceding paragraph may also designate conformity assessment bodies, lay down the conditions to be met by such bodies and require that the competence of the bodies be proven with accreditation documents according to the regulations governing accreditation.

2. Ensuring environmental quality standards

Article 23

(Environmental quality standards)

- (1) The Government shall lay down environmental quality standards, alert and critical values, pollution reduction levels and related measures taking into account potential effects of the total and of integral environmental burdens.
- (2) The Government shall also lay down the criteria for sensitivity, vulnerability or the level of burden on the environment on the basis of which environmental components or particular areas shall be classified into classes or degrees. New activities on these environmental components or particular areas shall be permitted only when they do not downgrade the classification of the environmental component or area into a particular class or degree.
- (3) The minister shall classify environmental components or particular areas into classes or degrees referred to in the preceding paragraph.
- (4) The Government may determine the level at which the environmental quality standard is permitted to be surpassed for a certain period when this is necessary due to the existing environmental burden and complexity of the achievement of the prescribed environmental quality.
- (5) The Government shall determine the method of informing the public of the exceeded alert thresholds referred to in the first paragraph and related warnings, recommendations and guidelines on what the public should do.
- (6) The Government may, for a certain period, restrict or prohibit in the entire territory of the State or a part thereof an activity or operation that result in surpassing of the environmental quality standards or in exceeding the alert thresholds referred to in the first paragraph, when surpassing or exceeding can not be eliminated in any other way.

Article 24

(Degraded environment)

- (1) The Government may set by a regulation an environmental component or a particular area as degraded environment when it is classified into a class or degree of the highest burden on the basis of the criteria referred to in the second paragraph of the preceding Article, and, in cooperation with the municipality in whose area the degraded environment spreads, and may formulate a programme of measures for improving the quality of the environment or its components in that area. In case the degraded environment comprises the area of more than one municipality, groups or associations of those municipalities may participate in the formulation of the programme.
- (2) The programme of measures referred to in the preceding paragraph shall include in particular:

1. delineation of the area of the degraded environment,
2. list of the environmental components that are overburdened and the class or degree of burden,
3. envisaged quality of the environment or its component after the measures are implemented,
4. measures for improving the quality of the degraded environment, taking into account the total and the integral environmental burdens,
5. responsibilities of the State and municipality,
6. obligations of the persons responsible for burden,
7. obligations of the providers of environmental protection public services or persons pursuing environmental protection activities,
8. time limits for the implementation of particular measures, and
9. plan for the monitoring of effects of the implemented measures.

(3) Participation of the municipality in the formulation of the programme referred to in the preceding paragraph shall comprise in particular:

1. exchange of information relating to the degraded environment,
2. undertaking of initiatives for the determination of appropriate measures, and
3. definition of responsibilities of the municipality, including the proportion of funds for their fulfilment.

(4) Participation of the municipality shall be the responsibility of the mayor who upon prior approval of the municipal council makes a proposal of the municipality responsibilities included in the programme referred to in the second paragraph.

(5) In determining the envisaged quality of the environment or its component in the programme of measures referred to in the second paragraph the Government takes into account technical feasibility of the necessary measures at a reasonable cost.

(6) In the regulation referred to in the first paragraph the Government may prohibit such new activities affecting the environment which could increase the level of environmental burden or environmental components in the area of the degraded environment.

(7) In the regulation referred to in the first paragraph the Government may in respect of the degree of the environmental degradation and complexity of its improvement impose on the persons responsible for burden obligations that are stricter than emission limit values referred to in Article 17 or the rules of conduct referred to in Articles 19 or 20, if the improvement cannot be achieved by other measures.

(8) When the person responsible for burden referred to in the preceding paragraph is the holder of an environmental protection permit issued in accordance with this Act, the ministry shall impose the obligations referred to in the preceding paragraph on that person and shall lay down the time limit for their fulfilment by means of a decision that changes or amends the issued permit in part or in their entirety.

(9) The ministry may for once extend the time limit referred to in the preceding paragraph at the request of the person responsible for burden if that person presents the evidence that the extension is necessary due to complexity of technological solutions, poor business performance or long-term procedures for obtaining prescribed consents or permits for the reasons not attributable to the person responsible for burden.

(10) When the Government establishes on the basis of monitoring that the environmental component or area referred to in the first paragraph is no longer degraded, it decides the regulation referred to in the first paragraph will cease to apply.

Article 25

(Subsidiary action of State and municipality)

(1) When the State has a subsidiary responsibility for the elimination of the consequences of an excessive environmental burden, the Government shall require from the ministry to draw up, in cooperation with the ministries responsible for the use of particular natural asset, a programme of measures for improving the quality of the environment or of the environmental component.

(2) In making the decision referred to in the preceding paragraph the Government shall take into account technical feasibility of the necessary actions at a reasonable cost and whether the actions are justified in respect of the envisaged improvement in the quality of the environment or a component thereof.

(3) The programme of measures referred to in the first paragraph shall include in particular:

1. definition of the excessive burdening of the environment or a component thereof,
2. description of the consequences of the excessive environmental burdening that have to be eliminated,
3. measures for improving the quality of the environment or a component thereof,
4. description of technological and other solutions and of the envisaged actions,
5. assessment of the envisaged long-term effects of the selected actions with regard to environmental impacts,
6. competent authorities and providers of state public utilities,
7. envisaged quality of the environment or a component thereof upon completed actions,

8. indicative time limits for completion of actions,
9. estimate of the necessary financial resources,
10. plan for monitoring of effects of the completed actions, and
11. summary of the programme understandable to general public.

(4) The programme of measures referred to in the preceding paragraph shall be adopted by the Government and its implementation ensured by the ministry.

(5) The provisions of the preceding paragraphs shall apply *mutatis mutandi* where the elimination of the consequences is a subsidiary responsibility of the municipality.

Article 26

(Public participation)

(1) In the procedure for drawing up the programme of measures referred to in the first paragraph of the preceding Article the ministry shall make the draft programme available to the public and ensure its presentation in public.

(2) By giving public notice on the global network and in one of the daily newspapers covering the entire area of the State the ministry shall specify the place and date of the insight into the draft programme and public presentation referred to in the preceding paragraph, and the manner of expressing opinions and comments by the public.

(3) The ministry shall ensure the insight into and the possibility of expressing opinions and comments on the draft programme by the public for the period of at least 30 days.

(4) The proposal of the programme of measures referred to in the first paragraph, which the ministry shall submit to the Government for adoption, shall contain its position on the opinions and comments of the public referred to in the preceding paragraph.

(5) The provisions of the preceding paragraphs shall apply *mutatis mutandi* also in the case of adopting the programme by the competent municipality body; however, the public notice shall be published on the global network and in one of the newspapers covering the area of the municipality.

3. Measures in case of environmental accident

Article 27

(Measures in case of environmental accident)

(1) A person who caused an environmental accident must immediately inform the notifying authority provided for in the regulations on the protection against natural and other disasters and carry out such emergency measures that can mitigate detrimental consequences for the environment.

(2) The course of conduct and intervention measures in case of environmental accidents on surface waters shall be governed by regulations on waters. The course of conduct and intervention measures in case of environmental accidents in other environmental components shall be laid down by the minister in agreement with the minister responsible for the protection against natural and other disasters.

(3) In the cases referred to in the preceding paragraph the necessary intervention measures shall be carried out by competent services according to the regulations on waters and services for protection, rescue and relief designated under the regulations on the protection against natural and other disasters.

(4) If in addition to the intervention measures referred to in the second paragraph other measures are necessary to eliminate detrimental consequences of accidents for the environment, the preparation and implementation of such measures shall be ensured by the ministry in the manner referred to in the third, fourth and fifth paragraphs of Article 28.

(5) Costs of the measures referred to in the second and fourth paragraphs shall be borne by the person who caused the environmental accident, however, if that person does not have sufficient assets to cover the costs, the difference shall be covered by the State.

(6) The provisions of the second, third and fourth paragraphs shall also apply when the person who caused the environmental accident is not known or when the environmental accident is a result of a natural phenomenon; in this case the cost of the measures shall be covered by the State.

(7) If the environmental accident referred to in the preceding paragraph results in water pollution, the intervention measures shall be carried out by the provider of the state public utility services responsible for sudden water pollution designated under the regulations on water.

Article 28

(Measures in case of major accident)

(1) Notwithstanding the provisions of the preceding paragraph, in case of a major accident the necessary measures shall be carried out in accordance with the protection and rescue plans provided for in regulations on the protection against natural and other disasters.

(2) The plans referred to in the preceding paragraph shall include, in addition to the items laid down in the regulations referred to in the preceding paragraph, the outline of measures for the elimination or mitigation of consequences of a major accident in the environment.

(3) If, in addition to the measures referred to in the first paragraph, other measures are necessary to eliminate or mitigate the consequences of a major accident in the area outside the plant in

which the accident occurred, the Government shall require from the ministry to prepare, in cooperation with other competent ministries and the municipality affected, a programme for rehabilitation of the affected area outside the plant, except where the consequences of a major accident, the complexity of their elimination or the necessary financial resources require a special arrangement.

(4) The ministries and the municipality referred to in the preceding paragraph shall prepare a rehabilitation programme for the area affected by the accident outside the plant, including in particular:

1. assessment of the situation and the extent of consequences ensuing from the accident for humans and the environment,
2. delineation of the area where the measures must be implemented and the scope of measures,
3. determination of the necessary measures and time limits for their implementation,
4. bodies, organisations and services implementing the envisaged measures,
5. estimate of necessary financial resources and the method of covering the costs, and
6. plan for the monitoring of effects of the implemented measures.

(5) The programme of measures referred to in the preceding paragraph shall be adopted by the Government by means of a decree.

(6) When the consequences of a major accident outside the plant can be eliminated without the programme referred to in the third paragraph, the provider of the public service referred to in the third paragraph of the preceding Article shall be obliged to rehabilitate the area, and the Government shall issue a decision thereon and publish it in the Official Journal of the Republic of Slovenia. The scope of measures to be implemented shall be determined by the Government by means of a decision.

(7) Costs of the elimination of consequences referred to in the preceding paragraphs shall be borne by the person who caused the major accident; however, if the person does not have sufficient assets to cover the costs, the difference shall be covered by the State.

4. Other actions

Article 29

(Bankruptcy of the person responsible for burden)

(1) When a bankruptcy proceeding has been initiated against the person responsible for burden and waste that could not be sold or divided among creditors in accordance with the law is included in bankruptcy estate, the State becomes the holder of the waste.

(2) Notwithstanding the provisions of the regulations on composition, bankruptcy and winding-up, the polluted movables or immovables that could not be sold or divided among creditors become the property of the State.

(3) The costs of the prescribed waste-management practices referred to in the first paragraph and the value of movables or immovables referred to in the preceding paragraph shall be calculated by the court appraiser.

(4) Bankruptcy panel shall exclude from the bankruptcy estate and transfer to the State the financial resources in the amount determined by the court appraisal referred to in the preceding paragraph before the owners of the bankrupt person responsible for burden are repaid.

(5) Financial resources referred to in the preceding paragraph shall constitute State budget revenue and shall be used for the implementation of measures necessary for the prescribed waste-management practice and polluted movables or immovables.

Article 30

(Environmental protection officer)

(1) A person responsible for burden who is required to obtain an environmental protection permit under the provisions of Articles 68 or 86 shall have an employment or contractual relationship with at least one person responsible for carrying out environmental protection duties (hereinafter referred to as "the environmental protection officer").

(2) The duties of the environmental protection officer shall be in particular:

1. to inform and advise the person responsible for burden in respect of the prescribed environmental protection measures in pursuing his activity,

2. to give opinions and make proposals to the person responsible for burden concerning the measures for reduction or prevention of environmental burden,

3. to participate in the introduction of environmentally less detrimental processes, technologies and products,

4. to supervise and secure the implementation of the prescribed environmental protection measures in pursuing the activity and to report to the person responsible for burden on the identified deficiencies,

5. to ensure the publicity of information on the environmental burden in accordance with this Act,

6. to inform the employees about the detrimental impacts of the installation or plant on the environment and about the measures for their prevention or reduction,

7. to cooperate with the person responsible for safety at work and fire safety,

8. to participate in the preparation of protection and rescue plans under the regulations on the protection against natural and other disasters, and

9. to carry out other environmental protection duties in accordance with the powers granted by the person responsible for burden.

(3) The person responsible for burden shall enable the environmental protection officer to carry out the duties referred to in the preceding paragraph professionally and independently, and to improve his knowledge and shall ensure his access to all the necessary information.

(4) Only a person having at least a higher vocational degree appropriate for carrying out the duties referred to in the second paragraph and five years of work experience in environmental protection may be designated as an environmental protection officer by the person responsible for burden.

(5) A person responsible for burden shall designate the environmental protection officer and lay down the officer's duties and powers in writing. Person responsible for burden shall inform the ministry and the competent authority of the municipality of the area in which his registered office is located about the designation of the environmental protection officer and about the information referred to in the sixth paragraph and duties and powers of the environmental protection officer.

(6) For the purpose of following the procedures under this Act the ministry shall keep records of the empowered officers comprising the following information:

1. name,
2. date and place of birth,
3. permanent or temporary residence, and
4. formal qualifications.

(7) Personal data referred to in the preceding paragraph shall be archived after 20 years in accordance with the regulations on archives and archives material.

(8) The minister shall specify in detail the content and method of keeping records referred to in the sixth paragraph.

5. Eco-label and system for environmental management of organisations

Article 31

(Eco-label)

(1) In order to promote the production of products or provision of services (hereinafter referred to as "the product") 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, the ministry may award the eco-label to such products.

(2) Product groups and the conditions a product shall meet to receive the eco-label and the design of the eco-label are laid down in EU regulations concerning Community eco-label award scheme.

(3) A producer or importer shall apply to the ministry for the issuance of the eco-label for a product by submitting an application which shall contain evidence that the product meets the prescribed conditions and shall pay a fee determined by the ministry pursuant to the regulation referred to in the preceding paragraph.

(4) The ministry shall award to the person referred to in the preceding paragraph the eco-label for a product by means of a decision in the manner and under conditions laid down in the regulations referred to in the second paragraph.

(5) The person receiving the eco-label shall pay to the ministry an additional special fee determined by the ministry pursuant to the regulations referred to in the second paragraph.

(6) The ministry may withdraw the awarded eco-label when the person referred to in the fourth paragraph does not comply with the conditions under which the eco-label has been awarded or when the product no longer meets the prescribed conditions.

(7) The producer or importer may use the eco-label only in relation to the product to which the eco-label has been awarded.

(8) It shall be prohibited to use any label that resembles an eco-label to such an extent that it could create confusion on the market or mislead consumers.

Article 32

(Eco management and audit scheme of organizations)

(1) In order to promote more adequate environmental management and publicity about the impacts of their activities on the environment the ministry shall enable companies, sole traders, institutes and other organisations or parts or associations thereof (hereinafter referred to as "organisations") to participate in the Community eco-management and audit scheme (hereinafter referred to as "EMAS").

(2) The conditions that an organisation shall fulfil to participate in EMAS are laid down in the EU regulations concerning EMAS.

(3) An organisation shall apply to the ministry for participation in EMAS by submitting an application with the enclosed documents and evidence that the organisation meets the prescribed conditions.

- (4) The EMAS verifier shall verify whether the conditions referred to in the second paragraph are satisfied.
- (5) The ministry shall approve of the participation of an organisation in EMAS by means of a decision on registration.
- (6) The decision referred to in the preceding paragraph shall constitute a basis for the entry of an organisation in the record of organisations participating in EMAS (hereinafter referred to as "the EMAS record").
- (7) An organisation registered under EMAS may refer to the registration and use the EMAS logo in the form and manner and under conditions laid down in the regulations referred to in the second paragraph.
- (8) The ministry may on its own initiative, or on the initiative of the EMAS verifier, competent inspection body or organisation itself, and having regard of the opinion of the expert panel referred to in Article 34, temporarily or permanently delete an organisation from the EMAS record if that organisation does not meet the prescribed conditions.
- (9) In the regulations referred to in Articles 17, 18, 19 and 20 of this Act facilities and incentives may be laid down for organisations participating in EMAS, relating in particular to the reduced frequency and scope of monitoring and reporting.
- (10) It is prohibited to use the EMAS logo by an organisation not registered under EMAS and to use a logo that resembles the EMAS logo to such an extent that it could create confusion on the market or mislead consumers.

Article 33

(EMAS verifier)

- (1) The EMAS verifier may only be a legal person accredited by the national accreditation body under the regulations on the accreditation and meeting other conditions laid down in the regulations referred to in the second paragraph of the preceding Article.
- (2) Concerning the setting-up and operation of the system for the accreditation of EMAS verifiers the body referred to in the preceding paragraph shall ensure, in accordance with the law, the participation of all the interested parties referred to in the second paragraph of Article 34.
- (3) The body referred to in the first paragraph shall keep a record of the accredited EMAS verifiers containing in particular:
1. name and registered office of the EMAS verifier,
 2. item number and date of issue of the accreditation document,
 3. scope of accreditation, and

4. other information required in the regulations referred to in the second paragraph of the preceding Article.

(4) The body referred to in the first paragraph shall forward the information concerning the EMAS verifiers to the ministry at the request of the latter or at least once a month.

(5) According to the law, the information in the record of EMAS verifiers shall be public.

(6) The body referred to in the first paragraph shall submit to the ministry, at its request, all the information pertaining to the process of accreditation of individual EMAS verifiers, and the EMAS verifier all the information concerning verification of particular organisations.

(7) The ministry shall provide for the protection of information obtained pursuant to the preceding paragraph, and which in accordance with the law presents business secrecy.

Article 34

(Expert panel for the promotion of environment-friendly products)

(1) The minister shall establish, in accordance with the law, an expert panel for the promotion of environment-friendly products to discuss technical issues concerning integrated product-related environmental policy, the awarding of eco-labels and the registration of organisations under EMAS.

(2) The expert panel referred to in the preceding paragraph shall consist of representatives of the ministry and the minister shall also invite to the panel the representatives of municipalities, industry, non-governmental organisations referred to in the first paragraph of Article 153 of this Act and consumer organisations so that balanced participation of all the interested parties is ensured.

(3) The duties of the expert panel referred to in the first paragraph shall be in particular:

1. to give opinions in respect of the integrated product-related environmental policy,
2. to give opinions in respect of the development and implementation of eco-label awarding scheme and the development of EMAS,
3. to give opinions in respect of the initiatives for temporary or permanent deletion of an organisation from EMAS, and
4. to carry out other duties specified in its instrument of constitution.

III. PROGRAMMES AND PLANS CONCERNING ENVIRONMENTAL PROTECTION

1. Action programmes on the environment

Article 35

(National environmental action programme)

(1) The National Assembly of the Republic of Slovenia (hereinafter referred to as "the National Assembly") shall adopt, at the proposal of the Government, a national environmental action programme containing long-term objectives, guidelines and tasks concerning the environmental protection.

(2) The national environmental action programme shall be drawn up by the ministry in cooperation with other ministries and shall contain in particular:

1. a summary of environmental report referred to in the first paragraph of Article 106,
2. objectives set for a specified period and measures to be taken for their achievement,
3. priority tasks,
4. guidelines for the development of environment protection activities and public services,
5. estimate of the necessary funds and their sources for the implementation of the programme, and
6. obligations under the ratified and published international treaties and EU strategies and programmes concerning environmental protection.

(3) The national environmental action programme shall also include the national nature protection programme under the regulations on the conservation of nature.

(4) The Government shall draw up a report on the implementation of the national environmental action programme which shall constitute an integral part of the environmental report referred to in the first paragraph of Article 106.

Article 36

(Operational action programme on the environment)

(1) The Ministry shall draw up operational action programmes on the environment – to be adopted by the Government – for the implementation of the national environmental action programme, or for the fulfilment of obligations arising from the ratified and published international treaties, strategies, programmes and EU regulations relating to the formulation of programmes concerning the protection of the environment.

(2) The operational programme referred to in the preceding paragraph shall, as a general rule, contain a breakdown of objectives, guidelines and tasks of the acts referred to in the preceding paragraph in their entirety or for a particular area, or particular issue concerning environmental protection for the period of four years.

Article 37

(Public participation)

- (1) In the procedure for drawing up the programmes referred to in Articles 35 and 36 the ministry shall make the draft of the programme available to the public thus enabling it to give opinions and comments.
- (2) By public announcement on the global network and in one of the daily newspapers covering the entire territory of the State the ministry shall inform the public of the place where the programme is available, and the manner and the time limit for giving opinions.
- (3) The ministry shall provide an insight into and the possibility of expressing opinions and comments on the draft programme by the public for the period of at least 30 days.
- (4) The ministry shall examine the opinions and comments of the public and consider them, as appropriate, in the drawing-up of the programmes referred to in the first paragraph.
- (5) The ministry shall notify the public of the adoption of the programme referred to in Articles 35 and 36 in the way referred to in the second paragraph. The notification shall include justifications for the adopted programme decisions and information on public participation in the drawing-up of the programme.

Article 38

(Municipal action programme on the environment)

- (1) A municipality, or a municipality together with a wider self-governing local community shall adopt the action programme on the environment and operational programmes for its territory applying Articles 35, 36 and 37 *mutatis mutandi*.
- (2) The programmes referred to in the preceding paragraph shall not be in contravention of the national action programme and operational programmes on the protection of the environment.

2. Environmental premises

Article 39

(Environmental premises)

- (1) The Government shall adopt environmental premises, which shall constitute a mandatory basis for the drawing-up of plans, programmes, designs and other acts concerning spatial planning, water management, forest management, hunting, fisheries, mining, agriculture, energy,

industry, transport, waste and waste water management, drinking water supply, telecommunications and tourism.

(2) Environmental premises shall contain in particular:

1. description of the state of the environment and components thereof, including the existing environmental burdens,
2. summary of obligations arising from the ratified and published international treaties concerning transboundary environmental impacts and reduction of global pollution,
3. presentation of protection, safeguarded, protected, degraded and other areas where a special legal regime applies for the purpose of protection of the environment, conservation of nature, or protection of natural resources or cultural heritage.
4. presentation of the areas or environmental components classified into classes or degrees,
5. summary of applicable legal arrangements in the areas or environmental components referred to in points 3 and 4 of this paragraph, and
6. presentation of the areas of restricted land use due to plants in which there is a risk of major accidents.

(3) The environmental premises shall also contain frameworks for programming and planning of activities affecting the environment with a view of preventing, limiting or reducing environmental burdens with regard to the existing level of environmental burden or sensitivity of the environment for particular type of activity.

(4) The environmental premises shall be amended when necessary due to changes in the state of the environment or the prescribed legal arrangements or the undertaken international obligations.

3. Integrated Environmental Impact Assessment

Article 40

(Integrated environmental impact assessment)

(1) For the purpose of the implementation of the principles of sustainable development, integrity and prevention an integrated environmental impact assessment shall be carried out within the procedure of drawing up a plan, programme, spatial planning or any other documents (hereinafter referred to as "the plan") the implementation of which is likely to have a substantial impact on the environment, in order to determine and evaluate impacts on the environment and the integration of the requirements of environmental protection, conservation of nature, protection of human health and cultural heritage into the plan, and a certificate shall be obtained from the ministry on the acceptability of the implementation of the plan for the environment.

(2) An integrated environmental impact assessment shall be carried out for a plan or amendment to a plan adopted pursuant to the law by the competent authority of the State or municipality for the area of spatial planning, water management, forest management, hunting, fisheries, mining, agriculture, energy, industry, transport, waste and waste water management, drinking water supply, telecommunications and tourism, when it lays down or foresees an activity affecting the environment for which an environmental impact assessment shall be carried out in accordance with Article 51 of this Act, or when it covers a special protection area under the regulations on the conservation of nature or if the implementation of the plan is likely to affect such an area.

(3) Notwithstanding the provision of the preceding paragraph an integrated environmental impact assessment shall not be carried out for a plan which includes activities or covers areas referred to in the preceding paragraph and is drawn up on the basis of a plan for which the integrated environmental impact assessment has already been carried out and does not include new activities or covers new areas referred to in the preceding paragraph in respect of the plan on the basis of which it has been drawn up.

(4) Before drawing up a plan its producer shall send a notification of his intent to the ministry. The notification shall contain information on the type, content and degree of precision with which the plan is to be worked out and include appropriate map indicating specified or planned activities or the areas covered by the plan.

(5) The ministry shall, within 60 days of receiving the notification referred to in the preceding paragraph, inform the plan producer in writing that an integrated environmental impact assessment shall be carried out for the plan. By a public announcement on the global network and in one of the daily newspapers covering the entire territory of the State the ministry shall inform the public that an integrated environmental impact assessment will be carried out for the plan.

(6) In case of spatial planning documents the obligation referred to in the preceding paragraph shall be specified in the programme for drawing up spatial planning document under the regulations governing spatial planning.

Article 41

(Environmental report)

(1) Prior to carrying out the integrated environmental impact assessment the producer of a plan shall provide for an environmental report defining, describing and evaluating the impacts of the implementation of the plan on the environment and possible alternatives, having regard of the objectives and geographical characteristics of the area to which the plan pertains.

(2) The environmental report shall include the necessary information for an integrated environmental impact assessment of the plan, and during its drawing-up the existing knowledge and evaluation procedures shall be used and the content and degree of precision of the plan shall be taken into account.

(3) The environmental report shall show how the environmental premises referred to in Article 39 have been taken into account in drawing up the plan and the envisaged method of monitoring the impacts of the plan on the environment during its implementation.

(4) Revision of the environmental report shall be ensured by the plan producer and the provisions of Article 55 shall be applied *mutatis mutandi*.

(5) The Government shall specify the detailed content of the environmental report.

Article 42

(Opinion of ministries and other organisations on the environmental report)

(1) A plan producer shall submit the plan, the environmental report and its revision to the ministry.

(2) The ministry shall forward without delay the documents referred to in the preceding paragraph to the ministries and other organisations that are with regard to the content of the plan responsible for particular environmental protection matters or for the protection or use of natural assets or protection of cultural heritage and invites them to give, within 21 days, their written opinions on whether the environmental report enables them to assess environmental impacts of the implementation of the plan from the position of their competencies or whether the environmental report is to be supplemented by additional or more detailed information to enable the environmental impact assessment to be carried out, otherwise it shall be deemed that the environmental report conforms.

(3) After the written opinions of ministries and organisations referred to in the preceding paragraph have been obtained, the ministry shall, within 30 days of receiving the documents referred to in the first paragraph, inform the plan producer that the environmental report conforms, or is to be supplemented with more detailed information within a set time limit, otherwise it shall be deemed that the environmental report conforms.

(4) The plan producer shall send the supplemented environmental report and its revision to the ministry, which shall forward them to the ministries and organisations referred to in the second paragraph, otherwise it shall be deemed that the plan producer has abandoned the intention to draw up the plan.

Article 43

(Public participation)

(1) After the environmental report is found to be in conformity as referred to in the preceding Article, the plan producer shall, in the procedure for its adoption, make the plan, environmental report and its revision available to public by submitting it to a public debate for at least 30 days, thus enabling public discussion on the documents.

(2) When public participation in the procedure for the adoption of the plan is laid down in one of the Acts referred to in Article 40, the provisions of this Article shall also apply to public participation.

(3) During the submission to a public debate the public has a right to give opinions and make comments on the plan and the environmental report.

(4) A plan producer shall indicate the place and period of submitting the plan to public exhibition and public debate and the method of giving opinions and comments by a public announcement in one of the daily newspapers covering the entire territory of the State, by locally established methods and on the global network. When the plan producer is a competent municipality authority, a public announcement shall be made in a newspaper covering the territory of the municipality and not in a daily covering the entire territory of the State.

(5) The right referred to in the third paragraph shall be enjoyed by a natural or legal person having permanent residence or registered office in the area to which the plan pertains, or owning a property in that area, and by non-governmental organisations referred to in Article 153.

Article 44

(Transboundary impacts)

(1) When the implementation of the plan could have a substantial impact on the environment of a Member State, the ministry shall send together with the public announcement referred to in the preceding Article at the latest, the plan, environmental report and its revision to the competent body of that country and invite it to decide in a set time limit whether it intends to participate in the procedure for the integrated environmental impact assessment of the implementation of the plan.

(2) The ministry shall send the plan, environmental report and its revision to the competent body of a Member State and invite it to decide in a set time limit whether it intends to participate in the procedure for the integrated environmental impact assessment of the implementation of the plan even if that Member State has required itself that the integrated impact assessment be carried out.

(3) When a Member State informs the ministry that it intends to participate in the integrated environmental impact assessment of the implementation of the plan, the ministry and the competent body of that Member State shall agree on the time limit in which the Member State will communicate to the ministry opinions and comments, or on other forms of consultation about the reduction or elimination of potential transboundary environmental impacts of the plan, if the Member State so requires.

(4) The ministry shall inform the plan producer of the intention of the Member State referred to in the preceding paragraph, and the time limit set for the participation of the public referred to in the first paragraph of Article 43 shall be replaced with the time limit referred to in the preceding paragraph; the ministry shall adopt a special decision thereon and publish it in the manner referred to in the fourth paragraph of Article 43.

Article 45

(Assessment of the plan of a Member State)

- (1) When the ministry receives a plan and environmental report of another Member State and estimates that the implementation of the plan may have a significant impact on the environment in the Republic of Slovenia it shall communicate to that Member State, in the time limit established by that Member State, whether it wishes to participate in the environmental impact assessment of the plan.
- (2) When the ministry learns about the plan referred to in the preceding paragraph, and has not received either the plan or the environmental report from the Member State, it shall require them from the competent body of that Member State. Upon receipt of the plan and environmental report the ministry shall inform the Member State whether it wishes to participate in the environmental impact assessment of the plan..
- (3) When the ministry decides to participate in the environmental impact assessment of the implementation of the plan being carried out in a Member State, it shall obtain an opinion on the plan and environmental report of that Member State from the ministries and organizations referred to in second paragraph of Article 42, and ensure the participation of the public in accordance with the provisions of the first, third and fourth paragraphs of Article 4.
- (4) Upon receipt of the opinions of the ministries and organizations referred to in the preceding paragraph, the ministry shall form the opinion on the plan and environmental report of the Member State and forward it, together with the comments of the public, to the competent body of that Member State, in the set time limit.
- (5) The ministry may arrange with the competent body of the Member State for a consultation on the reduction or elimination of potentially harmful environmental impacts of the plan implementation in the Republic of Slovenia.

Article 46

(Approval of the plan)

- (1) On the basis of the plan, environmental report and its revision referred to in Article 42 the ministry shall examine the acceptability of environmental impacts of the plan implementation and form a written opinion thereon. The ministries and organizations referred to in the second paragraph of Article 42 shall form written opinions on the acceptability of environmental impacts of the plan implementation within their competences and forward them to the ministry concerned within 45 days of receiving the documents referred to in the first paragraph of Article 42, or in the case referred to in the fourth paragraph of Article 42 within 45 days of receiving the supplemented environmental report.
- (2) The ministry shall forward to the plan producer the written opinions referred to in the preceding paragraph or the opinions and comments of a Member State referred to in Article 44 within 15 days of their obtaining.

- (3) In case of spatial planning documents the written opinion referred to in the preceding paragraph shall be considered as the opinion on the spatial planning document which the document producer has supplemented in accordance with the views expressed and comments made during the public display under the spatial planning regulations.
- (4) The plan producer shall take into consideration to the fullest possible extent the written opinions and comments referred to in the second paragraph of this Article and the opinions and comments of the public referred to in Article 43, modify or amend the plan accordingly and forward it to the ministry for approval.
- (5) In 30 days upon receipt of the plan referred to in the preceding paragraph the ministry shall, taking into consideration the opinions of the ministries and organizations referred to in the second paragraph of Article 42, approve of the plan by means of a decision when it considers that the impacts of the plan implementation are acceptable, or shall refuse to issue a certificate when it considers that its environmental impacts of its implementation are not acceptable.
- (6) When the plan producer is a national body, the Government shall decide on complaints in the case of refusal of the certificate.
- (7) When the plan producer is a competent municipality body, a complaint in the case the issuance of certificate has been refused may not be lodged, but an administrative dispute may be brought on a court.

Article 47

(Notification of the adopted plan)

- (1) The plan producer shall notify of the adoption of the plan the competent ministries and organizations referred to in the second paragraph of Article 42, the Member State referred to in Article 44, and the public in the manner as referred to in the fourth paragraph of Article 43.
- (2) The notification referred to in the preceding paragraph shall include in particular:
1. description of the integration of environmental protection requirements into the plan;
 2. observation of opinions and comments obtained in the procedure of integral environmental impact assessment of the plan implementation,
 3. reasons for the adopted decisions made in respect of potential alternatives, and
 4. description of the arrangements for monitoring environmental impacts during the implementation of the plan.

Article 48

(Monitoring the implementation of the plan)

When the ministry on the basis of monitoring the state of the environment referred to in Article 96, or in any other way envisaged in the environmental report, establishes that due to the implementation of the plan the unforeseen detrimental impacts on the environment have occurred, the plan producer shall be informed thereof and their reduction or elimination shall be ensured within the ministry's competences.

Article 49

(Special provisions concerning the integrated assessment of the national draft location plan)

The integral assessment of the national draft location plan shall be carried out in the stage of treatment of variant solutions concerning spatial planning arrangement subject of the drawing-up of the plan. The proposal of the national location plan, drawn up on the grounds of the selected variant spatial planning arrangement shall be subject to the environmental impact assessment.

IV. ACTIVITIES AFFECTING THE ENVIRONMENT

1. Environmental impact assessment and environmental protection consent

Article 50

(Environmental impact assessment and environmental protection consent)

Before an activity that is likely to have a significant impact on the environment may start, an assessment of environmental impacts of such an activity shall be carried out and environmental protection consent obtained from the ministry.

1.1. Environmental impact assessment

Article 51

(Environmental impact assessment)

(1) An environmental impact assessment shall comprise the identification, description and assessment of long-term, short-term, direct or indirect impacts of the planned activity on humans, land, water, air, biological diversity and valuable natural features, climate and landscape, and on the human immovable property and cultural heritage, and their interrelationships.

(2) The Government shall lay down the categories of activities for which environmental impact assessment must be carried out on the basis of their characteristics, location and potential environmental impacts.

Article 52

(Preliminary information)

(1) The entity responsible for the activity referred to in the preceding Article may, before the start of the environmental impact assessment, request from the ministry the information on the scope and content of the report on environmental impacts of the planned activity.

(2) In order to receive such information the entity responsible for the activity referred to in the preceding paragraph shall submit a conceptual design of the planned activity in accordance with the regulations on construction in case of construction works, or information on the intended purpose and essential characteristics of the planned activity when construction is not involved.

(3) The ministry shall send the documents referred to in the preceding paragraph to the ministries and other organisations that are with respect to the planned activity responsible for particular environmental protection matters, or for the protection or use of natural assets or protection of cultural heritage so that they can express their views on what information the report referred to in the first paragraph should contain to enable them to give their opinions on environmental impacts of the planned activity from the aspect within their competences.

(4) Ministries and organisations referred to in the preceding paragraph shall express their views within 15 days, or it shall be considered that they have no proposals as regards the information to be included in the report on the environmental impacts.

(5) The ministry shall, taking into consideration the proposals of the ministries and organisations referred to in the third paragraph and following the consultation with the entity responsible for the activity, prepare the information referred to in the first paragraph in writing and send it to the entity responsible for the activity within 30 days of receiving its request.

(6) Notwithstanding the information referred to in the preceding paragraph, the ministry may within the procedure for environmental impact assessment require from the entity responsible for the activity to provide additional information about the planned activity and its impacts on the environment.

Article 53

(Project for a planned activity affecting the environment)

(1) The entity responsible for the planned activity shall provide, for the purposes of environmental impact assessment, a project for the planned activity affecting the environment (hereinafter referred to as "the project"), a report on environmental impacts of the planned activity and its revision.

(2) When the planned activity referred to in the preceding paragraph is a construction under regulations on construction, the documents referred to in the preceding paragraph shall be considered as a basis for the project documentation.

(3) The minister shall specify in detail what is to be considered as a project and its components.

Article 54

(Environmental impact report)

(1) Environmental impact assessment shall be carried out on the basis of the report on environmental impacts of the planned activity (hereinafter referred to as "the environmental impact report").

(2) An environmental impact report must contain in particular:

1. description of the current state of the environment, including the existing burdens,
2. description of the planned activity, including information on its purpose, location and extent,
3. description of the envisaged measures for the prevention, reduction and, when possible, elimination of significant detrimental impacts on the environment,
4. information needed to identify and assess the main impacts of the planned activity on the environment, identify or estimate the principal impacts of the planned activity on the environment and their evaluation,
5. review of principal alternatives that the entity responsible for the activity has considered, stating the reasons for the selected solution, in particular in respect of the environmental impacts,
6. delineation of the area where the planned activity will cause environmental burdens which are likely to affect human health or property, and
7. summary of the report intelligible to the general public.

(3) in the drawing-up of the report referred to in the preceding paragraph, as a rule, the accessible data and knowledge together with practices of environmental impact assessment shall be used.

(4) Ministries and other competent bodies and organisations shall ensure that the entity responsible for the planned activity has access to the information necessary for drawing up the environmental impact report, if such information is available.

(5) The ministry shall reject, by means of a decision, the environmental impact report when it is not drawn up in accordance with the specified requirements.

(6) The Government shall lay down the detailed content of the report referred to in the first paragraph, the method of drawing up and methodology for delineating the area referred to in point 6 of the second paragraph of this Article.

Article 55

(Revision of environmental impact report)

- (1) The entity responsible for the planned activity referred to in Article 51 must provide for a revision of the environmental impact report.
- (2) Revision of the environmental impact report shall present an independent expert control of the quality and suitability of environmental impact report.
- (3) Only the environmental expert entered in the register of environmental experts and having a public authority may do a revision of the environmental impact report.
- (4) Environmental expert must form a written opinion on the performed revision of environmental impact report, which the entity responsible for the planned activity affecting the environment has to submit to the ministry together with the application.
- (5) The cost of the revision of environmental impact report shall be borne by the entity responsible for the planned activity affecting the environment

Article 56

(Environmental experts)

- (1) Once a year the ministry shall publish a public tender and invite candidates for environmental experts to submit their tenders.
- (2) On the basis of the call for tender referred to in the preceding paragraph the minister shall appoint by means of a decision for an unlimited period an environmental expert for particular category of activities affecting the environment or particular category of impacts on the environment or human health or cultural heritage.
- (3) Environmental expert may be a person who:
 1. has a university degree,
 2. has six years of work experience in the drawing-up of environmental impact reports,
 3. submits evidence of participation in professional training courses, consultations, seminars or other forms of education related to environmental impact assessment which are organised by the ministry or other organisations, and
 4. is not a functionary or official of the State or municipal authorities or employed with such authorities.
- (4) On the basis of the decision referred to in the second paragraph the ministry shall make an entry in the register of environmental experts *ex-officio* containing the following information:

1. personal name,
2. permanent or temporary address,
3. profession,
4. academic or professional title,
5. appointment date, and
6. categories of activities or impacts of which the revision is being carried out by the environmental expert.

(5) Personal data referred to in the preceding paragraph shall be provided by the environmental expert candidate and after 20 years they shall be archived in accordance with the regulations on archive material and archives.

(6) The ministry shall keep the register of environmental experts as a public register.

(7) The minister shall discharge by means a decision the environmental expert who:

1. requests a discharge,
2. does not meet the prescribed conditions, or
3. breaches the rule of incompatibility referred to in the eight paragraph.

(8) The environmental expert who draws up a revision of environmental impact report must not be in business, financial or family relationship with the entity responsible for the planned activity affecting the environment and the producer of the environmental impact report.

(9) In the cases referred to in the preceding paragraph the environmental expert must not draw up a revision of the environmental impact report when:

1. being in blood relationship in direct line or by marriage, or any equivalent relationship or kinship by marriage with the person responsible for the planned activity or the producer of environmental impact report as a natural person or, in case of legal entity, with the owner or an employee of the entity responsible for the planned activity or producer of the environmental impact report,
2. being employed by or having an ownership share in the entity responsible for the planned activity or producer of environmental impact report, or
3. carrying out work related to the project design or production of the environmental impact report for the entity responsible for the planned activity or producer of the environmental report.

(10) Environmental experts should improve their professional training continuously and keep themselves informed on the latest developments in their discipline.

1.2. Environmental protection consent

Article 57

(Application for environmental protection consent)

The entity responsible for the planned activity referred to in Article 51 must apply to the ministry for granting the environmental protection consent by submitting an application containing the project, environmental impact report and revision of environmental impact report.

Article 58

(Public participation)

(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, written opinion on the revision carried out and the draft decision on environmental protection consent, and allow the public to give its opinions and comments.

(2) The ministry shall inform the public – by means of a public announcement in locally established way, on the internet and in one of daily newspapers covering the entire territory of the State – in particular of:

1. the application for granting environmental protection consent for the planned activity affecting the environment,
2. the fact that environmental impact assessment is required for the planned activity affecting the environment,
3. the area referred to in point 6 of the second paragraph of Article 54,
4. the participation of a Member State in the case referred to in the third paragraph of Article 59,
5. the authority that will 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, written opinion on the revision of environmental impact report and draft decision referred to in the preceding paragraph are available to the public, and
7. the manner of giving opinions and comments.

(3) Time limit in which the public has a right of access and an opportunity of giving opinions and comments shall be 30 days of the public announcement referred to in the preceding paragraph.

Article 59

(Transboundary impacts)

(1) When the planned activity could have a substantial impact on the environment of a Member State, the ministry shall send together with the public announcement referred to in the preceding Article at the latest, the competent authority of that Member State a notice containing:

1. description of the planned activity and available data on potential transboundary environmental impacts of the activity,
2. information about the nature of decision permitting or refusing the planned activity, and
3. time limit for the Member State to inform the ministry whether it wishes to participate in the environmental impact assessment of the planned activity.

(2) The ministry shall also send the notice referred to in the preceding paragraph to the competent authority of the Member State when the Member State so requests.

(3) When a Member State informs the ministry that it intends to participate in the environmental impact assessment, the ministry shall forward to the competent authority of that Member State the application for environmental protection consent for the planned activity, the relevant environmental impact report and written opinion on the revision of the report, and shall agree with that authority on the time limit in which the authority will convey its opinion on the planned activity, or any other forms of consultation on the reduction or elimination of potential detrimental transboundary environmental impacts, if the Member State so requests.

(4) The time limit referred to in the preceding paragraph shall not be counted in the time limit of granting the environmental protection consent.

Article 60

(Impact assessment in a Member State)

(1) When the ministry receives a notice by a Member State of the planned activity affecting the environment in its territory and estimates that the activity might have a substantial impact on the environment in the Republic of Slovenia, it shall inform that member state in the time limit specified by that state whether it wishes to participate in the environmental impact assessment of the activity.

(2) When the ministry is informed of the planned activity referred to in the preceding paragraph but has not received a communication by the Member State concerned, it shall request such notice from the competent authority of that state. After receipt of the notice, the ministry

shall inform the Member State whether it wishes to participate in the environmental impact assessment of the activity.

(3) When the ministry decides to participate in the environmental impact assessment procedure in the Member State concerned, it shall seek opinions of the ministries and other bodies responsible for particular environmental protection issues or the use of natural resources about the data relevant to the planned activity and furnished by the Member State concerned, and ensure the participation of the public in accordance with Article 58 of this Act.

(4) Upon receipt of the opinions of ministries referred to in the preceding paragraph, the ministry shall form its opinion on the planned activity and forward it, together with the comments from the public, to the competent authority of the Member State concerned within the set time limit.

(5) The ministry may also arrange with the competent authority of the Member State concerned for a consultation on the reduction or elimination of potential adverse transboundary environmental impacts of the planned activity in the Republic of Slovenia.

(6) The provisions of the preceding and this Article shall apply also for the signatories of the ratified and published international agreement regulating the transboundary environmental impact assessment of certain activities affecting the environment.

Article 61

(Environmental Protection Consent)

(1) The ministry shall forward the ministries and organisations referred to in the third paragraph of Article 52 of this Act the application for granting the environmental protection consent and the draft decision on the environmental protection consent and shall invite them to give their opinion on the acceptability of the planned activity within 21 days of receiving the application.

(2) The ministry shall take the decision on the environmental protection consent within 3 months of receiving the complete application taking into account the opinions of the ministries and organisations referred to in the third paragraph of Article 52. The deadline for the issuance of the decision is not applicable during the course of public consultation referred to in the third paragraph of Article 58 and during the time agreed with the Member State referred to in the third paragraph of Article 59.

(3) In the environmental protection consent the ministry shall define the conditions to be observed by the entity responsible for the planned activity in order to prevent, reduce or eliminate adverse environmental impacts.

(4) The conditions referred to in the preceding paragraph shall be set out on the basis of:

1. regulations relating to the environmental protection, conservation of nature, protection of cultural heritage, and use or protection of environmental components,

2. environmental impact report findings,

3. public opinions and comments obtained on the basis of Article 58, and

4. opinions and comments of the Member State sought on the basis of Article 59.

(5) In its clarification of the environmental protection consent the ministry indicates how the public opinions and comments sought on the basis of Article 58 and opinions and comments of the Member State sought on the basis of Article 59 have been observed in the decision.

(6) When the planned activity affecting the environment is construction in line with construction regulations, the conditions referred to in the third paragraph of this Article shall be considered as design conditions under the construction regulations.

(7) The ministry shall forward the environmental protection consent referred to in the second paragraph of this Article to the competent inspection body and the municipality where the planned activity will be carried out.

Article 62

(Determination of compliance with conditions)

Compliance with conditions contained in the environmental protection consent for the planned activity referred to in Article 51 of this Act shall be determined using the procedure for issuing the permit for use under construction regulations, in case of construction of facilities, and the ministry should be included in the procedure.

Article 63

(Null and void permit)

The permit issued for carrying out the planned activity referred to in Article 51 shall be null and void when no environmental protection consent has been obtained.

Article 64

(Parties to a proceeding)

(1) A party to the proceeding for granting the environmental protection consent shall be the entity responsible for the planned activity.

(2) A person permanently residing in the area referred to in point 6 of the second paragraph of Article 54, or owning or possessing a real estate, shall have a legitimate interest in line with the regulations on administrative procedure and shall have the status of an accessory participant in the procedure.

(3) The public announcement referred to in the second paragraph of Article 58 shall include the invitation to all those who are certain that the planned activity concerns their legitimate interest and have the status of accessory participant in the procedure in accordance with the provisions of the preceding paragraph.

(4) Notwithstanding the provisions of the preceding paragraphs the status of accessory participant in the procedure for granting the environmental protection consent shall be enjoyed by a non-governmental organisation referred to in the first paragraph of Article 153 that has offered its opinion and comments in accordance with Article 58.

Article 65

(Information to the public)

(1) The ministry shall inform the public of the issued environmental protection consent in 30 days after serving the decision on parties at the latest, by means of an announcement in the locally established way, on the internet and in one of daily newspapers covering the entire territory of the state.

(2) The announcement referred to in the preceding paragraph shall comprise in particular:

1. substance of the decision and indispensable conditions for carrying out the planned activity, when specified,

2. main reasons for the decision made,

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 in the case referred to in the third paragraph of Article 59, and indication of opinions and comments taken into account as given by the Member State concerned.

(3) The ministry shall forward the notice of the decision taken together with the data referred to in the preceding paragraph also to the Member State that has participated in the environmental assessment procedure in accordance with the provisions of Article 59.

Article 66

(Special provisions concerning environmental impact assessment of the detailed plan of national importance)

(1) With regard to the detailed plan of national importance, the environmental impact assessment shall be carried out in accordance with the provisions of this Act, except the provisions of Articles 52 and 57, and the environmental protection consent shall be obtained prior to adoption of the detailed plan concerned.

(2) In case referred to in the preceding paragraph the participation of public under the provisions of Article 58 shall be carried out within the framework of public presentation under spatial planning regulations.

(3) The ministry shall start the environmental impact assessment procedure for the document referred to in the first paragraph of this Article *ex-officio* and shall forward the spatial document, environmental impact report, its revision and the draft environmental protection consent to the ministries and organisations referred to in the third paragraph of Article 52 and invite them to give their opinion on the acceptability of the planned activity within 21 days after receipt of the said documents.

(4) The ministry shall grant the environmental protection consent referred to in the second paragraph of Article 61 to the plan producer.

(5) Notwithstanding the provisions of the act regulating spatial planning, the Government shall not adopt a detailed plan of national importance referred to in the first paragraph of this Article when the final environmental protection consent has not been obtained in accordance with the provision of the preceding paragraph.

Article 67

(Special provisions concerning environmental impact assessment of the municipal detailed plan)

The environmental impact assessment shall be carried out with regard to the municipal detailed plan and environmental protection consent shall be obtained prior to its adoption, by applying *mutatis mutandis* the provision of the preceding Article.

2. Environmental protection permit

2.1. Environmental protection permit for the operation of an installation that may cause large-scale pollution

Article 68

(Environmental protection permit)

(1) The operator must obtain the environmental protection permit for the operation of installation where any activity that might cause large-scale environmental pollution will be carried out, and for every substantial change in the operation of that installation.

(2) A substantial change in the operation of the installation referred to in the preceding paragraph shall be any change in the installation or its extension that modifies any principal technical characteristic of the installation or its capacity, which as a consequence causes a

change in the quantity or type of emissions to the environment or other adverse impacts on humans and the environment.

(3) The environmental protection permit may be issued for one or more installations or parts thereof, located at the same site and having the same operator.

(4) The Government shall lay down the types of activities and installations referred to in the first paragraph of this Article.

Article 69

(Obtaining the environmental protection permit)

(1) If the operation of the installation or any substantial change in its operation referred to in the first paragraph of the preceding Article is subject to construction, the operator shall obtain the environmental protection permit prior to the start of construction.

(2) If it is not the case referred to in the preceding paragraph, the operator shall obtain the environmental protection permit prior to the start of operation of installation.

(3) The ministry shall issue the environmental protection permit for the period of ten years of the day the installation has been put into operation.

(4) The environmental protection permit may be extended if upon the expiry date of the permit the installation complies with the conditions under which the environmental protection permit has been granted.

(5) The operator shall request the extension of the environmental protection permit at the latest six months prior to its expiry.

Article 70

(General requirements and application for environmental protection permit)

(1) To put the installation into operation as referred to in Article 68, the operator shall introduce the measures for:

1. preventing environmental pollution, in particular by applying the best available techniques,
2. preventing large-scale environmental pollution,
3. preventing waste generation in accordance with the regulations governing waste management,
4. recovering generated waste or its disposal in accordance with the regulations if the recovery is not feasible technologically or economically,
5. efficient energy use,

6. preventing accidents and limiting their consequences, and

7. preventing environmental pollution and establishing a satisfactory environmental status at the installation site after its operation has ceased for ever.

(2) The application for obtaining the environmental protection permit shall include the data relevant to the installation and its operation and the proposed measures showing that the requirements referred to in the preceding paragraph will be fulfilled, and a study determining the installation impact area.

(3) The study referred to in the preceding paragraph shall be provided by the operator and shall comprise the delineation of the area where the operation of installation is expected to cause environmental burdens that might affect human health or property. The study shall be prepared according to the methodology referred to in the sixth paragraph of Article 54.

(4) The Government shall lay down the criteria for the evaluation of application of the best available techniques referred to in point 1 of the first paragraph of this Article, and the detailed contents and components of the application form referred to in the second paragraph of this Article.

Article 71

(Public participation)

(1) In the procedure for issuing the environmental protection permit or for its modification *ex-officio* referred to in point 1 of the first paragraph of Article 78, the ministry shall make available to the public the application for obtaining the permit 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 the locally established way, on the internet and in one of daily newspapers covering the entire territory of the State – 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 accept opinions and comments,

2. the extent of the installation impact 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 the fourth paragraph of this Article, and

5. the manner of expressing opinions and comments.

(3) The time limit in 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.

For the 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 the 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.

Article 72

(Issue of environmental protection permit)

(1) The ministry shall reach the decision on issuing the environmental protection permit for the installation referred to in Article 68 within 6 months of receiving complete application taking into account, in the appropriate manner, the opinions and comments of the public referred to in the preceding Article, and in the case referred to in the fourth paragraph of the preceding Article also opinions and comments of the Member State concerned.

(2) In case the environmental protection consent for the installation subject to the permit has been obtained previously, the ministry shall, in reaching the decision on the environmental protection permit, take into account the data and information referred to in the report on environmental impacts of the installation and the conditions set out in the environmental protection consent.

(3) The explanation of the decision on the environmental protection permit shall comprise the ministry's position as to the public opinions and comments referred to in the preceding Article, and in case referred to in the fourth paragraph of the preceding Article also the opinions and comments of the Member State concerned.

(4) The ministry shall forward the environmental protection permit referred to in the first paragraph of this Article to the competent inspection body and the municipality where the installation is located.

Article 73

(Parties to a proceeding)

(1) The installation operator shall be a party to the proceeding for issuing the environmental protection permit.

(2) A person permanently residing in the area referred to in the study determining the installation impact area referred to in the second paragraph of Article 70, or owning or possessing a real estate shall have a legitimate interest in line with the regulations on administrative procedure and shall have the status of an accessory participant in the procedure.

(3) The public announcement referred to in the second paragraph of Article 72 shall include the invitation to all those who are certain that the operation of the installation concerns their legitimate interest and have the status of an accessory participant in accordance with the provisions of the preceding paragraph.

(4) The status of an accessory participant in the procedure for issuing the environmental protection permit shall be enjoyed also by a non-governmental organisation referred to in the first paragraph of Article 153 that has expressed its opinion and comments in accordance with Article 71.

Article 74

(Content of the permit)

(1) To ensure a high level of protection of the environment as a whole, the environmental protection permit shall stipulate all the measures and conditions for fulfilling the general requirements referred to in Article 70 and other environmental protection requirements prescribed for the operation of the installation.

(2) The environmental protection permit referred to in the preceding paragraph shall include in particular:

1. description of the installation for which the permit has been granted, together with the description of activities, capacities and characteristics of the installation site,
2. permit validity,
3. permissible values of emissions into water, air or soil,
4. environmental protection measures and other conditions for the operation of installation,
5. operator's obligations concerning the implementation of monitoring and reporting to the ministry of monitoring and of environmental accidents, and
6. other measures to ensure the maximum level of protection of the environment as a whole, including the reduction of long-range or transboundary environmental pollution.

(3) Permissible values of emissions referred to in point 3 of the preceding paragraph shall be determined pursuant to the prescribed emission limit values taking into account the best available techniques, technical characteristics of the installation, possible transmission of emissions from one environmental media to another, geographical characteristics of the area and quality of the environment in the installation area without requiring the application of a certain technique or technology.

(4) The ministry may impose additional measures and conditions in the environmental protection permit when the prescribed requirements concerning the protection and improvement of quality of the environment at the installation site call for more stringent conditions for the operation of installation than can be attained by applying the best available techniques.

(5) When the installation is involved in trading with greenhouse gas emissions in accordance with this Act, permissible values for the emissions shall not be specified in the environmental protection permit except where necessary due to the prescribed requirements referred to in the preceding paragraph in the area where the installation is located.

(6) When the operation of installation or a substantial change in its operation require construction under construction regulations, the measures and conditions referred to in the preceding paragraphs of this Article may be considered as project conditions under construction regulations, and the investor may start the construction on his own responsibility even after the environmental protection permit finality, in accordance with construction regulations.

(7) The Government shall specify the contents of the environmental protection permit referred to in the first paragraph of this Article.

Article 75

(Programme of measures)

(1) In the environmental protection permit, or in the amendment thereto, the ministry may give permission to the operator, at the latter's request, for the installation not to comply with the requirements referred to in point 3 of the second paragraph of the preceding Article during its start-up, malfunction or stoppage for the period not longer than 6 months.

(2) Deferral of compliance with requirements referred to in the environmental protection permit shall be permitted when the operator draws up a programme of measures pursuant to which the ministry establishes that the installation will comply with the prescribed requirements within the time limit referred to in the preceding paragraph and that the reduction of environmental pollution will result from the implementation of the programme.

Article 76

(Start of operation):

(1) Compliance with the conditions referred to in the environmental protection permit prior to putting the installation into operation, or in case of a substantial change in the installation, shall be established in the case referred to in the first paragraph of Article 69 within the procedure for granting the permit for use under construction regulations, and the ministry shall take part in the procedure.

(2) In the case referred to in the preceding paragraph, the authority that has granted the permit for use shall forward a copy to the ministry and the competent inspection body.

(3) In case referred to in the second paragraph of Article 69, the operator shall inform the ministry and the competent inspection body in writing of putting the installation into operation at least 15 days in advance, which shall be demonstrated by proof of posting.

Article 77

(Permit update)

- (1) The operator shall notify the ministry in writing of any planned change in the operation of the installation referred to in Article 68, related to the operation or extension of the installation, that might have an impact on the environment, and shall demonstrate that by proof of posting.
- (2) When the ministry establishes on the basis of the notification that the planned change is the case of a substantial change within the meaning of the second paragraph of Article 68, it shall inform the operator in writing of the findings in 30 days of receiving the notification, and shall invite him to submit an application for the environmental protection permit to be updated in the set time limit, in accordance with the provisions of Article 70. If the operator fails to submit the application within the set time limit, he shall be deemed to have withdrawn from the planned change.
- (3) The ministry shall take a decision on updating the environmental protection permit referred to in the preceding paragraph of this Article in three months of receiving the complete application referred to in the preceding paragraph.
- (4) The ministry shall forward the decision referred to in the preceding paragraph also to the competent inspection body.
- (5) In case the operator receives no information referred to in the second paragraph of this Article within 30 days of sending the notification, it shall be considered that the planned change has no influence on the valid environmental protection permit, and the operator may make the planned change in the operation of installation.

Article 78

(Permit update *ex-officio*)

- (1) The ministry shall update the environmental protection permit *ex-officio* prior to its expiry when:
 1. the limit values of emissions into water, air or soil laid down in the valid permit are to be revised or permitted levels of emissions of other pollutants are to be additionally determined as a result of the excessive pollution of the environment in the area where the installation is located,
 2. the modifications in the best available techniques facilitate a substantial reduction of emissions from the installation at reasonable costs,
 3. the operational safety of the process or activity requires the use of other techniques, or
 4. the use of other techniques results from amendments to the environmental protection regulations concerning the operation of installation.

(2) The ministry shall inform in writing the operator of the intent referred to in the preceding paragraph at least three months prior to issuing the decision updating the permit.

(3) In its decision updating the permit, the ministry shall set the time limit in which the operator is to bring the operation of the installation into line with the new requirements.

(4) The ministry shall forward the updated environmental protection permit also to the competent inspection body.

Article 79

(Termination of permit)

The environmental protection permit validity shall cease after expiry of the period for which it had been granted by withdrawing the permit, or by terminating the installation or the operator.

Article 80

(Withdrawal of permit)

(1) The ministry shall withdraw the environmental protection permit by means of a decision when the operator:

1. makes a substantial change in the operation of the installation and fails to notify the ministry of the change, in accordance with the provisions of Article 77, or

2. fails to carry out, for the reasons lying on his side, the programme of measures referred to in Article 75 in the specified extent, or in the set time limit.

(2) The ministry shall withdraw the environmental protection permit on the proposal of the competent inspector if the operator fails to execute the latter's final decision on bringing the operation of installation into line with the conditions referred to in the environmental protection permit.

(3) The withdrawal of the environmental protection permit shall become effective on the date of finality of the decision on withdrawal.

(4) The ministry shall forward the decision referred to in the preceding paragraph also to the competent inspection body.

Article 81

(Termination of the operation of installation and termination of operator)

(1) The operator shall inform the ministry in writing of the intended final termination of the operation of installation referred to in Article 68, and shall demonstrate that by proof of posting.

(2) The operator, or in case of his bankruptcy the bankruptcy manager, shall inform the ministry in writing of compliance with the requirements referred to in the environmental protection permit concerning the measures to be taken after the installation has ceased to operate, if the operator has been put into liquidation, or a bankruptcy procedure has been established, and shall demonstrate that by proof of posting.

(3) The notification referred to in the preceding paragraphs shall include references to and proof of compliance with the requirements of the environmental protection permit concerning the measures to be taken after the installation has ceased to operate.

(4) When the ministry determines that the requirements referred to in the preceding paragraph are complied with, it shall issue a decision on the expiry of the environmental protection permit validity.

2.2. Environmental protection permit for other installations

Article 82

(Other installations)

(1) The operator shall obtain the environmental protection permit also for the operation of any other installation that is not specified in the provision referred to in the fourth paragraph of Article 68, or a substantial change in its operation, if an activity is pursued in that installation that causes emissions into air, water or soil for which limit values are prescribed in accordance with the provisions of Article 17 Act, or if it treats or disposes of waste under the waste management regulations in accordance with the provisions of Article 20.

(2) A substantial change in the operation of the installation referred to in the preceding paragraph shall be any change in the installation or its extension that significantly modifies the principal technical characteristics of the installation or its capacity, which as a consequence causes a change in the quantity or type of emissions to the environment, or waste for which environmental protection permit has been obtained.

(3) When the operation of installation or a substantial change in its operation as referred to in the first paragraph of this Article require construction, the operator shall obtain the environmental protection permit prior to the start of construction, and in other cases prior to putting it into operation.

(4) The ministry shall issue the environmental protection permit for the period of five years of the day of putting the installation into operation.

(5) The environmental protection permit validity may be extended if after its date of expiry the installation satisfies the conditions under which the environmental protection permit has been granted.

(6) The operator shall require the extension of the environmental protection permit three months prior to its expiry at the latest.

Article 83

(General requirements and application for obtaining environmental protection permit)

(1) In respect of the operation of installation referred to in the preceding paragraph, the operator shall introduce measures to comply with the conditions laid down in the regulations referred to in Articles 17 and 20 of this Act.

(2) In addition to the data about the operator, the application for obtaining the environmental protection permit referred to in the preceding Article shall contain the data about the installation and its operation and the measures envisaged referred to in the preceding paragraph.

Article 84

(Issuance and contents of the environmental protection permit)

(1) The ministry shall reach the decision on issuing the environmental protection permit for the installation referred to in Article 82 within three months of receiving complete application.

(2) In the case the environmental protection consent has been obtained in advance for the installation subject to the permit referred to in the preceding paragraph, the ministry shall, in deciding about the environmental protection permit, take into account the data and information contained in the report on environmental impacts of the installation and the conditions of the environmental protection consent.

(3) In the environmental protection permit the ministry shall specify the conditions referred to in the first paragraph of the preceding Article.

(4) When the installation referred to in the first paragraph of this Article is involved in trading in greenhouse gas emissions in accordance with this Act, the limit values for the emissions shall not be set in the environmental protection permit.

(5) The ministry shall forward the environmental protection permit referred to in the first paragraph of this Article to the competent inspection body and the municipality where the installation is located.

Article 85

(Putting the installation into operation, update and termination of environmental protection permit)

(1) With regard to putting the installation into operation referred to in Article 82 the provisions of Article 76 of this Act shall apply *mutatis mutandis*.

(2) In the procedure of updating the environmental protection permit for the installation referred to in the preceding paragraph the provisions of Articles 77 and 78 shall apply *mutatis mutandis* excluding the application of provisions of Articles 71 and 73.

(3) To terminate and/or to withdraw the environmental protection permit for the installation referred to in the first paragraph of this Article the provisions of Article 79 and Article 80 (except point 2 of the first paragraph) shall apply respectively, and to terminate the operation of installation and its operator the provisions of Article 81 shall apply.

2.3. Environmental protection permit for a plant

Article 86

(Environmental protection permit for a plant)

(1) The operator shall obtain the environmental protection permit also for the plant referred to in Article 18 and for any substantial change of such plant.

(2) A substantial change referred to in the preceding paragraph shall be a considerable increase in the quantity of a hazardous substance, or a significant change in chemical or physical properties of a hazardous substance, or any other change in the technological process where a hazardous substance is used.

(3) When the operation of the plant referred to in the preceding paragraph, or its substantial change, require construction, the operator shall obtain the environmental protection permit prior to start of construction, and in other cases prior to putting the plant into operation.

(4) The ministry shall issue the environmental protection permit for the period of five years of the day of putting the plant into operation.

(5) The environmental protection permit may be extended if upon its date of expiry the plant satisfies the conditions under which the environmental protection permit has been granted.

(6) The operator shall require the extension of the environmental protection permit three months prior to its expiry at the latest, and shall attach a safety report to the application for extension, in accordance with the provisions of Article 18.

Article 87

(General requirements and application for obtaining environmental protection permit)

(1) Concerning the operation of the plant referred to in the preceding Article the operator shall ensure that the measures introduced by the provisions in Article 18 be carried out.

(2) In addition to the data about the operator the application for obtaining environmental protection permit referred to in the preceding Article shall contain details of the measures envisaged as referred to in the preceding paragraph.

(3) The Government shall specify the content and components of the application referred to in Article 18.

Article 88

(Public participation)

(1) In the procedure for issuing the environmental protection permit for a plant referred to in Article 86 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 shall apply *mutatis mutandis*.

Article 89

(Issue of environmental protection permit)

(1) The ministry shall issue the environmental protection permit for a plant referred to in Article 86, applying the provisions of Article 84 *mutatis mutandis*.

(2) In the environmental protection permit the ministry shall specify the measures laid down in the provision referred to in Article 18.

(3) When the ministry estimates that the consequences of a major accident in a plant could have an impact on the environment of another Member State, or when the latter so requests, it shall inform the competent authority of that state about the environmental protection permit issued.

(4) When another state on the basis of information referred to in the preceding paragraph so requests, the ministry shall forward it a safety report referred to in the fourth paragraph of Article 110.

Article 90

(Update of environmental protection permit)

(1) After obtaining the environmental protection permit, the plant operator shall review the safety report referred to in Article 18 and update or amend it, as appropriate:

1. every five years at least,

2. when new information important for the introduction of safety measures in the plant has been obtained,
3. when the existing safety measures are in view to be changed,
4. when a substantial change to the plant is planned, or
5. when a major accident has occurred in the plant.

(2) The plant operator shall notify in writing the ministry of any update or amendment to the safety report and shall forward such updated or amended safety report to it, which shall be demonstrated by proof of posting.

(3) When the ministry establishes on the basis of the notification that as a consequence of the updated or amended safety report the environmental protection permit should be updated, it shall inform the operator thereof in writing in 30 days of receiving the notification, or it shall be considered that the planned update/amendment has no effect on the existing environmental protection permit, and the operator may carry out the planned modification in the operation of the plant. In the information provided the ministry may invite the operator to present, in a set time limit, additional details on the facts referred to in the first paragraph of this Article.

(4) The ministry shall issue a decision on the updated environmental protection permit within three months of receiving the notification referred to in the second paragraph of this Article, or of additional details referred to in the preceding paragraph.

(5) The ministry shall update the environmental protection permit ex officio only when it is informed of new details important for the introduction of safety measures in the plant. The ministry shall inform the operator in writing of the intent referred to in the preceding sentence at least three months prior to issue of the decision concerning the update of permit.

(6) In the procedure for issuing the updated environmental protection permit the ministry shall seek to ensure public participation in accordance with the provisions of Article 88.

(7) In its decision on the update of permit the ministry shall set a time limit for the operator to bring the operation of the plant into line with the new requirements.

(8) The ministry shall forward the decision on the updated permit referred to in the preceding paragraph to the competent inspection body.

Article 91

(Putting the plant into operation and termination of the environmental protection permit)

(1) To put the plant into operation as referred to in Article 86, the provisions of Article 76 of this Act shall apply *mutatis mutandis*.

(2) To terminate the environmental protection permit for the plant referred to in Article 86 the provisions of Article 79 shall apply *mutatis mutandis*, to withdraw the environmental protection permit the provisions of Article 80, except point 2 of the first paragraph shall apply, and to terminate the operation of the plant or its operator the provisions of Article 81 shall apply.

3. Integration of procedures

Article 92

(Activity affecting the environment which is an installation that may cause large-scale pollution, or any other installation or plant)

(1) When the planned activity referred to in Article 51 is at the same time the installation referred to in Article 68, or any other installation referred to in Article 82, or the plant referred to in Article 86, an assessment of environmental impacts of such installation or plant shall be carried out in the procedure for issuing the environmental protection permit for that installation or plant.

(2) In the case referred to in the preceding paragraph the ministry shall specify in the preliminary information referred to in Article 52 the conditions for obtaining the environmental protection permit and determine in a special decision the size of the installation or plant to which the environmental protection permit refers.

(3) When an appeal has been logged against the decision referred to in the preceding paragraph, the duration of the appeal proceedings shall not be counted in the time limit referred to in Article 52.

(4) In the case referred to in the first paragraph of this Article the application for obtaining environmental protection permit shall also contain the application components referred to in Article 57, and in the case of the installation referred to in Article 68 the study referred to in the second paragraph of Article 70 shall be replaced by the environmental impact report.

(5) In the case referred to in the first paragraph of this Article the provisions of Article 58 shall apply concerning the public participation, and in the case of possible transboundary environmental impacts of the installation the provisions of Article 59 shall apply.

(6) In the case referred to in the first paragraph of this Article it is considered that the issue of environmental protection permit implies also the granting of environmental protection consent, and in defining the content of the environmental protection permit the provisions of Article 61 that refer to the content of the environmental protection consent shall apply *mutatis mutandis*.

(7) The provisions of the preceding paragraphs shall not apply in cases referred to in Articles 66 and 67.

Article 93

(The plant that is also an installation)

(1) When the plant or part of the plant referred to in Article 86 is at the same time the installation referred to in Article 68, or any other installation referred to in Article 82, the compliance with the requirements for issuing the environmental protection permit for the plant shall be established in the procedure for issuing the environmental protection permit for that installation.

(2) In case referred to in the preceding paragraph, the application for obtaining environmental protection permit shall include the content of the application defined in the provisions referred to in Article 18.

4. Other permits

Article 94

(Permits in exceptional cases)

(1) In exceptional cases, the ministry may issue the entity causing burden a permit for temporary or periodical excessive environmental burdening, and it shall obtain consent of the municipality concerned. The public shall be informed of the issued permit by means of an announcement on the Internet and in one of the newspapers covering the area of the municipality concerned.

(2) Notwithstanding the provisions of the preceding paragraph, the permit for a temporary or periodical excessive environmental burdening with noise shall be issued by the competent authority in the municipality concerned for public events under the regulations on public events, except where public events take place in the installations that have been granted the environmental protection permit for noise emissions in accordance with Article 82.

(3) The permit referred to in the preceding paragraphs shall include the conditions for the elimination of possible detrimental impacts on the environment.

(4) The permit under the preceding paragraphs may not be issued when a temporary or periodical excessive environmental burdening could cause a critical environmental burden.

5. Government regulations necessary for the implementation of EU legal acts

Article 95

(Government regulations)

The Government may regulate in detail particular issues concerning the implementation of EU legal acts that govern environmental protection and apply directly in the EU by means of a regulation.

V. ENVIRONMENTAL MONITORING AND ENVIRONMENTAL INFORMATION

1. Environmental monitoring

Article 96

(Environmental monitoring)

- (1) The State shall carry out monitoring of natural phenomena, state of the environment and environmental pollution.
- (2) The monitoring of natural phenomena shall include monitoring of meteorological, hydrological, erosion, geological, seismological, radiological and other geophysical phenomena.
- (3) The monitoring of the state of the environment shall include monitoring of soil and air quality and of biological diversity.
- (4) The monitoring of the environmental pollution shall include monitoring of emissions into soil, water and air.

Article 97

(State and municipality duties)

- (1) The monitoring of meteorological and radiological phenomena shall be provided in accordance with the law. The monitoring of hydrological, erosion, geological, seismological and other geophysical phenomena shall be implemented as a mandatory state public utility service, in accordance with the Public Utilities Act, and its implementation shall be ensured by the ministry.
- (2) The monitoring of the state of the environment shall be implemented as a mandatory state public utility service, in accordance with the Public Utilities Act, and its implementation shall be ensured by:
 1. the ministry in regard of soil, water and air, including the noise and radiation, except ionising radiation,
 2. the ministry responsible for the conservation of nature, in cooperation with the ministry responsible for agriculture and forestry, in regard of the components of biological diversity.

(3) Within the framework of duties referred to in the preceding paragraph, the State shall ensure the monitoring in case of environmental accidents and the monitoring of emissions from diffuse sources of pollution.

(4) Notwithstanding the provision of the first paragraph of this Article, the competent ministry may by means of a decision and against payment impose certain duties concerning the monitoring of natural phenomena on a legal or natural person pursuing activities in the air and maritime traffic, or any other activity the nature of which facilitates performance of those duties on condition that the pursuit of its activity is not significantly impeded. The person carrying out particular tasks of monitoring the natural phenomena and the competent ministry shall define their mutual relations by means of a contract.

(5) The municipality may provide systematic or special monitoring of the state of the environment directly or as a public utility service, and shall forward the collected data to the ministry free of charge.

(6) The minister shall classify the hydrological, erosion, geological, seismological and other geophysical phenomena subject to monitoring, the monitoring scheme and the methodology for its implementation.

(7) The ministers responsible for the areas referred to in the second paragraph of this Article shall lay down the scheme and subject of monitoring the state of the environment and the methodology for its implementation.

(8) In the regulations referred to in the preceding two paragraphs, the methods of informing the public about natural phenomena and the state of the environment are laid down.

(9) The ministry shall forward the data on the monitoring of natural phenomena and the state of the environment to the ministry responsible for the protection against natural and other disasters.

Article 98

(Geological, seismological and geophysical monitoring)

(1) The geological, seismological and geophysical monitoring referred to in the preceding Article shall include also the recording of geophysical phenomena, zoning and categorisation, analytical, research, forecasting and other professional tasks relating in particular to:

1. geological research of national importance,
2. supervision and verification of geological research that is not of national importance,
3. general geological records and the lithosphere structure,
4. seismic and other dynamic phenomena of natural or artificial origin,

5. erosion and other geological processes that occur in the upper layers of the Earth's crust and affect its development and composition,

6. properties and composition of the soil and its pollution, and

7. gravitational and other fields of natural or artificial origin.

(2) In the framework of monitoring referred to in the preceding paragraph, the professional tasks are performed relating to the protection and safety from earthquakes, geological and other risks, early warning, prevention and rehabilitation, plant and installation safety, and exchange of data, including international exchange.

Article 99

(Hydrological monitoring)

(1) The monitoring of hydrological phenomena (hereinafter referred to as "hydrological monitoring") referred to in the first paragraph of Article 97 shall include measurements and evaluation of the quantitative status of water, determination of hydrological properties of water areas and water bodies, water balances, and monitoring, analysing and forecasting of hydrological changes in all elements of hydrological water cycle.

(2) The tasks related to hydrological monitoring are in particular.

1. management and maintenance of a national hydrological stations network,

2. performing measurements, data collection and processing, evaluation of the quantitative status of water, and study of hydrological phenomena in the national hydrological stations network,

3. monitoring of hydrological conditions, drafting and forwarding of hydrological prognoses,

4. monitoring of floods and torrents,

5. establishment, keeping and maintenance of databases on monitoring and of hydrological information system,

6. drafting of water balances and estimates of water resources,

7. publication of hydrological data and results of hydrological studies, and

8. implementation of international obligations of the State in the field of hydrological monitoring and of hydrological prognoses and information.

Article 100

(Restriction or seizure of property right in order to implement monitoring)

(1) In order that the monitoring of natural phenomena or the state of the environment be implemented, the person owning or possessing land is obliged to allow the setting-up or operation of plants or measuring devices, excavation or drilling work, test pumping, sampling of soil or flora, and other work necessary for the implementation of monitoring.

(2) A person conducting monitoring shall carry out the work referred to in the preceding paragraph in such a way that the impacts on the use and state of land is minimum, and shall restore land into its previous state.

(3) The person owning or possessing land shall have no right to any indemnification resulting from excavation or drilling work, sampling of soil or flora, and other work necessary for the implementation of monitoring, except where the value of land is reduced if the restoration into the previous state is not possible.

(4) When the use of land is permanently precluded as a result of the restrictions referred to in the preceding paragraph, the owner of that land shall have a right to indemnification or compensation in kind which shall be defined by applying the regulations on expropriation *mutatis mutandis*.

(5) When setting up of the plant or measuring device needed for the implementation of monitoring is not possible in any other way, the property right on land may be seized or restricted in accordance with the regulations governing expropriation and restriction of property right.

Article 101

(Operational monitoring)

(1) During the performance of its activities the entity causing burden must ensure the monitoring of impacts of its operation on the environment (hereinafter referred to as "operational monitoring").

(2) Operational monitoring shall include:

1. environmental pollution monitoring,

2. monitoring of the state of the environment when the entity referred to in the preceding paragraph directly causes, by its emissions, changes in the state of the environment,

3. monitoring with the purpose of reducing risk to the environment, and

4. monitoring of natural phenomena when the entity referred to in the preceding paragraph directly affects them by its activities.

(3) The entity referred to in the first paragraph of this Article must forward the operational monitoring data to the ministry and the municipality where the entity operates.

(4) Operational monitoring may be implemented by the entity that complies with the prescribed conditions and obtains an authorisation by the ministry.

(5) In order to implement monitoring the entity causing burden must allow access to business premises or other premises to a person holding an authorisation for implementing monitoring.

(6) The minister shall prescribe the types of emissions, environmental quality standards and standards concerning the quality of natural phenomena that are subject to operational monitoring, monitoring methodology, and the manner and form of reporting data to the ministry and municipality.

(7) In the regulation referred to in the preceding paragraph, the conditions to be complied with by the person conducting monitoring for obtaining the authorisation shall be prescribed, and these conditions may include the proof of qualifications in accordance with the regulations governing accreditation.

Article 102

(Monitoring quality control)

(1) The quality control of monitoring implementation referred to in Articles 97, 98, 99 and 101 shall be guaranteed by the ministry.

(2) The control referred to in the preceding Article shall be guaranteed in particular by ensuring that the ministry:

1. requires periodical or regular participation of persons conducting monitoring in the programmes concerning the testing of their expert qualifications,
2. analyses results of participation of individual persons conducting monitoring in the programmes concerning the testing of their expert qualifications,
3. through qualified organisations promotes and organizes the implementation of programmes of testing expert qualifications of persons conducting monitoring,
4. analyses reports on the monitoring implementation, and
5. organizes, orders or performs by itself random measurements of monitoring parameters and compares results to the monitoring report data.

Article 103

(Authorisation withdrawal)

In the regulations referred to in the sixth and seventh paragraphs of Article 97 and the sixth paragraph of Article 101 of this Act the minister shall lay down reasons for the withdrawal of the authorisation of person conducting monitoring, and these reasons shall refer in particular to:

1. repeated non-participation or unsuccessful participation in programmes concerning the testing of expert qualifications,
2. violation of regulations concerning reporting on monitoring, or
3. derogation of data in monitoring reports from the results of random measurements of monitoring parameters referred to in point 5 of the second paragraph of the preceding Article.

2. Register

Article 104

(Register)

(1) In order to implement the tasks and procedures under this Act the ministry shall keep and manage the environmental protection register (hereinafter referred to as "the register") containing:

1. records of persons holding environmental protection permit under this Act,
2. records of providers of environmental protection public utility services,
3. records of persons holding authorisations or certificates for performing environmental protection activities in accordance with this Act and the regulations issued under this Act, and
4. EMAS record.

(2) Records of persons holding environmental protection permit under this Act shall include in particular:

1. personal name and permanent or temporary address, or a corporate name and registered office,
2. type and extent of environmental burden caused by that entity's activity, and
3. information on the issued environmental protection permit.

(3) Records of providers of environmental protection public utility services shall include in particular:

1. corporate name and registered office, and
2. method, type, extent and area of providing public utility service.

(4) Records of persons having authorisations or certificates for performing environmental protection activities in accordance with this Act and the regulations issued under this Act, shall include in particular:

1. personal name and permanent or temporary address, or a corporate name and registered office,
2. type and extent of environmental protection activities which the person holds authorisation or certificate for, and
3. information on the issued authorisation or certificate.

(5) EMAS record shall include in particular:

1. corporate name and registered office, and
2. date, scope of entry and the registration number.

(6) The competent body of a municipality must forward to the ministry the data on providers of local environmental protection public utility services that are needed for the keeping and management of records.

(7) The register data are public.

(8) The minister shall prescribe the detailed contents of the register and the method of its keeping.

3. Environmental information system

Article 105

(Environmental information system)

(1) In order to perform the State tasks in the field of environmental protection, including disclosing environmental data to the public, the ministry shall ensure the keeping and management of environmental information system.

(2) The information system referred to in the preceding paragraph shall contain in particular the data on:

1. the state of the environment and parts thereof,
2. natural phenomena,
3. valuable natural features,
4. areas designated as threatened areas, protection areas or protected areas under the regulations on environmental protection, nature conservation, and conservation and use of natural assets,
5. impacts of environmental pollution on human health,

6. emissions and their sources,
7. waste and waste management,
8. hazardous substances,
9. use of natural assets,
10. environmental accidents,
11. plants and installations intended for environmental protection,
12. persons causing environmental burden,
13. providers of environmental protection public utility services and other persons engaged in environmental protection,
14. providers of nature conservation and water management public services,
15. non-governmental organisations in the field of environmental protection and nature conservation,
16. public finances spent on environmental protection and nature conservation,
17. regulations, environmental protection standards and norms and the state of technique and technology,
18. other issues important for the evaluation of sustainable development.

(3) In addition to the data obtained on the basis of this Act, the data resources referred to in the preceding paragraph are also environmental data from national statistics, cadastres, public registers, registers, records, and other data bases established pursuant to this Act with national and municipal authorities and other organisations.

(4) Data base providers referred to in the preceding paragraph shall be obliged to regularly forward to the ministry the data required by the ministry for the operation of the environmental protection information system.

4. Disclosing environmental data to the public

Article 106

(Environmental report)

(1) In cooperation with other ministries the ministry shall draw up a report on the environment in the Republic of Slovenia at least every four years.

(2) The Government shall adopt the report referred to in the preceding paragraph, and forward it to the National Assembly.

(3) Every second year the ministry shall draw up a report on the environment and parts thereof comprising environmental state indicators.

(4) The ministry shall publish the reports referred to in preceding paragraphs so as to be available to the public.

(5) At least every fourth year a city municipality or a municipality or a wider self-governing local community shall draw up a report on the state of the environment for its area, applying the provisions of Article 107 of this Act *mutatis mutandis*.

Article 107

(Contents of the environmental report)

The report referred to in the first paragraph of the preceding Article shall contain in particular the data on:

1. natural phenomena, state of the environment and environmental pollution,
2. biodiversity and valuable natural features,
3. endangered, protection and protected areas under this Act and under the regulations on the protection and use of natural assets,
4. long-term trends in changes in the environment,
5. assessment of the state of the environment, parts thereof and their endangerment,
6. impact of particular sectors on the state of the environment, in particular of agriculture, fishing, forestry, energy, transport, industry, tourism and use of natural resources, including the assessment of incorporating environmental protection requirements into development policies of particular sectors,
7. impacts of environmental pollution on human health,
8. implementation of the National Environmental Action Programme and its operational plans,
9. implementation of programmes and measures for the improvement of the quality of the degraded environment,
10. resources and utilization of funds for the implementation of environmental protection policies,
11. providing of environmental protection, nature conservation and water management public services,

12. education, informing and participation of the public in the field of environmental protection,
13. significant international events in the field of environmental protection, and
14. other data important for environmental protection.

Article 108

(Transmission of environmental data to the Internet)

(1) In accordance with the regulations governing access of public to the public information the ministry shall transmit to the Internet in particular the following:

1. municipal regulations concerning the environment that have not been published in the Official Gazette of the Republic of Slovenia,
2. National Environmental Action programme and environmental action programmes,
3. environmental premises,
4. environmental reports,
5. environmental monitoring data or summaries of environmental monitoring data,
6. environmental protection consents and permits, except data not available to the public under the regulations, or a reference to the authority from which consents or permits may be obtained, and
7. environmental reports and reports on impacts on the environment or a reference to the authority from which the reports may be obtained.

(2) The municipality must forward to the ministry the text of the regulation referred to in point 1 of the preceding paragraph in electronic form.

Article 109

(Reporting to the EU on environmental data)

The ministry shall forward to and exchange the environmental data with the competent EU authorities and organisations in the manner and within time limits specified in EU regulations.

5. Access to environmental data

Article 110

(Access to environmental data)

(1) National authorities, municipal authorities, public agencies, public trust funds and other bodies governed by public law, holders of public powers and providers of public services must facilitate access to environmental data to all interested parties when that is prescribed by law or regulations governing access of public to public information.

(2) Environmental data is in particular data on:

1. the state of the environment and parts thereof,

2. natural phenomena,

3. natural assets (public natural assets, valuable natural features and biodiversity, including genetically modified organisms, and natural resources),

4. emissions, waste and dangerous substances, including information on the relevant environmental burdening, and on environmental accidents,

5. activities, including the procedures of national authorities, municipal authorities and other bodies governed by public law, providers of public services and holders of public powers, concerning the adoption of general and specific environmental protection legal acts or the adoption of strategies, plans, programmes, agreements, environmental premises and reports, the keeping of registers and records, together with these acts, registers and records,

6. economic analyses and evaluations used in the adoption of measures referred to in the preceding point,

7. human health status, safety and living conditions, including data on food chain pollution, and on the state of cultural heritage sites if they are or might be affected by environmental burden or factors thereof, or procedures and activities referred to in point 4 of this paragraph, and

8. safety measures for the prevention of major accidents that must be carried out by the entity causing risk.

(3) Notwithstanding the provisions of regulations referred to in the first paragraph of this Act concerning exceptions with regard to access to public information, the environmental data concerning emissions, waste, dangerous substances in a plant, and the safety report referred to in the third paragraph of Article 18 of this Act, shall be public.

(4) When the safety report referred to in the preceding paragraph includes data that are not considered public under the regulations on access to public information, the entity causing risk shall be obliged to draw up a safety report in such a way that the non-public data are excluded.

(5) Authorities and organisations referred to in the first paragraph of this Act may forward the environmental data obtained voluntarily and without legal obligation to the public only under the written consent of the person giving data.

VI. ECONOMIC AND FINANCIAL ENVIRONMENTAL PROTECTION INSTRUMENTS

Article 111

(Purpose and types)

(1) The State shall promote and foster the achievement of environmental protection objectives through economic and financial instruments, such as:

1. environmental taxes,
2. securities, bank guarantees and other forms of financial guarantees,
3. credits with favourable interest rate for investments contributing to environmental protection,
4. suretyships and other securities,
5. emission allowance trading,
6. joint investments in projects on environmental burden reduction referred to in Article 140 of this Act, and
7. budget appropriations.

(2) The economic instruments referred to in the preceding paragraph shall be stipulated and applied in line with the principles of free trade and equal treatment of economic operators in accordance with the law.

(3) The municipality may promote and foster the achievement of environmental protection objectives through the instruments referred to in points 1, 3, 6 and 7 of the first paragraph.

1. Environmental taxes

Article 112

(Environmental pollution taxes)

(1) A polluter is liable to pay environmental taxes through which the pollution of the environment is taxed. Environmental taxes shall constitute State budget revenues.

(2) The basis of environmental taxation for the pollution of the environment shall be:

1. type, quantity or properties of emissions from a particular source,

2. type, quantity or properties of waste, or

3. content of environmentally dangerous substances in a raw material, semi-finished product or product.

(3) A taxable person for the purposes of environmental taxes referred to in the first paragraph of this Act shall be an entity that causes environmental pollution by emissions, an entity that causes environmental pollution by waste, or an entity that produces or uses or places on the market raw materials, semi-finished products or products containing environmentally dangerous substances.

(4) The Government shall stipulate in detail the type of pollution, the basis for the calculation of environmental taxes, taxable persons for the purposes of specific environmental tax, its amount, and method of its calculation, assessment and payment.

(5) The amount of environmental tax shall be fixed in such a way that it equals marginal pollution costs.

(6) Environmental taxes may be prescribed by a municipality when environmental pollution is locally significant.

(7) Environmental taxes referred to in the preceding paragraph shall constitute municipal budget revenue.

(8) The Government shall define by a regulation what is considered environmental pollution of local significance, and a basis for the calculation of environmental tax.

(9) The municipality shall define a type of pollution, taxable persons for the purposes of specific environmental tax, its amount and method of its calculation, assessment and payment, while taking into account the provisions of the second, third and fifth paragraphs of this Article.

(10) In the regulation referred to in the preceding paragraph, the municipality may define the remission, reduction or refund of the paid environmental tax, in accordance with the provisions of the first and third paragraphs of Article 113 of this Act.

Article 113

(Refund, remission, reduction or surrender of environmental taxes)

(1) A taxable person shall have a right to the remission, reduction or refund of the already paid environmental tax in the amount that equals the funds already invested for the implementation of measures intended for adaptation to the prescribed pollution limit values or rules of conduct or implementation of other measures through which he contributes to the reduction of environmental pollution under the prescribed level.

(2) The taxable person shall have a right to the remission or reduction of environmental tax:

1. when he is the entity causing environmental burden and has concluded with the State a contract on additional reduction of environmental burden, or

2. when he is a person involved in the fulfilment of the internationally accepted contract obligations of the State concerning the reduction of environmental burden.

(3) The taxable person may seek the refund, remission or reduction of payment referred to in the preceding paragraph in the amount of eligible costs defined in compliance with the regulations governing state aid.

(4) The Government shall prescribe in detail the method of collection, criteria and conditions for the refund, remission or reduction of environmental tax or the surrender of environmental taxes, and shall define eligible costs. When eligible costs are considered the construction of infrastructure of local importance under the provisions of Article 149 of this Act, the municipality whose valid plan of development programmes under the regulations on public finance is in line with the operational programme referred to in Article 36 of this Act and which guarantees the performance of a mandatory public utility service referred to in Article 149 of this Act shall be eligible to the surrender of the environmental tax paid in its territory. When part of the paid environmental taxes is refunded to the taxable persons in accordance with the preceding paragraph, the municipality shall be eligible for the surrender of environmental taxes in the amount that equals the difference between the environmental taxes paid and refunded in its territory.

(5) In case referred to in the preceding paragraph, the environmental tax surrendered to the municipality shall be recorded in the municipality budget as earmarked capital transfer from the State budget for the construction of infrastructure of local importance referred to in the preceding paragraph.

(6) The ministry shall by a decision decide on the right referred to in the first and second paragraphs of this Article, while taking into account the criteria and conditions referred to in the preceding paragraph.

Article 114

(Environmental taxes for the use of natural assets)

Environmental tax for the use of a natural asset shall be prescribed in accordance with the acts regulating the use of natural assets.

2. Financial guarantees for environmental protection purposes

Article 115

(Insurances)

(1) The Government may impose on the entities causing burden the obligation of ensuring a financial guarantee for the payment of any costs of environmental burdening caused during the operation of the activity or after its cessation.

(2) The financial guarantee referred to in the preceding paragraph shall be ensured in particular in the form of taking out insurance or obtaining bank guarantee.

(3) In the regulation referred to in the first paragraph of this Act, the Government shall lay down in particular.

1. cases for which financial guarantee must be ensured,

2. person entitled to financial guarantee funds in case of termination of entity causing burden, and

3. amount of financial guarantee funds and the guarantee time, while taking into account in particular the extent of activity or operation that is subject to the guarantee, and the prescribed requirements concerning the measures during the performance of activity or after its cessation.

3. Suretyships and other environmental protection securities

Article 116

(Suretyships and securities)

The Government may prescribe suretyships or other securities for manufacturers who return in an organised manner the spent or unusable devices, technologies, products or packaging thereof, or in any other organised manner minimise the negative effects of their activities, and for consumers who return the spent or unusable devices, technologies, products or packaging to the manufacturer.

4. Trading in emission allowances

Article 117

(Trading in emission allowances)

(1) In order to reduce environmental pollution with minimum cost and in an economically efficient manner, the State facilitates the trading in allowances for emissions into water, air and soil.

(2) The allowance referred to in the preceding paragraph shall cover a specific quantity of substance that may be emitted into the environment by a specific entity causing burden in a certain time period.

(3) The State shall grant an allowance referred to in the preceding paragraph in the manner and under the conditions stipulated by this Act and the implementing regulations issued under this Act.

4.1. Trading in greenhouse gas emission allowances

Article 118

(Greenhouse gas emissions permit)

(1) The operator of an installation where an activity causing greenhouse gas emissions is performed and the operator of an installation referred to in the first paragraph of Article 127 of this Act must obtain from the ministry a greenhouse gas emissions permit prior to the commencement of the operation of the installation or part thereof.

(2) The application for obtaining the greenhouse gas emissions permit shall include the description of:

1. installations and activities performed, including the technology used,
2. raw materials and other substances the use of which may cause greenhouse gas emissions,
3. types, quantities and sources of greenhouse gas emissions from the installation,
4. measures planned by the installation operator to monitor and report greenhouse gas emissions, and
5. other facts the operator considers important for obtaining the permit.

(3) The application must include a non-technical summary of subjects referred to in the preceding paragraph.

(4) The Government shall prescribe by a regulation the types of installations, activities and greenhouse gases referred to in the first paragraph of this Article.

Article 119

(Contents of the permit)

(1) The ministry shall issue a greenhouse gas emissions permit to emit greenhouse gases from all or part of an installation when the operator submits proof that he is capable of ensuring monitoring and reporting on greenhouse gas emissions, in accordance with the provisions of this Act.

(2) The inclusion of the operator into the EMAS system, the holding of the relevant international environmental management standard, available measurement techniques or

capability to perform modelling or other calculation methods for monitoring emissions that all facilitate the quality and transparent implementation of monitoring and reporting shall be considered proof referred to in the preceding paragraph.

(3) The greenhouse gas emissions permit shall contain the following:

1. corporate name and registered office of the installation operator,
2. data on the ownership of the installation,
3. data on the authorised representative of the operator,
4. description of the activities and the installation greenhouse gas emissions,
5. requirements concerning the implementation of greenhouse gas emissions monitoring, including its methodology and frequency,
6. requirements concerning the reporting on greenhouse gas emissions, and
7. obligation of the operator to surrender to the ministry emission coupons within four months following the end of a calendar year, in accordance with the first paragraph of Article 135 of this Act.

(4) The ministry shall forward the greenhouse gas emissions permit to the competent inspection body and to the body responsible for keeping the register referred to in Article 132 of this Act.

Article 120

(Changes in the installation)

(1) The operator must declare in writing to the ministry every planned change in the installation that concerns its technical characteristics, operation or capacity and may affect the contents of the greenhouse gas emissions permit, and every change in the corporate name or registered office of the operator, and shall demonstrate that by proof of posting.

(2) When the ministry establishes on the basis of the declaration that the planned change affects the contents of the permit referred to in the third paragraph of the preceding Article, it shall inform the operator in writing thereof in 30 days of the declaration and shall invite him to submit an application to update the greenhouse gas emissions permit in a specified time limit, in accordance with the provisions of Article 118 of this Act. If the operator does not submit an application within the specified time limit, it shall be deemed that he has withdrawn from the planned change.

(3) The ministry shall decide on update to the greenhouse gas emissions permit in two months after the receipt of the complete application referred to in the preceding paragraph.

(4) If the operator does not receive the information referred to in the second paragraph of this Article within 30 days of the application, it shall be considered that the planned change does not affect the valid greenhouse gas emissions permit, and the operator may implement the planned change in the installation operation.

(5) The ministry shall update the greenhouse gas emissions permit also due to the change in the corporate name or registered office of the operator.

(6) If due to the changes the installation no longer meets the criteria for its classification as an installation referred to in the fourth paragraph of Article 118 of this Act, it shall be deemed such an installation until the end of the period for which the operator has obtained emission coupons.

(7) The ministry shall forward the decision referred to in the preceding paragraphs also to the body responsible for keeping the register referred to in Article 132 of this Act and to the competent inspection body.

Article 121

(Termination of installation operation and termination of operator)

(1) The operator must inform the ministry in writing of the final termination of the installation operation or of the termination of the operator, and shall demonstrate that by proof of posting. In case of bankruptcy of the operator the bankruptcy manager must in the same way inform the ministry of the termination of the operator.

(2) In cases referred to in the preceding paragraph, the ministry shall issue a decision on the expiry of validity of the greenhouse gas emissions permit.

Article 122

(Permit withdrawal)

The ministry shall withdraw the greenhouse gas emissions permit when the operator has carried out a change in the installation referred to in Article 120 of this Act and has not informed the ministry thereof.

Article 123

(Application of procedures)

(1) When the procedure for obtaining environmental protection permit in accordance with the provisions of this Act is also carried out for the installation referred to in Article 118 of this Act, the provisions of this Act concerning the issuance of environmental protection permit or its update shall apply *mutatis mutandis* for the greenhouse gas emissions permit, and the greenhouse gas emissions permit shall be replaced by environmental protection permit.

(2) In cases referred to in the preceding paragraph the application for obtaining environmental protection permit shall include also the subjects referred to in Article 118 of this Act, and the environmental protection permit shall include the subjects referred to in Article 119 of this Act.

Article 124

(Greenhouse gas emissions allowance)

The installation operator referred to in Article 118 of this Act shall be allowed greenhouse gas emissions in the scope of emission coupons obtained for the installation in accordance with this Act.

Article 125

(Emission coupons)

(1) An emission coupon shall be the allowance referred to in the preceding Article expressed in tonnes of carbon dioxide equivalent. A tonne of carbon dioxide equivalent shall mean one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global-warming potential.

(2) Other allowances that are granted by other Member States for the purpose of greenhouse gas emission allowance trading in their territories are equal to emission coupons, and so are the allowances granted by parties to the Kyoto protocol for greenhouse gas emissions trading in their territory in the case of conclusion of a relevant international agreement (*Uradni list RS – MP*, 17/02).

Article 126

(National plan for the allocation of emission coupons)

(1) In cooperation with the ministry responsible for economy, and the ministry responsible for energy, and the ministry responsible for finance, the ministry shall draw up a national plan for the allocation of emission coupons (hereinafter referred to as "the national plan") that it intends to grant to particular operators of installations referred to in Article 118 of this Act for a specified period commencing with the beginning of the calendar year and lasting 5 years as a rule.

(2) The ministries referred to in the preceding paragraph shall include in the draft national plan only those installations referred to in Article 118 of this Act for which their operators have obtained greenhouse gas emissions permit under the provisions of this Act and permit for use under construction regulations at the latest 24 months prior to the commencement of the period referred to in the preceding paragraph.

(3) The ministries referred to in the preceding paragraph shall draw up a draft national plan, taking into account:

1. obligations of the Republic of Slovenia to limit and reduce greenhouse gas emissions specified in the ratified and published international agreements,
2. targets and measures specified in operational programmes for air protection and in the national energy programme,
3. the proportion of greenhouse gas emissions emitted by installations referred to in Article 118 of this Act,
4. the data on greenhouse gas emissions in a specified period obtained from applications for permits for a particular installation referred to in Article 118 of this Act or from reports on greenhouse gas emissions referred to in Article 133 of this Act,
5. the effects of the implementation of regulations in force and the corresponding measures concerning the reduction of greenhouse gas emissions,
6. possibilities, including technological, for particular installations referred to in Article 118 of this Act to reduce greenhouse gas emissions, and
7. equal treatment of particular activities or companies.

(4) The national plan shall include in particular:

1. the specification of period,
2. the specification of the total quantity of emission coupons allocated to operators for the entire period referred to in the preceding point,
3. the list of operators and installations to which the permit for greenhouse gas emissions has been issued,
4. the specification of the total amount of emission coupons granted to a certain specified operator for a particular installation for the entire period, and of the pro rata proportion of emission coupons granted to an operator for specific calendar year,
5. the specification of the quantity of emission coupons intended for the operators of new installations and the method and conditions under which a new installation may be included in greenhouse gas emissions allowance trading,
6. the specification of the quantity of emission coupons that may be sold by the Government at public auction,
7. the specification of preliminary measures for the reduction of greenhouse gas emissions subject to trading and of the method and conditions under which they are taken into account,
8. the data on the introduction of clean technologies, including energy-efficient technologies, and

9. the data on the comments from the public and on taking due account of these comments.

(5) An installation that must obtain the greenhouse gas emissions permit or an installation that must update the permit in accordance with the provisions of this Act following the Government's notification of the proposal of the national plan to the competent EU body in accordance with the provision of the second paragraph of Article 129 of this Act shall be considered a new installation referred to in point 5 of the preceding paragraph.

(6) A maximum of 10 % of the total quantity of emission coupons may be envisaged for sale at the public auction provided for in the national plan.

(7) The introduction of the best available techniques that an operator can introduce into his installation shall be considered the preliminary measures referred to in point 7 of the third paragraph of this Article.

(8) In the drawing up of the national plan for the next period, the ministries referred to in the first paragraph of this Article shall use for the operators of the existing installations the data from their reports on greenhouse gas emissions referred to in Article 133 of this Act.

Article 127

(Other activities and installations)

(1) Notwithstanding the provisions of Article 118 of this Act, the ministries referred to in the first paragraph of the preceding Article shall on their own initiative or on request by the operator include in the national plan other installations, activities and greenhouse gases, taking into account in particular:

1. the effects on the EU internal market,
2. the potential distortions of competition,
3. the integrity of environmental effects,
4. the reliability of the planned greenhouse gas emissions monitoring, and
5. the reliability of reporting on greenhouse gas emissions.

(2) The ministries referred to in the preceding paragraph may include in the national plan the installations, activities and greenhouse gases referred to in the preceding paragraph when the Government first obtains a positive opinion of the competent EU body.

Article 128

(Public participation)

(1) Three months prior to the commencement of the period referred to in the second paragraph of Article 129 of this Act the ministry must provide the public with access to the draft national plan and allow it to give its opinions and comments.

(2) The ministry shall inform the public by public announcement on the Internet and in one of the daily newspapers covering the entire territory of the State where the draft national plan is available for access and how and when the opinions and comments may be given.

(3) The time limit in which the public has a right to give its opinions and comments shall be 30 days.

Article 129

(Approval by the competent EU body)

(1) After the expiry of the time limit referred to in the third paragraph of the preceding Article the ministries shall draw up a proposal of the national plan to be adopted by the Government, taking into account public opinions and comments.

(2) The Government shall publish the proposal of the national plan in a manner referred to in the second paragraph of the preceding Article and shall at the same time forward it to the competent EU body and other Member States at the latest 18 months prior to the commencement of the period the national plan refers to.

(3) The Government shall adopt the national plan after the approval by the competent EU body and shall publish it in the Official Gazette of the Republic of Slovenia.

Article 130

(Granting of emission coupons)

(1) On the basis of the national plan and at the request of an operator of the installation referred to in Article 118 of this Act the ministry shall take a decision on the total amount of emission coupons allocated to a particular operator for a specified period and on the pro rata proportion of emission coupons allocated to him for a specific calendar year at the latest 12 months prior to the commencement of this period. No appeal against the decision shall stay the enforcement thereof.

(2) Pursuant to the decision referred to in the preceding paragraph the ministry shall grant to a particular operator of the installation referred to in Article 118 of this Act a pro rata proportion of emission coupons allocated to him for a specific calendar year at the latest on 28 February of the year concerned.

(3) The granting of emission coupons referred to in the preceding paragraph shall be carried out in such a way that the ministry issues to the emission coupons register an order to enter into the register the quantity of emission coupons referred to in the preceding paragraph and other data on operator prescribed by EU regulations concerning emission coupons register.

(4) Emission coupons shall be granted free of charge, except for emission coupons provided for in the national plan to be sold by the Government at the public auction. The method and conditions of sale at public auction shall be prescribed by the Government.

(5) In case of final termination of installation operation or termination of installation operator before the expiry of the period which emission coupons have been granted for, the ministry shall not grant to the installation operator or, in case of bankruptcy, to the bankruptcy manager the remaining pro rata proportion of emission coupons granted to him pursuant to the decision referred to in the first paragraph of this Act.

(6) Emission coupons referred to in the preceding paragraph shall be intended for operators of new installations.

Article 131

(Emission coupons trading)

(1) All natural or legal persons may trade freely in emission coupons

(2) The legal transaction referred to in the preceding paragraph shall be deemed valid when it is entered in the registry.

(3) Entry in the registry shall be effected by the seller and buyer reaching a preliminary agreement on the quantity of emission coupons subject to legal transaction, and the buyer shall demand from the manager of the register to transfer an adequate quantity of emission coupons from the seller's to the buyer's account.

Article 132

(Emission coupons registry)

(1) In order to guarantee a reliable and timely recording of the status and monitoring of trading with emission coupons, a body within the ministry shall set up and manage an emission coupons registry.

(2) The registry referred to in the preceding paragraph shall be a standardised and electronic central base on holders of emission coupons containing data specified by the EU regulations referred to in the third paragraph of Article 130 of this Act.

(3) The emission coupons registry shall be managed under the EU regulations referred to in the preceding paragraph.

(4) The ministry shall monitor the management of the emission coupons registry.

(5) The emission coupons registry data shall be available to the public in accordance with the law and the EU regulations referred to in the second paragraph of this Act.

(6) The Government may prescribe in detail the method of and conditions for the setting-up and management of the registry in accordance with the EU regulations referred to in the second paragraph of this Act.

Article 133

(Monitoring and reporting)

(1) The installation operator referred to in Article 118 of this Act must ensure the implementation of monitoring of greenhouse gas emissions emitted into the atmosphere by the installation in a specific calendar year, and must draw up a report on the emissions for the previous year in accordance with the requirements of the EU regulations concerning the monitoring of and reporting on greenhouse gas emissions.

(2) The installation operator must forward to the ministry the report on emissions for the previous year, together with a written opinion referred to in the third paragraph of Article 134 of this Act no later than on 31 March of the current year. The ministry shall ensure that the report is available to the public in accordance with the law.

(3) When the installation operator does not forward to the ministry the report on emissions for the previous year within the time limit referred to in the preceding paragraph, that report shall be drawn up by the ministry at the expense of the installation operator on the basis of available data on greenhouse gas emissions. On the basis of the report the ministry shall issue to the operator a decision establishing the quantity of greenhouse gases emitted into the atmosphere by the installation in the previous year and requiring the surrender of emission coupons by the installation operator.

(4) The ministry must forward the emission data from the report to the registry manager no later than on 30 April of the current year in accordance with the EU regulations referred to in the third paragraph of Article 130 of this Act.

(5) The minister may prescribe in detail what is considered a proof of competence to ensure monitoring of and reporting on greenhouse gas emissions referred to in the second paragraph of Article 119 of this Act, and the method of implementation of monitoring of and reporting on emissions in accordance with the EU regulations referred to in the first paragraph of this Article.

Article 134

(Report verification)

(1) The data on greenhouse gas emissions in the previous calendar year indicated by the operator in the report referred to in the preceding paragraph shall be verified by a legal or natural person that meets the criteria and holds the ministry authorisation (hereinafter referred to as "the verifier").

(2) For the purposes referred to in the preceding paragraph, the verifier may request from the installation operator the documentation necessary for the verification of the report, and may at any time enter the operator's premises or installation, review its operation, take samples and perform any other activities required to verify the report.

(3) The verifier shall establish the reliability, credibility and accuracy of the data referred to in the first paragraph of this Article on the basis of criteria prescribed by the minister, and shall draw up a report on the performed verification, and issue a written opinion thereon.

(4) The minister shall prescribe the conditions to be met by the verifier for obtaining the authorisation and these conditions may include the proof of qualifications in accordance with regulations governing accreditation.

Article 135

(Surrender of emission coupons and their cancellation)

(1) By 30 April of the current year and for every installation referred to in Article 118 of this Act the operator must surrender a number of emission coupons equal to the total quantity of greenhouse gas emissions from the installation during the previous year in accordance with the EU regulations referred to in the third paragraph of Article 130 and these coupons are cancelled.

(2) When the installation operator does not surrender the appropriate quantity of emission coupons within the time limit referred to in the preceding paragraph, the following year the competent authority shall grant the operator emission coupons in the quantity that differs from the original quantity by being reduced for the quantity of unsurrendered emission coupons.

(3) Emission coupons holder may request the cancellation of emission coupons at any time, in accordance with the EU regulations referred to in the third paragraph of Article 130 of this Act.

Article 136

(Penalties)

(1) The legal person acting as an installation operator referred to in Article 118 of this Act and as an agent in case referred to in Article 139 of this Act shall pay penalties in the amount of EUR 100 in Slovenian tolar countervalue at the Bank of Slovenia's average exchange rate on the day of surrender specified in the first paragraph of Article 135 of this Act for each tonne of carbon dioxide equivalent emitted by that installation and surpassing the quantity of emission coupons surrendered in accordance with the first paragraph of Article 135 of this Act.

(2) The ministry shall decide by a decision on the amount of penalties to be paid by the person referred to in the preceding paragraph.

(3) In case the payment of penalties is imposed on the agent referred to in Article 139 of this Act and the agent refuses to pay and the competent authority establishes that the enforcement is

not possible, the obligation of payment shall be transferred to the operator of installation referred to in Article 118 of this Act for his installation and the ministry shall issue a decision thereon.

(4) Notwithstanding the payment of penalties, the person referred to in the first paragraph of this Article must also surrender at the next surrender all emission coupons that should be surrendered by that person in accordance with Article 135 of this Act.

Article 137

(Validity of emission coupons)

(1) Emission coupons shall be valid during the period specified in the national plan.

(2) Four months after the beginning of a new period the ministry shall issue to the emission coupons registry an order that emission coupons, that are no longer valid and have not been surrendered and cancelled in accordance with the provisions of the preceding Article, be cancelled and their holders granted new emission coupons for the new period in the quantity equal to the cancelled emission coupons in accordance with the provision of the third paragraph of Article 130 of this Act, except in case referred to in the third paragraph of Article 135 of this Act.

Article 138

(Temporary prohibition of trading)

(1) If the installation operator referred to in Article 118 of this Act does not forward to the ministry until 31 March of the current year the emissions report for the previous year referred to in the first paragraph of Article 133 of this Act and the written opinion referred to in the third paragraph of Article 134 of this Act on the basis of which the verifier has established that the data referred to in the first paragraph of Article 134 of this Act are reliable, credible and accurate, the ministry shall temporarily prohibit by a decision emission coupons trading and their surrender to the emission coupons registry, and shall issue an order to the registry on the temporary closure of the account. No appeal against the decision referred to in the preceding paragraph shall stay the enforcement thereof.

(2) The ministry shall issue the operator referred to in the preceding paragraph with a decision on re-authorisation of emission coupons trading when all the conditions referred to in the second paragraph of Article 133 of this Act have been met, and shall issue to the registry an order on the re-opening of the installation operator's account.

(3) The ministry must inform the competent authority of the Member State on the temporary prohibition of emission coupons trading and on the re-authorisation of such trading referred to in the preceding paragraphs, and must inform the public thereof by announcement on the internet and in one of the daily newspapers covering the entire territory of the State.

Article 139

(Pool of installation operators)

- (1) Installation operators referred to in Article 118 of this Act may request the ministry six months prior to the beginning of the period referred to in the first paragraph of Article 126 of this Act at the latest to authorise the formation of a pool of installation operators.
- (2) A pool referred to in the preceding paragraph may be formed by the operators of the installation referred to in Article 118 of this Act where the same activity is carried out.
- (3) The operator referred to in the preceding paragraph must nominate his trustee that is:
 1. the holder of the total quantity of emission coupons granted to all installations within the pool,
 2. responsible for surrender of the total quantity of emission coupons equal to the total emissions of greenhouse gases from all installations in the pool, and
 3. restricted from trading with emission coupons when the requirements referred to in Article 134 of this Act concerning verification are not fulfilled.
- (4) In the application for the authorisation of the pool referred to in the first paragraph of this Article installation, operators must provide the list of installations for which they nominate the trustee referred to in the preceding paragraph, the period for which they intend to form the pool, and details on the trustee.
- (5) The ministry shall forward the application referred to in the first paragraph of this Article to the competent EU body and shall authorise the formation of installation operators' pool if the competent EU body consents to the application within three months.

4.2. Joint investments in projects on environmental burden reduction

Article 140

(Definition of joint investments)

- (1) With a view to a reduction in the burdening of the environment by greenhouse gas emissions, the State shall facilitate in the most cost-effective manner joint investments in projects on environmental burden reduction (hereinafter referred to as "joint investment").
- (2) Joint investment shall be the joint investment of a legal or natural person under domestic law and a foreign natural or legal person having residence or registered office outside the territory of the Republic of Slovenia. Joint investment shall comprise of the investment of capital into development and use of technologies that eliminate or reduce pollution or use of the environment, and of their transfer.
- (3) Joint investment may be represented by joint implementation or mechanism of pure development in accordance with the provisions of the Kyoto protocol referred to in the second paragraph of Article 125 of this Act.

(4) In order to implement joint investments the Government shall adopt an operational plan in accordance with the provisions of Articles 36 and 37 of this Act.

Article 141

(Procedure)

(1) The ministry shall publish a public tender and invite legal and natural persons to participate in joint investment in accordance with the regulations governing public procurement.

(2) The ministry shall verify and authorise joint investments. In verifying suitability the ministry shall evaluate the joint investment with regard to the effects of greenhouse gas emission reduction.

(3) The Government shall prescribe criteria for the evaluation of joint investment suitability and the way the effects of greenhouse gas emission reduction are taken into account in greenhouse gas emission allowance trading.

(4) The ministry shall inform the Government on the implementation of joint investments once a year.

Article 142

(Use of public resources)

(1) In order to promote joint investments the Government shall lay down arrangements for the use of state budget resources that may be used for joint investment.

(2) The State budget resources may be used for:

1. direct investments in joint investment,

2. remission or reduction of environmental taxes for joint investment, or

3. purchase of emission reduction units in accordance with the ratified and published international agreement.

5. Environmental Protection Fund of the Republic of Slovenia

Article 143

(Environmental Protection Fund)

(1) The Environmental Protection Fund of the Republic of Slovenia (hereinafter referred to as "the Fund") is a public financial fund under the regulations on public funds that performs the

duties concerning the promotion of development in the field of environmental protection by awarding credits, surety and other forms of financing, and promotion of development.

(2) Notwithstanding the provisions of the act governing public funds, the Government shall nominate to the Fund supervisory board only the representatives of ministries responsible for environmental protection, energy and finance.

(3) The Fund shall perform the tasks referred to in the first paragraph of this Article in accordance with the National Environmental Action Programme and common EU environmental policy.

(4) Within the framework of the purpose of its founding, the Fund may perform the following tasks:

1. award credits with favourable interest rates,
2. issue guarantees or other forms of surety,
3. function in financial, economic and technical advisory capacity, and
4. perform other tasks concerning the implementation of national environmental protection policy that are laid down in the constituent instrument of the Fund.

Article 144

(Fund's tasks in relation to the use of State budget resources)

(1) On behalf and for the account of the founder the Fund may perform tasks concerning the financing and co-financing from the State budget resources in accordance with the law.

(2) The tasks referred to in the preceding paragraph shall be in particular:

– to prepare and carry out public tenders for the allocation of State budget resources for:

1. co-financing of investments in environmental protection infrastructure of national and local importance,
2. co-financing with the purpose of promoting utilisation of renewable energy resources, efficient energy use and co-generation of heat and electricity,
3. financing of water related projects for which Fund's resources may be used, in accordance with the law,
4. financing of national infrastructure in case of removal of consequences of natural disasters, in accordance with the law,
5. financing of State obligations in relation to the action based on the principle of subsidiarity;

– expert tasks to be performed in relation to the allocation of EU funds to be used for investments in environmental protection infrastructure and water management infrastructure of national and local importance, promotion of utilisation of renewable energy resources, and co-generation of heat and electricity, with the aim of:

1. drafting of project programme,
2. coordination, preparation, expert advice on and control of the drafting of investment and financial project documentation,
3. cooperation with EU bodies in the procedure of approval of specific projects,
4. expert advice on the drafting, review and approval of tender project documentation,
5. management of tenders for the selection of project operator,
6. monitoring of and reporting to the EU bodies on the suitability of appropriated use of resources of implemented projects,

– to monitor the suitability of appropriated use of resources referred to in the preceding points.

(3) The tasks referred to in the preceding paragraph shall be laid down in detail in the constituent instrument of the Fund.

Article 145

(Appropriated assets of the Fund)

(1) The Fund shall obtain appropriated assets:

1. from funds obtained pursuant to the law governing ownership transformation of companies,
2. from State budget funds in accordance with the law, and
3. by subsidies and donations from domestic and foreign persons and foreign countries.

(2) Notwithstanding the provisions of the act governing public funds, the increase in appropriated assets of the Fund shall be entered in the Register of Companies once a year.

Article 146

(Use of the appropriated assets of the Fund)

Appropriated assets of the Fund shall be used for investment credit:

1. for environmental protection infrastructure of national importance when the activity is carried out on a concession basis,

2. for environmental protection infrastructure of local importance,
3. for environmental protection installations and technologies,
4. for technologies and products that reduce environmental burdening,
5. for utilisation of renewable energy resources and efficient energy use, and
6. to entities causing environmental burden for measures aimed at adjustment to prescribed requirements.

6. State budget resources allocated to environmental protection tasks

Article 147

(Use of State budget resources allocated to environmental protection tasks)

(1) In addition to the financing of national environmental protection tasks under this Act, the State budget resources shall be also used in order to:

1. carry out special environmental education activities and raise public awareness with regard to the environment,
2. co-finance NGO programmes in the field of environmental protection, and
3. finance other activities when these are provided by the State for the benefit of the public in the field of environmental protection.

(2) The state budget resources may also be used for:

1. encouraging of activities affecting the environment that contribute substantially to a decrease in the consumption of materials and energy and to the prevention of and decrease in environmental burden,
2. encouraging the use of renewable energy resources, efficient energy use and co-generation of heat and electricity,
3. encouraging environmentally friendly production, and
4. co-financing of infrastructure of local importance referred to in Article 149 of this Act.

VII. MANDATORY PUBLIC UTILITY SERVICES IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 148

(Mandatory national public utility services in the field of environmental protection)

(1) Mandatory national public utility services in the field of environmental protection are:

1. radioactive waste management and disposal,
2. urban waste incineration,
3. management of animal waste that is classified as category 1 and 2 animal by-products under the veterinary regulations,
4. collection, recovery and disposal of specific types of waste,
5. measurements, inspection and cleaning of combustion plants, flue ducts and vents for the purpose of environmental protection and efficient energy use, protection of human health and protection against fire, and
6. monitoring of hydrological, erosion, geological, seismological and other geophysical phenomena and monitoring of the state of the environment.

(2) In order to perform their tasks the contractors of public utility services referred to in point 5 of the preceding paragraph shall have right of access to combustion plants, flue ducts and vents in business or other premises.

(3) The Government shall prescribe in detail the activities referred to in the first paragraph of this Article and shall lay down the method in which the mandatory public utility services are provided in accordance with the law.

(4) Plants and installations necessary for the provision of public utility services referred to in the first paragraph shall be considered infrastructure of national importance.

(5) The minister shall prescribe in detail standards of supply and technical, maintenance, organisation and other measures and norms for the provision of public utility services referred to in the first paragraph of this Article.

(6) The State shall guarantee the provision of public utility services referred to in the first paragraph of this Article in line with regulations governing public utility services.

Article 149

(Mandatory municipal public utility services in the field of environmental protection)

(1) Mandatory municipal public utility services in the field of environmental protection are:

1. drinking water supply,

2. discharge and treatment of urban waste water and run-off rainwater,
3. collection and transport of municipal waste,
4. disposal of waste residue or disposal of municipal waste, and
5. landscaping and cleaning of public areas.

(2) Plants and installations necessary for the provision of public utility services referred to in the preceding paragraph shall be considered infrastructure of local importance.

(3) The minister shall prescribe in detail:

1. types of tasks to be performed within the framework of public utility services referred to in the first paragraph of this Article,
2. pricing methodology, standards of supply, and technical, maintenance, organisation and other measures and norms for the provision of public utility services referred to in the first paragraph of this Article.

(4) The municipality shall guarantee the provision of public utility services referred to in the first paragraph of this Article in line with regulations governing public utility services.

VIII. ENVIRONMENTAL PROTECTION ORGANISATIONS

1. Council for Environmental Protection of the Republic of Slovenia

Article 150

(Role, status and financing)

(1) The National Assembly shall establish the Council for Environmental Protection (hereinafter referred to as "the Council") to monitor the status of environmental protection.

(2) The Council shall consist of 15 members appointed by the National Assembly for five years with the possibility of renewal. The Council member may not be an official or employee of a State or municipality body. The Council shall be represented by the Council Chairwoman or Chairman (hereinafter referred to as "the Chairman").

(3) Twelve members of the Council shall be environmental protection experts and are to be nominated together by the Slovene Academy of Sciences and Arts and universities. In the Council nomination procedure equal representation of nature science, technical studies, biotechnology, social studies, humanistic studies and medicine must be guaranteed. Three members shall be representatives of environmental protection NGOs and are to be nominated by NGOs referred to in the first paragraph of Article 153 of this Act. The detailed composition and

organisation of the Council operations shall be laid down by the National Assembly in the relevant constituent instrument.

(4) The members of the Council are not professionally engaged in its work. For participation at the Council meetings its members are eligible for attendance fee and reimbursement of travel costs in accordance with the regulations in force for the public sector, and for a fee for the compilation of expert documents in accordance with the Council's Rules of Procedure. The Council is eligible for appropriate premises and independent technical, administrative and finance management.

(5) On the basis of the Council's financial plan the funds for its operation shall be provided from the State budget within the framework of the ministry funds.

(6) The Council shall hold and use a seal featuring the Coat-of-Arms of the Republic of Slovenia with the inscription on the outside brim, as follows: Council for Environmental Protection of the Republic of Slovenia.

(7) The Council shall function pursuant to its Rules of Procedure specifying in particular the Council Head Office, Council bodies, election procedures for Chairman-elect or Deputy Chairman-elect and the scope of their power, and how the Council shall function.

Article 151

(Council's tasks)

(1) The Council shall act independently and autonomously and its work shall be public.

(2) National and municipal bodies, public service operators and public authority holders in the field of environmental protection must communicate to the Council on its request the environmental and other data needed for the performance of its duties.

(3) The Council shall discuss and adopt positions, give opinions and suggestions, and inform the public in particular on:

1. status and trends in the field of environmental protection and sustainable development in Slovenia and abroad,

2. strategies, programmes and plans in the field of environmental protection and sustainable development,

3. legislative regulation of environmental protection and sustainable development,

4. State and municipal activities in the field of environmental protection and sustainable development,

5. particular issues concerning environmental burdening and sustainable development,

6. public initiatives,

7. activities of organisations the Council co-operates or establishes links with, and

8. other tasks related to its activities.

(4) The Council shall have right to propose initiatives or communicate its opinion to the Human Rights Ombudsman on any matter within its competence on environmental protection.

(5) The Council shall provide for raising public awareness on environmental protection and sustainable development issues, and may publish for that purpose various publications and transmit its messages to the Internet.

(6) The Council shall report on its work to the National Assembly once a year.

2. Environmental protection non-governmental organisations acting in public interest

Article 152

(Definition)

(1) The status of a non-governmental organisation acting in public interest in the sphere of environmental protection in the Republic of Slovenia (hereinafter referred to as "an NGO") may be obtained by a society, institution or institute when their founder is not the State, municipality, any other public entity or political party, and:

1. has a sufficient number of members in case of a society, or employees in case of an institute, or assets in case of an institution,

2. has been established with the purpose of undertaking environmental protection activities,

3. is independent of public authorities and political parties,

4. has been active in the field of environmental protection for at least five years,

5. keeps its own accounts records audited in accordance with the law, and

6. is active in the whole territory of the State, and in the territory of at least another five Member States in case of an NGO having a registered office outside the Republic of Slovenia.

(2) The minister shall prescribe the detailed conditions to be met by a person referred to in the preceding paragraph, and the criteria for assessing its compliance with these conditions.

Article 153

(Establishment of the status)

(1) The minister shall grant, by decision, the status of an NGO to the person referred to in the preceding Article that fulfils the prescribed conditions.

(2) The application for obtaining the status must include:

1. the constituent instrument of the person referred to in the preceding paragraph that has required the granting of the status,
2. proof of registration or entry in the Register of Companies,
3. report on work performed in the last three years,
4. work programme for the current year,
5. audited report on financial management for the preceding year,
6. decision by the competent body of the person referred to in point 1 of this paragraph that the status of an NGO is requested, and
7. other proofs of fulfilling the conditions referred to in the preceding paragraph.

(3) The minister shall withdraw, by decision, the status of an NGO from the person referred to in the first paragraph when that person no longer fulfils the prescribed conditions, or at its request.

Article 154

(Register of Non-Governmental Organisations)

(1) The ministry shall keep and maintain the Register of Non-Governmental Organisations.

(2) A non-governmental organisation shall be entered in the register referred to in the preceding paragraph after the entry into force of the decision on the granting of the status.

(3) The Register of Non-Governmental Organisations shall include in particular the following data:

1. name of NGO,
2. registered office and address, and
3. NGO's activity.

(4) The data in the Register of Non-Governmental Organisations are public.

(5) The minister shall lay down detailed contents and method of keeping of the register referred to in the first paragraph of this Article.

Article 155

(Rights of Non-Governmental Organisations)

(1) NGOs may participate in procedures in accordance with the provisions of this Act and shall be represented in the expert panel referred to in Article 34 of this Act, the Council referred to in Article 150 of this Act, and in other forms of environmental protection activities when so specified in this Act or in an implementing regulation issued pursuant to this Act.

(2) NGOs may participate in the implementation of the ministry's environmental protection tasks also in other ways, in particular by:

1. giving opinion on particular environmental protection issues,
2. co-operating with the ministry's consultative bodies, and
3. working together with the representatives of the ministry or the Government in delegations established in relation with participation at international conferences.

(3) NGOs may nominate their representatives in the expert panel referred to in Article 34 of this Act, the Council and other activities referred to in the first paragraph of this Article on the basis of an invitation to the public published by the minister on the Internet or in one of the daily newspapers covering the entire territory of the State.

(4) A right to nominate their representatives in the bodies referred to in the first paragraph shall have NGOs entered in the register referred to in the preceding paragraph.

IX. INSPECTION CONTROL

1. Inspection control

Article 156

(Inspection control)

(1) Control over the implementation of the provisions of this Act and of regulations issued pursuant thereto shall be carried out by an inspection body responsible for environmental protection.

(2) Beside the inspection body referred to in the preceding paragraph, control over the implementation of regulations issued pursuant to Articles 18, 19 and 20 of this Act shall be carried out also by inspection bodies responsible for nature conservation, chemicals, agriculture, food, forestry, hunting and fisheries, veterinary services, protection against natural and other disasters, consumers and health in the context of these regulations and in accordance with their respective competencies.

(3) Control referred to in the preceding paragraphs shall include in particular control over:

1. activities affecting the environment, environmental burdening, and entities causing burden,
2. environmental quality status and waste,
3. utilisation of natural assets as regards the fulfilment of environmental protection conditions,
4. implementation of mandatory environmental protection public utility services, and
5. implementation of prescribed or imposed environmental protection measures.

(4) Inspection control over the operation of installations referred to in Article 18 of this Act shall be carried out by an inspection body in accordance with the control programme adopted by that body for the period of three years and under which the inspection of all installations must be carried out at least once a year.

(5) The inspection control tasks under this Act shall be carried out by inspectors in accordance with this Act and the act governing inspection control.

Article 157

(Other inspection measures)

(1) If the inspector establishes, in carrying out his inspection control duties, that the provisions of this Act or of regulations issued pursuant thereto have been breached, it is his right and duty that, in addition to the measures under the act governing inspection control, he temporarily or permanently prohibits:

1. the operation of the plant or installation,
2. the performance of activity,
3. the use of a dangerous substance,
4. the application of technological process, or
5. the use of plants, transport means or products and their placing on the market.

(2) The inspector may also propose to the ministry the withdrawal of the environmental protection permit.

(3) The inspector shall order measures referred to in the first paragraph of this Article or propose to the ministry the withdrawal of the environmental protection permit when the entity causing burden does not act in accordance with the measures ordered previously by the inspector with a view to eliminating irregularities or deficiencies under the provisions of this Act.

(4) The inspector shall order the measures referred to in the first paragraph of this Article also in case when the operator does not hold the environmental protection permit or greenhouse gas emissions permit when so prescribed.

(5) The inspector may order that operational monitoring be repeated within the scope and timeframe and at the place determined by the inspector himself. In case that irregularities are established, the costs of the repeated monitoring shall be borne by the person conducting operational monitoring where irregularities have been established.

(6) Within the scope of control over regulations issued pursuant to Article 19 of this Act the inspector responsible for market may prohibit placing on the market of products.

2. Environmental protection supervisory service

Article 158

(Environmental protection supervisory service)

Specific activities in the procedure prior to the issuance of an inspection decision under this Act, in particular the establishment of facts and circumstances and control over the compliance with the measures issued by inspectors, may be performed by environmental protection supervisors within the inspection body responsible for environmental protection.

Article 159

(Duties and powers)

(1) Specific activities referred to in the preceding paragraph shall concern in particular the supervision of:

1. pollution of air from medium and small combustion plants and from crafts and activities similar to crafts,
2. pollution of water caused by small urban waste water treatment plants and from crafts and activities similar to crafts,
3. storage of dangerous substances in residential buildings and from crafts and activities similar to crafts,
4. waste management in crafts and activities similar to crafts,
5. environmental burdening by noise from crafts and activities similar to crafts, and
6. environmental burdening by electromagnetic radiation from sources for which operational monitoring is not mandatory.

(2) The environmental protection supervisor shall have a right to enter and inspect the plant or installation where a source of environmental burdening is located, and request and obtain a document identifying persons, and other documents needed to establish the rate of environmental burdening.

Article 160

(Conditions for environmental protection supervisors)

(1) Environmental protection supervisor shall be a specially trained person who has at least level V professional qualifications and has been issued, after passing the relevant exam, with an authorisation by the minister.

(2) The exam referred to in the preceding paragraph shall be conducted pursuant to the prescribed programme for the examination of qualifications covering environmental protection regulations and general administrative procedure.

(3) The Government shall prescribe the programme of qualifications and examinations and the detailed method for and procedure of issuing authorisations under this Act.

(4) The environmental protection supervisor shall wear an official badge and hold an official card.

(5) In agreement with the minister responsible for public administration, the minister shall lay down detailed provisions on official badge and environmental protection supervisor's card.

X. PENALTY PROVISIONS

Article 161

(Offences)

(1) A fine of SIT 300,000 to SIT 90,000,000,000 shall be imposed on a legal entity that:

1. does not carry out the prescribed safety measures to prevent major accidents within the plant handling hazardous substances, and to mitigate their consequences on people and the environment (first and third paragraphs of Article 18),

2. uses for its product an eco-label that has not been awarded, or uses it contrary to the prescribed and defined conditions, or marks the product with a label that resembles an eco-label to such an extent that this could create confusion on the market or mislead consumers (seventh and eighth paragraphs of Article 31),

3. refers to the registration of its organisation under the EMAS system or uses EMAS logo without being registered under the EMAS system in accordance with the regulations, or uses a

logo that resembles the EMAS logo to such an extent that it could create confusion on the market or mislead consumers (tenth paragraph of Article 32),

4. does not hold an environmental protection permit for the operation of the installation referred to in Article 68 of this Act or the installation operates in violation of the permit (first paragraph of Article 68 and first paragraph of Article 74),

5. commences the installation operation referred to in the second paragraph of Article 69 of this Act and does not inform the ministry and responsible inspection bodies thereof (third paragraph of Article 76),

6. does not inform the ministry and carries out a change in the operation of the installation referred to in Article 68 of this Act (first paragraph of Article 77),

7. does not inform the ministry of the final termination of the installation operation referred to in Article 68 of this Act (first paragraph of Article 81),

8. does not inform the ministry of compliance with the requirements of the environmental protection permit concerning measures after the cessation of installation operation in case of liquidation of the operator or start of a bankruptcy procedure (second paragraph of Article 81),

9. does not hold an environmental protection permit for the operation of the installation referred to in Article 82 of this Act or the installation operates in violation of the permit (first paragraph of Article 82 and third paragraph of Article 84),

10. does not hold an environmental protection permit for the operation of the plant referred to in Article 86 of this Act or the plant operates in violation of the permit (first paragraph of Article 86 and second paragraph of Article 89),

11. acts in violation of the first paragraph of Article 90,

12. does not inform the ministry and the responsible inspection body of the commencement of operation of the plant referred to in Article 86 (first paragraph of Article 91),

13. does not inform the ministry of the termination of the operation of the plant referred to in Article 86 of this Act or of the termination of the operator (second paragraph of Article 91),

14. has not obtained a greenhouse gas emissions permit for the operation of an installation where an activity causing greenhouse gas emissions is performed (first paragraph of Article 118),

15. acts in violation of Article 120,

16. does not inform the ministry of the termination of the operation of the installation referred to in Article 118 of this Act, or of the termination of the operator (first paragraph of Article 121),

17. acts in violation of Article 133, or

18. trades with emission coupons in violation of Article 138.

(2) A fine of SIT 300,000 to SIT 45,000,000 shall be imposed on a sole trader or farmer for the offence referred to in the preceding paragraph.

(3) A fine of SIT 300,000 to SIT 3,000,000 shall be imposed on the responsible person of a legal entity and the responsible person of a sole trader for the offence referred to in the first paragraph of this Article.

(4) Offences referred to in the preceding paragraphs shall not be subject to rapid procedure.

Article 162

(Offences)

(1) A fine of SIT 1,500,000 shall be imposed on a legal entity that:

1. acts in violation of prohibitions, restrictions or other rules of conduct specified in the regulation referred to in the second paragraph of Article 19,

2. acts in violation of rules of conduct and other waste management conditions specified in the regulation referred to in the third paragraph of Article 20,

3. as an entity that has caused a major accident does not carry out all the prescribed measures referred to in Article 28,

4. causes a temporary or periodical excessive environmental burdening for which it has not obtained a permit from the ministry or responsible municipality body (first and second paragraphs of Article 94),

5. does not guarantee operational monitoring or does not permit entry into the business or other premises or does not forward the operational monitoring data to the ministry or municipality in accordance with the regulations (first, third and fifth paragraphs of Article 99), or

6. as a person conducting operational monitoring does not comply with the conditions prescribed by the minister (sixth and seventh paragraphs of Article 101).

(2) A fine of SIT 1,500,000 shall be imposed on a sole trader for an offence referred to in the preceding paragraph.

(3) A fine of SIT 450,000 shall be imposed on the responsible person of a legal entity and the responsible person of a sole trader for the offence referred to in the first paragraph of this Article.

(4) A fine of SIT 150,000 shall be imposed on an individual who commits an act referred to in points 1, 2, 4 and 5 of the first paragraph of this Act.

(5) A fine of SIT 1,000,000 shall be imposed on a legal entity that:

1. as an entity that caused environmental accident does not inform the authority responsible for information (first paragraph of Article 27),

2. does not have an employment or contractual relationship with an environmental protection officer or the officer does not meet the prescribed conditions (first and fourth paragraphs of Article 30),
 3. does not inform the ministry of the appointment of environmental protection officer, about the changes in his duties and powers, or about his dismissal (fifth paragraph of Article 30),
 4. does not inform the ministry and the responsible inspection body of the commencement of operation of the installation referred to in Article 82 (first paragraph of Article 85),
 5. does not inform the ministry and carries out a change in the operation of the installation referred to in Article 82 of this Act (second paragraph of Article 85),
 6. does not inform the ministry of the termination of the operation of the installation referred to in Article 82 of this Act or of the termination of the operator (third paragraph of Article 85),
 7. as the landowner or other person who has possession of the land acts in violation of the first paragraph of Article 100,
 8. does not allow to the contractors of public utility services access to combustion plant, flue ducts or vents (second paragraph of Article 148), or
 9. does not carry out the ordered inspection measures or acts in violation of them (Articles 156 and 157 of this Act).
- (6) A fine of SIT 1,000,000 shall be imposed on a sole trader for an offence referred to in the preceding paragraph.
- (7) A fine of SIT 450,000 shall be imposed on the responsible person of a legal entity and the responsible person of a sole trader for the offence referred to in the fifth paragraph of this Article.
- (8) A fine of SIT 50,000 shall be imposed on an individual who commits an act referred to in points 1, 7, 8 and 9 of the fifth paragraph of this Act.

XI. SPECIAL PROVISIONS

1. Ownership, management and protection of natural assets

Article 163

(Ownership, management and protection of natural assets)

- (1) Natural assets are publicly-owned or managed by the State or municipality or under a special protection in accordance with the law.

- (2) Game is owned by the State under the hunting regulations.

2. Concession on natural assets

Article 164

(Subject matter and concession fee)

(1) The State or municipality (hereinafter referred to as "the grantor") may grant against payment a concession for the management, use or exploitation of a natural asset, that is either owned by the State or municipality or the State or municipality has a legal right of management over it, to the legal or natural person (hereinafter referred to as "the concessionaire") when that person is qualified to exercise that concession.

(2) When a concession on a natural asset is granted by the State, a part of the concession fee shall be allotted to the municipality where the concession is implemented, in the proportion defined in cooperation with the municipality in the deed of concession on the basis of the established development of infrastructure and environmental burden. The criteria for establishing the development of infrastructure and environmental burden shall be prescribed by the Government.

(3) The concession for a natural asset may be granted in case of fulfilment of all environmental protection conditions defined for the activity affecting the environment by this Act or acts governing the protection and use of natural assets. The concession may be granted only on the basis of a public tender unless stipulated otherwise by the law.

(4) When acquiring a concession on the basis of a public tender, preferential right may be asserted. Preferential right to acquire a concession shall be reserved for the owner of the land where a natural asset is located, subject to the conditions specified in the first paragraph of this Article.

(5) The Government shall prescribe the cases of and conditions under which the concession for a natural asset may be granted for free.

Article 165

(Deed of concession)

(1) The basis for granting a concession for natural asset shall be the deed of concession.

(2) The deed of concession shall be the Government or municipality regulation. The deed of concession granting a concession to a foreign person may only be in the form of an act.

(3) The deed of concession shall define in particular the following:

1. the natural asset for which the concession is granted;
2. the subject matter and the scope of concession and possible exclusivity of the concession;
3. the environmental protection conditions, the protection regime conditions, and the method of management, use or exploitation of the natural asset;
4. the activity which the concessionaire may conduct in relation to the rights under the concession;
5. the conditions to be met by the concessionaire;
6. any public authorisations of the concessionaire;
7. the commencement and duration of the concession;
8. the area to which the concession applies;
9. the concession fee, and the proportion of the fee allotted to the State and municipality;
10. the authorisation for the supervision of the implementation of the concession;
11. the grounds for and the manner of the cessation of the concession;
12. the obligations of the concessionaire regarding the rehabilitation, establishment of a new, or restoration of the previous state of the environment;
13. authorisations and conditions for concluding a concession contract and the date on which the contract becomes effective.

Article 166

(Other issues relating to concessions)

Regarding the selection of concessionaires, public tenders, the issues related to concession contract, protection of concessionaires and resolving of disputes, the cessation of concession relationship, transfer of concession, mandatory concession, force majeure, and concessionaire's responsibility for the actions of his employees, the provisions of the act governing concessions for public utility services shall be applied *mutatis mutandis*, unless stipulated otherwise by the law.

3. Meteorological Service

Article 167

(Meteorological Service)

(1) Meteorological Service shall include the monitoring and recording of meteorological conditions, their zoning, performance of analytical, forecasting and other professional tasks relating in particular to:

1. atmospheric phenomena and processes;
2. climatology and interaction between hydrosphere and atmosphere;
3. the operation of a meteorological information service within the framework of the world-wide meteorological network; and
4. meteorological tasks of environmental protection importance.

(2) The service referred to in the preceding paragraph shall also perform the duties arising from the requirements of environmental protection, water management, defence, transport and communications, agriculture and forestry, industry, construction, health, tourism, and other activities as well as the duties pertaining to the safety and protection against detrimental effects of meteorological phenomena, to the meteorological safety of air and sea traffic, to user-oriented forecasts, to information supply, and to data recording and exchange.

(3) The duties referred to in the preceding paragraphs shall be performed by a body within the ministry.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 168

(Rehabilitation programmes)

(1) The procedures concerning the decreeing of the preparation and implementation of rehabilitation programmes and the issuance of consents to rehabilitation programmes that commenced pursuant to the Environmental Protection Act (*Uradni list RS*, 32/93 and 1/96; hereinafter referred to as "EPA") prior to the entry into effect of this Act shall be concluded under the provision of EPA.

(2) The rehabilitation programmes referred to in the preceding paragraph must be concluded by 31 October 2007 at the latest, except for the installations referred to in Article 172 of this Act for which the time limit has been specified by a ratified and published international agreement.

(National Environmental Action Programme and operational programmes)

(1) National Environmental Action Programme adopted pursuant to EPA shall be considered the National Environmental Action Programme under this Act until a new one has been adopted.

(2) Operational environmental protection programmes adopted pursuant to EPA shall be considered operational programmes under this Act.

Article 170

(Environmental premises)

(1) The Government shall lay down environmental premises by 31 December 2004 at the latest.

(2) Until the environmental premises have been drafted, the mandatory basis for the drawing-up of plans referred to in Article 40 of this Act shall be the regulations in force, programmes and plans in the fields of environmental protection, nature conservation and use of natural assets in the part concerning the contents of environmental premises laid down in the second paragraph of Article 39 of this Act.

Article 171

(Integrated environmental impact assessment)

(1) The implementation of the integrated environmental impact assessment shall be conducted, starting with the plans for which the preparation procedure starts after 21 July 2004.

(2) Notwithstanding the provision of the preceding paragraph, the integrated environmental impact assessment shall be conducted also for the plans for which the preparation procedure started before 21 July 2004 and are to be adopted or entered in the adoption procedure after 21 July 2006 unless the Government establishes in particular cases that the integrated environmental impact assessment for these plans is not possible and informs thereof, by decision, the person drafting the plan or the body adopting the plan through public announcement on the Internet and in one if the daily newspapers covering the entire territory of the State and the public, and indicates the reasons for its decision.

Article 172

(Environmental protection permit for installations that may cause large-scale pollution)

(1) Operators of the existing installations referred to in Article 68 of this Act must bring their operation into line with the provisions of this Act and obtain environmental protection permit by 31 October 2007 at the latest, except for the operators of existing installations for which the time of alignment is specified in the ratified and published international agreement.

(2) An installation operational on the date of the entry into effect of the regulation referred to in the fourth paragraph of Article 68 of this Act, or for which a final construction permit has been obtained under construction regulations prior to its entry into effect, shall be deemed to be the existing installation referred to in the preceding paragraph.

(3) When the operator of the existing installation does not obtain the environmental protection permit by the deadline referred to in the first paragraph of this Article, the ministry shall issue a decision on the termination of the installation operation, except when the reasons for non-fulfilment of the operator obligations lie with the ministry.

(4) No appeal against the decision referred to in the preceding paragraph shall stay the enforcement thereof.

(5) In the procedure for the issuance of environmental protection permits referred to in the first paragraph of this Article the appeal of the accessory participant shall not stay the enforcement.

Article 173

(Environmental protection permit for other installations)

(1) The waste recovery or waste disposal permits issued pursuant to the Rules on waste management (*Uradni list RS*, No 84/98, 45/2000, 20/01 and 13/03) shall be deemed environmental protection permits referred to in Article 82 of this Act and waste recovery or waste disposal shall be carried out in the manner and in time limits specified in these permits.

(2) Water permits issued for the discharge of waste water and heat into waters pursuant to the Waters Act (*Uradni list RS*, 67/02) shall be deemed environmental protection permits referred to in Article 82 of this Act, and the discharge of waste water and heat shall be carried out in the manner and in time limits specified in these permits..

(3) Procedures for the issuance of waste recovery and waste disposal permits referred to in the first paragraph of this Article and of water permits referred to in the second paragraph of this Article that have commenced prior to the entry into effect of this Act shall be concluded under the provisions of this Act.

Article 174

(Environmental protection permit for plants)

(1) In procedures for the issuance of environmental protection permits for existing plants referred to in Article 18 of this Act, the provisions of this Act governing public participation shall not be applied.

(2) A plant operational on the date of the entry into effect of the regulation referred to in Article 18 of this Act, or for which a final construction permit has been obtained under construction regulations prior to its entry into effect, shall be deemed to be the existing plant referred to in the preceding paragraph.

Article 175

(Registers)

The ministry shall set up an Environmental Protection Register referred to in Article 104 of this Act and a Register of Non-Governmental Organisations referred to in Article 154 of this Act in a period of one year after the entry into effect of this Act.

Article 176

(Obtainance of greenhouse gas emissions permit)

(1) The operator of the existing installation referred to in Article 118 of this Act shall not be permitted to operate after 1 January 2005 when he has not obtained the greenhouse gas emissions permit, and the provisions of Article 123 of this Act shall not apply to its issuance.

(2) An installation referred to in Article 118 of this Act, operational on the date of the entry into effect of the regulation referred to in the fourth paragraph of Article 118 of this Act, or for which a final construction permit has been obtained under construction regulations prior to its entry into effect, shall be deemed to be te existing installation referred to in the preceding paragraph.

Article 177

(First period)

(1) Notwithstanding the provision of the first paragraph of Article 126 of this Act, the first period shall last for three years and shall commence on 1 January 2005 and end on 31 December 2007.

(2) Notwithstanding the provisions of the second paragraph of Article 126 of this Act, the draft national plan for the first period referred to in the preceding paragraph shall include only those installations that must obtain greenhouse gas emissions permit under the provisions of this Act by the time limit referred to in the first paragraph of the preceding Article and that are operational on the date of the entry into effect of this Act.

(3) Notwithstanding the provision of the eight paragraph of Article 126 of this Act the ministries may use in the drafting of the national plan for the first period the data of the Environmental Agency of the Republic of Slovenia on the annual fuel consumption of a particular installation in the 1999-2002 period, and the data on greenhouse gas emissions from technological processes; the correctness of data has been confirmed by the installation operator in writing.

(4) Notwithstanding the provision of the third paragraph of Article 128 of this Act the public has a right of access to the draft national plan referred to in the preceding paragraph and a right to express opinions and give comments thereon within 10 days, and the date on which the time limit starts shall be laid down in the regulation referred to in the fourth paragraph of Article 118 of this Act.

(5) The Government shall publish and forward to the competent EU body and to Member States the draft national plan referred to in Article 126 of this Act for the first period by 1 May 2004 at the latest.

(6) The Government shall adopt and publish in the Official Gazette of the Republic of Slovenia the national plan for the first period by 30 September 2004 at the latest.

Article 178

(Exclusion of installations)

(1) Notwithstanding the provision of the first paragraph of Article 126 of this Act the Government may propose to the competent EU body for the first period to authorise a temporary exclusion of specific installations from emission coupons trading.

(2) The Government may propose the temporary exclusion referred to in the preceding paragraph when the installation operator:

1. reduces or limits emissions in the same proportion as if the installation is involved in emissions coupons trading;

2. performs monitoring and reports on its emissions in accordance with the provisions of Article 133 of this Act, and the report is to be verified in accordance with the provisions of Article 134 of this Act, and

3. pays penalties in case of non-fulfilment of its obligations in accordance with the provisions of Article 136 of this Act.

(3) In its proposal the Government must take into account that the temporary exclusion of the installation referred to in the first paragraph of this Act does not disturb the internal EU market.

(4) The Government shall publish the lists of installations referred to in the first paragraph of this Article on the Internet and in the Official Gazette of the Republic of Slovenia.

Article 179

(Sale at the public auction for the first period)

Notwithstanding the provision of the sixth paragraph of Article 126 of this Act, maximum 5 % of the total quantity of emission coupons may be envisaged for sale at the public auction in the national plan for the first period.

Article 180

(Inclusion of other installations, activities and greenhouse gases)

The provision of the second paragraph of Article 127 of this Act concerning the inclusion of other installations, activities and greenhouse gases in the national plan shall start to apply when the drafting of the plan for the second period begins.

Article 181

(Granting and cancellation of emission coupons)

(1) The ministry shall grant emission coupons for the first period by 31 December 2004 at the latest.

(2) Notwithstanding the provision of the second paragraph of Article 137 of this Act, the first-period emission coupons that have not been cancelled in accordance with the provisions of Article 135 of this Act shall be cancelled on 31 December 2007, and their holders shall not be granted new emission coupons for the new period in the quantity that equals the quantity of cancelled emission coupons.

Article 182

(Force majeure)

For the first period the Government may request from the competent EU body to approve an additional quantity of emission coupons that are granted to the operator of a specific installation referred to in Article 118 of this Act by the ministry in accordance with Article 130 of this Act. The installation operator shall not trade with additional emission coupons and shall monitor and report on additional quantities of carbon dioxide emissions, and shall surrender the additional emission coupons in accordance with this Act. The competent EU body shall determine what is considered force majeure.

Article 183

(Penalties)

Notwithstanding the provision of the first paragraph of Article 136 of this Act, the penalties in the first period referred to in Article 177 of this Act shall amount to EUR 40 in SIT counter value at the Bank of Slovenia's average exchange rate on the day of surrender of emission coupons in accordance with the provisions of Article 135 of this Act.

Article 184

(Environmental Protection Development Fund)

(1) The existing Environmental Protection Development Fund shall be transformed into the Environmental Protection Fund of the Republic of Slovenia and shall harmonize its operation with the provisions of this Act by 1 January 2005 at the latest.

(2) With the date of transformation of the fund referred to in the preceding paragraph the appointment of members of the supervisory board and management of the Environmental Protection Development Fund shall be terminated.

Article 185

(Mandatory public utility service)

(1) The provisions of Article 148 of this Act concerning mandatory national public utility service covering measurements, inspection and cleaning of combustion plants, flue ducts and vents shall become applicable 6 months after the entry into effect of this Act.

(2) The responsible municipality bodies shall forward to the ministry, no later than three months after the entry into effect of this Act, the regulations concerning the method of performance of the mandatory local public utility service referred to in point 7 of the first paragraph of Article 26 of EPA in the territory of the municipality and the data on the relevant operators.

(3) Notwithstanding the provisions of Article 148 of this Act, the regulations of municipalities determining the method of performance of mandatory local public utility service referred to in the preceding paragraph in their territory shall remain in force pending the issuance of a regulation on the method of performance of mandatory national public utility service referred to in point 5 of the first paragraph of Article 148 of this Act.

Article 186

(Service unit, independent public service agency, or public enterprise)

(1) Public service referred to in the preceding paragraph, performed on the date of the entry into effect of this Act in a service unit or an independent public service agency or in a public enterprise established by a municipality, shall be performed in the service unit or independent public service agency or public enterprise pending the entry into effect of the regulation referred to in the third paragraph of the preceding Article.

(2) Public service contractor referred to in the preceding paragraph shall cease to perform this service after the conclusion of a concession contract concluded by the Government with a new contractor for the territory of this municipality in accordance with the regulations governing public utility services.

(3) The costs arising from the cessation of performance of public service referred to in the preceding paragraph shall be borne by the State.

Article 187

(Concessionary service)

- (1) The public utility service referred to in the second paragraph of Article 185 of this Act, performed in a municipality on a concession basis on the date of the entry into effect of this Act, shall be performed in such a way pending the conclusion of a concession contract in accordance with the regulation referred to in the third paragraph of Article 185 of this Act between the Government and a concessionaire for the performance of public utility service referred to in point 5 of the first paragraph of Article 148 of this Act.
- (2) The first concession for the performance of public utility service referred to in point 5 of the first paragraph of Article 148 of this Act shall be granted without a public tender to the person who holds, on the date of the entry into effect of the regulation referred to in the third paragraph of Article 185 of this Act, a valid concession contract for the performance of public utility service referred to in point 7 of the first paragraph of Article 26 of EPA, concluded with the municipality, when that person expresses interest.
- (3) The person eligible to be granted the concession referred to in the preceding paragraph must submit to the ministry an application expressing its interest to perform public utility service within 14 days following the entry into effect of the regulation referred to in the third paragraph of Article 185 of this Act.
- (4) The Government shall issue with a decision on the selection of a concessionaire the person referred to in the preceding paragraph who has expressed interest, and the concession contract must be concluded within 14 days of the finality of the selection decision.
- (5) When the concession contract has not been concluded in the period referred to in the preceding paragraph for reasons on the side of concessionaire, the selection decision shall cease to apply, and the fact is established by the Government decision.
- (6) When the person referred to in the second paragraph of this Act does not express an interest to perform public utility service referred to in point 5 of the first paragraph of Article 148 of this Act in the prescribed period, and in the case referred to in the preceding paragraph, the Government shall select a concessionaire on the basis of a public tender in accordance with the act governing public utility services.
- (7) A person that has concluded with a municipality a valid concession contract to perform public utility service referred to in point 7 of the first paragraph of Article 26 of EPA, must perform that public utility service until a new concession contract referred to in the fourth paragraph or in the preceding paragraph of this Article has been concluded in the manner and in the scope laid down in the municipality regulation and in the valid concession contract.
- (8) The Government shall repeal the decisions on the selection of a concessionaire to perform public utility service referred to in point 7 of Article 26 of EPA that has been issued by the responsible municipality body on the date of the issuance of the selection decision referred to in the fourth paragraph of this Article.

(9) A concession contract that has been concluded by the municipality with a concessionaire to perform public utility service referred to in the preceding paragraph and has been valid on the date of the entry into effect of the regulation referred to in the third paragraph of Article 185 of this Act, shall be rescinded on the date of the conclusion of a new concession contract referred to in the fourth paragraph of this Article on the basis of an agreement between a municipality and a concessionaire.

(10) When no agreement has been reached on the contract being rescinded, the State Attorney shall bring an action for the rescindment of the existing concession contract before the competent court.

Article 188

(Other methods of performance)

(1) In case that the public utility service referred to in the second paragraph of Article 185 of this Act is performed on the date of the entry into effect of this Act in a municipality in a manner not envisaged in the Act, it shall be performed in such a manner pending the conclusion of the concession contract concluded by the Government with the concessionaire in accordance with the regulation referred to in the third paragraph of Article 185 of this Act.

(2) The first concession for the performance of public utility service referred to in point 5 of the first paragraph of Article 148 of this Act shall be granted in the case referred to in the preceding paragraph without a public tender to the person who holds, on the date of the entry into effect of the regulation referred to in the third paragraph of Article 185 of this Act, a valid contract for the performance of public utility service referred to in point 7 of the first paragraph of Article 26 of EPA, concluded with the municipality, when that person expresses interest.

(3) The person eligible to be granted the first concession must submit to the ministry an application expressing its interest to perform public utility service within 14 days following the entry into effect of the regulation referred to in the first paragraph of this Article.

(4) The Government shall issue with a decision on the selection of a concessionaire the person referred to in the second paragraph of this Article that has expressed interest, and the concession contract must be concluded within 14 days of the finality of the selection decision.

(5) When the concession contract has not been concluded in the period referred to in the preceding paragraph for reasons on the side of concessionaire, the selection decision shall cease to apply, and the fact is established by the Government decision.

(6) When the person referred to in the second paragraph of this Act does not express an interest to perform public utility service referred to in point 5 of the first paragraph of Article 148 of this Act in the prescribed period, and in the case referred to in the preceding paragraph, the Government shall select concessionaire on the basis of a public tender in accordance with the act governing public utility services.

(7) A person that has concluded with a municipality a valid contract to perform public utility service referred to in point 7 of the first paragraph of Article 26 of EPA, must perform that

public utility service until a concession contract referred to in the fourth paragraph of this Article or in the preceding paragraph has been concluded in the manner and in the scope laid down in the municipality regulation and in the valid concession contract.

(8) The contract that has been concluded by municipality with the person referred to in the second paragraph of this Article to perform public utility service referred to in the preceding paragraph, and has been valid on the date of the entry into effect of the regulation referred to in the third paragraph of Article 185 of this Act shall be rescinded on the date of the conclusion of a concession contract referred to in the fourth paragraph of this Article on the basis of an agreement between the contracting parties.

(9) When no agreement has been reached on the contract being rescinded, the State Attorney shall bring an action for the rescindment of the existing contract before the competent court.

Article 189

(Council for Environmental Protection)

(1) The Council for Environmental Protection of the Republic of Slovenia referred to in Article 150 of this Act shall be established by 31 December 2005 at the latest.

(2) Pending the establishment of the Council referred to in the preceding paragraph its duties shall be performed by the Council for Environmental Protection established pursuant to EPA, and its Chairman shall convene the first session of the new Council.

Article 190

(Harmonisation of regulations)

The municipalities' regulations adopted pursuant to EPA shall be harmonised, in the matters concerning environmental protection, with the provisions of this Act by 31 December 2004 at the latest.

Article 191

(Application)

The provisions of this act concerning activities and procedures related to the European Union and Member States shall start to apply on the date of accession of the Republic of Slovenia to the European Union.

Article 192

(Application of penalty provisions)

Pending the application of the General Offences Act (*Uradni list RS*, No 7/02), the fines laid down in this Act shall be imposed as a pecuniary penalty, as follows:

1. for offences referred to in Article 161 of this Act:

- on a legal person in the range of SIT 300,000 to 30,000,000;
- on a sole trader or farmer in the range of SIT 100,000 to 15,000,000;
- on a responsible person of a legal person in the range of SIT 100,000 to 1,500,000;
- on an individual in the range of SIT 50,000 to 450,000;

2. for offences referred to in Article 162 of this Act:

- on a legal person in the range of SIT 300,000 to 10,000,000;
- on a sole trader or farmer in the range of SIT 100,000 to 5,000,000;
- on a responsible person of a legal person in the range of SIT 100,000 to 500,000;
- on an individual in the range of SIT 50,000 to 150,000.

Article 193

(Expiry of validity)

(1) Upon the entry into effect of this Act, the following shall no longer apply:

1. EPA, and

2. Chimney Sweep Act (*Uradni list SRS*, 16/74).

(2) Notwithstanding the provision of the preceding paragraph, the provisions of EPA shall apply in cases referred to in Articles 168, 195 and 196 of this Act.

(3) The regulations issued pursuant to the acts referred to in points 1 and 2 of the first paragraph of this Article shall apply pending the issuance of new regulations, except for the Order on conditions and procedure for obtaining an authorisation to draw up reports on environmental impacts (*Uradni list RS*, 70/96).

(4) In the regulations issued pursuant to Articles 27 and 30 of EPA, the provisions concerning the investor's obligation to provide, in the application for a construction permit under the construction regulations for the installations and plants for which environmental impact assessment is not mandatory under the EPA provisions, an expert assessment on the fulfilment of conditions with regard to emissions and waste management, shall cease to apply.

(5) Upon the entry into effect of this Act, the following shall no longer apply:

– Protection against Noise in the Natural and Living Environment Act (*Uradni list SRS*, 15/76 and 29/86), Articles 7, 8 and 9;

– Waters Act (*Uradni list RS*, 67/02), Article 94;

– Protection Against Natural and Other Disasters Act (*Uradni list RS*, 64/94), fourth paragraph of Article 38;

(5) Upon the entry into effect of this Act, the following provisions of the Construction Act (*Uradni list RS*, 110/02, hereinafter referred to as "CA-1") shall no longer apply:

– in the first paragraph of Article 55 the words "and for a plant with environmental impacts";

– in the second paragraph of Article 55 the words "in case of construction of a plant with environmental impacts also the scope of environmental impact report";

– in the first paragraph of Article 64 the second sentence;

– in the third paragraph of Article 70 the second sentence.

Article 194

(Project for planned activity and revision of environmental impact report)

(1) Pending the issuance of the regulation referred to in the third paragraph of Article 53 of this Act, the project for a planned activity referred to in Article 51 of this Act that is a construction shall be considered a conceptual design under the construction regulations.

(2) Pending the appointment of environmental experts, the revision of the environmental report referred to in Article 41 of this Act or environmental impact report referred to in Article 54 of this Act may be made by the person who has obtained authorisation to draft an environmental impact report under EPA, taking into account the fulfilment of the conditions referred to in the third and eighth paragraph of Article 56 of this Act.

Article 195

(Conclusion of procedures for the issuance of environmental protection consent)

(1) The environmental impact assessment procedures and procedures for the issuance of an environmental protection consent that have started prior to the entry into effect of this Act shall be concluded under EPA.

(2) If on the date of the entry into effect of this Act an application for an environmental protection consent has not been submitted yet for construction works that are considered construction works with environmental impact under the CA-1 or construction works for which an environmental impact assessment is mandatory under Article 51 of this Act (hereinafter

referred to as "construction works with environmental impact"), the following procedures that have already started shall be concluded under the provisions of the act referred to in the preceding paragraph:

– for the issuance of a location permit under the provisions of Urban Planning and Other Forms of Land Use Act (*Uradni list SRS*, 18/84, 37/85 and 29/86, *Uradni list RS* 26/90, 18/93, 47/93, 71/93, 44/97, 9/01 – Residence Registration Act and 23/02 – decision of the Constitutional Court, hereinafter referred to as "UPA") in conjunction with the provisions of Article 190 of CA-1;

– for the issuance of a uniform permit under the provisions of Article 45h of UPA in connection to Article 191 of CA-1; for the issuance of construction permit under the provisions of Construction Act (*Uradni list SRS*, 34/84 and 29/86, *Uradni list RS* 71/93-UPA, 40/94 – decision of the Constitutional Court, 69/94 – decision of the Constitutional Court, 59/96, 45/99, 42/2000 – decision of the Constitutional Court, 52/2000 – Construction Products Act and 52/2000, hereinafter referred to as "CA") in conjunction with the provisions of Article 191 of CA-1;

– for the issuance of uniform permit for construction under the provisions of CA in conjunction with the provisions of Article 191 of CA-1;

– for the issuance of construction permit that are based on location permits issued under UPA and are concluded under CA, and

– for the issuance of construction permit under CA-1.

Article 196

(Harmonisation of procedures for obtaining environmental protection consent in cases of new applications for the issuance of construction permits for construction works with environmental impacts)

Notwithstanding the provisions of the second paragraph of the preceding Article, the procedure for the issuance of a construction permit for a construction work considered under the provisions of CA-1 a construction work with environmental impacts may be started and concluded under the provisions of EPA even if the application has been submitted after the entry into effect of this Act, but only when the application for the issuance of a construction permit for such a construction work is submitted in accordance with the first paragraph of Article 55 of CA-1 in three months after the entry into effect of this Act at the latest and when the applicant attaches to such an application a supporting document proving that a contract on conceptual project has been concluded prior to the entry into effect of this Act.

Article 197

(Harmonisation of procedures for integrated assessment and environmental impact assessment for the national or municipal detailed plan)

(1) It shall be considered that environmental impact assessment has been carried out in accordance with the provisions of this Act for national detailed plans under spatial planning regulations adopted on the date of the entry into effect of this Act in accordance with the provisions of Articles 42 and 46 of the Spatial Planning Act-1, Articles 41 and 45a to 45i of UPA, second chapter of the Act on the Arrangements Regarding Certain Issues Involved in the Construction of Buildings at Border Crossings (*Uradni list RS*, 111/01), and Article 22 of Act on Measures for the Remediation of Damage, Prevention of Spreading and Stabilization of Large-Scale Landslides (*Uradni list RS*, 21/02).

(2) For detailed plans referred to in the preceding paragraph that have not been adopted yet on the date of the entry into effect of this Act but that had been publicly displayed prior to the entry into effect of this Act, it shall be considered that the requests concerning the participation of the public under the provisions of this Act have been fulfilled by their public display.

(3) The provisions of Article 67 of this Act shall not apply for municipal detailed plans that have already been publicly displayed prior to the entry into effect of this Act.

Article 198

(Conclusion of the ongoing inspection procedures)

Inspection procedures that commenced before the entry into effect of this Act shall be concluded under the provisions of EPA.

Article 199

(Entry into force)

This Act shall enter into force on the fifteenth day following that of its publication in the *Uradni list Republike Slovenije*.

Nr. 801-01/90-3/136

Done at Ljubljana, 31 March 2004.

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