

REPUBLIC OF



SLOVENIA

**THE ENVIRONMENTAL
PROTECTION ACT**

**MINISTRY OF THE ENVIRONMENT
AND REGIONAL PLANNING**

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THE ENVIRONMENTAL PROTECTION ACT

I BASIC PROVISIONS

I General Provisions

Article 1
(Purpose of the Act)

(1) This Act regulates the protection of living environment and the natural environment inseparably linked with it, and the general conditions of the use of natural resources (hereinafter "environmental protection"), which are the basic conditions for a healthy and sustainable development (environment-preserving development).

(2) The regulation of development processes, the exploitation and use of space, and other activities affecting the environment shall be based on a balance between developmental and environmental needs. In satisfying the needs of the present generation equal possibilities of satisfying the needs of future generations shall be taken into consideration.

(3) The aim of environmental protection is the preservation, improvement, and development of the integrity, diversity, and quality of natural elements, natural ecosystems, natural resources, and the natural treasures contained therein.

(4) The criteria upon which all actions and standards of environmental protection shall be based are human health, well-being, and the quality of life and the survival, health, and well-being of living beings.

Article 2
(Management of Environmental Protection)

(1) Environmental protection is the responsibility of the Republic of Slovenia (hereinafter "the State"), except in matters specified by law as falling within the jurisdiction of the State but concerning the development of towns, or when matters of local character or importance are involved.

(2) Matters of local character or importance are those pertaining to, originating, or likely to originate only in the area of a local government unit, the scope or impact of which does not reach beyond its boundaries and which can be handled, organized, managed, controlled, prevented, financed, promoted or otherwise dealt with by the local government unit itself. In particular, they include:

1. natural resources owned by a local government unit or of local importance,
2. local public services relating to environmental protection,

3. special environmental protection measures falling within its jurisdiction,
4. programming and scheduling in the domain of environmental protection,
5. subsidiary responsibility for preparing and carrying out rehabilitation,
6. the ensuring of detailed or special monitoring.

Article 3
(Aims of Environmental Protection)

(1) The fundamental objectives of environmental protection are:

1. the continuing preservation of the vitality of nature, biological diversity, autochthonous biological species, and ecological balance;
2. preservation of the diversity and quality of natural resources, natural genetic stocks, and productive soil;
3. preservation and restoration of the diversity and the cultural and aesthetic worth of the landscape and other non-expendable natural resources; and
4. decreased consumption of natural resources, materials and energy.

(2) The working objectives of environmental protection are:

1. gradual transition to the use of renewable natural resources;
2. prevention of threats to the environment and reduction of environmental strain; and
3. remedying of environmental damage and the reestablishment of the regenerative capacity of the environment.

(3) In order to ensure environment-preserving development, the objectives of environmental protection shall also include:

1. changes in the production and patterns of consumption which contribute to minimizing the consumption of natural resources and the production of waste;
2. development and application of such technologies which reduce or avoid environmental strain; and
3. use of harmless and non-stable chemicals and non-bioaccumulating substances.

Article 4

(Ensuring of Environmental Protection)

(1) Environmental protection shall be ensured within their respective competencies and responsibilities, by:

1. the State;
2. municipalities, urban municipalities, or wider local government units (hereinafter "Local Authorities");
3. citizens and other members of the population, as individuals or organized in associations, professional and other organizations, and other non-governmental organizations for environmental protection;
4. enterprises and their associations engaged in environmental protection activities;
5. parties engaged in the delivery of public services, the performance of particular matters within the scope of public services, and those with public authorizations in the domain of environmental protection; and
6. parties responsible for environmental strain.

Article 5
(Definitions)

(1) For the purposes of this Act the following definitions shall apply:

1. The environment is that part of nature which is or could be influenced by human activity. The natural environment comprises primordial nature and the nature which has been transformed by man. The living environment is that part of the environment which influences man directly. Within this Act, developed or other technological environments are part of the environment only as factors of environmental change.
 - 1.1. Nature is the whole of the material world and the structure of natural laws governing its mutually linked and interdependent elements and processes. Man is an integral part of nature.
 - 1.2. Natural elements are the soil, water, air, flora, and fauna, which form the lithosphere, pedosphere, hydrosphere, atmosphere, and biosphere.
 - 1.3. Natural factors are physico-chemical processes, relief, climate, hydrographical and biological conditions, and other factors which cause changes in the environment. Environmental factors also include the

influences of human activity.

2. An ecosystem is a dynamic system of a biotope and biocenosis which appears as a combination of natural elements and natural factors which react reciprocally as a functional unit.
 - 2.1. A habitat is the usual biotope of an individual organism or population.
 3. Natural resources are those components of nature which are essential for the satisfaction of man's physical and immaterial needs and interests, and may be exclusively or at the same time natural national assets, stock or flow resources, or non-expendable natural resources. Rare, precious, or more valuable natural resources shall be considered a natural treasure.
 - 3.1. Natural national assets comprise areas in public ownership, that is, undeveloped parts of a public resource on land, under the ground, in water, sea, and air, allowing access and movement to everybody under equal conditions.
 - 3.2. Stock and flow resources are renewable or non-renewable natural elements which are directly or indirectly economically exploitable.
 - 3.3. Non-expendable natural resources are, in addition to rare and precious natural phenomena, other valuable phenomena, components, or parts of organic or inorganic nature, natural regions or parts of natural regions, plant and animal species and their biotopes, ecosystems, parts of the natural and cultural landscape, and objects of developed nature.
 - 4.1. An activity affecting the environment (hereinafter "Activity") is any permanent or temporary human activity or omission whose impact is likely to, or endangers health or the environment, resulting in an artificial change in the environment, an environmental strain, or a restriction of its natural process of change, and pertaining in particular to the following:
 - exploitation and use of natural resources,
 - exploitation and use of space,
 - production and other activities,
 - transport and use of goods,
 - emissions into water, air, or soil, the disposal and collection of waste, and other environmental impacts.
 - 4.2. A prohibited Activity is any activity which causes excessive strain, threat, or damage to the environment.
 - 5.1. Emission is the release or discharge into the

- environment of substances (liquid, gas, or solid) or energy (noise, vibration, radiation, heat, light) by a particular source;
- 5.2. Immission is the concentration of substances and other phenomena in the environment as a result of emissions and the working of natural and anthropogenic factors.
- 5.3. Waste is any substance or object in solid, liquid, or gas form of unknown owner, or which a producer, owner or holder cannot or does not wish to use himself or does not need, which inconveniences or harms him, or which in the interest of environmental protection or other public interest must be processed, transformed, or disposed of in compliance with applicable regulations.
- 5.3.1. Hazardous waste is waste which may, due to its unprocessed state and its physical, chemical, or contagious characteristics, contribute to or result in a threat to human health, if not isolated from the environment, by affecting, directly or indirectly, organisms through exposure or as a result of accumulation in the organisms via food chains, due to synergic effects or otherwise. Waste shall be considered as hazardous until proven otherwise.
- 5.3.2. Radioactive waste is the hazardous waste incorporating one or more radioactive isotopes. It can be waste of low, medium or high radioactivity, whose specific characteristics require special treatment.
- 5.3.3. Municipal waste comprises household waste and other similar waste produced by the manufacturing or service industries, in residential areas, and in areas and facilities in public use, and is predominantly solid and heterogeneous in content. Because of the diffusion of its sources and the quantities produced, the treatment of municipal waste shall be ensured at local level.
- 5.3.4. Municipal sewage is the waste with the characteristics of municipal waste which is predominantly liquid and therefore requires special technology for removal and purification.
- 5.3.5. Special waste comprises waste other than hazardous or municipal waste which, due to its scope or characteristics, must be handled in a specially prescribed way.
- 5.3.6. Disposal site is an above- or underground place or building allowing safe and controlled, permanent or temporary disposal of waste without endangering the health, the quality of water or air, or ecological conditions outside the area of the disposal site, or the landscape, for which purpose such protective measures must be taken which can be provided by the best available technology whose efficiency has been tested in practice.
6. Environmental strain, regardless of whether the strain itself or its consequences are involved, is any Activity or any effect of such an Activity which exclusively or in concert with others has caused or is causing environmental pollution, the depreciation of the environment, risk or damage to the environment, and the use or exploitation of natural resources.
- 6.1. Allowed environmental strain is a strain which does not exceed the prescribed standards or framework of allowed Activity (limit values).
- 6.2. Excessive environmental strain is a strain which exceeds the prescribed limit values or framework of allowed Activity.
- 6.3. Total strain is the sum of the impact and effects of several similar components. Integral strain is the sum of the impact and effects of all existing heterogeneous components.
- 6.4. The warning limit value is the limit value prescribed by regulations, at which harmful effects are probable if exposure is repeated. This value is the basis for warnings and recommendations.
- 6.5. Critical environmental strain is a strain which exceeds the critical values prescribed by regulations and is the basis for the imposition of emergency measures necessary for the prevention of harmful impact even during brief exposure.
- 7.1. Environmental pollution, regardless of whether the act of polluting or the pollution itself is involved, is the harmful impact or effect of Activities which reduce the neutralizing and regenerative capacity of the environment and the possibility for its use and exploitation and cause material damage.
- 7.2. Depreciation of the environment is the harmful impact and effects of Activities which cause the degradation of non-expendable natural resources and natural conditions concerning the quality of life.
- 7.3.1. Environmental risk is the possibility that an Activity will directly or indirectly harm the environment or human life or health.
- 7.3.2. A danger to the environment is an excessive risk which, in view of the high degree of

- probability of an event happening or the extent of possible damage, is no longer acceptable, except subject to the fulfillment of particular measures which are specially required.
8. Environmental damage is the result of an Activity which exceeds the regenerative capacity of the environment and the framework of allowed Activity in it, and involves a larger scale degradation or destruction of the environment or a part of it.
- 9.1. An ecological accident is an extraordinary event or sequence of events which are no longer under control or which have occurred because of uncontrolled impact or Activities and result in a threat to human life and health, destruction, environmental damage, or critical environmental strain.
- 9.2. Abuse of the environment is an intentional or negligent act or omission of a mandatory procedure which results in an ecological accident, environmental damage, or the destruction of a natural treasure.
10. A party responsible for an environmental strain is any legal or physical person, regardless of whether he acts according to public or private law, who directly or indirectly and exclusively or at the same time pollutes the environment (polluter), degrades the environment (agent of environmental degradation), causes risk to the environment (agent of environmental risk), or uses, exploits, or in any other manner encroaches upon elements of the environment (user of natural resources).
11. The environmental burden comprises all the unpaid costs of the party responsible for an environmental strain connected with the use of property or prescribed by law.
- 12.1. A protected natural treasure is a geographically defined region (protected area) or another distinct part of nature set aside for special protection due to its remarkableness and rarity, and to preserve its ecological and other functions. The status of protected natural treasure is the basis for an individual or collective special management regime and the mode and degree of its protection (protection regime).
- 12.2. The status of endangered environment is the basis for a special regime prescribed in accordance with this Act for comprehensive rehabilitation, the establishment of a new state, or the restoration of the previous state of an individual area, individual ecosystem, or another part of natural resources (comprehensive rehabilitation regime).

13. Environment monitoring is the continuous observation and supervision of the state of the environment through the systematic measurement of each specific parameter or index of the quality of environmental elements or components at selected places, and related supervisory procedures intended for the discovery of changes in the environment from the viewpoint of these parameters.

2 Basic Principles

Article 6

(The Principle of Comprehensiveness)

(1) In planning and programming, adoption of regulations, incentives and reliefs, licensing, adoption of taxation and public finance policy, supervision, and other measures, the State and Local Authorities shall ensure that the environmental impact of such measures will be assessed. When a number of environmental protection measures are available, which are equally effective, the one ensuring greater economic efficiency shall be selected.

(2) The State and the Local Authorities shall ensure those collective measures which are necessary to achieve the aims of environmental protection.

(3) The State and the Local Authorities shall provide public services in the field of environmental protection when negative environmental impacts can not be avoided through the actions taken by the party responsible himself or through the services delivered on the market by other parties engaged in environmental protection activities.

Article 7

(Principle of Cooperation)

(1) Prior cooperation of the parties specified in Article 4 hereof must be ensured in any institutionalized approach to environmental protection.

(2) When an initiative of the party causing an environmental strain in reducing such strain is as effective as any institutionalized approach to solving the matter, the former shall be preferred.

(3) The State shall ensure cooperation and solidarity in the solution of global and international questions of environmental protection by adopting international agreements, by informing other states of ecological disasters and threats to the environment, and by the international exchange of information.

(4) Local Authorities shall ensure cooperation and solidarity in the solving of regional environmental issues.

Article 8 (Principle of Prevention)

(1) The manner of specifying prescribed procedures, limit values, and other standards and of designing and implementing each Activity shall be such as to cause the least possible change in the environment; present the least environmental risk; minimize the consumption of space, materials, and energy during construction, production, transport, and utilization to the greatest extent possible; include consideration of the principles of replacement, recycling, and regeneration; and forestall and limit environmental strain already at its origin.

(2) In implementing the preceding paragraph the best concepts, technologies, equipment, and production methods which are available on the market and have been practically tested and found satisfactory shall be preferred, as well as replacement, recycling, and regeneration, even if reasonably higher costs are involved.

(3) For reasons of precaution, any deviation from the use of the concepts, equipment, and production methods of the preceding paragraph shall only be allowed in the case of Activities which have been reliably proved on scientific grounds or otherwise to exclude the possibility of any unexpected indirect or direct environmental strain.

(4) Where there is a danger of serious and irreparable damage to the environment, lack of scientific certainty may not be used as a reason for postponing such actions as may be necessary.

Article 9 (Principle of Liability of the Party Responsible for an Environmental Strain)

(1) The party responsible for excessive strain shall be held criminally and financially liable in accordance with the law.

(2) The liability referred to in the preceding paragraph shall also apply to a party who, through his illegal or incorrect action, has enabled or allowed the responsible party to excessively strain the environment. Financial liability shall also apply to the State and Local Authorities respectively, when under subsidiary obligation to act.

(3) The party responsible for an environmental strain or his legal successor shall eliminate the source of pollution and the effects of his direct or indirect excessive environmental strain.

(4) Ownership transformation of companies and other legal persons, transfer of ownership, restitution of property in the process of denationalization, forced settlement, bankruptcy, and liquidation shall also include an assessment and determination of the party

under the environmental strain. Any transfer of ownership shall also include settlement of existing liability claims.

Article 10 (Principle of Restitution for Environmental Strain)

(1) The party responsible for an environmental strain shall cover the entire costs emanating from an environmental strain according to the regulations. The costs shall not be assessed in such a way as to generate profit for the party responsible at the expense of the community or the quality of the environment.

(2) The provisions of the preceding paragraph shall also apply, according to the law, to imported commodities (dumping of imported commodities and subsidized imports).

(3) Depending on the type and form of environmental strain, the costs mentioned in paragraph 1 hereof shall include the regular costs of environmental protection, the costs of compensation for the depreciation of and danger to the environment, damage to health, the costs of cleaning up environmental damage, taxes, and indemnities.

(4) To encourage the reduction of environmental strains and with a view to ensuring the use such alternatives which are the least harmful to the environment, an environmental tax may be prescribed with respect to the level of environmentally harmful constituents of raw materials, fuels, or products; the harmfulness of their use; the harmfulness of operating the equipment or of services; or the production of waste.

(5) With a view to encouraging a lesser degree of environmental strain, Local Authorities may prescribe taxes and compensation in accordance with this or any other Act.

Article 11 (Principle of Mandatory Insurance)

(1) In accordance with the law, a party responsible for an environmental risk must be insured against any responsibility for damage to third parties, the State, the Local Authorities which might result from an ecological accident.

(2) The Government of the Republic of Slovenia (hereinafter "the Government") may prescribe the types of insurance specified in the preceding paragraph and security for compensation in case of any damages due to the contamination of the environment.

Article 12

(Principle of Mandatory Subsidiary Measures)

(1) In accordance with Article 65 hereof, the State or the Local Authorities shall eliminate the consequences of an environmental strain and bear the costs of mitigating the damage which can not be attributed to particular or identifiable responsible parties, if there is any doubt concerning such parties, or when the consequences can not be eliminated otherwise.

(2) If in a case referred to in the preceding paragraph, the party responsible is subsequently identified, the State and the Local Authorities which covered the costs of mitigating the damage shall have the right and duty to recover such costs.

(3) The provisions of the preceding paragraphs shall also apply in cases where no legal basis exists for the imposition on the party responsible of the liabilities arising from the consequences of environmental strain.

(4) The State shall also ensure such measures as are mandatory in cases when the source of environmental strain is beyond its borders and when the questions concerning the consequences in the territory of the Republic of Slovenia of the strain caused by a source in another state have not been settled.

Article 13

(Principle of Incentives)

(1) Within their jurisdiction, the State and the Local Authorities are obliged to encourage the Activities which will reduce the depletion of the productive potential of the environment, reduce the consumption of material and energy, and prevent or restrict environmental strains below permissible pollution levels. If a user has at his disposal a number of alternative raw materials and energy sources, they shall encourage the use of raw materials and energy sources which are the least harmful to the environment.

(2) The State shall encourage through tax reliefs the activities which will prevent or minimize environmental strain. The determination of tax reliefs shall be based on the principle of granting greater privileges to those installations, technologies, equipment, products, services and activities which are more friendly to the environment.

Article 14

(Public Access and Dissemination of Information)

(1) The information concerning environmental conditions and changes, the procedures and activities of bodies of the State and the Local Authorities, of

the parties involved in the delivery of public services, and those with public authorizations relating to the environment shall be open to the public.

(2) The parties of the preceding paragraph shall inform the public and provide information to interested individuals and organizations in the prescribed manner not later than one month of the request for such information and at a price which may not exceed the material costs of providing the information.

(3) Any party whose business operations should in any way or form strain the environment shall provide public access to the information concerning such environmental strain as they may cause in the manner specified in the preceding paragraph through the competent department of Local Authorities referred to in paragraph 3 of Article 92 hereof.

Article 15

(Principle of Protection of Rights)

(1) In making any decision about an Activity throughout the duration of such an Activity, everybody engaged in any such act or activity shall act in the prescribed manner and shall take all the prescribed and other reasonable measures which will ensure the exercising of the rights of others to a healthy and pure environment, without demanding for this any recompense whatsoever.

(2) To exercise their right to a healthy and clean environment, individual citizens, their associations, unions, and organizations may file a suit with the court, demanding the termination of an Activity, if such an Activity presents or will present an immediate threat to the environment, a critical environmental strain or damage, or a direct danger to the life and health of the people, or demanding that the commencement of such an Activity be prohibited if the likelihood of the above-mentioned effects can be demonstrated with reasonable certainty.

(3) The court may order that the measures referred to in the preceding paragraph be taken only if it is not possible to prevent the consequences by other means.

(4) To exercise their right to a healthy and clean environment, the parties referred to in subparagraph 6 of paragraph 1 of Article 56 hereof shall have the right to take part in the procedure of deciding on granting a license for an Activity if the decision on the matter discussed in the procedure might encroach upon this right.

(5) Additionally, the protection of the right of citizens to a healthy environment shall in accordance with law be the responsibility of the ombudsman.

II PROTECTION OF NATURAL RESOURCES

1 General Provisions

Article 16 (A Natural National Asset)

(1) Any national asset which is an integral part of ecosystems of farming land, forests, the underground world, karst, waters, the sea, and infertile land shall be the property of the State or the Local Authorities. The distinction between a natural national asset belonging to the State and a natural national asset belonging to Local Authorities, and the general conditions for its exploitation shall be established by law.

(2) A natural national asset may be exploited only in ways which do not threaten its substance or impair its natural role.

(3) The provision of the preceding paragraph shall also apply in setting conditions for the acquisition of special rights for the use of a natural national asset and other conditions prescribed for its use (subordinate uses).

(4) The status of a natural national asset for a particular area shall be assigned, annulled, or reinstated by a Government or Local Authority regulation. The regime of use shall be defined together with the proclamation of the status.

(5) The status referred to in the preceding paragraph may only be reinstated or cancelled on the basis of physical planning regulations.

Article 17 (Stock and Flow Resources)

(1) Water, minerals or mineral ores, wildlife, fish, and other wild water flora and fauna in open waters and fishing seas shall be the property of the State. The State and the Local Authorities shall be responsible for the protection of the air.

(2) The acquisition and enjoyment of property rights to land and forests may not threaten their ecological function.

(3) Categories of natural resources, the natural resources which are considered natural treasure, their protection, and conditions for economic exploitation of natural resources shall be prescribed by law.

(4) In prescribing the conditions of the preceding paragraph under which qualitative or quantitative economic exploitation may encroach on the substance of natural resources, the scarcity, endangerment, and ability of the latter to regenerate shall be taken into consideration.

Article 18 (Non-Expendable Natural Resources)

(1) Non-expendable natural resources and their protection shall be defined by law.

(2) The basic assumption behind any action in connection with non-expendable natural resources, their enjoyment, exploitation, use, and treatment shall be that their valuable qualities shall not be allowed to be affected or destroyed.

Article 19 (Protection of Natural Treasure)

(1) The status of protected natural treasure shall be proclaimed by a law or, in cases of a natural treasure of local significance, by a regulation adopted by Local Authorities in accordance with the law, and may apply to all natural treasures, specific cases, groups, or categories of natural treasure.

(2) The law or regulation referred to in the preceding paragraph shall contain provisions determining in particular:

1. the purpose of the protection;
2. the borders of a protected area or the extent and the components of other protected natural treasure;
3. the regime of protection and any imposition of a more specific protection regime by a special enactment; and
4. the administrator, his rights, obligations, and his specific duties until the adoption of a detailed protection regime.

(3) In particular, the protection regime referred to in the preceding paragraph shall include:

1. defining the level of significance of a natural treasure or its parts;
2. defining the degree and method of protection;
3. defining the conditions and measures for maintaining the integrity, diversity, and quality of a natural treasure or its parts; and
4. other specific conditions and measures.

(4) Tax reliefs, incentives, compensation, or indemnities relating to the revocation or restriction of rights resulting from the prohibition or restriction of use or exploitation of a natural treasure shall be defined in the deed of proclamation.

Article 20

(Expropriation and the Right of Preemption)

(1) Property rights on real estate situated on a territory which has the status of a protected natural treasure may be revoked or restricted in the interest of the State or the Local Authorities according to procedures and in the way prescribed by law for the following reasons:

1. to enable the public use of a natural national asset;
2. to prevent the exploitation of especially rare natural resources and those which are difficult to renew;
3. to enable the protection and public use and enjoyment of any piece of natural heritage; and
4. to make possible the ecological, protective, and other legally defined public functions of natural resources.

(2) In the event of the sale of real estate situated on the territory having the status of a protected natural treasure, the State and the Local Authorities shall have the right of preemption.

2 Concession to Natural Resources

Article 21

(Form and Payment of a Concession)

(1) The State or the Local Authorities (hereinafter "the grantor") may grant, against payment, a concession to natural resources which are their property to a legal or private person (hereinafter "concessionaire") if the latter is capable of their management, use or exploitation.

(2) Payment for a concession granted to natural resources which are the property of the State shall be allotted to the State and to the municipality in proportions and on the basis of criteria of the level of development of infrastructural facilities and environmental strain prescribed by the Government.

(3) A concession may be granted to natural resources if all environmental protection conditions defined herein for Activities and for the protection of a natural treasure are fulfilled. A concession may only be granted on the basis of public tender, except in cases when public tender would not be reasonable because of the dependence of the concession on the locality.

(4) The concession to a natural national asset may only concern the right to its management or to its specific or subsidiary use.

(5) The concession to a natural resource shall concern the right to its economic exploitation when the exploitation is an activity of the concessionaire or when the natural resource is a dominant component of the concessionaire's activity.

(6) The concession to a natural treasure shall concern the right to its management, use, or exploitation.

(7) In the acquisition of a concession on the basis of public tender, priority rights may be recognized. The owner of the area comprising natural resources shall have the right of preemption in obtaining a concession, if fulfilling the conditions specified in the first paragraph of this Article.

The criteria for and the method of exercising the right of preemption shall be prescribed by the Government and shall give particular consideration to the needs of local population, the depopulation threat to the area, and past or existing rights of concessionary character. The Government shall also prescribe the cases and conditions under which a concession to a natural resource within the areas threatened by depopulation may be granted free of charge.

Article 22

(Licenses)

(1) In cases not referred to in paragraphs 4, 5, and 6 of the preceding Article a license shall be obtained for the use and exploitation of a natural resource from the Minister responsible for that natural resource, unless provided otherwise by law.

Article 23

(Deed of Concession)

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

(2) The deed of concession is a regulation of the Government or the Local Authorities. The deed of concession granting a concession to a foreign person may only take the form of a law.

(3) In particular, the deed of concession shall contain the following:

1. a definition of natural resources for which the concession is given;
2. the object of the concession and a definition of the extent and possible exclusive character of the concession;
3. the definition of conditions of environmental protection, conditions of the protective regime, and the method of management, use, or exploitation of natural resources;

4. a description of the activity which may be undertaken by the concessionaire in connection with the rights which are the object of the concession;
5. conditions which must be fulfilled by the concessionaire;
6. any public authorization of the concessionaire;
7. the commencement and duration of the concession;
8. the area to which the concession refers;
9. payment for the concession and the shares allotted to the State and to the Local Authorities;
10. authorization for supervising the execution of the concession;
11. grounds and methods for the cessation of the concession;
12. obligations of the concessionaire regarding rehabilitation, establishment of a new or restoration of the previous state of the environment; and
13. authorizations and conditions for concluding a concessionary contract and its effective date.

Article 24

(Other Questions Relating to Concessions)

(1) Regarding the acquisition and selection of concessionaires, public tenders, the questions relating to concessionary contract, protection of concessionaires and resolving of disputes, cessation of concessionary relationship, transfer of concession, mandatory concession, force majeure, and concessionaire's responsibility for the actions of employees, the provisions of the law governing concessions in connection with public trading services shall be applied as appropriate, unless provided otherwise by law.

III PUBLIC SERVICES IN THE FIELD OF ENVIRONMENTAL PROTECTION

Article 25

(State Public Services)

(1) Services for the protection of forests, farm land, waters and water regulation, the sea, the underground world, and the protection of natural national assets, stock and flow resources, and non-expendable natural resources, for soil and karst

protection, emergency protection and rescue services and public services in other areas of environmental protection shall be specified and regulated by law.

(2) The mandatory public services of the State for handling wastes shall include:

1. services for the collection, classification, storage, and transportation of radioactive and certain types of hazardous high calorific value organic, other organic, inorganic hospital and slaughter house waste, contagious materials of animal origin and certain types of plastic and rubber waste, biomass, and waste resulting from construction work;
2. services for incineration, immobilization, composting and other destruction of the waste specified in subparagraph 1 of this paragraph and of municipal waste;
3. services for dumping the remains from the waste specified in subparagraphs 1 and 2 of this paragraph.

Article 26

(Mandatory Local Public Services)

(1) Mandatory local public services shall comprise:

1. supply of drinking water;
2. draining and treatment of municipal wastewater and rain water;
3. municipal waste treatment and disposal;
4. dumping of the remains of municipal waste;
5. public hygiene and cleaning of public areas;
6. maintenance of public ways, walking and green areas; and
7. examination, control and cleaning of firing equipment and installation, smoke flues and vents with a view to air protection.

(2) The public services specified in the preceding paragraph and the emergency protection and rescue services prescribed by a special law shall be provided independently, directly, and mandatorily by the municipality, unless provided by a wider local government unit or collectively by several municipalities.

(3) If a mandatory public service is not provided according to the preceding paragraph, it shall be provided by the State on the territory of the Local Authorities and at its expense. The manner of providing such a service shall be specified by the

Government in a regulation implemented by the Ministry responsible for environmental protection (hereinafter "the Ministry").

(4) Standards of supply, classification of buildings and facilities, technical, maintenance, and organizational standards, standards of management, methodologies for establishing prices, for keeping registers of suppliers of services and cadasters of buildings and facilities, and other standards and specifications for the delivery of the services specified in paragraph 1 of this Article shall be set by the Minister responsible for environmental protection (hereinafter "the Minister").

IV SPECIFIC ENVIRONMENTAL PROTECTION MEASURES

1 Regulations

Article 27 (Limit Values)

(1) By taking into consideration the principle referred to in Article 8 thereof, the Government shall classify and specify limit values for the emission of substances and energy into the ground, water, and air, immission limit values, rates of decrease and other mandatory measures. The period set for the existing polluters to adjust accordingly may be postponed, or less rigorous limit values may be prescribed for a definite period of time.

(2) In addition to the limit values referred to in the preceding paragraph, warning and critical levels shall be prescribed as well. Long-term oriented recommendations based on limit values may also be issued.

(3) For its territory, an urban municipality may prescribe more stringent levels and related measures than those referred to in the preceding paragraphs.

(4) For an area with the status of endangered environment municipal authorities may prescribe more stringent warning immission levels than those referred to in paragraph 2 of this Article.

(5) In prescribing the values referred to in the preceding paragraphs possible impacts of total and integral environmental strain and the necessary period of adjustment shall also be taken into consideration.

Article 28 (Status of Endangered Environment)

(1) The status of endangered environment and the regime of comprehensive rehabilitation shall be determined by the Government on the basis of assessed complexity of rehabilitation, the composition

and scope of environmental strain in a particular area or in any other part of the environment.

(2) In particular, the regulation contained in the preceding paragraph shall contain the mandatory responsible bodies, conditions, measures, criteria, and standards for the realization of individual rehabilitation programs and measures, the time periods set for their preparation and execution, including the mandatory establishment of a new or restoration of the previous state of the environment. The regime of rehabilitation shall be based primarily on the criteria of total and integral environmental strain.

(3) When the provisions of paragraph 1 of this Article relate to matters of local significance, the status of endangered environment shall be determined by a regulation of the Local Authorities.

Article 29 (Regulations of Protection and Order)

(1) The classification and protection of wild animal and plant species and their natural habitats from the perspective of preserving biological diversity and the natural balance and related rules of action shall be prescribed by the Government.

(2) In matters relating to environmental protection, the Local Authorities shall regulate by special rules:

1. the conditions and manner of using, behaving and performing other activities on public areas of local significance; and
2. the areas which must be specially protected from environmental strain, operating time restrictions, and other measures of protection.

Article 30 (Rules of Action)

(1) In cooperation with other competent Ministers, the Minister may prescribe rules of action, classifications according to the degree of risk, technical specifications, obligations concerning notification, prohibitions and restrictions in production, trade, use of natural resources, and consumption relating to the destruction, minimization, and accumulation of substances, hazardous in particular, energy, packaging, and wastes; to the substitution of energy-producing materials and substances, emissions, energy and packaging; to recycling, transportation, storage, reduction of risk, warnings, markings, and security; and to other forms of mandatory action.

(2) The Minister shall prescribe the classification of wastes, the mandatory actions specified in the preceding paragraph, and other conditions for:

1. collection, classification, storage, and transportation of wastes;
2. import, transit, and export of wastes;
3. recycling, composting, and other methods of reusing wastes;
4. destruction and other methods of waste treatment, including the use of wastes as energy-producing materials, raw materials, or admixtures; and
5. disposal of waste.

(3) In the cases specified in subparagraph 4 of the preceding paragraph, the Minister may issue a decree to impose a mandatory course of action if this will not make the business conditions of the party subject to such mandatory course of action substantially worse.

(4) If Article 25 hereof does not specify any public service responsible for a particular type of waste, its handling and disposal and if no organization is registered for such activities, the Minister may request from two or more manufacturers and owners of such waste to organize themselves as necessary for handling and disposal of such waste if appropriate handling and disposal can not be ensured by each of them individually.

(5) For mandatory local public services under this Act the Local Authorities may prescribe a more stringent course of action than the one prescribed by paragraph 2 of this Article.

Article 31

(Consent and Prohibition for Import)

(1) The Minister shall determine the cases in which ecological inspection of permanently or temporarily imported goods and technology is mandatory; the cases in which permanent or temporary import and export and transit of certain goods and technology through the territory of the State shall be prohibited; and the cases subject to prior consent of the Ministry.

(2) The Minister shall prescribe the manner of implementation of ecological inspection of permanently or temporarily imported goods and technology.

2 Licenses

Article 32

(Licenses for Mobile Facilities and Tests)

(1) For the use of mobile facilities for

environmental protection a license shall be obtained from the Minister. A complaint may be lodged against the decision not to grant a license.

(2) An application for issuing a license shall comprise as its integral parts an operating design and a report on the environmental impact of the operation of the facility.

(3) For the preparation of the report referred to in the preceding paragraph, the provisions contained in Article 56 hereof shall apply. For the procedure of issuing a license, the provisions contained in Articles 60 through 63 shall apply as and when appropriate.

(4) If for the operation of a mobile facility appropriate Activities in the environment are required, a license for such Activities shall be obtained in compliance with the regulations which govern the exploitation and use of space. In the case of Activities in areas having the status of natural heritage, a license may be issued only with the consent of the competent Ministry.

(5) The provisions of the preceding paragraphs shall also apply to the testing of operation of other facilities and of procedures for environmental protection of limited duration.

(6) A list of facilities and procedures referred to in paragraphs 1 and 5 of this Article shall be prescribed by the Minister.

Article 33

(Licenses in Exceptional Cases)

(1) In case of emergency or occasionally, the Minister may issue to the party responsible for an environmental strain a license to temporarily or occasionally exceed the ordinary environmental strain.

(2) If the cases referred to in the preceding paragraph concern natural heritage areas or involve any hazard to human health, the license may only be issued with the consent of the competent Ministry.

(3) In matters within the jurisdiction of Local Authorities, the license under paragraph 1 of this Article shall be issued by the competent department of Local Authorities.

(4) The licenses referred to in the preceding paragraphs may not be issued when excessive environmental strain of temporary or occasional nature is likely to lead to a critical environmental strain, hazard to the environment, or to any damage of the latter. The license shall also specify the conditions applying to the elimination of any adverse environmental impacts.

3 Restrictions, Injunctions, and Prohibitions

Article 34 (Temporary Protection)

(1) In accordance with its official duty or upon the initiative of an organization or individual, the competent Ministry may temporarily protect all or part of a particular natural resource and define the conditions and method of its protection if such a resource may justifiably be considered to have the characteristics of a natural treasure.

(2) In addition to the extent, conditions, and measures of protection applied according to paragraphs 3 and 4 of Article 19 hereof, a decree on temporary protection shall also establish the time period for which the temporary protection status, which may not be longer than two years, shall be in force.

Article 35 (Exceptional Measures)

(1) In accordance with the principle of mandatory action, in times of ecological accident or damage to the environment, the Ministry may demand from the party responsible or the competent service the mandatory rehabilitation, establishment of a new or restoration of the previous state, urgent intervention, and the introduction of emergency measures of protection, with the consent of each Minister responsible for the protection of any particular type of natural resource, the Minister responsible for health, and, in cases requiring civil defense and rescue measures, the consent of the Minister responsible for civil defense and rescue.

(2) If in the process of issuing a license for an Activity to a party responsible for an environmental strain the restitution for the devaluation of or danger to the environment has not been specified but the criteria referred to in paragraph 2 of Article 78 hereof have been fulfilled, the Ministry shall, at the request of the affected parties, impose upon the responsible party the obligation to prepare the materials specified in subparagraph 6 of paragraph 1 of Article 56 hereof and may also require, at its discretion, that a contract referred to in paragraph 3 of Article 78 hereof be concluded.

(3) The provision of the preceding paragraph shall also apply in case of changing the criteria specified in paragraph 2 of Article 78 hereof.

Article 36 (Inspection Measures)

(1) The State inspector responsible for the supervision of environmental protection shall

prescribe rehabilitation and other measures necessary for the elimination of sources and consequences of excessive environmental strain in such time limits as he shall impose.

(2) If in cases referred to in the preceding paragraph the inspector estimates that a rehabilitation program is necessary for the elimination of such sources and consequences, he shall recommend to the Ministry to prescribe that a rehabilitation program be prepared and implemented.

(3) If the party responsible for an environmental strain does not act according to the prescriptions referred to in the preceding paragraphs, the State inspector shall in accordance with law prohibit:

1. the operation of the facility or equipment;
2. the use of a substance;
3. the use of a technological process, machine, means of transport, or product; and
4. the carrying out of a certain activity.

(4) The State inspector may orally, according to the procedures prescribed for urgent emergency measures, prohibit the carrying out of the activities specified in the preceding paragraph if they represent an immediate danger to the environment or other critical environmental strains and if it is not possible to eliminate them by other measures.

(5) A complaint, which shall not forestall the execution of a decision, may be lodged against the decision of the State inspector issued in accordance with the preceding paragraphs.

Article 37 (Temporary Restriction of Activity)

(1) If the provisions contained in Articles 27 and 30 hereof do not restrict an activity or operation, the Government may for a specified period restrict, on the whole or part of the territory of the State, the carrying out of an activity or operation which is the cause of critical environmental strain that can not be eliminated by other measures.

(2) In accordance with the provisions of paragraphs 3 and 4 of Article 27 and paragraph 5 of Article 30 hereof, the restriction referred to in the preceding paragraph may also be prescribed by municipal authorities.

Article 38 (Warning of the Population)

(1) In cooperation with the Ministers responsible

for health and for civil defense and rescue, the Minister shall prescribe warnings, recommendations, and emergency measures for the cases of exceeding the values referred to in paragraph 2 of Article 27 hereof.

(2) A municipality or urban municipality may prescribe the warnings and recommendations for the cases referred to in paragraphs 3 and 4 of Article 27 hereof, and an urban municipality also the emergency measures referred to in the preceding paragraph.

(3) In the license for an activity, the obligation to warn, instruct, and advise the population shall be stipulated if the environmental impact report suggests that the intended activity represents an environmental risk.

Article 39 (Manufacturer's Warning)

(1) A manufacturer or seller may not market raw materials, semi-processed goods, or finished products without a visible marking stating the environmental strain which a product or its packaging causes or might cause. The marking shall also carry instructions for handling a product and its packaging in production, transport, consumption, and following its use in accordance with the standards in force and the rules of action under Article 30 hereof.

Article 40 (Obligation of Notification and Cooperation)

(1) Anyone aware of the existence of a threat to the environment, a critical environmental strain, or damage to the environment is obliged to notify the environmental inspectorate or other body of the State or the Local Authorities immediately.

(2) The obligation referred to in the preceding paragraph shall also apply to anyone aware of an ecological accident.

(3) Any infringements mentioned in Article 100 hereof that may be discovered by the police, authorized official persons of the Ministry of the Interior and other authorized official persons while dealing with matters falling within their competence shall be reported to the environmental inspectorate.

(4) Administrative and other bodies of the State and of the Local Authorities are obliged to cooperate with and assist the environmental inspectorate in the discovery of phenomena damaging to the environment and of information about any party responsible for an environmental strain.

4 Environmental Protection Officers and Ecological Record Keeping

Article 41 (Environmental Protection Officer)

(1) A legal person directly responsible for an environmental strain is obliged to appoint an environmental protection officer.

(2) The environmental protection officer may be an employee of the party responsible for an environmental strain or another person hired for that purpose, who satisfies the conditions prescribed by the Minister.

(3) The environmental protection officer:

1. provides for the implementation of environmental protection regulations by the party responsible for an environmental strain;
2. recommends measures for the prevention or elimination of the effect of an environmental strain to the party responsible for the strain;
3. ensures public access and dissemination of information in accordance with Article 14 hereof;
4. cooperates with competent bodies of the State and the Local Authorities in matters of environmental protection and with the interested environmental protection organizations and societies; and
5. executes other tasks in the field of environmental protection according to his competencies.

(4) The party responsible for an environmental strain shall ensure professional independence of the environmental protection officer and provide him with suitable working conditions.

(5) The party responsible for an environmental strain shall communicate to the Minister and the Local Authorities of the area where his seat is located the name of the environmental protection officer and his authorizations.

Article 42 (Ecological Record Keeping)

(1) Persons engaged in any productive or non-productive activity shall, as part of their operation, conduct ecological record keeping, which shall contain energy and material consumption records together with the nature and characteristics of an environmental strain. The records must be kept in the prescribed manner.

(2) The Minister shall, after obtaining the opinion of other competent Ministers, prescribe the activities, scope and content of ecological records and the manner of their keeping for specific types of activities, as well as the content and manner of presentation of the data to the Ministry.

5 Incentives

Article 43
(Eco-label)

(1) Manufacturers of consumer goods may be awarded an eco-label if their production, distribution, consumption, and final disposal of product remains present an environmental strain which is substantially lower in comparison with other similar products than the one allowed by applicable regulations.

(2) The conditions and procedure for the acquisition and use of the eco-label shall be prescribed by the Minister.

(3) The selection procedure shall be carried out on the basis of public competition by the State Institute for Environmental Protection in cooperation with the Institute for Health, the State Institute for Standardization and Metrology, and the consumer protection organization.

(4) The eco-label shall be awarded by the Minister.

Article 44
(Recognitions and Awards)

(1) Recognitions and awards for achievements in the field of environmental protection shall be awarded on the basis of applicable provisions of the preceding Article for the following:

1. technological solutions and achievements;
2. research and development projects;
3. achievements in the field of education;
4. contributions by societies, professional associations, and other non-governmental environmental protection organizations, and by individuals; and
5. the prevention of negative effects of environmental strains.

V ENVIRONMENTAL PROTECTION
RESEARCH, PROGRAMMING, AND PLANNING

I Research.

Article 45
(Environmental Protection Research and Projects)

(1) The mandatory components of the National Research Program shall be the directives for basic and applied research and development projects in the

field of environmental protection.

(2) The Ministry shall contribute to the preparation of the program referred to in the preceding paragraph by:

1. providing suggestions and recommendations for the content of the National Research Program on environmental protection;
2. mandatory provision of views on those parts of the Program which relate to environmental protection;
3. taking up its position on other parts of the Program from the viewpoint of environmental protection.

(3) The Ministry shall take part in making decisions on research and development projects for the implementation of the National Research Program in the field of environmental protection by:

1. proposing subject matters of environmental protection research and development assignments for public competition purposes;
2. taking part in the assessment of research and development projects relating to environmental protection,
3. providing views on alignment of proposed projects of other research areas with environmental protection;
4. cofinancing development projects pertaining to environmental protection.

(4) After prior coordination with the Ministry responsible for research activities, the Ministry may also independently finance research and development projects in the field of environmental protection.

Article 46
(Institute for Environmental Protection)

(1) Research in the field of environmental protection shall be undertaken by research organizations and other legal and physical persons which fulfill the conditions prescribed for research activities.

(2) To ensure complex research activities and a comprehensive approach to research into environmental protection, the Institute for Environmental Protection of Slovenia shall be established as a public research institute according to the regulations governing research activities.

(3) The Institute referred to in the preceding paragraph shall also function as a citizens' service for environmental protection, a professional service for

the ombudsman in matters of environmental protection, an independent information service, and a link with related foreign non-governmental organizations.

2 Programming

Article 47

(Preparation of National Environmental Protection Program)

(1) The National Environmental Protection Program shall be adopted by the National Assembly of the Republic of Slovenia (hereinafter "the National Assembly") at the recommendation of the Government.

(2) The National Environmental Protection Program shall contain the goals, guidelines, and a strategy of environmental protection and the use of natural resources for a period of not less than 10 years. The program shall be coordinated with national programs and plans in other fields.

Article 48

(Content of the National Environmental Protection Program)

(1) In particular, the National Environmental Protection Program shall include:

1. the state of the environment, environmental strains, and their impact on the health of the population;
2. the assessment of the state of the environment, individual natural resources, and their endangerment;
3. long-term projections of environmental trends and conditions;
4. attainable goals and methods of their realization;
5. necessary financial means and their sources;
6. priority tasks and projects;
7. analysis of expected costs and benefits;
8. guidelines for the development of environmental protection activities and public services; and

(2) The National Environmental Protection Program shall be divided into global, national, regional, and local levels.

Article 49

(Working Programs)

(1) The goals and tasks of the National Environmental Protection Program shall be specified in detail in working programs applying to periods of not more than four years.

(2) The working programs referred to in the preceding paragraph shall be prepared by the Ministry in cooperation with other competent Ministries and shall be adopted by the Government.

Article 50

(Programs of Local Authorities)

(1) An urban municipality shall adopt its environmental protection program and working program for its territory on the basis of the provisions contained in Articles 47, 48, and 49 hereof applied as and when appropriate.

(2) A municipality or wider local government unit may adopt its own environmental protection program.

(3) The programs referred to in the preceding paragraphs shall not be in conflict with the National Environmental Protection Program.

3 Planning

Article 51

(Environment Vulnerability Study)

(1) Planning, programming, and designing of Activities and directing of regional development shall also be based on an environmental vulnerability study.

(2) An environmental vulnerability study for each individual region of the entire territory of the State shall be prepared by the Ministry in cooperation with other Ministries.

(3) An environmental vulnerability study shall also be prepared by a municipality for its territory if such a study is not prepared within the scope of a wider local government unit or in cooperation with other municipalities.

Article 52

(Content of an Environmental Vulnerability Study)

(1) An environmental vulnerability study shall be based on ecosystem divisions of the territory and shall incorporate qualitative and quantitative analyses of the environment and its components, its sensitivity to Activities, the regenerative and neutralizing abilities

of the environment, the attained levels of total and integral environmental strain and endangerment, the assessment of acceptable scope of environmental strain, and suggested levels of protection against environmental strain, including areas in which new Activities will not be allowed due to excessive environmental strain.

(2) The principles of division on the basis of ecosystems and the methodology for the preparation of environmental vulnerability studies on national and local levels shall be prescribed by the Minister in coordination with the Ministers responsible for health, for the protection of individual natural resources, and for civil defense and rescue.

Article 53

(Levels of Environmental Protection)

(1) On the basis of the environmental vulnerability study, the National Assembly or Local Authorities shall determine the level of environmental protection against environmental strains, which shall serve as the mandatory bases for:

1. physical planning documents of the State and the Local Authorities;
2. sector plans for the management of natural resources defined by law;
3. approvals for specific space-affecting activities and other Activities; and
4. the preparation of rehabilitation programs.

(2) Within the framework of environmental protection levels, areas shall be defined on which new Activities may be allowed only if collective and other measures are adopted to prevent the increase of total and integral environmental strains above or to ensure their reduction below the levels specified for the cases referred to in Article 28 hereof.

(3) The National Assembly or the Local Authorities shall examine any decision passed in accordance with paragraph 1 of this Article at least every four years and shall modify or supplement it as necessary.

4 Comprehensive Assessment of Environmental Impact

Article 54

(Comprehensive Assessment of Environmental Impact)

(1) Before adopting the documents specified in subparagraphs 1 and 2 of paragraph 1 of the

preceding Article, the party responsible for their preparation shall obtain the license from the Ministry.

(2) The Ministry shall grant the license referred to in the previous paragraph on the basis of a comprehensive environmental impact assessment study. This study shall be prepared by the body responsible for the preparation of the physical planning document or sector plan from the viewpoint of the environmental impact of the planned Activities and of the reciprocal influences of specific human activities.

(3) Before issuing a license referred to in paragraph 1 of this Article, the Ministry shall consult the Ministries responsible for health, the protection of individual natural resources, and civil defense and rescue and for other forms of protection against hazards, unless special consent be prescribed for these areas by law.

(4) The detailed content and methodology for the preparation of a comprehensive environmental impact assessment study shall be prescribed by the Minister in cooperation with the Ministers referred to in the preceding paragraph.

VI ACTIVITIES AND REHABILITATION

1 Assessment of Environmental Impact

Article 55

(Assessment of Environmental Impact)

(1) To realize the principle of prevention and to assess the compatibility of an envisaged Activity with environmental characteristics of the location, an environmental impact assessment shall be carried out to determine the acceptability of the intended Activity with respect to its long- and short- term, direct and indirect effects on the environment from the viewpoint of a minimum change in the natural conditions of the environment and the maximum specified environmental protection levels possible.

(2) An assessment of environmental impact shall be carried out for those intended Activities which are subject to approval and which could significantly affect the environment. These Activities include:

1. the exploitation and use of soil, water, forests, minerals and other natural resources;
2. the construction, modification, operation, or removal of facilities and equipment;
3. technological and other changes relating to the extraction, production, storage, transport, and use of raw materials, semi-processed goods, finished products, and energy;

4. the introduction for the purpose of using or marketing of new products; and
5. the trial introduction of new products and technologies.

(3) The assessment of environmental impact shall be based on environmental impact report which shall be an integral part of the application for obtaining the license for an Activity.

Article 56

(Content of an Environmental Impact Report)

(1) An environmental impact report shall include:

1. a description of the existing state of the environment which could be affected by a project, including the measurement of existing environmental strain (the zero state of the environment);
2. a description of the characteristics of the project and evidence of its conformity with technical and other regulations;
3. a description and assessment of the anticipated effects of a project on the environment, including a description of optimization methods of evaluation;
4. a description and assessment of environmental protection measures, of the selected technologies and materials, including grounds for such selection with respect to alternative options, test and other certificates;
5. a description and assessment of environmental strains on and changes in the state of the environment which are the result of the impact of the project, including an assessment of the potential total and integral environmental strain;
6. a description of the location and a list of all parties involved in cases when special measures and stipulated restitution are prescribed for the danger to or depreciation of the environment, including an assessment of their suitability;
7. warnings regarding the comprehensiveness of the project and the report, and problems connected with their preparation; and
8. a summary of the environmental impact report containing a final judgement comprehensible to the general public.

(2) The environmental impact report must include all the necessary technical and graphical components in a form suitable for public presentation, except in cases when these components form an integral part of the design.

(3) The environmental impact report may only be prepared by an authorized legal or physical person.

(4) The categories of environmental strain which must be assessed, the categories and scope of assessment, the methodology for the preparation of an environmental impact report, and conditions and procedure for obtaining the authorization under the preceding paragraph shall be prescribed by the Minister after consultations with the Ministers referred to in paragraph 3 of Article 54 hereof.

Article 57

(Mandatory and Other Environmental Impact Assessments)

(1) According to the size and nature of an Activity and the environmental characteristics of the location, the Government shall prescribe:

1. categories of Activities for which an environmental impact assessment is always mandatory;
2. other categories of Activities and the conditions and criteria which, if fulfilled, require a mandatory environmental impact assessment; and
3. categories of Activities for which an environmental impact assessment requires only a report containing particular analyses of specific nature or partial accounts.

(2) At the suggestion of the Ministries or the parties specified in subparagraphs 2, 3, and 5 of paragraph 1 of Article 4 hereof, the Ministry may decide in individual cases of intended Activities not covered by subparagraphs 2 and 3 of the preceding paragraph that an environmental impact assessment be prepared or that the scope of an environmental impact report be increased.

Article 58

(Preliminary Licensing Procedure)

(1) When the law prescribes a preliminary procedure for setting the conditions for granting a license for an Activity, the competent Ministry or its competent body shall also prescribe as obligatory the assessment of environmental impact and shall specify the scope of the environmental impact report for the cases referred to in the preceding Article.

(2) In case of any doubt arising in connection with the implementation of the provisions contained in Article 57 hereof or in case of a motion proposed on the basis of paragraph 2 of the said Article, the Ministry or the body referred to in the preceding paragraph shall ask the Minister for his opinion or decision.

(3) If the procedure referred to in paragraph 1 of this Article is not prescribed, the operator of the intended Activity may ask the Ministry to specify the environmental protection conditions and the scope of the environmental impact report in accordance with the provisions contained in Article 56 hereof.

(4) For the purposes of the procedure referred to in paragraphs 1 and 3 of this Article, a request for specifying environmental protection conditions must include information about the type, size, and nature of the intended Activity and about the environmental characteristics of the location.

Article 59 (Environmental Consent)

(1) When the licensing procedure for an Activity, also involves an assessment of environmental impacts in accordance with Article 57 hereof, the body competent for decisions must draw up a draft decision, ensure public announcement in accordance with paragraph 2 of Article 60 hereof, and submit the draft together with the design and other documentation to the Ministry for approval.

(2) The Ministry must grant or deny the consent (hereinafter "environmental consent") by a confirmation of the decision or by a special enactment not later than 30 days of day when the competent body referred to in the preceding paragraph has sent to it, after carrying out a public discussion, the draft decision.

(3) If the Ministry denies an environmental consent, it shall give reasons for considering the proposed Activity unacceptable or demand that the project be amended or modified.

(4) If no special consent is necessary in cases of activities in the domains of the protection of health of humans, animals, and plants, safety at work, other forms of protection against danger, and the protection of natural resources prior to issuing a license for an Activity, the competent Ministries shall, at the request of the Minister, submit to the latter their opinions within 20 days of making such a request, before an environmental consent is issued.

(5) A license for an Activity issued contrary to the provisions contained in paragraph 2 of this Article shall be null and void.

Article 60 (Participation of the Public)

(1) The body referred to in paragraph 1 of the preceding Article, which is responsible for making decisions, shall ensure public presentation of the draft decision and the report referred to in Article 56 hereof, or of the entire project, if the report does not contain all the relevant information referred to in paragraph 2 of the said Article, and shall ensure its

public discussion and a public hearing of the operator of the Activity.

(2) The public announcement including the list of concerned parties, the places and the times of the presentation, the public discussion, and the hearing referred to in the preceding paragraph shall be published in public media and announced in the usual local manner. The public announcement shall also contain a summary of the environmental impact report with final judgement and the method of contribution of opinions and comments by the public. The duration of public presentation shall not be less than 15 days.

(3) Irrespective of the provisions of the preceding paragraphs, public presentation, discussion, and hearing are not necessary in a renewed decision-making procedure which results from an adjustment to opinions and comments given during the initial public presentation.

(4) The body referred to in paragraph 1 of this Article shall announce its decision, including environmental consent, in public media within eight days of issuing the consent. The decision shall include a statement that the opinions and comments made during the public presentation, discussion, and hearing have been considered.

(5) The costs of public presentation, discussion, and hearing shall be borne by the operator of the intended Activity.

Article 61 (Assessment of Fulfillment of Environmental Protection Conditions)

(1) When a technical inspection, trial operation, or any other preliminary process is prescribed for issuing an operating or other license for an Activity for which an environmental consent has been issued, the Ministry must be included in its execution in order to establish the conformity of the executed Activity with the components of the project that have been subject to an environmental impact assessment.

(2) In cases when a trial run is prescribed, the conformity referred to in the preceding paragraph shall be ascertained on the basis of operation monitoring specified in the project.

(3) A license referred to in paragraph 1 of this Article, which is issued contrary to the provisions contained in this Article, shall be null and void.

Article 62 (Changed Conditions)

(1) If upon the issuing of an environmental consent but prior to the issuing of the license referred

to in the preceding Article the environmental conditions specified by law or a regulation issued on its basis and serving as the basis for the consent will change significantly, the Ministry may require from the operator of an Activity to amend the project and the report and, on this basis and with his consent, that the decision allowing the Activity be changed.

(2) Before any change of the scope or type of operation specified in an operating license, which would cause a change in environmental impacts, the operator shall obtain an operating license which shall be modified in the light of the changed environmental protection conditions.

(3) In the procedure for changing the decision referred to in paragraph 1 of this Article, the provisions of Article 60 hereof shall not be applied.

Article 63

(Notification of Neighboring Countries)

(1) When an intended Activity could directly influence the environment of neighboring countries, and with the condition of reciprocity fulfilled, the Ministry shall through the Ministry of Foreign Affairs inform such countries about the intended Activity and send them the project of the intended Activity and the environmental impact report.

2 Rehabilitation Programs

Article 64

(Obligation for Preparation and Execution)

(1) In the decision prescribing that a rehabilitation program be prepared and implemented the Ministry may specify the type, scope and time limits for rehabilitation for the responsible body referred to in paragraph 2 of Article 28 and the party under obligation in accordance with Article 36 hereof.

(2) The responsible body and the party referred to in the preceding paragraph shall obtain the consent of the Ministry prior to the commencement of the rehabilitation program. At the request of the Minister, the competent Ministries shall submit to the Minister their opinions before the consent is issued.

(3) In the consent referred to in the preceding paragraph, the periods for completion specified in the time schedule of the rehabilitation program may be shortened or extended.

(4) During the execution of a rehabilitation program, the Ministry may extend individual periods specified in the time schedule of the rehabilitation program if reasonable grounds exist for such an extension.

Article 65

(Subsidiary Responsibility of the State and the local Authorities)

(1) In the cases when the State is responsible for eliminating the sources and consequences of environmental strain, the preparation and implementation of the rehabilitation program shall be ensured by the Ministry responsible for the protection of a particular natural resource.

(2) The order of priority of the rehabilitation referred to in the preceding paragraph shall be determined by the Government.

(3) If environmental effects of an Activity are of local significance, the preparation and implementation of rehabilitation programs and their order of priority shall be determined by the Local Authorities.

(4) In the cases referred to in paragraph 1 of this Article, an urban municipality shall ensure the preparation and implementation of the rehabilitation program for its territory.

Article 66

(Content of Rehabilitation Programs)

(1) In particular, a rehabilitation program shall contain:

1. an analysis of environmental strains and the total level of environmental strain;
2. alternative technological and other solutions;
3. an assessment of the long-term grounds justifying the solutions selected in the light of the environmental impact;
4. a time schedule for the implementation of the program; and
5. a financial plan including the presentation of compensation costs for the depreciation and threat to the environment.

(2) A rehabilitation program shall also include the establishment of a new or restoration of the previous state of the environment.

(3) The mandatory technical basis for a rehabilitation program shall be a study with the content of the environmental impact report referred to in Article 56 hereof.

(4) The categories of rehabilitation programs, their scope and detailed content, the methodology for their preparation, and the ways of participation of the public shall be prescribed by the Minister after obtaining opinions from the Ministers responsible for the protection of each particular natural resource.

VII ENVIRONMENTAL MONITORING AND PROTECTION INFORMATION SYSTEM

I Environmental Monitoring

Article 67 (Environmental Monitoring)

(1) Within the State, natural phenomena, pollution, and emissions into the environment shall be monitored (hereinafter "environmental monitoring").

(2) Monitoring of natural phenomena shall include the observation and supervision of meteorological, hydrological, erosional, seismological, radiological, and other geophysical natural phenomena (monitoring of natural phenomena).

(3) Monitoring of environmental pollution shall include the observation and supervision of immissions in the soil, water, air, the flora and fauna, and of health-related ecological conditions (immission monitoring).

(4) Monitoring of environmental pollution shall include the observation and supervision of emissions into the soil, water, and air (emission monitoring).

Article 68 (Responsibilities of the State and the Local Authorities)

(1) The establishment and operation of a State monitoring system for natural phenomena and immission monitoring shall be provided by the State directly, or in the form a public service. In this framework, information about the results of monitoring and related warnings shall regularly be made available to the public, Local Authorities and other interested organizations through public media and other means. The State shall also ensure early warning against potential dangers.

(2) Within the scope of the tasks referred to in the preceding paragraph intervention monitoring and monitoring of diffuse sources of pollution shall also be ensured.

(3) If more detailed or special monitoring of the preceding paragraphs is in the interest of other parties or Local Authorities, it shall be ensured by such parties in agreement with the Ministry responsible for a particular type of monitoring.

(4) Urban municipalities shall mandatorily ensure the establishing of an immission monitoring system for more detailed and special monitoring and the monitoring of emissions from diffuse sources of pollution on their territory.

(5) In the cases referred to in paragraph 1 of this Article individual monitoring tasks may in the form of

a mandatory concession be imposed on a particular person, company, or other organization in the field of air or sea transport, or to other persons.

Article 69 (Responsibility for Environmental Monitoring on State Level)

(1) Monitoring of natural phenomena shall be ensured by the Ministry in cooperation with the Ministry responsible for civil defense and rescue.

(2) Immission monitoring shall be provided:

1. for soil, water, and air (including noise and radiation) by the Ministry in cooperation with the Ministry responsible for agriculture and forestry and the Ministry responsible for health;
2. for flora and fauna by the Ministry responsible for agriculture and forestry in cooperation with the Ministry, and the Ministry responsible for natural heritage; and
3. for health-related ecological conditions by the Ministry responsible for health in cooperation with the Ministry.

(3) The classification of phenomena subject to monitoring and common methodological bases shall be prescribed by the Government.

(4) The conception of monitoring, the implementation methodology, the necessary qualifications of the bodies responsible for monitoring according to paragraphs 1 and 2 of this Article, the quality of the equipment, and the necessary accreditation and manner of regular provision of information to the public shall be prescribed in the rules prepared by the Ministers in accordance with their competencies referred to in the preceding paragraphs.

Article 70 (Obligations of Other Persons)

(1) Operation monitoring which a party responsible for pollution shall be obliged to ensure himself within the scope of carrying out his activities or through some other party shall include:

1. monitoring of individual sources of emission; and
2. monitoring of immissions resulting from environmental strains caused by the responsible party and, when necessary, the monitoring of natural phenomena influenced by its activities.

(2) A party responsible for an environmental risk shall ensure preventive monitoring for the prevention of excessive environmental strain or endangerment.

(3) A party responsible for an environmental strain shall ensure all the necessary monitoring of the effects of rehabilitation measures. When the State or the Local Authorities are responsible according to the provisions hereof for carrying out a rehabilitation program, each shall ensure the necessary monitoring of the effects of such a rehabilitation program.

(4) In cooperation with other competent Ministers, the Minister shall specify the categories of emission, immission, and phenomena subject to the monitoring referred to in the preceding paragraphs as well as the methodology of sampling, measuring, and recording the data.

(5) The specification of the preceding paragraph shall determine the cases for which, because of the specificity of monitoring, monitoring shall be prescribed by an order of the Minister.

(6) The Minister shall also specify the conditions which must be fulfilled by those who will carry out monitoring, the quality of the equipment, and the necessary accreditation.

Article 71 (Monitoring Data)

(1) The persons referred to in the preceding Article shall report the data from emission and preventive monitoring to the Ministry and the data from immission monitoring and the monitoring of the effects of rehabilitation measures to the competent Ministries in accordance with Article 69 hereof.

(2) The manner and form of reporting the data referred to in the preceding paragraph shall be prescribed for individual categories of monitoring by the competent Ministers.

(3) The data referred to in paragraph 1 of this Article and in Article 69 hereof shall be kept by the competent Ministries and shall be considered official.

Article 72 (Monitoring Quality Control)

(1) The State shall ensure, in the form of a public service, the quality control of environmental monitoring, which shall include quality control with respect to measurements, the application of methodologies, the qualifications of staff, and the equipment used.

(2) The supplier of the public service referred to in the preceding paragraph may only be a person with officially recognized qualifications for quality control according to the regulations pertaining to accreditation and certification in the field of

standardization.

(3) The assessment by the public service referred to in paragraph 1 of this Article shall be the basis for granting or revocation of the authorization or accreditation of the parties responsible for carrying out environmental monitoring.

2 Environmental Protection Information System

Article 73 (Purpose and the Party Responsible for the System)

(1) The Ministries shall ensure the operation and maintenance of an environmental protection information system.

(2) In particular, the environmental protection information system shall include information bases on:

1. natural elements, phenomena, factors, and ecosystems;
2. natural resources;
3. the factors, processes and levels of environmental strain;
4. the use of material and energy;
5. dangerous substances;
6. the generation and scope of waste;
7. emissions according to their sources;
8. parties responsible for environmental strain;
9. parts of the environment with protected or endangered status;
10. environmental damage, ecological accidents, and abuse of the environment;
11. health-related ecological conditions of the population;
12. facilities and equipment intended for environmental protection;
13. financial means and costs of environmental protection;
14. public services, organizations, and institutions engaged in environmental protection and their competencies;
15. regulations, standards, and specifications relating to environmental protection; and

16. the state of engineering, technology, and metrology in the field of environmental protection.

(3) The content of and the bodies responsible for maintaining and holding cadasters, registers, records, and other data bases referred to in the preceding paragraph, the reporting units, the methodology of data collection, storage, processing, and distribution and their official status, and the mandatory inclusion in international information systems shall be prescribed by the competent Ministers.

(4) The reporting units referred to in the preceding paragraph shall submit the data required by the environmental protection information system in the prescribed manner.

(5) The Government shall prescribe the structure, common bases, and categories and levels of aggregation of the data contained in the environmental protection information system.

Article 74 (Environmental Statistics)

(1) In cooperation with other competent Ministers, the Minister shall prepare a proposal of the types of environmental statistics which shall be kept within the scope of the national program of statistical research.

3 Environmental Report

Article 75 (Environmental Report)

(1) Every year, a national environmental report shall be prepared by the Ministry in cooperation with other Ministries.

(2) The report of the preceding paragraph shall be discussed and adopted by the National Assembly.

(3) After its adoption, the report shall be published so as to be made available to the public.

Article 76 (Content of the Environmental Report)

(1) The report referred to in the preceding Article shall contain in particular the data on:

1. the state of and changes to the environment;
2. ecological influences on the health of the population;
3. environmental damage;

4. the implementation of the National Environmental Protection Program and its working plans;

5. rehabilitation programs and other measures taken;

6. environmental research and the introduction of new technologies and products;

7. financial transactions in the field of environmental protection;

8. activities of the agencies of the State and the Local Authorities and the delivery of public services in the field of environmental protection;

9. significant international events in the field of environmental protection;

10. the necessary and priority tasks and measures in the field of environmental protection; and

11. other data significant for environmental protection.

VIII FINANCING OF ENVIRONMENTAL PROTECTION

1 Financial Obligations of the Party Responsible

Article 77 (Regular Costs)

(1) To reduce and maintain environmental strain below permitted levels, a party responsible for an environmental strain shall bear the following costs:

1. costs of his own measures (investment and operating costs, costs of monitoring referred to in Article 70 hereof, costs of informing the public, etc.);
2. costs of public services and other environmental protection activities.

(2) A party responsible for an environmental strain occurring in the course of exploitation of natural resources shall also bear the costs of rehabilitation measures and of establishing a new state or the restoration of the previous state of the environment, including the costs of monitoring and supervising their effects.

Article 78 (Compensation for Causing Depreciation of or Danger to the Environment)

(1) A party responsible for the depreciation of or

a danger to the environment shall pay compensation for:

1. decreased useful value of real estate;
2. decreased quality of the living environment; and
3. decreased value of real estate and lost profit.

(2) The categories of Activities, the criteria for determining the area of their impact, and the criteria for determining a minimum compensation referred to in the preceding paragraph shall be prescribed by the Government subject to approval of the National Assembly.

(3) In an application for the license for an Activity referred to in the preceding paragraph, a party responsible for the depreciation of or a danger to the environment shall include a contract concluded with the injured parties regarding compensation, or evidence of a suit having been filed for determining such compensation before the court.

(4) In cases of violation of the provision of the preceding paragraph, the license for the Activity shall be null and void.

(5) The provisions of this Article shall not exclude contracts on compensation between a party responsible for an environmental strain and the injured parties in other cases.

(6) In cases of Activities with substantial influence on environmental strain and depreciation of living environment, the population living in such an environment shall have the right to compensation, tax reliefs, subsidies and exemption from tax and contributions. The form of compensation shall be determined by the Government on the basis of the criteria of paragraph 2 of this Article.

Article 79

(Costs of Eliminating the Effects of Environmental Damage and Abuse of the Environment)

(1) A party responsible for environmental damage shall bear all the costs of eliminating its effects, in particular:

1. costs of emergency actions necessary at the time of the damage to limit and prevent the damaging effects on the environment and health of the population;
2. his own and indirect costs of rehabilitation, of establishing a new or the restoration of the previous state of the environment and the monitoring of the effects of rehabilitation and environmental damage;
3. costs of preventing the occurrence of the same or similar environmental damage;

4. costs of compensation to persons directly injured by the effects of environmental damage.

(2) If several parties are responsible for environmental damage and the share of individual parties responsible can not be determined, they shall bear the costs jointly.

(3) When a damage results from an abuse environment, the party responsible for the damage shall be obliged to pay the compensation for degradation and usurpation of the environment. The criteria to be used for calculating the amount of compensation and the method of its payment shall be prescribed by the Government. Compensation shall be paid by the party responsible for the damage on the basis of a decision issued by the administrative body referred to in Article 92 hereof. 50% of compensation amount shall be the budget revenue of the State and the other 50% the budget revenue of the Local Authorities.

Article 80

(Charges and Compensation)

(1) A charge shall be levied on a polluter for any encroachment upon water, soil, air and for the production of waste.

(2) A user of natural resources which are the property of the State or the Local Authorities shall pay compensation for their exploitation and use.

(3) The basis for determining the charge shall be the type and scope of pollution and for determining compensation, the type and scope of the exploitation and use of the natural resources.

(4) The amount of a charge and compensation, the method of their calculation, assessment, and payment and the criteria for their reduction or exemption shall be determined by the Government. In cases of excessive environmental strain, the amount of the charge shall be increased in accordance with the scope and duration of the pollution.

(5) For natural resources of local significance, the compensation referred to in paragraph 2 of this Article shall be determined by Local Authorities. If the pollution concerns only a local population, the Local Authorities may also prescribe the charge referred to in paragraph 1 of this Article.

2 Reliefs and Incentives

Article 81

(Decisions Concerning Reliefs and Incentives)

(1) Decisions concerning the reduction or exemption from payment of a charge for an environmental strain during the execution of

rehabilitation work shall be made by the Ministry upon the request of the polluter, whose application shall include the rehabilitation or other program for minimizing pollution. The reduction or exemption from payment of the environmental strain charge shall not last longer than the average time span necessary for the execution of similar investment work. A complaint may be lodged against the decision concerning the reduction or exemption from payment of a charge.

(2) The Government may prescribe a deposit or other forms of security for manufacturers who provide for an organized manner of returning worn out or unusable devices, technologies, products, and their packaging or in any other organized manner minimize the negative effects of their activities, and for the consumers returning worn out or unusable devices, technologies, products, and their packaging to the manufacturer.

3 Public Expenditure Relating to Environmental Protection

Article 82 (General Expenditure)

(1) The State shall finance the following:

1. administrative, professional, and supervisory tasks of the State in the field of environmental protection;
2. the monitoring referred to in paragraphs 1 and 2 of Article 68 hereof;
3. the environmental protection information system;
4. the measures to encourage the activities which contribute substantially to a decrease in the use of material and energy and to the prevention and minimization of environmental strain;
5. reliefs, incentives, compensation, and indemnities connected with revocation or restriction of rights due to the protection of all or part of a natural treasure;
6. subsidies and incentives for local public services, facilities, and technology for environmental protection and for technologies and products which are environmentally sound;
7. research and development projects in the field of environmental protection;
8. special forms of environmental education and promotion of environmental awareness;
9. aid for associations, interest groups, and other non-governmental environmental protection

organizations;

10. environmental protection public services on State level, which deliver services whose users can not be defined or whose use can not be measured; and
11. other environmental protection activities provided by the State in the field of environmental protection for public benefit.

(2) Local Authorities shall finance the activities specified in the preceding paragraph when environmental protection matters of local significance are involved.

Article 83

(Costs of Management and Mandatory Measures)

(1) The State and the Local Authorities shall ensure the financing of the protection, preservation, and management of natural resources which are their property.

(2) The State and the Local Authorities shall ensure the financial means required to cover the costs of mandatory measures.

(3) The costs referred to in the preceding paragraph shall be divided between the State and the Local Authorities on the basis of the scope, category, and form of environmental strain and its effects. In cases referred to in paragraph 4 of Article 65 hereof, the costs shall be borne by the urban municipality.

4 Funds

Article 84

(Environmental Protection Development Fund of the Republic of Slovenia)

(1) The Environmental Protection Development Fund of the Republic of Slovenia (hereinafter "Fund") shall be established as a financial institution for the purpose of providing loans at favorable interest rates for investments in the field of environmental protection.

(2) The Fund shall be a public legal person whose rights, duties, and responsibilities shall be determined by law and by the regulations of the Fund. The Fund shall be a joint stock company. The name of the Fund shall be: The Ecological Development Fund of the Republic of Slovenia, joint stock company. The seat of the Fund shall be in Ljubljana.

(3) The Fund shall operate in its own name and for its own account, in its own name and for the account of another party, and on behalf of and for the account of another party.

(4) The share capital of the Fund shall amount to SIT 10,000,000 and shall be divided into shares. The shares shall be of ordinary type and shall be issued in the name of the Republic of Slovenia.

(5) Matters relating to access of other stockholders and the issue of shares shall be regulated by the rules of the Fund in such a way that the share of other legal and physical persons will not exceed 33% of the capital.

Article 85
(Bodies of the Fund)

(1) The Fund shall be administered by an Administrative Board consisting of a president and four members. They shall be appointed or dismissed by the Government.

(2) The work of the Fund shall be supervised by a Supervisory Board consisting of a president and two members. They shall be appointed or dismissed by the National Assembly on the recommendation of an Environmental Protection Council.

(3) The Fund shall be represented and its operation led by the Director of the Fund, who shall be appointed, on the basis of a public competition, or dismissed by the Administrative Board.

Article 86
(Rules of the Fund)

(1) The Administrative Board shall adopt the rules of the Fund, which shall specify:

1. the internal organization and manner of operation of the Fund;
2. authorizations for representation;
3. the duties and mandate of members of the Administrative and Supervisory Boards and the Director; and
4. other important questions concerning the organization and operation of the Fund.

(2) The rules regulating the operation of the Fund shall also regulate and specify:

1. the method and conditions of maintaining the real value of fixed assets and other protective measures against business risks of the Fund;
2. the amount of guarantee capital, its multiple which the total assets may not exceed, and any cases of State guaranteeing;
3. restrictions concerning the maximum allowed loan and the total amount of loans granted to

individual borrowers.

(3) The adoption of the rules of the Fund, the investment policy and financial plan of the Fund, the annual account and business report, and the appointment or dismissal of the Director of the Fund shall be subject to Government approval.

Article 87
(Financial Resources of the Fund)

(1) The financial resources of the Fund shall derive from:

1. funds obtained on the basis of the law regulating ownership transformation of enterprises;
2. funds obtained on the basis of the Act on Modifications and Amendments to the Act on Housing Development Planning and Other Use of Space;
3. funds obtained by granting concessions concerning State public services in the field of waste handling and disposal;
4. subsidies and donations from domestic and foreign persons and foreign countries;
5. loans from domestic and foreign persons, foreign countries, and international financial institutions in accordance with law;
6. income from transactions and investment carried out by the Fund itself.

(2) Any decision on incurring debts referred to in subparagraph 5 of the preceding paragraph shall be taken by the Government.

(3) The financial resources required to establish the Fund shall be provided by the State budget.

(4) Exceptionally, the Fund may also obtain financial resources on the basis of the law governing State budget.

Article 88
(Use of Financial Resources of the Fund)

(1) The financial resources of the Fund shall be used for granting loans for investment in:

1. State public services for environmental protection;
2. mandatory local public services for environmental protection;
3. facilities and technologies intended for environmental protection; and

4. environmentally sound technologies and products; and
5. the implementation of rehabilitation programs of the parties responsible for environmental strain.

(2) The financial resources of the Fund may also be used in credit financing of State investments relating to mandatory measures and the balance of funds required to implement the National Environmental Protection Program.

(3) The public tender procedure and further details concerning the conditions for the acquisition of financial resources and their designed use shall be determined by the Administrative Board of the Fund by special rules in accordance with law.

(4) The operations of the Fund shall be supervised by an organization competent for financial auditing.

(5) The Administrative Board shall report to the Government and the Supervisory Board to the National Assembly on operations of the Fund once a year, or at their request.

Article 89

(Environmental Funds of Local Authorities)

(1) If the Local Authorities establish an environmental fund to encourage environmental protection activities of a local nature, the activities relating to the fund shall be governed, as and when appropriate, by the provisions contained in Articles 84 through 88 hereof.

LX ENVIRONMENTAL PROTECTION COUNCIL.

Article 90

(Role and Status)

(1) The National Assembly shall establish the Environmental Protection Council (hereinafter "the Council") to oversee the state of environmental protection.

(2) The Council shall have eleven members appointed by the National Assembly from among environmental protection experts and representatives of non-governmental organizations. Membership of the Council shall not be allowed to representatives of administrative and other State authorities.

(3) The Council shall be independent and autonomous in its work.

Article 91

(Tasks)

(1) The Council shall deal with, adopt positions on, give opinions and suggestions on, and inform the public regarding the:

1. the state and trends in the field of environmental protection;
2. the strategy of national environmental protection policy and its coordination with international trends, and the National Environmental Protection Program;
3. the harmonization of national development interests;
4. legal regulation of environmental protection;
5. the activities of the State and Local Authorities in the field of environmental protection;
6. individual pressing issues relating to environmental strain;
7. public initiatives; and
8. other tasks specified in its constitution.

(2) The Council may propose motions or submit to the ombudsman its opinions on any matter within its competence.

X RESPONSIBILITIES OF PUBLIC ADMINISTRATION

Article 92

(General Tasks of Environmental Protection)

(1) The general professional and related administrative tasks of environmental protection in the State shall include:

1. preparation of a national strategy of environmental protection;
2. preparation and supervision of the implementation of the National Environmental Protection Program and working environmental protection plans;
3. preparation of regulations, directives, and recommendations in the field of environmental protection;
4. preparation of environmental vulnerability studies;
5. assessment of environmental impact of planned Activities;
6. determination of environmental protection conditions for the exploitation, use, and management of natural resources, unless provide otherwise by law;

7. preparation of environmental protection measures;

8. preparation of professional bases concerning public expenditure, taxes, incentives, and reliefs in the field of environmental protection;

9. preparation of proposals for research and development projects relating to environmental protection;

10. preparation of proposals for the inclusion of environmental protection themes in education programs at all levels of education and promotion of environmental awareness in the public;

11. operation of an environmental protection information system; and

12. other matters specified by this or any other Act, or by any regulation adopted on their basis.

(2) The tasks specified in the preceding paragraph shall be carried out by the Institute for Environmental Protection of the Ministry.

(3) In matters of environmental protection of local significance, the tasks specified in paragraph 1 of this Article shall be performed by a competent institution or department of one or more Local Authorities, or, in the case of urban municipalities, by a competent institution.

Article 93

(Tasks of the Geological, Seismological, and Geophysical Services)

(1) The professional and related administrative tasks of the geological, seismological, and geophysical services shall include the monitoring and recording of geophysical phenomena, zoning, categorization, and analytical, research, forecasting, and other professional tasks relating in particular to:

1. ensuring geological research of national significance;
2. supervision and verification of geological research which is not of national significance;
3. general geological records and the structure of the lithosphere;
4. seismic and other dynamic phenomena of natural or artificial origin;
5. erosion and other geological processes which occur in the upper layers of the earth's crust and influence its development and composition;
6. characteristics and composition of the soil and its pollution; and

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

(2) The services of the preceding paragraph shall also perform tasks relating to the safety and protection against earthquakes and hazards of geological and other origin, early warning, prevention and rehabilitation, the safety of buildings and facilities, records relating thereto, opinions and approvals specified by law, and the exchange of information, including international exchanges.

(3) The tasks specified in the preceding paragraphs and related administrative tasks shall be undertaken by the Geophysical Institute of the Ministry.

Article 94

(Meteorological and Hydrological Tasks)

(1) The general professional tasks of meteorological and hydrological services shall include monitoring and other recording of meteorological and hydrological conditions and their zoning, the performing of analytical, research, forecasting, and other professional tasks relating primarily to:

1. phenomena and processes in the atmosphere and hydrosphere;
2. climatology and the reciprocal influence of hydrosphere and atmosphere;
3. operation of a meteorological information service in the framework of the world meteorological network;
4. meteorological and hydrological tasks of importance to energy production and supply and environmental protection;
5. monitoring the quality of air, precipitations, and water; and
6. ionizing radiation in the atmosphere and its movement.

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

(3) The tasks specified in the preceding paragraphs and related administrative tasks shall be

undertaken by the Hydrometeorological Institute as an agency of the Ministry.

(4) The Institute referred to in the preceding paragraph shall also undertake the role of the national meteorological and hydrological center and shall perform related tasks on the basis of international commitments.

Article 95

(Administrative and Promotional Tasks)

(1) Administrative tasks of public services for environmental protection in the State and promotional tasks in the field of environmental protection shall include:

1. planning the development, organization, and delivery of the public services for environmental protection referred to in paragraph 2 of Article 25 hereof;
2. preparation of professional bases for granting concessions for the delivery of the environmental protection public services under paragraph 2 of Article 25 hereof;
3. professional supervision of suppliers of public services or environmental protection matters referred to in paragraph 2 of Article 25 hereof;
4. investment planning, maintenance, and management of State buildings and facilities required to carry on the activities and matters in the field of environmental protection;
5. encouragement of environmental protection investments;
6. professional tasks for the Fund;
7. preparation and implementation of rehabilitation programs in the field of environmental protection; and
8. other tasks specified by this or any other Act, or by any regulation adopted on their basis.

(2) The tasks specified in the preceding paragraph shall be performed by the Directorate for Environmental Protection of the Ministry or the Institute of paragraph 2 of Article 92 hereof.

(3) The tasks specified in paragraph 1 of this Article which relate to mandatory local public services in the field of environmental protection shall be performed by municipal directorates or a competent department of one or more Local Authorities.

Article 96 (Inspection)

(1) Inspection of environmental protection shall include the supervising of the implementation of the provisions of this and other Acts and regulations in the field of environmental protection and the supervising of the implementation of prescribed or specified environmental protection measures.

(2) In particular, the supervision referred to in the preceding paragraph shall include:

1. supervision of the Activities during their execution and upon their completion, of environmental strain, and of the parties responsible for environmental strain in view of their emissions and resulting immissions, and the possibility of their occurrence;
2. supervision of the condition of soil, water, air, waste, immission, and general ecological conditions;
3. supervision of the management and exploitation of natural resources from the viewpoint of environmental protection conditions;
4. supervision of the activities of environmental protection public services;
5. ecological inspection of permanent and temporary imports; and
6. supervision of the implementation of environmental protection measures and the imposing of prohibitions related thereto.

(3) The regulations referred to in paragraph 1 of Article 27 and paragraphs 1 and 2 of Article 30 hereof shall specify the cases in which the issue of the license prescribed for an Activity shall be subject to prior approval of the Inspectorate.

(4) The tasks specified in the preceding paragraphs shall be performed by the Environmental Protection Inspectorate of the Ministry, unless prescribed otherwise for specific tasks.

Article 97 (Local Supervisory Services)

(1) One or more Local Authorities may establish a supervisory service for environmental protection. For any urban municipality the establishing of such a service shall be mandatory.

(2) Where a supervisory service referred to in the preceding paragraph has been established, the Ministry may authorize it to carry out specific activities and professional tasks relating to the inspection under the preceding Article.

(3) The authorization referred to in the preceding paragraph may only be given to members

of a supervisory service who fulfill the conditions prescribed for State inspectors.

Article 98

(Qualifications for Performing the Tasks)

(1) The Minister shall specify any special qualifications required for carrying out individual tasks of this Section.

XI ASSOCIATION OF OPERATORS IN THE CHAMBER OF ECONOMY

Article 99

(Status and Membership)

(1) The legal and physical persons carrying out environmental protection activities on the market or within the framework of public services shall be incorporated in the Chamber of Economy.

(2) Within the Chamber referred to in the preceding paragraph, the persons of the preceding paragraph shall establish an independent association for environmental protection in accordance with law.

XII PENALTY PROVISIONS

Article 100

(Offence)

(1) A fine of not less than SIT 100,000 shall be imposed on any company or other legal person or individual committing an offence in carrying out an independent activity, for:

1. failing to insure against any responsibility for causing damage by an ecological accident (Article 11);
2. failing to ensure public access to the information concerning such environmental strain as they may cause themselves (paragraph 3 of Article 14);
3. not abiding by the obligation of using or by the conditions of use of public goods provided through mandatory public services for environmental protection (paragraph 2 of Article 25, paragraph 1 of Article 26);
4. failing to ensure the carrying out of the prescribed rehabilitation regime (paragraph 2 of Article 28);
5. failing to ensure the implementation of the prescribed protection rules or rules of action (Article 29 and paragraphs 1 and 2 of Article 30);
6. acting contrary to an imposed course of action (paragraphs 3 and 4 of Article 30);
7. operating a mobile device for environmental protection or performing a test operation or process without the necessary license (paragraphs 1 and 5 of Article 32);
8. acting contrary to the decision on temporary protection of a particular natural resource or its part (paragraph 1 of Article 34);
9. acting contrary to temporary emergency measures (paragraph 1 of Article 35);
10. failing to ensure the adherence to the measures prescribed by the inspector or acting contrary to them (paragraph 1 of Article 36);
11. acting contrary to the prohibition of an operation, use of a certain substance, technological process or product, or contrary to the prohibition of the performance of an activity (paragraphs 3 and 4 of Article 36);
12. acting contrary to the restriction of the performance of an activity or operation (paragraph 1 of Article 37);
13. acting contrary to the prescribed warnings, recommendations, or emergency measures (paragraphs 1 and 2 of Article 38);
14. acting contrary to the prescribed duty to give warnings, instructions, and advice to the population (paragraph 3 of Article 38);
15. marketing raw materials, semi-processed goods, or finished products without indicating the environmental strain (Article 39);
16. failing to appoint an environmental protection officer, for appointing a person who does not fulfil the prescribed conditions, or for failing to communicate the name of the authorized person and specify the person's authorizations (paragraphs 1, 2, and 5 of Article 41);
17. failing to ensure ecological record keeping and to submit the data in the prescribed manner (paragraphs 1 and 2 of Article 42);
18. acting contrary to the elements of a project which are subject to the environmental protection consent when carrying out an Activity (Article 59);
19. failing to prepare a rehabilitation program in the prescribed time (paragraph 1 of Article 64);
20. starting the implementation of the rehabilitation

program before obtaining the necessary consent (paragraph 2 of Article 64);

21. failing to carry out the mandatory concessionary activity in compliance with the decisions with which such a concession has been imposed (paragraph 5 of Article 68);
22. failing to ensure, as a polluter or a party responsible for environmental risk or damage, operation monitoring, preventive monitoring, or the monitoring of the effects of rehabilitation measures (paragraphs 1, 2, and 3 of Article 70);
23. violating, as the party responsible for carrying out monitoring, the prescribed conditions or for failing to use the equipment of prescribed quality (paragraph 6 of Article 70);
24. failing to provide, as a polluter or a party responsible for environmental risk or damage, the monitoring data or for failing to provide such data in the prescribed manner and form (paragraphs 1 and 2 of Article 71);
25. failing completely or in time to report, as a reporting unit, the data required by the environmental protection information system (paragraph 4 of Article 73).

(2) A fine of not less than SIT 10,000 shall be imposed on the responsible person in the company or any other legal person who has committed any offence of the previous paragraph.

(3) A fine of not less than SIT 10,000 shall be imposed on the responsible person in a Ministry, its body or organization, or any other State body or department of Local Authorities for committing any offence mentioned in the first paragraph of this Article.

(4) A fine of not less than SIT 10,000 shall be imposed on any individual committing any offence specified in subparagraphs 3, 4, 5, 6, 7, 9, or 12 of paragraph 1 of this Article.

(5) If any offence referred to in subparagraphs 3 through 14, 16, 17, or 19 through 23 of paragraph 1 of this Article has resulted in a threat to human life or health, destruction of or damage to the environment, a critical environmental strain, or abuse of the environment, a fine of not less than SIT 500,000 shall be imposed on any legal person committing the offence or any individual committing the offence in connection with the carrying out of an independent activity, and a fine of not less than SIT 50,000 shall be imposed on the responsible person of the legal person committing such an offence.

(6) If any offence referred to in subparagraphs 3, 4, 5, 6, 7, 9, or 12 of paragraph 1 of this Article has resulted in a threat to human life or health,

destruction of or damage to the environment, a critical environmental strain, or abuse of the environment, a fine of not less than SIT 50,000 shall be imposed on any individual who has committed the offence.

(7) The State Inspectorate competent for supervision in the field of environmental protection, a policeman, or an authorized person referred to in Article 97 hereof may immediately and directly on the spot collect a fine of SIT 10,000 for minor infringements referred to in subparagraphs 5 and 13 of paragraph 1 of this Article from anybody caught in the act of committing any such infringement. The regulations referred to in Article 29, paragraphs 1 and 2 of Article 30, and paragraphs 1 and 2 of Article 38 hereof shall specify the infringements considered to be as minor under this paragraph.

XIII TRANSITIONAL AND FINAL PROVISIONS

Article 101

(1) Not later than 9 months of the coming into effect of this Act, the Government shall specify or prescribe:

1. the criteria for the determination of proportions of payments with respect to a concession (paragraph 2 of Article 21);
2. the criteria and mode of exercising the priority right in acquiring a concession and the cases when and the conditions under which in areas threatened by depopulation a concession may be granted free of charge (paragraph 7 of Article 21);
3. the categories of Activities for which mandatory assessment of environmental impact shall apply, and other cases of environmental impact assessment (paragraph 1 of Article 57);
4. a classification of phenomena subject to monitoring, and common methodological bases (paragraph 3 of Article 69);
5. the structure, common bases, and categories and levels of aggregation of the data contained in the environmental protection information system (paragraph 5 of Article 73);
6. the categories of Activities, the criteria for determining the area of their impact and compensation amount (paragraph 2 of Article 75);
7. the criteria to be used for calculating the amount of compensation for degradation and usurpation of the environment, and the method of its payment (paragraph 3 of Article 79);

8. the amount of a charge and compensation, the method of their calculation, assessment, and payment and the criteria for their reduction or exemption (paragraph 4 of Article 80).

(2) Not later than 6 months of enforcement of this Act, the Government shall issue the specifications referred to in paragraphs 1 and 2 of Article 27 hereof.

Article 102 (Regulations Prepared by the Minister)

(1) Not later than 9 months of the enforcement of this Act, the Minister shall harmonize the existing regulations or prescribe:

1. the methodology, standards, and specifications applying to mandatory public services (paragraph 4 of Article 26);
2. the classification of waste, prescribed actions, and other relevant conditions (paragraph 2 of Article 30);
3. the cases in which ecological inspection of permanently or temporarily imported goods and technology is mandatory; the cases in which the permanent or temporary import and export and the transit of certain goods and technology through the territory of the State shall be prohibited; and the cases subject to prior consent of the Ministry (paragraph 1 of Article 31);
4. the manner of implementation of ecological inspection of permanently or temporarily imported goods and technology (paragraph 2 of Article 31);
5. a list of mobile facilities and processes for environmental protection whose use and testing require a license (paragraph 6 of Article 32);
6. warnings, recommendations, and emergency measures (paragraph 1 of Article 38);
7. the conditions applying to environmental protection officers (paragraph 2 of Article 41);
8. the content of ecological records and the manner of their keeping (paragraph 2 of Article 42);
9. the conditions and procedure for the acquisition and use of the eco-label (paragraph 2 of Article 43);
10. the principles of division on the basis of ecosystems and the methodology for the preparation of environmental vulnerability studies (paragraph 2 of Article 52);
11. the detailed content of and the methodology for

the preparation of a comprehensive environmental impact assessment study (paragraph 4 of Article 54);

12. the categories of environmental strain, the categories and scope of assessment, the methodology for the preparation of an environmental impact report together with the conditions for obtaining authorization for its preparation (paragraph 4 of Article 56);
13. the categories of rehabilitation programs, their scope and detailed content, and the methodology for their preparation (paragraph 4 of Article 66);
14. the categories of emission, immission, and phenomena subject to monitoring, the methodology of sampling, measuring, and recording and the conditions which must be fulfilled by those who will carry out monitoring, the quality of the equipment, and the necessary accreditation (paragraphs 4, 5, and 6 of Article 70), and
15. special qualification requirements (Article 98).

Article 103 (Regulations of the Ministers)

(1) Not later than 9 month of the enforcement of this Act, the competent Ministers shall harmonize the existing regulations or prescribe:

1. the conception of monitoring, the implementation methodology, the necessary qualifications of the bodies responsible for monitoring natural phenomena and immission, the quality of the equipment, and the necessary accreditation and manner of regular provision of information to the public (paragraph 4 of Article 69);
2. the manner and form of reporting monitoring data (paragraph 2 of Article 71);
3. the content and the bodies responsible for maintaining and holding data bases, the reporting units, the methodology of data collection, storage, processing, and distribution and their official status, and the mandatory inclusion in international information systems (paragraph 3 of Article 73).

Article 104 (National Program)

(1) Within 12 months of the enforcement of this Act, the Ministry shall prepare a proposal for the National Environmental Protection Program.

(2) Within 18 months of the enforcement of this

Act, the Ministry shall prepare the study referred to in paragraph 2 of Article 51 hereof. The study referred to in paragraph 3 of the same Article shall be prepared by municipalities within 24 of the enforcement of this Act.

Article 105

(Acts and Provisions Ceasing to Have Force)

(1) On the effective date of this Act, the following shall cease to have force:

1. Air Protection Act (Official Gazette of the Socialist Republic of Slovenia, no. 13/75);
2. Act on Protection against Noise in Natural and Living Environment (Official Gazette of the Socialist Republic of Slovenia, nos. 15/76 and 29/86), except the provisions of Articles 7, 8, and 9;
3. Act on the Provision and Use of Means of Environmental Protection (Official Gazette of the Socialist Republic of Slovenia, no. 2/90);
4. Waste Treatment, Use, and Disposal Act, (Official Gazette of the Socialist Republic of Slovenia, nos 8/78 and 29/86);
5. the provision of Article 3, except subparagraph 5 of paragraph 1, in the part relating to the maintenance of public parking places, and subparagraph 7 of paragraph 1 and paragraph 3 of the same Article; the provisions of Articles 4, 5, and 6, paragraph 1 of Articles 7, 11, and 14 of Public Utilities Act (Official Gazette of the Socialist Republic of Slovenia, no. 8/82);
6. Seismological Service Act ((Official Gazette of the Socialist Republic of Slovenia, nos. 14/78 and 42/86, except Articles 4, 6, and 10).

(2) On the effective date of this Act, the Act on Hydrometeorological Activities of National Importance (Official Gazette of the Socialist Federative Republic of Yugoslavia, nos. 18/88 and 63/90) and provisions of Articles 18 and 19 of the Foreign Investment Act ((Official Gazette of the Socialist Federative Republic of Yugoslavia, no. 77/88) shall cease to be in force.

(3) Provisions of Articles 16, 18, and 19 of the Act on Protection against Noise in Natural and Living Environment and the provisions of paragraphs 1 and 2 of Article 11 of the Sanitary Inspection Act (Official Gazette of the Socialist Republic of Slovenia, nos. 8/73 and 9/85) shall be in force until the adoption of the regulations based on Articles 27, 28, and 30 hereof.

(4) The regulations issued on the bases of the Acts referred to in subsections 1 through 7 of

paragraph 1 of this Article shall be in force until new regulations will be issued.

Article 106 (Harmonization)

(1) The regulations of Local Authorities applying to issues of environmental protection shall be harmonized with the provisions of this Act not later than 9 months of the enforcement of this Act and the adoption of the regulations and the establishing of the conditions prescribed by law.

Article 107)

(Establishment of the Inspection and Change of Name)

(1) Until the establishment of the Environmental Protection Inspectorate, the tasks mentioned in Article 96 hereof, those mentioned in subparagraph 1 of Article 74 of the Act on Waters (Official Gazette of the Socialist Republic of Slovenia; no. 38/81 and Official Gazette of the Republic of Slovenia, no. 15/91-1), and the tasks mentioned in subsections 1, 10, and 11 of Article 3 of the Sanitary Inspection Act shall be performed by National Water Management and Sanitary Inspection Authorities and other inspection authorities in accordance with their competencies.

(2) The Hydrometeorological Institute of the Republic of Slovenia shall continue with its work in the field of activities specified by this Act under the name of Hydrometeorological Institute as an agency of the Ministry.

(3) The Seismological Institute of the Republic of Slovenia shall continue with its work in the field of activities specified by this Act under the name of Geophysical Institute as an agency of the Ministry.

Article 108 (Organization of the Fund)

(1) The Environmental Protection Development Fund of the Republic of Slovenia shall be established and shall commence its work on 1 July 1993, or on the date when the Republic of Slovenia will deposit the financial resources assigned for that purpose in the State budget.

(2) Until the establishment of the Fund and the commencement of its work, the tasks mentioned in Article 88 hereof shall be performed by the Ministry.

(3) On the basis of the final account of the Fund for cofinancing environmental protection programs, which has been established on the basis of the Act on the Provision and Use of Financial Resources for Environmental Protection (Official Gazette of the

Socialist Republic of Slovenia, no. 2/90), the financial resources of the said Fund and the obligations relating to their sources shall be transferred to the Environmental Protection Fund.

(4) Also transferred to the Fund in accordance with the situation obtaining on the date of establishing the Fund shall be the debts still owed in connection with the loans granted for environmental protection purposes within the framework of budgetary funds of the Ministry.

Article 109
(Harmonization of Obligations)

(1) Any person responsible for an environmental strain shall bring his activities into line with the obligations imposed on such a person by this Act within such time periods as will be specified by the regulations necessary for the implementation of the provisions of this Act in reference with the obligation of the party responsible for an environmental strain, unless these be already prescribed by the regulations referred to in paragraph 4 of Article 105 hereof or any other regulations in force.

(2) Any rehabilitation program in progress at the time of coming into effect of this Act shall be completed in accordance with the regulations in force. However, if the implementation of such a program has not commenced yet, the consent referred to in paragraph 2 of Article 64 hereof shall be obtained.

(3) The provisions of this Act relating to the environmental impact assessment shall start to be applied within the time periods specified by the regulation referred to in Article 57 hereof. In the case of procedures for issuing the license for an Activity, however, these provisions can only be applied with the consent of the operator of the Activity.

(4) Until the environmental vulnerability study referred to in Article 51 hereof has been prepared, the maps, drawings and related documents concerning the physical planning components of long-term municipal development plans shall be deemed to be such. Until the levels of environmental strain protection have been determined, such documentation shall also serve as the mandatory bases in accordance with Article 53 hereof.

Article 110
(Cessation of Membership)

(1) Independent public trading agencies and public enterprises engaged in environmental protection activities shall cease to be members of the Chamber of Economy with the date of their reorganization in accordance with the Public Trading Services Act.

Article 111
(Transfer of Ownership)

(1) Water, minerals or mineral ores, wildlife, fish, and other wild water flora and fauna in open waters and fishing seas shall become the property of the State on the date of coming into effect of this Act and shall be presented accordingly in the balance sheets prepared by the competent Ministries in collaboration with the Ministry of Finance within one year of the coming into effect of this Act.

Article 112
(Coming into Effect of this Act)

(1) This Act shall come into effect on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

Number: 801-01/90-2/107
Ljubljana, 2 June 1993

President
of the National Assembly
of the Republic of Slovenia
Herman Rigelnik, M.Sc.

PRIKAZ INVESTICIJSKIH OBJEKTOV RAVNANJA Z ODPADNIMI VODAMI V MESTNI OBČINI MARIBOR

KANALIZACIJA - novogradnje

Glavni zbiralnik

- odsek Svila - čistilna naprava
- odsek Studenski kolektor - Limbuš
- odsek Hoče - čistilna naprava
- sekundarno omrežje

KANALIZACIJA - rekonstrukcije

Črpališče v Melju: peskolov, avtomatsko čiščenje

Levoobrežni zbiralnik

- rekonstrukcija razbremenilnikov
- rekonstrukcija sekundarnega kanalizacijskega omrežja za izločitev zalednih voda
- rekonstrukcija zbiralnikov (odprtih in zaprtih) za transport zalednih voda

ČISTILNA NAPRAVA

I. faza (mehansko čiščenje)

II. faza (biološko čiščenje)

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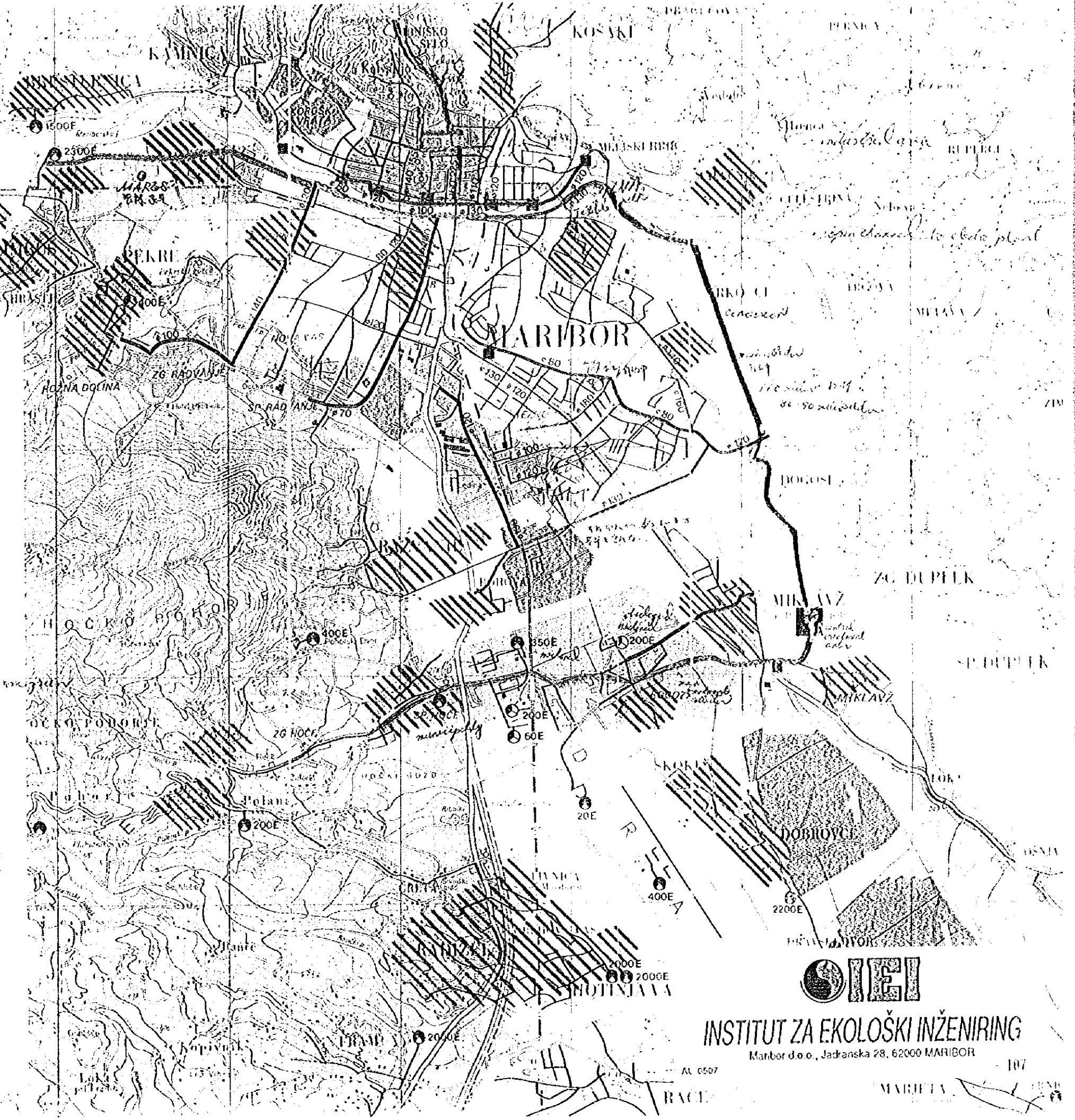
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1. INTRODUCTION AND BACKGROUND

1.1 Issuing Entity, Inquiries, and Correspondence

This Request for Qualifications (RFQ) is issued by the Municipality of Maribor, Slovenia (the "Municipality") pursuant to Article 36 of the Public Trading Services Act and a decree of the Municipality adopted on 7 July 1994, "Decree on a Concession to be Granted for Wastewater Treatment" ("Concession Act") authorising a process for the granting of a concession (the "Concession") for wastewater treatment and is the first step in procuring a company to develop a wastewater treatment plant and associated main sewage collector. With this RFQ, the Municipality is soliciting Qualification Statements from interested companies that wish to participate in the procurement process described in Section 2.2 of this RFQ. It is anticipated that a Request for Proposals (RFP) will be issued to Qualified Respondents, which will result in the granting of a Concession and the execution of a Concession Agreement with one company for the design, construction, start-up, acceptance testing, management, operation and maintenance, and partial financing of a wastewater treatment plant and main sewage collector.

The RFQ is available in Slovene and English.

All inquiries and correspondence relating to this RFQ should be directed to:

Mr. Franci Posel, M.Sc.
Head of Department of Environmental Protection
Municipal Services Directorate, Slovenska 40, SI-62000 Maribor, Slovenia
Wastewater Treatment Concession

All questions must be sent in writing by post to the above address or by facsimile to +38662-224815. Responses made in writing by Mr. Franci Posel will be deemed to be official responses, but the Municipality is not obliged to respond to inquiries. All responses from other parties will not be considered as valid responses.

As part of the Qualification Statement, each Respondent is required to indicate, in the "Business Information Form" (Appendix C), the name, address, and facsimile number of a "contact person". Any written notice or communication by the Municipality shall be deemed properly served upon the Respondent if sent to this person at the given address or facsimile number.

In addition to submitting Qualification Statements following the instructions in the present document, Respondents are encouraged to provide comments on any aspect of the proposed project. Such comments will be carefully studied by the Municipality and its advisors with a view to formulating a project concept and an RFP that offer the greatest scope for joint benefits for the Municipality and the Concessionaire.

1.2 Country and City Context

Slovenia

In 1991 the Republic of Slovenia became independent.

Following its declaration of independence, Slovenia received formal recognition in 1992 from the members of the European Union and a large number of other countries and international institutions.

From the country's inception on, the Government of Slovenia has been pursuing economic policies aimed at fiscal constraint and monetary stringency. Tight money policies in combination with strict price controls have brought annual inflation down from around 93 percent in 1992 to 20 percent at present. While economic and industrial restructuring has led to a sharp increase in unemployment, most recent data seem to suggest that the rate of unemployment peaked in 1993 at around 15 percent. The increase in unemployment seems to have brought to a halt and if the "grey economy" were to be taken into account indications are that the employment situation is better than official statistics suggest.

After a period of stagnating economic development, effectively resulting in a contraction of the economy, Slovenia appears now set for economic growth. In 1993 gross of GDP was about 1 percent and forecasts of 1994 point to an acceleration in economic growth to 5 percent on annual basis.

Among the former Yugoslav republics Slovenia used to be the most highly industrialised and economically advanced. With less than 8 percent of the population it accounted for 20 percent of gross domestic product. Productivity was twice as high as the overall average for Yugoslavia. With an per capita Gross Domestic Product of around US\$ 6,200 in 1993, Slovenia is the wealthiest of all Central and Eastern European countries.

Maribor

With a population of around 105,000 Maribor is the second largest city in Slovenia and with a territory of about 160,000 the largest municipality. It is located in one of the wealthiest regions of the country. Under the previous economic and political system, the town used to be the major industrial centre of Slovenia. After becoming independent, industries in the Maribor region are now going through a difficult process of restructuring, transfer of ownership and adaptation to new markets. The transformation of the regional economy is supported by municipal and central government initiatives. These include the establishment of a regional development agency which oversees the preparation and implementation of a number of regional investment projects. While no precise data are available at this stage, it is assumed that Gross Regional Domestic Product per head of populations is above the national average of US\$ 6,180 in 1993.

1.3 Maribor's Wastewater Collection and Treatment System

1.3.1 Description of System

The present state of service of Maribor's sewer system can be described as satisfactory, with most residential areas already having connected to the sewer system. It has been estimated that an additional 20 km of primary collectors and 100 km of secondary sewers would be required to connect all residential areas.

The sewer system consists of both combined sewers, which are typical in most of Maribor, and separated sewers, which are planned especially for the newer sections of Maribor as the city develops. The sewer system in the old city area on the left bank of the Drava River, which runs through Maribor roughly along an west-east axis, mostly consists of combined sewers built from 1890 to 1914.

In connection with the construction of the Melje dam for the Zlatoličje hydropower station in the late 1950s (downstream of Maribor near Ptuj), the existing sewage collecting system, mainly on the left (north) bank side, had to be adapted to the requirements of the raised water level in the reservoir. The basic idea was to construct a sewer on each side of the Drava collecting the wastewater from the primary sewers on the left and right bank areas and to discharge the sewage into the hydropower canal, which runs from Maribor to Ptuj, until a central wastewater treatment plant could be constructed.

In the 1970s, projects were prepared for separate wastewater treatment plants for the left bank side and for the catchment areas on the south side of the Drava. Finally, the project for the left bank main collector with a pumping station at Melje, which leads the wastewater into the hydropower channel, was implemented.

In addition, the right bank main collector has been partially constructed and will be completed in 1995. As the right bank main collector is not yet in operation, its primary sewers meanwhile discharge directly into the Drava River. Projects for a central wastewater treatment plant have not been realised until now. Only three small wastewater treatment plants, with a total capacity of less than 1,500 PE, are in operation.

Since 1965, the hydraulic design of the existing sewer system on the left bank has not been reviewed or updated. Interconnecting sewers were constructed to solve hydraulic problems and to distribute the hydraulic load when the capacity of some primary sewer sections was shown to be too small during stormwater flows.

Industrial wastewater, discharged at present to the Drava, is estimated to account for about 50% of the total pollution load. Most industrial plants carry out some kind of pretreatment. More information relating to industrial pretreatment will be available after analysis of relevant protocols and will be included in the RFP documents.

Leakage is a general problem of the existing sewer system, as most of the sewers have not been constructed to be watertight. In addition to problems of infiltration, significant exfiltration occurs in some areas, causing contamination of groundwater used for water supply.

Another problem is inflow through four brooks connected to the sewer system on the left bank side, which results in continuous contributions of relatively clean water to the system, adding

operation and maintenance costs (especially at the pumping station) and causing flooding of downstream streets during storms.

The sewage collecting system therefore requires an extensive investment programme over the next 10–15 years. For a number of reasons, the Municipality at present does not plan to carry out these investments through a concession arrangement, with the exception of the main collector, which links the existing collecting system with the wastewater treatment plant and is therefore essential to its operation.

Before undertaking the major part of such an investment programme, the municipality intends to carry out a long-term planning exercise to develop a general sanitation programme for the entire collecting system.

1.3.2 Short-Term Action Programme

Certain investments are being identified as a "Short-Term Action Programme". These investments will not be a part of the concession, but they will be implemented in parallel with the construction of the wastewater treatment plant and are essential if the wastewater treatment plant and the Municipality's overall wastewater strategy is to have its intended environmental effect.

The investments will be selected according to the following criteria:

- a. they will quickly produce important environmental benefits at a reasonable cost (i.e. high benefit-cost ratio) or their realisation is important for the optimal design or operation of the wastewater treatment plant;
- b. they are needed regardless of the results of the long-term system planning study, and their particular design will not be affected by the results of that study;
- c. they can be realised rapidly

The major components of such a Short-Term Action Programme have been tentatively identified as follows:

- a. Protection of the city's groundwater sources:
 - i. reconstruction of sewers in the Urbanski Plato area, the main groundwater source providing more than 70% of the city's potable water demand, to eliminate exfiltration;
 - ii. construction of a gallery of recharge wells between the centre-city sewerage system and the city's supply wells (if this is found to be the least-cost solution);
 - iii. construction of the Hoče primary sewer to eliminate pollution from domestic wastewater in the groundwater protection areas in the south of the city;
 - iv. construction of certain secondary sewers in or next to groundwater protection areas.
- b. Reduction of the wastewater load that is discharged directly to the Drava;

- i. completion of the right-bank main sewer;
- ii. connection of primary sewers with the main collectors (left-bank main sewer, right-bank main sewer, main collector);
- iii. connection of all industries to the sewer system that discharge directly to the Drava

The total investment cost of the Short-Term Action Programme is estimated to be at least US\$10 million. The exact sum will depend on further analysis to determine which investments are of a priority nature.

The municipal sewerage company, Nigrad, will continue to have the responsibility for operating and maintaining the collecting system (except for the main collector, which will be part of the wastewater treatment plant concession). A programme of institutional reforms will be carried out, however, to give Nigrad more autonomy, to make it more accountable, and to strengthen its maintenance planning functions.

1.3.3 Related Measures

The Municipality plans to carry out a study concerning the possible adoption of load- or concentration-based wastewater treatment charges for industrial users of the system, instead of the present municipal charge that depends only on volume. Such charges would reduce the financial burden on residential users (compared with a uniform rate for both industry and residential users), thus making overall rate increases easier to bear, and would give industrial users the incentive to reduce the pollution level of their wastewater. The Municipality envisages adopting such pollution-based charges if they are shown to be technically, financially, and administratively feasible. (Such a pricing policy, of course, would not affect the compensation received by the Concessionaire for its services.)

The Municipality is preparing to enact a decree establishing regulations for the discharge of wastewater into the sewerage system to prevent impairment of the functioning of the wastewater treatment plant. This decree will set out prohibitions and limitations on wastewater discharges into the system. The decree will give an appropriate municipal body the power to enforce the regulations by, among other means, requiring industrial pretreatment. The Municipality will agree to and enforce compliance plans with industrial dischargers so that the wastewater entering the secondary treatment plant will not impair its functioning.

1.4 Overview of Project Concept

Preparation of the wastewater project has been underway for several years, and for the last year it has received the support of the European Bank for Reconstruction and Development (EBRD). The overall project consists of two parts involving:

- (i) the main sewage collector and wastewater treatment plant;
- (ii) the extension, rehabilitation, and upgrading of the existing sewage collecting system, excluding the main collector.

The descriptions of the project, its concept, and its financing structure as contained in this RFQ document are for general guidance and may be modified by the time of RFP issuance. The term "project" as used in this document generally means just the component consisting of the main sewage collector and the wastewater treatment plant.

1.4.1 The Concession

The Municipality expects to grant a concession for a wastewater treatment plant and associated main sewage collector, following a process of international competitive bidding. It is anticipated that the concessionaire will be a special-purpose company set up by the winning company or team of companies. The duration of the concession will be no longer than 25 years. The existing sewage collecting system is not currently envisaged as being part of the concession.

Proposals will cover two stages: (1) chemically enhanced primary treatment (CEPT); and (2) secondary treatment. After construction and start-up of the first stage, completion of priority improvements to the collecting system, and systematic testing of influent characteristics, the Municipality plans to implement the second (biological) stage, this decision being subject, however, to the regulatory environment at that time.

The responsibilities of the concessionaire will include design, construction; operation and maintenance, and partial financing.

Financing for the wastewater treatment plant will come from a package including loans, grants, and possibly equity. The EBRD is expected to provide a loan to cover about 35-40% of investment costs. Grants will come from the municipality and possibly from the national government. Efforts will also be made to find bilateral grant financing for a certain part of the costs. The sponsoring companies will be asked to mobilise financing to cover remaining needs.

Compensation payable to the Concessionaire under the Concession Agreement is expected to be paid from earmarked user fees. It should be noted that water and wastewater charges, based for the most part on metered water consumption, are already efficiently collected by the city water company (with negligible bad debts) and provide most of the funds needed for operation and maintenance of these systems.

1.4.2 Transaction Structure

The Municipality and its advisors are at present considering two different contractual structures for the wastewater concession arrangement. *The Municipality welcomes comments from Respondents on the alternative models, or on other models preferred by Respondents.* The Municipality will take a decision on this question in the near future and will include a description of the preferred structure in the RFP document so that tenders can be readily compared with one another.

The two structures under consideration at present are the following:

- (i) The classic BOT structure, in which a special-purpose private company (the Concessionaire), established by the winning bidders, is the financing vehicle, receiving debt from banks and equity (or subordinated debt) from the parent company or companies, and is responsible for design, construction, operation, and maintenance of the facilities. The compensation received by the Concessionaire from the Municipality includes both debt service components and operation and maintenance (O&M) components.
- (ii) The "public authority" model, in which a special-purpose municipal company is the financing vehicle and the borrower of senior and subordinated debt used for the project. The Concessionaire company, responsible for design, construction, operation, and maintenance of the facilities, receives as compensation the O&M components only; debt service payments are the responsibility of the municipal financing company. The parent company or companies contribute their share of financing to the municipal financing company through subordinated debt (which may be linked to the continued presence of the Concessionaire) and also would be expected to guarantee the Concessionaire's performance to the Municipality.

By facilitating in principle the separation of financing aspects from technical-operation aspects (even though the two will be strongly linked in the present project), it is argued that this model provides a flexible structure to accommodate future wastewater projects (including network improvements) in a long-term context in which there may be greater diversity of financing opportunities available to the Municipality.

In both models, a trustee bank is charged with the actual channelling of cash flows from the collection agent (at present envisaged to be the city water company) to the investors and the Concessionaire.

1.4.3 Indicative Financing Plan

The following financing plan for the wastewater treatment project's investment costs indicates present expectations (these figures are indicative only and may be modified by the time of the RFP):

Source	Percentage of total financing (WWTP and main collector)
Concessionaire's parent company (Equity or subordinated debt)	15-20%
Bank loans mobilised by winning bidder	20-25%
EBRD loan	35-40%
Municipality (Grant)	2.5-7.5%
Central government and/or bilateral (Loan or grant)	12.5-17.5%

The Respondent should not consider the contribution indicated above as a limit to its financial participation in the project. The Municipality welcomes increases beyond the indicative amount, if this results in a more advantageous proposal overall.

2. DESCRIPTION OF THE QUALIFICATION PROCESS

2.1 Qualification Statement Submission Date

Six (6) copies of the Qualification Statements responding to this RFQ must be submitted by 29. August 1994 no later than 3:00 pm Local Maribor Time. Qualification Statements shall be in a sealed package addressed to:

Mr. Zoran Kus, M.Sc.
Member of the Executive Council for Environmental Protection
Municipal Services Directorate, Slovenska 40, SI-62000 Maribor, Slovenia
Wastewater Treatment Concession, (DO NOT OPEN)

Late Qualification Statements will not be evaluated by the Municipality and will be returned unopened to the Respondent. The only acceptable evidence of timely submission is a receipt from Mr. Zoran Kus office. Instructions on the content and format of the Qualification Statement are given in Section 7.2 of this RFQ.

2.2 Procurement Process and Project Schedule

2.2.1 *Concession Act*

The Municipality intends to procure the services described herein in accordance with the requirements of the Slovenian Public Trading Services Act (1993) and its own Concession Act (copies attached as Annexes 1 and 2). The Concession Act sets forth the procedure for the issuance of an RFQ; evaluation and "qualification" of Respondents to the RFQ; issuance of an RFP to Qualified Respondent(s); review, clarification and evaluation of Proposals from Qualified Respondent(s); preliminary negotiation of a Concession Agreement with Qualified Respondents and final negotiations with a Selected Proposer who will undertake the design, construction, start-up, acceptance testing and the long-term operation and maintenance of the wastewater treatment plant and main sewage collector.

Qualification Statements will be evaluated by the Municipality, assisted by its advisors, to determine if the Respondents meet the Minimum Qualification Criteria set forth in Section 5 herein and in general to assess whether the reputation and experience of the Respondent show it to be fully qualified to implement the project, as determined by general qualification criteria set forth in Section 6. Any Respondent designated by the Municipality as a Qualified Respondent must be a party financially, technically, and administratively capable of

Evaluation of Proposals

- (o) The evaluation of proposals will take into account several factors including, but not limited to: cost, technical feasibility, degree of contractual risk, guarantees of performance, ability to perform relevant aspects based on experience, and ability to provide financing and financial assurances.

General

- (p) All costs incurred in connection with responding to this RFQ and to a subsequent RFP will be borne by the Respondent.
- (q) The winning bidder will be obliged to cover the costs of the EBRD's due diligence process following selection of the winning bid and prior to signature of the EBRD loan agreement for the project. A mandate letter shall be signed by the Respondent to this effect.
- (r) All activities related to the wastewater treatment plant and main sewage collector will be subject to all applicable national and local laws, regulations, rules and/or requirements.

3. DESCRIPTION OF THE PROJECT: WASTEWATER TREATMENT PLANT AND MAIN SEWAGE COLLECTOR

N.B. The following description does not purport to contain all the information that Respondents will require for purposes of the tender, and some items may be modified in the RFP document.

3.1 Project Site

The Municipality has identified a suitable site downstream of Maribor (about 12 ha) for the wastewater treatment plant.

3.2 Project Description

3.2.1 Main Collector

The routing of the main collector shall be defined by the Municipality and indicated in the RFP.

Indicative technical dimensions of the main collector are:

total length	about 7.5 km
diameter	about 2,000 mm

The facilities should be designed to meet design and construction standards specified in the RFP.

3.2.2 Wastewater Treatment Project

Data available on flows, concentration, organic loads and degradability are limited. Best current estimates suggest 250,000–300,000 people-equivalents of organic load. Present national effluent standards are considered to be inappropriate and are not strictly enforced by the national government. The government is preparing to adopt new standards, which have not yet been defined, but which are likely to be close to EC, German, or Austrian standards. The Municipality has therefore adopted a two-stage approach for the implementation of the wastewater treatment plant to achieve adequate treatment at least cost in view of changing and uncertain economic and regulatory conditions.

The goal of the first stage of the wastewater treatment project will be to achieve low-cost chemically enhanced primary treatment of effluents and to obtain more reliable data on raw wastewater necessary for design and operation of secondary treatment.

The technical data for influent water at present are estimated as follows:

Characteristic	Unit	Value
Average dry weather flow	m ³ /day	65,000
Peak dry weather flow	m ³ /hr	4,000
Peak wet weather flow	m ³ /hr	12,000–20,000
BOD ₅	kg/day	15,000–18,000
Total suspended solids	kg/day	17,500–21,000
Population equivalent (PE60)		250,000–300,000

The treatment level required (annual average of 24-hr. composite samples) will be:

Characteristic	Requirement
BOD ₅	Min. 50% reduction
Total suspended solids	Min. 70% reduction
Total phosphorus	≤ 2.0 mg/l

It is anticipated that the first stage of the project will comprise the following facilities:

main lifting station, screening and compacting, sand and grit chamber, metering and sampling station, primary treatment (chemically enhanced sedimentation or equivalent), thickening and dewatering of sludges plus disposal on landfill, equipment and vehicles, and operation buildings including, but not limited to, lab, workshops, social rooms, control room and garages.

The proposed facilities should be designed to meet design and construction standards specified in the RFP.

It is planned that after two years the secondary treatment facilities will be constructed.

For purposes of the tender, it will be assumed that the second stage will assure secondary treatment of all wastewaters to a level conforming to EC directive no. 91/271/EEC for non-sensitive areas, through an activated sludge process or equivalent. Slovenian standards in effect at the time these facilities will actually be designed may require modifications to these requirements.

Provisional estimates are that future technical data in 2005 for the influent wastewater will be as follows:

Characteristic	Unit	Value
Average dry weather flow	m ³ /day	65,000
Peak dry weather flow	m ³ /hr	4,000
Peak wet weather flow:		
For secondary (biological) stage	m ³ /hr	8,000
For primary (mechanical) stage	m ³ /hr	12,000–20,000
BOD ₅	kg/day	21,000–24,000
Total suspended solids	kg/day	24,500–28,000
Population equivalent (PE60)		350,000–400,000
Ratio COD/BOD		2.3–2.5

These variables will be estimated more accurately during the monitoring that will take place during the first phase of the project.

The future treatment level required is anticipated to be as follows (annual average of 24-hr. samples):

Characteristic	Requirement
COD	≤ 125 mg/l or 75% reduction
BOD ₅	≤ 25 mg/l or 70–90% reduction
Total suspended solids	≤ 35 mg/l or 90% reduction
Total phosphorus	≤ 2.0 mg/l

The second-stage project will comprise the following facilities:

all facilities of the first stage, secondary biological treatment (chemically enhanced for phosphorus removal), and optional anaerobic digestion of sludge, including energy recovery from biogas in accordance with future solid waste disposal strategy.

Qualified Respondents will be requested to submit proposals for both the first and second stages. Respondents will be asked to base their proposals on specified, assumed influent characteristics (which will be set forth in the RFP and which may vary from the figures presented above). The proposal for the second stage will be required to be structured in such a way as to facilitate later price readjustments once influent variables are known with greater certainty, by means of formulas, schedules of prices, or similar methods.

4. IMPLEMENTATION RESPONSIBILITIES OF THE MUNICIPALITY AND THE CONCESSIONAIRE

The RFP will provide a definitive allocation of responsibility between the Municipality and the Concessionaire for implementation of the project, encompassing project development activities, project design and construction, and project operation and maintenance. The following is intended to provide Respondent(s) with an understanding of the type of business arrangement the Municipality contemplates with the Concessionaire and the scope of responsibilities and liabilities the Concessionaire will be required to assume. It establishes the context for the Qualification Criteria set forth in Sections 5 and 6.

4.1 Municipality Responsibilities

It is anticipated that the Municipality will be responsible for or will provide the following:

- Preparing and submitting, with the assistance of the Concessionaire, the required "location plan"
- Providing the site, to be located on property owned by the Municipality.
- Providing landfill for the disposal of sludge, if this is the disposal method chosen.
- Obtaining or assisting to obtain all local and national legal entitlements.
- Partial financing of the project.
- Monitoring the design, permitting, construction, start-up, acceptance testing, operation and maintenance of the wastewater treatment plant and main sewage collector to ensure compliance with the provisions of the Concession Agreement.
- Implementing appropriate and timely increases in user charges to cover all contractual obligations associated with the project.
- Providing payment to the Concessionaire of an operating fee (and a capacity fee, if appropriate given the concession model adopted) for operating and maintaining (and, depending on the model, financing) the wastewater treatment plant and sludge treatment system.

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