
REPORT ON EXPERIENCE GAINED IN THE APPLICATION OF DIRECTIVE 2003/4/EC ON PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION

1. General description

Summarise the implementation of the Directive in particular at national and regional level.


The Access to Public Information Act (ZDIJZ) specifies the procedure for public access to information of a public nature, its re-use, the authorities obliged to ensure access to information of a public nature, exceptions, legal recourse, reporting, supervision and infringements. Every authority (national authority, local municipality authority, public agency, public fund and public law entities, bearers of public authorisations and public service providers) is obliged, when so requested by a legal or natural person, to provide information of a public nature, to set up, maintain and publish in an appropriate way a catalogue of information of a public nature, to specify one or more official persons competent to deliver information of a public nature, and publish certain information of a public nature online. Should such an authority refuse a request for public information, the applicant shall have the right to appeal and have the matter decided by the Information Commissioner. An appeal may be brought against the decision of the Information Commissioner triggering an administrative dispute before the competent court.

The Information Commissioner Act (ZInfP) specifies the Information Commissioner as the authority to whom complaints may be referred regarding rulings of a body of first instance.
The Environment Protection Act (ZVO-1) specifies the environmental information to which the public shall have access in line with the ZDIJZ. ZVO-1 also specifies the environmental information to which the public shall have access irrespective of the exceptions laid down in the ZDIJZ.

The Nature Conservation Act (ZON) and the Access to Public Information Act (ZDIJZ) specify the cases where environmental information regarding a natural asset is not accessible to the public on account of the protection of natural assets.

On the aforementioned legal basis, the authorities have a catalogue of environmental information of a public nature which has been compiled and published, and specific persons competent for the provision of information and transmission of environmental information via the internet. Each year the national authorities and local authority entities must prepare a report on the implementation of the ZDIJZ in the preceding year and forward it by 31 January to the Information Commissioner. On the basis of said reports, the Slovenian Government will draw up a single annual report on the implementation of the Act in the preceding year and will send it by 31 March to the Information Commissioner. The State, urban municipal authorities and, on their own initiative, other municipalities must also prepare environmental status reports and publish them in a publicly accessible fashion.

2. Experience gained

Describe which have been, according to your experience, positive and negative impacts of the application of the Directive so far (for instance, increased involvement of civil society/stakeholders in specific environmental matters, facilitating the decision-making-process and implementation of the consequent decisions, administrative burden, etc.).

In the implementation of the Directive, we have not encountered adverse experiences indicating a misuse of the right of public access to environmental information or a need for authorities to limit such rights. There has of course been an increase in the caseload of applications to receive environmental information of a public nature and the consequent burden upon the authorities responsible for ensuring access to environmental information.

3. Definitions (Article 2)

3.1. Have you encountered any particular difficulties relating to the interpretation and management of the definition of 'environmental information'?

We have not encountered any difficulties relating to the interpretation and application of the definition of 'environmental information'.

3.2. According to your national/regional situation, give examples of the types of bodies that have been found to be covered by the provisions of Article 2, paragraph 2, letter b, “any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in relation to the environment.” and letter c, “any natural or legal person having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person falling within (a) or (b)”?

Where appropriate, formulate suggestions on how the meaning of 'public authority' may be further clarified.

The authorities defined at points (b) and (c) of Article 2(2) of Directive 2003/4/EC, and specified on the basis of the ZDIJZ in ZVO-1, are public institutions, public enterprises, public
funds and providers of public environmental protection, nature conservation and water management services.

3.3. Do you have any other observations relating to the practical application of Article 2?

We have no further observations relating to the practical application of Article 2.

4. Access to environmental information (Article 3)

4.1 What are the practical arrangements as referred to in Article 3(5) c), set up by, in particular, national and regional authorities? Please provide examples of these practical arrangements.

The persons responsible for delivering public environmental information are specified. The catalogue of environmental information of a public nature is published on the internet too. The catalogue, largely standardised in form and content, also contains *inter alia* information on the organisation of the authorities, on the persons competent to provide environmental information, lists of laws and other regulations, a list of types of administrative procedures, a list of public records or registers (with clear description of conditions for access to such records), etc.

Information from the environmental documentation and registers maintained by the ministry is published online.

4.2. In which way has it been ensured that the public has adequate information of the rights they enjoy, as referred to in Article 3 (5) last paragraph?

Alongside the catalogue of environmental information of a public nature, there is also a description of the procedure for accessing and obtaining such information.

4.3. Do you have any other observations relating to the practical application of Article 3?

We have no further observations relating to the practical application of Article 3 of the Directive.

5. Exceptions (Article 4)

5.1. Amongst the possible exceptions listed in Article 4, which ones have been retained in the implementation of Directive, to refuse access to environmental information?

The ZDIJZ sets out exceptions, including the exceptions mentioned in points (a) and (d) of Article 4(1) and points (a), (c), (d), (f) and (h) of Article 4(2) of Directive 2003/4/EC, while the ZVO-1 incorporates the exception mentioned in point (g) of Article 4(2) of Directive 2003/4/EC.

5.2. Have the Member States or regions issued any guidance (such as circulars or guidelines) governing the granting of exceptions?

5.3. Have any steps been taken to ensure the accessibility of a list of criteria, as mentioned under Article 4(3), on the basis of which the authority concerned may decide how to handle requests?
Criteria for the conduct of authorities in the rejection of applications for public access to environmental information of a public nature are specified in the ZDJIZ.

5.4. Do you have any other observations relating to the practical application of Article 4?

We have no further observations relating to the practical application of Article 4 of the Directive.

6. Charges (Article 5)

6.1. According to Article 5 (2) public authorities may make a charge for supplying environmental information. Have public authorities fixed charges? Please give examples of what measures public authorities have implemented on charging.

There is no charge for the delivery of environmental information of a public nature. A charge list has been specified for the material costs of delivering such information; charges are applied only if the costs exceed €10. There is a charge for the re-use of such information.

6.2. Please explain how it has been ensured that the applicants are aware of a schedule of charges and circumstances in which a charge may be levied or waived.

Charges are specified in legislative measures which are published. The list of charges is also published on the internet.

6.3. Do you have any other observations relating to the practical application of Article 5?

We have no further observations relating to the practical application of Article 5 of the Directive.

7. Access to justice (Article 6)

7.1. What kind of procedure is provided for an applicant in cases mentioned in Article 6(1)? Please specify the appointed authority or independent body.

A person whose application to access environmental information of a public nature has been rejected by an authority is entitled to appeal on the basis of the ZDIJZ. The appeal body is the Information Commissioner. The Information Commission is an autonomous and independent State authority, established by the ZInfP.

7.2. What kind of procedure is provided for an applicant in cases mentioned in Article 6(2)? Please specify the institutions entitled to review.

An appeal may be brought against the decision of the Information Commissioner triggering a dispute case before an administrative court.

7.3. Is the decision issued by the institution referred to in question 7.2 final? If not, please specify what kind of procedures could follow this one to get a final decision.

The decision of the administrative court is final. If it is claimed that there has been an infringement of human rights, then it is possible to refer the matter to the Constitutional Court of the Republic of Slovenia.
7.4. Do you have any other observations relating to the practical application of Article 6?

We have no further observations relating to the practical application of Article 6 of the Directive.

8. Dissemination of environmental information (Article 7)

8.1. Which measures have been taken to ensure that public authorities organise the environmental information, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunications and/or electronic technology?

On the basis of the ZVO-1, the ministry responsible for the environment must draw up a report on the environment in the Republic of Slovenia at least once every four years. The report is adopted by the Government and forwarded to the National Assembly of the Republic of Slovenia. Every two years, the ministry must also draw up a report on the environment or individual aspects thereof, in the form of environmental status indicators. The reports are published and are also available to the public on the internet.

The ministry must publish the following on the internet:

1. municipal regulations on the environment (not published in the Official Gazette of the Republic of Slovenia),
2. national and operational environmental protection programmes,
3. environmental baseline information,
4. environmental reports,
5. environmental monitoring information, or summaries thereof,
6. environmental assents and permits, excluding information which by law is not publicly accessible, or an indication of the authority from which the assent or permit may be obtained, and
7. environmental reports and environmental impact assessments, or an indication of the authority from which a report/assessment may be obtained.

In the field of protection against ionising radiation and nuclear safety, in line with the Ionising Radiation Protection and Nuclear Safety Act, the ministry must draw up a report each year on nuclear and radiation protection in Slovenia in respect of the preceding year. The report is adopted by the Slovenian National Assembly at the proposal of the Government and published on the website of the Slovenian Nuclear Safety Administration (SNSA). All other reports in the field of nuclear and radiation protection drawn up by the Republic of Slovenian under international agreements are also published on this website. Legislation in the wider area of nuclear and radiation protection, international agreements and the standards of international organisations and associations are also published. An early warning network (MZO) – an automatic measuring system designed to detect elevated radiation levels in the environment promptly – is also available.

8.2. What are the measures taken to ensure that information is updated, as appropriate?

ZVO-1 specifies the intervals at which reports must be drawn up (every four or two years).
8.3. Is there an obligation to report on the state of the environment, next to the national, also at regional and local levels and if so, according to which timetable?

ZVO-1 requires urban municipalities to draw up environmental status reports for their territories; other municipalities are not obliged to do so but may also draw up such reports.

8.4 What mechanisms are used to publicize these reports?

The reports are published in conventional form and online.

8.5 Do you have any other observations relating to the practical application of Article 7?

We have no further observations relating to the practical application of Article 7 of the Directive.

9. Quality of environmental information (Article 8)

9.1. What are the measures taken to ensure that any information that is compiled by public authorities or on their behalf is up to date, accurate and comparable?

The ministry obtains environmental status information under legislation on environmental status monitoring and operational monitoring of environmental impact. The legislation also specifies measurement methods and reporting procedures. The ministry is responsible for checking the quality of such monitoring.

9.2. To ensure that information is comprehensible, accurate and comparable, the method used in compiling the information is important. Have you received any request about the method used? Please give any other information you consider useful.

9.3. Do you have any other observations relating to the practical application of Article 8?

We have no further observations relating to the practical application of Article 8 of the Directive.

10. Statistics

Encl. 2009 Report on the implementation of the Access to Public Information Act (ZDIJZ)

(The report is drawn up in accordance with the ZDIJZ and submitted to the Information Commissioner. The information relates to the Ministry of the Environment and Spatial Planning and bodies under the ministry, specifically: the Environmental Agency of the Republic of Slovenia, the Slovenian Nuclear Safety Administration, the Surveying and Mapping Authority of the Republic of Slovenia and the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning. The information is common to all the areas within the remit of the ministry (environmental protection, land-use planning, and building and housing policy.)

We remain at your service for any further clarification or information.

(Complimentary close)