

PERMANENT REPRESENTATION
OF THE REPUBLIC OF SLOVENIA TO THE EU

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EUROPEAN COMMISSION – ENV Environment

KARL FALKENBERG
Director-General
Rue de la Loi 200
B-1049 Brussels

SUBJECT: ***Report of the Republic of Slovenia on the experiences on implementation of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage***

Dear Mr Falkenberg,

please find enclosed a letter from deputy Director-General, Branko Ravnik, of the Slovenian Ministry of Agriculture and the Environment regarding the Report of the Republic of Slovenia on the experiences of implementation of the Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to prevention and remedying of environmental damage.

Sincerely yours,

Uroš Vajgl

Deputy Permanent Representative

Encl.: Letter

When replying to the document, please state the document number. Thank you.

REPUBLIC OF SLOVENIA
MINISTRY OF AGRICULTURE AND THE ENVIRONMENT

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Report of the Republic of Slovenia on its experience of implementing Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56; the ELD), in accordance with Article 18(1) of that Directive

1. Type of environmental damage, date of occurrence and/or discovery of the damage and date on which proceedings were initiated under this Directive.

Up until 25 April 2013 no case of environmental damage had been detected or handled in the Republic of Slovenia that would meet the requirements of Directive 2004/35/EC.

2. Activity classification code of the liable legal person(s).

3. Whether there has been resort to judicial review proceedings either by liable parties or qualified entities.

4. Outcome of the remediation process.

5. Date of closure of proceedings.

6. Costs incurred with remediation and prevention measures, as defined in this Directive:

- paid for directly by liable parties, when this information is available;
- recovered ex post facto from liable parties;
- unrecovered from liable parties. (Reasons for non-recovery should be specified.)

7. Results of the actions to promote and the implementation of the financial security instruments used in accordance with this Directive.

The Slovenian Ministry of Agriculture and the Environment ordered two specialist studies on the use of financial security instruments for the implementation of Directive 2004/35/EC:

1. Definition of potential financial security instruments and related markets for the purpose of insuring liability for preventing and remedying environmental damage (Ljubljana, 2010).

This study addresses the financial security instruments available in Slovenia to persons responsible for preventing and remedying environmental damage. The study also analysed – based on the example of IPPC installation operators – the state of demand for financial instruments and information acquired on recognition of relevant legislation, the use of various financial security instruments and preferences relating to the existing supply and opinions on potential mandatory liability insurance for the prevention and remedying of environmental damage.

The study's recommendations include:

- mandatory liability insurance for the prevention and remedying of environmental damage is not yet appropriate;
- a strategy for promoting the supply and use of financial security instruments by all stakeholders should be designed and implemented;

- systematic campaigning to encourage the insurance sector to develop an 'ELD product' and to raise awareness of the need to use such financial instruments;
- promoting acquisition of EMAS and the ISO standard 14001;
- informing persons responsible for preventing or remedying environmental damage about this issue.

2. Feasibility study on financial security to insure liability for preventing and remedying environmental damage in the form of mandatory insurance or a public fund (Ljubljana 2012).

This study addressed the feasibility of introducing two financial security instruments to insure liability for preventing and remedying environmental damage in Slovenia: mandatory insurance and a public fund.

The findings of an analysis of the mandatory environmental liability insurance form of financial security indicated that it was not recommendable in current circumstances. The arguments against implementing mandatory insurance vastly outweigh the arguments in favour.

The findings on mandatory financial security to cover environmental liability through a public fund were similar. Here the reservations were even stronger, since no Member State has this form of financial security, so previous experience cannot be analysed or any analogy made. The study's conclusions include a recommendation to study the feasibility of an existing public fund for environmental protection – the Eco Fund – being used to cover the costs of measures to remedying environmental damage, when that obligation is passed on to the state.

8. An assessment of the additional administrative costs incurred annually by the public administration in setting up and operating the administrative structures needed to implement and enforce this Directive.

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Karl Falkenberg
Director-General
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Ref.: 542-103/2013
Date: 25 April 2013

Subject: Report of the Republic of Slovenia on its experience of implementing Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56), in accordance with Article 18(1) of that Directive

Dear Sir,

Please find enclosed the report that the Republic of Slovenia has prepared on its experiences in accordance with Article 18(1) of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56). The report contains the information and data required by Annex VI.

(complimentary close)

Branko Ravnik

Acting Director-General

Copy to:

Hans Lopatta
Policy Officer: Legal Issues
European Commission - DG Environment
Unit A.1 (Enforcement, infringements coordination & legal issues)
B-1160 Brussels
Avenue de Beaulieu 9, 1-86

Enclosure:

- Report of the Republic of Slovenia on its experience of implementing Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56), in accordance with Article 18(1) of that Directive.