

# National Conference: “Are We Changing the Environment for the Better?” Connected Voices of the Public in Environmental Protection [CONFERENCE MATERIALS]

More than 160 people attended the National Conference *Law for Society and Nature: “Are We Changing the Environment for the Better?”*, held on **15–16 January 2026** at the **Faculty of Law, University of Ljubljana**. The conference connected public voices in environmental and climate protection and raised awareness about the (non-)respect of rights in environmental matters. Over **30 speakers** shared their knowledge and experience in environmental protection.

The conference was organized by **PIC – Legal Center for the Protection of Human Rights and the Environment**, in cooperation with the **Faculty of Law of the University of Ljubljana** and the **Human Rights Ombudsman of the Republic of Slovenia**.

Due to the scope of the program, the conference was divided into **four parts over two days**.

- **Day 1** focused on the role of science in climate and environmental decision-making and the effectiveness of public participation mechanisms, especially in energy matters.
- **Day 2** addressed effective access to justice in climate and environmental cases and co-created solutions for improving current practice.

Below, the conference content is presented by thematic sections, following the official program.

## PART ONE: (NON-)CONSIDERATION OF SCIENTIFIC FACTS IN ENVIRONMENTAL DECISION-MAKING

### 1. Dr. Lučka Kajfež Bogataj – *The Gap Between Science and Politics*

The speaker highlighted the long-standing gap between science and politics (e.g., X-rays, asbestos, benzene, climate change). She stressed that planetary boundaries have been known for decades, yet political responses remain

insufficient, with Slovenia exceeding several sustainability thresholds. She argued that emissions declined mainly due to crises (financial crisis, COVID-19), not policy agreements. She questioned the feasibility of “green growth,” emphasizing planetary stability over growth, and cited democratic deficits, institutional silos, slow decision-making, and weak enforcement of the polluter-pays principle as root causes. Proposed solutions included institutionalized scientific advisory bodies, budget alignment with green goals, intergenerational mechanisms, better data and digitalization, and education reform.

## **2. Mag. Mojca Dolinar: The State of Climate Change in Slovenia**

The speaker presented that Slovenia’s temperature has increased significantly over the past 50 years, with a warming trend of 0.33°C per decade. This is most evident in the increasing frequency of heatwaves, which are expected to intensify further. She explained that climate projections forecast stronger winter precipitation and substantial changes in the water cycle, amounting to up to 30–40%. Flood risk is expected to rise in all seasons: in winter due to the declining snow cover, which normally retains part of precipitation, and in summer due to intense rainfall following droughts. She emphasized that snow cover in lowland areas will almost disappear entirely and warned that sea-level rise poses an additional risk for coastal regions. The growing frequency of droughts was also identified as a major challenge. The presentation underscored that climate change directly affects water resources, public safety, and the planning of adaptation measures.

## **3. Prof. Dr. Mihael Jožef Toman: The Role and Consideration of the Water Council in Water Management**

The speaker emphasized the need for an interdisciplinary approach to water governance and presented the Water Council as an advisory body to the ministry. He problematized the non-binding nature of its recommendations. As examples of good practice, he cited countries where university experts are more directly involved in decision-making, and highlighted the importance of civil initiatives in collecting field data. His key criticism focused on the systematic disregard of the Water Council’s opinions and the broader failure to incorporate expert knowledge, including in discussions about institutional reforms and the understaffing of the Water Directorate. He warned that such an approach prevents meaningful improvements and highlighted the poor chemical status of waters as well as the presence of micro- and macroplastics. He concluded that without genuine integration of scientific expertise and greater accountability in water governance, progress cannot be expected.

## **4. Prof. Dr. Gregor Torkar: Progress and Challenges in Sustainability Education for Children and Youth**

The speaker discussed the current state of education for sustainability and warned of a growing desensitization to alarming environmental information. Research shows that young people’s environmental awareness is relatively high, but

students more often report individual environmental actions than an understanding of collective action and civic participation. He reviewed the situation in Slovenia, noting that sustainability topics are integrated into curricula through shared learning objectives, but analyses show the strongest presence in natural sciences and geography, and significantly less in social sciences. He raised a key question: Does education sufficiently prepare young people for participation in societal processes? A lack of these competencies may lead to disillusionment or radicalization. He warned that sustainability education often remains marginalized and advocated for strengthening lifelong learning, emphasizing that adults must also be included in sustainability training.

## **5. Prof. Dr. Metoda Dodič Fikfak: Why Environmental Standards Are Becoming Stricter — The Case of Air Pollution in Ljubljana**

The speaker explained that environmental standards tighten gradually: science first demonstrates harm, and societal pressure then drives regulatory change. She cited asbestos as an example, where it took decades to establish the zero-tolerance standard in force today. She similarly discussed PM2.5, ozone ( $O_3$ ), and nitrogen dioxide ( $NO_2$ ), noting that evidence increasingly confirms there is no safe exposure threshold, and that WHO standards are generally stricter than current legal limits. She warned that air pollution is the largest environmental health risk in the EU, estimating that over 300,000 premature deaths in Europe could be avoided if WHO standards were met. She also presented calculations for Ljubljana, based on ARSO concentration data and epidemiological studies, estimating approximately 238,000 lost healthy life years and around 570 premature deaths annually due to air pollution. She highlighted low public awareness as a key concern.

## **6. Prof. Dr. Miran Brvar: Doctors Oppose the Waste Incinerator in Ljubljana**

The speaker presented major health and procedural concerns regarding the planned municipal waste incinerator in Ljubljana. He criticized the choice of location and the granting of a long-term concession without clearly defined monitoring requirements. He emphasized that air quality in Ljubljana is already problematic, linking pollution to higher asthma prevalence and increased mortality from respiratory and cardiovascular diseases. He noted that Slovenia ranks among the worst in the EU in terms of relative air quality improvement, and warned that the incinerator would further increase environmental burdens. He criticized the lack of publicly available data on emission reductions from the closure of old heating systems and pointed to limitations in dispersion modeling, including the impact of temperature inversions. He expressed the strong opposition of the medical community to the construction of such an incinerator in Ljubljana.

## **7. Dr. Maja Simoneti: Expert Contribution and the Role of the Climate Council**

The speaker presented the Climate Council as an expert body within the Ministry of Environment, Climate and Energy (MOPE), designed to connect sectors, accelerate

action, integrate scientific evidence, and overcome silo-based decision-making. She emphasized that the Council serves as a scientific voice in policymaking and raises systemic policy issues. She presented examples of the Council's engagement, including its role in discussions on the new Energy Act, the phase-out of fossil fuel subsidies, and its responses to delays in adopting the Climate Act. In reviewing mitigation reports, she pointed out gaps in emission reduction measures. Key challenges include effective communication (balancing individual vs. systemic responsibility) and establishing stronger cross-sectoral climate governance.

## **8. Doc. Dr. Maša Kovič-Dine: Slovenia's International Legal Obligations in Environmental Protection**

The speaker explained that environmental protection at the international level is not governed by a single universal convention, but rather by multiple specialized legal regimes, unified by core principles such as harm prevention, the polluter-pays principle, the precautionary principle, and common but differentiated responsibilities. She described climate governance as a process of gradually strengthening states' obligations and highlighted the EU's key role in shaping and implementing climate policies. She emphasized that Slovenia remains legally bound by international climate treaties even if the EU fails to fully meet its commitments. She also addressed international legal debates on fossil fuel subsidies, the 1.5°C global warming target, and the growing influence of international court rulings and advisory opinions in defining states' environmental responsibilities. The presentation underscored that international law is increasingly setting concrete behavioral standards for states in environmental and climate policy.

## **9. Mag. Martina Kačičnik Jančar: Nature Protection – Between Scientific Evidence and Interest Groups**

The speaker emphasized that the disregard of scientific evidence in nature protection is a long-standing and systemic problem, linked to weak knowledge transfer into policy. She presented a perspective on nature as a provider of ecosystem services — provisioning, regulating, cultural, and informational — and explained how their characteristics influence their vulnerability to exploitation. She described environmental protection as a process of "shifting boundaries" between competing interest groups over who can benefit from nature and to what extent. She highlighted that economic actors most strongly defend provisioning services, while other public-interest groups remain less organized, even though scientific evidence is formally available to decision-makers.

## **10. Zala Žnidaršič: Assessment of Climate Change Impacts on Agriculture**

The presentation emphasized the urgent need for agricultural adaptation to climate change, referencing a vulnerability assessment completed in the previous year. The speaker highlighted the expected reduction in summer water availability and an increased risk of frost in continental Slovenia, alongside a lower risk in alpine and Mediterranean regions. She warned that changing conditions will increase the

spread of invasive species and agricultural pests. A key indicator discussed was the number of years with a negative water balance. She explained that agricultural vulnerability results from a combination of sensitivity and adaptive capacity, meaning that risk assessments must incorporate multiple factors and scenario-based planning. She concluded that without systematic adaptation measures, risks to food production stability and food security will continue to rise.

## **11. Tanja Gorišek: Agricultural Adaptation Policies in Slovenia**

The speaker presented findings on agricultural adaptation to climate change in the Republic of Slovenia. She warned of inefficiencies also identified by the Court of Audit, emphasizing that climate impacts have not been adequately monitored, vulnerability assessments were insufficient, and measures were sporadic rather than systemic. She outlined the key policy framework documents dating back to 2008, noting that later policies were largely dominated by Common Agricultural Policy (CAP) measures, which did not ensure sufficient cross-sectoral coordination. She then highlighted recent progress: climate considerations have been integrated for the first time into the overarching agricultural law, a vulnerability assessment has been completed, and a knowledge consortium linking scientists and farmers has been established. A monitoring system is being developed, including a climate report for agricultural policy and soil data databases. She emphasized a shift toward preventive approaches (instead of compensation-based responses) and highlighted the importance of knowledge and innovation systems in transferring solutions into practice.

## **12. Dr. Jonas Sonnenschein: Economic Impacts of (Un)Timely Adaptation to Climate Change**

The speaker presented economic damage caused by climate change and stressed the importance of comparing the costs of climate-related losses with the costs of adaptation measures. He highlighted measures that provide additional co-benefits ("win-win" solutions) and explained that optimal allocation of adaptation investments would require better data, which is currently limited due to high uncertainty. Despite this uncertainty, he emphasized the precautionary principle, stating that the possibility of higher-than-expected costs cannot justify inaction. He warned that Slovenia is among the most climate-vulnerable countries per square meter, as evidenced by recent floods, and referenced studies on the impacts of heatwaves. He critically noted that GDP-focused evaluations fail to reflect real economic losses and damages. As strategic directions for reducing economic impacts, he emphasized strengthening knowledge on adaptation, identifying win-win solutions, and implementing soft measures — such as organizational, behavioral, and planning tools — alongside infrastructure-based measures.

## **13. Prof. Dr. Barbara Čenčur Curk: Civic Engagement and/or Fighting Windmills**

The speaker underscored the importance of the Aarhus Convention in water governance and presented the Water Referendum as a significant instrument of public empowerment. She warned that public consultations are often merely formal, and that public comments are frequently ignored in practice, thereby undermining the legitimacy and meaningfulness of participation. She critically addressed proposals for institutional restructuring of water governance modeled on forest management, highlighting the risk that such reforms could eliminate a public institution responsible for coordination and professional oversight. She emphasized that water governance includes river management, water use, and water protection, making organizational reforms a strategic issue. She identified the lack of transparency in preparing reforms and the possibility that key decisions could be made without public debate as particularly problematic. She also raised concerns about the uncertainty and ambiguity of the proposed governance model, warning that this could reduce the effectiveness of water management.

## **PART TWO: DECLINE IN THE ENFORCEMENT OF PUBLIC RIGHTS IN THE REPUBLIC OF SLOVENIA**

### **14. Dr. Dijana Možina Zupanc: Opening Address**

In her opening remarks, the speaker emphasized that legal frameworks for environmental protection exist, but implementation is often inadequate. She highlighted that public comments in decision-making processes are frequently disregarded, indicating systemic weaknesses in public participation and insufficient transparency. She stressed that authorities lack legitimate justification for failing to involve the public, as public participation is a fundamental democratic standard. She further noted that state inaction or failure to fulfill legal duties may constitute a violation of the right to a healthy living environment. By framing environmental issues within the human rights framework, she emphasized the need for responsible enforcement of existing laws and effective oversight of their implementation.

### **15. Žiga Kovač: Handling Environmental and Spatial Complaints at the Human Rights Ombudsman of Slovenia**

The speaker presented the role of the Human Rights Ombudsman in addressing environmental and spatial complaints and in promoting public participation in environmental decision-making. He discussed the historical development of this function and the Ombudsman's concrete initiatives to strengthen environmental and climate rights. He noted that the Ombudsman's key recommendations have remained largely consistent over time, despite frequent institutional reorganizations. He emphasized the public's right to access information and criticized authorities' frequent reliance on staffing shortages as an excuse. As an example, he cited the Regulation on Environmental Noise Limit Values, for which the Ombudsman submitted a constitutional challenge due to procedural violations. He also presented the current state of environmental complaint handling, highlighting a growing number of civil initiatives and cases (206 in 2024). Among the systemic

challenges, he identified overregulation, poor institutional coordination, and the need to empower the public to submit well-founded complaints.

## **16. Arne Vehovar: Civil Society in the Context of Planning the Ljubljana Waste Incinerator**

The speaker examined the role of civil society in the planning process for the Ljubljana waste incinerator, noting that civil society is often portrayed as an obstacle to development. He argued that the core problem lies in the insufficient consideration of public concerns, which prolongs procedures and fuels conflict. He mentioned the high construction costs and raised concerns regarding the Concessions Regulation, which was allegedly based on expert analysis, yet criticized for inadequate transparency and insufficient communication, particularly regarding waste reduction efforts. He emphasized the need for civil initiatives to coordinate their efforts, link different campaigns, and present unified positions. His key criticism focused on the practice of making decisions first and involving the public only afterward, which erodes trust, weakens participation, and deepens societal polarization.

## **17. Gaja Brecelj: Protecting Groundwater and Agricultural Land – or Magna?**

The speaker presented the case of opposition to the Magna project, grounded in the protection of a water-protection area and the preservation of agricultural land, and described the pressure exerted on non-governmental organizations. She highlighted the discrediting of civil society (labeling them as “eco-terrorists”), public smear campaigns, the shrinking of media space, and allegations of the unjustified use of public funds. She described politically organized pressure, including the mobilization of angry local residents, and the role of social media in spreading stigmatization. She emphasized that many institutions remained silent; as an exception, she mentioned the Commission for the Prevention of Corruption, which warned of corruption risks. She concluded that the case demonstrated the predominance of the interests of individual companies over the public interest and environmental protection, and the use of a *fait accompli* policy, whereby a decision is implemented first and opposition is addressed only afterward.

## **18. Mag. Senka Šifkovič: Judicial Protection of Wolves in Slovenia**

The speaker presented the importance of large carnivores and the legal dilemmas surrounding “removal from nature,” noting that the Habitats Directive sets strict conditions for such interventions. She warned about practices that weaken judicial protection: instead of individual administrative decisions, general acts are used, even though the Aarhus Convention requires an effective legal remedy. She presented several attempts to challenge this regulatory approach before the Constitutional Court, which were rejected, followed by a ruling of the Administrative Court finding that such regulation is inappropriate. The solutions were then transferred into an intervention (emergency) act, which she criticized as a

continuation of avoiding substantive review and restricting access to justice in environmental matters. A subsequent success before the Constitutional Court led to an improvement and a return to a system in which decisions on removal from nature are adopted through individual administrative decisions.

## **19. Barbara Kvac: TEŠ6 – An Environmental and Financial Catastrophe**

The speaker outlined the development of the TEŠ6 project since 2006, emphasizing that it initially did not receive adequate public attention. She highlighted financing through loans from the EIB and EBRD, as well as the establishment of a state guarantee, which attracted the greatest public scrutiny. The operating permit for TEŠ6 was obtained in 2016. She described the key problem as the continuously rising investment value and disputed assumptions in the investment plan. Promises included reliable supply, lower environmental burdens, and thousands of jobs, but the counterarguments were clear: inconsistency with climate goals and the economics of the EU ETS, the absence of alternative scenarios, unrealistic projections of coal and emissions allowance prices, and corruption risks. She warned about the alignment of energy interests and local politics against civil society and concluded by placing the project within later coal phase-out policies (2033) and related legislation.

## **20. Sara Kosirnik: JEK2 – Decision-Making Without the Public**

The presentation emphasized that the JEK2 project is characterized by the exclusion of the public from decision-making. The speaker stated that the non-nuclear scenario was removed from the long-term climate strategy process just before a government session, reducing substantive debate. She warned that executive actions have outpaced public discussion, creating an information vacuum filled by simplified investor talking points and propaganda. In the context of government promises, she highlighted the failure to honor commitments that a referendum would be held “once all data are known” and that the public would be systematically involved in preparing the project. Revelations about behind-the-scenes arrangements reduced support for the project. The referendum was withdrawn, while the project continues with the same actors—presented as a problem of legitimacy, transparency, and democratic oversight over the largest energy investment in Slovenia’s history.

## **21. Žiga Jenko: Confronting the Floating Solar Power Plant Project on Lake Družmirsko**

The speaker described the emergence of a civil initiative after the announcement of waste co-incineration at TEŠ, and pointed to a regulatory shift in which emission limit values for incineration and co-incineration were equalized. The central focus was the project of a floating solar power plant on Lake Družmirsko, enabled by legislation. He noted that the municipality initially prevented construction, but later reversed its position due to pressure. He warned about procedures designed so that the public struggles to detect decision-making in time, as well as selective

engagement of experts and the silencing of opponents. He emphasized that only a small share of the electricity would be intended for households, with most used for hydrogen production. He also mentioned practices such as paid promotional content, pressure on officials, and the distribution of funds to local associations. He concluded that in such cases, legislation functions as a filter against people, rather than as a safeguard for the environment.

## **22. Uroš Macerl: Cement or Health? The Lafarge Case**

The speaker presented the Lafarge case as proof that civil oversight of industrial facilities is essential, because the state often fails to ensure effective environmental protection. He described early practices of greenwashing and donations and stated that the company began construction without the required permits, even though permits for co-incineration were supposedly to be obtained later. He highlighted the importance of the “impact area” for ensuring the procedural inclusion of local owners. He pointed to a contradiction between invoking BAT technologies and simultaneously demanding a substantial increase in TOC emissions. He identified access to data as the key problem: data are not provided, measurements often show “excellent conditions,” while older measurements are said to be methodologically inadequate—yet “new data” are repeatedly produced. He concluded that change requires persistent civil society and the support of experts and lawyers.

## **23. Prof. Dr. Dušan Plut & Niko Šuštaršič: Are We Improving the Environment of Bela krajina? Krupa – Biogas Plant – the Black Proteus**

The speakers presented examples of environmental pressures in Bela krajina. They highlighted the pollution of the Krupa river from a time when adequate regulations did not exist, and emphasized that science is not always unified because it also rests on value-based premises. They raised the issue of limits to growth and presented the case of the Črnomelj biogas plant, where, after initial problems (odor), the owner began engaging with the civil initiative and sharing data. They identified as the core risk the anaerobic digestate spread on fields, which can seep into the groundwater of karst terrain—home to the black olm/proteus, an endemic species. They emphasized that the key problem is enforcement: when an environmental permit (OVD) expires, measures generally do not occur without strong public pressure. They underscored the importance of judicial protection, citing experience from an administrative dispute in which the illegality of a decision on removing the olm from nature was established.

## **24. Marko Peterlin: Sustainable Mobility and the Ljubljana Passenger Centre**

The speaker presented the history of the Ljubljana Passenger Centre (LPC) project and highlighted non-transparent elements in decision-making. He mentioned litigation with a Hungarian company and a settlement under which the private partner obtained more favorable plots through land swaps. He also referenced a

financing agreement. He stressed that key processes were concealed and that attempts to obtain documentation under the Access to Public Information Act were unsuccessful. Information was obtained through informal channels and only then presented to the public. On this basis, procedures related to the road infrastructure around the LPC were problematized. Systemically restricted access to information reduces public oversight of transport and spatial investments and increases the risk of decision-making without accountability and transparency.

## **25. Špela Berlot Veselko: Expanding Ring Roads and Motorways — or Better Public Passenger Transport?**

The speaker explained that transport policies remain strongly oriented toward expanding road infrastructure, especially the Ljubljana ring road, even as initiatives to improve public passenger transport are developing. She pointed to public announcements by the Ministry of Infrastructure and emphasized that the “appetite” for motorway expansion persists despite climate objectives. She identified as particularly problematic the justification of interventions as maintenance in the public interest, as such an approach can bypass environmental impact assessment and reduce meaningful public participation. These orientations represent missed opportunities for shifting toward sustainable mobility and reducing environmental burdens, since road expansion often generates additional traffic, while systemic improvements in public transport develop more slowly.

## **26. Dr. Tomaž Gorenc: Insufficient State Support for Local Communities in Ensuring Healthy Air**

The speaker stressed that air quality is a systemic issue exceeding the capacities of individual municipalities, as it involves health, environmental, and economic impacts. He presented the importance of collecting and ensuring the accessibility of data and air quality measurements across different Slovenian regions. As an example, he mentioned an event in Vrhnika, where mass arrivals by car worsened air quality, and discussed why people come by car—raising broader questions of transport and spatial planning policy. He emphasized that without state support, municipalities struggle to address daily commuters and systemic emission sources. He identified as key needs: stronger oversight, coordination across governance levels, and public involvement, including through citizen science. He concluded that effective progress requires state support, better data governance, and consistent implementation of measures.

## **27. Antonija Božič Cerar: The Chamber of Commerce and Industry of Slovenia's View on Public Participation in Environmental Decision-Making**

The speaker presented the business sector's view on public participation and highlighted polarization between NGOs and economic actors, which makes dialogue more difficult. She explained that the Chamber of Commerce Slovenia (GZS) does not have a single official position on public participation in environmental decision-making; its central aim is to ensure a competitive and predictable business

environment in Slovenia. She then presented the organizational structure of the GZS and the role of its Strategic Council for the Environment, which shapes positions and monitors developments in environmental policy. She also mentioned GZS cooperation with foreign organizations and partners to exchange practices, track regulatory trends, and coordinate business interests.

## 28. Panel Discussion: Is a Healthy Environment Our Priority?

Participants included:

- **Mateja Sattler**, representative of the Eko Anhovo Association
- **Dr. Jonas Sonnenschein**, representative of the Umanotera Foundation
- **Uroš Vajgl**, State Secretary at the Ministry of Environment, Climate and Energy
- **Antonija Božič Cerar**, representative of the Chamber of Commerce and Industry of Slovenia

The panel opened with a discussion on how to realize the public interest in environmental and climate protection. Participants discussed the strong influence of interest groups with substantial financial resources and PR capacity, which mobilize all available tools against the concerned public, including discrediting and campaign tactics.

They emphasized that decision-making patterns persist regardless of changes in government, although some argued that “not all governments are the same.” Civil society can, through pressure, achieve incremental improvements, but these are often merely formal and require further permit changes and implementation oversight—which may be lacking. The struggle for the environment is never truly “won.”

The discussion also highlighted differing understandings of the “public interest” between local and national levels, noted that civil society representatives lobby far less than other stakeholders, and emphasized communication difficulties among different societal actors.

The panel also addressed the new Climate Act. It was stated that the Climate Act contains nothing that does not belong there, except for a provision reducing the tax burden on fuels, which is time-limited. Concerns were raised about compromises in which the environment often loses because other sectors (finance, the economy) defend their interests more effectively. The discussion also addressed the abandoned plan to phase out fossil fuel subsidies and criticized the poor practice whereby a law is drafted over two years, only to be substantially weakened by last-minute amendments in the final week.

Among proposed avenues for progress were digitalization, stakeholder inclusion, improving the quality of supporting analyses to shorten procedures, better communication of environmental issues, and greater transparency in the legislative

process—especially when substance changes significantly shortly before adoption.

## **ART THREE: THE ROLE OF THE LEGAL PROFESSION AND COURTS IN PROTECTING PUBLIC RIGHTS**

### **29. Doc. Dr. Maša Kovič-Dine: The Role of Courts in Achieving Climate Targets**

The speaker presented the role of courts and human rights in climate action. She highlighted the inadequacy of national legislation and the international regime in responding to climate change and explained that civil society has therefore intensified the use of judicial avenues. As a particularly effective approach, she presented the enforcement of climate targets through human rights—especially the right to a healthy living environment—often combined with arguments based on international treaties (e.g., the Paris Agreement, the UNFCCC). She mentioned the *Klimaseniorinnen v. Switzerland* case as an important precedent. She also highlighted the role of EU law and the Charter of Fundamental Rights of the European Union in this field. She emphasized the importance of scientific evidence, legal standing, and states' strict duty of care regarding climate change. She concluded that strategic approaches—linking legal proceedings, public awareness-raising, and changes in practice—are key to more effective climate action.

### **30. Mag. Senka Šifkovič: Public Participation in Forming Slovenia's Positions in EU Environmental Decision-Making**

The speaker addressed the effectiveness of public participation in preparing the Republic of Slovenia's positions on EU environmental policies, where most environmental protection measures are adopted. She pointed out that in practice the e-uprava portal often publishes only the texts, without explanations, including explanations of how comments were taken into account, and that environmental regulations are often justified by time urgency, which shortens the period for consideration. She emphasized the importance of the Aarhus Convention and EU mechanisms, including the “Have Your Say” portal. She warned that most environmental rules come from the EU and become legally binding once adopted, which is why participation is crucial already at the stage of shaping national positions. Using examples (e.g., the Nature Restoration Regulation, judicial protection regarding the wolf before the CJEU), she demonstrated the procedural importance of publication and consultation. She concluded that national participation rules clearly regulate domestic legislation, but not the formation of Slovenia's positions in the EU, which allows participation to be bypassed.

### **31. Doc. Dr. Katja Štemberger Brizani: Legal Avenues in Environmental Interventions and Spatial Planning — *Exceptio illegalis* in Spatial Planning Acts**

The speaker presented developments in judicial protection in spatial planning cases. She introduced the doctrine of *exceptio illegalis*, which allows a court, in a concrete dispute, not to apply a subordinate regulation if it is unconstitutional, and to decide on the basis of the statute. She explained that the effect applies only between the parties to the dispute and does not replace abstract review, which falls within the jurisdiction of the Constitutional Court. She warned of practical dilemmas, particularly when a decision cannot be made solely on the basis of statutory provisions. She also highlighted the role of administrative authorities, which must interpret regulations in conformity with the Constitution but generally may not arbitrarily refrain from applying them. She explained that where *exceptio illegalis* is applied, the administrative authority is bound by the court's legal opinion on substantive law, whereas in other cases the authority continues to apply the regulation. She clarified that spatial planning acts are formally general but substantively specific, and take effect through individual decisions, which is why motions before the Constitutional Court often fail for lack of legal interest, limiting access to abstract review. She presented a decision of the Constitutional Court which, in order to ensure the right to an effective legal remedy, introduced a transitional arrangement for abstract review of spatial planning acts before the Administrative Court.

### **32. Luka Štrubelj: The EU Charter and Legal Protection – The Example of Corporate Accountability**

The speaker discussed legal protection against the conduct of companies in the climate context, placing particular emphasis on the applicability of the Charter of Fundamental Rights of the European Union. He presented the EU legal framework guiding corporate conduct on climate-related matters (reporting and due diligence, misleading communication, EU financing) and highlighted the relevance of Article 37 of the Charter in the field of environmental protection. He then focused on the right to an effective remedy before a court under Article 47 of the Charter and presented CJEU case law (*Protect Natur, K.L. v X*), which connects that right with the Aarhus Convention (Article 9(3)). This requires the possibility of challenging even the actions of private companies before a court where environmental law is concerned. He also presented practical challenges in Slovenia regarding effective access to justice, including inadequate rules on litigation costs in administrative disputes, difficult access to information (even where it concerns public information), and barriers to judicial review in relation to corporate sustainability reporting. He emphasized that the field of corporate accountability is developing despite setbacks at EU level in the past year ("Omnibus").

### **33. Gal Veber, Sergeja Hrvatič, Lovro Bobnar: The Aarhus Convention Compliance Committee as a Mechanism for Protecting Environmental Rights**

The speakers presented the Aarhus Convention Compliance Committee as an additional avenue for enforcing environmental rights. Although it also allows for state-to-state disputes, it is most often used by the public, especially NGOs. They

explained the requirements for filing a communication, the need for sufficient information, and the principle that domestic remedies must be exhausted while respecting applicable thresholds. Using examples from different countries, they illustrated typical violations: restricted access to information, disproportionate fees for access, delays, and overly formalized procedures. They particularly highlighted obstacles at EU level, including limited access to judicial review before the CJEU (e.g., the *Plaumann* test) and a lack of clear rules for public participation in energy and climate plans. They also warned of delaying tactics, “late-night amendments,” the appointment of a Commission adviser to the Committee, and other problematic EU influences on the Committee’s operation. In conclusion, they warned of troubling institutional precedents.

### **34. Nejc Urankar: The Public Interest in Environmental Protection**

The speaker explained that the public interest is a social interest that gains normative content through institutionalization, primarily through legislation. He presented how the public interest in environmental protection is reflected in objectives and measures (ZVO-2) and in balancing public and private interests, for example in land use, restrictions on activities, energy supply, or nature conservation. He described how it is implemented at the legislative, executive, and judicial levels. He emphasized that the manner in which property is used and restrictions on property rights are generally determined at the legislative level: the stronger the recognition of the public interest, the more extensive interventions may be constitutionally permissible. At the executive level, he highlighted the role of the General Administrative Procedure Act (ZUP) in safeguarding the public interest, particularly in spatial planning procedures and in expropriation (also under the Waters Act). He described the role of courts as resolving disputes on the basis of the Constitution and laws, whereby the court considers the parties’ legal interests and is less directly engaged in implementing the public interest. He concluded by situating the role of NGOs in representing the public interest and the conditions of their operation.

## **PART FOUR: HOW CAN WE CHANGE THE ENVIRONMENT FOR THE BETTER?**

In the final part of the conference, we focused on solutions—how, despite findings of a poor situation, we can still change the environment for the better and what the key levers of change might be.

One such lever is certainly nature-based solutions (NBS), whose concept and criteria were presented by Mag. Senka Šifkovič, Dr. Polona Pengal, and Dr. Urška Koce. They spoke about NBS as transformative solutions that can lead us, in the long term, to better outcomes—improving the state of nature and society. The situation in which we live is the result of our collective decisions in the past. If we want different outcomes, our decisions must become more comprehensive, address root causes, and take into account long-term effects.

The International Union for Conservation of Nature (IUCN) introduced the concept of nature-based solutions at the Climate Conference in 2009, and by 2016 developed a definition that is globally accepted today: Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, while simultaneously providing human well-being and benefiting biodiversity.

IUCN has also developed a global standard for assessing nature-based solutions. Its eight core criteria were presented by the speakers, who also hold IUCN professional certification for this standard.

In the workshop segment, participants considered ideas that could change our collective behavior, allowing themselves ideas that may appear utopian—yet may be precisely the kind that lead to greater health for society and nature. Discussions revolved around three themes:

1. **Science as the basis for decision-making** — how can we ensure decisions are made on the basis of science?
2. **Long-term community benefits** — how can we achieve necessary changes fairly and together, and how can we secure social acceptance of measures?
3. **A healthy living environment for all** — how can we overcome the short-termism of political decision-making, and what is the role of institutions in this?

Many of the reflections in this final part addressed fundamental societal premises. A shift would be needed away from promoting the social value of “having” and toward placing the value of “being” in the foreground—that is, quality of life. We would need to move from a situation in which political power functions without responsibility to one in which responsibility is enforced, including for misleading and false information.

A core societal premise—ownership—would also need to be reshaped toward more communal/shared ownership (cooperatives), and above all ownership should be understood as responsible stewardship. What is entrusted to us as property-under-care must be managed as good stewards, for the benefit of nature and of present and future generations. Slovenia already has a solid normative framework for this; what is needed is to strengthen the significance of the ecological and social function of property.

Regarding “utopian” ideas, participants considered it utopian, first and foremost, to believe that infinite growth (GDP) is possible on a finite planet. To achieve long-term community benefits, it is necessary to halt the process whereby the environmental and social costs of production (excessive exploitation of nature, environmental pollution, and labor exploitation) are externalized—meaning they become a burden on society and the environment—while profits from such activity are internalized, accumulating in the hands of a narrow circle of people. However, when transitioning to the most effective environmental policies, care must be

taken that they do not deepen disparities between social groups or merely further strengthen capital.

Political decisions should be based on scientific findings and proposed solutions, but in practice this is often not the case. In decision-making, the argument of power frequently prevails over the argument of science. Various professional and scientific bodies have little influence on decisions. Both the public and decision-makers should be better informed, which requires open access to all scientific sources and stronger communication of science to the public. A major problem arises when scientific information competes with “nonsense” and there is insufficient critical evaluation of information received.

The media plays an important role here. To increase reporting on positive stories, independent funding is also important. Scientists and experts should develop proposals for possible solutions, and decision-makers should then decide among those options, rather than outside them. Ensuring this would require normative safeguards, and more scientists should also be present in decision-making bodies (e.g., the National Assembly, the National Council).

More direct democracy is also essential, especially at the local level, where citizen science can play an important role. Two conditions are needed for this: on the one hand, participation must be meaningful—people must see that their engagement produces results, that it is taken into account and thus useful; on the other hand, people must have sufficient time and capacity for such engagement, which is practically impossible in everyday life.

Electronic participation can contribute here: within state portals, people can respond to proposed decisions or regulations not only with comments but also by expressing support or opposition (examples: Estonia; regular referendums in Switzerland). Digital technologies can be highly important for connectivity and access to information, but it is also risky to rely too heavily on technology. One possible solution would also be for people to participate in community matters within the framework of their regular work, allocating part of paid working time to activities that contribute to societal functioning.

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