

CAFÉ EUROPE

The EU acquis in practice

Simon Humar and environmental protection

Nicholas Wood 16 September 2009



Simon Humar. Photo: Miro Majcen/ESI

“In 1995 we had about 15 pieces of legislation and you could list them on one piece of paper. Now the list covers 15 pages,” says Simon Humar who has been an environmental inspector in the Slovenian municipality of Novo Mesto since 1991. Over the past decade Humar, responsible for monitoring a large swathe of South Eastern Slovenia, has helped tackle one of the biggest challenges on his country’s path to European Union membership: environmental protection. Today, he and 53 other inspectors at Slovenia’s Inspectorate for the Environment and Spatial Planning continue to contain the country’s pollution black spots.

In December 2007 Simon Humar stood in the middle of a forest clearing looking at a mass of rusting cars and leaking chemical containers. As one of Novo Mesto’s three environmental

inspectors he had just been called up to help oversee the cleanup effort and to prosecute the scrap metal merchant who had illicitly set up the site. It was a pretty straightforward case until the owner's mother decided to intervene.

As the tow trucks began to move in, the woman threw herself to the ground in front of them in a last minute effort to stop the operation.

"There was a lot of shouting. She was screaming, 'These cars are all my son has!' It was very emotional," said Humar. The family could not believe that the government was closing down their business, he said. But with the police standing by the cleanup went ahead and the cars were towed away.

Such a scene would have been unthinkable as recently as the mid-nineties, before the introduction of EU-wide environmental legislation in Slovenia. Before that, Humar said, he and his colleagues were virtually powerless. The scrap metal dealer would have had every reason to expect that he could operate without any interference from the state.

"We didn't regulate this. You just needed a permit for working. It was about collecting taxes, not about environmental protection."

Since then, however, Slovenia's environmental regulations have been radically transformed. Humar and his colleagues have been given new powers, enabling them to implement the law effectively.

The first phase began in 1995 with a raft of new laws that updated Slovenia's Yugoslav-era legislation. During negotiations for European Union membership, as well as after the 2004 accession, further change has taken place.

After agriculture and the free movement of goods, environment is the third most comprehensive chapter of the EU acquis. It is also one of the most expensive to implement.

The environmental acquis consists of more than 200 regulations and directives that set very specific standards for air, water, waste management, nature protection, industrial pollution control, chemicals, genetically modified organisms (GMOs), noise, nuclear safety and radiation protection.

As in other EU states, an agency issues licenses and sets standards for businesses and state institutions such as hospitals and prisons and

establishes monitoring systems for pollution levels. Inspectors then ensure proper implementation. Slovenia has been given extra time to implement EU legislation in a number of areas of the environmental acquis, such as the use and construction of land fills (Slovenia has until 2012 to implement legislation in this area).

To help implement these changes Humar has had to expand his expertise from water and waste management, which he monitored in the early 1990's, to nature protection, industrial pollution control, noise and chemicals. His office, the [Inspectorate for the Environment and Spatial Planning](#), also deals with GMOs. A separate inspectorate is responsible for nuclear safety.



A tractor trailer illegally dumped at Prilipe burns. Photo: Miro Majcen/ESI

Sitting in his office, a recently converted Austro-Hungarian barracks in the centre of Novo Mesto, Humar holds up an A4 sheet of paper to illustrate the extent of the changes that have taken place since the first reforms were introduced.

“In 1995 we had about 15 pieces of legislation and you could list them on one piece of paper. Now the list of legislation covers 15 pages. This means much more work, but also it’s much more systematic. Previously you had to improvise. Often the inspector might think that something was not good, but the legislation did not cover it. If it wasn’t covered, then you could not act.”

Even in cases where licenses were required, there was little expectation that inspectors would be able to act.

“There were laws on waste management, air pollution and noise. But there was no real possibility of enforcing them. For example, everybody who used water in large quantities needed a license, but very few people had it.”

This has changed dramatically. The new laws now give very precise guidance on how Humar should act. His inspectorate has the power to immediately impose fines of up to 75,000 Euros on polluting industries.

“The fine can be implemented very quickly, as soon as you find something is wrong. Previously, when we had to go through the courts, it was very, very slow. You would get a verdict perhaps two years after the initial inspection, and then everybody would have forgotten about the case. [The current system] is much more effective because it means things take effect immediately. But unfortunately it also means a lot more paperwork! The paperwork has increased a lot.”

It has taken time to change attitudes, Humar explains. As recently as 1998, farmers were happily letting an iron foundry in the nearby town of Crnomelj use their fields to get rid of highly carcinogenic waste. “The land owners liked it because it flattened the fields!” says Humar.

The factory paid the farmers to bury sand-like waste which contained highly toxic substances causing cancer. No measures were taken to prevent the material from seeping into the groundwater, says Humar.

When Humar and his colleagues tried to challenge the legality of the process for the first time in 1995, managers at the factory received a special dispensation from the government to continue until 1998.

Nowadays, says Humar, laws are enforced effectively and dispensations are no longer possible. It has also become much harder for polluters to avoid detection. Pollution levels are closely monitored and companies have to keep records available in case of random inspections.

“I don’t think people would hide anything from us now, because it is easy to detect pollution. Things can be analysed. It’s hard to hide these things.”



Fly-tipping, the practice of illegally dumping waste, remains a constant problem.

Photo: Miro Majcen/ESI

Of course, Humar still comes across more basic methods of disregarding environmental laws. “Fly tipping”, the act of dumping building material or household waste illegally on open ground, remains a common problem, he complains. But the big industries that used to be the region’s major polluters follow the new legal framework. Pollution levels are falling substantially. ■