

D.T4.2.2 Analysis of the political and legal framework and the examples Country Report Slovenia

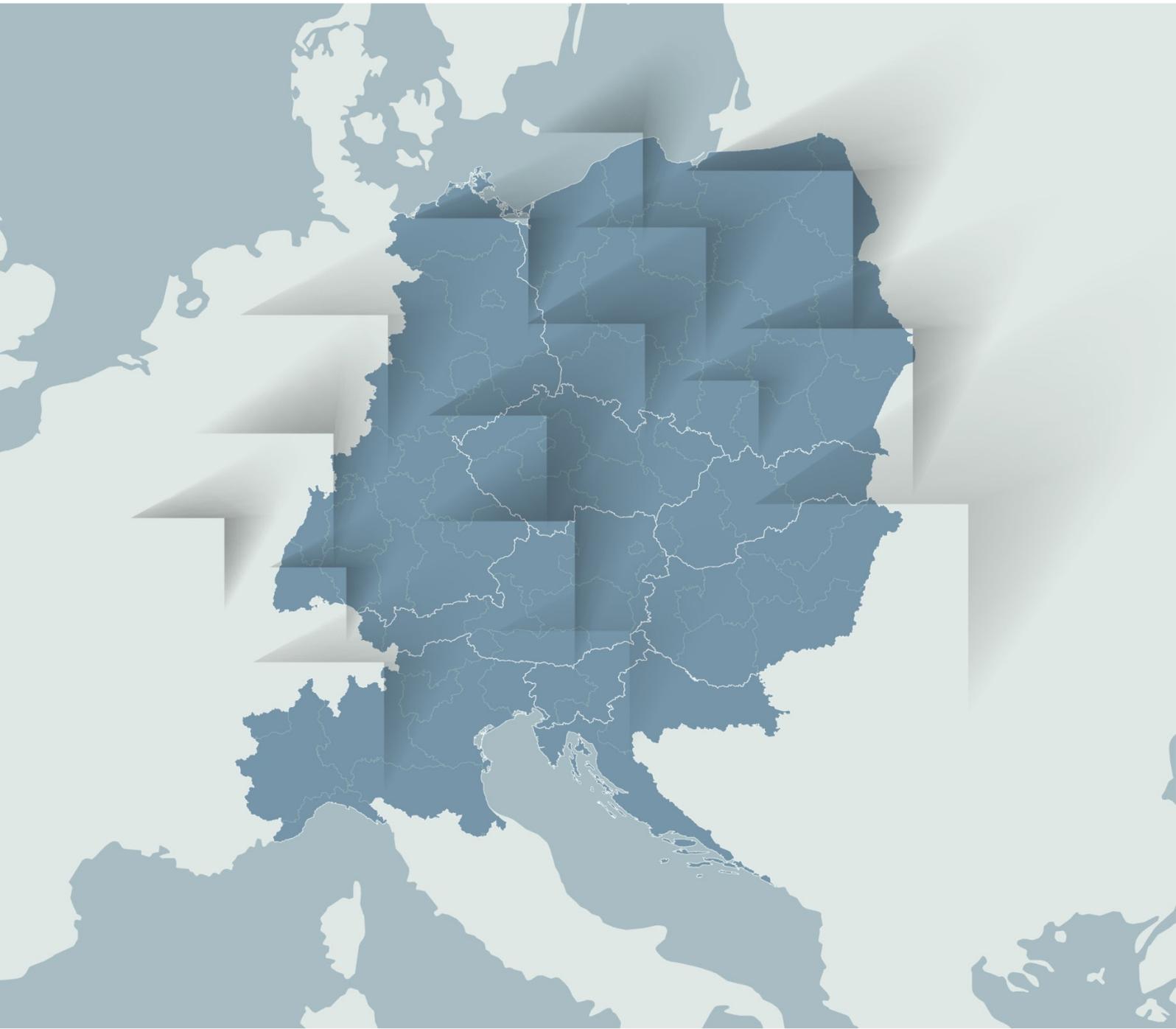


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A. General aspects concerning urban lighting

I. Ownership, maintenance, and operation

Ownership

In Slovenia, public lighting and other public service facilities within the public infrastructure belong to and are managed by the municipality, unless it is otherwise provided by law.

The managing of public lighting is a municipal service, and is solely the responsibility of the municipality. According to the Services of General Economic Interest Act (Zakon o gospodarskih javnih službah), the country or local community provides Social Governance Indicators (SGIs) in the following forms of institutions and partnerships: a public service unit, a commercial public company, and by making concessions. Structures and facilities of a concession shall become either immediately or after a given period the property of the public partner, unless this is not possible or economically justified. The model of ownership rights in respect of structures and facilities must be set out in the concession contract on the basis of the public tender. There are 212 municipalities in Slovenia, and every municipality has a decree on concession for the performance of local public utility service maintenance of public lighting. In each decree, there is an article which specifies whether or not the public lighting is owned by municipality or by a service provider. It is not possible to predict which exact share of public lighting is owned by municipality and which is owned by service providers in Slovenia.

Maintenance

The contractor, or concessionaire, for the public lighting, which holds the concession, is the body responsible for providing maintenance in the region. A concessionaire is the public-private partnership contractor in the case of a concession form of public-private partnership (concession partnership).

Operation

The municipality as the "awarding authority" is the public partner in the case of a concession form of public-private partnership (concession partnership).

II. Political strategies and targets

This section highlights the political strategies, programs, and action plans on making dynamic public lighting more energy efficient and climate friendly in Slovenia.

The Decree on Limiting Values due to Light Pollution of the Environment was adopted in 2007 and is considered to be the most advanced light pollution legislation. The decree regulates protection from light pollution caused by lighting installations in open spaces. The following harmful effects have been identified:



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- Harmful influence of light on nature;
- Harmful effects on health due to lighting in homes;
- Harmful influence on people due to glare;
- Preventing astronomic observation due to sky glow;
- Inefficient use of energy due to light emissions.

According to figures for the period of 2005-2006, Slovenia uses roughly 142GWh of electricity, or 70 kWh, per capita on public lighting annually. Although the data on the use of electricity for public lighting is reliable, not all energy is used to illuminate open spaces. The tariff for public lighting includes electricity for traffic lights, lights in tunnels on regional roads, the illumination of cultural monuments and the decorative illumination of facades, and is also used by some local public services. It is estimated that the electricity used exclusively for illuminating open surfaces and other public areas in Slovenia mounts to between 120 and 130GWh, or 60-65kWh, per capita, annually. This is, however, more than the European annual average of 50-52kWh per capita. An additional concern is that the use of electricity for public lighting is still growing (annually by over 2% - from 125 GWh in 2000 to 146Gwh in 2006). The Decree on Limiting Values due to Light Pollution of the Environment aims to limit the growing use of electricity for public lighting by 2010, and decrease it to 50kWh per capita by at least the year 2017; the Decree also follows the goals of the Operational Programme for Limiting Greenhouse Gas Emissions by 2012, since a great deal of energy can be saved by reducing lighting.

In Slovenia's capital city of Ljubljana, approximately 13,428 lights on roads and in residential areas have been replaced and are now both energy-saving and environmentally friendly and in accordance with the Decree on Limiting Values due to Light Pollution of the Environment¹.

The National Energy Efficiency Action Plan 2014-2020 (AN URE 2020) set Slovenia's national target to improve energy efficiency by 20% by the year 2020, which is in line with the requirements set out in Directive 2012/27/EU, the EU's Energy Efficiency Directive.

The energy efficiency measure is carried out with a heavy emphasis on the renovation of street lighting and the replacement of inefficient installations including electrical equipment, regulators, and control systems. A set of guidelines for improving the energy efficiency of cultural heritage buildings is still to be drawn up; it will formulate the positive discrimination criteria for promoting improvements to the energy efficiency of buildings ('heritage factor').

Urban municipalities in Slovenia have also adopted environmental programs that include EE measures, with the aim of reducing the environmental impacts from energy consumption and supply. These measures are geared towards reducing emissions sent into the air via greenhouse gases and are oriented towards achieving the targets set in relation to light pollution.

The measure includes financial incentives in the form of grants for efficient electricity consumption in the public sector and in other public services such as street lighting, water supply, and other utilities.

¹ <http://www.greenljubljana.com/funfacts/public-lighting>



III. Actors and Stakeholders

In Slovenia, the main actors and stakeholders in the field of dynamic public lighting are Ministries, Regulatory Agencies, Manufacturers and Suppliers, Operators and Owners, as well as others that fall into varying categories. The following subsections list the actors and stakeholders involved.

Ministries

- Ministry of the Environment and Spatial Planning (in Annex I: Ministrstvo za okolje in proctor)
- Ministry of Infrastructure (in Annex I: Ministrstvo za promet; now: Ministrstvo za infrastrukturo)
- Ministry of Economic Development and Technology (in Annex I: Ministrstvo za gospodarstvo; now: Ministrstvo za gospodarski razvoj in tehnologijo)

Regulatory Agencies

- Slovenian Environment Agency (in Annex I: Agencija Republike Slovenije za okolje)
- Energy Directorate
- The Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) (in Annex I: Inšpektorat Republike Slovenije za okolje in prostor)

Operator/Owner

- Municipality

Manufacturer/Supplier

- Energy management systems

Other Actors/Stakeholders

- Environment Partnership
- Environment centre
- National Committee for the Ramsar Convention
- Council for Sustainable Development and Environmental Protection
- Climate Action Network Europe
- European Federation for Transport and Environment
- Friends of the Earth International
- Greenpeace
- International Friends of Nature
- The Earth Council
- The Regional Environmental Center for Central and Eastern Europe
- The Northern Alliance for Sustainability
- TABRIH, a society for preserving the natural and cultural heritage of Razkrižje
- Dark Sky of Slovenia
- Umanotera, Slovenian Foundation for Sustainable Development



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- VITRA, Center for Balanced Development
- Institute Center for Information, Cooperation and Development of Non-Governmental Organizations – CNVOS
- Zasavska ecological group – EKOS Zasavje
- Association of tenants of Slovenia
- Legal information center of non-governmental organizations – PIC
- Legal information center of non-governmental organizations
- Natural Science Society of Slovenia
- Regional Environmental Center for Central and Eastern Europe – REC Slovenia
- Slovenian E-forum, Society for Energy Economics and Ecology
- CIPRA Slovenia, Institute for the Protection of the Alps
- Ecologists Without Borders Association
- DOVES – Society for Environmental Education in Europe
- Society of Environmental Protection Officers
- Society for Conservation of Unspoiled Mountain Nature
- Society for Conservation, Research and Sustainable Development Dinarides – Dinaricum
- Focus, Society for Sustainable Development
- IZS – Slovenian Chamber of Engineers
- LUTRA, Institute for the Conservation of Natural Heritage
- Mycological Association of Slovenia
- Ecological Society Barjanski zmaj

IV. General Legal Background

This section details the general legal background in Slovenia and the relevant guidelines referring to dynamic public lighting.

Road Traffic Law

- Public Roads Act (Official Gazette No. 33/06)

Criminal Law

- Minor Offenses Act (Official Gazette No. 29/11, 21/13, 111/13, 32/16)

Public Law

- Services of General Economic Interest Act (Official Gazette No. 32/93, 30/98 – ZZLPPO, 127/06 – ZIJP, 38/10 – ZUKN and 57/11 – ORZGJS40)
- Energy Act (Official Gazette No. 17/14 and 81/15)
- Environmental Protection Act (Official Gazette No. 39/06, 49/06 – ZmetD, 33/07 - ZPNačrt, 57/08 – ZFO – 1A, 70/08, 108/09 – ZPNačrt – A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16 in 61/17 – GZ)
- Public-Private Partnership Act (Official Gazette No. 127/06)



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B. Public and Private Procurement

The following sections on public and private procurement describe the various aspects involved with the procurement of dynamic public lighting facilities in Slovenia on international and national levels, as well as green procurement. Topics addressed are the currency used in the country, general legal aspects ranging from the EU level to the national level, national thresholds, central databases utilized and the methods in which lighting systems are acquired.

I. National Public Procurement

Currency

Slovenia uses the Euro as its currency.

General Aspects

Laws in Slovenia regarding urban lighting that have been implemented due to a legal act on an EU level include Directive 2014/24/EU – on public procurement and Directive 2014/25/EU – on procurement by entities operating in the water, energy, transport and postal services sectors. Directive 2014/23/EU – on the award of concession contracts has not yet been implemented in Slovenia

Public Procurement Act (Official Gazette No. 91/2015) is the Slovenian Public Procurement Act and it establishes rules on the procedures for procurement by contracting authorities with respect to contracts and design contests. The act transposes the above-mentioned EU directives into the legislation of the Republic of Slovenia

National Public Procurement rules for values above the EU thresholds

Act shall apply to procurements with a value net of value-added tax (hereinafter VAT) estimated to be equal to or greater than the following thresholds:

- In the general field:
 - EUR 20,000 for public supply or service contracts or design contests;
 - EUR 40,000 for public works contracts;
 - EUR 750,000 for public service contracts for services listed in Annex XIV to Directive 2014/24/EU and Annex XVII to Directive 2014/25/EU and Annex XVII to Directive 2014/25/EU (hereinafter: social and other specific services), except for services which are covered by CPV code 79713000-5.
- In the infrastructure field:
 - EUR 50,000 for public supply or service contracts or design contests;
 - EUR 100,000 for public service contracts for social and other specific services, except for services which are covered by CPV code 7971300-5.

Notices regarding public contracts whose value, net of VAT, is equal to or greater than the values referred to in paragraph 1 of the preceding Article shall be published by the contracting authority on



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the public procurement portal. Notices regarding public contracts whose value, net of VAT, is equal to or greater than the following values shall be published by the contracting authority on the public procurement portal and in the Official Journal of the European Union:

- In the general field:
 - EUR 134,000 for public supply or service contracts awarded by a contracting authority referred to in point a) or b) of paragraph 1 of Article 9 of this Act, for design contests organized by such a contracting authority, and for public supply contracts for products listed in Annex III to Directive 2014/24/EU if such contracts are awarded by a contracting authority referred to point a) or b) of paragraph 1 of Article 9 of this Act operating in the field of defence;
 - EUR 207,000 for public supply or service contracts awarded by a contracting authority referred to in point c) of paragraph 1 of Article 9 of this Act, for design contests organized by such a contracting authority, and for public supply contracts for products not listed in Annex III to Directive 2014/23/EU if such contracts are awarded by a contracting authority referred to points a) or b) of paragraph 1 of Article 9 of this Act operating in the field of defence;
 - EUR 5,186,000 for public works contracts;
 - EUR 750,000 for public service contracts for social and other specific services, except for services which are covered by CPV code 79713000-5.
- In the infrastructure field:
 - EUR 414,000 for public supply or service contracts and design contests;
 - EUR 5,186,000 for public works contracts;
 - EUR 1,000,000 for public service contracts for social and other specific services, except for services which are covered by CPV code 79713000-5.

When the European Commission announces changes to thresholds for publications referred to in the preceding paragraph, the ministry responsible for public procurement shall publish the new European thresholds on its website within ten days of such an announcement. Notwithstanding the preceding paragraph, contracting authorities shall comply with the changed thresholds from 1 January following their announcement.

National Public Procurement rules for values below the EU thresholds

The contracting authority may use a low-value contract procedure for public supply and service contracts with respect to which it is not obliged to send a contract notice to the Publications Office of the European Union, for public works contracts in the general field the value of which is equal to or greater than EUR 40,000 and lower than EUR 500,000, and for public works contracts in the infrastructure field the value of which is equal to or greater than EUR 100,000 and lower than EUR 1,000,000. In a low-value contract procedure, any economic operator may submit a tender in response to a call for competition.

The contracting authority may also include negotiations into a low-value contract procedure. If it decides to do so it shall state that intention in the contract notice and shall conduct negotiations. Article 44 of this Act shall apply, mutatis, mutandis, to the conduct of negotiations.



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In a low-value contract procedure, the contracting authority may require the tenderer to demonstrate the fulfillment of all the requirements of the contracting authority by means of an ESPD or any other self-declaration. Notwithstanding paragraph 2 of Article 89 of this Act, in the low-value contract procedure, the contracting authority shall not be obliged to verify the existence and content of statements provided in the tender unless it doubts the veracity of the tenderer's statements provided in the ESPD. Notwithstanding paragraph 4 of Article 61 and paragraph 3 of Article 74 of this Act, in the low-value contract procedure, the contracting authority shall not be obliged to comply with the time limit for supplying additional information regarding specifications and all additional documents or to extend the time limit for the receipt of tenders.

Relevant National Laws regarding general obligations and procurement

- Decree on financial collateral in public procurement (Official Gazette No. 37/16)
- Decree on joint public procurement of the Government of the Republic of Slovenia (Official Gazette No. 27/16)
- Decree on the indicative list of contracting authorities and mandatory information in notices regarding small-value contract procedures (Official Gazette No. 37/16)
- "Rules on the single information system for public procurement" (Official Gazette No. 39/16)
- "Rules on types and method of collection of data for the annual statistical report on the award of public contracts" (Official Gazette No. 39/16)
- Decree on green public procurement (Official Gazette No. 102/11,18/12, 64/12, 2/13, 89/14, in 91/15 – ZJN-3)
- Public Procurement for Defence and Security Act (Official Gazette No. 90/12, 90/14 – ZDU-11 in 52/16)
- Rules of Procedure of the State Audit Commission for the audit of public procurement procedures (Official Gazette No. 55/12, 99/13 in 99/13)
- Rules on the publication of contracts in the field of public procurement, concessions and public-private partnerships (Official Gazette No. 5/15)
- Decision of the Government of the Republic of Slovenia regarding the publication of the procedures for the collection of tenders dated 2 April 2009
- Decision of the Government of the Republic of Slovenia on the Expert Platform for Efficient and Cost-effective Management and Implementation of Public Sector Investments of 8 May 2014
- Decision of the Government of the Republic of Slovenia on the award of public contracts by electronic auction dated 4 December 2014
- Decision of the Government of the Republic of Slovenia on the award of public contracts by electronic auction on 23.3.2017.

Legal protection below threshold values

Legal protection from infringement in public procurement procedures shall be granted in:

- The pre-review procedure, which takes place before the contracting authority;
- The review procedure taking place before the National Commission for Reviewing Public Procurement Award Procedures (hereinafter: National Review Commission), and;



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- Judicial proceedings at the first instance which take place at the district court, which is exclusively competent according to the act regulating courts (hereinafter: The Court).

The decision in the review procedure shall be taken by a three-member senate, unless the review claim is filed within the procurement procedure for awarding low-value public contracts, for which the decision shall be taken by a member of the National Review Commission. If a public contract, awarded in a procedure for awarding low-value contracts is subject to review and the Chairperson determines that the case is more demanding, the review procedure shall be carried out by a three-member senate.

A request for legal protection in public procurement procedures may be submitted during all stages of the procedure for awarding a public contract and against an action of the contracting authority, which is considered an infringement of legislation and substantially affects or could affect the award of a public contract, unless provided otherwise by the act regulating the awarding of public contracts. The following actions should be especially deemed as an infringement of legislation, which substantially affects or could affect the awarding of a public contract:

National Thresholds

The provisions of the Public Procurement Act (Official Gazette of the Republic of Slovenia, No. 91/2015, hereinafter: ZJN-3) do not apply in the general field to public procurement of goods, services or design competitions whose estimated value is less than EUR 20,000 without VAT, for public works contracts whose estimated value is less than EUR 40,000 excluding VAT and for public contracts, ie. social and other specific services whose estimated value is less than EUR 750,000 excluding VAT, except for services covered by CPV code 79713000-5 that are the subject of the procurement, if their estimated value is or exceeds 20,000 excluding VAT.

The provisions of the ZJN-3 do not apply in the infrastructure area to public procurement of goods or services whose estimated value is less than EUR 50,000 excluding VAT for public works contracts whose estimated value is less than EUR 100,000 excluding VAT and for public procurement of social and other special services whose estimated value is less than EUR 1,000,000 exclusive of VAT, except for services covered by CPV code 79713000-5.

Central, National, and Regional Databases for Public Procurement

The portal of public procurement for Slovenia can be found at www.enarocanje.si. It is the online information portal of the Ministry of Public Administration (Ministrstvo za javno upravo), where contracting authorities directly send notices and documents related to the awarding of a public contract and other documents for which the law governing public procurement determines the publication on the public procurement portal, such as decisions on public procurement and information on the filed records of contracts.

The costs of publication of notices on the procurement portal shall be covered from the budget of the Republic of Slovenia and the costs of publication in the Official Journal of the European Union from the budget of the European Union.

Method of Lighting System Acquisition



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Lighting systems are acquired 100% through the method of concessions.

Regional Procurement

For Regional Procurement both below and above EU thresholds, the same National Public Procurement rules apply.

Private Procurement

Private procurement does not exist in Slovenia.

II. International Procurement

Slovenia has been a member of the EU since 2004, and like all other EU member states, the country is also a member of the World Trade Organization (WTO). As part of the EU and within the WTO, Slovenia also took part in the ratifying of the Agreement on Government Procurement (GPA). Slovenia has also been a member of the WTO since 1995, before joining the EU, and a member of the General Agreement on Tariffs and Trade (GATT) since 1994.

https://www.wto.org/english/thewto_e/countries_e/slovenia_e.htm

Other International Procurement rules that apply in Slovenia are:

- Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009
- Commission implementing decision (EU) 2016/1195 of 4 July 2016
- Commission Regulation (EU) No. 1336/2013 of 13 December 2013
- Commission Regulation (EU) No. 1251/2011 of 30 November 2011
- Commission Regulation (EC) No. 1177/2009 of 30 November 2009
- Commission Implementing Regulation (EU) 2015/1986 of 11 November 2015
- Commission Regulation (EC) No. 213/2008 of 28 November 2007
- Commission Implementing Decision (EU) 2016/578 of 11 April 2016
- Commission Interpretative Communication
- Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009

III. Green Procurement

National green procurement rules and action plans in the region are stated in the **Decree on Green Public Procurement** (Official Gazette No. 102/11,18/12,24/12.2/13,89/14 in 91/15 – ZJN-3).

Slovenia follows the European Green Procurement plans as defined in:

Horizon 2020 (23/02/2016)

- Grant Agreements: 210
- Participants in GA: 282, coordinators: 36
- EU co-financing: 74.8 MEUR in Grant Agreements



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- Retained Projects: 218
- Participants in Retained Projects: 283
- EU co-financing: 75.2 MEUR in Retained Projects
- No. of participants in Retained Projects: 283
- Success Rate: 9.5% (EU: 13.5%, Austria: 15.6%)

7th Framework Programme of Research and Technological Development (FP7)

- Grant Agreements: 718
- Participants: 930, coordinators: 58
- EU co-financing: 170.4 MEUR in Grant Agreements



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c. Development of Lighting Facilities

The following section and its subsections on planning and authorization, refinancing sources/mechanisms, construction, and cost relevant aspects with regard to dynamic public lighting in Slovenia describes the relevant aspects in respect of law, the general planning process before official administrative processes begin, technical standards, the authorization process, the role of land use plans, opportunities for public, civil and other stakeholders' participation in administrative processes, and the possibilities to review authorizations once they have been granted.

I. Planning and authorization

Relevant aspects in respect of law

- Public Roads Act (official consolidated text) (Official Gazette No. 33/06)
- Energy Act (Official Gazette No. 17/14 in 81/15)
- Services of General Economic Interest Act (Official Gazette No. 32/93, 30/98 – ZZLPPO, 127/06 – ZIZP, 38/10 – ZUKN in 57/11 – ORZGJS40)
- Environmental Protection Act (Official Gazette No. 39/06 – uradno prečiščeno besedilo, 49/06 – ZmetD, 66/06 – odl. US, 33/07 - ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09, 108/09–ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16 in 61/17 – GZ)
- Rules on road design (Official Gazette No. 91/05, 26/06 in 109/10 – ZCes-1)
- Public-Private Partnership Act (Official Gazette No. 127/06)
- National energy efficiency action plan 2014–2020 (AN URE 2020)
- Resolution on the National Energy Programme (Official Gazette No. 57/04)
- National renewable energy action plan 2010-2020 (NREAP) SLOVENIA
- Slovenia's Development Strategy (Adopted at the 30th regular session of the Government of the Republic of Slovenia on 23 June 2005)
- Resolution on National Environmental Action Plan 2005-2012 (Official Gazette No. 2/06)
- Decree on Limiting Values due to Light Pollution of the Environment (Official Gazette No. 81/07, 109/07, 62/10 and 46/13)

General planning process before the official administrative processes

The lighting operator is the party responsible for urban lighting development according to the Decree on Limiting Values due to Light Pollution of the Environment (Official Gazette No. 81/07, 109/07, 62/10, in 46/13).

The Decree, which was adopted in 2007, sets rather stringent limits not only on protection of the environment, but also on energy consumption for road lighting. In contrast to the standards, which are only recommended, the Decree is compulsory and put in place a challenge for all Slovenian municipalities.

Based on European and National directives, legal acts, regulations, guidelines and recommendations in Slovenian municipalities, a series of documents were adopted, which also



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define the public lighting: including an illumination plan, Strategy for the development of public lighting, a comprehensive energy-efficient renovation of public lighting, Public Lighting Cadastre, technical elaborate for the renovation of public lighting, document identifying the investment project, Sustainable Development Strategy of the Municipality, Energy concept of the municipality, local energy concept, municipal spatial plan, and the Landscape Architecture Plan.

Regional land planning determines the location of urban lighting infrastructure as so:

- Illumination with environmentally-friendly lamps
- Lighting of airports, ports, and rails
- Lighting of production facilities
- Lighting of office buildings
- Lighting of institutions
- Lighting facades
- Lighting of cultural monuments
- Lighting of advertisements
- Lighting of sports fields
- Lighting of construction sites

Municipalities carry the costs which arise from the planning stages. They often have the ability to choose from several ways of financing the renovating of public lighting such as financing entirely from their own sources and/or bank loans, or by progressively financing from a regularly planned budget where the modernization of public lighting is a line item in the annual budget.

Technical standards

The amount of annual electricity consumption for all lamps installed in the area belonging to each municipality, which light municipal roads and public spaces, is calculated per inhabitant with either permanent or temporary residence in that municipality, and it may not exceed the target value of 44.5kWh. The maximum annual electricity consumption of all lamps in a municipality with less than 1,000 inhabitants shall be set aside for the lighting of municipal roads in the lighting of public areas, equal to 44.5kWh. Annual electricity consumption of all lamps installed in the territory of the Republic of Slovenia for state road loading, calculated per inhabitant, shall not exceed the targeted value of 5.5kWh. These standards are determined in the Decree on Limiting Values due to Light Pollution of the Environment (Official Gazette No. 81/07, 109/07, 62/10 and 46/13)

The reason for the respective technical standard is because most excess artificial light is produced by lamps used for illuminating open surfaces such as roads, public spaces, and areas where production and service facilities are carried out. It is estimated that electricity used exclusively for illuminating open surfaces and other public areas in Slovenia amounts to somewhere between 120 and 130GWh or 60-65kWh per capita annually which is higher than the European annual average of 50-52kWh per capita. The aim is to limit the growing use of electricity for public lighting. The Decree on Limiting Values due to Light Pollution of the Environment also follows the goals of the Operational Programme for Limiting Greenhouse Gas Emissions. Slovenian standards as set out in the Decree on Limiting Values due to Light Pollution of the Environment are set very high because of where its energy consumption stands in comparison to EU averages.



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The mechanisms in place to ensure compliance with the goals of the measure include the design, construction and renovation of lighting facilities. To obtain a building permit for a civil engineering installation or a building under the regulations governing the construction of structures, all lighting sources within a constructed site must also adhere to the limits defined within the decree. Surveillance, carried out by inspectors responsible for environmental protection and the threat of penalties that can be imposed are also mechanisms to ensure compliance.

Authorization

The operation of a light source does not require the acquisition of an environmental permit. The only type of permit required for the building of lighting facilities in public spaces is a building permit. The granting of a building permit is a decision in which the authorized administrative body allows construction and with which also prescribes specific conditions that must be taken into consideration.

Obtaining a building permit for a civil engineering installation which also includes the building of a light source under Decree requires that the electric power of the lamps does not exceed specified limits, and that the requirements of the regulation are met when the operation of lamps is for the lighting of facades, cultural monuments and advertising facilities.

There is no so called "concentration effect" in the law, that one permit includes aspects of other contents conclusively which usually require their own authorization. There are also no limitations in place for the amount of authorizations that can be granted within a monthly or annual period.

Land Use

The Public Lighting Plan (NRP) is made in accordance with the provisions and the requirements of the Decree on Limiting Values due to Light Pollution of the Environment (Official Gazette of the Republic of Slovenia, No. 81/2007). The public lighting cadaster establishes the Spatial Management Act (Official Gazette of the Republic of Slovenia, No. 110/2002, 8/2003 and 58/2003); the law stipulates that the cadaster is to contain data on public utility facilities infrastructure owned by the state and by private companies. Collective data on the type and location of facilities as well as their managers is managed by the Surveying and Mapping Authority of the Republic of Slovenia, and the data is kept in an aggregate cadaster of the public infrastructure. Rules on the contents and the manner of maintaining the land use database (Official Gazette No. 9/2004) establishes the maintenance of the aggregate cadaster of public infrastructure, the awarding of identification marks to public infrastructure facilities and the sending of aggregated data in the public cadastre.

In accordance with the Spatial Planning Act (ZPNačr), the Ministry of the Environment and Spatial Planning, the Spatial Planning Directorate of the Spatial Planning Department, participates in the process of preparing the Municipal Spatial Plan (OPN) as the spatial development manager for the field of settlement development by giving guidelines and opinions in this field.

The expropriation of property is permitted when it is necessary for the building of public utility infrastructure; and/or for the construction or acquisition of buildings or land for the purpose of defending the state, state reserves, security of citizens and their property, and protection against



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natural and other disasters. Expropriated property owners are entitled to appropriate compensation or equivalent replacement property.

Opportunities for public civil and other stakeholders' participation in the administrative process

Public participation is determined within the regulatory framework by means of the Environmental Protection Act. Principles of publicity for this Act include that:

- Environmental information shall be available to the public;
- Every person shall have the right to participate in the procedure for adoption of policies; strategies, programs and plans concerning environmental protection;
- The public shall have the right to participate in the procedures concerning plans, programs and activities affecting the environment in other countries when they could affect the environment in the Republic of Slovenia;
- The public shall have the right to participate in the procedures for issuing specific legal acts relating to the activities affecting the environment.

Stakeholders and target groups entitled to participation include the publicity and the interested public. Publicity means one or more natural or legal persons and their associations, organizations or groups; the interested public is a public that can participate in the process of issuing an environmental consent or an environmental protection permit for the operation of the plant which may cause pollution of a larger extent in accordance with the Environmental Protection Act.

When adopting policies, strategies, programs, plans and general legal acts pertaining to environmental protection, the State and municipalities shall provide for the cooperation of persons causing burdens, providers of environmental protections, public services and other persons pursuing environmental protection activities, and of the public.

As part of the procedure for drawing up a program of measures, the ministry shall make the drafted program available to the public and ensure its presentation in public by giving notice on their network as well as in one of the newspapers which cover the entire of area of the State that the ministry specifies both place and date for drafted program's public presentation and the manner in which opinions and comments are to be expressed by the public. The ministry is to ensure that insight into and the possibility to express opinions and comments on the drafted program is possible for the public for a period of at least 30 days.

Possibilities to review the once granted authorization

The Inspection of Files and Information on the Course of Proceedings includes that:

- Parties shall have the right to inspect files of the case and copy or photocopy the files needed, at their expense. The inspection, copying and photocopying of files shall be supervised by a designated official.
- The right shall pertain to any other person who may potentially benefit legally from this.
- Inspection and copying of files may also be requested orally. The agency may require that the person explain their legal benefit on record, written or orally.



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- If data from computer records and other records are used in a proceeding, these shall be considered as part of the file.
- The following documents cannot be inspected or copied: a record of deliberation and voting, official reports and draft decisions. Files which are considered confidential must not be inspected or copied as well, if thereby the purpose of the proceeding may be nullified, or if this is contrary to the public benefit or to the justified benefit of some party or anyone else.
- The party and anyone else who probably demonstrates their legal benefit in the case, and the State agencies affected, shall have the right to request information on the course of the proceeding.
- A special appeal shall be allowed against the dismissal of the requests from the previous paragraphs also when a written order as not issued. An appeal may be filed immediately.

II. Refinancing sources/mechanisms

The Municipality carries the costs arising from the construction of a permitted facility. The public service is financed by the municipal budget, funds acquired through the public for tenders, and other sources such as public-private partnerships. An additional way of incentivizing projects is subsidizing the renovation of public lighting.

III. Construction

Regarding construction, the main obstacle and challenge that has been run into with the building of new infrastructure has been the legislative requirements.

Supervision is an important aspect regarding construction. Inspection procedures that are to be conducted, the imposition of measures and the service of inspection decisions shall be considered as emergency measures in the public interest.

The scope of inspection for a supervisor would entail:

- Whether the conditions for commencement of construction or other works under the Construction Act are met;
- whether construction or change of purpose is carried out in accordance with the issued building permit;
- whether the buildings are being built and whether they are built and maintained in such a way as to ensure reliability and fulfill the essential requirements of Act;
- whether the conditions for the commencement of the use of facilities under Act are fulfilled;
- whether the participants in the construction of facilities, when performing spatial planning, design, auditing, construction and construction supervision activities, fulfill the conditions laid down in Act;
- whether works that are not required to obtain permits under Act are carried out in accordance with spatial planning documents and building regulations;
- whether an object has been built for which an order has been issued allowing the renewal of the procedure and the suspension of the execution of the construction permit.



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The **Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP)** is a body affiliated to the **Ministry of the Environment and Spatial Planning**. The Inspectorate carries out inspections of the implementation of and/or adherence to the regulations in its working area. Inspections are performed by inspectors as officials with special powers and responsibilities. In carrying out inspections and conducting administrative procedures, inspectors act independently within the framework of their powers.

IV. Cost relevant aspects

There are several cost relevant aspects to consider when looking at investments into lighting infrastructures such as the responsibilities of creditors and debtors in contractual obligations as well as determinations of which parties are responsible for the missing of deadlines as well as which parties are to assume financial risk for the failure of technical standards meeting expectations.

When a deadline is missed, and the creditor is responsible for the delay, the liability is no longer held by the debtor nor do they assume the risk of any possible accidental destruction or damage. Interest shall cease to be charged from the day that the creditor is responsible delay, and the creditor then becomes obliged to reimburse the debtor for damage incurred because of the delay. If through the re-establishment of the situation prior to the occurrence of damage, the damage is not entirely rectified, the liable party shall be obliged to pay monetary compensation for the remainder of the damages.

A debtor that is in delay in performing a pecuniary obligation shall owe penalty interest in addition to the principal, and the penalty interest rate shall amount to 8% per annum, unless stipulated otherwise by a separate law or act. The creditor and debtor may agree that the debtor will pay the creditor a specified monetary sum or provide an alternative form of material benefit if the debtor fails to perform their obligation or is late in performing their obligation (penalty). A creditor has the right to demand the penalty or the performance of the obligation, but they may not demand the penalty for a delay if the creditor has already accepted the performance but failed to immediately notify the debtor that the right to penalty was being reserved.

At the debtor's request, the court shall reduce a penalty if it is found to be highly disproportionate to the value or importance of the subject of the obligation, and the creditor may not demand a penalty if the non-performance or delay occurred for a reason for which the debtor is not responsible.

The concessionaire carries the financial risk associated with technical standards not being met. The concessionaire must perform a concession with the care of an expert, in accordance with laws, regulations and concession contracts, and provide users with steady continuity and the supplying of goods and quality public service performance, in accordance with regulations and in the public interest.

The concessionaire, as a public service contractor, is also liable in accordance with the law for the damage caused by employees or subcontractors of the Municipality. Before concluding the concession contract, the concessionaire is obliged to enter into an insurance contract for damage with the lowest amount of the single sum determined in an invitation to tender; an insurance



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contract must have a clause in it that states the insurance is concluded for the benefit of the Municipality. The concessionaire fully assumes the risk of the success of measures in place that seek to ensure the reduction of electricity consumption. This risk is carried according to both contract and law.



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