



Organising for EU Enlargement

A challenge for member states and candidate countries

MULTILEVEL GOVERNANCE

The Implementation of EU Waste Policy in Slovenia
Does Waste Matter?

OEUE PHASE II

Occasional Paper 6.5 – 12.04

Tomaž Boh

University of Ljubljana



FIFTH FRAMEWORK PROGRAMME



Dublin European Institute

A Jean Monnet Centre of Excellence



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ORGANISING FOR EU ENLARGEMENT:

Challenge for the Member States and the Candidate Countries

The Dublin European Institute, University College Dublin,¹ was awarded, in 2001, a research contract under the EU's Fifth Framework Programme² to carry out a comparative study of the impact of the EU on the structures and processes of public policy in six small countries: **Ireland, Greece, Finland, Estonia, Hungary** and **Slovenia**. The Project's partnership, under the direction of Professor Brigid Laffan, Dublin European Institute, University College Dublin³, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilkainen, University of Helsinki; Professor Calliope Spanou, University of Athens; Professor Attila Ágh, Budapest University of Economic Sciences and Public Administration; and Professor Danica Fink-Hafner, University of Ljubljana.

The aim of the research project was to deepen our understanding of the processes of Europeanisation in a number of the existing member states and some of the candidate states.

The research project encompassed the following three objectives:

- The conduct of research which offers immediate policy relevance to key stakeholders in the enlarging Union;
- The conduct comparative, theoretical and empirical research on the management of EU public policy making in three existing member states – Ireland, Greece and Finland – and three candidate states – Estonia, Hungary and Slovenia;
- The shedding light on the capacity of smaller states to adjust and to adapt to the increasing demands of Europeanisation on their systems of public policy-making and thus to identify the barriers to effective, efficient and accountable management of EU business.

Research Strategy

The research design consisted of two phases and within each phase, two levels of analysis. **Phase I** analysed the management of EU business at the macro level of the core executive and was complemented by a micro case study of a recent policy negotiation using decision analysis. **Phase II** of the research broadened the analytical focus to encompass other levels of government – the EU and sub-state – through multi-levelled governance. Here attention was centred upon the emergence of policy networks and the interaction between public actors and the wider civil society in specific, discrete policy sectors.

¹ National University of Ireland, Dublin (University College Dublin).

² European Commission, Community Research Fifth Framework Programme (Socio-Economic Research).

³ This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, www.ucd.ie/issc/ and www.ucd.ie/govern/intex.htm.

Methodology

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided a theoretically innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

Academic and Policy Implications

This study's findings provide insight into the manner in which diverse state traditions, institutions and political and administrative cultures influence national adaptation to EU governance and how the interface between national policy processes and the Brussels arena is managed. It is expected that these findings will assist those making and managing policy, thus facilitating adjustments to the changing European Union while also contributing to the growing academic debate on Europeanisation.

At various stages during the course of this project the research findings and analysis were presented to a range of stakeholders and academics to facilitate feedback and enhance the analytical process. Further details about the Organising for EU Enlargement (OEUE) project are available on the project web site www.oeue.net, along with i) the Project Report, ii) the OEUE Occasional Papers and iii) a selection of papers by the research partners which draw on various aspects their project research.

AUTHOR

Tomaž Boh

Tomaž Boh is a Research Assistant and PhD candidate at the Centre for Political Research, Faculty of Social Science, University of Ljubljana. His research interests include the EU policy process, EU environmental policy and the transformation of the nation state as a result of European integration. The subject of his PhD research is the Europeanisation and implementation of common European environmental policy in Slovenia. Tomaz Boh's publications include, (edited with Danica Fink-Hafner) *Parlamentarne volitve* (Lublaň: Fakulteta za družbene vede, 2000).

ABSTRACT

A lack of foresight and an inadequate management system characterised waste management in Slovenia at the beginning of the EU accession process. However, the pressure of meeting the requirements under the '*acquis communautaire*' forced the government into addressing the need for sustainable waste treatment. This paper examines the implementation of the EU Directive on Municipal Waste Incineration in two phases. First, the transposition of the Directive into Slovenian law, which involved national and European actors and a case before Slovenia's Constitutional Court. Second, the practical implementation of the Directive, through the selection of sites for the location of incineration plants. The study reveals how different European, national and local actors dominated in each phase.

For most of us, waste is the bags of household rubbish that leave our households every week. We know that it 'goes somewhere' – but few have actually seen a landfill site, a waste incineration plant, or a recycling centre, and most of us do not give it much more thought (EEA, Internet 2).

INTRODUCTION

Waste management in modern societies goes beyond technical, economic or legislative horizons. Namely, it derives from the basic relationship between the individual, society and nature (SGWM 1996: 43). Dealing with waste problems results in an overlapping of many different actors, governmental and non-governmental at all levels (local, regional, national, supranational) and therefore calls for a specific form of governance. Procedures based on a partnership with the actors, the transparency of procedures and responsible dealing with waste are preconditions for success. The issues of waste management are not very attractive at first sight for they are far removed from the 'big issues' and respectable subjects. On the other hand, the problems of waste are everyday problems, concern every individual as well as society as whole and thus represent an ever more important topic which suggests the possible long-term limits of development.

This paper deals with the problem of municipal waste in Slovenia, which for the purposes of the paper is defined in accordance with the definition in the 1999/31/EC directive on waste landfills:

Municipal waste means waste from households, as well as other waste which, because of its nature or composition, is similar to waste from households⁴. Source: Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

Today's Slovenian society is characterised by rising consumption, which in turn, results in increasing amounts of waste. For most people the story of waste finishes the moment they dump their trash into the waste container in front of their homes. In fact, this is where the whole story just begins. The further process of waste management depends on this very first stage, while the form of collecting 'useless' material pre-determines the destiny of the material. Because of the limited quantity of non-renewable natural sources the trend of their sustainable use is presented in almost all political statements and strategies. At this point 'the garbage story' becomes much more interesting as waste management becomes interlaced with the

⁴ There are slight differences in the classifications used in different directives and the Eurostat and EEA classifications. The most common is that quoted in this article but for more on the differences also see: EEA (2000): Household and Municipal Waste Comparability of data in EEA member countries, EEA (1999): Development and application of waste factors - an overview, Technical report No. 37.

preferences, practices and processes of actors from local, regional, nation-state and even supra-national (EU) levels.

The first question that arises is how to comprehend garbage. This is a term used to refer to mixed, useless material, but if we look at it more carefully we can say it is composed of paper, glass, textile, plastic... (Keuc 2002c: 7). It is obvious that these materials can be re-used if there is an appropriate system of separate collecting and recycling. There are some alternative ways of waste management, some are more sustainable while others are more short-sighted and predominantly profit-oriented.

Slovenia entered the accession process with an unclear vision and a system of waste management characterised by a shortage of accurate data about the quantity and structure of waste involved (the obligatory weighing of waste was only introduced in 2000 (Keuc 2002c: 72)). A precondition for the success of public policy is how it is formulated, in turn based on accurate and reliable data. This has been one of the greatest deficiencies in the Slovenian case. Before that the grounds for formulating policy were estimations about the quality and quantity of produced municipal waste. The beginnings of work on developing a system for reporting on waste management only goes back to 1999, but relatively accurate data were only made available in 2002 for 2000 (Keuc 2002c: 11). Some data are still inaccurate and are often published with a few years' delay (RSES, 2002: 2). In Slovenia about 60,000 illegal ('black') waste landfills existed and there was little consciousness of the need to resolve the problem (Keuc 2002c: 7). That was the point of departure in the field of waste management and it is more than obvious that extensive efforts by the government were (are) necessary for the appropriate systemic arrangement of the issue. At the same time, NGOs as watchdogs of the process were trying to get involved into process and influenced its direction. Governmental strategic guidelines were in some areas significantly different from the NGOs' points of view, and this is reflected in NGOs' critical view of the state's waste management documents and programmes.

The paper opens with a brief overview of waste management in Slovenia and the point of departure and existing trends. One possible 'solution' to the waste problem is to build waste incineration plants. According to governmental documents they are indispensable for appropriately solving waste problems but, on the other hand, we have witnessed the strong opposition of national NGOs and local communities in whose territory incineration plants are planned to be located. The next section focuses on the negotiating process and transposition of the 'waste' *acquis* into the Slovenian legal system. The EU accession process activated the processes at the national level, while only external pressure forced the state to begin solving waste problems in a more sustainable way. The paper examines the transposition process of the Municipal Waste Incineration Directive (89/369/EEC) during which there was extensive conflict between NGOs and the government. The last part focuses on the efforts to build a municipal waste incineration plant in Kidričevo, where conflict between the different interests is evident.

POINT OF DEPARTURE, TRENDS AND TRADITIONS OF WASTE MANAGEMENT IN SLOVENIA

Waste management – the point of departure

At the end of the 1980s Slovenia faced a 'waste crisis' which resulted in an awareness of the need for waste management. Slovenia had developed a system of waste management from the beginning of the 1990s onwards, when in the post-independence government the environment ministry was entrusted to the '*green party minister*'. The project of integral environmental problem-solving was prepared but never put into life. In 1994 the first analyses of the area were made and the main result was the cognition that the situation in the field of waste was extremely serious. Even in 1999 (NEAP) it was stated that local waste disposals were almost the only way of waste management. Most of them were in inappropriate locations, technically unsuitable and lacking the necessary documentation and legal status. Slovenia's waste was collected by 50 local public enterprises, which disposed of municipal waste at 54 more or less settled waste dumps (Environmental Accession Strategy, 1998). There is no strong awareness of the importance of the careful handling of waste in Slovenia. Due to typical settlement patterns involving a relatively big share of rural and mountain hamlets, the share of inhabitants included in the system of non-selective waste collection at the end of the 1980s was only about 64%, increasing to approximately 76% in 1996⁵. The main problem was that the large majority of waste was disposed of in unsettled municipal dumps, and most of the 'non-collected' share even went to *illegal waste dump practices*. In Slovenia between 50,000 and 60,000 of these were identified (NEAP, 1999: 9).

The Environmental Protection Act adopted in 1993 (EPA) (OJ.32/93, 1/96) was an integral law, covering the field of waste management. In the first strategic document based on the EPA, the *Waste Management Strategy* (1996) (SGWM), it was stated that without any changes to waste management principles all available capacities would be exhausted within 5 to 7 years (SGWM, 1996: ii). The second integral document concerning environmental policy is *the National Environmental Action Plan (NEAP)*, adopted in 1999, which incorporates provisions of the SGWM. The NEAP identifies the most significant impacts of the EU accession process on Slovenia's system of environmental issues as: a) the need for transposition of the EU system into Slovenia; b) the transmission of EU environmental policy instruments; and c) the need for institutional strengthening. It also realised that the EU accession process accelerated the reforms of environmental policy which would in any case have to be achieved later (NEAP 1999: 4).

The decision of political elites to start on the EU accession process was an important turning point in the environmental field. All activities were linked with the accession process and we can say that at this time *activities were not only a matter of domestic political preferences* but were stimulated by EU requirements. We can say that the EU accession process was a 'push' factor in

⁵ According to the '*Report on the state of the environment in Slovenia*' by 2001 the share of households included in the system of waste collecting had increased to 93% of all households (RSES 2002: 10).

developing accurate legislation and other mechanisms for waste management. The signing of the European Association Agreement (EAA) was the act that directly obliged decision-makers to also transpose and implement the *acquis communautaire* in the field of waste management (Keuc 2002c: 11).

In the Negotiating Positions it was stated that Slovenia's legislation on the management of waste and hazardous waste conforms to the *acquis*, except in the definition of waste. The legal framework is constituted by the *Environmental Protection Act* and the *Rules on Waste Management* (OJ. 84/98). In the same document it is stated that Slovenia has in place the institutions needed to implement the *acquis* but, in order to implement the legislation, Slovenia will have to administratively and technically strengthen these institutions (NP 1999: 11).

Waste management – legal framework

The waste management area is very complex field involving many specific factors. Despite this it has been placed into the larger framework of environmental policies. The framework legal act covering almost the entire environmental field (EPA) covers the field of waste management predominantly in Articles 25 and 26, where it established a mandatory public service for waste management and the procedures of waste management. The main political act between Slovenia and the EU is the EAA which among the environmental priority areas (Article 82) defines Slovenia's obligations to (re)shape its system in accordance with EU requirements such as:

- *reduction, recycling and safe disposal of waste (including radioactive waste) and implementation of the Basel Convention;*
- *correct assessment of costs and internalisation of external costs; and*
- *use of economic and fiscal instruments (Keuc 2002b: 19).*

At the beginning of Slovenia's accession the EPA and the *Rules on Treatment of Infectious Waste* were the only legal documents relating to waste management. All others (law and regulatory decrees) were missing (SGWM 1996: 34). Before 1998 in the field of municipal waste there was practically no legislation relating to the issue (Keuc 2002b): 10). With the beginning of the accession process an important process was launched, with all activities becoming subordinated to that process and the problem of waste management was instantly no longer a matter of domestic political will but was 'externalised', thereby moving beyond the nation-state and being formalised in a political document about the accession process (European Accession Agreement). A great misfit was identified between the Waste Framework Directive (75/442/EEC) as the umbrella directive and the Slovenian core legislation (including the EPA) and because of that extensive efforts were expected to be made remedy these shortcomings. In the Environment Accession Strategy (EAS) a planned schedule for the (incomplete) transposition of EU legislation was incorporated which states Slovenia expected to adopt 24 pieces of legislation in the field of waste management to catch up with the requirements of the EU's legal system (EAS 1998). In the process of adopting the planned legislation the direction was modified somewhat and, in the final stage, the waste management legislation is based on

21 pieces of legislation within the framework Environmental Protection Act (Report on the State of the Environment in Slovenia (RSES 2002: 1). In the negotiating process Slovenia was granted, for the field of waste management, a transition period with regard to packaging and packaging waste until the end of 2007.

According to Regular Reports from the Commission on Slovenia's progress towards accession in 1997 the methodology for mandatory public services was adopted, but the overall assessment was that, despite some progress in adoption of the framework legislation, extensive efforts are necessary to move from the strategic to the operational level. The Commission assessed that Slovenia had failed to put the plans into practice, especially concerning difficulties in the implementation of existing legislation. In 1998 the main problem remained the delay in transposition of the *acquis* and, at the same time, instruments for the successful implementation of the provisions had to be introduced. In 1998 two pieces of legislation from the waste management field were adopted. In 1999 substantial progress was made concerning the formal alignment of national waste legislation. Five new items of waste legislation were adopted. The successful trend towards complete transposition of the *acquis* in the field of waste management continued in 2000. Two significant pieces of legislation were adopted along with amendments to a further two. As a result, the Commission's 2001 regular report stressed that alignment with the EC environmental *acquis* was well advanced and that the legislation is almost entirely aligned with EU requirements. In its 2002 report the Commission stressed that Slovenia had made good legislative progress and that, as a result, Slovenian legislation was largely harmonised with the *acquis*. An additional three items of legislation were adopted. The 2002 report describes the waste management system as well developed, but efforts to complete the network of disposal installations had to be continued. Till the end of 2001 (discussed in the 2002 report) Slovenia succeeded to meet the majority of the commitments it had made in the context of the accession strategy. In addition, extensive efforts for finalising the preparatory steps to ensure implementation were still necessary. The last report from 2003 stated that the legislation was in place (with very few exceptions) and in line with the *acquis*. Slovenia needed to finalise the legal alignment while especially the establishment of waste collection systems and recovery and disposal facilities needed to continue (Regular Reports 1998, 1999, 2000, 2001, 2002, 2003).

These findings could lead to the conclusion that the legal part of waste management is established and almost completely harmonised with the *acquis*. The structure of waste management legislation is in line with EU law. The general (umbrella) acts are the *EPA* and *Regulations on Waste Management*. Other legislation is organised in three clusters, namely: a) rules concerning different sorts of waste; b) rules on waste disposal; and c) rules on monitoring emissions from certain methods of waste disposal (Keuc 2002b: 13). In a draft of the new National Environment Action Programme 2005-2008 (consolidated version from August 2004, already discussed with NGOs) it states that in the time since the previous NEAP the situation in waste management field had gradually become settled and that positive trends are identifiable in all sub-fields (NEAP 2004: 71).

Table 1: Main emphases of Regular Reports 1998, 1999, 2000, 2001, 2002, 2003

	Compliance of legislation	Administration capacity	Implementation	Inclusion of local authorities	Adopted legislation
1998	poor	poor			1
1999	improved	poor			2
2000	improved	poor	poor		5
2001	good	improved	poor	poor	3
2002	good	Good	poor	poor	3
2003	good	Good	improved		

Sources: Regular Reports from the Commission on Slovenia's progress towards accession; 1998, 1999, 2000, 2001, 2001, 2003.

From Table 1 and the Regular Reports themselves we can see that the EU assessment starts with the two components of approximation: a) the compliance of legislation; and b) administrative capacity. The first category already significantly improved in the second year and was positively evaluated, while administrative capacity was marked as poor. When the legislation/legal compliance improved (2000) the Commission's report starts to also focus on implementation components. In the report there are warnings about where attention must be paid during implementation. The next stage of warnings, when the good compliance of legislation and administrative capacity had been achieved, concerned the co-operation with local authorities, strengthening of their administrative capacity and establishment of co-operation among different levels of governance as a precondition for the implementation of environmental legislation. The observation focus shifts from *legal/formal implementation* to the achievement of policy goals and policy/implementation.

In the Regular Reports the administrative capacity is assessed as good, after the considerable reorganisation and staff strengthening after 2000. According to figures gathered in an interview with a senior official of the MESPE the number of staff in the ministry responsible for waste management has grown considerably in the last few years, from 2-3 officials to currently more than 10. The next element in improving the administrative capacity was the reorganisation of the Ministry's agencies and establishment of the Environmental Agency (EA), made up from existing agencies and significantly strengthened with new staff. Besides the ministries and agencies that are connected at different levels with the MESPE and environmental policy in Slovenia, the *Nature Protection Administration of the Republic of Slovenia* (NPA) is another institution for strengthening administration capacity. Its main aim is to support the Ministry and its agencies with expert information and knowledge. It was established in 1999 under the *Nature Conservation Law*, yet it only formally started work at the beginning of 2002.⁶ As an attempt to eliminate the shortage of well-trained staff, especially at the local level, a new college syllabus of public utilities studies was formed (Action plan for waste disposal (APWD),

⁶ For a detailed overview of the institutional development of the environment ministry and its agencies see: Boh, Tomaž (2003): EU Environmental Policy: Institutional View: the Case of Slovenia, Second Report, Faculty of Social Sciences, Ljubljana.

2004: 49). They are supposed to bolster local levels especially, where at the moment very few people have enough knowledge and experience (interview material 2004). The definition of competences between national and local levels was also missing, especially after the reform of local self-government in 1994 when the previous 64 local communities were split into about 180 new ones. Old municipalities had more or less settled domestic (local) waste landfills and *waste public services* which were set up by municipality decrees, but after the reorganisation their role mostly became unclear (SGWM 1996: 35).

The result of this legal disorder at the beginning of the accession process required extensive legislation efforts and the adoption of a whole range of legislation including laws, decrees, rules, classifications and standards to cover the entire area of waste management. The legal misfit in the waste management field was extremely high and the adaptation pressure for adopting EU compatible legislation was an important impulse for active and accelerated work. The EU with its comprehensive legislation system on waste management importantly directed the way and especially the speed of the developing legislation.

EU PARADIGM OF WASTE MANAGEMENT AND THE CASE OF SLOVENIA

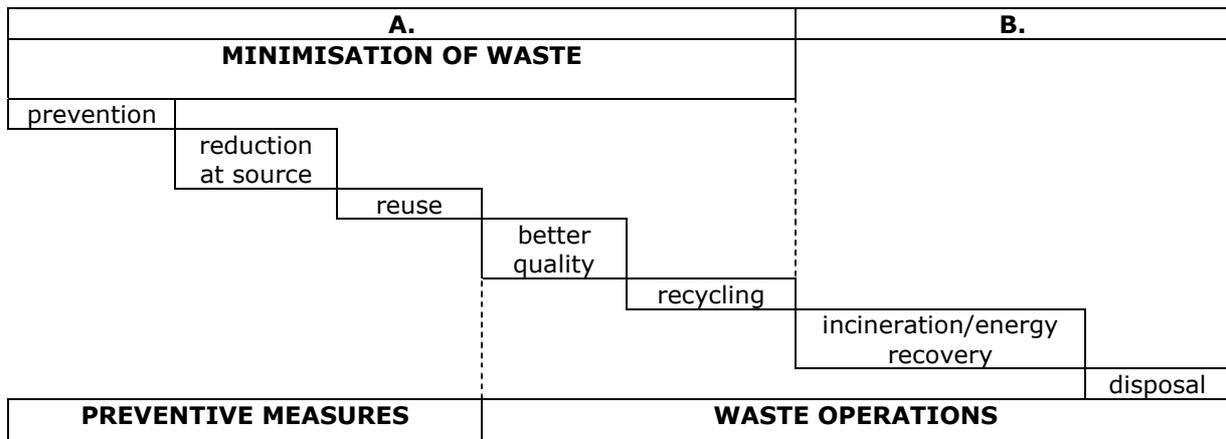
EU waste management principles

The EU is aware of waste management problems and sees it as a complex picture made up of multiple, supplemented dimensions. But the EU has firm principles upon which its approach to the waste management is based:

- Prevention principle, according to which the production of waste must be minimised;
- Producer responsibility and polluter pays principles;
- Precautionary principle; and
- Proximity principle, according to which waste should be disposed of as closely as possible to where it is produced (Internet 1)

According to these principles there is a very clear hierarchy of preferred waste operations (Figure 1).

Figure 1: EU waste management paradigm



Source: OECD (1996): Building the basis for a common understanding of waste minimisation, Berlin, in Umanotera 2003.

The hierarchy presented in Figure 1 is defined at the EU level and is obligatory for all entities dealing with waste. Prevention measures and the minimising of waste are particularly emphasised. In accordance with this strategy incineration and the related energy recovery are not understood as an alteration of waste (use of energy) and hence they are lower down on the list of priorities (Zore 2001). Until very recently the quantity of waste was related to economic growth. Societies with extensive GDP growth are the producers of more waste. According to OECD reports for EU member-states, the production of waste in the 1990-1995 period grew by 10% while GDP grew by 6.5%. One of the main goals of society (as defined in the 6th EU Environmental Action Programme) is to stop this connection (Keuc 2002a: 23; Keuc 2002b: 15). With the change of logic and shifts of value patterns from industrial to post-industrial eras the correlation of these two indicators should no longer be valid. Namely, the society which produces and disposes of more waste is *substance inefficient* and, accordingly, *development inefficient*.

The waste management paradigm as defined by the EU can be split into a few categories.⁷ *Preventive measures* are those enabling production with the lowest possible amount of waste. It consists of preventive measures, reduction of waste at source and the reuse of articles. The

⁷Terms are understood as defined in the Packaging and Waste Packaging Directive 94/62/EC:
'prevention' means the reduction of the quantity and harmfulness for the environment of: a) materials and substances contained in packaging and packaging waste; b) packaging and packaging waste at the production process level and in the marketing, distribution, utilisation and elimination stages, in particular by developing 'clean' products and technology;
'reuse' means any operation by which packaging, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived, with or without the support of auxiliary products present in the market enabling the packaging to be refilled; such reused packaging will become packaging waste when no longer subject to reuse;
'recycling' means reprocessing in a production process of waste materials for the original purpose or for other purposes including organic recycling but excluding energy recovery;
'energy recovery' means the use of combustible packaging waste as a way to generate energy through direct incineration with or without other waste but with the recovery of the heat;
'disposal' means any of the applicable operations provided for in Annex II.A to Directive 75/442/EEC;

other category is *waste operations*. This refers to the situation where waste has already been produced. The best approach is to improve materials (especially packaging waste) in a way that makes it ready for separate collecting and consequently appropriate for recycling and *substance reuse*. The final two stages of waste operations are energy recovery and incineration and, finally, the disposal of waste at a municipal landfill. All preventive measures and improved quality of waste and recycling should result in the *minimisation of waste* (Section A in Figure 1) which is shown as the most important goal, while the production of the smallest possible amount of waste is the best way of avoiding substance inefficiency and ensuring a shift towards sustainable development. It covers all preventive measures for minimisation.

Slovenian waste management principles and disharmony with the EU

The main integral strategic document for the field of waste management is the *Waste Management Strategy*. Its objectives were incorporated in the National Environmental Action Plan (NEAP) from 1999 which presents Slovenia's current waste management priorities and orientations. The NEAP starts with the statement that the field of waste is one of the most problematic areas of environmental policies in Slovenia and consequently one of the most acute sources of pollution of all components of the environment (NEAP 1999: 24). All attempts at solving problems were unsuccessful and activities dealing with waste problems remain inappropriate. As significant goals for achieving efficient waste management the NEAP mentions four main goals:

- Reduction of the potential danger of waste at source;
- Increasing substance reuse and the energetic recovery of waste and reduction of greenhouse gases;
- introduction of an efficient system of waste management; and
- gradual rectification of old waste burdens (NEAP 1999: 24).

An important obstacle to any proper assessment of the situation and application of sufficient measures is the lack of adequate information about waste. It is important to note that the measure of the mandatory weighing of municipal waste was already introduced in 2000, and that all predictions, strategies and measures were made on the basis of assessments. The result was that the data on the quantity and especially the quality of waste differ considerably among different sources. Municipal waste represents about 14% of all waste. The total amount of waste from this group in 2001, according to the Environmental Agency (EA), is 840,000 tonnes, meaning about 430 kg of municipal waste per capita per year (RSES 2002: 4).

European environmental legislation includes the principle that nation-states are encouraged to introduce stricter provisions than those set out in the EU legislation. For Slovenia it appears that the transposition of that legislation into the Slovenian legal system follows a *minimalist logic*. Slovenia has been successful in minimising *legal* and *institutional misfits* while, on the other hand, the elimination of *policy misfit* seems to be a much longer process (Interview).

Regional concept and functional organisation of waste management in Slovenia

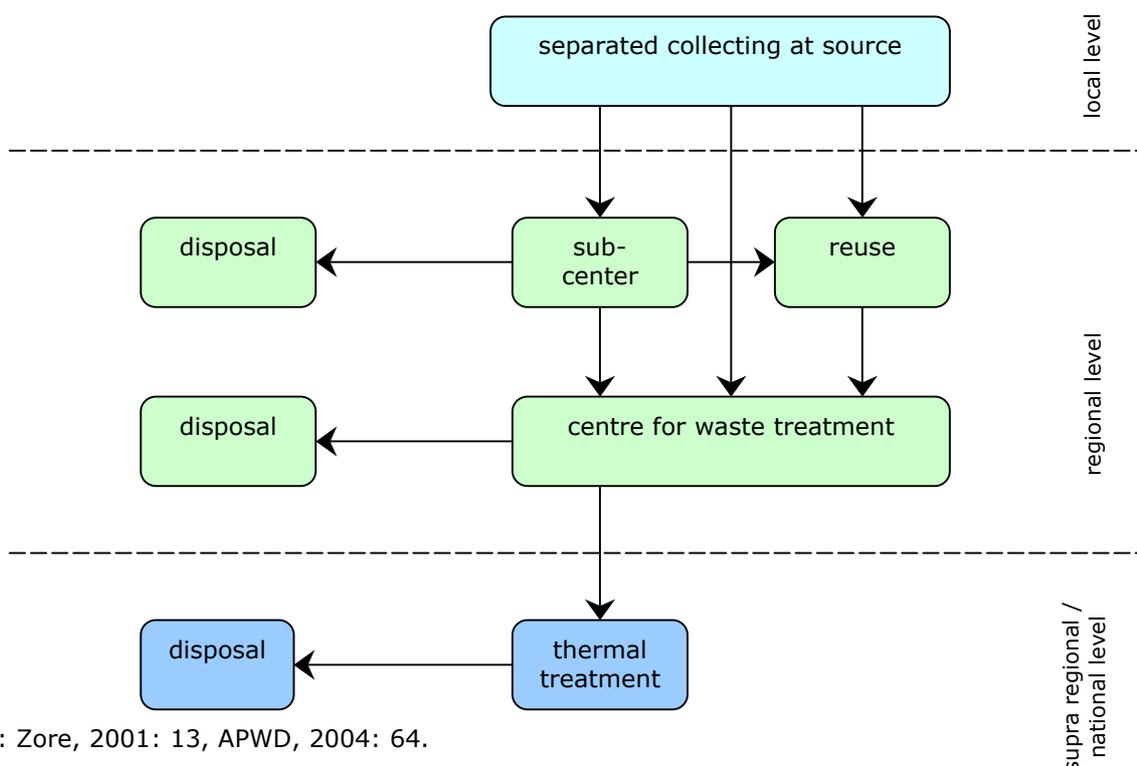
The concept of waste management rests on a few preconditions that are specific for every state and which determine the means and direction of system development. The system of waste management should not (among others) neglect the economic dimension of waste management. A critical quantity of waste should be reached to ensure the system's profitability and efficiency (APWD, 2004: 63). For Slovenia, some of the most important preconditions are:

- the need to reach a critical quantity of waste to assure economic profitability;
- a balance between transport costs and the need to ensure a critical quantity of waste;
- the country's spatial and natural conditions and especially its extremely dispersed settlements render any centralised waste operation impossible;
- strong NIMBY and NIMET behaviour in local communities against the establishment of waste operation infrastructure, which can only be eliminated through intensive long-term informing and education;
- burdens of the past and problems of technically inappropriate organised disposal sites; and
- the lack of instruments and a legal basis for implementing the regional concept.

As a result of the above a regionally oriented concept of waste management was employed, which anticipates the complementary activities of local, regional and national levels. Since under the 1994 local self-government reform government at the local level was dispersed over 190 small municipalities and that regional structures were not established, collaboration between local authorities is necessary even though there is in fact no administrative level between local and national levels. Under the *Waste Management Strategy* in Slovenia eleven regional waste management centres should be established (SGWM 1996).⁸

⁸ There are small differences between the different documents, the newest *Action programme for waste disposal with the aim of reducing the quantity of waste* adopted in April 2004 defines a maximum number of 12 'waste regions' (APWD 2004: 37).

Figure 2: Structure of the regional waste management concept



Source: Zore, 2001: 13, APWD, 2004: 64.

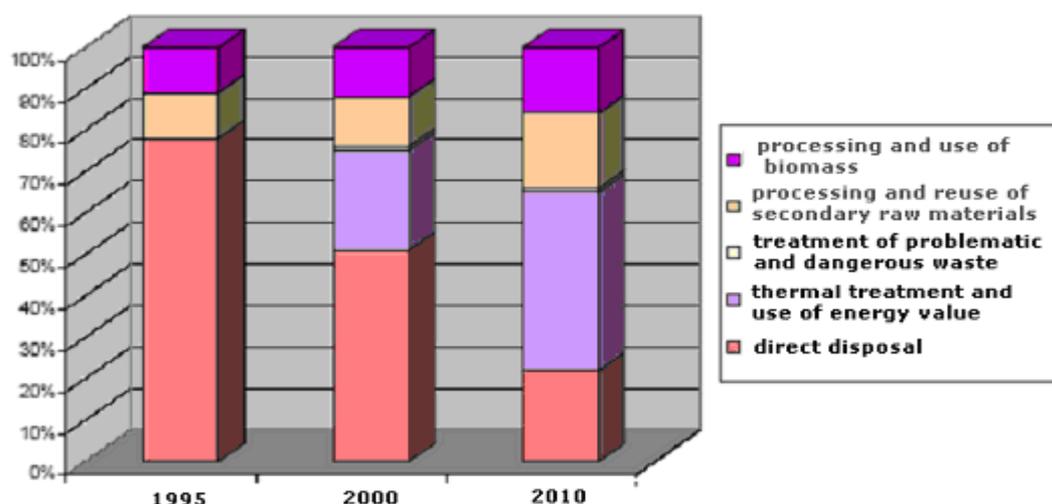
In the field of waste management the *subsidiary principle* is one of leading principles (Articles 11 and 25 of the EPA). The *national level* is responsible for policy formulation and settling the legislative framework and, where the waste field overlaps other policy fields, for inter-ministerial co-ordination. Where local authorities are unable to implement legislation, the national level is obliged to solve the problem of waste at the expense of the local community. The *local level* adopts local environmental legislation, which has to be in line with national policy but it also takes local particularities into consideration and is empowered to define special local forms of taxation with the aim of encouraging nature protection (NEAP, 2004: 84). The EPA defines waste treatment as a *mandatory local public service* (Article 148 of EPA), which has to be established with a local decree on waste management (Zore, 2001: 45). Local nature protection measures are crucial for success at the national level and, with the aim to improve its capacity, the new NEAP stressed the need to adopt local environmental acts and programmes (NEAP, 2004: 84).

At the execution level the waste management system is based on the regional model of waste management presented in the above figure. As mentioned, due to way Slovenia has been settled local-level activities are limited to the collecting and separation of waste. In distinct cases some simple procedures of waste operations are possible (for instance, additional waste sorting, compression, composting). The core of waste management activities is concentrated at the regional (inter-municipal) level where waste is supposed to be treated in regional centres and, where bigger areas are involved, some sub-centres can also be introduced. The final stage

in the waste treatment chain is at the national level, where the task of thermal treatment (municipal waste incineration) is defined as a mandatory public service (Article 148 of EPA). Because of the high quantity of waste that is needed to guarantee a critical quantity of waste (profitability) two incineration plants should cover the territory of the entire country (Zore 2001). Despite the declaratory goal of the reduction and reuse of waste found in governmental documents and strategies, disposal remains the biggest and most significant way of dealing with municipal waste (ESES 2002: 15). In 2001 Slovenia had 51 active municipal waste landfill sites yet just 8 of them met technical standards while 10 were gradually coming into line with the requirements. But 10 landfills lying in 'risk' areas will continue operating until 2008. Of inadequate landfill sites supposed to be closed gradually and after 2008, only 17 of those will meet all the legal requirements (RSES 2002: 15).

The data reveal that the probability of finding new locations for municipal waste is quite low, whereas the closure of a great share of landfill sites increases pressure on the existing ones (which often have very limited chances for expansion). In this situation incineration is one way of resolving waste problems. Depending on the substance/s dealt with the processes are divided into co-incineration, where thermal treatment is supplemented by the use of the energy produced in the incineration process. On the other hand, there is also the technology of incineration where the type of waste does not produce reusable energy as a product of incineration (RSES 2002: 46).

Figure 3: Proportions of waste operations according to the NEAP



Source: NEAP, 1999: 25.

The waste management strategy up to 2010 is presented in Figure 3. We can see that a great reduction in the quantity of disposed waste is planned. In 1995 more than 70% of collected municipal waste was disposed of in more or less settled landfills. These shares are supposed to be reduced to less than 20% by 2010. The share of 'sustainable/ecological' methods of waste

treatment (processing and use of biomass and reuse of secondary raw materials) is meant to increase, albeit their share is relatively low, from about 30% in 1995 to 40% in 2010. The biggest increase is seen in the share of incineration. In the latest version of the proposed new NEAP (August 2004) the anticipated share of municipal waste which should be reused or reprocessed increases to 65% but 35% of waste is envisaged for incineration and disposal (NEAP 2004: 72). Given that in Slovenia we do not have any incineration plant for municipal waste from the governmental point of view building a few of them is obviously a tempting solution. Some experts claim Slovenia should have 2 incineration plants. It appears as if the government incorporated the need for incinerators into its strategic waste management orientations and is determined to build them. Obviously, the situation remains unchanged even in the latest version of the strategic plan.⁹

The main problem is that this waste management strategy does not encourage or establish the conditions for prevention measures, nor minimise the amount of waste as defined in Figure 1. Local citizens regard the building of an incineration plant as a threat which reveals a strong NIMBY effect. On the other hand, NGOs warn about the devastating influence of an incineration plant on the quality of life and argue that Slovenia is now at a crossroads where it is necessary to choose between two paradigms: a) minimise and reuse raw materials and become a material efficient society; or b) build incineration plants and slow down the process of reducing the waste production, recycling and reuse opportunities for the period of the incinerator's lifetime, which is about 20 years. Instead of incinerators they suggest encouraging separate collecting, substance reuse and recycling procedures which are hardly in place in Slovenia (estimated about 15%) while in most developed states these proportions are at about 50% and in some even more (Keuc 2002b: 7).

In the next section the process of *transposing the incineration legislation* into Slovenia's legal order is presented. This process took place in 2000 and is quite different from that currently underway which involves the *actual building of the plant*. We will apply a policy network approach to identify the most important actors, the relationships between them and the sub-national actors' direct links to supra-national ones.

WASTE MANAGEMENT IN SLOVENIA – INCINERATION PLANTS

The main strategic guidelines for waste management were established in the SGWM adopted in 1996 and later incorporated into the NEAP. But with the accession process and harmonisation of legislation with the *acquis* most guidelines in fact remain dead letters on paper. One of the few

⁹ With regard to our interview with a senior official at the MESPE incineration is an 'unavoidable reality' and that in the period before 2008 Slovenia will start incinerating municipal waste as one of its waste operation methods. Since the MESPE faces the enormous resistance of local communities and extensive NIMBY effects one solution our respondent mentioned is to export waste to incineration plants in neighbouring states, noting a disadvantage of such a system is the relatively higher cost.

provisions to be kept alive is the idea of the need to build two waste incinerators (Keuc 2002c: 34).

The EU accession process challenged the relationships between actors in the area of environmental policies. We could say that the nation-state has to share the global political arena with non-governmental and non-political actors, while issues formerly confined to debate within political institutions are being dragged into the multiple agoras of everyday life and civil society (Dürschmidt 2002: 193). As Yearley (1996: 62) pointed out, the most significant participants in new arenas of environmental politics are sub-national bodies and local and regional civil societies that become key players in this process owing to their capacity to 'draw' on global level justification for their local actions, thus winning themselves some independence from national authorities (Yearley in Dürschmidt 2002: 194). The nation-state as a traditional centre of authority is challenged, while its sovereignty is eroded on one side towards the supra-national level and at the same time it goes 'downwards' towards local communities and NGOs. To help present this 'dual-pressure' Börzel introduced the *push-pull model* of relations between the different levels (Börzel 2000: 149). The key element of the model is that the nation-state has to face '*pressure from above*' which forces it to adapt its system to EU requirements. The lower the compatibility of European and domestic procedures, policies and institutions (the degree of (mis)fit), the higher the adaptation pressure. A country whose domestic institutions are perfectly compatible with Europeanisation¹⁰ requirements experiences no adaptation pressure and, hence, no domestic institutional change is expected (Cowles et al. 2001: 1)¹¹. There are three interconnected aspects of misfits through which Europeanisation exerts adaptational pressure on member-states. The first is *policy misfit* which refers to differences between national and European rules and regulations. Europeanisation can thus be of a qualitative (more or less of an existing policy) or a quantitative kind (new or replacement national institutions or structures) (Falkner 2003: 3). In addition, we can speak of a *legal misfit* in the situation where the 'formal/paper' component of the misfit appears to be more important (Falkner 2003: 4). This kind of misfit is especially significant in the case of accession states whose first step towards Europeanisation is to transpose the EU legislation into the domestic legal order. Finally, we can identify an *institutional misfit*¹² that challenges domestic institutions and procedures and the collective understandings attached to them (Börzel and Risse 2000: 5; Knill 2001).

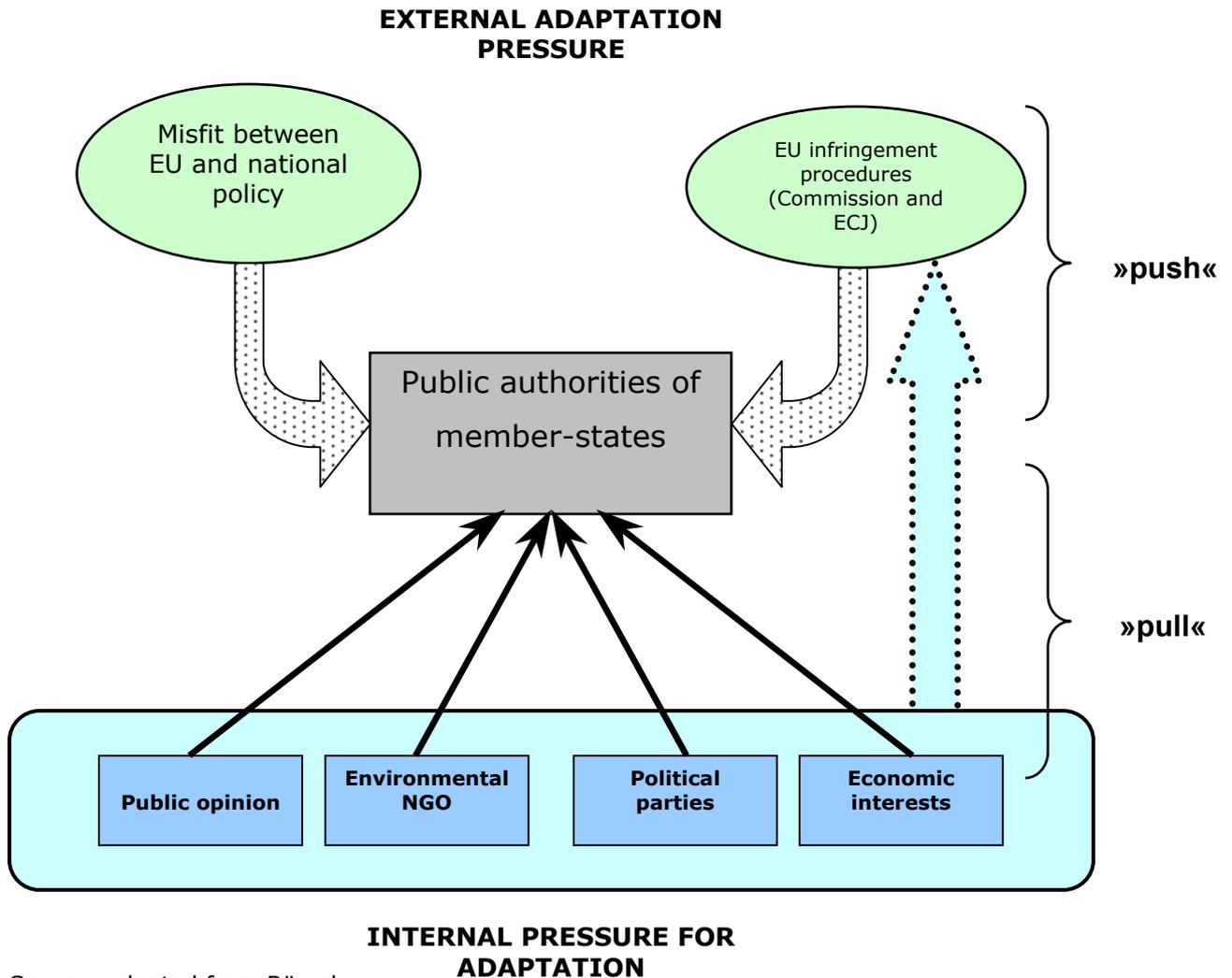
On the other side, the sub-national level is becoming increasingly important and exerting non-negligible pressure on the nation-state. Weale defines four clusters of factors that influence the shape and decisions of the nation-state from the sub-systemic level. These factors are: a) public opinion; b) environmental NGOs; c) political parties; and d) economic interests (Weale 2003: 237).

¹⁰ There are many definitions of the phenomenon, but Europeanisation is in this case understood as the influence of the EU level on national procedures, institutions and policies.

¹¹ Risse, Cowles and Caporaso define the term 'goodness of fit' between the Europeanisation process on one hand and national institutional settings, rules and practices on the other. For a more detailed explanation, see: Risse, Cowles, Caporaso 2001, 6-12.

¹² Falkner defined it as a politics/polity misfit (Falkner 2003: 4).

Figure 4: The push-pull model



Source: adopted from Börzel,

The case of waste management, building an incinerator and adapting the related legislation is a great example of such a model. As identified in previous chapters the misfit in the field of waste management between existing the Slovenian system and EU requirements is high. The adaptation pressure is constant and refers to all three types of misfit (legal, institutional, policy). Given that Slovenia recently joined the EU there are no infringement procedures at the EU level, but just a few admonitions in the process of adopting the necessary system. Below we analyse two separate processes. The first is the process of transposing the EU legislation on incineration standards into the Slovenian legal order. The other is the process of 'the actual building' of an incinerator.

First stage: Transposition of the legislation and activation of 'contra' actors

The point of departure in bringing Slovenian legislation in line with the *acquis* in terms of legislation on municipal waste incineration was defined in the Negotiating Positions (1999), where it says:

*The Republic of Slovenia's legislation on **incineration of urban and hazardous waste** (Directive 89/369/EEC, 94/67/EC) conforms to a large extent with the *acquis*. According to the provisions of the Decree on the Emission of Substances into the Atmosphere from Waste Incineration Plants and during Co-Incineration of Wastes (Ur. l. RS No. 73/94), emission limit values and other conditions for waste incineration conform with relevant provisions of Directive 94/67/EC on the incineration of hazardous waste. The only differences concern the regulation of incineration of urban waste for which the Republic of Slovenia's legislation stipulates the same conditions as for hazardous waste.*

The planned solution given in the document is as follows:

*The Republic of Slovenia will fully harmonise its legislation on **incineration of urban and hazardous waste** with the *acquis* by issuing and implementing a decree on incineration of urban waste by 31 December 1999 at the latest.*

The EU legislation in the field of waste incineration is based on two directives, namely *Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants* and *Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants*. However, for the Slovenian case transposition of the first directive is significant although Slovenia has no incineration plants for municipal waste and consequently the related legislation is meaningless. The previous legislation covering incinerators was the Decree on emissions from incineration plants as a result of incineration (OJ. RS. 73/94), which in a single act defines the emissions of both waste incineration plant groups. The Ministry of Environment, Spatial Planning and Energy indicated the decree was not in line with EU requirements, whereas the *acquis* covered the field with separate directives (hazardous and non-hazardous). As a consequence, the *Decree on emissions from incineration plants for non-hazardous waste* and the *Decree on emissions from incineration plants for hazardous waste* (OJ. RS. 28/00) were adopted. This invited the reaction of NGOs and civil society. Namely, the 'old' Slovenian decree sets the same emission limits for hazardous and non-hazardous waste, and especially focuses on *dioxins* and *furans* as very hazardous substances, namely the by-products of waste incineration. On the other hand, it was adopted on the basis of a German decree¹³ from that field which therefore involved the national transposition of the 89/369/EEC directive. The 'new' Slovenian legislation reduces these standards and abolishes any control over furans and dioxins. This led to NGOs responding for four reasons:

- in their opinion the reduction of the previous standards is an infringement of Article 176 of the TEC and Article 3 of the 89/369/EEC Directive on new waste incineration

¹³ Siebzehnte Verordnung zur Durchführung des Bundes-immissionschutzgesetzes (Verordnung über Verbrennungsanlagen für Abfälle und ähnliche brennbare Stoffe – 17. BimSchV), von 23. November 2000, Bundesgesetzblatt Nr. 64 – adopted from Umanotera (200x): ENLA Case study 1.

plants which encourages nation-states to introduce stricter measures than prescribed in the EU legislation;

- the 'old' Slovenian legislation was adopted on the basis of German legislation, which was in fact the national transposition of a contestable directive;
- since in a strategic document the incineration scenario was advocated as the best solution, and noting that monitoring and purifying dioxins and furans is extremely expensive, NGOs are afraid Slovenia will import an incinerator meeting EU standards but being insufficient for the 'old' Slovenian decree; and
- the new EU directive in the final procedure of adoption was almost exactly the same as the annulled Slovenian one, while it was based on the same (German) legislation.

The conflict was very extensive and actors from many sub-groups were included.

Figure 5: 'Transposition' network

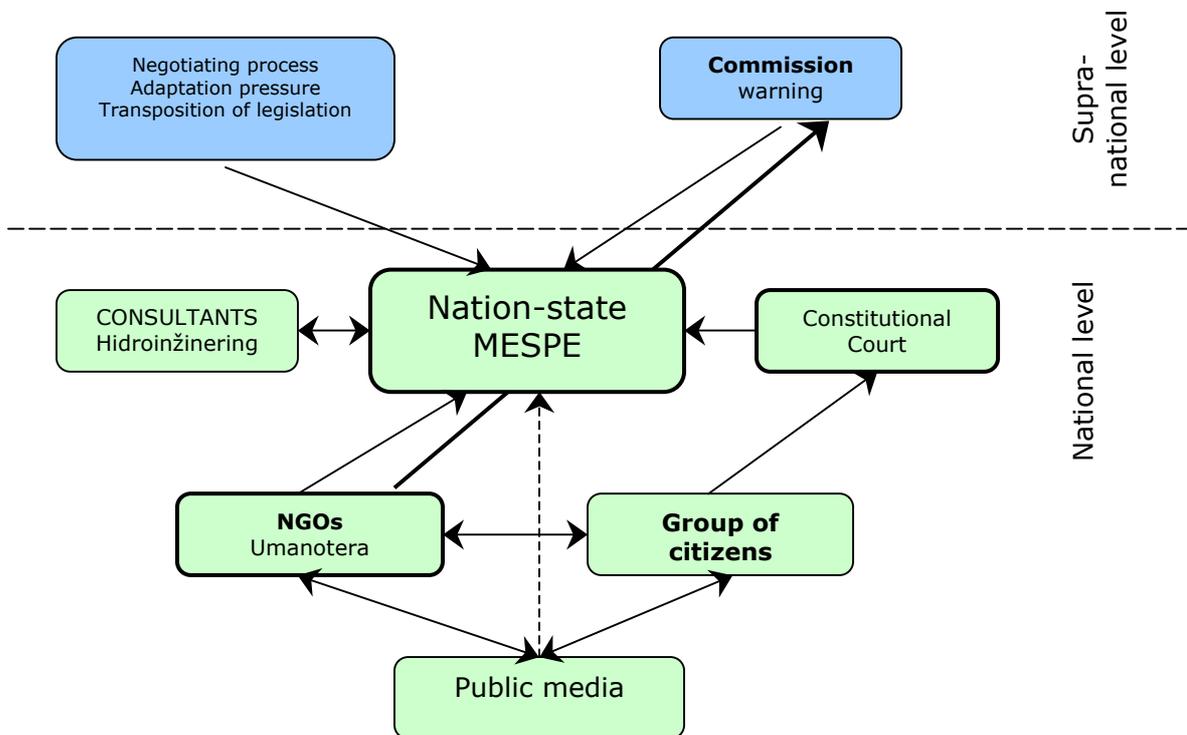


Figure 5 shows that the whole process of transposing the legislation took place at the supra-national and national levels. On the one side the state faced extensive adaptational pressure to harmonise legislation. This pressure resulted in the adoption of new decrees in the field of incineration plants, which actually means a step backwards in environmental standards. The MESPE justified the new legislation by saying that the European Commission had demanded the change.

A group of NGOs reported to the Commission on the lowering of the existing standards and the Commission replied:

Following discussions with the Slovenian authorities and a written request from the Commission to the Slovenian authorities, we understand that the commission will receive a written assurance that any plant that is built would follow the emission level of the new forthcoming EC directive (Commission, 2000).

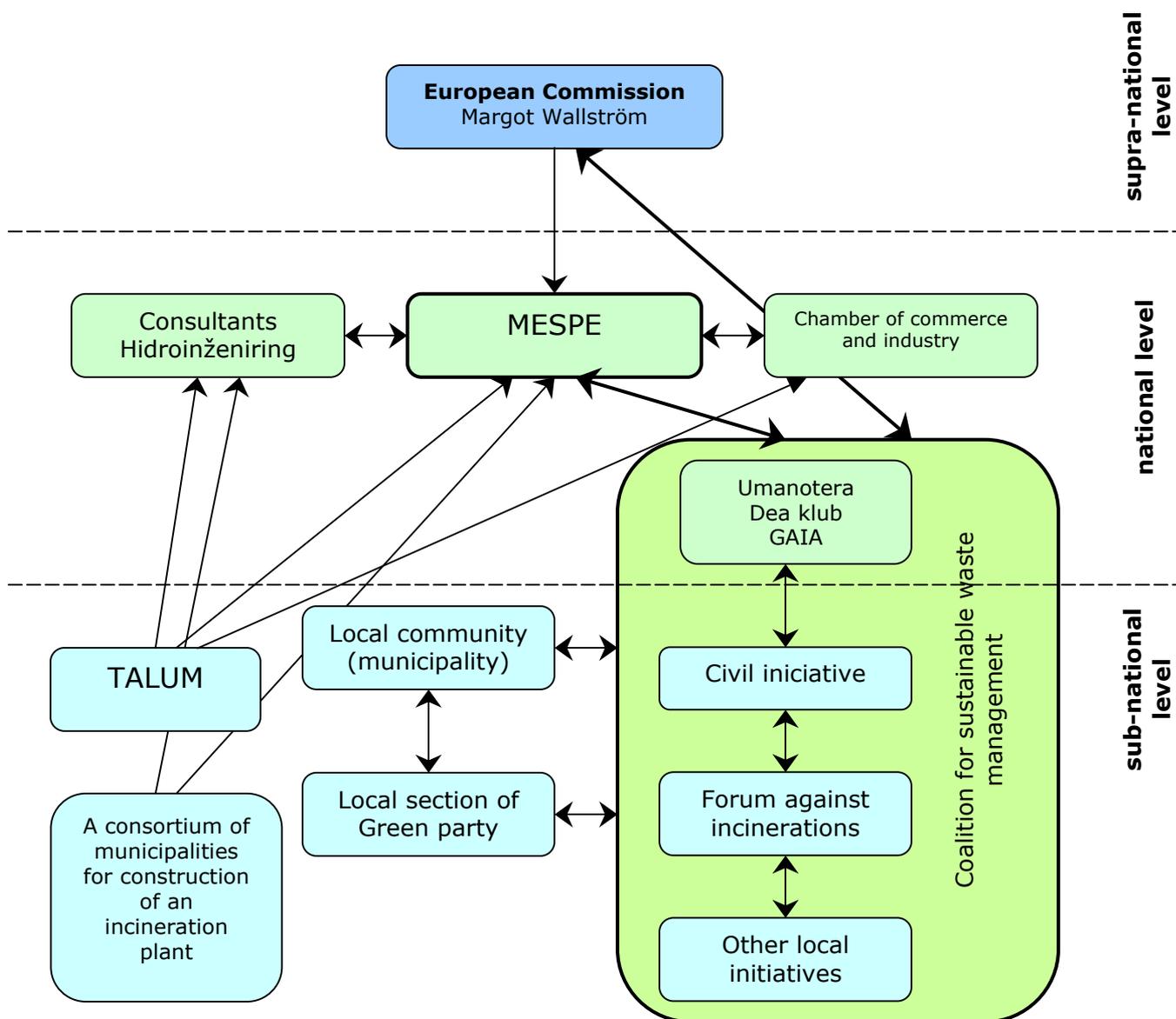
As the next step in opposing the new incineration legislation the case was taken to the Constitutional Court of the Republic of Slovenia by an NGO (Umanotera) and two individual citizens. The main argument was that the principle of prevention as found in the EPA was being violated. In September 2000 the Constitutional Court dismissed the claim, while the court also added that those bringing the claim had no legal interest in the issue. The Constitutional Court stated there is no real hazard arising from the new regulations and that only where the Ministry were to issue a permit for an incinerator on the basis of the new legislation would this mean a concrete environmental hazard and only then would the plaintiffs have a legal interest to commence proceedings.

Shortly after this, *Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the Incineration of Waste* was adopted. The national regulation transposing that Directive to the national legal system was adopted in March 2001. With this transposition the conflict was resolved.

Second stage: searching for an appropriate location and activating local actors

As mentioned the key strategic document in the field of waste management was adopted in 1996 – the SGWM. One feature of this programme is that it predominantly focuses on waste operation and only to a limited extent on preventive measures. It identifies the building of two incineration plants as the most appropriate solution. The fact is that all governmental documents from this time on have followed its logic with the result that the government actively supports the building of municipal waste incineration plants. There are various potential locations for incineration plants but one of them is Kidričevo, a small town in northeast Slovenia. The second location is not so certain but in recent times the most commonly mentioned one is Trbovlje, a town about 80 km away from the first one. With Trbovlje, the local NGOs and local civil initiatives are not as developed as with Kidričevo. Kidričevo was selected as a possible location at the end of the 1990s. As already mentioned having two municipal incineration plants are the strategic directions of waste management in Slovenia. The resistance of local inhabitants to waste operation facilities is traditionally high and especially when 'unknown' technologies such as an incineration plant are meant to be placed in a particular local community. Locals regard an incineration plant as a threat to the health of the local community and is thus seen as a 'local problem', involving the responses of a wider spectrum of actors than in the campaign against the Decree. In Figure 6 we can see the network of actors that emerged in response to the incineration plant initiative in Kidričevo.

Figure 6: The 'Kidričevo incineration' network and mobilisation of local actors



contrast with the first network (Figure 5) we see the emergence of the sub-national level. It is somewhat difficult to clearly separate the actors into a (sub-)national group, while there is also some degree of overlapping between them, especially in the section of economic interests and NGOs. The TALUM factory appears as an important economic actor in Kidričevo. TALUM is the biggest industrial entity in Kidričevo which is why it has an economic interest at the local level. Local authorities (including the current mayor and municipal council of Kidričevo) and the local Green Party are significant actors opposed to the incineration. Another important indicator of local resistance is the negative resolution of the Kidričevo Municipal Council, which opposed Kidričevo being a potential location for municipal waste incineration (at its session of 6.1.2004). But on the other hand about 100 local communities from northeast Slovenia created a consortium for the construction of an incineration plant which helped finance an expert valuation of the thermal treatment of waste (Umanotera 2000: 3). At the local level a local civil initiative

and the Forum against Incinerators are quite active. They are both local organisations that focus on the incineration problem in a specific local community. Local NGOs have relatively limited financial and human resources so the *Coalition for Sustainable Waste Management* was established, which brought together NGOs from local and national levels. National-level NGOs in particular provide 'know how' and operational support. The coalition was not very strictly formalised or co-ordinated. It has clearly defined aims and some procedures of agreeing on certain kinds of action, but otherwise it is organisationally relatively loose. Umanotera is the entity that leads the co-ordination but due to the scarce resources the co-ordination is limited to the most vital points (interview). The Coalition contacted DG environment concerning the MESPE's plans to benefit from EU Cohesion Funds for the incineration plants and DG environment replied saying that additional studies are needed if Slovenia wants to receive money from the Cohesion Funds for that reason.

TALUM as an actor at the local level is strongly connected with the national level through several links. Firstly, it is connected with the Ministry although the MESPE favours this location and supports it as one of the best. Secondly, TALUM is linked with the Chamber of Commerce and Industry, which is an important partner of the MESPE in the process of helping to draft legislation. Finally, TALUM is connected with Hidroinženiring (a consultant bureau) which was commissioned by both TALUM and MESPE to conduct a feasibility study on the municipal incineration plant. At the supra-national level DG Environment was indirectly involved, while the Coalition for Sustainable Waste Management sent a written complaint criticising the incinerator to the Commission.

As a result of the actions of local NGOs and local authorities in 2001 a referendum on the incineration plant was organised in Kidričevo. The turn out was 54% and the great majority of voters (92.4%) voted against a municipal waste incineration plant being located in Kidričevo.

The draft APWD contained a section where the inclusion, informing and education of the public was foreseen. However, the aim of including the public in the process involved the peculiar formulation '*to neutralise the resistance against incinerators*' (SGWM-draft 2003). This indicates that the MESPE's intention was not to include NGOs and local authorities as partners, but to try to make their work impossible. This provision was removed from the final version of the document, which was adopted in April 2004, due to the indignation of NGOs and local civil initiatives.

TENTATIVE CONCLUSIONS

WHAT CAN THE CASE STUDY TELL US ABOUT THE RELATIONSHIPS BETWEEN ACTORS?

From the case study of incineration plants we see it comprises two sub-phases dominated by different actors. In the first one (taking place in 2000) the inappropriate transposition of the EU directive (and its potential harmful effects) was prevented by the successful action of an NGO and two individuals (environmental activists), who complained about the infringement of basic

EU principles and the reduction of pre-existing environmental standards. The central actors were a *national NGO* (along with two individual environmental activists), the *European Commission* and the *Constitutional Court*.

In the second phase, a proposed specific location for the incineration plant was in question. Local interests were activated in reflection of the strong opposition to the municipal waste incineration plant. The local NGOs from different local communities (potential locations of waste incinerators) were connected within a loose coalition, including national NGOs. This arrangement allowed the local NGOs to strengthen their voice and pool their knowledge and experience while the national NGOs could obtain feedback from the local level (interview). This helped improve their efficiency, visibility and strengthened their position as a significant actor.

We may conclude that *local NGOs* and *civil initiatives* are strictly connected to the related local communities and are activated the moment their local interest is jeopardised. They are linked with *local authorities*, while national NGOs co-operated directly with local authorities only exceptionally, namely they are predominantly connected only indirectly via local NGOs. It is unlikely that local NGOs would participate in the process of adapting systemic solutions at the national level. Yet they are quickly mobilised in the situation where their local interests are jeopardised.

The main features of the 'incineration plants' story can be summarised as follows:

- NGOs are only included in the process of preparing legislation at a stage when the draft is already finished;
- despite the apparent inclusion of the public and NGOs and the transparency of the process their ability to influence final decisions is very limited;
- economic interests and the MESPE commissioned feasibility studies with the same consultant bureau, indicating a monopoly of expert knowledge and the domination of just one type of solution;
- the main problem is that there is no practice of assembling different actors at the same time (governmental, economic, NGO), but each is consulted separately leading to conflicts among them and potential disputes in the phase of implementation;
- the level of politicisation of waste management problems is low,¹⁴ legislation is prepared within the MESPE by its experts and involving the considerable co-operation of NGOs, but the problem is that their comments are mostly ignored and the final decision is always in accordance with the Ministry's existing strategy; and
- EU legislation prescribes minimum standards for waste management but they are also encouraged to introduce stricter standards. NGOs find the possibility to directly contact EU authorities, which then apply pressure to the nation-state, to be very useful and

¹⁴ This is true where we understand politicisation as the appearance of a topic on the political agenda. The case of incineration plants has not been an issue concerning political parties in Slovenia. Lively activities were underway in the relationships between NGOs, the Ministry and the Commission, but it did not extend to the political arena.

effective. Therefore, they perceive their position as being more powerful compared to the previous one. But they only have power when the nation-state infringes the minimum EU standards. On the contrary, where NGOs try to promote even stricter standards this 'EU stick' is not particularly useful.

The fact is that Slovenia will get waste incineration plants to resolve its waste management problems (interviews with NGO representatives and a senior official at the MESPE), despite any of the alternatives offered by NGOs. It is also a fact that the decisions of local authorities and inhabitants will probably be overridden, partly by political arguments and partly by expert arguments.

Regarding Figures 5 and 6 we may conclude that EU-level interventions are very efficient but we have already seen they are limited to cases of infringement. Sub-national actors are subordinated and NGOs are mainly efficient in cases of infringements, otherwise they are limited to writing opinions about the draft legislation. However, according to our interviews the success of such work is very limited. On the other side, economic interests are represented by the *Chamber of Commerce* and Industry and some 'industrial giants', which appear as appropriate locations for incinerators. Concerning political parties, waste management has not been politicised and since Slovenia does not have a green option in parliament the incinerator issue simply does not appear on the political agenda. The last factor is public opinion, which is clearly consolidated only in those areas affected by incinerators. In other cases, the issues airing in the media is limited to two cases: a) when an agreement between actors is reached; and b) when there is great conflict among the actors, although we note that public opinion in Slovenia in the area of waste management is, generally speaking, not a factor that can force a government to abolish or change the provisions of its strategic documents.

In the area of waste management we cannot reproach the government for conducting a non-transparent procedure that excludes the broader public. But, despite the co-operation of NGOs and the broader public, the final decision is always up to the Ministry which can easily, as it appears with waste management and building incineration plants in Slovenia, override the statements of NGOs and individuals and, what is quite surprising, even the results of a referendum held in those communities that would be most affected by the building of an incinerator.

It is important to stress that Slovenia's strategic documents from 1996 roughly follow the EU paradigm of waste management, yet they adopt a minimalist approach. The EU accession process forced Slovenia to adopt and harmonise its legislation, procedures and institutions with those at the EU level, but this predominantly means a significant 'catalyst' for faster and consistent settlement of the field of waste management. At the operative level we can observe that the economic value of secondary raw materials is continually growing, while plenty of companies have become interested in separate collected waste in recent years. This indicates

that the raw material market is slowly emerging and that the perception of waste is also shifting – from a nuisance to a promising business opportunity.

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