



Univerza v Mariboru

Fakulteta za naravoslovje  
in matematiko

### UČNI NAČRT PREDMETA / COURSE SYLLABUS

<b>Predmet:</b>	Naravovarstvena zakonodaja
<b>Course title:</b>	Nature Conservation Legislation

Študijski program in stopnja Study programme and level	Študijska smer Study field	Letnik Academic year	Semester Semester
Biologija in ekologija z naravovarstvom, 2. stopnja	/	1/2	Poletni/ Zimski
Biology and Ecology with Nature Conservation, 2 <sup>nd</sup> cycle	/	1/2	Summer/ Winter

**Vrsta predmeta / Course type**

**Univerzitetna koda predmeta / University course code:**

Predavanja Lectures	Seminar Seminar	Vaje Tutorial	Klinične vaje work	Druge oblike študija	Samost. delo Individ. work	ECTS
15	15				150	6

**Nosilec predmeta / Lecturer:**

**Jeziki / Predavanja / Lectures:**   
**Languages: Vaje / Tutorial:**

**Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:**

Uspešno zaključen predmet Osnove naravovarstvene zakonodaje EU in Slovenije (predmet, ki ima tudi pravno konotacijo)

**Prerequisites:**

Successfully acquired knowledge of a Introduction to Nature Conservation Legislation in EU and in Slovenia (a course with legal perspectives)

**Vsebina:**

**Content (Syllabus outline):**

Gre za predmet, v okviru katerega se predstavi problematika okoljevarstvene zakonodaje iz več zornih kotov. Najpomembnejše so *splošne teme*, na katerih temeljijo tako *horizontalni*, kot tudi *področni ukrepi* in pravila. Splošne teme zajemajo v prvi vrsti filozofsko etični pristop, načela varstva okolja, politika varstva okolja, instrumenti v pravu okolja itd. Horizontalna pravila pa so tista, ki se ne nanašajo samo na določeno področje okolja (npr. voda, zrak, hrup, radiacija itd), ampak se uporabljajo iz različnih zornih kotov varstva okolja (npr. monitoring, dostop do informacij, presoja vplivov na okolje itd). Področna zakonodaja oziroma ukrepi pa so ukrepi, ki se nanašajo na naravo, naravne pojave, dele okolja in naravne dobrine. V tem pogledu gre predvsem za poznavanje področnih pravnih pravil. Pristop je interdisciplinaren. Gre tudi za analizo pravno-sistemskih določb o varstvu okolja, ki imajo svojo osnovo tudi v ekonomskih razlogih, političnih in etičnih vidikih (ekocentrična etika) itd.

The teaching subject presents an issue of the environmental legislation from different aspects. The most important are general subjects which base on the horizontal legislation, as well as also sectoral legislation. The general subject cover philosophic-ethical issues, principle of environmental protection, politic of the environmental protection, instruments of the environmental law etc. By horizontal environmental legislation is meant legislation which, in contrast with sectoral legislation, relates not only to a single sphere of the environment (water, air, noise, soil, radiation etc.) but which examines a given activity from a variety of environmental viewpoints. Sectoral rules refer to the nature, natural resources, parts of the environment etc. In this sense the word is primarily on being acquainted with the rules. However, the approach is interdisciplinary. Legal analysis of the environmental legislation will base on economic, political and ethical (eco-centric ethic) point of views.

### Temeljni literatura in viri / Readings:

#### Obvezna literatura / Basic:

- Čebulj, (So)delovanje strank v splošnem in posebnih upravnih postopkih, Podjetje in delo, 6-7, 2017, s. 989-998;
- S. Pličanič et al, Zakon o varstvu okolja s komentarjem (Založba IJU, Av. Pličanič et al)... relevantni so komentarji členov o: načeli varstva okolja, CPVO, PVO, okoljevarstveno dovoljenje, okoljevarstveno soglasje, okoljska škoda, javne službe varstva okolja, odgovornost za nezakonito odložene odpadke.
- Knez, Uporaba in učinkovanje direktiv s področja varstva okolja v upravnih in sodnih postopkih, Varstvo narave, 21, 2008, str. 7-23 (2);

#### Priporočena literatura / Recommended:

- De Sadeleer, Environmental Principles – from political slogans to legal rules, Oxford 2002;
- Knez, Legal Aspects of health implications caused by environmental distress, Medicine, Law & Society, Vol. 10, No. 1, 2017, s. 33-51;
- Pličanič, Temelji ekološkega prava, Ljubljana 2003;
- Rakar, Tičar, Nekatera vprašanja upravnopravnega varstva okolja v Republiki Sloveniji, v: Varstvoslovje, 1, 2011, s. 5-19; Stacey, The Constitution of the Environmental Emergency, Oxford 2018;
- Zagorac, Pravica do zdravega okolja in obveščenosti, Pravna praksa, 9, 2009, s. 26.
- Jan H. Jans: European Environmental Law, Europa Law Publishing, Oxford 2012 (posamezna poglavja).
- Elisa Morgera: Introduction to European Environmental Law from an International Environmental Law Perspective; University of Edinburgh School of Law, Working Paper Series, No 2010/37.

### Cilji in kompetence:

- spoznanje osnovnega pristopa varstvu okolja v razmerju do posameznika, gospodarstva in družbe v celoti;
- spoznati osnovna načela varstva okolja, ki jih družba sprejema in na podlagi katerih se ocenjujejo družbena ravnanja;
- oceniti vlogo naravovarstvene zakonodaje (skozi osnovni ekocentrični in ne skozi antropocentrični pristop);

### Objectives and competences:

- acquaintance with the basic approaches to environmental protection in relation to the individual and society as a whole;
- to be acquainted with the basic principles on the environmental protection based on which the action of society can be assessed;
- assess the role of the environmental legislation (based on a basic eco-centric approach)

**Predvideni študijski rezultati:**

Po uspešno opravljeni učni enoti naj bi bili študenti zmožni:

- povezovati pravila varstva okolja z njihovimi dejanskimi učinki;
- ločevati med učinkom evropskih in nacionalnih pravil varstva okolja v državi članici in med državami članicami;
- uporabljati splošne institute varstva okolja (t.i. horizontalna zakonodaja) na posameznih specifičnih področjih;
- razumeti in uporabljati načine pravnega varstva narave in okolja, vključujoč pravila prava EU

**Intended learning outcomes:**

By the end of this course students should be able to:

- connect the environmental legislation and its factual effects ;
- make distinction between the effects of the rules of the EU in national rules in the Member State and between Member States;
- to use general institutes of the environmental law (i.e. horizontal legislations) on a specific areas;
- to understand and to use systems of legal remedies for a conservation of the nature and the environment; including rules of the EU law

**Metode poučevanja in učenja:**

- Predavanja
- Seminarske in teoretske vaje

**Learning and teaching methods:**

- Lectures
- Seminars and tutorials

**Načini ocenjevanja:**

Način (pisni izpit, ustno izpraševanje, naloge, projekt):

- Pisni izpit
- Seminar (izdelek in prezentacija)

Delež (v %) /

Weight (in %)

**Assessment:**

Type (examination, oral, coursework, project):

- Written exam
- Seminar (paper and its presentation)

**Reference nosilca / Lecturer's references:**

KNEZ, Rajko. Ajar door to private interests in water (drinking water supply) market - rare case of Slovenia, triggered by the EU proposal of the directive on concessions. *InterEULawEast : journal for the international and European law, economics and market integrations*, ISSN 1849-3734. [Print ed.], Dec. 2017, vol. 4, iss. 2, str. 19-34, doi: [10.22598/iele.2017.4.2.2](https://doi.org/10.22598/iele.2017.4.2.2). [COBISS.SI-ID [5541163](https://www.cobiss.si/id/5541163)]

KNEZ, Rajko. Legal remedies in the environmental law. V: KRALJIĆ, Suzana (ur.), KLOJČNIK, Jasmina (ur.). *From an individual to the European integration : discussion on the future of Europe : liber amicorum in honour of prof. emer. dr. Silvo Devetak on the occasion of his 80th birthday*. 1st ed. Maribor: University of Maribor Press. 2019, str. 309-330. <http://press.um.si/index.php/ump/catalog/book/378>, doi: [10.18690/978-961-286-215-2.16](https://doi.org/10.18690/978-961-286-215-2.16). [COBISS.SI-ID [5707307](https://www.cobiss.si/id/5707307)]

KNEZ, Rajko. Property and environmental protection in Slovenia. V: WINTER, Gerd (ur.). *Environmental and property protection in Europe*, (The Avosetta series, 12). Groningen: Europa Law Publishing. 2016, str. 281-291. [COBISS.SI-ID [5004075](https://www.cobiss.si/id/5004075)]