



Univerza v Mariboru

Fakulteta za naravoslovje
in matematiko

UČNI NAČRT PREDMETA / COURSE SYLLABUS

Predmet:	Naravovarstvena zakonodaja
Course title:	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, 2nd level	/	1/2	Summer/ Winter

Vrsta predmeta / Course type: Izbirni / Optional

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: Prof. dr. Rajko KNEZ

Jeziki / Predavanja / Lectures: Slovenski / Slovenian
Languages: Vaje / Tutorial: Slovenski / Slovenian

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

Uspešno zaključen učni predmet vsebine prava varstva okolja in ohranjanja narave (predmet, ki ima tudi pravno konotacijo) na prvi stopnji

Prerequisites:

Successfully acquired knowledge of a teaching course about environmental protection law and nature conservation (a course with legal perspectives) on the first level

Vsebina:

Pri učnem predmetu proučimo zakonodajo ohranjanja narave iz več zornih kotov. Nadgradilo se bo znanja prve stopnje, predvsem pravila poseganja v okolje in naravo, zaščitena in druga območja. Študij na drugi stopnji bo poglobljen. Horizontalnim pravilom bodo dodana področna, ki se nanašajo na naravo, naravne pojave, dele okolja in naravne dobrine. Izpostavljen bo vidik pravil za ohranjanje biotske raznovrstnosti in naravnih dobrin. Podrobneje se bo pristopilo tudi k sistemom poseganja v okolje in naravo, land sparing/land sharing. Kritično se ovrednotijo tudi pristopi EU, zelenega dogovora, dojemanje trajnostnega načela, stika javnega/splošnega interesa in zasebnega interesa, vpliva svobodne trgovine na naravne dobrine, trka med energetske oskrbo in naravnimi dobrinami oz. na račun naravnih dobrin itd. Podrobnejša problematika bo zajemala izgubljanja kmetijskih zemljišč. Poleg analiza pravno-sistemskih

Content (Syllabus outline):

In the teaching course, we examine the nature conservation legislation from several perspectives. The knowledge of the first level will be upgraded, especially the planning rules for the environment and nature, protected and other areas. Study at the second level will be in-depth. Rules of special areas will be added to the horizontal rules regarding nature, natural phenomena, parts of the environment and natural assets. Rules regarding preservation of biodiversity and natural resources will be highlighted. Systems of different encroachment on the environment and nature, land sparing/land sharing, will also be approached in more detail. The approaches of EU law, the Green Deal, the perception of the sustainability principle, conflicts of public/general interest and private interest, the effects of free trade on natural resources, collisions between energy supply and natural resources (or at the expense of natural

določb o varstvu okolja, ki imajo svojo osnovo tudi v ekonomskih razlogih, političnih in etičnih vidikih (ekocentrična etika), kar je bil predmet obravnave na prvi stopnji, se pri tem predmetu poglobljamo v razloge ureditve in sprašujemo o ustreznosti. Tako se načela in pravila aplicirajo na vprašanja izkoriščanja naravnih virov, trka zasebnega in javnega interesa, koncesije na naravnih dobrinah in vpliv (neo)liberalizma, odgovornosti za prihodnje generacije, izgube biodiverzitet, povzročanja in posledic podnebnih sprememb, itd. Izpostavljen bo vidik pravil za ohranjanje biotske raznovrstnosti in naravnih dobrin. Podrobneje se bo pristopilo tudi k sistemom poseganja v okolje in naravo, land sparing/land sharing. Kritično se ovrednotijo tudi pristopi prava EU, zelenega dogovora, dojemanje trajnostnega načela, konflikti javnega/splošnega interesa in zasebnega interesa, vplivi svobodne trgovine na naravne dobrine, trki med energetske oskrbo in naravnimi dobrinami (oz. na račun naravnih dobrin) itd. Podrobnejše se ukvarjamo s problematika izgubljanja kmetijskih zemljišč. Kritična presoja teh vprašanj bo povezana tudi z vlogo sodne oblasti in odnosa do političnih ter strokovnih odločitve drugih vej oblasti (trias politica; delitev oblasti).

resources), etc. are also critically evaluated. A more detailed issue will cover the loss of agricultural land. In addition to the analysis of the legal-systemic provisions on environmental protection/nature conservation, which also have their basis in economic reasons, political and ethical aspects (ecocentric ethics), which was the subject of consideration at the first stage, in this course we delve into the reasons for the regulation and question its relevance. Thus, principles and rules are applied to issues of exploitation of natural resources, collision of private and public interest, concessions on natural resources and the influence of (neo)liberalism, responsibility for future generations, loss of biodiversity, causes and consequences of climate change, etc. The aspect of rules for the preservation of biodiversity and natural resources will be highlighted. Systems of encroachment on the environment and nature, land sparing/land sharing, will also be approached in more detail. The approaches of the EU, the green agreement, the perception of the principle of sustainability, the contact between public/general interest and private interest, the influence of free trade on natural resources, the collision between energy supply and natural resources are also critically evaluated. at the expense of natural resources, etc. More detailed discussions will cover the loss of agricultural land. A critical assessment of these issues will also be related to the role of the judiciary and the attitude towards political and expert decisions of other branches of power (trias politica; division of power).

Temeljni literatura in viri / Readings:

- Za ponovitev: 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;
- Za ponovitev: Knez, Uporaba in učinkovanje direktiv s področja varstva okolja v upravnih in sodnih postopkih, Varstvo narave, 21, 2008, str. 7-23 (2);
- Za ponovitev: Klemenčič T., Kink B.: Nadomestni habitat – omilitven ali izravnalni ukrep, Varstvo narave, 28 (2015), str. 27–40;
- Christian Hey: EU Environmental Policy Handbook, pog. III., dosegljivo: <https://www.for.gov.bc.ca/hfd/library/documents/bib96347.pdf>
- Evropska komisija: Presoja načrtov in projektov v zvezi z območji Natura 2000 – metodološke smernice o členu 6(3) in (4) Direktive 92/43/EGS o habitatih, 28-9-2021, dosegljivo: [SL.pdf \(europa.eu\)](#);
- EU Biodiversity strategy for 2030, dosegljivo: [EU biodiversity strategy for 2030 - Publications Office of the EU \(europa.eu\)](#);
- Squintani L. Balancing nature and economic interests in the European Union: On the concept of mitigation under the Habitats Directive. *RECIEL*. 2020;29: 129–137 (dosegljivo na e-studiju);
- Joern Fischer in drugi, Land Sparing Versus Land Sharing: Moving Forward (naloženo na e-študiju);
- Evropsko sodišče za človekove pravice: Guide to the case-law of the European Court of Human Rights – Environment (April 2022);
- Študij odločb Evropske komisije po 6(4) Habitatne direktive (presoja omogočanja poseganja v posebna zavarovana območja (SpA) zaradi prevladujočega javnega interesa), dosegljive na: https://ec.europa.eu/environment/nature/natura2000/management/opinion_en.htm;
- EU Commission: Guidelines on Biodiversity-Friendly Afforestation, Reforestation and Tree Planting;
- EEA, EC, Eurostat: INCA: Accounting for ecosystems and their services in the European Union; April 2021 (dosegljivo na e-studiju);

Alexandra Aragão, Sander Jacobs, An Cliquet: What's law got to do with it? Why environmental justice is essential to ecosystem service valuation, Elsevier, Ecosystems services, dosegljivo:
<https://www.sciencedirect.com/journal/ecosystem-services>;
 Alexandra Aragão, Duty of Legal Eco-innovation for Sustainability, W. Leal Filho et al. (eds.), SDGs in the European Region, Implementing the UN Sustainable Development Goals – Regional Perspectives.

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Cilji in kompetence:

- z vidika prava razumeti pristop varovanja okolja in ohranjanja narave;
- poglobljeno znanje načel varstva okolja in ohranjanja narave;
- kritična ocena vloge in potenciala naravovarstvene zakonodaje (skozi osnovni ekocentrični in ne skozi antropocentrični pristop).

Objectives and competences:

- acquaintance of understanding from legal perspective approaches to environmental protection and nature conservation;
- in-depth analysis of principles on the environmental protection and nature conservation;
- critical assessment the role and the potential of the nature conservation 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 in ohranjanja narave z njihovimi dejanskimi učinki;
- ločevati med učinkom evropskih in nacionalnih pravil varstva okolja v državi članici in med državami članicami;
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- uporabljati načine pravnega varstva narave in okolja, vključujoč pravila prava EU, biti do njih kritičen in prepoznati slabosti ter iskati boljše rešitve.

Intended learning outcomes:

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

- connect the environmental legislation and nature conservation with 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;
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- to apply methods of legal remedies of nature and the environment, including the rules of EU law, be critical of them, identify weaknesses and look for better solutions.

Metode poučevanja in učenja:

- Predavanja
- Seminarske in teoretske vaje

Learning and teaching methods:

- Lectures
- Seminars and tutorials

Načini ocenjevanja:

Delež (v %) /
Weight (in %)

Assessment:

Način (pisni izpit, ustno izpraševanje, naloge, projekt)	Delež (v %) / Weight (in %)	Type (examination, oral, coursework, project):
<ul style="list-style-type: none"> • Pisni izpit • Seminar (izdelek in prezentacija) 	70% pisni izdelek in 30% seminar	<ul style="list-style-type: none"> • 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. 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](#)]

KNEZ, Rajko. 72. člen : (zdravo življenjsko okolje). V: AVBELJ, Matej (ur.), et al. *Komentar Ustave Republike Slovenije : [znanstvena monografija]*. 1. natis. Nova Gorica: Nova univerza, Evropska pravna fakulteta, 2019. Str. 574-581. ISBN 978-961-6731-26-3, ISBN 978-961-6731-27-0, ISBN 978-961-6731-28-7. [COBISS.SI-ID [5819947](#)]

ŠEPEC, Miha, KNEZ, Rajko. Nezakonito ravnanje z zaščitnimi živalmi in rastlinami : 344. člen. V: KOROŠEC, Damjan (ur.), et al. *Veliki znanstveni komentar posebnega dela Kazenskega zakonika (KZ-1)*. 1. natis. Ljubljana: Uradni list Republike Slovenije: Pravna fakulteta. 2019, knj. 3, str. 902-911. Zbirka predpisov. ISBN 978-961-204-654-5, ISBN 978-961-204-655-2, ISBN 978-961-204-656-9, ISBN 978-961-204-652-1. [COBISS.SI-ID [5807659](#)]

KNEZ, Rajko. Legal aspects of health implications caused by environmental distress. *Medicine, law & society*. [Print ed.]. Apr. 2017, vol. 10, iss. 1, str. 33-51. ISSN 2463-7955. <http://journals.um.si/index.php/medicine/article/view/42>, DOI: [10.18690/24637955.10.1.33-51\(2017\)](https://doi.org/10.18690/24637955.10.1.33-51(2017)). [COBISS.SI-ID [5417259](#)]

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*. [Print ed.]. Dec. 2017, vol. 4, iss. 2, str. 19-34. ISSN 1849-3734. DOI: [10.22598/iele.2017.4.2.2](https://doi.org/10.22598/iele.2017.4.2.2). [COBISS.SI-ID [5541163](#)]

KNEZ, Rajko. The system of the environmental and nature protection permissions for planning and operating in Slovenia. V: PAVLIHA, Marko (ur.), et al. *Izzivi prava v življenjski resničnosti = Challenges of law in life reality : liber amicorum Marko Ilešič*. Ljubljana: Pravna fakulteta, 2017. Str. 297-308, 585-586. ISBN 978-961-6447-73-7. [COBISS.SI-ID [5527851](#)]

KNEZ, Rajko. Pritrdilno ločeno mnenje sodnika dr. Rajka Kneza k odločbi št. U-I-194/19 z dne 9. 4. 2020 : Canis lupus, ursus arctos in spoštovanje načela delitve oblasti, vključujoč mednarodne obveznosti po Aarhuški konvenciji. Ljubljana: Ustavno sodišče RS, 2020. <http://www.us-rs.si/documents/ea/0a/u-i-194-19-pritrdilno-lm-dr-knez2.pdf>. [COBISS.SI-ID [20427779](#)]

KNEZ, Rajko. Kriterij učinkovitega pravnega varstva sodelovanja javnosti pri načrtovanju posegov v okolje in naravo: "–ko so vse možnosti še odprte" : predavanje na Upravnopravni sodniški šoli 8. in 9. september 2022, Grand Hotel Sava Superior, Rogaška Slatina. [COBISS.SI-ID [121001987](#)]

KNEZ, Rajko. Naš odnos do okolja - kje smo zgrešili in kam gremo? : predavanje, 31. posvetovanje Medicina, pravo in družba, Maribor, 25. in 26. marec 2022, Univerza v Mariboru. [COBISS.SI-ID [102895619](#)]