

On 29 May 2020, the National Assembly of the Republic of Slovenia adopted an Intervention Act for the Elimination of Barriers in the Implementation of Significant Investments for the Launch of the Economy After the COVID-19 Epidemic – IZOOPIZG (hereinafter referred to as: **Act**). The Act entered into force on 31 May 2020.

The purpose of the Act is to enable the accelerated launch of significant investments in the Republic of Slovenia as soon as possible after the end of the COVID-19 epidemic, by accelerating the implementation of significant investments of the state, municipalities and the private sector in key investment sectors, which will enable faster recovery of the Slovenian economy.

The Act (i) sets out the criteria for determining significant investments for the launch of the economy after the epidemic, (ii) the mode of operation of the Coordination Group and coordination of permit procedures, opinions and decisions based on sectoral regulations, and (iii) conditions for removing barriers and for effective implementation of significant investments.

Below we present you with the answers to the most pressing questions regarding the novelties of the Act.

AN INTERVENTION ACT FOR THE ELIMINATION OF OBSTACLES IN THE IMPLEMENTATION OF SIGNIFICANT INVESTMENTS FOR THE LAUNCH OF THE ECONOMY AFTER THE COVID-19 EPIDEMIC	
General	
<i>Which investments does the Act apply for?</i>	
The Act applies for significant investments determined on the basis of the Act until 31 December 2021.	
Determination of significant investments	
<i>Who is competent for determining significant investments?</i>	
Significant investments are determined by the Government of the Republic of Slovenia by a decision on the basis of the criteria set out in the Act, at the proposal of the Minister of the Environment and Spatial Planning.	
The Coordination Group, the establishment of which is provided for in the Act, determines three priority lists for the purposes of decision-making in the procedures necessary for the implementation of significant investments and publishes them on the Ministry of the Environment and Spatial Planning' website.	

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What are the criteria for determining significant investments?

The criteria for determining significant investments are:

- investments implement the objectives of national strategic policies and programs in various areas;
- the investments implement the objectives of the strategic policies and programs of the European Cohesion Policy 2014-2020 and 2021-2027 and other financial mechanisms of the European Union 2021-2027 in various areas;
- the level of readiness of investments for implementation is such that it is possible to start implementing the investments of the first priority list by the end of 2020 and the investments of the second priority list by the end of 2021;
- investments of the first priority list show the provision of financial resources for the implementation of investments by the end of 2020 and the second priority list by the end of 2021;
- Investments of the third priority list must be included in the strategic documents of individual ministries, they require the preparation of the SPN and their planned estimated value is a minimum of EUR 25,000,000.00.

What must be the value of a significant investment?

The value of a significant investment must exceed EUR 5,000,000.00. This provision eliminates individual small investments that do not have a significant impact on the economy.

What are the sources of funding for significant investments?

The criteria for determining significant investments can be pursued through various sources of funding:

- private funds;
- international financing mechanisms (development funds and banks);
- budget funds and earmarked budget funds and dedicated funds;
- public financial resources of municipalities;
- funds from European cohesion policy and other European financial mechanisms;
- national public funding sources.

Coordination Group

What is the purpose the Coordination Group?

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The purpose of the Coordination Group is to coordinate the implementation of procedures for the placement of significant investments in space and the environment, determined on the basis of the Act. The Coordination Group shall be established by a decision of the Minister responsible for the environment and spatial planning.

What are the tasks of the coordination group?

The task of the coordination group is to coordinate procedures for obtaining opinions, consents, permits and decision related to significant investment, on the basis of sectoral regulations, in order to accelerate the implementation of significant investments. The Coordination Group does not conduct individual decision-making or opinion-giving procedures as the administrative bodies are responsible for this, but rather tries to coordinate the simultaneous implementation of the procedures.

Measures related to the implementation of significant investments

How do competent authorities deal with significant investments?

The Act stipulates that significant investments are in the public interest. The significant investments shall be carried out as a matter of priority by all competent authorities, i.e. when issuing opinions, consents, permits or other acts of state bodies or holders of public authority necessary for the implementation of significant investments.

How do competent authorities deal with important investments in case they receive several priority matters for decision-making?

If an authority receives several priority matters under the Act for decision-making, the following shall be used as a priority criterion: (i) inclusion on a priority list, and (ii) the criterion for providing funding, in the following sequential order: private funds, international financing mechanisms (development funds and banks), budget funds and earmarked budget funds and dedicated funds, public financial resources of municipalities, funds from European cohesion policy and other European financial mechanisms and national public funding sources.

How does the territorial competent authority proceed if it is unable to provide priority treatment?

If the territorial competent authority is unable to provide priority treatment, the decision-making power may be transferred to another territorial competent authority. The initiative for the transfer of territorial jurisdiction is given by the Coordination Group to the Government of the

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Republic of Slovenia, which decides on the transfer of jurisdiction.

Are judicial proceedings that would take place on the basis of exercising the rights to legal protection in the procedures for issuing a building permit under the Act considered urgent and priority matters?

Yes. All judicial proceedings that would take place on the basis of exercising the rights to legal protection in the procedures for issuing a building permit under the Act shall be considered urgent and priority matters.

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Our law firm is actively following the latest COVID-19 developments. As always, you can contact us via e-mail info@kbp.si or telephone +386 (0)1 2445500, or you can directly contact the lawyer you are generally in contact with.

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