



**REPUBLIKA SLOVENIJA**  
**USTAVNO SODIŠČE**

No.: U-I-59/91-7  
Date: 27.2.1992

**R E S O L U T I O N**

At the meeting held on 27 February 1992 the Constitutional Court of the Republic of Slovenia discussed the initiative by Mr. Aleksander Cvetko from Ljubljana and

**passed the following resolution:**

The Constitutional Court will not take the initiative and will not start the procedure for assessment of constitutionality of the provision of Article 6 of the Law of Provision and Use of Environmental Protection Funds (Official Gazette of the Socialist Republic of Slovenia, no. 2/90) and of the Decree on the Mode of Calculation and Settlement of Ecology Tax (Official Gazette of the Socialist Republic of Slovenia, no. 10/90).

**R E A S O N S :**

The initiator lodged his initiative for assessment of constitutionality of the legal provision specified in the wording of this Resolution according to which the ecology tax was paid by the electricity consumers whereof the consumption exceeds 100 kwh per month, in the way specified by the Executive Council of the Socialist Republic of Slovenia. Accordingly, the initiator also impugns the constitutionality of the Decree on the Mode of Calculation and Settlement of Ecology Tax without impugning any other particular provision thereof. The initiator maintains that the use of electricity does not imply any impermissible intervention into the nature and that there is no connection between the consumers' behavior and the imposing of the ecology tax. The impugned provision is supposed to be contrary to the provision of the Amendment 29 to the Constitution of the Republic of Slovenia.

The new Constitution was adopted in September 1991. In compliance with Article 1 of the constitutional Law of Implementation of the Constitution it is not possible to start the procedure for assessment of constitutionality of the regulations adopted prior to the proclamation of the Fundamental Constitutional Deed on Autonomy and Independence of the Republic of Slovenia, except if these regulations encroach upon human rights and basic freedoms.

The Law of Provision and Use of Environmental Protection Funds was passed in January 1990, i.e. before the proclamation of the above Fundamental Constitutional Deed, accordingly, the impugned provision could only be assessed within the scope of the above Article 1 of the Constitutional Law of Implementation of the Constitution, provided that the initiator grounded his application in the respective sense and expressed legal interest therein. Upon enforcement of the new Constitution the initiator failed to complete his application in the specified time.

The provision of Article 6 of the Law of Provision and Use of Environmental Protection Funds ceased to be in force at the end of January with Item 5 of the first paragraph of Article 89 of the Law of Sales Tax (Official Gazette of the Republic of Slovenia, no. 4/92), therefore the reason for lodging the initiative ceased accordingly.

The Constitutional Court passed its resolution such as stated in the wording hereof on the basis of Article 15 of the Law of Procedure at the Constitutional Court of the Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia, no. 28/74 and 39/76) as well as of Articles 1 and 7 of the constitutional Law on Implementation of the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 33/91-I).

**P r e s i d e n t :**  
**Dr. Peter Jambrek**