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European Commission

Directorate General for Humanitarian Aid and Civil Protection

ECHO A5, Civil Protection Policy Unit

Office BU-9, 02/040

Avenue de Beaulieu, 5, 1160 Brussels

Biljana Zuber & Roman Birvon

Action C.2: Report of a study of Slovenian speleological and caving legislation

REPORT ON STATE LAW; VALID IN THE REPUBLIC OF SLOVENIA

Visiting caves in Slovenia is, as in case of all developed democracies, subject to many legal regulations which unfortunately are mainly dedicated to restrictions, despite the fact that active and environmentally conscious caving is the only thing that contributes to the protection of all underground »dead world« (water, rock, air) and living world (biotic sphere), more than all the regulations combined. The fact is that without visits of skilled and environmentally conscious people of the underworld there would not have been any knowledge about processes, events and threats to the environment which accumulate in the underworld somewhat differently than on the surface.

Overview of all regulations that on declarative level deal with visiting underground caves in Slovenia is very long. Mostly they relate or are derived from European Directives:

1. Council Directive 92/43 EEC of 21 5th 1992 on the conservation of natural habitats and of wild fauna and flora (EEC L 206 7th 22nd 1992 with 7), with possible updates and changes
2. Groundwater Directive 2006/118 ES of 12. 12. 2006 on the protection of groundwater, with changes

There are some regulations from time before the entry of Slovenia into the European Community and therefore exist certain mismatches. There are also some regulations, especially local, that have been written out of pure desire to protect a specific cave from harmful interference of cave visitors. It doesn't really consist of some sort of a ban but a requirement that cavers have been using as a directive for a long time: "Do not take anything but photos out of caves and do not leave anything but traces of your boots in caves."

For us the most important of all regulations is the Law on underground cave conservation (ZVPJ) which with its two statues sets out the rights, that is the conditions for legal visit of caves, State Assets and Liabilities arising from it (currently formal conditions and uncontrolled report). Cave

Jamarska zveza Slovenije – Jamarska reševalna služba; Lepi pot 6, p.p. 2544, 1109 Ljubljana, SLOVENIA

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Project Manager – Maks Merela, maks.merela@gmail.com, tel.: 00386-51-630-322



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visiting is further limited in Triglav National Park and other protected areas (regional and territorial parks). Over a hundred caves are protected as natural monuments. The list is in the appendix. Also as important for cave protection is Nature conservation law which protects caves outside the box.

Law on Associations represents the legal basis for the functioning of Slovenian cavers. From it derive Statutes of individual associations and also the Statute of Speleological Association of Slovenia, which is the cover organization for caving for the Republic of Slovenia and a member of three international caving associations: International caving Association, European caving Association and Balkan caving association; we are therefore active in the international field at a global, European and regional level.

Conflict in our legislation is present mostly between Law on Associations, which allows education of its members and at the same time permits them the acquisition of knowledge for registered activities in their own contexts, and Law on underground cave conservation. Rule book of qualification for independent cave activity derived from it presumes a special national testing for Slovenian cavers only, while it recognizes the knowledge acquired during educational processes in associations for all foreign citizens. Based on some of the binding national and international instruments this should be expected for Slovenian citizens as well.

The basic defect of the entire regulatory system of cave visiting (caves that by Law on underground cave conservation are state property) is the lack of active state supervision over cave visiting. The latter causes major problems to Ministry of Defence and its Administration for Civil Protection and Disaster Relief and consequently also to Speleological Association of Slovenia, which operates under the auspices of both, in cases of cave rescue interventions, where the main problem is often determining accident location (mainly of foreign citizens) in Slovenian caves.

The basis for visiting caves by foreigners and Slovenian citizens (in Slovenia) should be a code of ethics UIS (Union Internationale de Spéléologie), supported by Slovenian government regulations compliance. Unfortunately the Speleological Association of Slovenia is noticing that the code of ethics is unknown to most visitors of Slovenian underworld, which causes the problem mentioned in previous paragraph. Internal Slovenian Code has strict regulations and guidelines for visitors and is based on self-awareness of underworld value. Please find enclosed list of cave-visiting rules as recommended by the Environmental Agency of the Republic of Slovenia (ARSO).

When visiting Slovenian underground (world) one should also note that the two World Wars took place on Slovenian Karst (area), which left some explosive devices and human remains in caves, something that should be carefully considered while visiting the underworld.



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Regional powers of individual caving associations in Slovenia cannot be defined as Law on underground cave conservation (ZVPJ) does not give cavers any territorial or other jurisdiction. Any division of land, that would otherwise have roots in the former activities of associations, would therefore be completely illegal.

We recommended getting in touch with the Speleological Association of Slovenia, where there is a coordinator in charge of foreigners visiting Slovenia, in order to help them with organization and help them prevent excessive visits of the same place at the same time.

This review of legislation somehow gives guidelines for creating instructions for foreigners (who will be) visiting Croatian and Slovenian underground caves.

Prepared by: Vido Kregar
President of Speleological Association of Slovenia

Best regards,

Depala vas, 6.9.2012

Project Manager:
Maks Merela

Appendix:

1. Law on environmental protection ZVO 1 URI SI 41/2004 with appendixes, updates and changes
2. Directive 2006/118 ES of 12. 12. 2006
3. Directive 927437EGS of 21. 05. 1992
4. Law on underground cave conservation ZVPJ UL RS 2 /2004 15. 01. 2004
5. Rule book on data protection and privacy UL RS 120/2006 23. 11. 2006
6. Rule book of qualification for independent cave activity UL RS 66/2007 24. 07. 2007
7. Law on Triglav national park ZTNP -1 UL RS 25/2010 30. 06. 2010
8. Law on Škocjan caves regional park UL RS 57/1996 19. 10. 1996
9. Law on Associations UL RS 64/2011 12. 08. 2011
10. Law on nature protection UL RS 96 2004 30. 08. 2004
11. Codes of conduct for cave friendly visiting of underworld (2 versions)
12. Statute of Speleological Association of Slovenia