

Petišovci, a water source that Slovenia is trying to protect, is located near the border with Croatia and Hungary. Slovenia has asked a British oil and gas company for an environmental impact study, as the planned fracking site is located near a source of drinking water. A British company is preparing to file a lawsuit against Slovenia for its “unreasonable” environmental policy.

Slovenia asked the company for an environmental impact study, which the British company considers irrational. Their lawsuit is based on a controversial Energy Charter Treaty from the early 1990s that gave foreign investors so much power and freedom to decide that it has become unacceptable to governments themselves in today’s time of accelerating climate change.

Lawyers of the British fracking company Ascenta assessed the actions of the Slovenian government as “arbitrary and unreasonable”, to which environmentalists claimed that it was a company of “unheard of” behavior. Support for the Slovenian government immediately came from the circles of Friends of the Land of Slovenia, who called on it not to obey the pressure of foreign investors. Friends of the Land believe that it is scandalous that in the midst of climate change, investors still manage to sue countries like Slovenia, which is actually doing the right thing, protecting its environment.

It should be noted here that the British are not the only ones in Europe to use this controversial agreement (ECT) to force weaker countries to succumb to their interests. At the same time, it is completely in line with the dominant paradigm that this terribly harmful agreement is used by the supposedly ecologically cleanest European countries. There are known examples when a German coal company sued the Dutch government on the same legal basis, but also when a Swedish company sued Germany for restrictive policies against nuclear energy and coal. And one Australian firm sued Poland under the contract.

Who is “irrational” here?

According to the plaintiff, the company “Ascent Resources” entered into a joint venture with the state-owned Slovenian company Geonergo in 2007 to extract gas from Petišovac in eastern Slovenia and sell it to the Croatian company INA. The company says 50m euros have been invested in the project since then. Then, in 2017, Ascent came to a development stage when water needs to be injected underground to boost gas flow, known as fracking, and ask for government permission. Ascent’s lawyers say they shouldn’t have reported it, but Geonergo did so “with plenty of caution.” In March 2019, the Slovenian Environment Agency (ARSO) decided that the company must conduct an environmental impact assessment because the site is close to a water source.

Ascent's lawyers believe that this decision is contrary to the expert opinions of several other state bodies and that it is "obviously arbitrary and unreasonable." They add that public criticism of their company is biased and politically motivated. In May 2020, Ascent lost a lawsuit in court against the state, in July they announced new legal steps, writes Climate Change News.

In the meantime, the government in Slovenia has changed and the new-old Prime Minister Janez Janša is somewhat more prone to fracking than former Prime Minister Mladen Šarec, the media write. An aggravating circumstance for Ascent is the controversial basis on which they are suing Slovenia in general, because the countries are currently negotiating a revision of this environmentally harmful international agreement (Japan is currently the biggest opponent of stricter climate control over energy agreements). At the same time, Italy and Russia have already withdrawn from the agreement after being sued under the agreement, and Luxembourg seems to be preparing for the same.

The Energy Charter Treaty is just another example of where there is actually a struggle between a policy that advocates green reform and climate change, versus fossil companies that seem to be fighting for their profits to the last drop of our blood. But do all these examples mean that a change of political will is actually finally happening? If so, it is very slow for states to change their own will, as climate change is faster than our politicians.

Source: bulletin.org