

- Plant Health Act – ZZVR-1 (Official Gazette of the Republic of Slovenia, No 45/01 of 7 June 2001),
- State Administration Act – ZDU-1 (Official Gazette of the Republic of Slovenia, No 52/02 of 14 June 2002),
- Act amending certain acts concerning agriculture and forestry and repealing certain acts concerning agriculture and forestry – ZdZPKG (Official Gazette of the Republic of Slovenia, No 45/04 of 29 April 2004),
- Act Amending the Plant Health Act – ZZVR-1A (Official Gazette of the Republic of Slovenia, No 86/04 of 5 August 2004),
- The Societies Act – ZDru-1 (Official Gazette of the Republic of Slovenia, No 61/06 of 13 June 2006),
- Act Amending the Plant Health Act – ZZVR-1B (Official Gazette of the Republic of Slovenia, No 40/07 of 7 May 2007) and
- Act Amending the Plant Health Act - ZZVR-1C (Official Gazette of the Republic of Slovenia, No 36/2010 of 4 May 2010).

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PLANT HEALTH ACT
(official consolidated version)
(ZZVR-1-UPB1)

I GENERAL PROVISIONS

Article 1
(content)

- (1) This Act shall regulate plant health; biological plant protection; obtaining, exchange of data and information system; costs and compensations; public service in the field of plant health; provide for official bodies responsible for the enforcement of this Act and inspection supervision; and regulate the measures and obligations in relation to the occurrence, prevention of introduction and spread as

well as suppression of harmful organisms on plants, plant products and other regulated objects, pursuant to:

- Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected areas in the Community (OJ L 250 of 29 August 1992, p. 37),
- Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344 of 26 November 1992, p. 38),
- Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4 of 8 January 1993, p. 22), as last amended by Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports (OJ L 57 of 3 March 2005, p. 23),
- Commission Directive No. 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L 205 of 17 August 1993, p. 22),
- Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone (OJ L 205 of 17 August 1993, p. 24),
- Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger (OJ L 32 of 5 February 1994, p. 37),
- Commission Directive No. 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries (OJ L 126 of 28 April 1998, p. 26),
- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169 of 10 July 2000, p. 1), as last amended by Commission Directive 2010/1/EU of 8 January 2010 amending Annexes II, III and IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 7 of 12 January 2010, p. 17),
- Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (codified version), (OJ L 158 of 18 June 2008, p. 41).

- (2) The provisions of this Act shall also apply for carrying out measures against other organisms harmful to plants which are not indicated in the regulations referred to in the previous paragraph and occur in the territory of the Republic of Slovenia, and:
- due to a mass outbreak, cause economical loss in agriculture,
 - create a risk for the health of seeds and propagating material, or
 - have a harmful impact on the economy, environment or society.“.

Article 2 **(purpose)**

- (1) The purpose of plant health shall be:
- protection of plants and plant products against harmful organisms;
 - prevention of the introduction and spread of harmful organisms and their suppression by ensuring phytosanitary measures;
 - detection and determination of harmful organisms;
 - enabling optimal production of plants and trade in them;
 - protection of the environment, nature and, consequently, human health by carrying out pest surveillance, introducing biological plant protection and monitoring and forecasting activities;
 - guiding and monitoring the development of plant health;
 - to provide for a relevant education and information to raise public awareness about plant health.

Article 2.a **(tasks)**

- (1) For the realisation of the purposes of plant health referred to in the previous Article, the following basic tasks shall be performed:
- surveillance of growing plants, including cultivated surfaces (fields, plantations, nurseries, greenhouses, laboratories, and similar), wild plants and plants in storage places or during transport;
 - monitoring of harmful organisms and carrying out of pest risk assessment, and their control;
 - phytosanitary control of introduction of organisms harmful to plants or plant products, which have a harmful impact on the economy, environment or society, into the Community and their spread within the Community;
 - phytosanitary control for the export of plant commodities which are subject to special requirements as regards protection of plant health;
 - carrying out of special control of harmful organisms, in particular phytosanitary examinations, planned monitoring of phytosanitary condition of plants and surveys;
 - phytosanitary certification, in particular the performance of phytosanitary examinations of plants and plant products within the territory of the Republic of Slovenia for the purpose of issuing phytosanitary certificates, plant passports and other official documents;
 - taking phytosanitary measures;

- inspection control in relation to ensuring protection of plant health against harmful organisms and preventing their harmful impact on the economy, environment and society;
- performing other tasks provided for with this Act and other regulations.

Article 2.b
(responsible official bodies)

- (1) The tasks referred to in the previous Article shall be performed by responsible official bodies in the Republic of Slovenia:
 - the ministry responsible for plant health (hereinafter referred to as: ministry)
 - the central responsible official body for plant health established by a government ordinance issued pursuant to the act governing state administration (hereinafter referred to as: Administration),
 - the responsible body for inspection and supervision,
 - legal persons on the basis of a public authorisation referred to in Article 68 of this Act,
 - the competent customs authority.
- (2) When the responsible official bodies referred to in the second, third and fourth indents of the previous paragraph, and performers of public service for plant health referred to in Article 60 of this Act perform the tasks referred to in the previous Article these shall be, pursuant to the international treaty governing plant health, considered the official state organisation for plant health.
- (3) There shall be a special mark used by the bodies referred to in the first paragraph of this Article when performing tasks referred to in the previous Article, showing to perform these as an official state organisation. The form and the method of use of the mark shall be specified by the minister responsible for plant health.

Article 3
(definitions)

- (1) The terms used in this Act shall have the following meanings:
 - 1st Plant health shall mean protection of the health of plants, plant products and other regulated objects against harmful organisms by the means of phytosanitary measures.
 - 2nd Plants shall be considered to mean living plants and certain living parts thereof, including seeds.

As living parts of plants, the following shall be considered:

 - fruit, in the botanical sense, other than those preserved by deep freezing,
 - vegetables, other than those preserved by deep freezing,
 - tubers, bulbs, rhizomes and other underground particles for reproduction,
 - cut flowers,
 - branches with leaves or needles,
 - cut trees with retaining leaves or needles,
 - leaves, foliage,
 - tissue cultures,
 - live pollen,
 - bud-wood, cuttings, scions,

- any other part of plants which may have been determined under the procedure referred to in the second paragraph of Article 18 of Council Directive 2000/29/EC (OJ L 169 of 10 July 2000), as amended.

Seeds shall mean seeds in the botanical sense, save for those not intended for sowing.

3rd Plant products shall mean products of plant origin, unprocessed or having undergone a simple procedure, and which are not plants under the previous point. A plant product shall also be considered wood if it retains all or part of its natural round surface, with or without bark, or if it is in the form of chips, particles, sawdust, wood waste or scrap, and if it is used in the transport of objects of any kind in the form of spacers, dunnage or pallets, in the case when it presents plant health risk.

4th Planting shall mean placing of plants in order to ensure their subsequent growth and generative or vegetative reproduction.

5th Plants intended for planting shall mean:

- plants which are already planted and will remain planted or will be replanted,
- plants which are not yet planted but are intended to be planted thereafter.

6th Harmful organisms shall mean any species, strain or biotype of a plant, animal or other pathogenic organism, which are harmful to plants or plant products.

7th Regulated objects shall mean fields, storage premises, packaging, means of transport, containers, soil or any other organism, object or material which may contain or spread a harmful organism and which requires the introduction of phytosanitary measures.

8th Consignment shall mean a quantity of goods which are accompanied by a single document necessary to satisfy customs and other formalities, for example one phytosanitary certificate or one alternative document or a stamp. The consignment may be composed of one or more lots.

9th Phytosanitary measure shall mean any legislative, administrative or other procedure which is carried out in compliance with this Act in order to prevent the introduction or spread of harmful organisms.

10th Phytosanitary regulation shall mean this Act and all regulations issued on its basis, and international treaties in the field of plant health which are binding on the Republic of Slovenia.

11th Country of origin shall mean the country in which the plants were grown from which plant products derive.

12th Movement shall mean any movement of plants, plant products and regulated objects outside the place of production within the territory of the European Community (hereinafter referred to as: Community).

13th Place of production shall mean any property or a group of fields which is an individual production unit with all the associated facilities, machinery and equipment.

14th Introduction from third countries shall mean any introduction of consignments and harmful organisms into the customs territory of the Community, irrespective of which kind of treatment or use has been, pursuant to this Act, allowed for plants, plant products and regulated objects, other than the introduction for transit.

15th Introduction of a harmful organism shall also mean any entry of a harmful organism into the area where it is not yet present or is present to a limited extent.

16th Export shall mean any departure of consignments out of the customs territory of the Community encompassing both re-export and temporary export.

- 17th Transit shall mean any movement of goods under customs control from one place to another within the customs territory of the Community, as laid down in Article 91 of Council Regulation 2913/92/EEC (OJ L 302 of 19 October 1992) establishing the Community Customs Code.
- 18th Phytosanitary certificate shall mean the document which attests to the health status of a consignment issued by a competent official body for plant health, generally of the country of origin, and accompanies the consignment which is introduced from third countries, exported or is in transit.
- 19th Phytosanitary certificate for re-export shall mean a document which attests to the health status of a consignment which is issued by the competent official body for plant health of the country into which the consignment has been introduced from third countries or has been stored, repacked or split up, and accompanies the consignment which is re-exported.
- 20th Plant passport shall mean an official label or other official mark which attests to the fact that plants, plant products and regulated objects which are moved within the territory of the Community meet the plant health requirements, pursuant to Community regulations governing plant health.
- 21st Titleholder of plants, plant products and other regulated objects and land (hereinafter referred to as: titleholder) shall mean natural or legal persons which are their owners, or are engaged in their cultivation, processing, management, sale or other use of such.
- 22nd Surveillance of harmful organisms shall mean an official process of collection and storing data on the presence of harmful organisms or their absence, on the basis of phytosanitary examinations, monitoring the health status, surveys or other procedures, and on the basis of other available sources.
- 23rd Phytosanitary examination shall mean checking of documents, identity and health check of plants, plant products or regulated objects with the aim of determining the presence of harmful organisms or compliance with phytosanitary regulations.
- 24th Official monitoring of the health status shall mean an ongoing inspection procedure for verifying the phytosanitary situation.
- 25th Official sample shall mean a sample taken by a competent inspector or another official under this Act.
- 26th Third countries shall mean countries other than Member States of the European Union.
- 27th Point of entry shall mean the place where plants, plant products and regulated objects have been brought for the first time into the customs territory of the Community:
- the airport in the case of air transport,
 - the port in the case of maritime or fluvial transport,
 - the station in the case of railway transport, and
 - the place of customs office responsible for the area where the Community inland frontier is crossed, in the case of any other transport.
- 28th Official body of the point of entry shall mean a responsible official body in the Member State, responsible for phytosanitary examinations at the point of entry.
- 29th Official body of the destination shall mean a responsible official body in the Member State, authorised to perform phytosanitary examinations at the point of entry where the customs office of destination is located.

- 30th Customs office of a point of entry shall mean the office of the point of entry as referred to in point 27 of this Article.
- 31st Customs office of destination shall mean the office of destination within the meaning of the third point of Article 340.b of Commission Regulation No. 2454/93/EEC (OJ L No. 253 of 11. 10. 1993).
- 32nd A customs-approved treatment or use shall mean the customs-approved treatment or use referred to in point 15 of Article 4 of Council Regulation No. 2913/92/EEC (OJ L 302 of 19 October 1992) establishing the Community Customs Code (furtheron referred to as: Community Customs Code).
- 33rd Lists of harmful organisms and lists of plants, plant products and regulated objects shall mean lists included in Annexes of Council Directive 2000/29/EC (OJ L 169 of 10 July 2000), as amended (furtheron referred to as: Directive), as follows:
- List I.A shall be the list contained in Annex I, part A;
 - List I.B shall be the list contained in Annex I, part B;
 - List II.A shall be the list contained in Annex II, part A;
 - List II.B shall be the list contained in Annex II, part B;
 - List III.A shall be the list contained in Annex III, part A;
 - List III.B shall be the list contained in Annex III, part B;
 - List IV.A shall be the list contained in Annex IV, part A;
 - List IV.B shall be the list contained in Annex IV, part B;
 - List V.A shall be the list contained in Annex V, part A;
 - List V.B shall be the list contained in Annex V, part B;
 - List VI. shall be the list contained in Annex VI.
- 34th Official under this Act shall mean also the person employed in a responsible official body which performs tasks on the basis of a public authorisation pursuant to this Act.
- 35th Mass outbreak of harmful organisms shall mean a rapid spread of a plant disease (epiphytotics) or a pest (calamity) or a plant (weed) when the organisms harmful to plants, with respect to representativeness, time, place and affected plant species, exceed the expected number of cases and the extent of occurrence.
- 36th Risk assessment shall mean the procedure of evaluating biological or other scientific and economic evidence which represent the basis for establishing the need for the introduction of measures for supervision of harmful organisms, and for determining the intensity of phytosanitary measures applied.
- 37th Harmful plants shall be harmful organisms which are subject to phytosanitary measures if the risk assessment shows they have a harmful impact on the economy, environment or society.

Article 3.a
(official declaration or measure)

- (1) A declaration or measure shall be considered official if it is made or taken by:
- an official state plant health organisation of a third country or other public servants acting on their behalf, with professional competence and authorised to make declarations or order measures in relation to the issue of phytosanitary certificates and phytosanitary certificates for re-export or their electronic variants,

- public officials employed by one of the responsible official bodies of a Member State, and other persons executing public authorisations in all other cases, provided that they have no personal interest in the outcome of the measures they take, and they have the necessary qualifications.
- (2) The Republic of Slovenia shall ensure training of public servants or persons executing public authorisations referred to in the second indent of the previous paragraph with a view to a proper application of regulations governing plant health.
- (3) On the basis of the programme and the guidelines adopted in accordance with the procedure referred to in the second paragraph of Article 18 of the Directive, the Administration shall adopt a training programme for the persons referred to in this Article.

II. PLANT HEALTH

Article 4 (providers of plant health)

Plant health shall be the right and obligation of the Republic of Slovenia, its official bodies and persons executing public authorisations, providers of public service of plant health, and titleholders (hereinafter referred to as: providers of plant health).

Article 5 (obligations of official bodies of the Republic of Slovenia and of providers of public services)

- (1) Official bodies of the Republic of Slovenia and providers of the public service of plant health shall carry out or co-operate in the carrying out of an ongoing surveillance of plants, plant products, plots of land, the premises where plants and plant products are stored, processed and kept, the means of transport of plants, plant products and regulated objects, with a view to detecting and reporting of the occurrence and spread of harmful organisms and their suppression.
- (2) Providers of public services of plant health shall notify a competent inspector and the Administration without delay of all new or unexpected occurrences of harmful organisms indicated in Lists I.A and II.A.
- (3) In the field of plant health in forestry, the official bodies of the Republic of Slovenia and the providers of public services shall act in compliance with this Act and the regulations governing forestry.

Article 6 (obligations of titleholders)

- (1) Titleholders shall check the land and the growing plants, including cultivated areas (fields, plantations, tree nurseries, gardens, greenhouses), wild plants, premises where plants and plant products are stored, processed and kept, the means of transport for plants, plant products and regulated objects which they possess or have in other use, or which they process or use, in order to detect the occurrence or spread of harmful organisms.
- (2) Titleholders shall immediately notify a competent inspector or providers of public authorities referred to in Article 68 of this Act or providers of public service of plant health, who shall notify the Administration thereof, of any new or unexpected occurrences of harmful organisms included in List I.A and List II.A. They shall take the measures determined by the Administration for the prevention of spread or the suppression of harmful organisms.
- (3) If the titleholder does not carry out the measures under the previous paragraph, the competent inspector shall order their execution at the titleholder's expense.
- (4) Notwithstanding the provisions of the second paragraph of this Article, the titleholders who are the owners or other users of forests shall immediately notify the public forestry service provided for by the act governing protection of forests, of any new or unexpected occurrence of harmful organisms indicated in Lists I.A and II.A referred to in the second paragraph of Article 7, who shall notify the Administration thereof.

- (5) The obligation to report under this Article shall also apply to any other person who, due to the nature of his work, suspects or notices a new or unexpected occurrence of harmful organisms.

III. PREVENTION OF INTRODUCTION AND SPREAD, AND SUPPRESSION OF HARMFUL ORGANISMS

1. Common provisions

A) Harmful organisms, plants, plant products and regulated articles

Article 7

(lists of harmful organisms)

- (1) Regarding the risk they pose to the health and existence of individual plant species, and regarding the risk of causing an extensive economic damage, harmful organisms shall be classified in lists. In order to prevent the introduction and spread of harmful organisms, an ongoing surveillance of harmful organisms and measures under this Act shall be carried out.
- (2) Harmful organisms that are considered as particularly dangerous to plants and plant products shall be classified in the following lists:
- List I.A and List II.A which refer to the entire territory of the Republic of Slovenia;
 - List I.B and List II.B which refer to certain protected areas.
- (3) The measures for the prevention of introduction, spread and suppression of harmful organisms referred to in this Article shall be prescribed by the minister pursuant to the regulation adopted under the procedure as referred to in the second paragraph of Article 18 of Directive.

Article 8

(lists of plants, plant products and regulated articles)

- (1) Plants, plant products and regulated objects which may be the transmitters of harmful organisms referred to in the second paragraph of the previous Article and constitute a plant-health risk shall be classified in the following lists:
- List III.A which relates to the ban on introduction;
 - List III.B which relates to the ban on introduction into certain protected areas;
 - List IV.A which relates to special phytosanitary requirements that must be met in respect of the introduction and movement;
 - List IV.B which relates to special phytosanitary requirements which must be met in respect of the introduction into certain protected areas and movement therein;
 - List V.A which relates to mandatory official plant health check, contains:
 - a. List V.A Section I that determines the placing of plant passports;
 - b. List V.A Section II that relates to the placing of plant passports for certain protected areas;
 - List V.B which relates to the mandatory official plant health checks prior to granting entry into the Community, contains:

- c. List V.B Section I that relates to the transfer of harmful organisms significant for the entire Community,
 - d. List V.B Section II which relates to the transfer of harmful organisms significant for certain protected areas;
 - List VI which relates to plants and plant products that may be subject to special measures.
- (2) The measures to be taken in respect for plants, plant products and regulated objects indicated in Lists specified in the previous paragraph shall be prescribed by the minister in compliance with the regulation adopted pursuant to the procedure laid down in the second paragraph of Article 18 of Directive.

Article 9 **(occurrence of harmful organisms)**

- (1) If harmful organisms indicated in Lists I.A and II.A, or List I.B or List II.B appear in the territory of the Republic of Slovenia, in respect of which the European Commission (hereinafter referred to as: Commission) has recognised the status of protected area to the Republic of Slovenia, or symptoms occur on plants, plant products or regulated objects on the basis of which these may be suspected as infected with the harmful organisms indicated in Lists I.A, II.A, I.B or II.B, providers of plant health shall immediately notify the Administration thereof in the prescribed manner.
- (2) A titleholder shall protect plants, plant products and regulated objects, and prevent a contact with other plants, plant products and regulated objects in the manner determined by the competent inspector or an official executing the public authorisation under this Act.
- (3) The manner of notifying under the first paragraph of this Article shall be prescribed by the minister.

Article 10 **(detection of harmful organisms)**

- (1) In the event of a suspicion as referred to in the first paragraph of the previous Article, an official sample shall be taken and sent to a laboratory that performs diagnostic tests. The laboratory shall confirm or reject the suspicion of infection with the harmful organism and try to establish the cause of infection. It shall thus ensure such a method of handling official samples as to avoid the risk of spread of harmful organisms and to ensure the identity of the sample.
- (2) Diagnostic tests referred to in the previous paragraph shall be performed by a laboratory which has been granted a public authorisation referred to in the first or second paragraph of Article 68 of this Act for carrying out the tasks referred to in item 5 of Article 76 of this Act.
- (3) When an infection with a harmful organism is found, the competent inspector shall order the plants, plant products and regulated objects to be subjected to one or more of the following measures: destruction, other disposal, treatment, or other prescribed measures. The competent inspector may impose further measures as to control the source of infection on the basis of visual signs, without any taking of samples.

- (4) The competent inspector shall order the measures referred to in the previous paragraph in respect of harmful organisms:
 - indicated in List I.A or II.A, or
 - in a protected area, indicated in List I.B or II.B, or
 - which on the basis of the risk assessment referred to in point 6 of Article 76 of this Act create a risk to the health of seeds and propagating material, or
 - in respect of which a regulated area referred to in Article 12 of this Act is determined.
- (5) The Administration shall specify the extent of the source of infection. It shall notify organisations, services and titleholders of plants of the occurrence and risks of harmful organisms and of the extent, and inform them on the relevant measures for the prevention of infection with harmful organisms.
- (6) The measures under the third paragraph of this Article shall be prescribed by the minister.

Article 11 **(publishing data on harmful organisms)**

- (1) The Administration shall keep records in the prescribed manner of occurrences and findings of harmful organisms and other necessary records on surveillance, for the purpose of providing information at the national and international levels.
- (2) The more detailed contents, forms and methods of keeping records under the previous paragraph shall be prescribed by the minister.
- (3) Data on the occurrence of newly discovered harmful organisms in the Republic of Slovenia, indicated in Lists I.A and II.A may be given or published in the prescribed manner.
- (4) It is forbidden to give or publish data on the occurrence of newly discovered harmful organisms indicated in List I.A and List II.A in the Republic of Slovenia without an approval of the Administration.
- (5) The regulation referred to in the third paragraph of this Article shall be prescribed by the minister.

Article 12 **(regulated area)**

- (1) A regulated area shall be an infected or endangered or a pest free area in which plant health is ensured in a prescribed manner.
- (2) When a harmful organism is detected and as long as the risk arising from its presence lasts, the competent inspector shall mark the place of infection with regard to the species of harmful organism, order the prescribed measures and notify titleholders at the place of infection in the prescribed manner.
- (3) The boundaries of the infected, endangered and pest free areas, the measures for detection, prevention of spread and suppression of harmful organisms, the conditions for termination of the ordered measures, and the manner of reporting shall be prescribed by the minister.

Article 12.a **(regulated area of a mass outbreak)**

- (1) Notwithstanding the provisions referred to in the previous Article, also the area shall be considered as a regulated area where a mass outbreak of harmful organisms is determined.
- (2) If the mass outbreak occurs in the territory of the Republic of Slovenia, providers of plant health shall inform the Administration thereof in the prescribed manner.
- (3) In the territory referred to in the first paragraph of this Article the competent inspector or another official under this Act shall take an official sample and send this to the laboratory which carries out diagnostic examinations. Such laboratory shall determine species of the harmful organism.
- (4) On the basis of laboratory result, the Administration shall carry out a risk assessment pursuant to the point 6 of Article 76 of this Act. If the risk assessment reveals a need for the introduction of measures for the control of harmful organisms, the Administration shall propose to the minister the measures for the prevention of spread and for the suppression of harmful organisms.
- (5) Upon the proposal by the minister, the Government shall determine boundaries of the regulated area, measures for the prevention of spread and for the suppression of harmful organisms, costs of implementation of the prescribed measures, and confirm the programme of implementation of measures for the prevention of spread and for the suppression of harmful organisms.
- (6) The risk assessment and the programme of measures referred to in the previous paragraph shall be considered as a scientific basis in all further evaluation procedures for damage caused by plant harmful organisms in agriculture.

Article 12.b
(regulated area of a harmful plant)

- (1) Notwithstanding the provisions of Articles 12 and 12.a of this Act, also the area shall be considered a special regulated area where the presence of a harmful plant is detected.
- (2) In the event of occurrence of a plant in the territory of the Republic of Slovenia which has harmful impact on the economy, environment or society, providers of plant health shall notify the Administration thereof.
- (3) The responsible inspector or another official under this Act shall take an official sample at the point of interception of the plant referred to in the previous paragraph, and send this to the laboratory to determine the species of such a plant.
- (4) On the basis of the result of laboratory analysis the Administration shall, pursuant to point 6 of Article 76 of this Act, make a risk assessment in respect of the harmful plant referred to in the previous paragraph.
- (5) If it is established on the basis of the risk assessment referred to in the previous paragraph that measures must be taken with a view to control the harmful plant, the Administration shall propose to the minister, subject to a preliminary opinion of the joint working body of the Government, measures aiming at preventing spread and suppressing the harmful plant.
- (6) The joint working body of the Government shall deliver the preliminary opinion within the time limit provided for by the Administration in the application for opinion.
- (7) Upon the proposal of the minister, the Government shall specify: the boundaries of the special regulated area; the measures for the prevention of spread and

suppression of the harmful plant; the costs for the implementation of prescribed measures; and confirm the programme for implementation of measures for the prevention of spread and suppression of the harmful plant.

- (8) Notwithstanding the provisions of the third and fifth paragraphs of this Article, Common Ragweed (*Ambrosia artemisiifolia* L.) and other neophyte species of the genus *Ambrosia* shall be considered to be harmful plants in respect of which phytosanitary measures must be introduced.
- (9) Notwithstanding the provision of the third paragraph of this Article, the responsible inspector or another official who is provider of the public authorisation under this Act may, in the event of a repeated interception of the known organism, perform on-the-spot determination of the species of the harmful plant, unless he assesses that the extent of measures require determination in the laboratory.

Article 13 (protected area)

- (1) An area where one or more harmful organisms are not established despite favourable conditions for establishment, or an area where there is a danger that certain harmful organisms will become established on certain plants if given propitious ecological conditions, despite the fact that these organisms are not perpetuated, may be determined as a protected area.
- (2) It shall be considered that a harmful organism is established in a protected area if it is known to occur there and no phytosanitary measures have been introduced for its eradication, or if such measures have proved ineffective over a period of at least two consecutive years.
- (3) In an area where one or more harmful organisms are not established despite propitious conditions for their establishment, and has been recognised in the prescribed manner as a protected area, the Administration shall in the prescribed manner carry out or provide the carrying out of regular and systematic surveys on the presence of organisms in respect of which the protected area has been recognised.
- (4) Protected areas, the more detailed conditions for carrying out surveys, and lists of protected areas shall be prescribed by the minister issuing a regulation, adopted under the procedure referred to in the second paragraph of Article 18 of Directive.

B) Bans and restrictions

Article 14 (ban on the introduction and spread of harmful organisms)

- (1) The introduction and spread of harmful organisms indicated in Lists I.A and II.A shall be banned.
- (2) The introduction into and spread within a protected area of harmful organisms indicated in Lists I.B and II.B in respect of which the protected area has been recognised shall also be banned.
- (3) Any intentional or unintentional entry of harmful organisms into the territory of the Republic of Slovenia from a third country or another Member State shall be considered introduction referred to in the first and second paragraphs of this Article.

- (4) The introduction and spread of harmful organisms of other species may be banned or limited if there is a plant-health risk for all parts of the Community, in respect of:
- organisms, which may be reasonably suspected to be harmful to plants or plant products, however they are not indicated in Lists I.A, II.A, I.B and II.B,
 - organisms indicated in Lists II.A and II.B, which occur on other plants or plant products as indicated in Lists II.A and II.B and which are reasonably suspected to be harmful to plants or plant products,
 - organisms indicated in Lists I.A, I.B, II.A and II.B, which are in an isolated condition and which are considered to be harmful in such condition to plants or plant products.
- (5) In accordance with Article 75 of this Act, the director of the Administration shall issue a decision providing for emergency measures for the prevention or limitation of introduction and spread of harmful organisms of other species referred to in the previous paragraph.
- (6) The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, measures for the prevention or limitation of introduction and spread of harmful organisms of other species referred to in the fourth paragraph of this Article.

Article 15

(ban on the introduction and movement of plants, plant products and regulated articles)

- (1) The introduction of plants, plant products and regulated objects indicated in List III.A shall be banned.
- (2) The introduction into a protected area of plants, plant products and regulated objects indicated in List III.B in respect of which the protected area has been recognised shall also be banned.
- (3) If the prescribed phytosanitary requirements are not met, the introduction or movement of plants, plant products and regulated objects indicated in List IV.A shall be banned.
- (4) If the prescribed phytosanitary requirements are not met, also the introduction and movement into a protected area of plants, plant products and regulated objects indicated in List IV.B in respect of which the protected area has been recognised shall be banned.

Article 16

(exceptions for trial and research purposes and for work on varietal selections)

- (1) Notwithstanding the provisions of Articles 14 and 15 of this Act, scientific and research organisations may introduce from third countries, or move, harmful organisms indicated in Lists I.A, II.A, I.B, and II.B, as well as plants, plant products and regulated objects indicated in Lists III.A, III.B, IV.A and IV.B, if:
- they are used for trial, research or development purposes or for work on varietal selections;
 - they fulfil the prescribed conditions in relation to professional and technical capacities, which are to be determined by the Administration in an administrative procedure;

- they have an import permit.
- (2) The import permit referred to in the previous paragraph shall be issued by the Administration on the basis of an application by the organisation referred to in the previous paragraph.
- (3) The application shall contain in particular:
 - data on the applicant (company and registered office),
 - data on harmful organisms or plants, plant products and regulated objects.
- (4) The Administration shall keep records of introductions referred to in the first paragraph of this Article.
- (5) Conditions in relation to professional and technical capacities, the more detailed content of applications and the form of import permit referred to in this Article shall be prescribed by the minister in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

Article 17

(exceptions with regard to introduction)

- (1) Notwithstanding the provisions of Articles 14 and 15 of this Act the Administration may allow, in compliance with the prescribed conditions and if there is no risk of harmful organisms spreading, in individual cases an exceptional introduction of plants, plant products and regulated objects which are cultivated or used in the immediate vicinity of the state border, if they are intended for use in the Republic of Slovenia in the immediate vicinity of such state border.
- (2) Notwithstanding the provisions of Articles 14 and 15 of this Act the Administration may allow, pursuant to the decision adopted under the procedure referred to in the second paragraph of Article 18 of Directive, in individual cases:
 - the introduction of plants in the case of a slight contamination with harmful organisms, other than the plants intended for planting;
 - the introduction of plants for planting, in the case of certain tolerances for harmful organisms included in Section II of List II.A, which applies only to plants that have been previously selected in agreement with the authority responsible for plant health of a Member State, and on the basis of an appropriate pest risk analysis.
- (3) The Administration shall keep records of exceptional introductions referred to in this Article.
- (4) More detailed conditions for the exceptional introduction of plants, plant products and regulated objects referred to in the first paragraph of this Article shall be prescribed by the minister, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

Article 18

(exceptions)

- (1) If no danger of spread of harmful organisms exists within the Community, the provisions of Articles 14 and 15 of this Act shall not apply to:
 - consignments in transit through the territory of a third country or between two third countries through the territory of the Community, with their customs status remaining unchanged;

- small quantities of plants, plant products and regulated objects, including foodstuffs or animal feedingstuffs, where they are used by the owner or recipient for non-industrial or non-commercial purposes, or for consumption during transport.
- (2) Small quantities shall be considered to be fruit and fresh vegetables, other than potatoes, cut flowers or bouquets, seeds in the original packaging, other than seed potatoes, ornamental bulbs, Christmas trees without roots, indoor plants in pots, balcony plants, intended exclusively for own supply of the final consumer in the quantities prescribed by the minister.

C) Register of producers, processors, importers and distributors of plants, plant products and regulated articles

**Article 19
(register)**

- (1) Only natural and legal persons who meet the prescribed conditions for performing the registered or declared activity, and who are entered in the register of producers, processors, importers and distributors of plants, plant products and regulated articles (hereinafter referred to as: register) under this Act may be engaged in the production, processing, introduction from third countries and distribution of plants, plant products and regulated articles from Lists V.A and V.B.
- (2) The entry in the register shall be compulsory for the following liable persons:
 - producers, processors and distributors of plants, plant products and regulated objects indicated in List V.A;
 - importers of plants, plant products and regulated articles indicated in List V.B;
 - producers of specific plants, plant products and regulated objects which are not indicated in List V.A, and the relevant collection and dispatch centres in the production area.
- (3) The register shall be set up and kept by the Administration.

**Article 20
(entry in the register)**

- (1) In order to be entered in the register, liable persons referred to in the previous Article shall be technically qualified in plant health, or provide a responsible person with technical qualifications (hereinafter referred to as: person responsible for plant health), who provides for carrying out the obligations referred to in Article 22 of this Act. The more detailed criteria in relation to technical qualifications shall be prescribed by the minister.
- (2) Applications for entry in the register shall be lodged with the Administration by applicants on the prescribed form.
- (3) The application shall contain in particular:
 - the identification data of the applicant: the personal name and address of the residence or stay, or the company and the registered office; the responsible person; the tax number; the registration number of business entities or KMG-MID number of agricultural holding, and the number of the entity from the Register of agricultural holdings, the legal and organisational form; the type of activity;
 - the identification data of the person responsible for plant health of the applicant: the personal name and address of residence or stay, the tax number, the unique personal identification number.
- (4) The form and the more detailed contents of the application referred to in the second and third paragraphs of this Article shall be prescribed by the minister.
- (5) The Administration shall issue a decision on entry in the register no later than three months after having received the completed application.
- (6) If the liable person ceases to meet the prescribed conditions referred to in the first paragraph of this Article, or does not fulfil the obligations referred to in Article 22

of this Act, the Administration shall ex officio issue a decision on deletion from the register. An appeal against any decision has no suspensory effect.

- (7) The liable person may be re-entered in the register, provided to meet the prescribed conditions and liabilities as referred to in the previous paragraph, however not earlier than in three months after the decision on deletion from the register becomes final.

Article 21 **(content of the register)**

- (1) The register shall contain the following data in particular :
- the unique registration number or KMG - MID number of agricultural holding, and the number of the entity;
 - the personal name and address of residence or stay, or the company and registered office;
 - the responsible person of the legal person;
 - the legal and organisational form;
 - the tax number;
 - the registration number of the business entity;
 - the type of activity;
 - agricultural land in use by lots and types of use;
 - the person responsible for plant health.
- (2) The register may be kept in electronic form.
- (3) The more detailed content and manner of keeping the register shall be prescribed by the minister.

Article 22 **(obligations of liable persons from the register)**

- (1) The liable persons from the register shall in particular:
- keep exact data on the production, processing and trade in plants, plant products and regulated objects which they buy for storage or planting on the premises, produce or dispatch, and keep such documents for at least one year;
 - keep and upgrade a plan of the places where plants, plant products and regulated objects are grown, produced, stored, preserved, or used;
 - perform regular visual plant health checks in the prescribed manner;
 - allow access to a competent inspector to perform inspections of plants, premises and documents, and take official samples;
 - notify the Administration or competent inspector without delay of any unusual occurrences and outbreaks of harmful organisms, symptoms or other particularities on plants, and of the production and occurrence of banned plant species;
 - report to the Administration in the prescribed time limit on any changes of data kept in the register;
 - declare each year by the prescribed time limit to the competent inspector or another official referred to in this Act the extent and place of production or processing of plants, plant products and regulated objects;
 - co-operate with the Administration and the competent inspector in ensuring plant health.

- (2) The minister shall prescribe the manner of carrying out plant health checks, the time limits, the contents and the manner of communicating data referred to in the previous paragraph.

Article 23
(exceptions)

- (1) Notwithstanding the first and second paragraphs of Article 19 of this Act, small producers or processors shall be exempted from the entry in the register, if their entire production or processing and sale of plants, plant products and regulated objects is intended for their own supply or for the final consumption by natural persons in the local market, who are not professionally involved in plant production and processing and in the absence of any danger of the spread of harmful organisms.
- (2) The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, the more detailed criteria for determining small producers or processors and the scope of local market.

2. Introduction from third countries, export and transit of consignments

A) Introduction from third countries

Article 24
(point of entry)

- (1) The consignments which are liable to phytosanitary examinations may be introduced from third countries only through specified points of entry with a customs office and phytosanitary inspection.
- (2) Notwithstanding the provisions of the previous paragraph, consignments of wooden packing material may be introduced from third countries also through the points of entry where only the customs office is located.
- (3) The points of entry where the phytosanitary examinations are carried out under this Act referred to in the first paragraph of this Article shall meet the prescribed conditions.
- (4) With a view to meeting the prescribed conditions for the points of entry referred to in the previous paragraph, the Republic of Slovenia shall earmark financial resources pursuant to the regulations governing plant health.
- (5) The government shall, pursuant to the regulation adopted under the second paragraph of Article 18 of Directive, lay down minimum conditions referred to in the third paragraph of this Article, and determine the points of entry.

Article 25
(introduction from third countries)

- (1) Consignments of plants, plant products or regulated objects indicated in List V.B which are introduced from a third country into the Community customs territory shall be, from the moment of entry, subject to customs control pursuant to the

Community customs code, and the supervision of responsible official bodies referred to in the second, third and fourth indents of Article 2.b of this Act.

- (2) The consignments referred to in the previous paragraph shall be liable to phytosanitary examinations, performed by the phytosanitary inspector at a point of entry, with the exception of checking the wooden packing material which may be performed by a competent customs authority.
- (3) The phytosanitary examinations shall in particular aim at establishing whether the consignment:
 - is accompanied by a valid phytosanitary certificate or phytosanitary certificate for re-export or other alternative document or a stamp;
 - is identical to the indications in the documents referred to in the previous indent;
 - is not infected with harmful organisms indicated in Lists I.A and II.A;
 - does not contain plants, plant products or regulated objects indicated in List III.A;
 - meets the special phytosanitary requirements indicated in List IV. A, where necessary, provided that provisional declaration on the meeting of such requirements has been complied with.
- (4) The phytosanitary examinations may also be performed on consignments which are not included in List V.B if the phytosanitary inspector or competent customs authority suspects that a plant-health risk or a doubt concerning the identity of the consignment exists.
- (5) The minister shall prescribe, in accordance with the regulation adopted under the procedure provided for in the second paragraph of Article 18 of Directive, the detailed content of phytosanitary examinations as referred to in this Article, the checking of documents and identity, and the procedures for carrying out plant health checks.

Article 25.a
(phytosanitary certificate)

- (1) The consignments referred to in the first paragraph of the previous Article shall be accompanied by the original phytosanitary certificate or, exceptionally, its officially certified copies, or the electronic version of the phytosanitary certificate.
- (2) Irrespective of the provision of the previous paragraph the consignment may be, by way of exception, accompanied by the original alternative document or stamp.
- (3) The phytosanitary certificate shall be issued by a responsible official body of the country of origin. When special phytosanitary requirements indicated in Lists IV.A or IV.B are fulfilled in respect of individual kinds of consignment in a consignor country, which is other than the country of origin, such consignor country may issue the phytosanitary certificate.
- (4) For consignments referred to in the first paragraph of the previous Article, which have been issued an original phytosanitary certificate in the country of origin and dispatched, stored, repacked, or divided in another country which is other than the country of origin, such original certificate or its certified copy shall be accompanied by the phytosanitary certificate for re-export, issued by that another country. When such consignments are previously introduced successively from third countries into several different countries, and more than one phytosanitary certificate for re-export has been issued, the consignments shall be accompanied,

in addition to the original phytosanitary certificate or its certified copy, also by all phytosanitary certificates for re-export or their certified copies.

- (5) The phytosanitary certificate or phytosanitary certificate for re-export shall be issued in at least one of the official languages of the Community and pursuant to the international plant health convention which governs plant health, irrespective of whether the third country of export or re-export is the signatory thereof.
- (6) The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, the exceptions referred to in the first and second paragraphs of this Article, and certain kinds of consignments referred to in the third paragraph of this Article.

Article 25.b
(reduced frequency of plant health checks)

- (1) The frequency of phytosanitary examinations of certain consignments referred to in the first paragraph of Article 25 of this Act may be reduced, save for the checking of documents.
- (2) The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, the consignments and frequency of checking identity and plant health checks of such consignments.

Article 26
(introduction from third countries into a protected area)

- (1) The consignments referred to in List V.B.II which are introduced from third countries into protected areas shall, in addition to the conditions laid down in Article 25 of this Act, meet also the following conditions:
 - they are not infected with harmful organisms indicated in Lists I.B and II.B;
 - they do not contain plants, plant products and regulated objects indicated in List III.B;
 - they meet special phytosanitary requirements indicated in List IV.B.

Article 27
(trial and scientific work and work on varietal selections)

- (1) The consignments indicated in List V.B which are introduced from third countries and intended for use in trial, research or development work, and for work on varietal selections, shall be subjected to phytosanitary examinations and accompanied by an import permit referred to in Article 16 of this Act, and by a phytosanitary certificate of the country of origin.

Article 28
(special cases)

- (1) If there is no risk of harmful organisms spreading the Administration may, in compliance with the conditions laid down in Article 17 of this Act, allow the introduction from third countries of plants, plant products and regulated objects indicated in List V.B which are cultivated or used in the immediate vicinity of the

state border, without a phytosanitary certificate and phytosanitary examinations, if these are intended for use in the immediate vicinity of such state border.

Article 29
(exceptions)

- (1) Small quantities of plants, plant products and regulated objects indicated in List V.B may be, in compliance with Article 18 of this Act, introduced from third countries without a phytosanitary certificate and phytosanitary examination, except those included in List III.A or III.B.

Article 30
(obligations of importers and customs officials)

- (1) Importers, transporters or persons who introduce consignments referred to in the first paragraph of Article 25 of this Act into the Community from third countries shall notify the phytosanitary inspector of the arrival of such consignments which are introduced from third countries or reloaded during transport.
- (2) Customs officials may not commence procedures for the start of the customs-approved use, except for transit, until the phytosanitary inspector has performed a phytosanitary examination of the consignment referred to in the previous paragraph and allowed the introduction from third countries by a decision.
- (3) In the case of consignments which are introduced from third countries, importers shall take measures ordered by the phytosanitary inspector.
- (4) Individuals who introduce plants, plant products and regulated objects into the Community without a phytosanitary certificate, or the plants, plant products and regulated objects are indicated in List III.A or III.B, with the exception of small quantities referred to in Article 18 of this Act, shall be banned introduction from third countries by customs authorities, which deliver these to the phytosanitary inspector who orders measures pursuant to the third paragraph of Article 10 of this Act.

Article 31
(procedures on introduction from third countries)

- (1) A phytosanitary examination of consignments referred to in the first paragraph of Article 25 of this Act shall be performed at the first point of entry into the Community where other import administrative formalities, including customs, are performed.
- (2) An importer shall lodge an application for the introduction of phytosanitary and customs procedure referred to in the previous paragraph.
- (3) If there is no risk of harmful organisms spreading, the identity check and plant health check of consignments may also be carried out at officially designated sites within the country or in another Member State, under customs control.
- (4) The official body of the point of entry may, upon agreement with the official body of destination, decide that identity checks and plant health checks of the consignments referred to in the first paragraph of Article 25 of this Act are made, in whole or in part, at a place other than the point of entry. In such case the consignment shall be accompanied by a document, certifying that the identity and

health condition of plants is maintained during the transport to the place other than the point of entry, until the customs formalities are completed.

- (5) If there is no agreement referred to in the previous paragraph, such checks shall be carried out at the point of entry or at any other approved place in the Member State where such point of entry is located.
- (6) The places for carrying out phytosanitary examinations in the Republic of Slovenia which are not the points of entry shall be, upon the importer's request, designated by the Administration and the competent customs authority by issuing a common decision.
- (7) The Commission may have at any time insight into the list of points of entry referred to in the previous paragraph, maintained by the Administration.
- (8) The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive:
 - the minimum conditions for carrying out identity checks and plant health checks of consignments at the place other than the point of entry, and places which are not the points of entry referred to in the third paragraph of this Article;
 - the application form and the document attached to the consignment referred to in the second or fourth paragraph of this Article;
 - the method of cooperation between the official body of the point of entry, official body of destination, customs office of the point of entry and customs office of destination;
 - the measures which must be taken for maintaining the identity of lots and consignments and protecting against the spread of harmful organisms as long as customs formalities are completed.

Article 32

(approval or refusal of introduction from third countries)

- (1) If the conditions referred to in Article 25 or 26 of this Act are met, the phytosanitary inspector shall, upon having concluded the inspection, issue a decision on permitting introduction of the consignment from third countries, and mark the phytosanitary certificate or phytosanitary certificate for re-export with the date of entry and seal of the phytosanitary inspection service.
- (2) If the conditions or one of the conditions referred to in Article 25 or 26 of this Act are not met, the phytosanitary inspector shall intercept the consignment and order one of the following measures:
 - imposition of a quarantine period until the results of official examinations or diagnostic tests referred to in Article 10 of this Act are available,
 - removal of the infected/infested part of the consignment,
 - refusal of introduction of the whole or a part of the consignment into the Community,
 - movement, under official supervision, to the destination outside the Community, in accordance with the appropriate customs procedure during their movement within the Community,
 - appropriate treatment, or
 - destruction.

- (3) In the case of measures specified in the third, fourth and sixth indents of the previous paragraph, the phytosanitary inspector shall mark the phytosanitary certificate or phytosanitary certificate for re-export with a triangular stamp in red, which makes such certificates invalid.
- (4) If it is found during the phytosanitary examination that a part of the consignment is infected with harmful organisms indicated in List I.A, I.B, II.A or II.B, introduction from third countries of the rest of the consignment may be permitted if there is no suspicion of infection of this part of the consignment and if there is no risk of harmful organisms spreading.
- (5) The size of the stamp referred to in the third paragraph of this Article and data that it contains and, in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive, also the manner of notifying of intercepted consignments, shall be prescribed by the minister.

Article 33

(other consignments introduced from third countries)

- (1) In the case of the introduction from third countries of consignments which, according to the accompanying documents of other consignments, do not contain plants, plant products and regulated objects indicated in List V.B, the phytosanitary inspector may carry out a phytosanitary examination if a well-founded suspicion exists as to the identity of the consignment or if the risk of harmful organisms spreading exists.
- (2) If after having carried out the phytosanitary examination, the phytosanitary inspector still has doubts as to the identity of the consignment, in particular in relation to the genus, species or origin, the consignment shall be deemed to contain plants, plant products and regulated objects indicated in List V.B.

Article 33.a

(customs authorities)

- (1) If, when carrying out regular supervision, the responsible customs body finds a consignment referred to in the first paragraph of Article 25 of this Act which has not been declared, or a consignment referred to in the fourth paragraph of Article 25 of this Act, or a consignment containing plants, plant products and regulated objects indicated in List III.A, the customs body shall order interception of such a consignment, notify thereof the competent phytosanitary inspector who carries out the phytosanitary examination, and order the measures to be taken referred to in Article 32 of this Act.
- (2) After the inspection has been completed, the competent customs body which carries out the checks referred to in the second paragraph of Article 25 of this Act shall, in respect of the consignment satisfying the conditions referred to in the first or second indent of the third paragraph of Article 25 of this Act, permit the introduction from third countries of such a consignment, marking the import document with the date of introduction and a stamp. If the conditions are not met or the conditions referred to in the third, fourth or fifth indent of the third paragraph of Article 25 of this Act are suspected not to be met, the customs body

shall order interception of the consignment and notify the competent phytosanitary inspector thereof, who shall carry out the phytosanitary examination and order the measures to be taken referred to in Article 32 of this Act.

Article 34
(deleted)

B) Export

Article 35
(procedures on export)

- (1) If the country to which the consignments originating in the Republic of Slovenia are being exported requires a phytosanitary certificate, the phytosanitary inspector shall carry out a phytosanitary examination of the consignment prior to issuing the phytosanitary certificate, in order to ensure that the prescribed phytosanitary requirements of the country to which the consignment is being exported are satisfied.
- (2) If the country to which the consignments which do not originate in the Republic of Slovenia but have been stored, repacked or split up in the Republic of Slovenia, are exported, requires a phytosanitary certificate, the phytosanitary inspector shall carry out a plant health check of the consignment prior to issuing the phytosanitary certificate for re-export, in order to ensure that the prescribed phytosanitary requirements of the importing country are satisfied.
- (3) The issue of the phytosanitary certificate shall be considered an official act or measure carried out by the phytosanitary inspector, aimed at confirming that the provisions of the first and second paragraphs of this Article are satisfied.
- (4) The issuing method, the form and content of the phytosanitary certificate and phytosanitary certificate for re-export shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive.

Article 36
(responsibilities of exporters)

- (1) An exporter shall lodge the application for the issue of phytosanitary certificate with the phytosanitary inspector within the time limit prescribed by the minister.
- (2) The application for the issue of phytosanitary certificate shall contain in particular:
 - the applicant's identification data: personal name and address of residence or stay, or company and registered office;
 - data about the consignment.
- (3) More detailed content of the application referred to in the previous paragraph shall be prescribed by the minister.
- (4) Exporters shall carry out the measures which the phytosanitary inspector orders during carrying out phytosanitary examination of the consignment intended for export.
- (5) After the issue of the phytosanitary certificate, the exporters shall provide that the consignment, in terms of equipment with documents, identity and health status, remains unchanged until exit from the Community customs territory.

- (6) The minister shall prescribe the manner for ensuring equipment, identity and health status, as well as the mode of operation of exporters referred to in the previous paragraph.

C) Transit

Article 37 (transit of consignments)

- (1) Phytosanitary examination shall not be compulsory in the case of consignments in transit packed in such a manner as to exclude any risk of the spread of harmful organisms within the Community customs territory.
- (2) A consignment which is not packed in accordance with the previous paragraph shall be liable to phytosanitary examination pursuant to the second paragraph of Article 25 of this Act.
- (3) Notwithstanding the provision of the previous paragraph, only documentary and identity checks shall be carried out in respect of a consignment which is not packed pursuant to the first paragraph of this Article if it is found on the basis of the risk assessment referred to in point 6 of Article 76 of this Act that no risk exists for the spread of harmful organisms within the Community customs territory.
- (4) The minister shall prescribe the method of packing and handling of the consignments in transit, the extent and method of checking referred to in this Article, and lay down the measures pursuant to the second paragraph of Article 32 of this Act.

3. Movement of plants, plant products and regulated articles

Article 38 (movement)

- (1) The plants, plant products and regulated objects indicated in List V.A, Section I, and the seeds indicated in List IV.A may only be moved if a plant passport is attached to them or their packaging, or to the means of transport.
- (2) Consignments indicated in List V.A which are moved and are intended for trial, research or development work, or for work on varietal selections shall be liable to a phytosanitary examination and be accompanied by a plant passport.

Article 39 (movement into a protected area)

- (1) The plants, plant products and regulated objects indicated in List V.A, Section II, and the seeds indicated in List IV.A may be moved into or within a protected area only if a plant passport which is valid for the protected area is attached to them or to their packaging or to the means of transport, and if the conditions for movement have been satisfied which is to be prescribed in more detail by the minister.

- (2) The provisions of the previous paragraph shall not apply to the movement of plants, plant products and regulated objects through protected areas or from protected areas under the conditions prescribed by the minister.

Article 40
(exceptions)

- (1) For the seeds indicated in List IV.A the documents shall be considered plant passports which have been issued in accordance with regulations governing the marketing of officially certified agricultural seeds and propagating material, provided that they prove to meet the requirements referred to in List IV.A and if so provided for in accordance with regulation or act adopted under the procedure laid down in the second paragraph of Article 18 of Directive.
- (2) Notwithstanding the first paragraph of Article 38 of this Act, small quantities of plants, plant products and regulated objects indicated in List V.A and seeds indicated in List IV.A may be, if there is no risk of harmful organisms spreading, moved without a plant passport, when they are intended for the consumption during transport, self-use or final sale to natural persons, who are not market producers on the local market, or if being moved by the producers or processors, who may be exempted from entry into the register pursuant to Article 23 of this Act.

Article 41
(production, processing, use)

- (1) The plants, plant products and regulated objects indicated in List V.A, Section I, produced, processed or used by liable persons for entry in the register, and intended to be moved, shall be subjected to a phytosanitary examination in order to establish in particular that:
- they are not infected with harmful organisms indicated in List I.A and II.A;
 - they meet special phytosanitary requirements indicated in List IV.A.
- (2) The plants, plant products and regulated objects referred to List V.A, Section II, which are intended to be moved into a protected area shall be subjected to a plant health check for the purposes as referred to in the previous paragraph and in order to establish that:
- they are not infected with harmful organisms indicated in Lists I.B and II.B;
 - they meet the special phytosanitary requirements indicated in List IV.B.
- (3) Phytosanitary examinations referred to in the first and second paragraphs of this Article shall be performed regularly, at least in the prescribed time periods, or at least once a year, and at least visually.
- (4) Notwithstanding provisions of the previous paragraph, the following may be performed in order to provide plant health:
- random phytosanitary examinations without any discrimination in respect of the origin of plants, plant products and regulated objects, at any time and at any place where these are moved, produced, processed, stored, offered for sale, or used otherwise, as well as in the purchasers' premises,

- official sampling and testing of samples in order to establish if the plants, plant products and regulated objects comply with the relevant requirements laid down in this Act.
- (5) When conditions for the issue of a plant passport are not satisfied, the competent inspector shall order the following measures pursuant to the third paragraph of Article 10 of this Act:
- an appropriate treatment which is followed by the issue of a plant passport if the conditions are considered as satisfied as a result of the treatment,
 - a permit for the movement, under official control, into the areas where they do not pose an additional risk,
 - a permit for the movement, under official control, to places for industrial processing,
 - destruction.
- (6) If a harmful organism included in List I.A, Section I, or List II.A, Section I is found during a phytosanitary examination, the competent inspector shall prohibit the movement of the subject plants, plant products and regulated objects, and order the measures to be taken laid down in the previous paragraph.
- (7) If a harmful organism included in List I.A, Section II, or List II.A, Section II is found during a phytosanitary examination, or if special requirements laid down in List IV.A, Section II, are found as not satisfied, the competent inspector shall order measures specified in the fifth paragraph of this Article to be applied for the infected parts of plants, plant products or regulated objects.
- (8) The more detailed method of phytosanitary examination referred to in the first, second and third paragraphs of this Article, as well as the measures laid down in this Article shall be prescribed by the minister in accordance with a regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive.

Article 42

(plant passports)

- (1) Plant passport shall mean an official label prepared by the responsible official body in a Member State which may be standardised at the Community level for different types of plants or plant products.
- (2) Plant passports shall be issued in respect of the plants, plant products and regulated objects indicated in List V.A.
- (3) Plant passports shall be issued in respect of produced or processed plants, plant products and regulated objects indicated in List V.A which have been subjected to a phytosanitary examination in accordance with the previous Article, by:
- liable persons for entry in the register indicated in the first and second indents of the second paragraph of Article 19 of this Act (hereinafter referred to as: entitled persons), provided to have been issued a relevant authorisation by the Administration, or
 - performers of public services referred to in Article 68 of this Act, or
 - the Administration if liable persons referred to in Article 19 of this Act do not or are not able to obtain an authorisation for the issue of plant passports.
- (4) The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive, the level

of standardisation of plant passports, and other kinds of official marks for special types of products referred to in the first paragraph of this Article, as well as the issue of plant passports referred to in the second paragraph of this Article.

Article 43
(authorisation for issuing plant passports)

- (1) The Administration shall issue an authorisation for the issue of plant passports to the entitled persons if they meet the following conditions:
 - they are entered in the register referred to in Article 19 of this Act;
 - they are professionally qualified for plant health, or they provide a responsible person professionally qualified in plant health, who is in an employment or contractual relationship with the entitled person, and who is to provide for exercising the obligations under Article 49 of this Act;
 - they possess a record of a competent inspector on meeting the conditions referred to in Article 22 of this Act.
- (2) The entitled persons shall submit the application for obtaining authorisation for the issue of plant passports with the Administration on the prescribed form.
- (3) The application shall contain, in addition to data referred to in Article 20 of this Act, in particular:
 - data on the kind of production, processing, sale or introduction of plants, plant products and regulated objects from third countries,
 - evidence that the conditions referred to in the first paragraph of this Article are met.
- (4) A person referred to in the second indent of the first paragraph of this Article shall be deemed as professionally qualified if he/she has a required degree of study and a certificate attesting to the basic knowledge of harmful organisms, their control and regulations on plant health, obtained at courses whose programme and programme operators is approved by the Administration.
- (5) In the case that the person responsible for plant health is in a contractual relationship with the entitled person, the latter shall attach to the application a copy of the contract containing precisely defined responsibilities of the person responsible for plant health.
- (6) The form and the more detailed contents of the application under the second and third paragraphs of this Article, and the conditions as to education and the certification form of basic knowledge referred to in the fourth paragraph of this Article shall be prescribed by the minister.
- (7) The authorisations for the issue of plant passports shall be issued by the director of the Administration in an administrative procedure no later than within three months after receipt of the completed application, if the prescribed conditions are met.
- (8) If the entitled person ceases to meet the prescribed conditions for issuing plant passports, the authorisation shall be annulled upon a proposal of the entitled person or ex officio.

Article 43.a
(authorisation for issuing other official marks)

- (1) The Administration shall grant authorisation to entitled persons for issuing other official marks for special kinds of products, which are considered as plant passports, if such persons meet the conditions laid down in the first and second indents of the first paragraph of the previous Article, and if they possess a record of an authorised official regarding the meeting of obligations referred to in the first, fourth, fifth, and sixth indents of Article 22 of this Act.
- (2) For the issue of authorisations for other official marks the second, third, fourth, fifth, seventh, and eighth paragraphs of the previous Article shall apply, as appropriate.
- (3) The minister shall prescribe the form and detailed content of the application for granting authorisations for the issue of other official marks, the conditions with regard to professional competence, and, in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive, kinds of plants, plant products and regulated objects for special marking, technical requirements for industrial plants, and placing of the marks.

Article 44

(records of persons responsible for plant health for the issue of plant passports)

- (1) The Administration shall set up and keep records of the persons responsible for plant health for the issue of plant passports.
- (2) The records shall contain, in a uniform manner, in particular personal name and address of the residence or stay, or registered name and registered office of the person responsible for plant health, and personal name and address of the residence or stay of the entitled person who has guaranteed such responsible person.
- (3) More detailed data and the method of keeping records referred to in the first and second paragraphs of this Article shall be prescribed by the minister.

Article 45

(types of plant passports)

- (1) The types of plant passport shall be the following:
 - plant passport;
 - replacement plant passport (marked RP);
 - plant passport for protected areas (marked ZP).
- (2) The minister shall prescribe the form and content of plant passports with a regulation adopted under the procedure referred to in Article 18 of Directive.

Article 46

(issue of plant passports for uninfected plants, plant products and regulated articles)

- (1) If it is found during a phytosanitary examination that a part of plants, plant products and regulated objects which are produced, processed or used by the registered producers or processors, or are present in their premises in any other way, is infected with harmful organisms indicated in Lists I.A, I.B, II.A, or II.B, plant passports may be issued for the remaining plants, plant products and regulated objects if there is no suspicion that these are infected and if no risk exists of the harmful organisms spreading.

Article 47
(replacement plant passports)

- (1) If a consignment is split up or composed of a number of different individual consignments already accompanied by plant passports, a replacement plant passport shall be issued for the new consignment.
- (2) If in the case referred to in the previous paragraph health status of the consignment changes, the replacement plant passport may be issued after a phytosanitary examination has been carried out.

Article 48
(replacement of a phytosanitary certificate with plant passport)

- (1) After a concluded phytosanitary examination of the consignments imported from third countries indicated in List V.A, which must be accompanied by a phytosanitary certificate, the phytosanitary inspector shall allow movement of the consignment imported from third countries to within the country with a phytosanitary certificate, indicating that it replaces the plant passport.
- (2) If the consignment indicated in List V.A which is accompanied by a phytosanitary certificate is moved into other Member States, such a consignment shall be issued a plant passport.
- (3) If the consignment indicated in List V.A which is accompanied by a phytosanitary certificate is split up or composed of a number of other different, individual consignments, such new consignment shall be issued a plant passport.
- (4) If in the cases referred to in the previous paragraph health status of the consignment imported from third countries changes, a plant passport may only be issued after the phytosanitary examination has been carried out.

Article 49
(obligations of producers, processors, importers and distributors when issuing plant passports)

- (1) Producers, processors, importers, and distributors of plants, plant products and regulated objects referred to in the first and second indents of the second paragraph of Article 19 of this Act shall, in addition to the obligations under Article 22 of this Act, also:
 - notify the Administration within the prescribed time limit of all changes in relation to the conditions for issuing plant passports;
 - provide for the issue of plant passports pursuant to this Act;
 - inform the competent inspector within the prescribed time limit on the intended movement of plants, plant products and regulated objects into protected areas;
 - complete plant passports in compliance with the prescribed content and marks;
 - keep documents and a record on the issue of all types of plant passport;
 - provide for the placement of plant passports in such a way that they cannot be reused.
- (2) The manner and time limits for reporting, and the time limits for keeping the documents referred to in the previous paragraph, shall be prescribed by the

minister in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive.

Article 50

(obligations of buyers of plants, plant products and regulated articles)

- (1) Buyers of plants, plant products and regulated objects who are involved in their marketable production or processing shall, as final users, keep all types of plant passport, subject to the prescribed time limit.
- (2) The duration of keeping the documents referred to in the previous paragraph shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive.
- (3) The buyers referred to in the first paragraph of this Article shall allow the competent inspector access to plants, plant products and regulated objects at any stage of production or processing, or on the market, and enable a phytosanitary examination, including documentary checks.

IV. BIOLOGICAL PLANT PROTECTION

Article 51

(biological plant protection)

- (1) Biological plant protection shall be the strategy for controlling harmful organisms in agriculture and forestry which uses living natural enemies, antagonists, or competitors or their products, and other self-replicating biotic entities.

Article 52

(autochthonous species of organisms)

- (1) An autochthonous species of organism shall be the species which is naturally present in a given ecosystem.
- (2) Introduction, cultivation and use of autochthonous species of organisms for the purpose of biological plant protection in covered areas and in the open air shall be permitted if the prescribed conditions in relation to professional and technical capacities prescribed by the minister in agreement with the minister responsible for nature conservation are met.

Article 53

(exotic species of organisms)

- (1) An exotic species of organism shall be the species which has been introduced by a man and had not been present in a specific ecosystem before its establishment.
- (2) Only the exotic species of organisms indicated in the list published by the minister in agreement with the minister responsible for nature conservation may be used for the purpose of biological plant protection in covered areas and in the open air.
- (3) The Administration shall issue a permit for the introduction and use of exotic species of organisms referred to in the previous paragraph with the agreement of the minister responsible for nature conservation, if it is established that the

intervention in nature does not threaten natural balance or biodiversity, pursuant to regulations in the field of nature conservation.

- (4) Notwithstanding provisions of the second paragraph of this Article, a permit for the introduction and use of exotic species of organisms may be issued by way of exception for the purpose of biological plant protection for scientific or research organisations, if they are used for trial and research or development purposes. The permit shall be issued in a manner referred to in the previous paragraph.
- (5) In order to obtain a permit referred to in the third and fourth paragraphs of this Article, the applicant shall meet also the prescribed conditions as to premises, equipment, and staff.
- (6) The application for the issue of the permit referred to in the third and fourth paragraphs of this Article shall be lodged with the Administration. The application shall contain the following data in particular:
 - the personal name and address of residence or stay, or company and registered office;
 - the person responsible;
 - types of activity;
 - the type and the method of use with regard to the target harmful organism;
 - the introduction scheme and the list of recipients;
 - assessment of risk to nature;
 - the evidence that the organism may be used in at least three ecologically comparable European states;
 - the evidence that the organism is intended for the use for biological plant protection;
 - the evidence that other prescribed conditions for the use are met.
- (7) The more detailed conditions referred to in the fifth paragraph of this Article and the more detailed contents of applications referred to in the previous paragraph shall be prescribed by the minister in agreement with the minister responsible for nature conservation.
- (8) The Administration shall keep records of introduction and use of exotic species of organisms referred to in this Article.

V. ACQUISITION, USE AND EXCHANGE OF DATA AND INFORMATION

Article 54 (data acquisition and use)

- (1) With a view to analysing and adopting the plant-health measures, the Administration may, on the basis of this Act, for the purpose of managing and maintaining data bases, acquire and use data which are kept, within the prescribed data bases, by official state bodies, public institutes and agencies, licence holders and other authorised bodies, in particular from:
 - the register of agricultural holdings and the record of relevant entities;
 - records of producers and processors of agricultural products or foodstuffs;
 - the land use register;
 - the register of spatial units;
 - the tax register (tax number);

- the central civil register (personal name, unique personal identification number and address of residence or stay);
 - the Land Cadastre (lot number, lot boundaries, surface, owner, manager, tenant);
 - the land register (ownership and tenant rights to individual lots);
 - the business register of the Republic of Slovenia;
 - the statistical data base in the field of agriculture and forestry, in an aggregate form;
 - the customs data base on the introduction from third countries and export of plants and plant products;
 - the data base of the Fund of the Republic of Slovenia for Farmland and Forests (data on the land owned by the Republic of Slovenia, and tenants of such land);
 - the data base of the Hydrometeorological Institute of the Republic of Slovenia.
- (2) The Administration may also use basic topographic plans, topographic charts, survey maps, and digital orthophoto maps.
- (3) In accordance with its competencies, the Administration shall link its data bases with all data bases kept at the ministry responsible for agriculture and forestry.
- (4) Registers, records and other data bases which the Administration sets up and maintains under this Act, shall be financed from the budget of the Republic of Slovenia.
- (5) The manner of linking data with other data bases, and the manner of acquiring data from other data bases shall be prescribed by the minister in agreement with the minister responsible for an individual data base, pursuant to regulations governing data protection.

Article 55
(data communication)

- (1) The Administration may communicate data from its registers and data bases to other state bodies and local community bodies, if this is necessary for carrying out statutory tasks, and to authorised organisations and providers of public services if they need these for carrying out tasks in the field of plant health.
- (2) Managers of data bases, charts and digital orthophoto maps referred to in the previous paragraph shall communicate data to the Administration free of charge, but they may charge direct material costs. Managers of data bases shall communicate data referred to in the first paragraph of the previous Article which have the nature of personal data, in compliance with regulations on protection of personal data.
- (3) Extracts from data bases which are kept in compliance with this Act and which do not contain any personal data may be obtained by the persons who show legal interest, against the payment of communication costs. Data so obtained may only be used for the purposes for which they were delivered and may not be changed or communicated to other persons.

Article 56
(information system)

- (1) Plant-health providers shall keep and regularly update the prescribed records, registers and data bases which are linked into the information system.
- (2) The Administration shall ensure the setting-up and linking of the information system referred to in the previous paragraph with the information system of the ministry responsible for agriculture and forestry, and with international information systems in the field of plant health.
- (3) The manner of linking, the conditions of keeping the registers, records and data bases shall be prescribed by the minister.

Article 57
(international exchange of data and information)

- (1) At the international level, the Administration shall exchange the following data and information in particular:
 - on the central authority;
 - on the list of points of entry through which consignments may be imported from third countries into the Community;
 - on the list of harmful organisms which are the subject of control;
 - on the presence or occurrence of harmful organisms indicated in lists prescribed under this Act, on the part of its territory where their presence was not previously known, and on the measures taken;
 - on the occurrence, outbreak, or spread of harmful organisms which represent a potential risk;
 - on any occurrence of a harmful organism within the protected area in relation to which the protected area was recognised;
 - on the findings of a systematic survey within the protected area;
 - on regulations which have been issued on the basis of this Act;
 - on the cases when consignments of plants, plant products and regulated objects have been intercepted due to their failure to meet phytosanitary requirements;
 - on other data and information in the field covered by this Act, at the request of international bodies and organisations.
- (2) Data and information shall be communicated in compliance with international conventions and agreements binding on the Republic of Slovenia.

VI. COSTS, FEES AND CO-FINANCING OF PROGRAMMES

Article 58
(costs)

- (1) All costs incurred in connection with testing plants, plant products and regulated objects which have been carried out upon the request of the competent inspector or the responsible official body in order to establish the plant-health status shall be paid, if the result of the analysis is unfavourable for the titleholder, by the titleholder from whom the samples have been taken, unless otherwise prescribed.
- (2) Notwithstanding provisions of the previous paragraph, all costs of examinations of plants, plant products and regulated objects which aim at confirming or ruling out the suspicion of a harmful organism shall be covered from the budget funds of the Republic of Slovenia, provided that titleholders have, pursuant to the second paragraph of Article 6 of this Act, informed the competent inspector or another

official referred to in this Act of the new or unexpected occurrence of harmful organisms.

- (3) All costs of the measures under this Act, incurred with a view to ensuring plant health, shall be borne by the titleholder, unless otherwise prescribed.
- (4) Costs of technical training courses for obtaining authorisation for the issue of plant passports shall be paid by the applicant.

Article 58.a **(fees)**

- (1) A fee shall be paid by the applicant for the issue of the prescribed certificate and attestation of the plant health condition, as well as for phytosanitary examinations.
- (2) The fee referred to in the previous paragraph shall represent an income into the budget of the Republic of Slovenia and shall be paid in on a special account, determined in accordance with regulations governing the payment method and the allocation of the general government revenue.
- (3) The minister shall prescribe the amount of fee with regard to the type and quantity of plants, plant products and regulated objects indicated in List V.A.
- (4) As for the consignments referred to in the first paragraph of Article 25 of this Act, the minister shall prescribe the amount of fee with regard to the type and quantity of plants, plant products and regulated objects in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.
- (5) The obligation to pay the fee shall arise with the issuing day of the phytosanitary certificate, the certificate of health suitability, or carrying out of the phytosanitary examination.
- (6) The obligation referred to in the previous paragraph shall be borne by the applicant within 30 days following the occurrence of such an obligation.
- (7) If the applicant fails to meet the obligation referred to in the previous paragraph within the specified time limit, the applicant shall be sent a written demand to settle the obligation within 15 days following the receipt of the demand.
- (8) If the applicant fails to meet the obligation also after having received the written demand referred to in the previous paragraph, the competent inspector shall issue a decision on the obligation of paying the fee.

Article 58.b **(plant health programmes)**

- (1) Co-financing of plant health programmes approved by the Commission shall be carried out pursuant to Directive and Commission Regulations 1040/2002/EC (OJ L 157 of 15 June 2002), as amended, and 998/2002/EC (OJ L 152 of 12 June 2002), as amended.

VII. COMPENSATIONS

Article 59 **(compensation)**

- (1) A titleholder engaged in the production or processing of plants, plant products and regulated objects shall have the right to a compensation for destroyed plants, plant products and regulated objects, in respect of which the competent inspector has, on the basis of Article 14 of this Act, ordered the measures of eradication, prevention or suppression of harmful organisms, and in respect of which the competent inspector has ordered measures due to harmful organisms which on the basis of the risk assessment referred to in point 6 of Article 76 of this Act pose risk to the health of seeds and propagating material.
- (2) The titleholder referred to in the previous paragraph shall be entitled to the compensation if:
 - he informs the competent inspector or another official under this Act immediately upon identifying the occurrence or suspicion of the harmful organism, and
 - he has carried out all the prescribed and ordered plant-health measures.
- (3) The compensation shall be paid from the budget funds of the Republic of Slovenia.
- (4) The compensation referred to in the previous paragraph shall not be paid if the harmful organism occurs upon the introduction of plants, plant products and regulated objects into the Republic of Slovenia.
- (5) The procedure for payment of the compensation shall be initiated upon the request of the titleholder of the destroyed or otherwise removed plants, plant products and regulated objects. In the application lodged with the Administration, the titleholder shall state first of all species and the quantity of plants, plant products and regulated objects, and provide a statement on the type and time of implementation of the measures. The application for the payment of compensation may be lodged within one year at the latest following the issue of the minutes of the competent inspector concerning the measures implemented. No administrative fee shall be paid in the payment procedure of the compensation.
- (6) The Administration shall decide on the entitlement to the compensation and its amount in an administrative procedure on the basis of the decision on ordered measures, the minutes of the competent inspector on the measures implemented, and on the basis of a report by a special commission on the determined amount of compensation. The amount of compensation shall be determined by a special commission which is to be appointed by the Administration and consist of at least three members with a minimum higher professional education in the field of agriculture, forestry or economy.
- (7) Neither an appeal nor administrative dispute is possible against the decision on the amount of compensation. The titleholder may, within 30 days of the date of service of the decision referred to in the previous paragraph, propose to the competent court to assess the amount of compensation.
- (8) If the decision is not issued or served to the titleholder within 60 days of the lodging of the claim for compensation, the titleholder may propose to the competent court to assess the compensation.
- (9) The court shall decide on the claims referred to in the sixth and seventh paragraphs of this Article in a non-civil procedure.
- (10) The minister shall specify the criteria for determining the compensation for destroyed or otherwise removed plants, plant products and regulated objects.

VIII. PUBLIC SERVICE OF PLANT HEALTH

Article 60
(definition)

- (1) A public service of plant health shall be the activity defined by law, in carrying out of which the provider has special obligations in the public interest (hereinafter referred to as: public service obligations).
- (2) The activity of public service of plant health shall encompass in particular the performance of tasks in the field of observing and forecasting harmful organisms, and technical tasks in the field of plant health.
- (3) The tasks in the field of observing and forecasting harmful organisms shall be in particular:
 - monitoring and observing development of harmful organisms which are normally present on plants and plant products, and determining optimal time limits for their suppression;
 - recording outbreaks and increased populations of harmful organisms (epiphytotics);
 - forecasting the development and increased occurrence of harmful organisms on the basis of relevant data;
 - providing meteorological, biological, and other data for the purpose of observing and forecasting the occurrence of harmful organisms;
 - performing basic field and laboratory diagnostics of harmful organisms;
 - warning and preventing the spread of harmful organisms through advising and instructions for the use of plant protection products, and notifying the public and relevant services;
 - educating titleholders in connection with implementing plant-health activities.
- (4) Technical tasks in the field of plant health shall be in particular:
 - carrying out specialised laboratory tests of plants, plant products and regulated objects with a view of diagnosing harmful organisms;
 - providing expert opinions to titleholders in relation to plant health;
 - professional training of the persons responsible for plant health for the issue of plant passports;
 - carrying out the research and development activities;
 - carrying out disinsectisation, disinfection and deratisation for the purposes of plant health;
 - performing other technical tasks.
- (5) The minister shall prescribe in more detail the tasks referred to in the third and fourth paragraphs of this Article.

Article 61
(providers of public service of plant health)

- (1) The activities of public service of plant health shall be carried out by public institutions, persons of public law, and other legal and natural persons who meet the prescribed requirements as to personnel, spatial conditions, and conditions in relation to equipment.
- (2) Notwithstanding provisions of the previous paragraph, the activity of public service of plant health in forestry shall be carried out by the providers of public

forestry service stipulated by the act governing the field of forestry, in compliance with this Act and regulations governing the field of forestry.

- (3) The minister shall prescribe the conditions under the first paragraph of this Article, except for conditions in respect of providers of public service who carry out disinsectisation, disinfection and deratisation, which are prescribed pursuant to the act governing the trade in and use of plant protection products.

Article 62 **(public service obligations)**

- (1) The obligations of public service of plant health shall be the following:
 - a permanent and continuous carrying out of activities and performance of services;
 - provision of services to any natural or legal person involved in agricultural activity, plant protection activity, or showing legal interest;
 - provision of services at the prescribed prices.
- (2) The obligations of public service of plant health shall be determined in greater detail by a decision on granting concession.
- (3) If the provider of public service does not provide the service to persons to whom he is obliged to do so, or does not provide the service at the prescribed price and under other prescribed conditions, the user of the service may demand from the Administration to decide on the user's right by decision in an administrative procedure, and therewith impose on the provider of the public service to adopt appropriate conduct.

Article 63 **(financing of public service)**

- (1) The public service of plant health shall be financed from:
 - partly or wholly paid price of the services provided;
 - the budget of the Republic of Slovenia;
 - other sources.
- (2) The providers of public service of plant health shall earmark the funds allocated from the budget of the Republic of Slovenia for financing the public service solely for the provision of this public service.

Article 64 **(prices of public service)**

- (1) Users of the services provided by public service of plant health shall pay the price of individual services partially or in whole, whereby individual services may also be free of charge.
- (2) The minister shall prescribe prices of the services of public service of plant health and determine the share to be paid by the user.

Article 65 **(supervision of implementation of the public service)**

- (1) Professional supervision of the implementation of public service of plant health shall be carried out by the Administration; inspection and supervision shall be performed by the phytosanitary inspection service, except in the case of the public service of plant health in forestry, where professional supervision and inspection are carried out in compliance with the act governing the field of forestry.
- (2) The tasks of technical supervision under the previous paragraph may be conferred by the Administration on other legal persons as a public authority.

Article 66 **(concession)**

- (1) The Administration shall award concessions for providing public service of plant health to providers on the basis of public calls for tenders, which are published in the Official Gazette of the Republic of Slovenia.
- (2) Public calls for tenders shall contain in particular:
 - determination of the subject of concession;
 - indication of the beginning and duration of the concession;
 - the conditions to be met by the concession holder;
 - the compulsory elements of the application;
 - selection criteria;
 - indication of the time limit for issuing the decision on awarding the concession;
 - other possible professional and technical conditions;
 - the contact person for providing information in connection with the content of public call for tenders;
 - the date, place and time for opening tenders;
 - the manner of notifying candidates on the selection of concession holders.
- (3) The procedure of opening and evaluating applications shall be performed by the commission appointed by the director of the Administration.
- (4) Authorised representatives of applicants may be present at opening of applications.
- (5) Tenders submitted too late shall be dismissed. Incomplete tenders may be completed within eight days of the receipt of the notice, otherwise the tender shall be dismissed, of which tenderers should be warned appropriately.
- (6) The result of public call for tenders shall be published in the Official Gazette of the Republic of Slovenia.
- (7) Public calls for tenders referred to in the first paragraph of this Article shall not be required for public institutions which operate in the field of agriculture and forestry, to which the Administration awards concession on the basis of the application by a decision in an administrative procedure. Relationships between the Administration and concession holders shall be settled in more detail by contracts.
- (8) No appeal shall be allowed against the decision referred to in this Article; however an administrative dispute is possible.

Article 67 **(contracts)**

- (1) A contract referred to in the previous Article shall be concluded in writing and contain in particular:
- the provider and professional persons to perform the activity;
 - the activity of plant health performed by the provider;
 - the area in which the provider must provide the public service of plant health;
 - the manner and conditions for carrying out certain activity laid down in the contract;
 - the rights, obligations and responsibilities of provider;
 - working and business hours, or the manner of ensuring the activity;
 - the start and duration of the concession;
 - source of financing;
 - control of the implementation of the activity;
 - termination of the concession;
 - contract notice period.

IX. PUBLIC AUTHORISATIONS

Article 68 (public authorisations)

- (1) The Administration shall delegate a public authorisation to the bodies governed by public law and to legal persons governed by private law that meet the conditions in relation to professional, spatial and technical capabilities to carry out the tasks referred to in the second paragraph of Article 9, third paragraph of Article 42, Article 65, and points 3, 4, 5, 6, 7, 8, 10, 14, 19, 21, 23, and 24 of Article 76 of this Act.
- (2) The tasks of plant health in forestry referred to in points 3, 4, 5, 6, 7, 8, 10, 14, 19 and 24 of Article 76 of this Act shall be performed by the public forestry service stipulated in the act regulating protection of forests, as a public authorisation.
- (3) In case of a finding of the harmful plant referred to in Article 12.b of this Act in the protected area, the tasks of plant health referred to in points 3, 4, 6, 7, 10, 14, 19 and 21 of Article 76 of this Act may be carried out by the manager of the protected area appointed pursuant to the act governing nature conservation, as a public service.
- (4) The conditions in relation to professional qualifications referred to in the first paragraph of this Article shall be prescribed by the minister.
- (5) The fulfilment of conditions in relation to professional qualifications shall be verified by a commission which is to be appointed by the director of the Administration. The director of the Administration shall verify the fulfilment of conditions in relation to professional qualification by a decision in an administrative procedure.
- (6) The Administration shall delegate a public authorisation for performing tasks referred to in the first paragraph of this Article on the basis of a public call for tenders.
- (7) Public calls for tenders referred to in the previous paragraph of this Article shall not be required for public institutions which operate in the field of agriculture and forestry, which are awarded the authorisation on the basis of an application, by decision in an administrative procedure.

- (8) The Administration shall decide on the selection of providers by a decision in an administrative procedure. The decision shall specify also technical staff to perform the delegated activities.
- (9) There shall be no appeal against the decision referred to in the previous paragraph, but an administrative dispute shall be possible.
- (10) The holders of the public authorisation shall be responsible to the Administration for the implementation of tasks covered by the delegated public authorisation.
- (11) The public authorisation shall cease if its holder no longer meets the prescribed conditions, or if he works contrary to regulations, which is established by the director of the Administration with a decision in an administrative procedure.
- (12) Carrying out the tasks under the public authorisation shall be covered from the budget of the Republic of Slovenia.

X. SOCIETIES IN THE FIELD OF PLANT HEALTH ACTING IN THE PUBLIC INTEREST

Article 69 (public interest)

- (1) Professional and amateur societies in the field of plant health which perform activities in the public interest in the part in which the purpose of founding and the activity itself of the society exceeds the realisation of interests of members of the society.
- (2) A society shall act in the public interest if it is active in the field of plant health.
- (3) More detailed conditions referred to in the previous paragraph may be prescribed by the minister.

Article 70 (status of the society)

- (1) A society operating in the public interest may be financed from the budget of the Republic of Slovenia, or the local self-government unit may allocate funds from its budget for performing the activity in the public interest, on the basis of a contract and in compliance with the act governing public procurement.
- (2)

Article 71 (ceased to apply)

XI. EXPERT COUNCIL FOR PLANT HEALTH

Article 72 (expert council for plant health)

- (1) A council for plant health as an expert advisory body in the field of plant health consisting of experts in the field of plant health in agriculture, forestry, science and education, shall be founded by the minister. Its tasks shall be in particular:

- advising on the introduction of measures for preventing the introduction and spread of harmful organisms and their suppression;
 - proposing scientific and educational activities in the field of plant health;
 - monitoring systemic and development issues in the field of plant health, and proposing priority tasks;
 - proposing priority pest risk assessments of the risk of harmful organisms;
 - proposing development plans in plant health;
 - co-operating in the elaboration of groundwork for the preparation of legislation.
- (2) The composition and method of work of the Council shall be prescribed by the minister.

XII. COMPETENCIES OF STATE BODIES

1. The Government and the minister

Article 72.a (Government)

- (1) In the event of a mass outbreak of organisms harmful to plants referred to in Article 12.a of this Act, the Government of the Republic of Slovenia may order special tasks and implementation of measures to performers of public authorisations of plant health, to the public plant health service, and to other providers of plant health, with a view to implementing the prescribed measures in a regulated area.
- (2) In case of finding of the harmful plant referred to in Article 12.b of this Act, the Government may delegate special tasks and the implementation of measures to the providers of public authorisations of plant health, to the public service of plant health, and to other providers of plant health, as well as to the providers of public authorisations for the protection of nature and the environment, with a view to carrying out the prescribed measures in the special regulated area.
- (3) In order to prevent spread and suppression of harmful organisms in the cases referred to in previous paragraphs, provided that natural or other diseases are involved, the Government of the Republic of Slovenia may order also a compulsory cooperation of Civil Protection, the fire service and other protection, rescue and assistance services, police, and other competent institutions in the state.

Article 73 (measures of the minister)

- (4) The minister may order the following measures for the purpose of implementation of this Act:
- order a prohibition of production of individual species, varieties or clones of plants in a specified area;
 - limit or ban trade in individual plant species;
 - order mandatory co-operation of titleholders in the suppression of harmful organisms, and the use of their equipment for that purpose;
 - order all other measures necessary for the implementation of this Act.

2. Administration

Article 74 (Administration)

- (1) The Administration shall be the central body for plant health in the Republic of Slovenia responsible for co-ordination and exchange of information between official bodies and providers of public services, and for reporting to the European Commission.
- (2) The Administration shall perform administrative tasks and the related technical tasks.
- (3) In administrative matters decided by the Administration, the ministry shall be the body of second instance.

Article 75 (measures of the Director of the Administration)

- (1) If a risk exists to plant health, the director of the Administration may, in order to prevent the introduction and spread of harmful organisms and their suppression, issue a decision on:
 - determining the boundaries of the regulated area, or
 - restrict or ban the movement of individual species of plants on the territory of the Republic of Slovenia, or
 - restrict or ban the introduction into, or transit of specific plant species across, the territory of the Republic of Slovenia, or
 - lay down emergency measures for the prevention of introduction and spread of harmful organisms referred to in the fourth paragraph of Article 14 of this Act, or
 - lay down emergency measures for the prevention of introduction and spread of plants, plant products and regulated objects, not included in lists referred to in the first, second and third paragraphs of Article 15 of this Act.
- (2) The director of the Administration shall issue a decision pursuant to the previous paragraph in accordance with regulations governing measures for the prevention of introduction into the Community and spread of organisms harmful to plants and plant products, within the Community, notifying the Commission thereof.
- (3) The decision referred to in the previous paragraph shall be repealed by a new decision, if the Commission does not approve measures specified in the previous paragraph.
- (4) The decision referred to in the second paragraph of this Article shall apply until the entry into force of the regulation referred to in the third paragraph of Article 12, or fourth paragraph of Article 14 of this Act, provided that the Commission approves measures referred to in the second paragraph of this Article.

Article 76 (powers and tasks of the Administration)

- (1) In addition to the powers under other regulations, the Administration shall have, under this Act, the following tasks and powers in particular:

1. co-operating in the formulation and implementation of the policy of plant health;
2. co-operating in the preparation of regulations and performance of other administrative tasks in the field of plant health, and providing for their implementation;
3. carrying out surveillance of harmful organisms;
4. analysing and evaluating the plant-health status with a view to determining the occurrence and spread of harmful organisms within the country and abroad;
5. carrying out laboratory tests of plants, plant products and regulated objects with a view to diagnosing harmful organisms indicated in Lists I.A, II.A, I.B, and II.B;
6. preparing risk assessments in the event of a risk of occurrence or detection of new harmful organisms or plants with harmful impact on the economy, environment or society, issuing technical instructions and measures;
7. elaborating technical bases when determining infected areas, endangered areas, regulated areas, and protected areas;
8. setting up and keeping registers, records and lists;
9. adopting programmes relating to preventive measures against the introduction and spread of harmful organisms, and care for the implementation of programmes;
10. carrying out measures for prevention, suppression and eradication of harmful organisms;
11. ensuring phytosanitary measures;
12. professional supervision of the performance of tasks of public services in compliance with this Act;
13. reporting on occurrences, outbreaks and spread of harmful organisms in the country and abroad;
14. preparing reports, analyses, information, and other materials for official bodies and international organisations to whom the Republic of Slovenia is bound to report in compliance with regulations and on the basis of international contracts;
15. notifying exporting countries of intercepted consignments due to not meeting phytosanitary requirements;
16. co-operating in the preparation of international agreements concluded by the government in the field of plant health, and care for their implementation;
17. care for notifying the public and those interested of the matters in the field of plant health, and issuing publications;
18. care for the carrying out of uniform work procedures pursuant to regulations and international requirements;
19. setting up and maintaining an information system in the field of plant health;
20. providing technical training of Administration staff;
21. co-operating with other official bodies and organisations both in the country and abroad, in the field of work;
22. representing the Republic of Slovenia in international bodies and organisations in the field of plant health;
23. issuing plant passports;
24. carrying out phytosanitary examinations;
25. providing for the system for the issue of phytosanitary certificates;

26. issuing instructions in relation to performing tasks referred to in Article 2.a of this Act for responsible official bodies referred to in the second paragraph of Article 2.b of this Act;
27. performing other tasks in relation to plant health.

Article 76.a
(powers for phytosanitary examinations)

- (1) Powers for carrying out phytosanitary examinations under this Act and regulations issued on the basis thereof shall be the following:
 1. access to plants, plant products or regulated objects at any time and at any place where these are moved, produced, processed, stored, offered for sale, or used otherwise;
 2. access to plants, plant products or regulated objects on the premises of purchasers and at introduction from third countries, export, or transit;
 3. documentary check of legal and natural persons in relation to plant health;
 4. taking samples of plants, plant products or regulated objects for laboratory analysis, without any compensation for their value;
 5. checking if the producers, processors, importers and distributors of the prescribed types of plants and plant products are listed in the register;
 6. checking if the conditions are met for the issue of plant passports;
 7. issuing plant passports in the case referred to in the third indent of the third paragraph of Article 42 of this Act, and the second paragraph of Article 48 of this Act;
 8. checking if persons liable for entry in the register discharge their duties pursuant to this Act;
 9. issuing phytosanitary certificates for export and phytosanitary certificates for re-export;
 10. access to registers and records necessary for carrying out the control;
 11. ordering and supervising performance of measures under this Act;
 12. performing other tasks in relation to plant health.
- (2) An official performing public authorisations for the carrying out of phytosanitary examinations shall have a service card or a badge, proving his identity.
- (3) The minister shall prescribe the form and content of the service card and badge referred to in the previous paragraph.

Article 76.b
(phytosanitary measures)

- (1) An official shall notify the Administration and the competent phytosanitary inspector, who may order measures specified in items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 18 of Article 80 of this Act, on all findings of phytosanitary examinations referred to in the previous paragraph, which are compulsory to be subjected to such measures.
- (2) In the cases referred to under Articles 12., 12.a and 12.b of this Act, the Administration shall issue a decision in order to specify the list of sources of infection and of other infected, endangered or pest-free areas, and lay down the

prescribed phytosanitary measures in respect of each individual area. An appeal against the decision shall not restrain the implementation.

- (3) An official may propose to the Administration deletion from the register or withdrawal of the authorisation for the issue of plant passports, if it is found during a phytosanitary examination that a person liable to be entered in the register does not meet the mandatory obligations.

3. Inspection and supervision

Article 77

(inspection and supervision)

- (1) Inspection and supervision of the implementation of this Act, of the regulations issued on its basis, and of Community plant health regulations shall be carried out by phytosanitary and forestry inspectors.
- (2) Measures under this Act shall be ordered by the phytosanitary or forestry inspector by a decision issued in an administrative procedure. An appeal against such a decision shall not withhold its implementation.
- (3) The ministry shall be the official body of second instance in administrative matters which are decided by a competent inspector.

Article 78

(phytosanitary and forestry inspection services)

- (1) The phytosanitary and forestry inspection services shall ensure uniform implementation of work processes and measures in the field of plant health, carry out official monitoring of the plant-health status, provide professional training of inspectors, participate in the preparation of regulations in their field of work, and perform other matters determined by law or other regulations.
- (2) In their work, the inspection services shall co-operate with the Administration, other inspection services, institutes and other organisations and experts for agriculture and forestry in the Republic of Slovenia and abroad.

Article 79

(tasks and authorisations of inspectors)

- (1) Besides authorisations under other regulations, a phytosanitary or forestry inspector may, pursuant to this Act and regulations issued on its basis:
 1. have access to plants, plant products or regulated objects at any time and at any place where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of purchasers and during introduction from third countries, export and transit;
 2. carry out inspection of plants, plant products and regulated objects at any time and at any place where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of purchasers and during introduction from third countries, export and transit;
 3. examine documentation of legal and natural persons in relation to plant health;
 4. take samples of plants, plant products and other regulated objects without compensating for their value with a view to carrying out laboratory analyses;

5. verify whether producers, processors, importers and distributors of the prescribed species of plants and types of plant products are entered in the register;
6. check whether they meet the conditions for the issue of plant passports;
7. check meeting of obligations of liable persons under the register in compliance with this Act;
8. check whether providers of public services, legal and natural persons who have been granted the authorisation under this Act, meet the prescribed conditions;
9. carry out supervision of tasks performed by providers of public services;
10. carry out supervision of the issue of plant passports;
11. carry out phytosanitary examination and order phytosanitary measures;
12. inspect registers and records which are necessary in exercising the supervision;
13. perform controls of the introduction from third countries, cultivation and use of organisms for biological plant protection;
14. supervise the implementation of measures under this Act;
15. perform other tasks in relation to plant health.

Article 80
(measures of inspectors)

- (1) When performing inspection and supervision a phytosanitary or forestry inspector may, under this Act and regulations issued on its basis, issue a decision in order to:
 1. ban the introduction from third countries of harmful organisms indicated in the lists prescribed under this Act and other specified harmful organisms;
 2. ban the introduction from third countries of a consignment, and movement of plants, plant products and regulated objects which do not meet the relevant conditions under this Act;
 3. ban the cultivation of prescribed species of plants for a specified time at the place of production;
 4. order a suitable treatment of consignments during introduction from third countries, export and movement, and of plants, plant products and regulated objects if these are found to be infected with prescribed harmful organisms;
 5. order removal of only the infected part of a consignment if there is no risk of harmful organisms spreading;
 6. order that the consignment may not be handed over to an importer, transporter or persons who are introducing from third countries or moving plants, plant products and regulated objects until a phytosanitary examination has been completed or until the results of investigations and official tests are known;
 7. allow the movement of plants, plant products and regulated objects (except seeds and plants intended for planting) in case of a mild infection with harmful organisms into the areas where these do not pose a risk for the spread of harmful organisms, or to places of industrial processing under his control;
 8. order the destruction of consignments during introduction from third countries or movement, and of plants, plant products and regulated objects if there is a risk of harmful organisms spreading or if the conditions under this Act are not met;
 9. temporarily ban the activities of producers or processors in whole or in part, and the issue of plant passports until it is established that the danger of spread of harmful organisms has been removed;

10. ban the issue of plant passports in cases when the conditions for the issue of these are not met;
11. propose to the Administration removal from the register if he establishes that liable persons under the register do not meet the prescribed obligations;
12. propose to the Administration that in the case of repeated violations or if ceasing to meet the prescribed conditions, the authorisation for the issue of plant passports is to be withdrawn;
13. pending the decision of the Administration, ban the performance of a public service of providers of public services if the prescribed conditions are not met, and propose the licence or authorisation to be withdrawn;
14. ban the introduction from third countries, cultivation or use of organisms for biological plant protection if the conditions under this Act are not met;
15. order measures for the elimination of irregularities and deficiencies under this Act, and regulations issued on its basis, within the time limit determined by him;
16. order necessary preventive measures and activities for the introduction, occurrence, spread and suppression of harmful organisms, for which he is authorised by law and other regulations;
17. carry out the procedures pursuant to the General Offences Act, or report a criminal offence;
18. order other measures pursuant to this Act or regulations issued on its basis.

Article 81
(conditions of appointment)

- (1) A person who has acquired the university or professional higher education degree in agriculture, with focus on the study of agronomy, and has passed a proficiency examination in the field of plant health, and meets other general conditions for work in state administration, may be appointed phytosanitary inspector.
- (2) In order to perform inspection and supervision under this Act, the forestry inspector should have passed the proficiency examination in the field of plant health, in addition to other prescribed conditions.
- (3) The regulations on the content and manner of passing the proficiency examination under this Article shall be prescribed by the minister.

Article 82
(inspection identification card or badge)

- (1) A phytosanitary and forestry inspectors shall have an inspection card or badge for their identification when performing inspection and supervision.
- (2) The form and content of inspection card or badge shall be prescribed by the minister.

XII.a COOPERATION WITH THE COMPETENT COMMUNITY AUTHORITIES

Article 82.a
(Commission experts)

- (1) Responsible official bodies referred to in Article 2.b of this Act shall make provision for cooperation between Community experts in carrying out checks and other activities in the territory of the Republic of Slovenia, as well as spatial and technical conditions for work in accordance with regulations governing plant health.
- (2) A person to be subject of checking and performing other activities under the previous paragraph by the Commission, shall ensure the Commission access at any time, and in particular to plants, plant products or other articles, and the review of documents in relation to plant health.
- (3) The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in the second paragraph of Article 18 of Directive, the nature of cooperation and provision of spatial and technical conditions for carrying out the checks and other activities referred to in the first paragraph of this Article.

Article 82.b
(notification)

- (1) The Administration shall notify the Commission or other Member States in writing in particular of:
 - central responsible body and other official responsible bodies, including any modifications;
 - list of points of entry, including any modifications;
 - establishment of the presence of harmful organisms in respect of which the Republic of Slovenia has been recognised the protected area, and on the results of surveys in such a protected area;
 - findings and measures in relation to plants, plant products and regulated objects originating in another Member State and which have been found by means of official checks to present risk for the spread of harmful organisms;
 - interception of plants, plant products and regulated objects from third countries, which failed to comply with the requirements as to plant health, and of the reasons for such interception, regardless of the measures which have been or are to be carried out;

- the presence of harmful organisms referred to in Article 7 of this Act within the territory of the Republic of Slovenia, the presence of which has previously not been known, and on the adopted measures;
- suspected or established occurrence of harmful organisms, not indicated in Article 7 of this Act, within its territory, the presence of which has previously not been known, and on the adopted measures;
- measures in relation to consignments of plants, plant products and regulated objects from third countries, if the presence is established of harmful organisms referred to in Article 7 of this Act;
- additional provisional measures, if necessary, in respect of prevention of introduction and spread of harmful organisms indicated in Article 7 of this Act within its territory.

Article 82.c
(cooperation)

- (1) Official responsible bodies specified in this Act shall cooperate with other Member States and the Commission within the framework of the Standing Committee on Plant Health, set up by Council Decision No 76/894/EEC establishing a Standing Committee on Plant Health (OJ L 340, 9.12.1976, p. 25) and other Community bodies.

XII.b COOPERATION WITH LOCAL COMMUNITY BODIES

Article 82.d
(cooperation with municipalities)

- (1) Responsible official bodies referred to in this Act shall cooperate in the carrying out of provisions of this Act with local community bodies, inform them of the findings of harmful organisms or harmful plants within their area, and of certain phytosanitary measures referred to in this Act within their area.
- (2) In adopting regulations and other acts that fall within their competence, municipalities shall take into account certain phytosanitary measures for the prevention of spread and suppression of harmful organisms and harmful plants within the areas of municipalities.“

XIII. PENALTY PROVISIONS

Article 83
(violations)

- (1) A legal person shall be fined from EUR 800 to EUR 33 000 for a violation, if:
1. he fails to act in accordance with the second paragraph of Article 5, or the first, second or fourth paragraph of Article 6;
 2. he fails to protect and prevent contact with other plants, plant products and regulated objects (second paragraph of Article 9),
 3. he provides and publishes data contrary to the provisions of the third paragraph of Article 11,

4. he provides or publishes data on the occurrence of a newly discovered harmful organism in the Republic of Slovenia without the approval of the Administration (fourth paragraph of Article 11);
5. he fails to carry out the measures referred to in the sixth paragraph of Article 12.b,
6. he introduces or spreads harmful organisms contrary to Article 14;
7. he introduces and moves plants, plant products and regulated objects contrary to Article 15;
8. he acts contrary to the first paragraph of Article 16;
9. he acts contrary to the first and second paragraphs of Article 19;
10. he acts contrary to the first paragraph of Article 22;
11. he does not introduce consignments of plants from third countries through the specified points of entry (first paragraph of Article 24);
12. he introduces consignments from List V.B, which have not been subjected to a phytosanitary examination, from third countries (second paragraph of Article 25);
13. he introduces consignments from List V.B without a phytosanitary certificate, from third countries (first or fourth paragraphs of Article 25.a);
14. he does not notify a phytosanitary inspector of the arrival of consignments of plants (first paragraph of Article 30);
15. he fails to implement measures ordered by the phytosanitary inspector (third paragraph of Article 30), or fails to assure that the consignment remains unchanged (fourth and fifth paragraphs of Article 36),
16. he acts contrary to Article 37;
17. he moves plants, plant products and regulated objects contrary to Article 38 or the first paragraph of Article 39;
18. he does not ensure a phytosanitary examination of plants, plant products and regulated objects (first and second paragraphs of Article 41);
19. he issues plant passports without the permission of the Administration (second indent of the third paragraph of Article 42);
20. he issues plant passports contrary to Article 46;
21. he acts contrary to Article 47;
22. he acts contrary to Article 48;
23. he acts contrary to Article 49;
24. he acts contrary to the first or third paragraph of Article 50;
25. he introduces, cultivates or uses autochthonous species of organisms contrary to the second paragraph of Article 52;
26. he introduces from third countries or uses exotic species of organisms contrary to the second, third and fourth paragraphs of Article 53;
27. he acts contrary to the third paragraph of Article 55;
28. as a provider of plant health, he fails to maintain and keep up-to-date mandatory records, registers and data bases pursuant to the first paragraph of Article 56;
29. as a provider of public service, he fails to carry out the responsibilities under the first paragraph of Article 62;
30. as a provider of public service, he fails to use funds pursuant to the second paragraph of Article 63;
31. he acts contrary to the third paragraph of Article 92.

- (2) A sole proprietor shall be fined from EUR 400 to EUR 16 000 for a violation referred to in the previous paragraph.
- (3) A responsible person of a legal entity or a responsible person of a sole proprietor shall be fined EUR 200 to EUR 1 200 for a violation under the first paragraph of this Article.
- (4) A natural person shall be fined from EUR 200 to EUR 600 for a violation under the first paragraph of this Article.

Article 84
(deleted)

The Plant Health Act – ZZVR-1 (Official Gazette of the Republic of Slovenia, No. 45/01) contains the following transitional and final provisions:

XIV. TRANSITIONAL AND FINAL PROVISIONS

Article 85
(Administration and task implementation)

- (1) The Administration shall be established no later than by 31 December 2001. Pending the establishment of the Administration, the tasks of the Administration under this Act shall be performed by the ministry responsible for agriculture, forestry and food.

Article 86
(import)

- (1) Pending the full membership of the Republic of Slovenia in the European Union, import from any country, and after this date import from all countries other than Member States of the European Union, shall be considered as import into the Republic of Slovenia.

Article 87
(movement)

- (1) Pending the full membership of the Republic of Slovenia in the European Union, only movement within the Republic of Slovenia, and after that date movement within Member States of the European Union, shall be considered as movement.

Article 88
(notification)

- (1) As from the date of full membership of the Republic of Slovenia in the European Union, the Administration shall notify other Member States of the European Union and the European Commission of all measures implemented in compliance with this Act and regulations issued on its basis.

Article 89

(entry in the register)

- (1) Liable persons under the second paragraph of Article 19 of this Act shall be entered in the register no later than one year after this Act takes effect.

Article 90**(certificate of plant-health status of crops or facilities)**

- (1) Pending the application of provisions referred to in the second paragraph of Article 98 of this Act relating to plant passports, the prescribed crops for the production of propagating material (hereinafter referred to as: crops) and facilities for the production of planting material for perennial plants, annuals and ornamental plants (hereinafter referred to as: facilities) shall be subjected to a plant health check during their cycle of vegetation in compliance with regulations. A certificate stating the plant-health status of crops or facilities shall be issued in the prescribed manner.
- (2) By 1 January 2003, the compulsory plant health checks and issue of certificates of the plant-health status of crops or facilities shall be carried out by authorised organisations in compliance with regulations.
- (3) If during the compulsory plant health check of crops or facilities referred to in the previous paragraph, harmful organisms indicated in List I.A and List II.A are found, the competent inspector shall order measures for their suppression and eradication.
- (4) In the case when the compulsory health check of crops and facilities has not been carried out and a certificate of the plant-health status of crops or facilities has not been issued, the seed and planting material originating from these crops or facilities may not be placed on the market.
- (5) When the provisions referred to in this Article are not met, trade shall be banned by the competent inspector.

Article 91**(certificate of plant-health status on the internal market)**

- (1) Pending the application of provisions of the Act which relate to plant passports, the phytosanitary inspector shall issue certificates on the plant-health status of plants at the internal market for the prescribed consignments of seeds and planting material transported in the territory of the Republic of Slovenia.
- (2) The certificate referred to in the previous paragraph shall be issued if the seeds or planting material has been inspected prior to removal from the facility in which it was produced, processed or packed, and was found to be free from harmful organisms indicated in the Lists I.A and List II.A and from certain other harmful organisms above the prescribed percentage.
- (3) Trade in seeds or planting material for which the certificate under the previous paragraph has not been issued shall be banned.
- (4) In the case that the provisions of this Article are not met, trade shall be banned by the phytosanitary inspector.

Article 92

(monitoring the plant-health status of imported planting material of perennial plants)

- (1) Pending the full membership of the Republic of Slovenia in the European Union, plant-health status of the prescribed imported planting material of perennial plants which may carry harmful organisms from Lists I.A and List II.A whose presence cannot be determined during an inspection at import, shall be monitored at the place of the final user.
- (2) The importer of planting material referred to in the previous paragraph shall, at the time of import, submit to the competent inspector a written declaration including the prescribed data on the final user.
- (3) During the monitoring of the plant-health status at the place of the final user, planting material referred to in the first paragraph of this Article shall not be moved without the permission of the Administration.
- (4) The plant-health status of the imported planting material referred to in the first paragraph of this Article shall be monitored during its cycle of vegetation by a competent inspector in the prescribed manner.

Article 93

(compensation)

- (1) Pending the establishment of the Administration, the tasks referred to in Article 59 of this Act shall be carried out by the Inspection Service of the Republic of Slovenia for Agriculture, Forestry and Hunting.

Article 94

(Plant Variety Protection and Registration Office of the Republic of Slovenia)

- (1) After the expiry of three months following the establishment of the Administration, the Plant Variety Protection and Registration Office of the Republic of Slovenia shall cease to operate as a body within the Ministry of Agriculture, Forestry and Food. Its tasks, responsibilities, staff, archives and assets shall be taken over by the Administration.

Article 95

(time limit for the issue of new statutory regulations)

- (1) The statutory regulations provided for by this Act shall be issued no later than within two years after this Act takes effect, except for the regulations on the basis of Articles 20, 21, 22, and 23 of this Act, which are to be issued within six months after this Act takes effect.
- (2) In addition to the regulations provided for in individual Articles of this Act, other plant health regulations necessary for the implementation of this Act and of the Community regulations, may also be issued by the minister.

Article 96

(regulations to apply until the issue of new regulations)

- (1) Until the issuing of regulations on the basis of this Act, the following regulations shall be in force and/or apply:
- Rules on Health Control of Consignments of Plants in Cross border and Domestic Trade (Official Gazette of the Republic of Slovenia, No. 38/96 and 57/00),
 - Order on Conditions to be Met for the Transit of Potato Consignments Transhipped in the Port of Koper (Official Gazette of the Republic of Slovenia, No. 32/00),
 - Order on Measures for the Control and Prevention of the Spread of Rhizomania, Caused by the Beet Necrotic Yellow Vein Furovirus, (Official Gazette of the Republic of Slovenia, No. 86/00),
 - Decree on Measures for Preventing the Spread and for Control of Sharka, Caused by the Plum Pox Potyvirus (Official Gazette of the Republic of Slovenia, No. 32/00, 39/00 and 21/01),
 - Order on the Implementation of Systematic Control and Measures for the Prevention of Spreading and Eradication of Potato Ring Rot Caused by the Bacteria *Clavibacter Michiganensis* (Smith) Davis et al. ssp. *Sepedonicus* (Spieckermann et Kotthoff) Davis et al. (Official Gazette of the Republic of Slovenia, No. 54/99),
 - Order on Systematic Control and Measures for the Prevention of Spread and Eradication of Brown Potato Rot Caused by Bacteria *Ralstonia Solanacearum* (Smith) Yabuuchi et al. (Official Gazette of the Republic of Slovenia, No. 85/99),
 - Order on the Protective Measures Against the Spread of Potato Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.) and Potato Cyst Nematodes (*Globodera rostochensis* Woll. and *Globodera pallida* Stone) and Their Eradication (Official Gazette of the Republic of Slovenia, No. 51/98),
 - Order on the Conditions for Import of Potatoes to Prevent the Risk of Introduction of the Pathogenic Agent of Potato Brown Rot (*Ralstonia/Pseudomonas/ solanacearum/Smith/Yabuuchi et al*) (Official Gazette of the Republic of Slovenia, No. 76/97 and 96/99),
 - Order on Determination of Border Crossings Across Which Consignments of Plants for Which a Plant Health Check is Compulsory May be Imported, Exported or Transported in Transit (Official Gazette of the Republic of Slovenia, No. 92/99 and 11/01-ZFfS),
 - Decision on Granting Authorisation for Monitoring the Plant-Health Status of Imported Planting Material of Perennial Plants to Certain Organisations (Official Gazette of the Republic of Slovenia, No. 39/63),
 - Rules on the Form of Identification Card, Insignia and Badge of the Border Phytosanitary Inspector (Official Gazette of the Republic of Slovenia, No. 47/93),
 - Instructions on Publishing Data on the Occurrence and Spread of New Discovered Quarantine Plant Diseases and Harmful Organisms (Official Gazette SFRY, no. 40/91),
 - Order on Measures for the Prevention of Spread and Suppression of Bacterial Pear Fire Blight (Official Gazette SFRY, No. 13/91),
 - Rules on Mandatory Plant Health Check of Crops and Objects, Seeds and Planting Material of Agricultural and Forest Plants (Official Gazette SFRY, No. 52/86 and 3/87 – amended),

- Decision on the Authorisation of the Institute for Hop Growing and Brewing, Žalec, for Controlling Harmful Organisms on Hops (Official Gazette of the Republic of Slovenia, No. 86/00),
- Order on the Conditions to be Met by Professional Organisations of Associated Labour in the Performance of Mandatory Health Checks of Agricultural Crops for Seed Production, Objects for the Production of Forest Seed, and Objects for the Production of Planting Material (Official Gazette SRS, no. 4/78),
- Rules on the Method of Destroying Plants for Which an Order for Destruction has been Issued (Official Gazette SFRY, no. 4/78),
- Rules on the Manner of Submission of the Reports and Data on Occurrences of Plant Diseases and Harmful Organisms, and on the Measures for Preventing Their Spread and Suppression (Official Gazette SFRY, No. 61/77),
- Rules on the Conditions to be Met by Quarantine Facilities for the Verification of Plant-Health Status (Official Gazette SFRY, no. 53/77),
- Order on Conditions for Trade in Chestnut Blight Infected Fruit and Wood of True Chestnut (Official Gazette SFRY, No. 40/77),
- all other regulations issued in the period as from 21 March 2001 until the effective date of this Act.

Article 97

(regulations which cease to apply or cease to be valid)

- (1) With the effective date of this Act, the following regulations shall cease to apply:
- Plant Protection Act (Official Gazette of the Republic of Slovenia, No. 82/94, 8/00 – ZUT, 11/01 – ZFfS);
 - Tariff number 52 from Section IX on Tax Tariff of the Administrative Fees Act (Official Gazette of the Republic of Slovenia, No. 8/00, 44/00, 81/00 and 33/01 – ZVet-1),
 - Rules Concerning the Criteria for Granting the Status of Society Acting in the Public Interest in the Area of Agriculture, Forestry, Hunting, Fisheries, Veterinary and Food Science, in the Part Relating to Plant Protection (Official Gazette of the Republic of Slovenia, No. 52/98 and 60/98).

With the effective date of this Act, the following regulations shall cease to apply:

- Order on the Regions Which are Infected With Quarantine Diseases and Harmful Organisms (Official Gazette SFRY, No. 67/78),
- Ordinance on the Suppression of European Corn Borer Within the Territory of the Socialist Republic of Slovenia (Official Gazette SRS, No. 20/78),
- Ordinance on Mandatory Destruction of Barberry Shrubs and Wild or Semi-Wild Hops (Official Gazette SRS, No. 20/78),
- Decree on the Regions Where Cultivation of Current and Green Pine is Permitted (Official Gazette SRS, No. 4/78).

- (2) Pending the entry into force of the regulation referred to in the fifth paragraph of Article 58 of this Act, the tariff number 52 from Section IX on Tax Tariff of the Administrative Fees Act (Official Gazette of the Republic of Slovenia, No. 8/00, 44/00, 81/00 and 33/01 – ZVet-1) shall remain in force.

Article 98
(effective date of the Act)

- (1) This Act shall take effect on the fifteenth (15) day after its publication in the Official Gazette of the Republic of Slovenia.
- (2) The provisions referred to in Articles 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 58, point 10 of Article 79, and points 9, 10, 11 and 12 of Article 80 of this Act relating to plant passports shall begin to apply on 1 January 2003.

Act amending and repealing certain acts in the field of agriculture and forestry – ZdZPKG (Official Gazette of the Republic of Slovenia, No. 45/04) shall include the following final provision:

9. FINAL PROVISION

Article 52

This Act shall come into force on the day after its publication in the Official Gazette of the Republic of Slovenia.

Act Amending the Plant Health Act – ZZVR-1A (Official Gazette of the Republic of Slovenia, No. 86/04) shall include the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 70

- (1) Regulations on the basis of to this Act shall be issued not later than six months following the enforcement of this Act.

Article 71

- (1) The places designated for carrying out official inspections in the Republic of Slovenia, other than the points of entry which have, pending the enforcement of this Act, already been approved by the competent customs authority under customs regulations, shall be approved upon a decision, issued *ex officio* by the Administration, as places for phytosanitary examinations under this Act.

Article 72

- (1) The third paragraph of Article 65 of this Act shall apply as from the date of application of the General Offences Act (Official Gazette of the Republic of Slovenia, No 7/03).
- (2) Pending coming into force of the General Offences Act (Official Gazette of the Republic of Slovenia, No 7/03), the fines provided for in Article 83 of this Act shall be imposed in offence proceedings as pecuniary penalties in the amounts stipulated with this Act.
- (3) The provisions of the third paragraph of Article 83 of this Act, providing for the fines for a violation, committed by a responsible person of a sole proprietor, shall apply as from the date of application of the General Offences Act (Official Gazette of the Republic of Slovenia, No 7/03).

Article 73

- (1) This Act shall take effect the following day after publication in the Official Gazette of the Republic of Slovenia.

Act Amending the Plant Health Act – ZZVR-1B (Official Gazette of the Republic of Slovenia, No. 40/07) shall include the following transitional and final provision:

FINAL PROVISION

Article 15

This Act shall take effect on the fifteenth (15) day after its publication in the Official Gazette of the Republic of Slovenia.

Act Amending the Plant Health Act – ZZVR-1C (Official Gazette of the Republic of Slovenia, No. 36/2010) shall include the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 13

Members of the Government joint working body referred to in the fifth paragraph of Article 12.b of this Act, its competencies and work method shall be laid down by the Government within sixty (60) days after coming into force of this Act.

Article 14

Regulation on the basis of Article 6 of this Act shall be issued within six months after coming into force of this Act.

Article 15

This Act shall take effect on the fifteenth (15) day after its publication in the Official Gazette of the Republic of Slovenia.