

# Inspection Act

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## INSPECTION ACT

### I. GENERAL PROVISIONS

#### Article 1

(Contents of the Act)

This Act regulates the general principles of inspection, organisation of inspection, status, rights and duties of inspectors, inspectors' powers, the inspection procedure, inspection measures and other issues relating to inspection.

#### Article 2

(Inspection)

Inspection shall mean control of the implementation of or compliance with laws and other regulations.

Inspection shall be performed by inspectors acting as officials with special powers and responsibilities.

#### Article 3

(Application of the Act)

Inspections regulated by separate laws shall be subject to this Act only in those issues that are not regulated by separate laws.

Procedural issues not regulated by the present Act or the separate laws referred to in the preceding paragraph shall be subject to the law governing general administrative procedures.

When performing inspections inspectors apply measures, as provided with this and other separate laws.

This Act, with the exception of the provisions on organisation (Articles 8 to 11), shall also apply to an inspection performed by local government bodies, unless otherwise stipulated by the law governing local self-government or any other law.

This Act shall not apply to administrative inspection, inspection of the civil service system, budget inspection and other forms of internal administrative control of the operations of state authorities and local government bodies.

Provisions of Articles 1 to 20 and 24 of this Act shall apply to administrative inspection, inspection of the civil service system, and budget inspection.

## **II. PRINCIPLES**

### Article 4

(Principle of independence)

In performing inspection duties, inspectors shall, within the framework of their powers, act independently.

### Article 5

(Principle of the protection of the public interest and private interests)

Inspectors shall perform inspection duties with the purpose of protecting the public interest and the interests of legal and natural persons.

### Article 6

(Principle of publicity)

On the basis of and within the limits of the authorisation of the head, inspectors shall inform the public of their findings and measures taken if this is necessary to protect the rights of legal or natural persons and if this is necessary to ensure respect for the legal order or its provisions.

### Article 7

(Principle of proportionality)

Inspectors shall perform their duties in such a manner that, in exercising their powers, they shall interfere with the operation of legal and natural persons only to the extent necessary to ensure an effective inspection.

In the selection of measures, inspectors, taking account of the gravity of the violation, shall impose a measure more favourable to the person liable if this achieves the purpose of the regulation.

In setting the time limit for the elimination of irregularities, an inspector shall take into account the gravity of the violation, its consequences for the public interest and the circumstances determining the time period within which the natural or legal person supervised by the inspector (hereinafter: the person liable) can, by acting with due care, eliminate irregularities.

## **III. ORGANISATION**

### Article 8

(Organisation of inspection services)

Inspectors shall operate within inspection services organised for particular administrative areas.

Inspection services shall operate within inspectorates, which are bodies within ministries. If a number of inspection services are operating within an inspectorate, appropriate internal organisational units shall be formed in accordance with the regulations governing internal organisation and job classification in state administration bodies.

An inspection service may, exceptionally, operate within a body within a ministry other than an inspectorate, or within any other body if so provided by a separate law or regulation.

### Article 9

(Heading the inspection service)

The head of an inspectorate is the Chief Inspector.

## Article 10

### (Chief Inspectors' powers)

Chief Inspectors shall head and represent an inspectorate, organise and co-ordinate the work of inspectors and, within the scope of their powers, be held responsible for the legality, quality and efficiency of the work of the inspectorate.

The Chief Inspector shall draw up the annual plan for the implementation of inspection duties and define the method of assigning cases to individual inspectors in accordance with the regulations governing administrative operations.

The Chief Inspector shall submit to the competent minister and to the Inspection Council annual reports containing, in particular, information on the number of cases, information on the time required for resolving a particular case, information on meeting time limits in resolving particular cases, and information on the implementation of annual work plans. Instead of the report referred to in the preceding paragraph, the Chief Inspector may submit to the competent minister and the Inspection Council an annual report prepared in accordance with a separate law if such a report contains the information referred to in the preceding paragraph.

In cases where an inspection service operates within a body other than an inspectorate, the Chief Inspector's powers referred to in the second, third and fourth paragraphs of this Article shall rest with the head of the body.

## Article 11

### (Co-ordination of the operation of inspection services)

For the purpose of ensuring mutual co-ordination of work and achieving greater efficiency in different inspection services, the Inspection Council shall be established as a permanent inter-ministerial working body headed by the minister responsible for administration or by a person authorised by the minister.

Members of the Inspection Council shall be Chief Inspectors, heads of bodies, management bodies governed by public law in which an inspection service operates, or persons authorised by the head or the management body.

The Inspection Council shall perform tasks with regard to achieving greater effectiveness and co-ordination of the operation of inspection services; it shall co-ordinate the joint implementation of inspection duties of different inspection services, consider common issues relating to the operation of inspection services, consider issues relating to training in inspection services and consider, co-ordinate and plan measures to provide information support to inspection services.

The Inspection Council shall co-operate with representative trade unions within bodies with regard to issues relating to the labour status of inspectors.

Issues relating to the work of the Inspection Council shall be addressed in the rules of procedure adopted by the Inspection Council in agreement with the Government.

## Article 11.a

### (Annual work plan)

Inspectorate or inspection within a body, which is not inspectorate for achieving greater efficiency in inspections, accepts an annual work plan, determining the content and scope of inspections. When preparing the annual work plan, findings from already performed

inspections and estimation that in certain fields there is a greater probability of failure to respect or violation of laws and other acts, are considered.

Minister, competent for administration, informs the government on the strategic guidelines and priorities, arising out of accepted annual work plans by 1st March of the current year.

#### **IV. STATUS, RIGHTS AND DUTIES OF INSPECTORS**

##### Article 12

(Conditions for performing inspection duties)

Unless otherwise provided by the regulations governing a particular inspection service, any person who meets the following criteria may be appointed as inspector:

- prescribed education in accordance with the law governing the civil service;
- appropriate work experience specified by the regulations governing internal organisation and job classification in state administration bodies;
- professional examination for an inspector.

Individuals without the required professional examination for an inspector may, exceptionally, be appointed as inspectors provided that they pass the required professional examination within six months of the appointment at the latest.

Inspectors without the required professional examination for an inspector may perform certain professional inspection duties (e.g. preparing analyses, information, etc.).

In order to perform their duties, inspectors shall be trained on a regular basis in accordance with the programme prescribed by the head.

##### Article 12a

(Professional examination for an inspector)

The professional examination for an inspector shall consist of the following parts:

- administrative and dispute procedures;
- conduct of and decision-making in offence proceedings;
- the inspection procedure.

A more detailed programme of the professional examination for an inspector, the examination procedure, the manner of and the procedure for applying for the examination, the examination order, the method of acknowledging the content of the examinations and tests passed, record-keeping and other issues relating to the professional examination for an inspector shall be defined by the minister responsible for administration.

##### Article 12b

(Admission to the professional examination for an inspector)

The professional examination for an inspector shall be taken before the examination commission. The examiners shall be appointed by the minister responsible for administration from among experts in particular fields.

Candidates shall be admitted to the professional examination for an inspector at the body's expense no more than twice; candidates admitted to the examination shall sit the whole examination.

It shall be deemed that inspectors who have passed the professional examination for an inspector have also passed the professional examination on the administrative procedure and the test on conduct of and decision-making in offence proceedings.

Officials having passed the professional examination on the administrative procedure and the test on conduct of and decision-making in offence proceedings shall be considered to have also passed the part of the professional examination for an inspector corresponding in content

to the professional examination passed.

Individuals shall be deemed to have passed the professional examination for an inspector if they have passed the lawyers' state examination.

#### Article 12c

(Keeping records of professional examinations for inspectors)

The ministry responsible for administration shall keep a record of applications for the professional examination for an inspector and a record of passed professional examinations for an inspector.

As part of the records referred to in the preceding paragraph, the ministry responsible for administration shall, for the purposes of professional examinations, manage and administer the following personal data as the personal data administrator under this Act:

- name;
- address of permanent or temporary residence;
- personal identification number (EMŠO);
- professional title;
- name of the body in which the person concerned is employed.

Information from the records referred to in the first paragraph of this Article shall be used for issuing public documents relating to professional examinations passed; for civil servants, information shall also be linked to the central personnel record.

#### Article 13

(Consequences in the event of inspectors failing to pass the professional examination)

Should inspectors, for reasons on their part, fail to pass the professional examination within the six months from the conclusion of an employment contract, the employment relationship shall be terminated. Justifiable absence from work, such as sick leave or any other absence longer than a month during which inspectors receive wage compensation in accordance with the law, shall not be considered reasons on the part of inspectors.

Should inspectors, who have been transferred, fail to pass the professional examination for reasons on their part, they shall be transferred to a position which they fulfill the conditions for. If such position does not exist, inspectors shall be transferred in accordance with the transfer for business reasons procedure.

#### Article 14

(Protecting the status of inspectors)

Inspectors may not, owing to work requirements, be transferred without their consent to another post not requiring the exercise of the powers of inspection.

#### Article 15

(Restriction on the performance of an activity)

Inspectors may not perform an activity or work for another employer in the field in which they perform inspection duties, except where an activity or work involves scientific or pedagogical work.

#### Article 16

(Protecting business and other secrecy and the secrecy of sources)

Inspectors shall protect the secrecy of information acquired in the course of the inspection.

The duty of protecting the secrecy of information shall continue to apply after the termination of employment relationship.

Inspectors shall be obliged to protect the secrecy of the sources of a report and sources of

other information on the basis of which an inspection is carried out.

#### Article 17

(Specific responsibilities of inspectors)

Inspectors shall be held responsible:

- if, in the course of performing their duties, they discontinue the performance of duties or fail to adopt appropriate measures which they are obliged to adopt or implement in accordance with the law;
- if they fail to make a report or notify the competent authorities of the violation of the law or other regulations they have found in performing their inspection duties;
- if they carry out any activity or work referred to in Article 15 of this Act.

A breach of specific responsibilities shall be considered a serious breach of obligations arising from the employment relationship.

#### Article 17.a

(Inspectors as witnesses)

Should inspectors be called to the court as witnesses regarding inspections, instead of their resident address they may state the address and official name of the employer and identify themselves with an official identity card, regardless of legislation on courts procedures.

### **V. AUTHORISATION OF INSPECTORS**

#### Article 18

(Performing inspection duties)

In performing inspection duties, inspectors shall conduct the procedure independently and issue decisions in the administrative procedure and offence proceedings.

In performing inspection duties, inspectors shall be obliged to follow the instructions and guidelines provided by the head or their superior.

Authorisation for performing inspection duties shall be proved by means of an official identity card, issued by the minister responsible for the field in which the inspection service operates.

The general form of the identity card and the procedure for its issuing shall be prescribed by the minister responsible for administration, unless otherwise provided by a separate law.

An official identity card shall be issued by the mayor of the municipality in which the municipal inspection service operates. In cases where the municipal inspection service operates within the inter-municipal inspectorate and performs inspection for a number of municipalities, the identity card of the municipal inspector shall be issued by the mayor of the municipality in which the inter-municipal inspectorate has its registered office.

#### Article 19

(Powers of inspectors)

In conducting an inspection relating to a natural or legal person, the inspector shall have the right to:

- inspect premises, buildings, installations, facilities, means of work, fittings, objects, goods,

substances, books of account, contracts, papers and other documents as well as the business operations and documents of state authorities, companies, institutions, other organisations and communities and private persons;

- enter the property and land of natural and legal persons;
- inspect books of account, contracts, papers and other documents as well as business operations and documentation, kept and stored in electronic format, and request their written copy to verify the electronic form;
- question parties and witnesses in the administrative procedure;
- examine papers disclosing the identity of persons;
- obtain, free of charge, and use personal and other data from official records and other databases, which are necessary for conducting inspection;
- take samples of goods free of charge and examine the samples taken;
- take samples of materials and equipment free of charge for the purposes of examination;
- take photographs of persons, premises, buildings, installations, fittings and other objects referred to in the first indent, or record them on any other visual medium for data storage;
- copy papers, audio-visual records and other documents;
- seize objects, documents and samples to secure evidence;
- perform mystery shopping and identify himself after with his official identity card, if by applying the mystery shopping method signs of offence or offender's data can be established;
  
- perform other actions in line with the aim of the inspection.

Legal and natural persons who are not subject to an inspection procedure and have at their disposal any alleged evidence or other information required for conducting the inspection, including personal data, shall, at the request of an inspector, provide such evidence and information, including personal data, or enable the questioning of witnesses in order that such evidence or information, including personal data, be obtained not later than three days following the receipt of the request.

In performing inspection duties, an inspector may, for no more than 15 days, seize the documentation required to establish the actual state of affairs in a case if he or she believes there are reasonable grounds to suspect violations of laws or other regulations, provided this does not impede the activities of a natural or legal person. The inspector shall issue a receipt for the documents seized. The inspector shall not seize state authorities' documents classified as confidential.

#### Article 20

(Entry into premises and buildings and access to the facilities of the person liable)

Unless otherwise provided by law, an inspector shall have the right to enter the premises, buildings, land and access equipment and facilities referred to in the preceding Article without prior notification and without the permission of the person liable or the responsible person acting on behalf of the person liable and regardless of working hours.

The person liable may deny an inspector an entry into the residential premises if the inspector does not have a decision of the competent court.

If the person liable unjustifiably denies an inspector an entry into the premises or buildings where the activity is performed, the inspector shall have the right to enter the premises against the will of the person liable with the assistance of the police. Any costs and damage arising from the entry shall be borne by the person liable.

#### Article 21

(Entry into business and other premises not belonging to the person liable)

Persons owning or possessing business premises, production premises or other premises or

land that are to be inspected as part of the inspection procedure because there are reasonable grounds to suspect that, on the premises or land concerned, the person liable performs an activity or keeps items which are subject to the inspection shall permit and enable such inspection.

Persons referred to in the preceding paragraph may refuse to allow an inspection:

- if the premises concerned are residential premises and an inspector does not have the appropriate court decision;
- if the inspection might cause them severe embarrassment and considerable property damage or lead to criminal prosecution;
- if, by allowing the inspection, they would violate their duty or right to protect business, professional, artistic or scientific secrecy; or
- in any other case where, by allowing the inspection, they would violate their duty to protect the secrecy of information they have acquired as a priest, lawyer, doctor or in pursuing any other profession or activity involving the same duty.

If the persons referred to in the first paragraph of this Article unjustifiably refuse to allow the inspection, they may be subject to the same measures as a witness who refuses to testify, and if they refuse to allow the inspection despite this fact, the inspection may be conducted against their will.

If the persons referred to in the first paragraph of this Article unjustifiably refuse to allow the inspection, or if they may not be found, and there is a risk of evidence expected to be on the premises referred to in the first paragraph of this Article being destroyed or concealed before the inspection of the premises concerned is carried out, the inspector may seal the premises until the inspection is carried out, but for no longer than seven days or until the person concerned is found. The inspector shall issue a special decision on this.

Any appeal against the decision referred to in the preceding paragraph shall be lodged within fifteen days of the service of the decision. An appeal against the decision shall not stay the execution of the decision.

## Article 22

(Inspection of the residential premises of the person liable)

If, as part of their inspection duties, inspectors have to inspect individual rooms within a residential premises, and the owner or user of the premises objects, they shall obtain a decision of the competent court in order to inspect the premises.

The court shall allow the inspection of the premises referred to in the preceding paragraph if there are grounds to suspect that:

- an illegal activity is performed on the premises;
- an activity is performed on the premises contrary to regulations;
- objects, animals or other items are kept on the premises contrary to regulations; or
- other violations of regulations will be established during the inspection of the premises or individual items on the premises.

Two adult persons shall be present as witnesses during the inspection of residential premises in line with the preceding paragraph. Inspection of residential premises shall be limited to the part of the residential premises that must be inspected in order to achieve the purpose of inspection.

## Article 23

(Unimpeded performance of inspection duties)

The person liable shall enable unimpeded performance of inspection duties.

If inspectors encounter physical resistance while conducting the inspection, or expect to encounter such resistance, they may request police assistance.

Police officers shall provide assistance to inspectors in accordance with the provisions of the law governing the police.

## **VI. INSPECTION PROCEDURE**

### Article 24

(Parties to the proceeding)

Inspectors shall deal with reports, complaints, messages and other applications within their competence and, at the applicants' request, notify the applicants of the measures taken at the latest after the inspection has been performed and last measure adopted or after the procedure has been terminated.

Notwithstanding the provisions of the General Administrative Procedure Act, inspectors shall also consider anonymous reports.

Should inspectors during the procedure find that a report is false, the procedure shall be terminated. An application is false if it has been filed knowing that the person liable has not violated a law or other act.

The person liable is a party to the proceeding. The person submitting the initiative, report, message or other document is not a party to the proceeding.

### Article 25

(Authorisation to perform specific activities in the procedure)

Specific activities in the procedure prior to the issuing of an inspection decision, in particular the establishment of facts and circumstances important for making a decision, may, with the authorisation of the Chief Inspector, also be performed by other officials employed within the inspection service.

The officials referred to in the preceding paragraph shall not have the powers of inspectors and shall not be able to issue decisions to terminate the procedure.

### Article 26

(Carrying out specialist inspection work)

Specialist inspection work may be carried out by specialised organisations, institutes or individuals where this is not in conflict with the public interest or the interests of the parties to the proceeding.

### Article 27

(Deleted)

### Article 28

(Termination of the procedure)

If it is established during the inspection that the person liable did not violate the law or any other regulation, the inspector shall terminate the procedure. The procedure shall be terminated with a decision or a note at the end of the record of the inspection, stating the termination of the procedure; in the event of sampling, this shall be written in the covering letter when the results of the analysis are sent to the person liable. The inspector shall indicate the scope of the inspection carried out and state the reasons for terminating the procedure in the statement of the grounds for the decision or in the record.

The statement of the grounds for the decision, by which the inspector imposes specific measures on the person liable, shall also contain the scope of the inspection carried out and the findings indicating the parts of the inspection in which the inspector established that the person liable did not violate any laws.

## Article 29

(The rights and duties of the person liable in the inspection procedure)

Prior to the inspection, a notice may be sent to the person liable. The person liable, the legal representative of the person liable, the person authorised by the person liable and the responsible person acting on behalf of the person liable may be present during the inspection unless they obstruct the inspection; the inspector shall issue a special decision on this.

At the inspector's request and within the time limit set by the inspector, the person liable or the responsible person acting on behalf of the person liable, shall submit to the inspector a written explanation, documents and a statement relating to the subject of the inspection, regardless of provisions on personal or other data protection.

If an inspection is conducted in relation to a person liable who is a legal person or a sole proprietor, and the sole proprietor or the legal representative of the sole proprietor, the statutory representative of the sole proprietor or the person authorised by the sole proprietor is not present during the inspection, an inspector may carry out all the activities in the procedure and take all evidence without the persons concerned being present.

If the measures to be taken are not urgent and can be postponed, in the case referred to in the preceding paragraph, an inspector shall, prior to issuing a decision, serve the record of the inspection on the person liable and invite the person liable to make a written or oral statement on the established facts and circumstances. The invitation and the record may also be served on the person liable through an employee or, if this is not possible, they may be left in the building. After the expiry of the set time limit, an inspector shall issue a decision without additionally hearing the party.

If an inspector has ordered the person liable to eliminate irregularities and deficiencies within a certain time limit, the person liable shall immediately inform the inspector of the elimination of identified irregularities.

Any appeal against the decision referred to in the first paragraph shall be lodged within fifteen days of the service of the decision. An appeal against the decision shall not stay the execution of the decision.

## Article 30

(Appeal against the decision of an inspector)

An appeal against the decision of an inspector shall not stay the execution of the decision, unless otherwise determined by a separate law.

## Article 31

(Costs of the inspection procedure)

The costs of the inspection procedure, required in order to establish the facts and prove that the person liable has violated the law or any other regulation, shall be borne by the person liable.

If the inspection procedure is terminated in accordance with the first paragraph of Article 28 of this Act, the costs of the inspection procedure shall be borne by the inspection body. The inspection body shall also bear the costs of activities or tasks performed in the inspection procedure relating to the part of the inspection in which no irregularities were established.

If the inspection procedure was carried out on the basis of a false report, the costs of the procedure referred to in the preceding paragraph shall be borne by the person making a false report.

## **VII. MEASURES TAKEN BY INSPECTORS**

## Article 32

(Measures taken by inspectors)

Where, in conducting an inspection, inspectors find that a law or other regulation or act, the implementation of which is under the supervision of the inspectors, has been violated, they shall have the right and obligation to:

- order measures in accordance with this or other law, implementation of which they control, to eliminate irregularities and deficiencies within the time limit specified by themselves;
- carry out procedures in accordance with the Minor Offences Act;
- report a criminal offence or file a criminal complaint for a criminal offence prosecuted ex officio;
- propose the adoption of measures to the relevant body;
- order other measures and perform activities for which they are authorised by law or other regulation.

Where an inspector establishes that the person liable has gained financial benefit by committing a criminal offence or a minor offence, the inspector shall propose to the competent court that such proceeds be forfeited.

Where, in the course of an inspection, an inspector establishes that a law or other regulation or act, the implementation of which is under the supervision of another inspection service, has been violated, the inspector shall determine the facts and prepare a report on the findings and forward it to the competent inspection service.

## Article 33

(Preventive measures taken by inspectors and warnings)

With a view to taking preventive action, inspection services shall:

- answer written questions from individuals, companies or institutions, relating to the operation of the inspection service;
- inform the public via the media of the identified irregularities and the consequences of violations of laws and other regulations;
- raise public awareness via other methods.

Should an inspector, in the course of an inspection, identify any irregularities and, given the significance of the offence, consider that a warning is a sufficient measure, the inspector shall orally point out irregularities and their consequences and set the time limit for their elimination.

In the official record, the inspector shall set out the observations, the pronounced warning and the time limit for the elimination of irregularities. If irregularities are not eliminated within the determined time limit, the inspector shall impose other measures in accordance with the law.

## Article 34

(Specific measures taken by inspectors)

If the person liable fails to eliminate identified irregularities and deficiencies within the time limit set in an inspector's decision, the inspector may, if necessary, and until elimination of irregularities or until necessary, issue a decision prohibiting performance of an activity, seizing the objects and documents, or ordering sealing of machines, means, objects or equipment, used for violations or arising from violations.

The inspector shall prohibit the performance of an activity or seize the objects and documents used by the person liable and intended for violations, or which arise from violations, without first setting a time limit for eliminating irregularities if this is necessary to avert an immediate danger to human life or health or animal health or an immediate danger of causing damage to the natural and living environment or to property.

The inspector may, by means of a decision, also seize objects and documents used by the person liable and intended for violations or arising from violations if it is established that the person liable has again committed the violation despite the decision issued.

#### Article 35

(Measures related to the prohibition of the performance of an activity)

An inspector who prohibits the performance of an activity pursuant to the first and second paragraph of the previous article shall have the right to order the sealing of the business premises or production premises, facilities or other premises where the activity takes place, or of the means of work, appliances and equipment used to perform the activity.

If the person liable does not comply with the decision on the prohibition on the performance of an activity, issued pursuant to the first and second paragraph of the previous article, the inspector may, with a decision, require that the entities responsible for distribution of electricity, water, gas and telecommunication connections stop delivery to the person liable within three days, or to cancel the telecommunication connections of the person liable. This measure shall be executed without causing direct damage to the means of work or products. A decision shall also be served on the person liable.

The decision from the first paragraph of this article shall contain a warning that in case of non-compliance with this decision, the measures from the second paragraph of this article shall be imposed.

If the inspector finds irregularities and imposes measures with a decision, no sole proprietor or company shall perform tasks for the person liable that would represent a continuation of violations or would be contrary to the ordered measures, if they are acquainted with the issued measures or would have to be acquainted with them given the circumstances. The inspector shall ensure that third persons are informed in an appropriate manner of the identified irregularities.

#### Article 36

(Measures for the protection of rights of other persons)

If, in performing inspection duties, the inspector establishes that the person liable has violated laws or other regulations in such a way that prejudices the rights or legal entitlements of other legal or natural persons, the inspector shall acquaint these persons upon their request with the inspector's findings, issued measures and other information required for enforcement of the rights of the persons concerned.

If the inspector deems it necessary for the protection of rights of other persons, the inspector may publish or, with a decision, order the publication of this decision or its summary for a definite time in a visible place on the business premises of the person liable, at the entrance to these business premises, in public media or in any other appropriate way. The publication costs shall be borne by the person liable.

An appeal may be lodged against the decision from the previous paragraph within fifteen days of its being served. Any appeal against the decision does not stay its execution.

### **VIII. LIABILITY FOR DAMAGES**

#### Article 37

(State or self-governing local community liability for damages)

The Republic of Slovenia or a self-governing local community shall be liable for financial damage suffered by the person liable or other person due to an inspector's unlawful action or omission during the performance of inspection duties.

In the case from the previous paragraph the Republic of Slovenia or self-governing local

community has a recourse claim against the inspector if the damage was inflicted deliberately or through gross negligence.

The person liable or a third person may claim compensation for damage directly from the inspector only if the damage arose due to a criminal offence committed by the inspector.

## **IX. PENAL PROVISIONS**

### Article 38

When fines are not provided by another law, they are determined in the following amounts:

1. a fine of EUR 1500 for committing a minor offence shall be imposed upon a legal person that:

- does not provide evidence and other information, including personal data, or does not enable the questioning of witnesses at the latest within three days from receiving an inspector's request (second paragraph of Article 19);
  - interferes with or prevents the access of an inspector to the premises, facilities or appliances (Article 20);
  - does not enable the unimpeded performance of inspection duties by an inspector (Article 23);
  - files a false report (Article 24);
  - upon an inspector's request and within the time limit set by the inspector does not provide a written explanation, documentation and statement regarding the subject of inspection (Article 29);
  - does not respect the inspector's measures as set forth in the decision (Articles 32., 33., 34. or 35);
  - does not publish the inspector's decision or its summary contrary to the inspector's order (Article 36);
  - damages, removes or covers the inspector's decision or its summary which is publicly published (Article 36);
2. a fine of EUR 500 shall be imposed upon a sole trader or person performing an independent activity who commits the action from point 1 of this Article;
3. a fine of EUR 500 shall also be imposed upon the responsible person of the legal person, responsible person of a sole trader or responsible person of a person performing an independent activity or the responsible person of a state authority or self-governing local community for committing a minor offence from point 1 of this Article;
4. A fine of EUR 500 shall be imposed upon a natural person for committing a minor offence from the point 1 of this Article.

### Article 39

(Deleted)

### Article 40

(Deleted)

***Inspection Act – ZIN (Official Gazette of the Republic of Slovenia, No. 56/02) contains the following transitional and final provisions:***

## **X. TRANSITIONAL AND FINAL PROVISIONS**

### Article 41

Those persons who have passed the examinations required to perform inspection duties before this Act entered into force shall also be considered to have met this condition in accordance with the provisions of this Act. The principals shall, within two years from the entry into force of this Act at the latest, enable the passing of a professional examination in areas where this has not been possible until now. An inspector who has not yet passed the professional examination shall pass the professional examination for an inspector within one year from the entry into force of this Act or after having been given such an opportunity, otherwise the inspector shall be relieved of all duties pursuant to Article 13 of this Act.

### Article 42

The Inspection Council shall be formed within two months from the entry into force of this Act.

The Commission for the prevention of illegal work and employment, set up on the basis of the Prevention of Illegal Work and Employment Act (Official Gazette of the Republic of Slovenia, No. 36/00), shall continue its work. The manner of the Commission's cooperation with the Inspection Council shall be regulated in the Rules of Procedure of the Inspection Council.

### Article 43

Inspection procedures that started before the entry into force of this Act shall continue in accordance with the regulations in force prior to the entry into force of this Act.

### Article 44

All internal organisation and classification documents shall be harmonised with the provisions of this Act within six months from its entry into force at the latest.

### Article 45

With the entry into force of this Act, the provisions of Article 7 and Articles 83 through 98 of the Administration Act (Official Gazette of the Republic of Slovenia, Nos. 67/94, 20/95 – Constitutional Court decision, 29/95 – ZPDF and 80/99 – ZUP) shall cease to be in effect.

### Article 46

Notwithstanding the fourth paragraph of Article 3 of this Act, the provisions of this Act, except the provisions on organisation, shall apply by analogy until regulation by sectoral acts, but not more than two years from the entry into force of this Act for administrative inspection, budget inspection, defence inspection and other forms of internal administrative control of state authorities and local government bodies.

### Article 47

This Act shall enter into force fifteen days after its publication in Official Gazette of the Republic of Slovenia.

***Act Amending the Inspection Act – ZIN-A (Official Gazette of the Republic of Slovenia, No. 26/07) contains the following transitional and final provisions:***

## **TRANSITIONAL AND FINAL PROVISIONS**

### Article 25

The composition of the Inspection Council shall be harmonised with the provisions of this Act within two months from the entry into force of this Act at the latest.

### Article 26

It shall be considered that all inspectors who on the day of entry into force of this act were in an employment relationship with a state authority or local community administration and have passed the professional examinations required for performing inspection duties or meet the condition regarding the professional examination for an inspector, hereby meet the condition regarding the professional examination for an inspector in accordance with this Act.

Those inspectors who were appointed before the entry into force of this Act and have not yet passed the professional examination shall pass the professional examination in accordance with the regulations that were in force prior to the entry into force of this Act.

Notwithstanding the provisions of the third paragraph of Article 49 of the Minor Offences Act (Official Gazette of the Republic of Slovenia, No. 3/07 – official consolidated text), within the professional examination that also comprises knowledge of the exercise of authorisation pursuant to the act regulating minor offences, the inspector need not pass the examination of knowledge of regulations the implementation of which he supervises.

### Article 27

Inspection procedures that started before the entry into force of this Act shall continue in accordance with the provisions of this Act.

### Article 28

The Government of the Republic of Slovenia shall harmonise the regulation governing internal organisation and job classification with the provisions of this Act within four months from the entry into force of this Act at the latest.

The internal organisation and job classification documents of bodies that perform inspection duties shall be harmonised with the provisions of the regulation from the previous paragraph of this article within six months from the entry into force of this Act at the latest.

### Article 29

This Act shall enter into force fifteen days after its publication in Official Gazette of the Republic of Slovenia.

*Act Amending the Inspection Act – ZIN-B (Official Gazette of the Republic of Slovenia, No. 40/14/07) contains the following transitional and final provisions:*

## **TRANSITIONAL AND FINAL PROVISIONS**

## Article 15

With the entry into force of this Act, the words: »and with a badge« in Article 136 of the Tax Procedure Act (Official Gazette of the Republic of Slovenia, Nos. 13/11 – official consolidated text, 32/12, 94/12, 101/13 – ZdavNepr and 111/13) shall cease to be in effect.

## Article 16

With the entry into force of this Act, the words: »and a badge« in Article 226 of the Electronic Communications Act (Official Gazette of the Republic of Slovenia, Nos. 109/12 and 110/13) shall cease to be in effect.

## Article 17

With the entry into force of this Act, the words: »and a badge« in Article 64 of the Postal Services Act (Official Gazette of the Republic of Slovenia, Nos. 51/09 and 77/10) shall cease to be in effect.

## Article 18

With the entry into force of this Act, the words: »and a badge« in paragraph 2 of Article 109 of the Gaming Act (Official Gazette of the Republic of Slovenia, Nos. 14/11 – official consolidated text and 108/12) shall cease to be in effect.

## Article 19

With the entry into force of this Act, the words: »and a badge« in Article 83 of the Veterinary Compliance Criteria Act (Official Gazette of the Republic of Slovenia, Nos. 93/05, 90/12 – ZdZPVHVVR, and 23/13 – ZZZiv-C) shall cease to be in effect.

## Article 20

With the entry into force of this Act, the words: »or a badge« in the title, the first and second paragraph of Article 82 of the Plant Health Act (Official Gazette of the Republic of Slovenia, Nos. 62/07 – official consolidated text and 36/10) shall cease to be in effect.

## Article 21

With the entry into force of this Act, the words: »and a badge« in the third paragraph of Article 7 of the Health Inspection Act (Official Gazette of the Republic of Slovenia, No. 59/06 – official consolidated text) shall cease to be in effect.

#### Article 22

Within six months from the entry into force of this Act, the parts of the Rules on the official card and official badge to be worn by inspectors (Official Gazette of the Republic of Slovenia, No. 62/11) and Rules on the official card and badge of local inspector (Official Gazette of the Republic of Slovenia, Nos. 112/06 and 42/09) regulating the official badge are aligned with this Act.

#### Article 23

Inspectors appointed as inspectors before entry into force of this Act that have not yet passed the professional examination, can take the professional examination within the time line, determined by the Inspection Act (Official Gazette of the Republic of Slovenia, No. 43/07 – official consolidated text).

#### Article 24

Inspection procedures, started before entry into force of this Act, are continued and finished in accordance with the Inspection Act (Official Gazette of the Republic of Slovenia, No. 43/07 – official consolidated text).

#### Article 25

This Act shall enter into force fifteen days after its publication in Official Gazette of the Republic of Slovenia.