

## **Plant Health Act (official consolidated text) (ZZVR-1-UPB1),**

**Uradni list RS 23/2005** as of **10. 3. 2005** page 1948.

On the basis of Article 153 of the Rules of Procedure of the National Assembly, the National Assembly of the Republic of Slovenia has at its session of 26 January 2005 approved official consolidated text of the Plant Health Act, comprising:

- Plant Health Act – ZZVR-1 (Official Gazette RS, No. 45/01 of 7. 6. 2001),
- State Administration Act – ZDU-1 (Official Gazette RS, No. 52/02 of 14. 6. 2002),
- Act Amending and Repealing certain acts in the field of agriculture and forestry – ZdZPKG (Official Gazette RS, No. 45/04 of 29. 4. 2004) and
- Act Amending the Plant Health Act – ZZVR-1A (Official Gazette RS, No. 86/04 of 5. 8. 2004).

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President of the  
National Assembly  
of the Republic of Slovenia  
M.D. France Cukjati

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

#### **I GENERAL PROVISIONS**

##### **Article 1 (content)**

This Act regulates plant health; biological control of plants; obtaining, exchange of data and information system; costs and compensations; public service in the field of plant health; provides for official bodies responsible for enforcing this Act and inspection supervision, and regulates measures and obligations in connection with the occurrence, prevention of introduction and spread as well as suppression of harmful organisms on plants, plant products and other regulated articles, pursuant 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 No. 169 of 10. 7. 2000) as amended,
- Commission Directive 2001/32/EC recognising protected zones in the Community, exposed to particular plant health risks (OJ L 127 of 9.5.2001), as amended,
- Commission Directive 92/70/EEC laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community (OJ L No. 250 of 29. 8. 1992) as amended,
- Commission Directive 93/51/EEC establishing rules for movements of certain plants, plant products or other objects through a protected zone (OJ L No. 205 of 17. 8. 1993) as amended,
- Commission Directive 92/90/EEC establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L No. 344 of 26. 11. 1992) as amended,
- Commission Directive 92/105/EEC 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 No. 4 of 8. 1. 1993) as amended,
- Direktivo Komisije No. 93/50/EEC 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 No. 205 of 17. 8. 1993) as amended,

– Commission Directive št. 94/3/EC establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger,

– Commission Directive No. 95/44/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC 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 (OJ L No. 184 of 3. 8. 1995) as amended,

– Commission Directive No. 98/22/EC 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 No. 126 of 28. 4. 1998) as amended,

– Commission Regulation No. 1040/2002/EC establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No. 2051/97 (OJ L No. 157 of 15. 6. 2002), as amended,

– Commission Regulation No. 998/2002/EC establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for Member States for their programmes for strengthening infrastructures for plant-health checks on plants and plant products coming from third countries (PJ L No. 152 of 12. 6. 2002) as amended,

– Council Regulation No. 2913/92/EEC (OJ L No. 302 of 19. 10. 1992), as amended, establishing the Community Customs Code,

– Commission Regulation No. 2454/93/EEC laying down provisions for the implementation of Council Regulation No 2913/92/EEC establishing the Community Customs Code (OJ L No. 253 of 11. 10. 1993), as amended.

## **Article 2** **(purpose)**

The purpose of plant health is to:

- protect plants and plant products against harmful organisms;
- prevent the introduction and spread of harmful organisms and their suppression by ensuring measures for the protection of plants and plant products;
- detect and determine harmful organisms;
- enable optimal production of agricultural plants and trade in them;
- protect the environment by pest surveillance, by introducing biological plant protection and monitoring and forecasting activities;
- guide and monitor the development of plant health;
- provide relevant education and information to raise public awareness of plant health.

## **Article 2.a** **(tasks)**

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 assesment, and their control;
- phytosanitary control of the introduction of organisms harmful to plants or plant products 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 inspections, planned monitoring of phytosanitary condition of plants and surveys;

- phytosanitary certification, in particular performing phytosanitary inspection of plants and plant products within the territory of the Republic of Slovenia in the light of issuing phytosanitary certificates, plant passports and other official documents;
- taking phytosanitary measures;
- inspection and supervision in relation to the providing for the plant health system;
- performing other tasks, provided for with this Act and other regulations.

### **Article 2.b** **(responsible official bodies)**

The tasks specified in the previous Article shall be performed by responsible official bodies in the Republic of Slovenia:

- ministry responsible for plant health (hereinafter referred to as the “ministry”)
- central responsible body for plant health, established by a Government Decree, issued pursuant to the act governing state administration (hereinafter referred to as the “Administration”),
- responsible body for inspection and supervision,
- legal persons on the basis of public authorisation, specified in Article 68 of this Act,
- relevant customs authority.

Responsible official bodies indicated in the second, third and fourth indent of the previous paragraph and performers of public service for plant health indicated in Article 60 of this Act, performing tasks specified in the previous Article, shall be, pursuant to the international treaty governing plant health, considered as an official state organisation for plant health.

There shall be a special mark used by the bodies specified in the first paragraph of this Article when performing tasks from the previous Article, showing to perform these as an official state organisation. Form and method of use of the mark shall be specified by the minister.

### **Article 3** **(meaning of terms)**

The terms used in this Act shall have the following meaning:

1. Plant health shall mean the protection of the health of plants, plant products and other regulated articles against harmful organisms, with the use of phytosanitary measures.
2. Plants shall be considered to mean living plants and specified living parts thereof, including seeds.

As living parts of plants shall be considered:

- fruit, in the botanical sense, other than that 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 retaining leaves or needles,
- leaves, foliage,
- tissue cultures,
- live pollen,
- bud-wood, cuttings, scions,
- any other part of plants, which may be specified in accordance with the procedure laid down in Article 18 of the Council Directive 2000/29/EC (OJ L No. 169 of 10. 7. 2000), as amended.

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

3. Plant products shall mean products of plant origin, unprocessed or having undergone a simple preparation, in so far as these are not plants under the previous item of this Article. A plant product shall also mean 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 form of dunnage, spacers, pallets or packing material which are actually in use in the transport of objects of all kinds, provided that it presents a plant health risk.

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

5. 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.

6. 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.

7. Regulated articles 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.

8. A consignment shall mean a quantity of goods, which are accompanied by one 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 more lots.

9. A phytosanitary measure shall mean: any legislation or official or other procedure which is carried out in compliance with this Act in order to prevent the introduction and/or spread of harmful organisms.

10. A phytosanitary regulation shall mean: this Act and all regulations issued on its basis, and international contracts in the field of plant health which are binding on the Republic of Slovenia.

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

12. Movement shall mean: any movement of plants, plant products or other regulated articles within the territory of the Community, other than movement within the place of production.

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

14. Introduction from third countries shall mean: any introduction of consignments and harmful organisms into the customs territory of the Community, irrespective of what kind of treatment or use in accordance with customs regulations was allowed for the plants, plant products and regulated articles, other than introduction for transit.

15. Introduction of a harmful organism shall also mean: any entry of a harmful organism into an area in which it is not yet present or is present to a limited extent.

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

17. 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 the Council Regulation No. 2913/92/EEC (OJ L, No. 302 of 19. 10. 1992) establishing the Community Customs Code.

18. A phytosanitary certificate shall mean: a 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 shall accompany a consignment which is introduced from third countries, exported or in transit.

19. A 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 and/or has been stored, repacked or split up and shall accompany the consignment which is re-exported.

20. A plant passport shall mean an official label or other official mark, which attests to the fact that plants, plant products and regulated articles which are moved within the territory of the Community, meet the plant health requirements, pursuant to Community regulations governing plant health.

21. A titleholder of plants, plant products and other regulated articles (hereinafter referred to as the "titleholder") is a natural or legal person who is the owner of such, and/or who deals with the cultivation, processing, management, sale or other use of such.

22. Surveillance of harmful organisms shall mean: an official process which collects and records data on the presence of harmful organisms or their absence, on the basis of phytosanitary inspections, monitoring the health status, systematic surveys or other procedures and on the basis of other available sources.

23. Phytosanitary inspection shall mean an inspection of documents, identity and health check of plants, plant products or other regulated articles to determine if harmful organisms are present and/or to determine compliance with phytosanitary regulations.

24. Official monitoring of the health status is an ongoing inspection process for verifying the phytosanitary situation.

25. An official sample is a sample taken by a competent inspector and/or other official person under this Act.

26. Third countries shall mean countries other than the countries of the European Union.

27. A point of entry shall mean a place where plants, plant products and other regulated articles 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,
- the place of the customs office responsible for the area where the Community inland frontier is crossed, in the case of any other transport

28. An official body of the point of entry shall mean a responsible official body in a Member State, responsible for phytosanitary inspections at the point of entry.

29. An official body of a destination shall mean a responsible official body in a Member State, authorised to perform phytosanitary inspections at the point of entry where the customs office of destination is located.

30. Customs office of a point of entry shall mean an office of the point of entry as defined in point 27 of this Article.

31. Customs office of destination shall mean an office of destination within the meaning of the third point of Article 340.b of the Commission Regulation No. 2454/93/EEC (OJ L No. 253 of 11. 10. 1993).

32. Customs-approved treatment or use shall mean customs-approved treatment or use referred to in point 15 of Article 4 of the Council Regulation No. 2913/92/EEC (OJ L No. 302 of 19. 10. 1992) establishing the Community Customs Code (furtheron referred to as: the »Community Customs Code«).

33. Lists of harmful organisms and lists of plants, plant products and regulated articles shall be lists included in annexes of Council Directive 2000/29/EC (OJ L No. 169 of 10. 7. 2000), as amended (furtheron referred to as: the »Directive«), which are:

- list I.A shall be a list contained in Annex I, part A;
- list I.B shall be a list contained in Annex I, part B;
- list II.A shall be a list contained in Annex II, part A;
- list II.B shall be a list contained in Annex II, part B;
- list III.A shall be a list contained in Annex III, part A;
- list III.B shall be a list contained in Annex III, part B;
- list IV.A shall be a list contained in Annex IV, part A;
- list IV.B shall be a list contained in Annex IV, part B;
- list V.A shall be a list contained in Annex V, part A;
- list V.B shall be a list contained in Annex V, part B;
- list VI. shall be a list contained in Annex VI.

34. An official under this Act shall mean also a person employed in a responsible official body, who performs his tasks on the basis of a public authorisation pursuant to this Act.

**Article 3.a**  
**(official declaration or measure)**

A declaration or measure shall be considered official if 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 variant,
- public officials employed by one of the responsible official bodies of a Member State and other performers of public authorisations in all other cases, provided that such agents have no personal interest in the outcome of the measures they take and they have the necessary qualifications.

Republic of Slovenia shall ensure that their public servants and providers of public authorisations referred to in the second indent of the previous paragraph have the qualifications necessary for the proper application of regulations governing plant health.

On the basis of the programme and guidelines adopted in accordance with the procedure laid down in the second paragraph of Article 18 of the Directive, the Administration shall adopt a programme regarding the training of persons specified in this Article.

## **II. PLANT HEALTH**

### **Article 4 (those providing plant health)**

Plant health is the right and responsibility of the Republic of Slovenia, its official bodies and providers of public authorisations, those providing public services in the field of plant health and titleholders (hereinafter referred to as “those providing plant health”).

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

Official bodies of the Republic of Slovenia and providers of public services in the field of plant health must carry out and/or co-operate in carrying out ongoing surveillance of plants, plant products, plots of land, premises where plants and plant products are stored, processed and held, means of transport of plants, plant products and regulated articles, for the purpose of detection and reporting the occurrence or spread of harmful organisms and for their suppression.

Providers of public services in the field of plant health shall notify a competent inspector and the Administration without delay of all new or unexpected occurrences of harmful organisms included in List I.A and List II.A.

In the field of plant health in forestry, the official bodies of the Republic of Slovenia and the providers of public services must act in compliance with this Act and regulations governing the field of forestry.

### **Article 6 (obligations of titleholders)**

Titleholders must check growing plants, including cultivated areas (fields, plantations, tree nurseries, gardens, greenhouses), plants grown in the open air, premises where plants and plant products are stored, processed and held, means of transport of plants, plant products and regulated articles which are owned and/or otherwise used or treated or used by them, in order to detect the occurrence or spread of harmful organisms.

Titleholders must immediately notify a competent inspector or those providing public services in the field of plant health, who shall in turn notify the Administration, of any new or unexpected occurrences of harmful organisms included in List I.A and List II.A. They must take measures determined by the Administration to suppress or to prevent the spread of harmful organisms.

If a titleholder does not carry out measures under the previous paragraph, the competent inspector shall order their execution at the titleholder's expense.

Without prejudice to the provisions of the second paragraph of this Article, titleholders who are owners of forests, or otherwise use forests, must immediately notify the public forestry service of any new or unexpected occurrence of harmful organisms included in List I.A and List II.A referred to in the second paragraph of Article 7, who shall in turn notify the Administration thereof.

The obligation to report under this Article also applies to any other person who, due to the nature of their work, suspects or notices a new or unexpected occurrence of harmful organisms.

## **III. PREVENTION OF THE INTRODUCTION AND SPREAD AND SUPPRESSION OF HARMFUL ORGANISMS**

### **1. GENERAL PROVISIONS**

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

### **Article 7 (lists of harmful organisms)**

Harmful organisms shall be listed according to the risk to health and existence of individual species of plants and in relation to the risk of extensive economic damage they may cause. In order to prevent the introduction and spread of harmful organisms, ongoing surveillance of harmful organisms and measures under this Act shall be carried out.

Harmful organisms considered particularly dangerous to plants and plant products shall be classified in the following lists:

- List I.A and List II.A refer to the entire territory of the Republic of Slovenia;
- List I.B and List II.B refer to certain protected zones.

Measures for the prevention of introduction, spread and suppression of harmful organisms, referred to in this Article, shall be prescribed by the minister responsible for plant health (hereinafter referred to as : “the minister”), in accordance with the regulation adopted pursuant to the procedure laid down in the second paragraph of Article 18 of this Directive.

### **Article 8** **(lists of plants, plant products and regulated articles)**

Plants, plant products and regulated articles which may carry harmful organisms under 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 a specific protected zone;
- List IV.A, which relates to special phytosanitary requirements, which shall be met in respect of introduction and movement;
- List IV.B, which relates to special phytosanitary requirements, which shall be met in respect of introduction into specific protected zones and movement therein;
- List V.A, which relates to mandatory official plant health check, contains:
  - a. List V.A, division I, which relates to the placing of plant passports;
  - b. List V.A, division II, which relates to the placing of plant passports for specific protected zones;
- List V.B, which relates to mandatory official plant health check prior to granting entry into the Community, contains:
  - c. List V.B, division I, which relates to the transfer of harmful organisms, significant for the whole Community,
  - d. List V.B, division II, which relates to the transfer of harmful organisms, significant for certain protected zones;
- List VI, which relates to plants and plant products which may be subjected to special measures.

Measures to be applied for plants, plant products and regulated articles from Lists specified in the previous paragraph shall be prescribed by the minister, in compliance with the regulation, adopted pursuant to procedure laid down in the second paragraph of Article 18 of Directive.

### **Article 9** **(occurrence of a harmful organism)**

If harmful organisms indicated in List I.A and List II.A or List I.B or List II.B appear on the territory of the Republic of Slovenia, in respect of which the European Commission (hereinafter referred to as: the »Commission«) has recognised the status of protected zone to the Republic of Slovenia, or symptoms occur on plants, plant products or regulated articles on the basis of which infection with harmful organisms indicated in Lists I.A, II.A, I.B or II.B is suspected, a titleholder must immediately notify the Administration thereof in the prescribed manner.



A titleholder must protect plants, plant products and regulated articles and prevent contact with other plants, plant products and regulated articles in a manner prescribed by the inspector or by an official performing public authorisation under this Act.

The manner of reporting under the first paragraph of this Article shall be prescribed by the minister.

#### **Article 10 (detection of harmful organism)**

In the event of suspicion under the first paragraph of the previous Article, an official sample shall be taken and sent to a laboratory that performs diagnostic tests. The said laboratory shall confirm or reject the suspicion of infection with harmful organism and try to establish the cause of infection. In doing so, the laboratory must ensure such a method of handling official samples as to avoid the risk of harmful organisms spreading and to ensure the identity of the sample.

Diagnostic tests under the previous paragraph shall be performed by a laboratory which has been granted public authority under the first and/or second paragraph of Article 68 of this Act for carrying out tasks under item 5 of Article 76 of this Act.

When an infection with harmful organisms from List I.A and List II.A is ascertained, or, in a protected zone with harmful organisms from List I.B and List II.B, the competent inspector shall order destruction or disposal in some other way, treatment and other prescribed measures. Further measures as to control the source of infection shall be imposed by the competent inspector on the basis of visual signs, without any taking of samples.

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 on the extent, and provide information with regard to the relevant measures for the prevention of infection with harmful organisms.

The minister shall prescribe measures under the third paragraph of this Article.

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

The Administration shall keep records in a prescribed manner on occurrences and findings of harmful organisms and other necessary records on surveillance, for the purpose of providing information at the national and international levels.

More detailed contents, forms and methods of keeping records under the previous paragraph shall be prescribed by the minister.

Data on the occurrence of newly discovered harmful organisms from List I.A and List II.A in the Republic of Slovenia may be given or published in a prescribed manner.

It is forbidden to give or publish data on the occurrence of newly discovered harmful organisms from List I.A and List II.A in the Republic of Slovenia without the approval of the Administration.

The minister shall issue a regulation in accordance with the third paragraph of this Article.

#### **Article 12 (specially regulated area)**

A specially regulated area is an infected or endangered or pest free area in which plant health is ensured in a prescribed manner.

When a harmful organism is detected and while the risk arising from its presence lasts, a competent inspector shall mark the place of infection, in relation to the species of harmful organism, order the prescribed measures and notify titleholders in the place of infection in the prescribed manner.

The boundaries of infected, endangered and pest free areas, measures for detection, prevention of spread and suppression of harmful organisms, conditions for termination of the ordered measures and manner of reporting shall be prescribed by the minister.

### **Article 13 (protected zone)**

A zone in which one or more harmful organisms are not established despite favourable conditions for them to establish themselves there, or a zone in which there is a danger that certain harmful organisms will infest specific plants given propitious ecological conditions despite the fact that these organisms are not established, may be defined as a protected zone.

It shall be considered that a harmful organism is established in a protected zone if it is known to occur there and there have been no phytosanitary measures for its eradication, or if such measures have proved ineffective over a period of at least two consecutive years.

In a zone in which 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 zone, the Administration must in the prescribed manner carry out or ensure the carrying out of regular and systematic surveys on the presence of organisms in relation to which the protected zone was recognised. In a protected zone in which there is a danger that certain harmful organisms will establish themselves on particular plants under favourable ecological conditions, and if such organisms are not established in the Republic of Slovenia, systematic surveys are optional.

Protected zones, more detailed conditions for carrying out systematic surveys and lists of protected zones shall be prescribed by the minister issuing a regulation, adopted according to the procedure laid down in the second paragraph of Article 18 of Directive.

## **B) Bans and restrictions**

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

The introduction and spread of harmful organisms indicated in List I.A and List II.A shall be banned.

The introduction into and the spread within a protected zone of harmful organisms indicated in List I.B and List II.B in respect of which the protected zone has been recognised shall also be banned.

Any intentional or unintentional introduction into the territory of the Republic of Slovenia from a third country or other Member State shall be considered as introduction referred to in the first and second paragraphs of this Article.

Introduction and spread of harmful organisms of other species may be banned or limited if there is 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 not included in Lists I.A, II.A, I.B and II.B,
- organisms included 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 included in Lists I.A, I.B, II.A and II.B, which are in isolated condition and which are considered to be harmful in such condition to plants or plant products.

In accordance with Article 75 of this Act the director of the Administration issues a decision as to provide for emergency measures for the prevention or limitation of introduction and spread of harmful organisms of other species referred to in the previous paragraph.

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 introduction or movement of plants, plant products and regulated articles)**

The introduction of plants, plant products and regulated articles indicated in List III.A shall be banned.

The introduction into a protected zone of plants, plant products and regulated articles indicated in List III.B in respect of which the protected zone has been recognised shall also be banned.

If prescribed phytosanitary requirements are not met, the introduction or movement of plants, plant products and regulated articles indicated in List IV.A shall be banned.

If prescribed phytosanitary requirements are not met, the introduction or movement into a protected zone of plants, plant products and regulated articles indicated in List IV.B in respect of which the protected zone has been recognised shall also be banned.

**Article 16**  
**(exceptions for trial and research purposes and for work on varietal selections )**

Without prejudice to the provisions laid down in 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 and plants, plant products and regulated articles indicated in Lists III.A, III.B, IV.A and IV.B, if:

- they are used for trial and research purposes or for work on varietal selections;
- they fulfil the prescribed conditions in relation to professional and technical capacities, which shall be ascertained by the Administration in administrative procedure;
- they have an import permit.

An import permit referred to in the previous paragraph shall be issued by the Administration on the basis of application by an organisation referred to in the previous paragraph.

The application shall contain in particular:

- data on the applicant (company and registered office),
- data on harmful organisms or plants, plant products and regulated articles.

Administration shall keep records of introductions referred to in the first paragraph of this Article.

Conditions in relation to professional and technical capacities, the more detailed content of applications and the form for the import permit referred to in this Article shall be prescribed by the minister in accordance with regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

**Article 17**  
**(exceptions with regard to introduction)**

Without prejudice to the provisions laid down in Articles 14 and 15 of this Act the Administration may, in compliance with prescribed conditions and if there is no risk of harmful organisms spreading, in individual cases allow the exceptional introduction of plants, plant products and regulated articles which are cultivated or used in the immediate frontier zone if they are intended for use in the Republic of Slovenia in the immediate frontier zone.

Without prejudice to the provisions laid down in Articles 14 and 15 of this Act the Administration may, in compliance with a decision adopted under the procedure laid down in the second paragraph of Article 18 of Directive, in individual cases allow:

- the introduction of plants in the case of slight contamination with harmful organisms, other than plants intended for planting;
- the introduction of plants for planting, in case of tolerances for harmful organisms included in division II of List II.A, which is to be applied only for plants, which have previously been selected in agreement with the authority responsible for plant health of a Member State, and on the basis of an appropriate pest risk analysis.

The Administration shall keep records of exceptional introductions referred to in this Article.

More detailed conditions for the exceptional introduction of plants, plant products and regulated articles 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)**

If no danger of spread of harmful organisms exists within the Community, 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, their customs status to remain unchanged;
- small quantities of plants, plant products and regulated articles, 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.

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 quantities that the minister shall prescribe.

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

### **Article 19 (the register)**

Only natural and legal persons who meet the prescribed conditions for performing registered activities and who are entered in the register of producers, processors, importers and distributors of plants, plant products and regulated articles (hereinafter referred to as: “the register”) under this Act may deal with the production, processing, introduction from third countries or distribution of plants, plant products and regulated articles from List V.A and List V.B.

Entry in the register is compulsory for:

- producers, processors and distributors of plants, plant products and regulated articles 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 articles not indicated in List V.A and the relevant collection and dispatch centres in the production area .

The register shall be set up and kept by the Administration.

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

Those liable under the previous article of this Act, for entry in the register must specify a responsible person with technical experience in production and plant health (hereinafter referred to as: “the person responsible for plant health”), who shall ensure implementation of obligations arising from Article 22 of this Act. More detailed criteria in relation to professional qualifications shall be prescribed by the minister.

Applications for entry in the register must be lodged with the Administration by applicants on the prescribed form.

The application must contain in particular:

- applicant identification data: personal name and address of residence or stay or company and registered office; responsible person; tax number; identity number of business entities or KMG-MID farm number and the farm register number, legal and organisational form; type of activity;
- data on identification of the person responsible for plant health: personal name and address of residence or stay, tax number, unique master citizen number.

The form and more detailed contents of the application referred to in the second and third paragraphs of this Article shall be prescribed by the minister.

The Administration shall issue a decision on entry in the register no later than three months after receiving the completed application.

If a (legal or natural) person liable ceases to meet the prescribed conditions under the first paragraph of this Article or does not fulfil the obligations under Article 22 of this Act, the Administration shall *ex officio* issue a decision on removal from the register. An appeal against any decision has no suspensory effect.

Those liable may be re-entered in the register, provided to meet the prescribed conditions and liabilities specified 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)**

The register shall contain in particular the following data:

- unique registration number or KMG - MID number from the farm register and the number of the subject;
- personal name and address of residence or stay or company and registered office;
- responsible person of the legal person;
- legal, organisational form;
- tax number;
- personal identity number of a business entity;
- type of activity;
- agricultural land in use by parcels and types of use;
- person responsible for plant health.

The register may be kept in electronic form.

More detailed content and the manner of keeping the register shall be prescribed by the minister.

#### **Article 22** **(obligations of those liable under the register)**

Those liable under the register must in particular:

- keep exact data on production, processing and trade in plants, plant products and regulated articles which they buy for storage or planting on premises, which they produce or offer for sale, and retain these documents for at least one year;
- keep and upgrade the plan of the places where plants, plant products and regulated articles are grown, produced, stored, preserved or used;
- perform regular visual health checks of plants in the prescribed manner;
- allow access to a competent inspector to perform inspections of plants, premises and documents and take official samples;
- without delay notify the Administration or competent inspector of all 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 any changes of data kept in the register;
- each year report to the competent inspector within the prescribed time limit the scope and place of production or processing of plants, plant products and regulated articles;
- co-operate with the Administration and/or competent inspector in ensuring plant health.

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

#### **Article 23** **(exceptions)**

Without prejudice to the first and second paragraphs of Article 19 of this Act, entry in the register shall not be compulsory for small producers or processors if their entire production or processing and sale of plants, plant products and regulated articles 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.

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 criteria for determining small producers or processors and the scope of the local market.

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

### **A) Introduction from third countries**

#### **Article 24** **(point of entry)**

Consignments which are compulsory to be subjected to phytosanitary inspection may be introduced from third countries only through specified points of entry with a customs office and phytosanitary inspection.

Without prejudice to the provisions of the previous paragraph consignments of wooden packing material may be introduced from third countries also through points of entry, provided only with a customs office.

Points of entry must meet the prescribed conditions for carrying out inspections under this Act referred to in the first paragraph of this Article.

With a view to meeting the prescribed conditions for points of entry specified in the previous paragraph, the Republic of Slovenia shall earmark financial resources pursuant to regulations governing plant health.

The minimum conditions indicated in the third paragraph of this Article and the points of entry shall be determined by the government, issuing a regulation, adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

#### **Article 25** **(introduction from third countries)**

Consignments of plants, plant products or regulated articles from 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 supervision pursuant to Community customs code and the supervision of responsible official bodies specified in the second, third and fourth indent of Article 2.b of this Act.

Consignments referred to in the previous paragraph shall be compulsory to be subjected to phytosanitary inspection, performed by the phytosanitary inspector at a point of entry, with the exception of inspection of wooden packing material which may be performed by a competent customs authority.

Phytosanitary inspection shall in particular ascertain whether consignment:

- is accompanied by a valid phytosanitary certificate or phytosanitary certificate for re-export or other alternative document or stamp;
- is identical to the indications in documents referred to in the previous indent;
- is not infected with harmful organisms indicated in List I.A and List II.A;
- does not contain plants, plant products or regulated articles indicated in List III.A;
- meets special phytosanitary requirements indicated in List IV. A, where necessary, provided that provisional declaration on the meeting of such requirements has been completed.

Phytosanitary inspection may also be performed on consignments which are not included in List V.B if the phytosanitary inspector or competent customs authority suspects that plant-health risk or doubt concerning the identity of the consignment exists.

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 inspection laid down in this Article, the checking of documents and identity and the procedures for carrying out plant health checks.

#### **Article 25.a** **(phytosanitary certificate)**

Consignments referred to in the first paragraph of the previous Article shall be accompanied by original phytosanitary certificate or, exceptionally, officially certified copies of the same, or electronic version of the phytosanitary certificate.

Without prejudice to provision of the previous paragraph the consignment may, exceptionally, be accompanied by original alternative document or stamp.

Phytosanitary certificate shall be issued by a responsible official body of the country of origin. In the event if special phytosanitary requirements from List IV.A or List 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.

For consignments referred to in the first paragraph of the previous Article, having been issued an original phytosanitary certificate in the country of origin and then dispatched, stored, repacked or divided in another country which is other than the country of origin, such original certificate or certified copy of the same shall be accompanied by phytosanitary certificate for re-export, issued by that another country. When such consignments are introduced successively from third countries into several different countries and more than one phytosanitary certificate for re-export has been issued, the products must be accompanied, in addition to the original phytosanitary certificate or certified copy of the same, also by all phytosanitary certificates for re-export or certified copies thereof.

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 international plant health convention, irrespective of the fact that a third country of export or re-export is the party thereof.

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, exceptions specified in the first and second paragraph of this Article and certain kinds of consignments specified in the third paragraph of this Article.

#### **Article 25.b (reduced frequency of inspections)**

Frequency of phytosanitary inspections of certain consignments, referred to in the first paragraph of Article 25 of this Act may be reduced, save for the inspection of documents.

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, consignments and the frequency of checking identity and plant health checks of such consignments.

#### **Article 26 (introduction from third countries into a protected zone)**

Consignments from List V.B which are introduced from third countries into a protected zone, in addition to the conditions laid down in Article 25 of this Act, must meet the following conditions:

- they are not infected with harmful organisms indicated in List I.B and List II.B;
- they do not contain plants, plant products and regulated articles 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 )**

Consignments from 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 must be subjected to phytosanitary inspection and must be accompanied by an import permit referred to in Article 16 of this Act and a phytosanitary certificate from the country of origin.

#### **Article 28 (special cases)**

If there is no risk of harmful organisms spreading, the Administration may in compliance with prescribed conditions laid down in Article 17 of this Act allow the introduction of plants, plant



products and regulated articles from List V.B which are cultivated or used in the immediate frontier zone, from third countries, without a phytosanitary certificate and phytosanitary inspection, if these are intended for use in the immediate frontier zone.

**Article 29**  
**(exceptions)**

Small quantities of plants, plant products and regulated articles from List V.B in compliance with the provisions of Article 18 of this Act may be introduced from third countries without a phytosanitary certificate and phytosanitary inspection, save for those included in Lists III.A or III.B.

**Article 30**  
**(obligations of importers and customs officials)**

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 must notify a phytosanitary inspector of the arrival of such consignments which are introduced from third countries or reloaded during transport.

Customs officials may not commence procedures for the start of customs-approved use, except for transit, until a phytosanitary inspector has performed a phytosanitary inspection of the consignment referred to in the previous paragraph and allowed introduction from third countries by issuing a decision.

In the case of consignments which are being introduced from third countries, an importer must take measures ordered by the phytosanitary inspector.

Customs officials shall ban the introduction from third countries and hand over to a phytosanitary inspector, plants, plant products and regulated articles which an individual introduced into the Republic of Slovenia without a phytosanitary certificate or which are indicated in List III.A or List III.B, with the exception of small quantities referred to in Article 18 of this Act, who shall order measures prescribed in compliance with the third paragraph of Article 10 of this Act.

**Article 31**  
**(procedures on introduction from third countries)**

Phytosanitary inspection 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, shall be performed.

An importer shall lodge an application for the introduction of phytosanitary and customs procedure referred to in the previous paragraph.

If there is no risk of harmful organisms spreading the identity check and a 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.

Official body of the point of entry may, by agreement with the official body of destination, provide for that identity checks and plant health checks referred to in the first paragraph of Article 25 of this Act may be 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 identity and health condition of plants shall be maintained during the transport to a place other than the point of entry, until the completion of the required customs formalities.

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 a Member State where such point of entry is located.

Places for the carrying out of phytosanitary inspections in the Republic of Slovenia, which are not points of entry shall be, upon importer's request, designated by the Administration and the competent customs authority by issuing a common decision.

The Commission may have at any time insight into the list of points, specified in the previous paragraph, maintained by the Administration.

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 minimum conditions for the carrying out of the identity checks and plant health checks at a place other than the point of entry, and places which are not points of entry specified in the third paragraph of this Article;
- application form and a document attached to the consignment referred to in the second of fourth paragraph of this Article;
- cooperation arrangements of 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 to maintain the identity of the lots and consignments and to safeguard against the risk of spreading harmful organisms until the completion of the required customs formalities.

### **Article 32** **(approval or refusal of introduction from third countries)**

If the conditions laid down in Article 25 or Article 26 of this Act are met, a phytosanitary inspector shall, upon carrying out the inspection, allow introduction of the consignment from third countries by decision and mark the phytosanitary certificate or phytosanitary certificate for re-export with the date of entry and the seal of the phytosanitary inspection service.

If the conditions or one of the conditions laid down in Article 25 or Article 26 of this Act are not met, the phytosanitary inspector shall provide for the interception of the consignment and shall order one of the following measures:

- imposition of a quarantine period until the results of the examinations or diagnostic tests referred to in Article 10 of this Act are available,
- removal of infected/infested produce from the consignment,
- refusal of introduction of all or part of the consignment into the Community,
- movement, under official supervision, in accordance with the appropriate customs procedure, during their movement within the Community, to a destination outside the Community,
- appropriate treatment, or
- destruction.

In case of the measures specified in the third, fourth and sixth indent of the previous paragraph phytosanitary inspector shall mark the phytosanitary certificate or phytosanitary certificate for re-export with a triangular stamp in red, which makes the certificates invalid.

If it is found on phytosanitary inspections that part of a consignment is infected with harmful organisms indicated in Lists 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.

The size of the stamp referred to in the third paragraph of this Article and the data it contains and, in accordance with a regulation adopted under the procedure laid down 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 at introduction from third countries)**

In the case of the introduction from third countries of consignments which, judging from the accompanying documents do not contain plants, plant products and regulated articles indicated in List V.B, a phytosanitary inspector may carry out a phytosanitary inspection if there exists a well-founded suspicion in relation to the identity of the consignment or if there exists a risk of harmful organisms spreading.

If after carrying out a phytosanitary inspection, a phytosanitary inspector still doubts the identity of the consignment, in particular in relation to genus, species or origin, the consignment shall be deemed to contain plants, plant products and regulated articles indicated in List V.B.

### **Article 33.a** **(customs authorities)**

If, when carrying out regular supervision, a 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 indicated in the fourth paragraph of Article 25 of this Act, or a consignment containing plants, plant products and regulated articles from List II.A, such body shall order interreception of the consignment and notify the competent phytosanitary inspector thereof, who shall carry out phytosanitary inspection and order measures set out in Article 32 of this Act.

When the inspection has been completed, the competent customs body, carrying out the inspection specified in the second paragraph of Article 25 of this Act shall, in respect of consignment satisfying conditions laid down in the first or second indent of the third paragraph of Article 25 of this Act, permit the introduction from third countries of the consignment, marking the import document with the date of introduction and a stamp. If the conditions are not met or the conditions set out in the third, fourth and fifth indent of the third paragraph of Article 25 of this Act are suspected as not met, the body shall order interception of the consignment and notify the competent phytosanitary inspector thereof, who shall carry out phytosanitary inspection and order measures laid down in Article 32 of this Act.

## **B) Export**

### **Article 35** **(procedures for export)**

If the country to which consignments, originating in the Republic of Slovenia, are being exported requires a phytosanitary certificate, a phytosanitary inspector shall carry out a phytosanitary inspection of the consignment prior to issuing a phytosanitary certificate, in order to ensure that the prescribed phytosanitary requirements of the country to which the consignment is being exported are met.

If the country to which consignments, which do not originate in the Republic of Slovenia, but have been stored, repacked or split up in the Republic of Slovenia, are being exported, requires a phytosanitary certificate, a phytosanitary inspector shall carry out an inspection of the consignment prior to issuing a phytosanitary certificate for re-export, in order to ensure that the prescribed phytosanitary requirements of the importing country met.

The issue of a phytosanitary certificate shall be considered an official act or a measure carried out by a phytosanitary inspector, whereby he confirms that the provisions of the first and second paragraphs of this Article are met.

The issuing method, the form and content of the phytosanitary certificate or phytosanitary certificate for re-export shall be prescribed by the minister in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

### **Article 36** **(responsibilities of exporters)**

An exporter shall lodge an application for the issue of a phytosanitary certificate with a phytosanitary inspector within the time limit prescribed by the minister.

The application for the issue of a phytosanitary certificate must contain in particular:

- applicant identification data: personal name and address of residence or stay or company and registered office;
- data about the consignment.

More detailed content of the application referred to in the previous paragraph shall be prescribed by the minister.

Exporters must carry out measures which a phytosanitary inspector orders during phytosanitary inspection of a consignment intended for export.

### **C) Transit**

#### **Article 37 (transit of consignments)**

Phytosanitary inspection in compliance with the second paragraph of Article 25 of this Act is not compulsory in the case of consignments in transit.

A consignment referred to in the previous paragraph must be packed so that there is no risk of harmful organisms spreading and it may not be split up, combined with other consignments or repacked in the customs territory of the Republic of Slovenia.

If a consignment is not packed in compliance with the previous paragraph or if it is reloaded, a phytosanitary inspection is compulsory in compliance with the second paragraph of Article 25 of this Act. Without prejudice to the provisions of the first paragraph of this Article, in the event of a well-founded suspicion of the risk of the introduction or spread of harmful organisms, the minister may prescribe for specific consignments in transit the manner of treatment of the consignment, a compulsory phytosanitary inspection, the manner of inspection and may determine the measures necessary.

### **3. Movement of plants, plant products and regulated articles**

#### **Article 38 (movement)**

Plants, plant products and regulated articles indicated in List V.A, division I and seeds indicated in List IV.A may only be moved if a plant passport is attached to them or their packaging or is attached to the means of transport as an accompanying document.

Consignments indicated in List V.A which are moved and are intended for trial and scientific purposes or for work on varietal selections must be subjected to phytosanitary inspection and must be accompanied by a plant passport.

#### **Article 39 (movement into a protected zone)**

Plants, plant products and regulated articles indicated in List V.A, division II and seeds indicated in List IV.A may be moved into or within a protected zone only if a plant passport, which is valid for the protected zone, is attached to them or to their packaging or is attached to the means of transport as an accompanying document, and if conditions have been met for movement which shall be prescribed in more detail by the minister.

The provisions of the previous paragraph shall not apply to the movement of plants, plant products and regulated articles through protected zones or from protected zones, under conditions prescribed by the minister.

#### **Article 40 (exceptions)**

For seeds indicated in List IV.A documents shall be considered as plant passports, which have been issued in accordance with regulations governing the marketing of officially certified seeds material of agricultural plants, provided to giving evidence of meeting the requirements from List IV.A and if so provided for in accordance with a regulation or act adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

Without prejudice to the first paragraph of Article 38 of this Act small quantities of plants, plant products and regulated articles indicated in List V.A and seeds indicated in List IV.A may be moved without plant passport when they are intended for consumption during transport, self-use or final sale to natural persons, who are not market producers, on local market, provided that there is no risk of harmful organisms spreading, or if being moved by producers or processors, who may be exempted from the entry into the register pursuant to Article 23 of this Act.

#### **Article 41 (production, processing, use)**

Plants, plant products and regulated articles indicated in List V.A, division I, produced, processed or used by those liable to be entered in the register, and intended to be moved, must be subjected to phytosanitary inspection in order to establish in particular that:

- they are not infected with harmful organisms indicated in List I.A and List II.A;
- they meet special phytosanitary requirements indicated in List IV.A.

Plants, plant products and regulated articles from List V.A, division II, which are intended to be moved into a protected zone must be subjected to phytosanitary inspection for purposes indicated in the previous paragraph and in order to ensure that:

- they are not infected with harmful organisms indicated in List I.B and List II.B;
- they meet the special phytosanitary requirements indicated in List IV.B.

Phytosanitary inspections 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.

Without prejudice to the previous paragraph the following may be performed in order to provide plant health:

- random phytosanitary inspections without any discrimination in respect of the origin of the plants, plant products or regulated articles, at any time and at any place where these are moved, processed, stored, offered for sale or otherwise used, as well as on the premises of purchasers,
- official sampling and testing of samples in order to establish if the plants, plant products or regulated articles comply with the relevant requirements indicated in this Act.

When conditions for the issue of plant passport are not complied with, the competent inspector shall order the following measures in accordance with the third paragraph of Article 10 of this Act:

- appropriate treatment, followed by the issue of the appropriate plant passport in accordance with Article 10 if the conditions are considered as fulfilled as a result of the treatment,
- a permit for movement, under official control, to zones where they do not present an additional risk,
- a permit for movement, under official control, to places for industrial processing,

- destruction.

If a harmful organism is found at phytosanitary inspection, listed in List I.A, division I or List II.A, division I, the competent inspector shall prohibit the movement of relevant plants, plant products and regulated articles and order measures laid down in the previous paragraph.

If a harmful organism is found at phytosanitary inspection, listed in List I.A, division II or List II.A, division II, or if special requirements are found as not met, indicated in List IV.A, division II, the competent inspector shall order measures specified in the fifth paragraph of this Article to be applied for the infected part of plants, plant products and regulated articles.

More detailed methods of phytosanitary inspection referred to in the first, second and third paragraphs of this Article and measures laid down in this Article shall be prescribed by the minister in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

#### **Article 42** (plant passports)

Plant passport shall mean an official label, prepared by the responsible official body in a Member State, and may be standardised at Community level for different types of plants or plant products.

Plant passports shall be issued in respect of plants, plant products and regulated articles indicated in List V.A.

Plant passports shall be issued in respect of produced or processed plants, plant products and regulated articles indicated in List V.A, which have been subjected to phytosanitary inspection, in accordance with the previous Article, by:

- those liable to be entered in the register indicated in the first and second indent of the second paragraph of Article 19 of this Act (furtheron referred to as: »persons entitled«), provided to have been issued a relevant authorisation by the Administration, or
- performers of public services indicated in Article 68 of this Act, or
- Administration if those liable specified in Article 19 of this Act do not or are not able to obtain authorisation for the issue of plant passports.

The minister shall prescribe, in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, 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** (permit for issuing plant passports)

The Administration shall issue to persons entitled a permit for issuing plant passports if they meet the following conditions:

- they are entered in the register in compliance with the provisions of Article 19 of this Act;
- they are professionally qualified to provide plant health or they guarantee that a person, professionally qualified to provide plant health, in an employment or contractual relationship with the person entitled, shall undertake the execution of responsibilities under Article 49 of this Act;
- they have a formal note from a competent inspector ascertaining that the conditions laid down in Article 22 of this Act are met.

The application to obtain a permit for the issue of plant passports must be submitted to the Administration on the prescribed form.

The application must contain, in addition to data indicated in Article 20 of this Act, in particular:

- data on the type of production, processing, sale or introduction of plants, plant products and regulated articles from third countries,
- evidence that the conditions under the first paragraph of this Article are met.

The person referred to in the second indent of the first paragraph of this Article shall be deemed to be professionally qualified if he/she has the prescribed education 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 have been approved by the Administration.

In the case that the person responsible for plant health is in a contractual relationship with the person entitled, the latter must attach to the application a copy of the contract, which must contain the precisely defined responsibilities of the person responsible for plant health.

The form and more detailed contents of the application under the second and third paragraph and conditions in relation to education and the form for certification of basic knowledge under the fourth paragraph of this Article shall be prescribed by the minister.

Permits for the issue of plant passports shall be issued by the director of the Administration in an administrative procedure no later than three months after receipt of completed applications, if the prescribed conditions are met.

If a legal or natural person ceases to meet the prescribed conditions for issuing plant passports, the permit shall be annulled at the proposal of the person entitled or *ex officio*.

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

The Administration shall grant authorisation to a persons, entitled to issue other official marks for special kinds of products, which shall be considered as plant passports, if such persons meet conditions laid down in the first and second indent of the first paragraph of the previous Article, and if they are provided with the record of an authorised official regarding the meeting of obligations laid down in the first, fourth, fifth and sixth indent of Article 22 of this Act.

For the issue of authorisations for other official marks the second, third, fourth, fifth, seventh and eighth paragraph of the previous Article shall apply as appropriate.

The minister shall prescribe a form and detailed content of the application for granting authorisation for the issue of other official marks, conditions with regard to professional competence and, in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive, kinds of plants, plant products and regulated articles for special marking, technical requirements for industrial plants and placing of marks.

#### **Article 44** **(records on persons responsible for plant health for the issue of plant passports)**

The Administration shall set up and keep records of persons responsible for plant health for the issue of plant passports.

The records shall contain in a uniform manner in particular personal name and address of residence or stay or company and registered office of the person responsible for plant health and the personal name and address of residence or stay of the person entitled who has guaranteed the said person responsible.

More detailed data and the method of keeping records pursuant to the first and second paragraphs of this Article shall be prescribed by the minister.

#### **Article 45** **(types of plant passport)**

There shall be the following types of plant passport:  
- plant passport;

- replacement plant passport (marked RP);
- plant passport for protected zones (marked ZP).

The minister shall prescribe the form and content of plant passports.

**Article 46**  
**(issue of plant passports for uninfected plants, plant products and regulated articles)**

If it is ascertained by phytosanitary inspection that a part of plants, plant products and regulated articles which are grown, processed or used by a registered producer or processor, or is otherwise present on their premises, 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 articles if there is no suspicion that these are infected and if there is no risk of harmful organisms spreading.

**Article 47**  
**(replacement plant passports)**

If a consignment is split up or composed of a number of different individual consignments already accompanied by plant passports, a replacement plant passport must be issued for the new consignment.

If in the case referred to in the previous paragraph, the health status of the consignment changes, a replacement plant passport may only be issued after a phytosanitary inspection has been carried out.

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

After carrying out a phytosanitary inspection of consignments introduced from third countries, indicated in List V.A, which must be accompanied by a phytosanitary certificate, a phytosanitary inspector shall allow the consignments introduced from third countries to be moved within the country with a phytosanitary certificate stating that it replaces a plant passport.

If a consignment indicated in List V.A which is accompanied by a phytosanitary certificate is moved into other Member States, such consignment shall be issued plant passport.

If a consignment, indicated in List V.A, accompanied by a phytosanitary certificate is split up or composed from a number of different, individual consignments, a plant passport must be issued for the new consignment.

If in the case referred to in the previous paragraph, the health status of the imported consignment changes, a plant passport may only be issued after an inspection has been carried out.

**Article 49**  
**(obligations of producers, processors, importers and distributors with regard to issuing plant passports)**

Producers, processors, importers and distributors of plants, plant products and regulated articles referred to in the first and second indents of the second paragraph of Article 19 of this Act are required, in addition to obligations pursuant to Article 22 of this Act, to also:

- report to the Administration within the prescribed time limit all changes in relation to conditions for issuing plant passports;
- to make sure plant passports are issued in compliance with this Act;
- report to the competent inspector within the prescribed time limit about the intended movement of plants, plant products and regulated articles into protected zones;
- issue plant passports in compliance with the prescribed content and marks;
- store documents and keep records in relation to the issue of all types of plant passport;
- make sure plant passports are attached in such a way that they cannot be reused. The manner and time limits for reporting and time limits for storing documents pursuant to the previous paragraph shall



be prescribed by the minister in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

**Article 50**  
**(obligations of buyers of plants, plant products and regulated articles)**

Buyers of plants, plant products and regulated articles who are involved in the marketing of produced or processed goods must as final users store all types of plant passport in compliance with prescribed time limits.

The duration of storing documents pursuant to the previous paragraph shall be prescribed by the minister in accordance with a regulation adopted under the procedure laid down in the second paragraph of Article 18 of Directive.

Buyers referred to in the first paragraph of this Article must allow competent inspectors access to plants, plant products and regulated articles at any stage of production or processing or on the market and allow phytosanitary inspection, including documentary checks.

#### IV. BIOLOGICAL CONTROL

**Article 51**  
**(biological plant protection)**

Biological plant protection is a strategy for controlling harmful organisms in agriculture and forestry by making use of living natural enemies, antagonists or competitors or their products and other self-replicating biotic entities.

**Article 52**  
**(autochthonous species of organisms)**

An **autochthonous species of organism** is a species which is naturally present in a given ecosystem. The introduction, cultivation and use of autochthonous species of organisms for the purpose of biological plant protection in covered areas and in the open air is allowed 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**  
**(introduction of exotic species of organisms )**

An exotic **species of organism** is a species which has been introduced by man and prior to its establishment was not present in a specific ecosystem.

Only those 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.

The Administration shall issue a permit for introduction and use of exotic species of organisms under 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 the natural balance or biodiversity, in compliance with regulations in the area of nature conservation.

Without prejudice to the provisions of the second paragraph of this Article, a permit for introduction and use of exotic species of organisms may be issued for the purpose of biological plant protection for a scientific or research organisation, if they are used for trial and research or development purposes. A permit shall be issued pursuant to the provisions laid down in the previous paragraph.

In order to obtain a permit referred to in the third and fourth paragraphs of this Article, an applicant must also meet the prescribed conditions in relation to premises, equipment and staff.

An application for the issue of a permit under the third and fourth paragraphs of this Article must be lodged with the Administration. The application must contain in particular the following data:

- personal name and address of residence or stay or company and registered office;
- person responsible;
- types of activity;
- the type and method of use in relation to the target organism;
- introduction scheme and list of recipients;
- risk assessment ;
- evidence that use of the organism is permitted in at least three ecologically comparable European states;
- evidence that the organism is intended for use for biological control;
- evidence that other prescribed conditions for use are met.

More detailed conditions under the fifth paragraph of this Article and more detailed contents of applications under the previous paragraph shall be prescribed by the minister in agreement with the minister responsible for nature conservation.

The Administration shall keep records of the 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 )**

To analyse and monitor plant-health measures, the Administration may, on the basis of this Act, for the purpose of management and maintenance of data bases, acquire and use data, which are kept, within the framework of prescribed data bases, by official state bodies, public institutes and agencies, licence holders and other authorised bodies, in particular data from:

- farm register and records of relevant entities;
- records of producers and processors of agricultural products or foodstuffs;
- land use register;
- register of spatial units;
- tax register (tax number);
- central population register (personal name, unique master citizen number and address of residence or stay);
- land cadastre (parcel number, parcel boundaries, area, owner, manager, tenant);
- land register (ownership and tenant rights to individual parcels);
- business register of Slovenia;
- data base of statistical data in agriculture and forestry;
- data base of customs data on the introduction from third countries and export of plants and plant products;
- data base of the Fund of the Republic of Slovenia for Farmland and Forests (data on land owned by the Republic of Slovenia and tenants of such land);
- data base of the Hydrometeorological Institute of Slovenia.

The Administration may also use basic topographic plans, topographic charts, survey maps and digital orthophoto maps.

In accordance with its competencies, the Administration shall link its data bases with all data bases kept by the ministry responsible for agriculture and forestry.

Registers, records and other data bases which the Administration sets up and maintains shall be financed from the budget of the Republic of Slovenia.

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, in compliance with regulations governing the protection of data.

**Article 53**  
**(data communication)**

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 legally defined tasks, and to authorised organisations and providers of public services, if such is required for carrying out tasks in the field of plant health.

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 under the first paragraph of the previous Article which have the nature of personal data, in compliance with regulations on protection of personal data.

Data extracts from data bases which are kept in compliance with this Act and which do not contain personal data may be obtained by persons who show legal interest, against costs for communicating it. Data so obtained may only be used for the purpose for which they were given and may not be changed or communicated to other persons.

**Article 56**  
**(information system)**

Plant-health providers must keep and regularly update prescribed records, registers and data bases which are linked into an information system.

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.

The manner of linkage, conditions for keeping registers, records and data bases shall be prescribed by the minister.

**Article 57**  
**(international exchange of data and information)**

At the international level, the exchange of information and data shall cover in particular:

- the single central authority;
- list of points of entry through which consignments may be introduced from third countries into the Republic of Slovenia;
- lists of harmful organisms which are the subject of control;
- the presence or occurrence of harmful organisms indicated in lists prescribed under this Act, on part of its territory where their presence was not previously known and on measures taken;
- the occurrence, outbreak or spread of harmful organisms representing a potential risk;
- any occurrence of a harmful organism in a protected zone in relation to which the protected zone was recognised;
- the findings of a systematic survey in a protected zone;
- regulations which have been issued on the basis of this Act;
- cases in which consignments of plants, plant products and regulated articles have been intercepted because of failure to meet phytosanitary requirements;
- other data and information in the field covered by this Act at the request of international bodies and organisations.

Data and information shall be communicated in compliance with international conventions and agreements, binding on the Republic of Slovenia.

## **VI. COSTS, FEES AND COFINANCING OF PROGRAMMES**

### **Article 58 (costs)**

All costs incurred in connection with the tests of plants, plant products and regulated articles which have been carried out upon request of the competent inspector or responsible official body 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 samples have been taken, unless otherwise prescribed.

All costs incurred in connection with measures referred to in this Act, instituted to ensure plant health, shall be borne by the titleholder.

Costs of technical training courses to obtain a permit for the issue of plant passports shall be paid by the applicant.

### **Article 58.a (fees)**

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 inspections.

The fee specified in the previous paragraph shall represent an income in the budget of the Republic of Slovenia and shall be paid in on a special account, established in accordance with regulations governing the payment method and the allocation of the general government revenue.

The minister shall prescribe the amount of the fee with regard to the type and quantity of plants, plant products and regulated articles indicated in List V.A.

As for consignments referred to in the first paragraph of Article 25 of this Act the minister shall prescribe the amount of the fee with regard to the type and quantity of plants, plant products and regulated articles in accordance with a regulation adopted pursuant to the procedure laid down in the second paragraph of Article 18 of the Directive.

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

Cofinancing of plant health programmes, approved by the Commission, shall be carried out pursuant to the Directive and Commission Regulations 1040/2002/EC (OJ L No 157 of 15 June 2002), as amended and 998/2002/EC (OJ L No 152 of 12 June 2002), as amended.

## **VIII. COMPENSATIONS**

### **Article 59 (compensation)**

A titleholder engaged in the production or processing of plants, plant products and regulated articles, shall have the right to compensation, provided that:

- he has immediately reported the occurrence or suspicion of the harmful organism from List I.A and List II.A, or in the case of a protected zone from List I.B and List II.B, or of organisms not indicated in the said lists however creating plant health risk within the territory of the Republic of Slovenia, the measures for the suppression and prevention of spread of which shall be provided for by the director of the Administration on the basis of a pest risk assessment, to the competent inspector or the Administration;
- he has carried out all the prescribed and ordered plant-health measures.

Compensation shall be paid from the budget of the Republic of Slovenia.

Compensation under the previous paragraph shall not be paid if the harmful organism appears at the introduction of plants, plant products and regulated articles into the Republic of Slovenia.

The procedure for the payment of compensation shall be initiated at the request of the titleholder of the destroyed or otherwise removed plants, plant products and regulated articles. The decision of the competent inspector ordering the said measures must accompany the claim, which shall be lodged with the Administration.

The Administration shall decide on the entitlement to compensation and on its amount in administrative procedure. The amount of compensation shall be ascertained by a special commission which shall be appointed by the Administration.

Neither an appeal against the decision on the amount of compensation nor administrative dispute shall be possible. The titleholder may, within 30 days of the date of service of the decision referred to in the previous paragraph, propose to the court of jurisdiction that it determine the compensation.

In the event 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 determine the compensation.

The court shall decide on claims, referred to in the sixth and seventh paragraphs of this Article in a non-litigious civil procedure.

More detailed criteria for determining compensation shall be prescribed by the minister.

## **IX. PUBLIC SERVICE IN THE FIELD OF PLANT HEALTH**

### **Article 60 (definition)**

A public service in the field of plant health is a statutorily defined activity, in the provision of which the provider has special obligations in the public interest (hereinafter referred to as “public service obligations”).

The activities of a public service in the field of plant health shall cover in particular the performance of tasks in the field of observation and forecasting harmful organisms and technical tasks in the field of plant health.

Tasks in the field of observation and forecasting harmful organisms shall be in particular:

- monitoring and observation of the 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;
- issuing warnings and preventing the spread of harmful organisms with advice 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.

Technical tasks in the field of plant health shall be in particular:

- carrying out specialised laboratory tests of plants, plant products and regulated articles in order to diagnose harmful organisms;
- providing expert opinions to titleholders in connection with plant health;
- professional training of persons responsible for plant health for the issue of plant passports;
- carrying out research and development activities;
- carrying out disinsection, disinfection and deratting for the purpose of plant health;

- performing other technical tasks.

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 services in the field of plant health)**

The activities of a public service in the field of plant health shall be carried out by public institutes, persons of public law and other legal and natural persons who meet the prescribed staff requirements, spatial conditions and conditions in relation to equipment.

Without prejudice to the provisions of the previous paragraph, the activity of a public service in the field of plant health in forestry shall be carried out by a public forestry service determined by the act that regulates the field of forestry, in compliance with this Act and regulations governing the field of forestry.

The minister shall prescribe conditions under the first paragraph of this Article, except conditions for providers of public services which carry out disinsection, disinfection and deratting, which shall be prescribed in compliance with the act regulating trade in and use of plant protection products.

#### **Article 62** **(public service obligations)**

Public service obligations in the field of plant health shall be:

- regular and continuous activities and performance of services;
- enabling services for natural or legal persons who are involved in agricultural activities, plant protection activities or who show legal interest;
- providing services at prescribed prices.

Public service obligations in the field of plant health shall be determined in greater detail by a decision to grant a concession.

If a provider of a public service does not provide the public service to persons to whom he is obliged to provide it, or does not provide the service at the prescribed price and other prescribed conditions, the user of the service may demand of the Administration that it 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 public services)**

A public service in the field of plant health shall be financed from:

- part or whole payment of the price of services provided;
- the budget of the Republic of Slovenia;
- other sources.

Providers of a public service must earmark the funds allocated from the budget of the Republic of Slovenia for financing public service programmes solely for the provision of these public services.

#### **Article 64** **(prices of services of public services)**

Users of the services provided by a public service in the field of plant health shall pay the price of individual services partially or in whole, but individual services may also be free of charge.

The minister shall prescribe prices of services of the public service in the field of plant health and determine the share to be paid by the user.

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

Professional supervision of the implementation of the public service in the field of plant health shall be carried out by the Administration; official monitoring shall be performed by the phytosanitary inspection service, except in the case of a public service in the field of plant health in forestry, where technical and official monitoring shall be carried out in compliance with the act governing the field of forestry.

Tasks of technical supervision under the previous paragraph may be conferred by the Administration on other legal persons as public authority.

**Article 66**  
**(licences)**

The Administration shall award licences for providing public services in the field of plant health to providers on the basis of public calls for tenders, which shall be published in the Official Gazette of the Republic of Slovenia.

Public calls for tenders shall contain in particular:

- a definition of the subject of the licence;
- an indication of the start and duration of the licence;
- the conditions to be met by the licence holder;
- the compulsory ingredients of the application;
- o selection criteria;
- indication of the time limit for issuing a decision on awarding the licence;
- other potential professional and technical conditions;
- the contact person for providing information in connection with the content of the public call for tenders;
- the date, place and time for opening tenders;
- the manner of notifying candidates on the selection of licence holders.

The procedure of opening and evaluating tenders shall be issued by a commission which shall be appointed by the director of the Administration. Authorised representatives of the tenderers may be present at the opening of applications.

Tenders submitted late shall not be considered. Incomplete tenders may be completed within eight days of the receipt of notice, otherwise the tender shall be dismissed, of which tenderers should be warned appropriately.

The result of a public call for tenders shall be published in the Official Gazette of the Republic of Slovenia.

Public calls for tenders under the first paragraph of this Article shall not be required for public institutes which operate in the field of agriculture and forestry, to which the Administration shall award licences on the basis of an application by decision in administrative procedure. Relationship between the Administration and licence holders shall be defined in more detail by contract.

No appeal shall be allowed against a decision under this Article but an administrative dispute shall be possible.

**Article 67**  
**(contracts)**

A contract under the previous paragraph shall be concluded in written form and shall contain in particular:

- the provider and professional persons who will perform the activity;
- the activity in the field of plant health that the provider will perform;
- the area in which the provider must provide the public service in the field of plant health;
- the manner and conditions for carrying out the activities determined by the contract;
- the rights, obligations and responsibilities of the provider;
- working and business hours or manner of ensuring the activity;
- the start and duration of the licence;
- source of financing;
- supervision of the implementation of the activity;
- termination of the licence;
- contract notice period.

## **X. PUBLIC AUTHORITY**

### **Article 68 (public authority)**

The Administration shall delegate public authority to bodies governed by public law and to legal persons governed by private law that meet conditions in relation to professional, spatial and technical capabilities for tasks referred to in the second paragraph of Article 9, third paragraph of Article 42, Article 65 and items 3, 4, 5, 6, 7, 8, 10, 14, 19, 21, 23 and 24 of Article 76 of this Act.

Tasks in the field of plant health in forestry referred to in items 3, 4, 5, 6, 7, 8, 10, 14 and 19 of Article 76 of this Act shall be performed by public forestry services determined in the act regulating the protection of forests, as a public authority.

Conditions in relation to professional qualifications referred to in the first paragraph of this Article shall be prescribed by the minister.

The fulfilment of conditions in relation to professional qualifications shall be verified by a commission which shall 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 decision in administrative procedure.

The Administration shall delegate public authority for performing tasks under the first paragraph of this Article on the basis of a public call for tenders.

Public calls for tenders under the previous paragraph of this Article shall not be required for public institutes which operate in the field of agriculture and forestry, which shall be awarded licences by the Administration, on the basis of an application, by decision in administrative procedure.

The Administration shall decide on the selection of providers by decision in administrative procedure. The decision must also specify the technical staff who will carry out the delegated activities.

There shall be no appeal against a decision under the previous paragraph, but an administrative dispute shall be possible.

Holders of public authority shall be responsible to the Administration for the implementation of tasks for which public authority has been delegated to them.

Public authority shall cease if the holder of public authority no longer meets the conditions or if he works contrary to regulations, which shall be established by the director of the Administration in a decision in administrative procedure.

Task performance under public authority 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)**

Professional and amateur societies in the field of plant health which perform activities in the public interest in so far as the purpose of founding and the activity itself of the society transcends the realisation of interests of members of the society.

A society acts in the public interest if:

- it is active in the field of plant health;
- activities are concerned which are in the public interest, defined in its founding acts;
- it organises education/training on plant health for members and non-members;
- it is shown that a predominant use of the society's funds is for purposes of public interest for a period of two years;
- it has performed these activities for at least 2 years.

More detailed conditions under the previous paragraph may be prescribed by the minister.

### **Article 70 (status of the society)**

A society which meets the conditions laid down in the previous article shall be granted the status of a society operating in the public interest, by a ministerial decision, for a period not exceeding five years, with the possibility of prolongation for the same period of time.

A society performing activities in the public interest may be financed from the budget of the Republic of Slovenia, or from the budget of local government, on the basis of a contract, and in compliance with the law on public procurement.

A society which no longer meets the conditions laid down in the previous article, shall have the status of a society acting in the public interest withdrawn by ministerial decision.

### **Article 71 (publication)**

A decision on the granting and withdrawal of the status of the society acting in the public interest shall be published in the Official Gazette of the Republic of Slovenia.

## **XI. EXPERT COUNCIL FOR PLANT HEALTH**

### **Article 72 (expert council for plant health)**

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

- to advise on the introduction of measures for preventing the introduction and spread of harmful organisms and their suppression;
- to propose scientific and educational activities in the field of plant health;
- to monitor systemic and development issues in the field of plant health, and propose priority tasks;
- to propose priority pest risk assessments;
- to propose development plans in plant health;
- to co-operate in the elaboration of groundwork for the preparation of legislation.

The composition and method of work of the Council shall be prescribed by the minister.

## **VIII COMPETENCIES OF STATE BODIES**

### **1. Minister**

#### **Article 73 (measures of the minister)**

The minister may order the following measures for the the purpose of implementation of this Act:

- order a prohibition of the 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 implementing this Act.

### **1. The Administration**

#### **Article 74 (the Administration)**

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 for reporting to the European Union.

The Administration shall perform administrative tasks and related technical tasks.

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)**

If a risk exists to plant health the director of the Administration may, in order to prevent the introduction into and spread of harmful organisms and their suppression, issue a decision to:

- define the boundaries of regulated zones, 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 plants across the territory of the Republic of Slovenia, or
- provide for 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
- provide for emergency measures for the prevention of introduction and spread of harmful organisms, not included in lists referred to in the first, second and third paragraph of Article 15 of this Act.

The director of the Administration shall issue a decision under 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.

The decision shall be repealed by a new decision, if the Commission does not approve measures specified in the previous paragraph.

The decision referred to in the second paragraph of this Article shall apply until the entry into force of a 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 indicated in the second paragraph of this Act.

**Article 76**  
**(authority and tasks of the Administration)**

In addition to authorities laid down in other regulations, the Administration shall have the following tasks and authorities pursuant to this Act:

1. co-operation in formulation and implementation of policy in the field of plant health;
2. co-operation in preparation of legislation and performance of other administrative tasks in the field of plant health and monitoring their implementation;
3. carrying out surveillance of harmful organisms;
4. analysing and evaluating the plant-health status in order to define the occurrence and spread of harmful organisms within the country and abroad;
5. carrying out laboratory tests of plants, plant products and regulated articles in order to diagnose 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 an occurrence or detection of new harmful organisms, issuing technical instructions and measures;
7. elaborating technical bases when determining infected areas, endangered areas, specially regulated areas and protected zones;
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 by public services in compliance with this Act;
13. reporting on occurrences, outbreaks and the 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 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 matters in the sphere of plant protection and issuing publications;
18. care for the carrying out uniform work procedures in compliance with 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 inspections;
25. providing for the system for the issue of phytosanitary certificates;
26. issuing instructions in relation to performing tasks specified 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**  
**(authorisations for phytosanitary inspection)**

Authorisations for the carrying out of phytosanitary inspection under this Act and regulations issued on the basis thereof, shall be the following:

1. access to the plants, plant products or regulated articles at any place where these are moved, produced, processed, stored or offered for sale or used otherwise;

2. access to the plants, plant products or regulated articles 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 articles 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 case of 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 those 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 the carrying out the supervision;
11. ordering and supervising performance of measures under this Act;
12. performing other tasks in relation to plant health.

An official performing public authorisations for the carrying out of phytosanitary inspection shall have a service card or a badge, proving his identity.

The minister shall prescribe the form and content of the service card and badge indicated in the previous paragraph.

#### **Article 76.b** **(phytosanitary measures)**

An official shall notify 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 inspection referred to in the previous paragraph, which are compulsory to be subjected to such measures.

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

### **3. Inspection supervision**

#### **Article 77** **(inspection supervision)**

Inspection supervision of the implementation of this Act and regulations issued on its basis shall be carried out by phytosanitary and forestry inspectors.

Measures under this Act shall be ordered by a phytosanitary or forestry inspector by decision issued in administrative procedure. An appeal against such a decision shall not withhold its implementation.

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)**

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, co-operate in the preparation of regulations in their field of work and perform other matters determined by law or other regulations.

The inspection services shall co-operate in their work with the Administration, other inspection services, institutes and other organisations and with experts for agriculture and forestry in the Republic of Slovenia and abroad.

**Article 79**  
**(tasks and authorities of inspectors)**

In addition to authorities provided for in 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 and regulated articles at any time and anywhere where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of buyers and during introduction from third countries, export and transit;
2. carry out inspection of plants, plant products and regulated articles at any time and anywhere where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of buyers and during introduction from third countries, export and transit;
3. examine phytosanitary documentation of legal and natural persons;
4. take samples of plants, plant products and other regulated articles without compensating for their value in order to carry out laboratory analyses;
5. verify whether producers, processors, importers and distributors of prescribed species of plants and types of plant products are entered in the official register;
6. check whether they meet the conditions for the issue of passports;
7. check the meeting of obligations of those liable under the register in compliance with this Act;
8. check whether providers of public services, legal and natural persons who have been granted authority 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 inspection and order phytosanitary measures;
12. inspect registers and records which are necessary to exercise 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 relating to plant health.

**Article 80**  
**(measures of inspectors)**

In performing inspection supervision under this Act and regulations issued on its basis, a phytosanitary inspector may:

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 and movement of plants, plant products and regulated articles which do not meet the relevant conditions in compliance with this Act;
3. ban the cultivation of prescribed species of plants for a specified time at the place of production;
4. order suitable treatment of consignments during introduction from third countries, export and movement and of plants, plant products and regulated articles if he ascertains that they are infected with prescribed harmful organisms;
5. order the removal of only the infected part of a consignment if there is no risk of harmful organisms spreading;
6. order that a 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 articles until a phytosanitary inspection has been carried out or until the results of investigations or official tests are known;
7. allow the movement of plants, plant products and regulated articles (except seeds and plants, intended for planting) in the case of goods infected with harmful organisms into areas in which there is no risk exists of harmful organisms spreading or to a place 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 articles if there is a risk of harmful organisms spreading or if the conditions under this Act are not met;

9. temporarily ban activities of producers or processors in whole or in part and the issue of plant passports until it is established that the danger of the spread of harmful organisms has been removed;
10. ban the issue of plant passports in cases in which conditions for the issue of these are not met;
11. propose to the Administration removal from the register if he establishes that those liable under the register are not meeting the prescribed obligations;
12. propose to the Administration that in the case of repeated violation the permit for the issue of plant passports be revoked;
13. pending the decision of the Administration ban the performance of a public service of a provider of public services if prescribed conditions are not met and propose the revoking of a licence or authority;
14. ban the introduction from third countries, cultivation or use of organisms for biological plant protection if conditions under this Act are not met;
15. order measures for rectification of irregularities and deficiencies under this Act, and regulations issued on its basis, within a time limit determined by him;
16. order necessary preventive measures and activities against the introduction, occurrence, spread and suppression of harmful organisms, for which he is authorised by law and other regulations;
17. carry out procedures in accordance with the General offences act or report a criminal offence;
18. order other measures in compliance with this Act or regulations issued on its basis.

**Article 81**  
**(conditions of appointment)**

A person who has acquired a university level education or professional higher education in agriculture, with focus on the study of agronomy, and has passed a certification examination in the field of plant health and meets other general conditions for work in state administration may be appointed a phytosanitary inspector.

In order to perform inspection supervision under this Act, a forestry inspector must have passed a certification examination in the field of plant health, in addition to other prescribed conditions.

Regulations on the content and manner of taking the technical examination under this Article shall be prescribed by the minister.

**Article 82**  
**(identification card of a phytosanitary inspector or badge)**

Phytosanitary and forestry inspectors must have an inspection card or badge for their identification at performing inspection supervision.

The form and content of the inspection card or badge shall be prescribed by the minister.

**XII.a COOPERATION WITH COMPETENT COMMUNITY AUTHORITIES**

**Article 82.a**  
**(Commission experts)**

Responsible official bodies referred to in Article 2.b of this Act shall make provision for cooperation between Community experts at 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.

A person to be subject of checking and of performing other activities, specified in the previous paragraph, by the Commission, shall ensure the Commission access at any time in particular to the plants, plant products or other articles and the review of documents in relation to plant health.

The minister shall prescribe, in accordance with the procedure laid down in the second paragraph of Article 18 of the Directive, nature of cooperation and provision of spatial and technical conditions for the carrying out checks and other activities indicated in the first paragraph of this Article.

**Article 82.b**  
**(notification)**

The Administration shall notify the Commission or other Member State 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 status of protected zone, and on the results of surveys in such protected zone;
- findings and measures in relation to plants, plant products and regulated articles originating in another Member States 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 articles from third countries, which failed to comply with requirements as to plant health, and of reasons for such interception, regardless of the measures carried out or to be carried out;
- presence of harmful organisms indicated in Article 7 of this Act within the territory of the Republic of Slovenia, the presence of which have not been known by then, and on adopted measures;
- suspected or established occurrence of harmful organisms, not indicated in Article 7 of this Act, within its territory, the presence of which have not been known by then, and on adopted measures;
- measures in relation to consignments of plants, plant products and regulated articles from third countries, if the presence is established of harmful organisms indicated 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)**

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.

### **XIII PENALTY PROVISIONS**

#### **Article 83 (violations)**

A legal person may be fined SIT 200,000 to SIT 8,000,000 if :

1. he does not act in accordance with the provisions of the second paragraph of Article 5 or first, second or fourth paragraph of Article 6;
2. he does not protect and prevent contact with other plants, plant products and regulated articles (second paragraph of Article 9),
3. he provides or 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 introduces or spreads a harmful organism contrary to the provisions of Article 14;
6. he introduces or moves plants, plant products and regulated articles contrary to the provisions of Article 15;
7. he acts contrary to the provisions of the first paragraph of Article 16;
8. he acts contrary to the provisions of the first and second paragraph of Article 19;
9. he acts contrary to the provisions of the first paragraph of Article 22;
10. he does not introduce consignments of plants from third countries via specified points of entry (first paragraph of Article 24);
11. he introduces consignments from List V.B, which have not been subjected to phytosanitary inspection, from third countries (second paragraph of Article 25);
12. he introduces consignments from List V.B without phytosanitary certificate, from third countries (first or fourth paragraph of Article 25);
13. he does not notify a phytosanitary inspector of the arrival of consignments of plants (first paragraph of Article 30);
14. he does not carry out measures, ordered by phytosanitary inspector (third paragraph of Article 30, fourth paragraph of Article 36);
15. he acts contrary to the provisions of Article 37;
16. he moves plants, plant products and regulated articles contrary to the provisions of Article 38 or the first paragraph of Article 39;
17. he does not ensure inspection of plants, plant products and regulated articles (first and second paragraph of Article 41);
18. he issues plant passports without permission of the Administration (second indent of the third paragraph of Article 42);
19. he issues plant passport contrary to the provisions of Article 46;
20. he acts contrary to the provisions of Article 47;
21. he acts contrary to the provisions of Article 48;
22. he acts contrary to the provisions of Article 49;
23. he acts contrary to the provisions of the first or third paragraph of Article 50;
24. he introduces, cultivates or uses autochthonous organisms contrary to the provisions of the second paragraph of Article 52;
25. he introduces from third countries or uses exotic species of organisms contrary to the provisions of the second, third or fourth paragraph of Article 53;
26. he acts contrary to the provisions of the third paragraph of Article 55;
27. as a provider of plant health he does not maintain and keep up-to-date the mandatory records, registers and databases under the first paragraph of Article 56;
28. as a provider of a public service he does not he does not carry out responsibilities under the first paragraph of Article 62;
29. as a provider of a public service he does not use funds in compliance with the second paragraph of Article 63;
30. he acts contrary to the provisions of the third paragraph of Article 92.

An individual entrepreneur shall be fined SIT 100,000 to SIT 4,000,000 for committing a violation under the previous paragraph with regard to activities performed independently .



The responsible person of the legal entity or a responsible person of an individual entrepreneur shall be fined SIT 25,000 to SIT 300,000 for a violation under the first paragraph of this Article.

A natural person shall be fined SIT 25,000 to SIT 150,000 for a violation under the first paragraph of this Article.

## **XVI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 85**

#### **(Administration and task implementation)**

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

### **Article 86**

#### **(import)**

Until the date of accession of the Republic of Slovenia to the European Union, import from all countries, and after the date of accession, import from all countries which are not Member States of the European Union, shall be considered as import into Slovenia.

### **Article 87**

#### **(movement)**

Until the date of accession of the Republic of Slovenia to the European Union, only movement within the Republic of Slovenia, and after the date of accession, movement within Member States of the European Union shall be considered as movement.

### **Article 88**

#### **(notification)**

After the date of accession of the Republic of Slovenia to 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)**

Those liable under the second paragraph of Article 19 must have their names 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)**

Until the provisions laid down in the second paragraph of Article 98 of this Act relating to plant passports begin to apply, crops for producing propagating materials (hereinafter referred to as "crops") and facilities for producing planting material for perennial plants, annuals and ornamental plants (hereinafter referred to as "facilities") must be inspected during their cycle of vegetation in compliance with regulations. A certificate stating the plant-health status of crops and facilities shall be issued in the prescribed manner.

Until 1 January 2003, the compulsory inspection and issue of certificates of the plant-health status of crops or facilities shall be carried out by an authorised organisation in compliance with regulations.

If during the compulsory inspection of crops or facilities pursuant to 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.

In the case that the compulsory health check of crops or facilities has not been carried out and a certificate of the plant-health status of crops or facilities has not been issued, the propagating and planting material originating from these crops or facilities may not be placed on the market.

In the case the provisions of this Article are not met, trade shall be banned by the competent inspector

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

Until the provisions of the Act relating to plant passports begin to apply, a phytosanitary inspector shall issue certificates stating the plant-health status of prescribed consignments of propagating and planting materials transported in the territory of the Republic of Slovenia.

The certificate referred to in the previous paragraph shall be issued if the propagating 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 List I.A and List II.A and from certain other harmful organisms above the prescribed percentage.

Trade in propagating or planting material for which a certificate under the previous paragraph has not been issued shall be banned.

In the case 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)**

Until the date of accession of the Republic of Slovenia to the European Union, the plant-health status of prescribed imported planting material of perennial plants which may carry harmful organisms from List I.A and List II.A whose presence cannot be ascertained during inspection at import, must be monitored at the place of the final user.

The importer of planting material under the previous paragraph must submit to the competent inspector, at the time of import, a declaration with the prescribed data on the final user.

During monitoring of the plant-health status at the place of the final user, planting material under the first paragraph of this Article may not be moved without the permission of the Administration.

The plant-health status of imported planting material under 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)**

Until the establishment of the Administration, tasks under 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)**

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)**

The statutory regulations envisaged in this Act shall be issued no later than within two years after this Act takes effect, except for regulations on the basis of Articles 20, 21, 22, and 23, which shall be issued within six months after this Act takes effect.

In addition to regulations envisaged in individual Articles of this Act, other regulations required for the implementation of this Act may also be issued by the minister.

**Article 96**  
**(regulations which shall apply until the issue of new regulations)**

Until the adoption of regulations on the basis of this Act, the following regulations shall be in force and/or shall apply:

- Rules on health control of consignments of plants in crossborder and domestic trade (Official Gazette RS, nos. 38/96 and 57/00),
- Order on requirements for transit of consignments of potatoes transhipped at the Port of Koper (Official Gazette RS, 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 RS, no. 86/00),
- Order on measures for the prevention of spread and suppression of Sharka caused by the Plum pox potyvirus (Official Gazette RS, nos. 32/00 and 39/00),
- Order on the implementation of systematic control and measures for the prevention of spread and for suppression of potato ring rot caused by the bacteria *Clavibacter michiganensis* (Smith) Davis *et al.* ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis *et al.* (Official Gazette RS, no. 54/99),
- Order on the implementation of systematic control and measures for the prevention of spread and for suppression of potato brown rot caused by the bacteria *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* (Official Gazette RS, no. 85/99),
- Order on 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 suppression (Official Gazette RS, no. 51/98),
- Order on the conditions for import of potatoes to prevent the risk of introduction of the causative agent of potato brown rot (*Ralstonia/ Pseudomonas/ solanacearum/Smith/Yabuuchi et al.*) (Official Gazette RS, nos. 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 RS, nos. 92/99 and 11/01),
- Decision on granting the authority for monitoring the plant-health status of imported planting material of perennial plants to certain organisations (Official Gazette RS, no. 39/63),
- Rules on the form of the identification card, insignia and badge of the border phytosanitary inspector (Official Gazette RS, no. 47/93),
- Instructions on publishing data on the occurrence and spread of newly 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 compulsory health inspection of crops and premises, seeds and planting material of agricultural and forest plants (Official Gazette SFRY, nos. 52/86 and 3/87),
- Decision on the designation of the Institute for Hop Growing and Brewing, Žalec, for control of harmful organisms on hops (Official Gazette RS, no. 86/2000),
- Order on conditions to be met by professional organisations of associated labour in performance of compulsory health inspections of agricultural crops for seed production, facilities for processing forest seed and facilities for processing planting material (Official Gazette SRS, no. 4/78),
- Rules on the manner 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 reports and data on occurrences of plant diseases and harmful organisms and on measures for preventing their spread and their suppression (Official Gazette SFRY, no. 61/77),

- Rules on the conditions to be met by quarantine facilities for 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, nos. 40/77 and 19/67),
- all other regulations issued in the period from 21 March 2001 until the effective date of this Act. .

**Article 97**  
**(regulations which will cease to apply or cease to be valid)**

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

- Plant Protection Act (Official Gazette RS, nos. 82/94, 8/00, 11/01)
- tariff number 52 from Section IX on Tax Tariff of the Administrative Fees Act (Official Gazette RS, nos. 8/00, 44/00, 81/00 and 33/01),
- Rules on criteria for awarding the status of a society acting in the public interest in the area of agriculture, forestry, hunting, fisheries, veterinary science or food, in the part relating to plant protection (Official Gazette RS, nos. 52/98 and 60/98).

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

- Order on regions which are infected with quarantine diseases and harmful organisms (Official Gazette SFRY, no. 67/78),
- Ordinance on suppressing European corn borer on the territory of SR Slovenia (Official Gazette SRS, nos. 20/78, 9/85 and Official Gazette RS, no. 82/94),
- Ordinance on compulsory destruction of barberry shrubs and wild or semi-wild hops (Official Gazette SRS, no. 20/78),
- Decree on regions in which cultivation of current and green pine is permitted (Official Gazette SRS, no. 4/78).

Until the regulation referred to in the fifth paragraph of Article 58 of this Act takes effect, tariff number 52 from Section IX on Tax Tariff of the Administrative Fees Act shall continue to apply (Official Gazette RS, nos. 8/00, 44/00, 81/00 and 33/01).

**Article 98**  
**(effective date of the Act)**

This Act shall take effect fifteen (15) days after its publication in the Official Gazette of the Republic of Slovenia.

The provisions laid down in items 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 58 and 10 of Article 79 and items 9, 10, 11 and 12 of Article 80 of this Act relating to plant passports shall begin to apply on 1 January 2003.

No. 801-12 / 00 - 0019 / 0001  
Ljubljana, 23 May 2001

President of the National Assembly  
of the Republic of Slovenia

**ZZVR-1A: TRANSITIONAL AND FINAL PROVISIONS**

**Article 70**

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

**Article 71**

Places designated for the carrying out of official inspections in the Republic of Slovenia, other than points of entry, which have, by 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 inspections under this Act.

#### **Article 72**

Third paragraph of Article 65 of this Act shall apply as from the date of application of the General Offences Act (Official Gazette RS, No 7/03).

Until the date of application of the General Offences Act (Official Gazette RS, No 7/03), fees provided for in Article 83 of this Act shall be, in a violations procedure, imposed as pecuniary penalties in amounts specified in this Act.

Provisions of the third paragraph of Article 83 of this Act, providing for the fees for a violation, committed by a responsible person of an individual entrepreneur, shall apply as from the date of application of the General Offences Act (Official Gazette RS, No 7/03).

#### **Article 73**

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

No. 511-01/94-1/8  
Ljubljana, 15 July 2004  
EPA 1390-III

President of the National Assembly  
of the Republic of  
Slovenia  
Feri Horvat