

TABLE OF CONTENTS

RULES on compensations in the area of plant health 1

I. GENERAL PROVISIONS 1

Article 1 (content)..... 1

Article 2 (definitions) 1

Article 3 (compensation) 2

II. COMPENSATION ASSESSMENT PROCEDURE 3

Article 4 (compensation claim) 3

Article 5 (commission) 3

III. CRITERIA FOR FIXING THE AMOUNT OF COMPENSATION..... 3

Article 6 (amount of compensation)..... 3

Article 7 (general criteria) 4

Article 8 (value of annual and biannual plants)..... 4

Article 9 (value of perennial plants) 4

Article 10 (value of plant products)..... 5

Article 11 (value of regulated articles)..... 5

Article 12 (alternative manner of removal) 5

IV FINAL PROVISION 5

Article 13 (entry into force of these Rules) 5

On the basis of the ninth paragraph of Article 59 and the second paragraph of Article 95 of the Plant health act (Official Gazette RS, No 45/01 and 52/02-ZDU-1) the minister of agriculture, forestry and food hereby issues these

**RULES
on compensations in the area of plant health**

I. GENERAL PROVISIONS

Article 1
(content)

These Rules shall regulate the procedure for enforcement of compensation in the area of plant health, the composition and work of commission and the more detailed criteria for determining the amount of compensation for plants, plant products and regulated articles which have been destroyed or removed in any other way, in relation with the measures imposed for the suppression and prevention of the spread of harmful organisms.

Article 2
(definitions)

Terms used in these Rules shall have the following meaning:

1. **quarantine harmful organisms** shall mean organisms included in Lists I.A and II.A, whose content is prescribed by regulations governing the procedures for the prevention of introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles;

2. **dangerous harmful organisms** shall mean the organisms which are not included in Lists I.A and II.A and which present danger to plant health in the territory of the Republic of Slovenia, in respect of which measures for the suppression and prevention of spread have been imposed by the head of the Administration of the Republic of Slovenia for plant protection and seeds (furtheron as: the Administration) on the basis of a pest risk assessment;
3. **annual or biennial plants** shall mean plants whose lifespan or useful life is shorter than two calendar years. In particular, crops (e.g. potatoes, cereals, oil plants, fibre plants, fodder and industrial plants), vegetables, ornamental herbaceous plants (e.g. potted plants, cut flowers, balcony and park plants), plants for planting from tree nurseries, cutting nurseries, propagation nurseries, rootstock nurseries and parent nurseries and similar shall be considered annual or biannual plants;
4. **perennial plants** shall mean plants whose lifespan or useful life is longer than two calendar years. In particular, plants such as fruit trees, berries, vine, hops, asparagus, ornamental ligneous plants and forest plants shall be considered perennial plants;
5. **costs** shall mean material consumption expressed in terms of price (e.g. for seeds, seedlings, fertilizers, plant protection products and fuel), depreciation, personal incomes and contributions, financing and other costs incurred in connection with plant production;
6. **total set-up value of a plantation** shall mean the costs for setting up and managing the plantation until full production, including direct costs and indirect costs for material and services, depreciation of machinery, equipment and facilities, as well as labour costs and labour-related liabilities;
7. **unamortised total value of plantation** shall mean the total set-up value of the plantation, reduced by depreciation costs for the years of use of the plantation. The unamortised total value of the plantation shall be calculated on the basis of the expected lifespan and age of the plantation;
8. **expected yield** shall mean the yield of an agricultural plant with regard to the average yield of plants of the same quality in the Republic of Slovenia according to data provided by the Statistical Office of the Republic of Slovenia (furtheron as: the SORS).

Article 3
(compensation)

- (1) According to the act regulating plant health, compensation shall be paid from the budget of the Republic of Slovenia as a financial compensation up to 100% of the value of plants, plant products or regulated articles destroyed or removed in any other way, in respect of which the competent inspector has ordered destruction or removal due to contamination with a quarantine or dangerous harmful organism, reduced by their useful value.
- (2) If the holder of destroyed plants has already acquired public funds from the Republic of Slovenia for rehabilitation of the plantation, this amount shall be deducted from the fixed compensation.
- (3) Compensation may not be claimed:
 - in case of a damage caused by harmful organisms which are not quarantine or dangerous harmful organisms;
 - when importing plants, plant products and regulated articles;
 - for the costs of destruction, treatment or any other imposed plant health measure;
 - for reduced or changed production and expected profit.

II. COMPENSATION ASSESSMENT PROCEDURE

Article 4 (compensation claim)

- (1) Holder of plants, plant products and regulated articles which have been destroyed or removed in any other way may claim compensation within one year of their destruction or removal.
- (2) The claim shall be lodged with the Administration and shall include:
 - name, surname or business name and address or registered office and tax number of the holder;
 - basic data concerning plants, plant products and regulated articles that have been destroyed or removed, particularly their quantity (surface, number of plants or articles or their weight), age, cultivation stage and other technological information on the crop or plantation;
 - bank, transaction account number or savings account number of the holder.
- (3) The holder shall attach the claim with the sales note, indicating the purpose of the sale and sales value, if the competent inspector has ordered a different mode of use which guarantees destruction of quarantine harmful organisms.
- (4) The Administration may, in order to clarify the case, require the holder or the competent inspector to provide additional necessary information.

Article 5 (commission)

- (1) Commission to assess the damage incurred shall be appointed by the head of the Administration.
- (2) Commission shall be composed of at least three members with at least high professional qualifications in agriculture, forestry or economics, with several years of work experience.
- (3) Commission members shall perform their work professionally, in line with the rules of agricultural profession and pursuant to phytosanitary and other regulations.
- (4) The commission's labour costs shall be financed from the funds in the budget of the Republic of Slovenia, earmarked for compensations in the field of plant health.

III. CRITERIA FOR FIXING THE AMOUNT OF COMPENSATION

Article 6 (amount of compensation)

The amount of compensation shall be calculated by the commission on the basis of model calculations. Model calculations shall be prepared by the commission in cooperation with experts in the field of agriculture, forestry and economics. Each year, model calculations shall be determined for individual plants, plant products and regulated articles, in accordance with the general and special criteria laid down in these Rules.

Article 7
(general criteria)

- (1) The amount of compensation shall be calculated from the value fixed for a unit of plants, plant products or regulated articles which have been destroyed or removed in any other way, in the following manner:
 - for plants, the calculation shall be made per surface or, given available data, per number of plants in the plantation or crop;
 - for plant products, the calculation shall be made per weight unit or volume unit;
 - for regulated articles, such as packaging, the calculation shall be made per quantity unit.
- (2) When calculating yield value, the expected yield shall be taken into account if the plants have been destroyed before harvest, or the obtained yield if the plants have been destroyed after harvest. Only yield which should have been obtained by the cultivated plants shall be considered as the expected yield.
- (3) The calculated value of plants, plant products and regulated articles shall be reduced by the variable material costs and labour costs which have not incurred due to early destruction, and the costs related to construction works, such as building terraces, supports, fences and similar if the imposed measures do not interfere with these works.

Article 8
(value of annual and biannual plants)

Value of plants may be calculated, given the available data, from total production costs per hectare of crop or plantation until destruction or on the basis of the purchase price for plants of the same quality according to the data provided by the SORS or their gross prices, reduced by trading margin in the case of direct sale at the producer and by production costs which have not incurred due to destruction.

Article 9
(value of perennial plants)

- (1) Value of perennial plants shall be calculated by dividing the value of plantation by the number of plants per hectare.
- (2) Plantation value shall be calculated from the total set-up value of one hectare of plantation, the expected lifespan of the plantation, the quality and age of the plantation at the time of destruction.
- (3) If the plantation has been destroyed before harvest, the non-depreciated total set-up value of the plantation and the yield value in the year of destruction as well as the loss of income in the two years following the year of destruction shall be taken into account. If the plantation has been destroyed after harvest, the non-depreciated total set-up value of the plantation and the loss of income in the two years following the year of destruction shall be taken into account.
- (4) The yield value in the year of destruction shall be determined on the basis of purchase prices according to SORS data or according to their gross prices for the products of the same quality, reduced by trading margin in the case of direct sale at producers, and by production costs which have not incurred due to destruction.
- (5) Loss of income in the two years following the year of destruction shall be fully taken into account only if the age of the plantation does not exceed average depreciation period of the plantation for more than 30% considering the plant species, and if 30% is exceeded, only half of the loss of income shall be recognized.

Article 10
(value of plant products)

Value of plant products shall be calculated on the basis of their purchase prices according to SORS data or according to their gross prices for products of the same quality, reduced by trading margin in the case of direct sale at producer, and the costs which have not incurred due to destruction.

Article 11
(value of regulated articles)

Value of regulated articles shall be calculated on the basis of the average purchase price of the article, the expected depreciation rate and preservation of such articles if they have been used for several years.

Article 12
(alternative manner of removal)

- (1) If the competent inspector orders removal of plants, plant products and regulated articles in a manner that, if used differently, guarantees the destruction of quarantine or dangerous harmful organisms, the compensation shall be reduced by their remaining useful value.
- (2) Useful value of plants, plant products and regulated articles used for other purposes shall be determined on the basis of their quantities and purchase or gross prices reduced by the trading margin in the case of direct sale at the producer.

IV FINAL PROVISION

Article 13
(entry into force of these Rules)

These Rules shall enter into force on the fifteenth day following their publication in the Official Gazette of the Republic of Slovenia.

No. 327-01-122/2003
Ljubljana, 25 February 2003.

1st AMENDMENT (Official Gazette RS, No 33/05)

Entry into force the next day to the publication in the Official Gazette of the Republic of Slovenia.

No. 327-01-122/2003-4
Ljubljana, 21 March 2005
EVA: 2002-2311-0096

2nd AMENDMENT (Official Gazette RS, No 30/07)

Entry into force the next day to the publication in the Official Gazette of the Republic of Slovenia.

No. 007-454/2006
Ljubljana, 15 March 2007
EVA: 2007-2311-0046

Franc BUT
Minister for agriculture,
forestry and food