

PUBLIC ADMINISTRATION ACT

I. GENERAL PROVISIONS AND BASIC PRINCIPLES

Article 1

(Public Administration status)

Public Administration (hereinafter: the Administration) shall perform administrative tasks as a part of the executive of the Republic of Slovenia.

Article 2

(Principles of legality and autonomy)

The Administration shall perform its work independently within the framework and on the basis of the constitution, laws and other regulations.

Article 3

(Principles of professional conduct, political neutrality and impartiality)

The Administration shall perform its work with due expertise.

In performance of its work, the Administration must act in a politically neutral manner.

The Administration must act impartially and may not grant unjustified benefits or advantages to any individuals, legal entities or groups of interest.

Article 4

(Official language in the Administration)

Slovenian shall be the official language of the Administration.

In those municipalities where Italian or Hungarian autochthonous national communities reside, the official languages of the Administration shall also be Italian and Hungarian respectively. In these areas, the Administration shall conduct business, conduct proceedings and issue legal and other acts in the language of the national community, should clients be members of Italian or Hungarian national community and should they make use of Italian or Hungarian language.

Where administrative bodies at the first instance conduct proceedings in Italian or Hungarian, administrative bodies at the second instance must issue acts in the same language.

Article 5

(Client service)

In servicing clients the Administration must respect the personal dignity and the personality of clients, and guarantee a speedy and easy exercising of their rights and

legal benefits.

The Administration shall keep the public informed of the manner of client service and of the manner of exercising the rights of its clients.

The Administration shall be obliged to enable its clients to communicate their remarks and criticisms regarding the Administration service and shall deal with and respond to those remarks within a reasonable period of time.

Article 6
(Publicity)

The Administration shall be obliged to make its service public subject to regulations governing the protection of personal data and secret information and other regulations.

Article 7
(Government powers)

The Government of the Republic of Slovenia (hereinafter: the Government) shall regulate the manner of the Administration client service, the informing of the public (paragraph 2 of Article 5), the communication of remarks and the manner of response (paragraph 3 of Article 5), the handling of documentation, business hours, official hours and other issues relating to the Administration service.

II. ADMINISTRATIVE TASKS

Article 8
(Participation in policy making)

The Administration shall draft bills, executive regulations and other acts, and prepare other materials for the Government. The Administration shall also provide for expert assistance in the policy making process.

Article 9
(Executive tasks)

The Administration shall implement laws and other regulations adopted by the National Assembly, ratified international treaties, state budget, executive regulations and other acts adopted by the Government (hereinafter: the executive tasks).

In the performance of tasks pursuant to paragraph 1 of this Article, the Administration shall adopt regulations, individual and internal acts, it shall enter civil law relations on behalf and for the account of the Republic of Slovenia, and perform physical acts

The Administration shall perform physical acts, which encroach upon personal liberty, physical or mental integrity, privacy, private property and other human rights and fundamental freedoms solely on the basis of explicit provisions of the law.

Article 10
(Inspection supervision)

The Administration shall carry out inspection supervision over the implementation of regulations.

Inspection supervision shall be governed by a particular law.

Article 11
(Monitoring)

The Administration shall monitor the state of society in areas falling within its competence, and provide for social development in line with the adopted national policies.

The Administration shall keep, manage, maintain and integrate data banks and records.

Article 12
(Developmental tasks)

The Administration shall stimulate and direct social development within the framework and on the basis of laws, other regulations and state budget.

Article 13
(Facilitating public services)

The Administration shall guarantee that public services be facilitated in conformity with the law.

Public services shall be facilitated by public institutions, commercial companies and other forms of organisations provided by law, as well as by administrative bodies.

III. ADMINISTRATIVE BODIES AND PUBLIC AUTHORITY HOLDERS

Article 14
(Administrative bodies)

Administrative tasks shall be performed by Ministries, Bodies within Ministries and Administrative Units (hereinafter: the administrative bodies).

Ministries shall be established in order to perform administrative tasks in one or more administrative departments.

Bodies within Ministries shall be established in order to perform specialised tasks requiring expertise, executive and developmental administrative tasks, inspection and other supervisory tasks, and tasks in public services department, if thereby providing for greater efficiency and quality in the performance or if greater degree of expertise and independence is required due to the nature of administrative tasks or fields of activity.

Administrative Units shall be established in order to perform the tasks of public administration requiring to be territorially organised and performed.

Article 15
(Public agencies and other public authority holders)

Public agency may, subject to the law governing public agencies, be established in order to perform administrative tasks:

- if thereby providing for a more efficient and expedient performance of administrative tasks in comparison to performance by administrative bodies, especially if performance of administrative tasks can be entirely or for the most part financed by administrative or user fees; or
- where permanent and immediate political supervision over the performance of tasks is not necessary or appropriate due to their nature.

Subject to preceding paragraph, other entities of public and private law as well as individuals may, by virtue or on the basis of law, be granted public authority to perform administrative tasks.

Should, pursuant to law, more than one natural or legal entity apply to be granted public authority, the holder shall be selected on the basis of open competition.

In exercising of public authority, public authority holders shall hold the rights and duties of the Administration provided by laws and other regulations.

IV. MINISTRIES

1. Heading of Ministries

Article 16
(Minister)

A minister shall, in line with the adopted policies, head and represent the Ministry, issue regulations and other acts in conformity with the law, and take other decisions falling within the Ministry competence.

Article 17
(State secretary)

No more than one state secretary shall be appointed within a Ministry.

The state secretary shall, within the powers granted by the minister, assist the minister in the performance of his office.

Should the minister be absent or withheld, he may for the time confer in writing to the state secretary the powers to stand in and to head and represent the Ministry, and to

submit materials for government reading. The minister shall not be exempt of his accountability therewith.

The minister shall not grant the state secretary or others the powers to issue regulations or to vote at government sessions.

State secretaries shall be functionaries of the state. They shall be appointed and dismissed by the Government upon proposal by the minister heading the Ministry. The state secretary shall cease to hold office when the minister ceases to hold office.

Article 18
(Directors-general)

Within a Ministry, directors-general shall be appointed pursuant to the law governing the status of civil servants.

Directors-general shall manage administrative and expert work in a rounded off department within a Ministry.

Directors-general shall be held accountable to the minister.

Article 19
(Secretary-general)

Within a Ministry, secretaries-general shall be appointed pursuant to the law governing the status of civil servants.

Secretaries-general shall direct expert work in management of personnel, financial, information and other resources and assist the minister in coordinating the inner organisation units of the Ministry.

Secretaries-general shall be held accountable to the minister.

Article 20
(Expert Council)

The minister may establish the Expert Council as his expert advisory body, to deal with problems requiring expertise in administrative departments falling within Ministry competence, and to advise on the policy making.

2. Bodies within Ministries

Article 21
(Bodies within Ministries)

Administrative Bodies within Ministries (hereinafter: Bodies within Ministries) may be established by government regulation in order to perform specialised tasks requiring expertise, executive and developmental administrative tasks, inspection and other

supervisory tasks, and tasks in the public services department.

Bodies within Ministries may be established:

- in order to perform the tasks pursuant to the preceding paragraph to a greater extent, thereby providing for greater efficiency and quality in the performance; or
- where a greater degree of independence in the performance of tasks pursuant to the preceding paragraph is required due to the nature of tasks or the fields of activity.

Where provided by law that the competent body to take first instance decisions on administrative matters falling within a certain department is the Ministry, and a Body within Ministry has been established in the Ministry for the particular department, the Body within Ministry shall conduct proceedings at first instance and take decisions on such administrative matters.

Article 22

(Heading of Bodies within Ministries)

Bodies within Ministries shall be headed by directors appointed pursuant to the law governing the status of civil servants.

Provisions may be made, by law or regulation, for a different designation of the office of the principal of the Body within Ministry.

Article 23

(Relations between Ministries and Bodies within Ministries)

Bodies within Ministries shall perform tasks subject to law, other regulations, and action programme adopted by the minister upon proposal by the principal of the Body within Ministry, and in accordance with the financial plan adopted pursuant to the Public Finance Act provisions.

Ministers shall issue working guidelines to the Bodies within Ministries.

The minister shall issue binding instructions with respect to Body within Ministry work, and request performance of certain tasks or the taking of certain measures falling within Body within Ministry competence; a report shall issue thereafter.

Before the National Assembly and the Government, Bodies within Ministries shall be represented by the ministers.

Ministries shall, where so provided by regulation adopted under Article 21 of this Act, provide to Bodies within Ministries, entirely or to a certain extent, expert assistance in management of personnel, financial, information and other resources.

Article 24

(Reporting and supervision)

Ministries shall supervise the work of Bodies within Ministries. The minister may request

reports, information and other documents with respect to Body within Ministry work.

The principals of the Bodies within Ministries shall issue reports to the ministers, regularly and upon special request, with respect to Bodies within Ministries work and concerning particularly important issues falling within Bodies within Ministries competence.

Article 25
(Appeal)

Ministries shall conduct administrative proceedings at second instance and decide on legal remedies against decisions taken by Bodies within Ministries.

3. Internal organisation of Ministries and Bodies within Ministries

Article 26
(Ministry internal organisation and jobs systematisation)

Ministry internal organisation and jobs systematisation shall be determined by the minister with the approval of the Government. The internal organisation and jobs systematisation of Bodies within Ministries shall, unless otherwise provided by law, be determined by the minister with the approval of the Government, upon proposal by the principals of the Bodies within Ministries.

The principals of Bodies within Ministries shall, prior to the adoption of acts pursuant the preceding paragraph, acquire the opinion of relevant representative trade unions in conformity with the law governing the employment of civil servants.

Article 27
(Internal organisation common grounds)

Common grounds for the internal organisation and jobs systematisation shall be determined by government regulation.

4, Ministries and their departments

Article 28
(Ministry of Labour, Family and Social Affairs)

Ministry of Labour, Family and Social Affairs shall perform tasks in the departments of employment relationships and rights arising out of work employment and professional training, social affairs, security for the disabled persons and disabled soldiers, security for the veterans and the casualties of war, and war cemeteries.

Article 29
(Ministry of Finance)

Ministry of Finance shall perform tasks in the departments of treasury, public accountancy, budget, public procurement, tax and customs system, public finance revenues and financial system, the prevention and the detection of money laundry, the organisation of gambling, state aid and macroeconomic analysis and forecast.

Article 30
(Ministry of the Economy)

Ministry of the Economy shall perform tasks in the departments of economic system and development, internal market, intellectual property, technical legislation and standards, consumer protection, the protection of competition, foreign economic relations, the development of entrepreneurial sector and competition, small business and tourism, technological development, industrial projects and regional development.

Article 31
(Ministry for the Information Society)

Ministry for the Information Society shall perform tasks in the departments of computer science, information science, telecommunications, information technology, mail and the development of information society.

Article 32
(Ministry of Agriculture, Forestry and Food)

Ministry of Agriculture, Forestry and Food shall perform tasks in the departments of agriculture, rural development, food, feeding stuffs, plant protection, veterinary medicine and zootechnics, forestry, hunting and fishery.

Article 33
(Ministry of Culture)

Ministry of Culture shall perform tasks in the departments of establishing, communicating and protecting cultural values, and media.

Article 34
(Ministry of the Interior)

Ministry of the Interior shall perform tasks in the departments of systematisation, organisation, service and development of public administration and local government, public sector salaries system, internal administrative affairs and the police.

Article 35
(Ministry of Defence)

Ministry of Defence shall perform tasks in the departments of defence system and the system for protection against natural and other disasters.

Article 36

(Ministry of the Environment, Spatial Planning and Energy)

Ministry of the Environment, Spatial Planning and Energy shall perform tasks in the departments of environment, space, energy and mining.

Article 37

(Ministry of Justice)

Ministry of Justice shall perform tasks in the departments of organisation and status of courts, state prosecutor's office, state attorney's office and the status of the Constitutional Court, supervision over the conduct of state prosecutor's office and the office of state attorney, civil and punitive law, judicial procedures, judicial administration, attorneyship, notary's office, the execution of penal sanctions, personal data protection and international legal aid.

Article 38

(Ministry of Transport)

Ministry of Transport shall perform tasks in the departments of railway, air and maritime transport, road and inland waters transport, excluding road traffic safety control, and tasks in the departments of transport infrastructure and cableway installations.

Article 39

(Ministry of Education, Science and Sport)

Ministry of Education, Science and Sport shall perform tasks in the departments of upbringing and education, youth policy, science and research, national metrics system and sport.

Article 40

(Ministry of Health)

Ministry of Health shall perform tasks in the departments of health protection and invigoration, health-care security, health-care service, food safety, healthy nutrition, medicaments and medical instruments, and chemicals.

Article 41

(Ministry of Foreign Affairs)

Ministry of Foreign Affairs shall perform tasks in the departments of foreign state affairs, consular protection, international treaties and Slovenes abroad.

Article 42

(Tasks of Ministries and Bodies in Structure)

The Government may by regulation make detailed provisions determining the tasks of

Ministries.

The Government shall by regulation adopted under Article 21 of this Act also make provisions determining the fields of activity falling within the competence of Bodies within Ministries.

V. TERRITORIAL ORGANISATION OF THE ADMINISTRATION

Article 43

(Administrative Units and other forms of territorial organisation)

Administrative Units shall perform administrative tasks, which, due to their nature, require to be territorially organised.

The Government shall by regulation determine the territories of Administrative Units. The territories of Administrative Units shall be determined so as to guarantee rational and efficient performance of administrative tasks. The territory of Administrative Unit shall, as a rule, encompass one or more territories of local communities.

Administrative tasks, which due to their nature require territorial organisation, shall, if so provided by law, be performed in regional units, branch offices or otherwise designated dislocated units of Ministries or Bodies within Ministries.

Article 44

(Administrative Unit competence)

Administrative Units shall take decisions at first instance in administrative matters falling within state competence, unless otherwise provided by law for particular administrative matters.

Administrative Units shall perform other administrative tasks falling within state competence where so provided by law governing the particular fields of activity.

Article 45

(Administrative Units internal organisation)

Administrative Unit internal organisation shall be determined by the principal of Administrative Unit (hereinafter: the principal) with the approval of the Government.

Article 46

(Administrative Unit Principal)

Administrative Unit shall be headed by a principal, appointed pursuant to the law governing civil servants status.

Article 47

(Administrative Unit principal's tasks)

The principal shall represent the Administrative Unit, issue decisions in the first instance administrative proceedings, coordinate the work of inner organisation units, guarantee the performance of tasks requiring expertise and other tasks common to all inner organisation units, perform other organisational tasks in respect of Administrative Unit performance, decide upon rights and duties and employment relations of Administrative Unit employees, decide upon other personnel issues, and provide for cooperation with local communities within the territory of the Administrative Unit.

Article 48

(Ministry expert guidance)

Administrative Units shall, when performing tasks falling within their competence, act under the expert guidance provided by the Ministries competent in respect of particular tasks.

Article 49

(Relations between departmental Ministries and Administrative Units)

Ministries shall, within their respective departments:

- provide Administrative Units with guidelines, expert counsel and other expert assistance with respect to the performance of tasks falling within their competence,
- provide Administrative Units with binding instructions in respect of performance of the tasks falling within their administrative departments,
- monitor working process organisation in the Administrative Units and in respective inner organisation units, monitor the qualification of employees in performing their tasks, and monitor the efficiency in resolving administrative matters,
- supervise the performance of administrative tasks in Administrative Units,
- be entitled to request the performance of certain tasks or the taking of certain measures falling within Administrative Units competence.

Administrative Unit principals must act in accordance with guidelines, expert counsel and binding instructions issued by respective competent Ministries.

Article 50

(Reporting to Ministries)

Administrative Unit principals must issue regular reports on the performance of Administrative Unit tasks, to the Ministry competent for the Administration and to departmental Ministries.

Reports issued to the Ministry competent for the Administration shall include the complete activities of the Administrative Unit. Reports issued to departmental Ministries shall include the performance of tasks falling within the departments of respective

Ministries.

Article 51

(Ministry supervision)

Should the Ministry competent in respective administrative department find that administrative tasks falling within the Ministry competence are not being performed or are not being performed timely or regularly by the Administrative Unit, the Ministry must issue the principal with a warning, and request that the performance of tasks be ensured, or request that irregularities be remedied within a specified period of time.

Should the principal not act in compliance with the Ministry warning, the Ministry may directly perform a specific task falling within Administrative Unit competence. The Ministry must perform a specific tasks falling within Administrative Unit competence, where for such reasons detrimental consequences for life or limb, natural or living environment, or property may occur.

Article 52

(Deciding on appeal)

The Ministry competent for particular administrative department shall decide on appeals against decisions or other individual act issued in administrative matters at first instance by Administrative Units.

Appeals against first instance decisions or other individual acts issued by Administrative Units shall be decided on by a Body within Ministry, should one be established within a Ministry for the particular administrative department.

Article 53

(Relations between Administrative Units and the Ministry competent for the Administration)

The Ministry competent for the Administration, shall:

- supervise the working process organisation and efficiency of the Administrative Unit as a whole,
- monitor the qualification of employees on the jobs where administrative tasks falling within the departments of other Ministries are not performed,
- issue Administrative Units with guidelines and instructions to improve the organisation, the efficiency and the quality of service,
- propose to the Government to give approval to the Administrative Unit internal organisation and job systematisation,
- coordinate the management of personnel and financial issues, issues concerning premises and material resources and other such issues in respect of Administrative Unit service.

Administrative Unit principals shall be held accountable for their work and for the service of Administration Units to the minister competent for the Administration. The minister competent for the Administration shall, as principals' superior, by general act make provisions for the manner of exercising rights and duties arising out of principals' employment relationship.

The guidelines and binding instructions issued under Article 49 of this Act shall be binding on Administrative Units upon written approval of the minister competent for the Administration, given in respect of organisational, personnel, financial and other consequences for the Administrative Unit service. In case of a dispute, the issue shall be decided by the Government.

Respective competent minister must, prior to adopting executive regulation bearing consequences relating to personnel, financial or other issues concerning the Administrative Unit service, acquire the opinion of the Ministry competent for the Administration. In case of a dispute, the issue shall be decided by the Government.

Article 54

(Administrative Unit competence dispute)

Should a dispute on competence between Administration Units arise, the issue shall be decided by the Ministry competent for the Administration.

Article 55

(Coordinating Advisory Committee)

A special Coordinating Advisory Committee shall be established for the Administrative Unit territory, for the purpose of ensuring cooperation between the Administrative Unit, municipal administrations, regional units, branch offices or other dislocated units of Ministries or Bodies within Ministries, and between entities of public law founded by the state predominantly performing administrative tasks. The Coordinating Advisory Committee shall be established with the participation of Administrative Unit principal, mayors or the directors of municipal administrations (municipal secretaries) respectively, or, by the authority granted by the mayor or the directors of municipal administrations (municipal secretaries), with the participation of other representatives of municipal administrations, and the heads of the dislocated units pursuant to this paragraph.

The Coordinating Advisory Committee shall deal with issues concerning organisation, the efficiency and the quality of public administration service in the Administrative Unit territory, in order to ensure coordinated performance of public administration in the territory, and to coordinate the management of organisational and material resources issues, issues concerning premises, the issues of general business conduct (client service, the handling of documentation), and other such issues. The Administrative Unit principal, acting as a coordinator to the Advisory Committee, shall communicate any joint proposals or issues to the Ministry competent for the Administration and to the respective competent Ministries.

VI. MINISTRIES' RELATIONS

1. Relations to the Government

Article 56
(Relations between the Government and Ministries)

Ministries shall act in compliance with government political guidelines.

The Government may request a Ministry to examine certain issues or to perform certain tasks; a report shall issue thereafter.

Article 57
(Work reports)

Ministries shall issue reports to the Government in respect of their work, especially concerning the situation in their administrative departments, the implementation of laws, other regulations and government guidelines, the measures taken and effects thereof.

Article 58
(Proposals, initiatives and standpoints)

Ministries may give proposals and initiatives to the Government to regulate issues falling within the competence of the Government or the National Assembly, that are of concern to their administrative departments.

Ministries may request the Government to adopt a standpoint or to give guidelines with respect to managing particular issues falling within administrative departments of respective Ministries.

2. Mutual Relations

Article 59
(Cooperation of Ministries and other administrative bodies)

Ministries and other administrative bodies must cooperate with respect to all joint issues.

Ministries shall establish joint working bodies in matters that, due to their nature, require the cooperation of several Ministries.

Ministries shall form joint working groups or provide for other forms of mutual cooperation in order to deal with particular issues.

Article 60
(Harmonisation of regulations)

Ministries must mutually cooperate in preparing draft regulations and other acts, or to acquire the opinion of other competent Ministries prior to the adoption of the regulation or prior to the submission of the regulation to the Government.

If the Ministry fails to adopt significant remarks communicated by other Ministries, the Ministry must upon submission of the regulation or other general act notify the Government thereof.

Article 61

(Issues in dispute between Ministries)

When provided by law that particular decisions be taken by particular Ministry with the consent of another Ministry, and no consent has been reached, the Ministry authorised to take the decision must notify the Government of the issue in dispute and request that a decision be taken on the issue.

If other issues in dispute concerning the work of the Ministries arise, the Government shall take a decision on the issue and give guidelines as to the resolution of the issues in dispute.

Article 62

(Managing multi-departmental tasks)

Where a particular task relates to administrative departments of two or more Ministries, it shall be managed by the Ministry competent for the department within which the particular task predominantly falls; other Ministries must duly cooperate.

Where no consent is reached by the Ministries, the issue shall be decided by the Government.

Article 63

(Ministries work coordination)

The President of the Government may authorise a Minister to manage or coordinate the work of two or more Ministries in policy-making and in the performance of executive tasks, or to manage the implementation of a government project falling within the administrative departments of several Ministries.

3. Relations to local community bodies

Article 64

(Ministry supervision over the legality of acts falling within competence of local communities)

In exercising supervision over the legality of the work of local community bodies, Ministries shall within their respective departments supervise the legality of general and individual acts issued by local community bodies in matters falling within the competence of local communities.

The competent Ministry shall be obliged to issue a warning to the local community body issuing the act that the Ministry holds to be in non-conformity with the constitution and the law. The Ministry shall also propose adequate solutions and specify a period of time for the local community body to harmonise the act in question.

Where local community body fails to harmonise its regulation within the period of time specified under the preceding paragraph, the Ministry shall be obliged to propose to the Government to initiate proceedings in the Constitutional Court for review of constitutionality and legality of the local community regulation.

Article 65

(Ministry warning to local community supervisory body)

Where the competent Ministry finds that local community administration failed to act in conformity with the law and other legal regulations, the Ministry must issue a warning to the local community body supervising the work of the local community, and propose that adequate measures be taken.

Article 66

(Ministry supervision over the legality in respect of transferred tasks falling within state competence)

Ministries shall, within their respective departments, exercise supervision over the legality of individual administrative acts issued by local community bodies when deciding on administrative matters transferred from state competence.

The Ministry competent for the respective department shall decide on appeals against individual acts issued by local community bodies in matters transferred from state competence.

Article 67

(Ministry supervision over adequacy and proficiency in respect of transferred tasks falling within state competence)

The competent Ministries shall exercise supervision over the adequacy and the proficiency of local community bodies' work in matters transferred from state competence.

The competent Ministry may, in exercising supervision under the preceding paragraph, issue binding instructions with respect to the organisation of services and jobs systematisation relating to the performance of tasks transferred from state competence, and issue binding instructions with respect to the performance of tasks falling within state competence.

The competent Ministry shall have control over the work of local community bodies in respect of the performance of tasks falling within state competence. For this purpose, the competent Ministry shall require local community bodies to issue reports, notices, opinions and other information, and require their compulsory cooperation.

Article 68

(Administrative Unit warnings)

Should Administrative Unit find that local community bodies act contrary to the law in performing tasks falling within their original competence, a warning must be issued to the competent Ministry. A warning shall likewise be issued to the competent Ministry, should Administrative Unit find that local community bodies act inadequately and unprofessionally in performing tasks falling within state competence.

Article 69

(Expert assistance)

Ministries shall, within their respective departments, provide local communities with expert assistance with respect to tasks transferred from state competence and with respect to tasks from the original competence of local communities.

Article 70

(Measures to remedy irregularities in performance of tasks falling within state competence)

Should a Ministry find that local community bodies fail to perform tasks falling within state competence, it must issue local community bodies with a warning and request by a decision that within a specified period of time the performance of these tasks be ensured.

Should local community bodies fail to perform tasks falling within state competence in a regular and timely manner, the Ministry must issue a warning in respect of the found irregularities, and specify the manner and the period of time for the irregularities to be remedied.

In cases pursuant to paragraphs 1 and 2 of this Article, measures against the responsible public officers may be proposed by the Ministry to the competent local community bodies.

Article 71

(Assuming competence with respect to transferred tasks from state competence)

Should the local community body fail to act in compliance with the Ministry warning, the Ministry may, at the expense of the local community, directly perform a particular task falling within state competence that should otherwise be performed by a local community body.

The Ministry must directly perform a particular task falling within the competence of local community, where detrimental consequences for life or limb, natural or living environment, or property, may occur due to the failure of performing the task in question.

Where local community body in spite of repeated warnings fails to perform tasks falling within state competence and transferred to the local community by the state, or where these tasks are not performed in a regular and timely manner, the Ministry may propose to the Government to initiate proceedings in order to revoke the transferred tasks.

4. Supervision over public authority holders

Article 72

(Supervision over public authority holders)

Ministries shall exercise supervision over the legality of general and individual legal acts issued in exercising public authority.

General acts issued in exercising public authority must be published in the Official Gazette of the Republic of Slovenia. Public authority holders shall be obliged to pass the general acts under the preceding paragraph on to the competent Ministries to be published.

The Government shall, upon proposal by the competent Ministry, withhold the publication of a general act issued in the exercise of public authority, if the act is held to be in non-conformity with the constitution or the law, and propose to the public authority holder to reconsider the act in question; the Government shall state the reasons for withholding the publication. Where public authority holder insists upon its decision, the general act shall be published. The Government may stay its implementation by filing with the Constitutional Court a request for review of constitutionality and legality within 15 days from the publication of the act in question.

The Government order staying the implementation of the general act pursuant to the preceding paragraph shall be published in the Official Gazette of the Republic of Slovenia.

The provisions of this Article shall not apply to public agencies. In the case of supervision over public agencies, the provisions of the law governing public agencies in general and the provisions of laws governing particular public agencies shall apply.

5. Supervision of Ministry competent for the Administration

Article 73

(Supervision of Ministry competent for the Administration)

The Ministry competent for the Administration shall exercise supervision over administrative bodies and public authority holders in respect of the implementation of regulations on internal organisation, business and official hours, the handling of documentation, the quality of conducting business and client service. The supervision shall be carried out by public officers on the authority granted by the minister competent for the administration (hereinafter: administrative inspectors).

Administrative inspectors shall have the right to entry onto the premises of administrative bodies and public authorisation holders, and the right to inspect the documentation. Administrative bodies must provide administrative inspectors with suitable working conditions and with all the required information.

Administrative inspectors shall draw up the minutes on the inspection, and serve the minutes on body principal, the competent minister and the minister competent for the Administration. In the minutes, administrative inspectors may propose adequate measures to be undertaken in order to remedy the ascertained deficiencies. Body

principals shall have the right to file an objection against the minutes within 8 days after being served the minutes. The minister competent for the Administration shall decide on the objection against the minutes, and may propose to the body principal, to the competent minister or to the Government adequate measures to be taken for the ascertained deficiencies to be remedied.

VII. ADMINISTRATION REGULATIONS

Article 74
(Minister Regulations)

Ministers shall issue directives in order to implement laws, other regulations and acts of the National Assembly, and regulations and acts of the Government. Where provided by law, ministers shall also issue other regulations.

A directive shall be issued pursuant to the provisions of law or government regulation, or upon Minister's appraisal that issuing a directive is required for purposes pursuant to paragraph 1 of this Article

Public authority holders shall issue directives where so provided by law.

VIII. TEMPORARY AND FINAL PROVISIONS

Article 75

Coordinating Advisory Committees shall be constituted within three months after this Act takes effect.

Article 76

On the effective date of this Act, statutory provisions determining the bodies and organisations within Ministries, their relations to Ministries and their internal organisation, shall cease to have effect, with the exception of the provisions of the Defence Act (The Official Gazette of the Republic of Slovenia, No. 82/94, 44/97, 87/97, 13/98 - Constitutional Court decision, 87/2001 - ZMatD and 47/2002)

In cases where the law under paragraph 1 provides that bodies within Ministries take decisions in administrative proceeding at first and second instance, the decision-making at second instance shall be taken over by the competent Ministry within six month after this Act takes effect; the Ministry shall also take over the employees and respective rights to budget spending, premises, equipment and documentation. Following the taking over of tasks under this paragraph, the competent Ministry shall be treated as a tax administration body pursuant to Taxation Procedure Act (The Official Gazette of the Republic of Slovenia, Nos. 18/96, 87/97, 35/98 - Constitutional Court decision, 82/98, 91/98, 1/99 - ZNIDC, 108/99, 37/2001 - Constitutional Court decision, and 97/2001).

Bodies and organisations within Ministries, established pursuant to Organisation and Competence of Ministries Act (The Official Gazette of the Republic of Slovenia, Nos.

71/94, 47/97, 60/99, 119/200 - ZVRS-C, 30/2001 - ZTel, and 30/2001) or other act, shall proceed with their work after this Act takes effect, until the regulation adopted pursuant to Article 21 of this Act comes into force. On that date, the functions of such bodies and organisations within Ministries shall be terminated [PRENEHA DELOVATI], unless otherwise provided by the regulation adopted pursuant to Article 21 of this Act. The tasks of bodies and organisations within Ministries, the functions of which shall be terminated pursuant to the regulation adopted under Article 21 of this Act, shall be taken over by the competent Ministries or Bodies within Ministries determined by regulation under Article 21 of this Act.

Instructions and directions, issued as executive regulations, shall remain in effect regardless the provisions of Article 74 of this Act.

Statutory provisions under paragraph 1 of this Article shall apply until the regulation adopted pursuant Article 21 of this Act comes into force.

By taking over tasks from bodies and organisations within Ministries, the Ministries or respective Bodies within Ministries, established by regulation adopted under Article 21 of this Act, shall take over the employees, rights to budget spending, obligations, documentation, premises, equipment and other inventory, necessary for the performance of these tasks.

Article 77

The Government shall issue regulations pursuant to the provisions of this Act within six months after this Act takes effect.

Regulation under Article 27 of this Act on common grounds for internal organisation of public administration bodies shall be harmonised with the provisions of this Act within nine months after this Act takes effect.

Regulation under Article 21 of this Act on the establishment of Bodies within Ministries shall be adopted by the Government within one year after this Act takes effect.

Article 78

Ministries shall align their general acts on internal organisation and jobs systematisation with the provisions of this Act within three months after regulation adopted pursuant to Article 21 comes into force.

Article 79

The principals of the bodies and organisations within Ministries, and their deputies, shall cease to hold office on the day the functions of respective bodies and organisations are terminated. Upon satisfying the conditions of employment, they shall be employed without open competition by reassignment to suitable work posts within the Ministry.

Article 80

State secretaries shall proceed with their work in conformity with Article 25.c of the Government of the Republic of Slovenia Act (The Official Gazette of the Republic of Slovenia, Nos. 4/93,71/94 - ZODPM, 23/96, 47/97, 23/99 -ZSOVA, 119/200, and 30/2001 - ZODPM-C) until the Government ceases to hold office following the first parliamentary elections after this Act takes effect.

Public administration employees holding the title of state undersecretary shall proceed with their work holding the same title, until the title is translated pursuant to the law governing the status of civil servants.

Ministry secretaries-general shall proceed with their work in conformity with the provisions of this Act.

Administrative Unit principals shall, until the law governing the status of civil servants takes effect, be appointed and dismissed by the Government upon proposal by the Minister competent for the Administration in conformity with the Act on State Employees (The Official Gazette of the Republic of Slovenia, Nos. 15/90, 5/91, 18/91, 22/91, 2/91-I, 4/93, 18/94 - ZRPJZ, 70/97, 87/97 - ZPSDP, and 38/99).

Article 81

The provision of Public Procurement Act on open competitions shall be reasonably applied to the open competition proceedings for granting public authority pursuant to paragraph 3 of Article 15 of this Act, until the law governing procedure for the granting of public authority takes effect.

Article 82

The territorial organisation of public administration shall, upon the constituting of regions or within two years after their constitution, be brought into accord with the territorial organisation of local government.

Article 83

On the day this Act takes effect, the following shall cease to have effect:

- Organisation and Competence of Ministries Act, but for the provisions of article 23 and article 24 of the Act amending Organisation and Competence of Ministries Act (The Official Gazette of the Republic of Slovenia, No. 30/2001)
- Administration Act (The Official Gazette of the Republic of Slovenia, Nos. 67/94, 20/95 - Constitutional Court decision, 29/95 - ZDPF, and 80799 - ZUP), but for the provisions on exercise of inspection supervision (provisions of articles 83 to 89)

Article 25.c of the Government of the Republic of Slovenia Act shall cease to have effect when Ministers swear the oath of the office following the first parliamentary elections after this Act takes effect; on that date, the provisions of Article 17 of this Act shall begin to apply.

Article 84

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

No. 020-05/01-22/3
Ljubljana, May 31st 2002