

PUBLIC AGENCIES ACT

I. Basic provisions

Article 1

(Scope and purpose)

This Act governs Public Agency as a body corporate under public law.

The provisions of this Act shall not apply to particular agencies in respect of issues that are settled in a different manner by particular laws due to specific purposes underlying the establishment of particular Agencies.

Article 2

(Public Agency)

Public Agencies shall be established in order to perform regulatory, developmental or professional tasks in public interest, unless a different body corporate is established by virtue of law.

Public Agencies may be established in pursuit of one or several purposes under the preceding paragraph.

The founder of a particular Public Agency must act on the basis of a particular law.

The competence of Public Agencies to issue regulations and individual acts, and to perform official acts, shall be governed by law.

The tasks and activities of particular Public Agency shall be determined in the founding act pursuant to the respective laws under paragraphs 3 and 4 of this Article.

In the performance of their tasks, Public Agencies shall act independently.

Article 3

(Principles of conduct)

The provisions of Public Administration Act and regulations issued on its basis shall apply to Public Agencies in respect of the principles of legality, autonomy and professional conduct, political neutrality, impartiality, official language, the handling of documentation and in respect of other issues concerning Agency's service.

Article 4

(Establishment Criteria)

Public Agencies shall be established:

- if thereby providing for a more efficient and expedient performance of tasks under paragraph 1 of Article 2 of this Act, as in comparison to performance by

administrative bodies, especially if the 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 the nature of the tasks.

Public Agencies may be established only where the aims under the first indent of the preceding paragraph fail to be realised by means of establishing a Body within Ministry.

II. Establishment of Public Agency

Article 5 (Founders)

Public Agencies may be established by the Republic of Slovenia (hereinafter: the state), by self-governing local communities (hereinafter: local communities), or by an association of self-governing local communities.

Where a Public Agency is established by more than one founder, their respective mutual rights and obligations shall be settled in a contract and the founding act.

The Government of the Republic of Slovenia (hereinafter: the Government) shall exercise the rights and obligations of the founder on behalf of the state. Local community councils or bodies determined by general acts of the local communities shall exercise the rights and obligations of the founder on behalf of local communities.

Particular decisions within the scope of the founding rights and obligations shall be proposed to the Government by the Ministry competent for the particular Public Agency's field of activity. Where Public Agency's field of activity falls within the competence of several Ministries, such decisions shall be proposed by common consent of the Ministries.

Article 6 (Manner of establishment)

A Public Agency shall be established by a founding act, adopted by the founder in conformity with this Act and on the basis of a particular law providing for the grounds of establishing the particular Agency.

On behalf of the state, Public Agencies shall be established by the Government unless otherwise provided by law, whereas on behalf of local communities, Public agencies shall be established by local community councils.

In the case of several founders, a particular Public Agency shall be established by a founding act adopted by all the founders.

Public Agencies shall be granted legal capacity on the date of entry in the register of companies.

Article 7

(Founding act)

In the founding act, the following shall be determined:

- Public Agency's name and registered office,
- the purpose of the Public Agency,
- the tasks and activities of the Public Agency,
- the composition of Agency's bodies, and the number of bodies' members and the terms of office,
- the powers of Public Agency bodies,
- relations between Public Agency and the founder,
- relations between Public Agency and other entities,
- funds earmarked by the founder for the establishment and for the start-up of Public Agency's work,
- the manner of financing the Public Agency,
- the founder's liability for Public Agency obligations,
- other issues relevant for the establishment and service of the Public Agency,
- other issues that must be settled in the founding act pursuant to this Act or other law.

In the case of several founders, the founding act shall determine the manner of joint exercise of founding rights, joint financing and supervision, the consequences of the termination of Public Agency and other mutual relations in respect of managing the Public Agency.

The founding act shall be published in the Official Gazette of the Republic of Slovenia or the official publication of the local community.

Article 8

(Competence of the founder)

The founder shall appoint and dismiss the director and the members of Public Agency Council, with the exception provided for in paragraph 3 of Article 13 of this Act.

The founder shall appoint the acting director of Public Agency, who shall perform the tasks of the director until one is appointed pursuant to the provisions of this Act.

The founder shall give approval to the action programme and the financial plan, to the annual report, and to other reports issued by the Public Agency.

The rights of the founder may not be transferred onto another body, nor may public authority for exercising the respective rights be granted.

Article 9

(Entry in the register of companies)

The establishment of Public Agency shall be entered in the register of companies. In the register of companies, such data shall be entered as provided by law for all entities subject to entry.

The founder shall enclose with the application for the entry of the Public Agency in the register of companies: the founding act, the order on appointing Public Agency Council members and the decision on appointing acting director.

Article 10

(Name and the registered seat)

The name of the Public Agency must be in Slovene language, and shall consist of:

- a brief notice of Agency's purpose,
- a designation "Public Agency",
- the naming of the founder.

In the case of several founders, the founders shall be named by a designation determined by the founders in the founding act.

The registered office of the Public Agency must be situated in the Republic of Slovenia.

III. Public Agency bodies

Article 11

(Public Agency bodies)

Public Agency Council (hereinafter: the Council) and the director shall be the bodies of the Public Agency.

A different designation of Public Agency bodies may be provided for by law.

1. Public Agency Council

Article 12

(Structure of Public Agency Council)

There shall be no less than three and no more than nine members of the Council.

The members of the Council shall, with the exception provided for in paragraph 3 of

Article 13 of this Act, be appointed and dismissed by the founder for a term of five years with an option of re-appointment. The chairman of the Council shall be elected by the Council members from among their own number.

Persons may be appointed members of the Council, provided that:

- they have at least a higher professional education,
- they are experts in the Public Agency field of activities,
- they have not been lawfully sentenced to unconditional sentence of imprisonment for a term of more than six months for an intentionally committed felony that is prosecuted out of official duty,
- they satisfies other conditions laid down in law or the founding act.

The following shall not be appointed members of the Council:

- employees of the respective Public Agency,
- functionaries in the executive branch of the government,
- other persons where a conflict of interest may arise between their private interests and the public interests pursued by the Public Agency.

Article 13

(Users in the Public Agency Council)

The representatives of the users of Public Agency services may become members of the Council, where so provided by the founder in the founding act. In this case, the number of their representatives shall be no less than a third and no more than half of the number of the Council members.

In cases where the service users have themselves established chambers, societies or other interest based associations, the Council members under the preceding paragraph shall be appointed by the founder on proposal by such establishments; in other cases, Council members pursuant to the preceding paragraph shall be appointed on the basis of public invitation.

The founding act may provide that the Council members representing the service users be elected by direct and secret voting by the service users.

Procedures for gathering applications and the criteria for selecting the representatives of the service users, or the election procedure pursuant to the preceding paragraph, shall be determined in the founding act

Article 14

(Restrictions with respect to the appointment of user-representatives)

The founder must, in appointing user-representatives or in making provisions for the manner of electing the members of Public Agency Council, take into consideration that

various users or various user groups be represented in the Council.

Where Public Agency allocates financial stimulations and other funds, the actual or potential recipients of funds (hereinafter: funds recipients) cannot be appointed members of the Council.

In cases pursuant to the preceding paragraph, the members of the Council shall be the representatives of those users for whom the services of the fund recipients are earmarked and who shall by virtue of the allocated financial stimulations and other funds benefit from such services, unless a different users group is provided by law or the founding act.

Article 15

(Special rights of the users representatives in the Public Agency Council)

In cases where the user-representatives in the Public Agency Council unanimously oppose that a certain person be appointed the director of the Public Agency, the Council shall submit the separate opinion of the user-representatives enclosed with the proposal for the appointment.

In cases where more than a half of Public Agency funding is obtained from users fees, the Council must, upon unanimous request of members representing the users, propose to the founder that Public Agency director be dismissed

Article 16

(Duties and responsibilities of the members of the Public Agency Council)

The Council members must act impartially and with diligence of a good manager, and must protect the professional secrets of the Public Agency.

The Council members shall be entitled to the payment of attendance fees and to receive the reimbursement of other expenses, in conformity with provisions laid down by the Government on proposal by the minister competent for the finances.

The Council members shall be held liable for damages caused in breach of their duties.

Article 17

(Public Agency Council decision-making)

The Council shall adopt decisions by a majority vote of all its members. in case the vote is tied, the chairman shall have the deciding vote.

Article 18

(Powers of the Public Agency Council)

Public Agency Council shall:

- provide for the Public Agency's service in public interest,
- adopt the general acts of the Public Agency,

- adopt the action programme, the financial plan, the annual report and other reports issued by the Public Agency,
- give proposals as to the appointment and dismissal of the Public Agency director,
- provide the Public Agency director with guidelines and working instructions,
- decide on other issues, where so provided by law of the founding act.

The Council, or other persons upon authorisation of the Council, may inspect business records and documentation of the Public Agency.

The director must, upon the request of the Council, submit a report to the Council in respect of the performance of tasks regarding matters falling within the director's competence.

2. The director

Article 19

(Appointment of the director)

The Public Agency director shall be appointed and dismissed by the founder on proposal by the Public Agency Council on the basis of open competition in conformity with the conditions and the criteria laid down by law and the founding act. The director shall be appointed for a term of five years and may be re-appointed.

Person may be appointed a director, provided that:

- they have at least higher professional education,
- they have no less than ten years of working experience,
- they are experts in the field of activity of particular Public Agency,
- they have not been lawfully sentenced to unconditional sentence of imprisonment for a term of more than six months for an intentionally committed felony that is prosecuted out of official duty,

In case where the Public Agency director is competent to issue decisions in administrative matters, the director must be a citizen of the Republic of Slovenia.

Additional conditions in respect of the appointment of the director may be laid down by law or the founding act.

Where the director ceases to hold office, the founder shall, on proposal by the Council and without open competition, appoint an acting director for a period not exceeding six months, until a new director is appointed.

Article 20

(Powers and responsibilities of the director)

The director shall represent and act on behalf of the Public Agency, and manage the service of Public Agency.

The director shall issue legal acts in individual matters falling within the competence of the Public Agency, unless otherwise provided by law.

The director must assure that the Public Agency's service is in conformity with the law and the founding act. At his work, the director shall be obliged to protect Public Agency's business secrets.

The director shall be liable to the Public Agency for damages caused by his neglect or unlawful conduct.

Article 21

(Open competition for the appointment of the director)

Open competition for the appointment of the Public Agency Director shall be conducted by the Public Agency Council in conformity with the law governing the employment of civil servants. No appeal shall be allowed against the decision on selection. The decision shall, however, be subject to judicial review in an administrative dispute

The director of a Public Agency established by the Republic of Slovenia shall be held accountable for his work to the competent minister and to the Government. The director of a Public Agency, established by a local community, shall be held accountable for his work to the executive body of the respective local community.

The director of a Public Agency shall conclude a contract with the Government, or the local community executive body respectively, that shall determine the aims and the expected results of the director's work during his term of office.

The Ministry competent for the administration shall exercise supervision over proper implementation of the provisions of this Act concerning the appointment of the director.

Article 22

(Annulment)

The decision on candidate selection, the act of appointment and the contract of employment shall be annulled, in case the person at the time of the selection failed to satisfy the conditions of appointment for a director, or where no open competition was carried through prior to the appointment.

In the case of annulment, the provisions of law governing the employment of civil servants shall reasonably be applied. The competent appellate commission, established pursuant to the provisions of the Civil Servants Act, shall decide on the issue of annulment. Where the Public Agency is established by both the Government and local communities, the issue shall be decided by the appellate commission working with the Government.

Article 23

(Premature dismissal of the director and members of the Public Agency Council)

Director shall be prematurely dismissed:

- upon his own request,
- upon failure to satisfy the conditions of appointment,
- upon committing a serious disciplinary violation pursuant to the Civil Servants Act,
- if he is found to perform his tasks unprofessionally or with neglect, or if he is found to be incompetent to hold the office of the Director due to the lack of working and professional qualities;
- if the Public Agency fails to attain satisfactory performance, or in event of recurring errors or a serious fault in the performance of the Public Agency.

The members of the Council shall be prematurely dismissed:

- upon their own request,
- upon failure to satisfy the conditions of appointment,
- upon failure to perform the tasks provided by law, the founding act and the general acts of the Public Agency, or if they are found to perform such tasks unprofessionally or with neglect,
- if they are found to act contrary to their duties pursuant to Article 16 of this Act.

Article 24

(Procedure in case of premature dismissal)

The director and the Council members shall be prematurely dismissed by an administrative decision issued by the founder. The director shall be dismissed by the founder, on his own initiative or on proposal by the Council.

The provisions of the law governing the employment of civil servants shall be reasonably applied in case of director's dismissal.

Article 25

(Disputes concerning the dismissal of the members of Public Agency bodies)

No appeal shall be allowed against the decision taken on the dismissal of the director or the Council members. The decision shall, however, be subject to judicial review in an administrative dispute.

IV. Public Agency general acts

Article 26

(Acts relating to Public Agency service)

Public Agency Council shall, in addition to general acts on the exercise of public authority, adopt acts on internal organisation and jobs systematisation. Prior to the adoption of such an act, the Public Agency Council must acquire the opinion of representative trade unions in the Public Agency, in accordance with the procedure provided by the law governing the employment of civil servants.

Public Agency may adopt other acts laying down the provisions with respect to Public Agency service, in conformity with the founding act.

V. Public Agency tasks and activities

Article 27

(Regulatory tasks)

Public Agencies may, if by virtue of law granted such public authority, regulate legal relations and take decisions in individual matters.

In the performance of tasks pursuant to paragraph 1 of this Article, Public Agencies shall issue general acts on exercising public authority, and administrative decisions. The general acts shall be adopted by the Public Agency Council.

General acts of the Public Agency under the preceding paragraph are regulations published in the Official Gazette of the Republic of Slovenia. Public Agencies shall be obliged to pass the general act under the preceding paragraph on to the founder in order for the act to be published.

The founder may withhold the publication of a Public Agency general act, if the act is held to be in non-conformity with the constitution or law, and propose to the Public Agency to reconsider the adoption of the act in question; the founder shall state the reasons for withholding the publication. Where the Public Agency insists upon its decision, the general act shall be published; the founder may stay its implementation by filing with the Constitutional Court a request for review of constitutionality and legality of the general act, within 15 days after the act takes effect.

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

Article 28

(Decision-making in matters of public law)

Decisions on matters of public law falling within the competence of the Public Agency shall be taken by the director, or by persons authorised by the director in conformity with the General Administrative Procedure Act.

Parties shall have the right to appeal against decisions taken by the director or by persons under the preceding paragraph. The appeal shall be decided by the competent Ministry. In cases where the Public Agency is established by a local community, the appeal shall be decided by the competent local community body, unless otherwise provided by law.

Article 29

(Developmental tasks)

Public Agencies shall perform developmental tasks in accordance with the purposes of their establishment.

Public Agency developmental tasks shall mainly include consulting services, the performance of developmental tasks requiring expertise for state bodies, local communities and natural or legal entities, the undertaking of measures falling within Agency's own competence, the allocation of financial stimulations and other funds, and the appropriation thereof.

Financial stimulations and other funds shall be appropriated in conformity with laws, other regulations and ratified international treaties.

Article 30

(Professional tasks)

Public Agencies shall perform tasks requiring expertise in accordance with the purposes of their establishment.

State bodies, local community bodies and entities of public law shall, for the purposes of the preparation of expert and other data analyses, be obliged to communicate to the Public Agency all the data necessary in this respect, against the reimbursement of actual costs or payment in accordance with the tariff.

Article 31

(Supervisory tasks)

Supervision exercised by Public Agencies shall include the supervision over the adequacy and the proficiency of services performed by natural or legal entities to which financial funds or other forms of stimulations were allocated, and other entities provided by law.

Public Agencies shall issue reports on performance of supervisory tasks. The reports must be based on the analysis of appropriate documentation and consultation with the parties to the proceedings. Joint findings contained in the report must be published and must be accessible to the public.

Article 32

(Other tasks and activities)

Public Agencies may, in addition to tasks provided by law, perform activities related to the purposes of their establishment or related to tasks performed in public interest,

where so provided by the founding act in conformity with the particular law.

The provisions of the Companies Act shall reasonably apply with respect to the validity of legal transactions concluded in exceeding the scope of the Public Agency tasks and activities under the preceding paragraph.

VI. Relations towards users

Article 33

(Publicity of service)

Public Agencies shall be obliged to provide for an appropriate manner of notifying the users of their services (hereinafter: the users) about their work, their tasks and powers, about the rights and obligations of their users and the procedures of their enforcement, as well as about other relevant circumstances affecting the relations towards the users.

In the course of notification pursuant to the preceding paragraph, Public Agencies shall be obliged to:

- provide in writing, on the premises where the users services are being facilitated, the information specified in the preceding paragraph, including information concerning the director of the particular Public Agency and the members of the Council, as well as the names and surnames of persons dealing with the users, and of the persons responsible,
- provide, on the premises where users services are being facilitated, for a written statement on the strategy of the particular Public Agency,
- provide for a suitable manner of acquiring information by telephone and by other means of communication, within the existing technical possibilities,
- enable the examination of reports issued in respect of the Public Agency service,
- provide for a suitable manner for the users to communicate their remarks and propositions regarding the service of a particular Agency, orally as well as in writing or by telephone,
- provide in writing, on the premises where the users services are being facilitated, for a statement naming the body exercising supervision over the service of a particular Public Agency, and other information necessary to contact the respective supervisory body.

Public Agency director shall be held accountable for ensuring the publicity of service pursuant to the preceding paragraph.

Article 34

(Users service)

Public Agencies shall, in facilitating users service, be obliged to ensure a proper and amiable relationship of its employees towards its users.

Public Agencies must arrange for the official hours in line with the needs of the users, providing at least once a week for official hours in the afternoon, unless such arrangements are not necessary due to the nature of work and is thus provided by the founding act.

Public Agencies must at least once a year assess the opinion of their users regarding their service, and their propositions in respect of their service and possible improvements. Public Agencies must, if possible, include in assessment of the opinion of their users also other potential users of the services of particular Public Agencies.

Public Agencies shall issue reports on the assessment under the preceding paragraph. Reports shall be included in the reports on the implementation of aims and Public Agency results.

Article 35

(Dealing with users' remarks and propositions)

Users' remarks and propositions regarding Public Agency service shall be dealt with by a employee authorised by the Public Agency Council.

The person under the preceding paragraph shall notify of his findings the Council and other persons to whom such findings may relate, and, on his own judgement, to the user that communicated the respective remark or proposition.

Without the approval of the Public Agency Council, there shall be no termination of employment based on disciplinary or other proceedings conducted against the person under paragraph 1 of this Article nor may that person be reassigned to another work post.

VII. Public Agency action programme and reporting

Article 36

(Action programme)

In the annual Public Agency action programme, the aims and the tasks of the Public Agency that need to be implemented and performed in a given year shall be determined, in conformity with the program of the founder; the manner of implementation and the performance of the aims and tasks shall also be determined therewith.

Public Agency action programme must be include a brief statement on long-term development strategy of the Public Agency, emphasising the Agency's contribution to the overall national development, the measures to ensure quality service to the public and its users, and measures to ensure efficient funds expenditure.

Additional compulsory components to the action programme may be provided by law, by the founding act, by government regulation or by a local community ordinance.

Article 37

(Public Agency reporting)

Public Agencies shall issue reports to their founders on the implementation of aims and results, reports on the implementation of financial plans, and reports on the statement analysis in conformity with the Public Finance Act (The Official Gazette of the Republic of Slovenia, Nos. 79/99, 124/2000, 79/2001, and 30/2002) and the Accounting Act (Official Gazette of the Republic of Slovenia Nos. 23/99, and 30/2002 - ZJF-C).

The provisions on the duty of issuing additional reports, their content and the time of their submission may be laid down by law, the founding act or in a financing agreement.

The director must, upon the request by the founder, submit a report on Public Agency activities and service, and on the performance of tasks falling within the Agency competence.

VIII. Financing

Article 38

(Start-up funds)

The founder must, in conformity with the founding act, provide the Agency with the necessary premises, equipment and the funds for the start-up of Agency's work.

The premises and the equipment shall remain property of the founder, to be used and managed by the Public Agency.

Article 39

(Public Agency financing)

The following shall be the revenues for the purpose of Public Agency service:

- budgetary funds, appropriated on the basis of an agreement concluded with the competent Ministry or the respective local community,
- revenues gained by selling goods and services, and
- other revenues.

Article 40

(Tariff)

In case the Public Agency provides services for individuals and legal entities against payment, the Public Agency shall adopt a tariff determining the fees paid in return for the services provided by the Public Agency.

Fees paid in return for Public Agency services shall be fixed by taking into consideration the covering of expenses for each particular Public Agency service, and by taking into consideration the planned aims and tasks provided in the Public Agency action

programme.

The tariff shall contain a special explanation where reasons for adopting or amending the tariff shall be stated, and the aims thus to be achieved.

The tariff is a general act of the Agency, subject to publication in the Official Gazette of the Republic of Slovenia. The explanation pursuant to the preceding paragraph shall be published therewith.

Article 41

(Procedure for adopting or amending the tariff)

The expenses of particular Public Agency service need to be assessed prior to adopting or amending the tariff. In drafting the tariff or amendments thereof, the sources of financing need to be determined for each particular part of the service expenses.

Prior to adopting or amending the tariff, a period of time no shorter than 15 days and no longer than 2 months shall be set in order to invite the service users to communicate their opinions, remarks and propositions in view of the proposals for adopting or amending the tariff.

In order to adopt or to amend the tariff, the approval of the founder must be acquired. The tariff shall take effect after being published in the Official Gazette of the Republic of Slovenia.

Article 42

(Fees recipient)

Administrative fees for the files and acts in administrative matters and other matters of public law shall be revenues of the budget.

Article 43

(Liability for Public Agency obligations)

Public Agencies shall be held liable for their obligations to the extent of their property.

Public Agency founder shall be held liable for the Public Agency obligations, in cases where the property of Public Agency is insufficient to meet the obligations of the Agency, or in cases where settling Agency's obligations might cause the performance of Agency's tasks to be seriously at risk.

Article 44

(Surplus of revenues over expenditure)

In the case of surplus of revenues over expenditure, the Public Agency shall:

- spend the surplus of revenues for the performance and the development of its activities, or
- spend the surplus of revenues for rewarding the working efficiency of Public

Agency employees in conformity with the law, or

- pay the surplus of revenues in the founder's budget.

The decision on spending the surplus of revenues over expenditure, and the decision on covering the surplus of expenditure over revenues, shall both be taken by the Public Agency Council, on proposal by the director and with the approval of the founder.

Article 45 (Indebtedness)

The Public Agency may, in conformity with the law, contract debts but upon provisions in the financial plan, and upon satisfying the conditions pursuant to the Public Finance Act.

IX. Accountancy and submission of annual reports

Article 46 (General provision)

Public Agencies must keep their accounts and submit annual reports in conformity with the Accounting Act, the Public Finance Act and regulations adopted on the basis of the aforementioned laws.

Public Agency annual report must be revised by an authorised auditor.

Public Agencies and their accounts shall be included in the system of single treasury account pursuant to the Article 61 of the Public Finance Act.

X. Supervision

Article 47 (Supervision over fund spending)

The Court of Audit shall exercise supervision over legality, intentional usage, efficiency and effectiveness of the Public Agency fund spending.

Article 48 (Supervision over Agency's service)

Supervision over legality, efficiency and effectiveness of Public Agency service shall be exercised by the Ministry competent for the Agency's field of activity, or the respective local community administration.

The Ministry competent for the finances shall exercise supervise Public Agencies in respect of the implementation of regulations on public finances, regulations on financial operations, material resource management and the accountancy of the Public Agency,

supervision over legality, intentional usage and expediency of spending funds appropriated from the budget, and supervision over management of the property owned or used by the Public Agency.

The Ministry competent for the administration shall exercise supervision over the implementation of regulations on administrative procedure, business and official hours, client service, the handling of documentation, and over publicity of Agency's service.

XI. Public Agency termination

Article 49 (Termination)

Public Agencies shall be terminated:

- upon a final decision declaring the entry of the Public Agency in the companies register to be void,
- where the founder adopts an act on the termination of Public Agency due the lack of the necessity and the requirements for further pursuit of the purposes underlying the establishment of the Agency,
- where the Public Agency is merged or joined with another legal entity, or where Public Agency is divided into two or more legal entities,
- in other cases provided by law or the founding act.

In the case of Public Agency termination, Public Agency liquidation proceedings shall be conducted in conformity with the law.

XII. Temporary and final provisions

Article 50 (Application of this Act in case of existent Agencies)

In the cases of the Securities Market Agency, the Insurance Supervision Agency, the Telecommunications and Broadcasting Agency of the Republic of Slovenia, the Energy Agency of the Republic of Slovenia [NA WWW] and the Agency for the Audit of the Ownership Transformation of Companies, the provisions of respective laws and the following provisions of this Act shall apply:

- Article 3,
- paragraph 3 of Article 5
- paragraph 3 of Article 16
- paragraphs 2,3 and 4 of Article 19, and reasonably paragraph 5 of the same Article,

- paragraphs 4 and 5 of Article 20,
- Article 21, whereas the open competition is conducted by a special competition commission appointed by the Officials Council; the provisions of this Article shall not apply to the Agency for the Audit of the Ownership Transformation of Companies,
- Article 22; this provision shall not apply to the directors in office when this Act takes effect,
- paragraph 1 of Article 23; the provision in paragraph 1 shall be applied together with the grounds for dismissal laid down by virtue or on the basis of the particular laws;
- indents 1, 2 and 3 in paragraph 3 of Article 23 shall apply to the Insurance Supervision Agency and to the Securities Market Agency; these provisions shall be applied together with the grounds for dismissal laid down in particular laws or regulations adopted on their basis;
- first sentence in paragraph 1 of Article 24, where the administrative decision is issued by the body competent for dismissal,
- paragraph 2 of Article 24,
- Article 25,
- Article 33,
- Article 34,
- Article 35,
- Article 36,
- Article 37,
- Article 47, and
- Article 48, with the exception of the Telecommunications and Broadcasting Agency of the Republic of Slovenia, where the Ministry shall exercise only supervision over the legality of agency's work.

This Act shall apply in its entirety to the Agency of the Republic of Slovenia for Public Records and Services.

Public Agencies under this Article must within six months after this Act takes effect harmonise their general acts with the provisions of this Act listed in paragraph 1 of this Article.

On the effective date of this Act, the restriction provided in paragraph 1 of Article 259 of the Insurance Act (The Official Gazette of the Republic of Slovenia Nos. 13/2000, 91/2000 - corrected, and 21/2000) and in paragraph 1 of Article 302 Securities Market Act (The Official Gazette of the Republic of Slovenia No. 56/99), that the Agency director

shall be appointed only from among the members of the expert council, shall cease to have effect.

Article 51

(Public Agency employees)

The provisions of the law governing salaries in public administration shall reasonably apply for determining the salaries of Public Agency employees, until the law governing the system of salaries on the public sector begins to apply.

The provision of the preceding paragraph shall not apply for those employees in the existent Public Agencies that have entered into employment under a different set of conditions.

Article 52

(Adoption of executive regulation)

The Government shall adopt the regulation pursuant to paragraph 2 of Article 16 within three months after this Act takes effect.

Article 53

(Application of certain provisions of this Act)

The provisions of Articles 21 and 22 of this Act shall apply on the date the Civil Servants Act begins to apply. Until Civil Servants Act begins to apply, the provisions of the Act on State Employees (Official Gazette of the Republic of Slovenia No. 15/90, 5/91, 18/91, 22/91, 2/91-I, 4/93, 18/94 - ZRPJZ, 70/97, 87/97 - ZPSDP, and 38/99) and regulations adopted on its basis shall apply for the open competition for the appointment of the director.

Acts defined as serious disciplinary violations pursuant to the Act on State Employees shall be considered as disciplinary violations under paragraph 3 of Article 23 of this Act until Civil Servants Act begins to apply; the proceedings in the case of the dismissal of the director shall be conducted pursuant to the provisions of the Act on State Employees.

Article 54

(Taking of effect)

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

No. 020-05/00-21/4

Ljubljana, May 31st 2002