

Slovenia

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Slovenia in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes to legislation

Slovenia has adopted a horizontal framework law for the implementation of the Services Directive (Act on Services in the Internal Market¹). In addition, Slovenia has to a certain degree amended certain sector legislation, for instance in the construction sector, but work on sector-specific legislation is still on-going.

Examples of authorisation schemes imposed on service providers established in Slovenia

Several authorisation schemes exist in the tourism sector, for instance for tourist guides², tour operators³ and travel agencies⁴.

For the construction sector Slovenia has indicated that building companies and supervisors of building works need to be registered in the general company register and need to comply with certain other requirements⁵

Slovenia has also notified authorisation schemes in other sectors, including for real estate agents⁶, several expert/certification/testing services⁷, detectives⁸, collection of waste⁹, court related services (translators; expert witnesses etc)¹⁰, postal services¹¹ and collecting societies¹².

¹ Zakon o storitvah na notranjem trgu (zsnt) Stran 2650.- Act on Services in the Internal Market (OJ RS 21/10)

² Zakon o spodbujanju razvoja turizma - Act on promotion of tourism (OJ RS, n. 2/04)

³ Zakon o spodbujanju razvoja turizma - Act on promotion of tourism (OJ RS, n. 2/04)

⁴ Zakon o spodbujanju razvoja turizma - Act on promotion of tourism (OJ RS, n. 2/04)

⁵ Zakon o graditvi objektov - Act on building works (OJ RS, št. 110/02, 97/03, 41/04, 45/04, 47/04, 46/04, 62/04, 92/05, 111/05, 93/05, 126/07, 108/09 – ZGO-1)

⁶ Zakon o nepremičninskem posredovanju - Act on real estate brokering (OJ RS, n. 50 /2006 - ZMVN, 72/2006)

⁷ See for instance Zakon o vinu - Act on wine (OJ RS, n. 105/2006); Zakon o varstvu pred ionizirajočimi sevanji in jedrski varnosti - Act on protection from ionized radiation and nuclear protection (OJ RS n. 102/04 and 70/08; ZVO-1b)

⁸ Zakon o detektivski dejavnosti - Act on detective (private investigation) services (OJ RS, n. 32/94, 96/02, 07/03, 90/05, 60/07)

⁹ Zakon o varstvu okolja - Environment protection law (OJ RS, n. 39/06, 49/06 - ZMetD, 66/06, 33/0 - ZPNačrt, 57/08 - ZFO-1A and 70/08)

¹⁰ Zakon o sodiščih - Courts Act (OJ RS, n. 67/2007, 94/2007, 45/2008, 96/2009); Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju - Act on financial activities and procedures in case of insolvency or mandatory termination of a company (OJ RS, n. 126/2007, 40/2009, 59/2009)

¹¹ Zakon o poštnih storitvah - Postal Services Act (OJ RS, n. 51/09)

¹² Zakon o avtorski in sorodnih pravicah - Copyright Law (OJ RS, n. 16/2007 and 68/2008)

Examples of other types of requirements imposed on service providers established in Slovenia

A number of quantitative or territorial restrictions have been notified, including for collecting societies.¹³

Slovenia has also notified legal form requirements in a number of areas, including for collecting societies¹⁴, for higher education services¹⁵ and veterinary services¹⁶.

Tariffs are regulated for several service activities, for example for lawyers,¹⁷ certain court related services (translators; expert witnesses etc)¹⁸ and laboratory services.¹⁹

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

As regards certification, accreditation, technical monitoring, test or trial services, Slovenia has indicated certain restrictions to multidisciplinary activities for several specific services of this kind.²⁰

Slovenia has indicated that restrictions to multidisciplinary activities exist for a number of regulated professions, including lawyers²¹, certain court related services (translators, expert witnesses etc)²². Slovenia has also reported restrictions to multidisciplinary activities inter alia for construction services²³ and alternative medicine healing services²⁴.

¹³ Zakon o avtorski in sorodnih pravicah - Copyright Act (OJ RS, n. 16/2007 and 68/2008)

¹⁴ Zakon o avtorski in sorodnih pravicah - Copyright Act (OJ RS, n. 16/2007) and Zakon o spremembi in dopolnitvi Zakona o avtorski in sorodnih pravicah (ZASP-E) - Amendments of Copyright Act (OJ RS, n. 68/2008)

¹⁵ Zakon o visokem šolstvu - Act on Higher education (OJ RS, n. 119/06, 59/07-Zštip, 15/08, 64/08 and 86/09)

¹⁶ Zakon o veterinarstvu - Veterinary Act (OJ RS, n. 33/01, 110/02, 45/04, 62/04, 93/05); Zakon o veterinarskih merilih skladnosti - Act on veterinary compliance criteria (OJ RS, n. 93/05); Pravilnik o pogojih, ki jih morajo izpolnjevati veterinarske organizacije in o postopku njihove verifikacije - Rules on conditions for veterinary organisations and procedures for their verification (OJ RS n. 35/03, 3/04, 75/04, 65/08); Pravilnik o priznavanju poklicnih kvalifikacij veterinarjev - Rules on recognition of professional qualifications of veterinarians (OJ RS, n. 71/08); Uredba o mreži javne veterinarske službe in izvajalcev nalog odobrenih veterinarjev - Regulation on public veterinarian services and suppliers of these services (OJ RS, n. 54/2008).

¹⁷ Zakon o odvetništvu - Lawyers Act (OJ RS, n. 18/1993, 24/2001, 54/2008, 35/2009)

¹⁸ Zakon o sodiščih - Courts Act (OJ RS, n. 67/2007, 94/2007, 45/2008, 96/2009)

¹⁹ Zakon o zdravstvenem varstvu rastlin - Act on health protection of plants (OJ RS, n. 62/07); Pravilnik o pogojih in nalogah opravljanja javne službe zdravstvenega varstva rastlin - Rules on conditions and tasks for providing public service regarding health protection of plants (OJ RS, n. 34/2006 and 36/2007); Pravilnik o cenah storitev javne službe zdravstvenega varstva rastlin - Rules in tariffs for public service regarding health protection of plants (OJ RS, n. 34/06)

²⁰ See for instance Pravilnik o pregledovanju in preizkušanju vgrajenih sistemov aktivne požarne zaščite - Rules on review and testing of active fire protection systems (OJ RS, n. 45/2007); Zakon o fitofarmacevtskih sredstvih (OJ RS, n. 35/07) - Act on phytopharmaceutical means; Pravilnik o pridobitvi certifikata o skladnosti za naprave za nanašanje fitofarmacevtskih sredstev - Rules regarding certificates for devices for coating phytopharmaceutical means (OJ RS, n. 37/2001, 80/2001, 80/2002 in 117/2002); Zakon o fitofarmacevtskih sredstvih (OJ RS, n. 35/07) - Act on phytopharmaceutical means; Pravilnik o pogojih in postopkih, ki jih morajo izpolnjevati in izvajati pooblaščenimi nadzorni organi za redno pregledovanje naprav za nanašanje fitofarmacevtskih sredstev.

²¹ Zakon o odvetništvu - Lawyers Act (OJ RS, n.18/1993, 24/2001, 54/2008, 35/2009)

²² Zakon o sodiščih - Courts Act (OJ RS, n. 67/2007, 94/2007, 45/2008, 96/2009)

²³ Zakon o graditvi objektov - Construction Act (OJ RS, n. 110/02, 97/03, 41/04, 45/04, 47/04, 46/04, 62/04, 92/05, 111/05, 93/05, 126/07, 108/09 – ZGO-1)

²⁴ Zakon o zdravilstvu - Alternative Medicine Act (OJ RS, n. 94/07)

Examples of requirements which apply to service providers established in other Member States and providing services in Slovenia

In its horizontal framework law, Slovenia has included a clause relating to the freedom to provide services which states that rules can only be imposed on cross-border services provided that they are non-discriminatory, justified for reasons of public policy, public security, public health or the protection of the environment and are proportionate. However, it is clear that the legislator has to indicate specifically in each law which rules can be applied to cross-border services.

Slovenia has indicated a number of authorisation schemes which are imposed on cross-border services. In addition to certain regulated professions²⁵ as well as certain services, which are equally covered by a derogation in Article 17, Slovenia has notified authorisation schemes inter alia for higher education services²⁶, driving schools²⁷ as well as for certain very specific training services²⁸. Slovenia has also notified authorisation schemes for a number of very specific certification/expert services²⁹ and for other services, including collective societies³⁰, handling of dangerous substances³¹, court related services³², handling of used motor vehicles³³, social services at home³⁴

A number of requirements on the use of equipment have also been notified, inter alia for road safety teaching³⁵ and tanning services³⁶.

Furthermore, the obligation to take out insurance has been notified for several service activities, including for real estate services³⁷, construction works³⁸ and their supervision³⁹, and insolvency management services⁴⁰.

²⁵ Authorisation schemes which concern the recognition of qualifications for regulated professions are covered by the derogation in Article 17 Nr. 6 of the Services Directive.

²⁶ Zakon o visokem šolstvu - Law on higher education (OJ RS, n. 119/0659/07-Zštip, 15/08 and 64/08)

²⁷ Zakon o varnosti cestnega prometa - Act on the road traffic safety (OJ RS, n. 56/08, 57/08, 73/08 and 58/09)

²⁸ See for instance Zakon o fitofarmaceutskih sredstvih - Act on phytopharmaceutical means (OJ RS, n. 35/07); Zakon o zdravstvenem varstvu rastlin - Act on health protection of plants (OJ RS, n. 62/07); Pravilnik o reševalcih iz vode - Rules on rescuers from water (OJ RS, n. 79/2007); Pravilnik o usposabljanju zaposlenih za varstvo pred požarom in o usposabljanju odgovornih oseb za izvajanje varstva pred požarom - Rules on training for employees providing fire protection services and training for responsible personnel for providing protection against fire (OJ RS, n. 64/95)

²⁹ See for instance Zakon o semenskem materialu kmetijskih rastlin - Law on seed materials of agricultural products (OJ RS, n. 25/05-and 41/09); Zakon o fitofarmaceutskih sredstvih (OJ RS, n. 35/07) - Act on phytopharmaceutical means; Zakon o fitofarmaceutskih sredstvih - Act on phytopharmaceutical means (OJ RS, n. 35/07)

³⁰ Zakon o avtorski in sorodnih pravicah - Copyright Law (OJ RS, n. 16/2007 and 68/2008)

³¹ For biological and chemical weapons see for instance Zakon o nadzoru strateškega blaga posebnega pomena za varnost in zdravje (ZNSBPPVZ) - Act on supervision of strategic goods for safety and health (OJ RS, št. 29/06)

³² Zakon o sodiščih - Courts Act (OJ RS, n. 67/2007, 94/2007, 45/2008, 96/2009)

³³ Zakon o varstvu okolja - Environment protection Law (OJ RS, n. 39/06, 49/06-ZMetD, 66/06, 33/07-ZPNačrt, 57/08-ZFO-1A and 70/08)

³⁴ Zakon o socialnem varstvu - Law on Social Security (OJ RS, n. 3/07, 23/07, 41/07, 114/06, 5/08 and 53/09); Pravilnik o standardih in normativih socialnovarstvenih storitev - Rules on standards and norms of social security services (OJ RS, n. 52/1995, 2/1998, 61/1998, 19/1999, (28/1999 - popr.), 127/2003, 125/2004, 120/2005, (2/2006), 140/2006); Pravilnik o opravljanju socialno varstvenih storitev na podlagi dovoljenja za delo in vpisa v register - Rules on provision of social security services on the basis of authorization and registration (OJ RS, n. 3/2006)

³⁵ Zakon o varnosti cestnega prometa - Law on the road traffic safety

³⁶ Pravilnik o minimalnih sanitarno zdravstvenih pogojih za opravljanje dejavnosti higienske nege in drugih podobnih dejavnosti - Rules on minimum sanitary and health standards for provision of hygiene care and similar activities (OJ RS, n. 104/2009)

³⁷ Zakon o nepremičninskem posredovanju - Act on real estate brokering (OJ RS, n. 50 /2006 - ZMVN, 72/2006)

³⁸ Zakon o graditvi objektov - Act on building works (OJ RS, št. 110/02, 97/03, 41/04, 45/04, 47/04, 46/04, 62/04, 92/05, 111/05, 93/05, 126/07, 108/09 – ZGO-1)

³⁹ Zakon o graditvi objektov - Act on building works (OJ RS, št. 110/02, 97/03, 41/04, 45/04, 47/04, 46/04, 62/04, 92/05, 111/05, 93/05, 126/07, 108/09 – ZGO-1)

⁴⁰ Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju - Act on financial activities and procedures in case of insolvency or mandatory termination of a company (OJ RS, n. 126/2007, 40/2009, 59/2009)