

ACT
AMENDING THE ACT AMENDING THE ENVIRONMENTAL PROTECTION ACT (ZVO-1H)

Article 1

In the Act Amending the Environmental Protection Act (UL RS 92/13), the year "2015" shall be replaced by the year "2016" in the title, the first and the eleventh article.

In the seventh paragraph, point 1 shall be amended to read:

"1. at the request of the concession-holder, which may submit this request no later than three months prior to the expiry of the concession contract, for concession-holders whose concession contract expires between 15 April 2016 and 31 December 2016, or no later than 15 January 2016 for those concession-holders whose concession contract expires between 31 December 2015 and 14 April 2016, the contract shall be extended until the end of the period referred to in the first paragraph of this Article, if the concession-holder meets the prescribed conditions and if no procedure to withdraw the concession has been initiated;"

TRANSITIONAL AND FINAL PROVISION

Article 2

(1) Concession-holders referred to in the amended point 1 of the seventh paragraph of Article 92 of the Act Amending the Environmental Protection Act (UL RS 92/13) shall provide the compulsory national public utility services referred to in the amended first paragraph of Article 92 of the Act Amending the Environmental Protection Act (UL RS 92/13) until the concluding of a new concession contract, or until the concluding of an annex to the contract on the extension of the contract if they have lodged a request for extension of the validity or the conclusion of a concession contract by the deadline set out in the amended point 1 of the seventh paragraph of Article 92 of the Act Amending the Environmental Protection Act (UL RS 92/13).

(2) In concession areas where there is no concession-holder with a valid concession contract after 31 December 2015, the ninth paragraph of Article 92 of the Act Amending the Environmental Protection Act (UL RS 92/13) shall be applied *mutatis mutandis* to the granting of a new concession.

Article 3

This Act shall enter into force on the day after its publication in the Official Gazette of the Republic of Slovenia.

No 801-01/15-21/16
Ljubljana, 15 December 2015
EPA 935-VII

National Assembly of the Republic of Slovenia
Dr Milan Brglez (signed)
President

4086. Act Amending the Public Information Access Act (ZDIJZ-E)

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue the following

ORDER
promulgating the Act Amending the Public Information Access Act (ZDIJZ-E)

I hereby promulgate the Act Amending the Public Information Access Act (ZDIJZ-E), which was adopted by the National Assembly of the Republic of Slovenia at its session of 15 December 2015.

No 003-02-10/2015-6
Ljubljana, 23 December 2015

Borut Pahor (signed)
President
of the Republic of Slovenia

ACT
AMENDING THE PUBLIC INFORMATION ACCESS ACT (ZDIJZ-E)

Article 1

The second paragraph of Article 1 of the Public Information Access Act (UL RS 51/06 – official consolidated text, 117/06 -ZDavP-2, 23/14, 50/14 and 19/15 – Constitutional Court ruling) shall be amended to read:

"(2) This Act transposes into Slovenian legislation the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14. 2. 2003, p. 26), and Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31. 12. 2003, p. 90), last amended by Directive 2013/37/EU of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 27. 6. 2013, p. 1)."

Article 2

New fourth, fifth, sixth and seventh paragraphs shall be inserted after the third paragraph of Article 3a, reading:

“(4) The expression machine-readable form means that the data or metadata are structured such that software applications can easily identify, recognise and isolate certain data, including individual factual statements and their internal structure.

(5) The expression open data means that the data is in a file format whose structure is determined in agreed open standards adopted by a standards organisation and which can be used and implemented without technical limitations. Furthermore, it is freely accessible and available for use and distribution without restriction under the act governing copyright and related rights, except for a statement of authorship or source.

(6) The expression formal open standard means a standard that is publicly accessible, without limitations on use, which precisely defines the requirements for ensuring the interoperability of software, is set out in written form, and which is published by the ministry responsible for administration (hereinafter: the Ministry), on the national open data portal.

(7) The expression metadata means information that describes a database and services associated with the data and which enable its searching, recording and use.”

Article 3

The second paragraph of Article 4 shall be amended to read:

“(2) The archival material kept as part of the public archiving service of the relevant archive or is stored in its own storage pursuant to the act governing archives shall not be public sector information under this Act. The provisions of the act governing the protection of documentary and archival materials and archives shall apply to access to the archival materials referred to in the preceding paragraph, while the provisions of this Act shall apply to the re-use of those materials.”

Article 4

Article 5a shall be amended to read:

“Article 5a

(exceptions relating to procedures and protection of confidentiality of sources)

(1) The authority shall refuse the applicant access to the requested information or its re-use if the request relates to data whose access is prohibited by law or also restricted for parties, participants or injured parties in a judicial, administrative or supervisory procedure determined by law.

(2) The authority shall refuse the applicant access to the requested information or its re-use if the request relates to data that was obtained or compiled due to a supervisory procedure which pursuant to law is conducted by the Bank of Slovenia, the authority responsible for the supervision of the securities market or insurance supervision, or another supervisory authority specialising in financial supervision, if the supervisory procedure is still in progress. When the supervisory procedure is completed, the authority may also refuse access or re-use if the disclosure of the requested information would cause damage to a third party or if it would seriously threaten the carrying out of other statutory duties of the supervisory institution conducting the procedure.

(3) The authority shall refuse the applicant access to the requested information or its re-use if the request relates to data in regard to which the law stipulates the protection of the confidentiality of the source.”

Article 5

New Articles 6b and 6c shall be inserted after Article 6a, reading:

“Article 6b

(re-use of information in museums and libraries)

(1) Notwithstanding the provision of point 3 of the sixth paragraph of Article 6 of this Act, museums under the act governing cultural heritage (hereinafter: museums) and libraries under the act governing library science (hereinafter: libraries) shall be allowed to re-use public sector information to which no person holds intellectual property rights.

(2) When museums and libraries are themselves the holders of the intellectual property rights to requested public sector information, they shall allow its re-use if they themselves re-use that information or if they have allowed its re-use by at least one applicant.

(3) Disproportionate effort as referred to in the fourth paragraph of Article 5 of this Act shall be deemed to have been made primarily when public sector information undergoes a processing, restoration or digitisation procedure with respect to entire archives or large sets of materials or cannot be used due to damage to the original.

(4) The general provisions of this Act with regard to re-use shall apply to the re-use of public sector information by museums and libraries unless otherwise specified by this Act.

Article 6c

(re-use of archival materials)

(1) The provisions of this Act applying to the re-use of public sector information held by museums and libraries shall, unless otherwise specified by this Act, shall apply to the re-use of archival materials, if the request for re-use relates to archival materials:

- which are in accordance with the act governing archives which are freely accessible to the public,
- to which third parties do not hold intellectual property rights, and
- which are kept by an archive as part of the provision of a public service or which are under its own protection in accordance with the act governing archives (hereinafter: archival materials).

(2) Notwithstanding the provision of the sixth paragraph of Article 6 of this Act, the re-use of archival materials may be refused for the reasons set out in the preceding paragraph.”

Article 6

In Article 7 the words ‘the preceding Article’ shall be replaced by the words ‘Article 5a or Article 6 of this Act’.

Article 7

The second paragraph of Article 8 shall be deleted.

In the previous third paragraph, which becomes the second paragraph, the words 'first and second paragraph of this Article' shall be replaced by the words 'preceding paragraph'.

Article 8

Point 4 of the first paragraph of Article 10 shall be amended to read:

"4. documentation in the area of public contracts and public calls for applications for the allocation of funds, subsidies, loans and other forms of co-financing from the State or municipal budgets;"

The third paragraph shall be amended to read:

"(3) If there is a national designated portal for a certain area, authorities shall publish on that portal."

A new fifth paragraph shall be inserted after the fourth paragraph,

reading:

"(5) Upon the publication of a draft regulation or general act issued for the exercising of public authority (hereinafter: act), in order to ensure the transparency of the procedure of adopting the act the personal name and title of the external professional or name and address of the legal person that participated in the drafting of the act shall also be published on the internet."

Article 9

The third indent of the first paragraph of Article 10a shall be amended to read:

"– those commercial entities referred to in the first indent of the second paragraph of Article 1a of this Act, whose participating interest or management rights in entities subject to public law are individually or collectively 100 %."

The fourth paragraph shall be amended to read:

"(4) The authority responsible for public payments shall publish on the internet public sector information relating to transactions made by direct and indirect users of budgetary funds and registered establishments referred to in the first paragraph of this Article, with the exception of transactions crediting or debiting sub-accounts intended for the payment and allocation of taxes, contributions and other compulsory duties, as follows:

– date of transaction,

– amount and currency,

– account number, title or name and registered office of recipient, unless recipient is a natural person,

– if it is identifiable from the payment purpose code that the payment relates to donations, sponsorship, consultancy and other copyright or other intellectual services and the recipient is a natural person, the information from the payment transaction located in the field title and place of residence of recipient shall be published,

– purpose of payment."

In the sixth paragraph, the words 'of the invoice' shall be inserted after the word 'publication'.

The eleventh paragraph shall be amended to read:

"(11) Commercial entities under the controlling influence of entities subject to public law shall publish on the internet, via publication on their websites, public sector information referred to in the first paragraph of Article 6a of this Act relating to donations, sponsorship, consultancy and other copyright or other intellectual services, except for the amounts of the individual payments and the invoice of the legal person, within five days of the date of the concluding of the transaction. The information shall be accessible on the commercial entity's website for three years

after the concluding of the transaction. If a commercial entity has not concluded such transactions, it must publish information on its website stating that it has not concluded such transactions."

A new sentence shall be inserted at the end of the twelfth paragraph, to read:

"The information shall be permanently accessible on the commercial entity's website and upon the appearance of any change shall be updated within five days of the appearance of the change, except for information on the total amount of net paid earnings in the previous year, which shall be published no later than 15 February of the current year for the previous year."

A new thirteenth paragraph shall be inserted after the twelfth paragraph, to read:

"(13) The provisions of this Article shall not apply to the Slovenian Intelligence and Security Agency."

Article 10

A new Article 10b shall be inserted after Article 10a, to read:

"Article 10b (provision of open data for re-use)

(1) Authorities shall as a rule enable the re-use of public sector information through publication on the internet in open formats which take account of formal open standards, in machine-readable form, together with metadata, except when this would constitute disproportionate effort outside of a simple procedure.

(2) Authorities shall publish on the national portal of open public sector data (hereinafter: national portal) kept by the Ministry, a list of all databases in its sphere of competence together with metadata, and databases of open data or links to websites where databases of open data are published. The provisions set out in the preceding paragraph shall apply to the publication of databases of open data.

(3) The information published on the national portal may be re-used by anyone for gainful or other purposes free of charge, on the condition that:

– the re-use of information is conducted in accordance with the law governing personal data protection, and

– the source of the information, which is listed on the national portal of open data alongside re-usable data, is stated upon each re-use."

Article 11

In Article 11 the words 'point 7 of the first paragraph of the previous Article' shall be replaced by the words 'points 4 and 7 of the first paragraph of Article 10 of this Act'.

Article 12

The title of sub-chapter 1 shall be amended to read:

"1. Oral requests for access to or re-use of public sector information".

Article 13

In the first paragraph of Article 14 the words 'information set out in the first or sixth paragraph of Article 6' shall be replaced by the words 'protected data referred to in Article 5a or Article 6'.

A new fifth paragraph shall be inserted after the fourth paragraph, to read:

"(5) This Article shall not apply to the procedure for request for re-use of information by museums and libraries and archival materials."

Article 14

The title of sub-chapter 2 shall be amended to read:

"2. Written requests for access to or re-use of public sector information".

Article 15

In the first paragraph of Article 15, the words 'or its re-use' shall be inserted after the word 'information'.

Article 16

In the first paragraph of Article 16, the words 'or its re-use' shall be inserted after the word 'information'.

Article 17

In point 3 of the fourth paragraph of Article 17, the text '(gainful or non-gainful purpose)' shall be deleted.

Article 18

Article 22 shall be amended to read:

"Article 22

(decisions)

(1) If an authority approves a request for access, it shall not issue a separate decision, but shall make an official note thereof.

(2) If an authority refuses a request for access in part or in full, it shall issue a written decision thereon.

(3) Authorities shall decide on requests for re-use in a written decision. If the sole condition for re-use is the statement of the source, the authority shall merely make an official note, irrespective of the preceding paragraph.

(4) If the requested information is accessible on the internet and available for re-use in open format and in a machine-readable form, together with the published conditions for re-use, the authority shall refer the applicant to the appropriate place and make an official note thereof. Irrespective of the above, the applicant may request re-use under different conditions to those listed by the authority alongside the information.

(5) Decisions on refusal shall in addition to the other content also include an explanation of the reasons for the refusal of the request, and information on legal remedies.

(6) If the authority refuses a request in part or in full on the basis of point 2 of the sixth paragraph of Article 6 of this Act, it shall state in the decision the person that holds the intellectual property rights or at least state the person from whom the authority obtained its own scope of intellectual property rights.

(7) The previous paragraph shall not apply to museums, libraries and archives when they do not have such information at their disposal.

(8) If the authority fails to allow the applicant access to information or its re-use within the deadline set out in Article 23 of this Act, and if it also fails to issue and hand over a written decision to the applicant pursuant to the second or third paragraph of this Article, the request shall be deemed to have been refused."

Article 19

A new fifth paragraph shall be inserted after the fourth paragraph of Article 24, to read:

"(5) In the event of extraordinary circumstances referred to in the first paragraph of this Article, in decisions on re-use of public sector information, museums and libraries may set a deadline of up to 90 working days for communicating the required information."

Article 20

The second paragraph of Article 25 shall be amended to read:

"(2) If the required information is protected in accordance with the act governing copyright and related rights, and the holder of the rights is a third party, the authority shall, in cases referred to in the preceding paragraph make the information available to the applicant such that it is available solely for review. In cases of data referred to in the second indent of the third paragraph of Article 6 of this Act, irrespective of the preceding sentence, the authority shall provide access in accordance with the preceding paragraph."

Article 21

Article 26 shall be amended to read:

"The authority may refuse the applicant's request either in part or in full, if it establishes that the requested information or document constitutes an exception under Article 5 or 6 of this Act."

Article 22

In the second paragraph of Article 26a and the second paragraph of Article 27a, the words 'person authorised for access to

public sector information' shall be replaced by the words 'information commissioner'.

In Article 31, the fourth paragraph of Article 32 and the fifth paragraph of Article 36a, the words 'authorised agent' shall be replaced by the words 'information commissioner'.

Article 23

In the first paragraph of Article 27, the words 'refuse the request' shall be replaced by the words 'decide on the request for access or re-use'.

In the third, fifth and seventh paragraph, the words 'person authorised for access to public sector information' shall be replaced by the words 'information commissioner'.

A new seventh paragraph shall be inserted after the sixth paragraph, reading:

"(7) When the authority refuses a request for re-use of archival materials under the first indent of the first paragraph of Article 6c of this Act, no appeal against the information commissioner shall be permitted."

Article 24

The second paragraph of Article 34 shall be amended to read:

"(2) For providing copies, photocopies or electronic copies of the requested information, the authority may only charge the applicant material costs. For purposes of economy, the authority shall not charge material costs of providing information that do not exceed EUR 20 (including VAT)."

Article 25

Article 34a shall be amended to read:

"Article 34a

(price and other conditions regarding re-use of information)

(1) The authority may charge marginal costs for re-use of information, but shall not charge prices.

(2) Notwithstanding the previous paragraph, a price for re-use may be charged in the following cases:

- the authority, which must in accordance with the work plan or programme or financing in addition to budgetary funds either generate income to cover at least 30 percent of its costs related to the execution of its public duties, and
- libraries, museums and archives.

(3) In cases referred to in the preceding paragraph, prices shall be charged for the re-use of information which shall not exceed the costs of compiling, preparation, duplication and dissemination of information and a normal rate of return on the funds invested. Prices shall be cost-based and set within an ordinary accounting period and in accordance with the authority's prescribed accounting rules. The basis for calculation of the price is public sector information.

(4) Notwithstanding the previous paragraph, in cases referred to in the first indent of the second paragraph of this article, a price for re-use may be charged solely for gainful purposes. Gainful purposes shall be considered to be those whereby the applicant is a company or other commercial entity that carries out profitable activities on the market, the purpose of which is to generate profit, except when the information is re-used by media for purposes of provision of information.

(5) In the case referred to in the second indent of the second paragraph of this article, costs of storage and obtaining of rights to information or materials may be taken into account when calculating prices.

(6) Whether the authority may charge a price under the first indent of the second paragraph of this Article shall be decided by the Ministry for a period of two years, on the basis of a proposal which must be substantiated by numerical data in the adopted annual activities and financial plan and report. Appeals by the authority against the Ministry's decisions shall not be permissible, while an administrative dispute shall be permissible.

(7) Statement of source is a mandatory condition for the re-use of public sector information. Statement of source for museums and libraries shall constitute: name of authority and volume from which the information was taken, and for archival materials: name or signature of archive, and archival collection or collection from which the archival materials in question were taken.

(8) The authority may also lay down other conditions for re-use, if necessary:

- in order to ensure that the public sector information is correct and up to date,
- for the correct interpretation of the public sector information, or
- in order to provide feedback to users or the authority.

(9) Museums and libraries may also set special conditions with regard to the re-use of public sector information, if necessary in order to:

- ensure the comprehensiveness and authenticity of the materials,
- provide feedback to users or the authority,
- provide for the material security and storage of the materials, or
- ensure the quality of the digitisation of the materials.

(10) An official document from an administrative field under the act governing copyright and related rights shall be deemed to be the metadata of persons undertaking to re-use information. The metadata may be used freely and free of charge.

Article 26

In first paragraph of Article 35, the words 'person authorised for access to public sector information' shall be replaced by the words 'information commissioner', and the words 'or re-use' shall be inserted after the word 'access'.

Article 27

A new Article 36b shall be inserted after Article 36a, reading:

"Article 36b

(exclusive rights owing to digitisation of information of museums and libraries and archival materials)

(1) Museums, libraries and archives may for purposes of digitisation grant exclusive rights to the re-use of digitised materials, usually for a maximum of ten years. If due to specific needs for digitisation the duration of the exclusive right is longer than ten years, the necessity of such exclusive right shall be checked in the eleventh year, and every seven years thereafter, on which a separate decision shall be issued. Appeals may be lodged against the decision.

(2) Museums, libraries and archives may grant the exclusive rights referred to in the preceding paragraph on the basis of a public call for tenders, and priority shall be given to candidates which:

- provide free-of-charge or the most affordable access to digitised materials to end users, or
- exercise the right to exclusive re-use for a short period of time, or

- provide high-quality digital service in accordance with current standards, or
- satisfy additional conditions required for handling materials that are subject to digitisation.

(3) The holder of the exclusive right to re-use of the materials referred to in the first paragraph of this Article shall provide a copy of the digitised materials free of charge to the museum, library or archive that granted it the exclusive right. After the expiry of the exclusive right to re-use, this copy shall be available for re-use to any party, while before the expiry of the exclusive right it shall be available to the institution that granted the exclusive right, for the execution of its public duties. Despite the granting of an exclusive right, the institution that granted the right shall digitise at most 15 percent of the materials which are the subject of the agreement for purposes of the execution of public duties.”

Article 28

The third paragraph of Article 37 shall be amended to read:

“(3) The Government shall adopt a collective report on the implementation of this Act on the basis of reports received as referred to in the first paragraph of this Article once every two years, by 31 March, and send it to the National Assembly of the Republic of Slovenia for perusal.”

Article 29

The second indent of the third paragraph of Article 39 shall be amended to read:

“– if it fails to publish or regularly maintain a catalogue of public sector information referred to in Article 8 of this Act or fails to publish public sector information referred to in Article 10 of this Act on the internet;”

The words ‘referred to in the second paragraph of Article 26’ shall be deleted from the fourth indent of the third paragraph.

At the end of the fourth indent of the third paragraph a semicolon shall be inserted before the full stop and a new fifth indent shall be inserted, reading:

“– if it fails to publish the public sector information from the concluded agreement on the internet within the deadline referred to in the fifth paragraph of Article 10a of this Act”.

The fourth paragraph shall be amended to read:

“(4) A fine of EUR 800 shall be imposed on the responsible person of a commercial entity under the controlling influence of entities subject to public law who commits an offence referred to in the first or fifth indent of the preceding paragraph.”

A new fifth and sixth paragraph shall be inserted after the fourth paragraph, reading:

“(5) A fine of from EUR 400 to 800 shall be imposed for offences by the responsible person of a commercial entity under the controlling influence of entities subject to public law, if all of the public sector information referred to in the eleventh or twelfth paragraph of Article 10a of this Act is not published on the internet.

(6) A fine of EUR 200 shall be imposed for offences by the responsible person of a commercial entity under the controlling influence of entities subject to public law, if the contact information referred to in the second paragraph of Article 8 of this Act is not published on the internet.”

The current fifth and sixth paragraphs shall become the seventh and eighth paragraphs.

In current seventh paragraph, which becomes the ninth paragraph, the words ‘referred to in the preceding paragraph’ shall be replaced by the words ‘fifth or eighth paragraph of this Article’.

TRANSITIONAL AND FINAL PROVISIONS

Article 30

(1) Notwithstanding the amended Article 34a of the Act, two years after the entry into force of this Act the price for re-use of records or databases in connection with which the authority generates sufficient revenues to cover a substantial part of the costs of their compiling, preparation, copying and dissemination, can be calculated as follows:

- for records and databases of meteorological and hydrological data and data on air, water and soil quality, as follows: meteorological, hydrological and phenological point data and data on air quality, time and elevation data above Ljubljana acquired using radiosonde measurements, weather radar for the territory of Slovenia, chemical data on water and soil quality and biological data on water quality,
- for numerical results of weather analyses and very short-term forecasts, and numerical results of meteorological chain models,
- for spatial planning records and databases, as follows: a database on the national spatial coordinate system and a database on remote sensing and real estate records.

(2) The provisions of the third and fourth paragraph of Article 34a of this Act shall apply to the calculation of the price for re-use of records referred to in the preceding paragraph.

Article 31

(1) The exclusive rights granted by libraries, museums or archives, which were in existence on 17 July 2013 and were not granted for purposes of digitisation of materials, shall cease to be in effect after the expiry of the agreement, and in all cases no later than ten years after the entry into force of this Act.

(2) The exclusive rights granted by libraries, museums or archives, which were in existence on 17 July 2013 and which were granted for purposes of digitisation of materials, shall cease to be in effect after the expiry of the agreement. If the agreement on exclusive rights stipulates a duration of the exclusive rights for a period of more than ten years after the entry into force of this Act, the first paragraph of Article 36b of the Act shall apply thereto.

Article 32

The Government shall harmonise the Decree on communication and re-use of information of public character (UL RS 76/05, 119/07 and 95/11) with the amended provisions of the Act within one month of the entry into force of this Act.

Article 33

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia, and shall begin to be applied four months after entering into force. Until that time the provisions of the Public Information Access Act (UL RS 51/06 – official consolidated text, 117/06 – ZDavP-2

23/14, 50/14 and 19/15 – Constitutional Court ruling) shall apply.

(2) The fourth indent of the fourth paragraph of Article 10a of the Act shall begin to be applied after the obtaining of a new payment purpose code, which shall be approved by the European Payments Council and includes: donators', sponsors', consultants' and other copyright or other intellectual services, and after the putting into place of an information system for using the new code to make payment transactions. The date of the beginning of the application of this provision shall be published in the Official Gazette of the Republic of Slovenia by the minister responsible for finance.

No 010-01/15-19/23
Ljubljana, 15 December 2015
EPA 734-VII

National Assembly
of the Republic of Slovenia
Dr Milan Brglez (signed)
President

4087. Act Amending the Pension and Disability Insurance Act (ZPIZ-2B)

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue the following

ORDER
promulgating the Act Amending the Pension and Disability Insurance Act (ZPIZ-2B)

I hereby promulgate the Act Amending the Pension and Disability Insurance Act (ZPIZ-2B), which was adopted by the National Assembly of the Republic of Slovenia at its session of 15 December 2015.

No 003-02-10/2015-5
Ljubljana, 23 December 2015

Borut Pahor (signed)
President
of the Republic of Slovenia