

EMPLOYMENT AND WORK OF ALIENS ACT

official consolidated text

(ZZDT-UPB1)

CHAPTER I

GENERAL PROVISIONS

Article 1

Contents of the Act

(1) This Act shall set out the conditions under which aliens may be employed or work in the Republic of Slovenia, unless otherwise determined by international agreements.

(2) An alien shall be deemed to be employed in the Republic of Slovenia when, on the basis of a contract of employment, he enters into an employment relationship with an employer that has a head office or residence in the Republic of Slovenia, or when he acquires the status of a self-employed person in accordance with this Act.

(3) Services provided by aliens and other forms of work performed by aliens on the basis of work contracts or other civil law contracts which are carried out in the territory of the Republic of Slovenia for a limited period of time shall be deemed to be work performed by aliens in accordance with this Act.

Article 2

Definition of terms

For the purposes of this Act, the terms below shall have the following meanings:

An alien is a person who is not a citizen of the Republic of Slovenia.

A refugee is a person who has been granted the right to asylum in accordance with the law governing asylum.

A stateless person is an alien who has not been recognised as a citizen of any country in accordance with legal acts.

An asylum seeker is a person who has a status of asylum seeker in accordance with the law governing asylum.

A person enjoying temporary protection is a person who has been granted temporary protection in accordance with the law governing temporary protection of displaced persons.

An employer is a legal or natural person registered to perform an activity, and other entities specified by the law governing labour relations that employ a natural person on the basis of a contract of employment.

A worker is a natural person who has, on the basis of a contract of employment, entered into an employment relationship with an employer and who, on the basis thereof, has been provided with compulsory social insurance by the employer.

Seasonal labour is a form of temporary work subject to the rotation of the seasons.

A migrant worker is a worker with permanent residence in another country who is employed or performs work in the Republic of Slovenia and who returns to his place of permanent residence at least once a week.

A self-employed person is a natural person who gains livelihood via independent work performed on the basis of entry in an appropriate legally prescribed register and who is obliged to pay social insurance contributions, or who signs up to such insurance.

A representative is a natural person who is, in accordance with the law or with acts issued by a legal person or a sole proprietor, authorised to represent a legal person or a sole proprietor and who is entered in an appropriate register.

A seconded worker is a natural person who has entered into an employment relationship with a foreign employer during the provision of a contractual service in the territory of the Republic of Slovenia and for whom the employer pays social insurance contributions.

A foreign company is a natural or legal person performing a for-profit activity and having a residence or head office outside the Republic of Slovenia.

Market presence: in accordance with this Act, a foreign company shall be deemed to have market presence in the country when it has a subsidiary or other organisational form of business operations in the territory of the Republic of Slovenia registered in accordance with the regulations of the Republic of Slovenia, or when it has a commercial company in which it has a minimum of 50 per cent ownership share.

The movement of persons within companies: shall mean the temporary reassignment of natural persons working for a foreign legal person with its principal place of business outside the Republic of Slovenia to this legal person's organisational unit registered in the Republic of Slovenia.

Cross-border services are services provided in the territory of the Republic of Slovenia by a foreign company on the basis of a contract concluded with a domestic legal person.

A business visitor is an alien natural person who resides in the Republic of Slovenia without generating income in the Republic of Slovenia or directly performing public sales or providing services, but who just participates in business meetings, establishes business contacts, including negotiations regarding the provision of services or similar activities and including those services and activities which relate to a foreign company's preparation for establishing a market presence in the Republic of Slovenia. These types of activity may be carried out in the Republic of Slovenia for a limited period of ninety days within six months, counting from the day of the first entry.

Article 3

Applicability of the Act

(1) The provisions of this Act shall apply to all aliens, unless otherwise determined by this Act or an international agreement.

(2) The provisions of this Act shall not apply to:

1. aliens who, in accordance with international law, are entitled to privileges and immunity and are in possession of a special document issued by or registered with the ministry responsible for foreign affairs;
2. aliens who provide services in the country on the basis of appropriate bilateral or multilateral agreements or agreements with the European Union or international organisations on professional technical assistance, education, advanced education or research, or who provide services as part of projects organised in accordance with the aforesaid agreements and who are registered with the ministry responsible for science and technology or the ministry responsible for education and sport;
3. aliens who are as reporters for foreign media or foreign correspondents

accredited in the Republic of Slovenia;

4. aliens who perform clerical jobs within established religious communities, and aliens who organise or run charitable and humanitarian activities within registered organisations and religious communities;
5. aliens who, on the basis of a contract concluded with the ministry responsible for defence or the ministry responsible for internal affairs, provide services for the needs of national defence and security, and persons who are undertaking advanced professional training in these areas;
6. aliens who are members of ship or aircraft crews, or aliens employed by road and rail transport companies whose head offices are registered abroad;
7. aliens who are in accordance with the law entered in the court register of the Republic of Slovenia as founders, partners and members of supervisory boards of companies but who are not representatives;
8. business visitors;
9. aliens and their accompanying technical staff who, as lecturers, participate in organised professional meetings, who give presentations of scientific achievements, or who occasionally participate in their implementation;
10. aliens who have been granted the status of apprentice, secondary-school or university students by the Republic of Slovenia and who, on the basis thereof, perform apprenticeship or student work, and aliens who perform apprenticeship or student work on the basis of agreements on university student or secondary school student exchange;
11. aliens who non-profitably perform work within organised youth camps and other forms of temporary participation of young people at international level organised by authorised organisations, schools, institutions, ministries or local communities;
12. aliens who themselves provide creative services in the area of culture as participants of cultural workshops, meetings, colonies and other cultural events, or as reporters of these events; as creators and re-creators in the area of music, musical performance, dance, ballet, the literary arts, photography, video, film and electronic media art; as accompanying instructing, reporting, organisational and technical staff; and as experts in the area of cultural heritage preservation, library science, archive science and creative culture.

In the event of doubt regarding the creative services in the area of culture referred to in the preceding paragraph, the minister responsible for culture shall give his opinion;

13. aliens who take part in sports and chess competitions.

(3) The provisions of this Act shall not apply to citizens of EU Member States if an international agreement provides for reciprocity in terms of free access to the labour market, employment and the free flow of services provided by seconded workers, and in relation to other forms of work which are subject to this Act.

Article 4

Basic provisions

(1) The National Assembly of the Republic of Slovenia shall issue a resolution on migration policy laying down the foundations of the policy regarding the employment of and work by aliens, which shall be implemented in accordance with this Act and

with bilateral and multilateral international agreements.

(2) In accordance with its adopted policy on the employment and work of aliens, the Government of the Republic of Slovenia (hereinafter referred to as the Government) shall conclude international agreements setting out the conditions for the movement of workers and the flow of services between countries signatories to the agreement, and shall adopt measures to protect the domestic labour market as determined by this Act.

(3) Aliens who are subject to the provisions of this Act may be employed or work in the Republic of Slovenia on condition that they are in possession of a work permit and that the person obliged to register their work has registered it as work of aliens in accordance with the provisions of this Act. In specific cases set out in this Act, work carried out by aliens on the basis of a work registration certificate shall be permitted in exceptional circumstances.

(4) The work registration certificate on a prescribed form shall be a document certifying the legality of work by aliens in the country.

(5) A contract of employment or a work contract concluded between an employer and an alien who is not in possession of a work permit shall be deemed to be null and void.

(6) In the Republic of Slovenia aliens may only perform work for which they have been issued a work permit.

(7) An employer may not transfer financial liabilities to aliens relating to the acquisition of work permits or the regulation of labour relations; in accordance with this Act and other regulations, these are determined to be costs that must be covered by the employer.

(8) An employer that, in accordance with the regulations governing employment and insurance against unemployment, has been granted permission to perform the activity of assigning workers to other employers – users on the basis of a concession contract, may not conclude a contract of employment with aliens who are not in possession of a personal work permit valid for an indefinite period of time.

(9) If the employer is a natural person with residence in the Republic of Slovenia who is not registered to perform an activity, he may employ alien natural persons or conclude a contract of work with them only if the alien is already in possession of a permit for residence in the country, granted on the basis of other regulations. This provision shall not apply to natural persons who are owners or lessees of farms or forests or agricultural land and who may hire, for seasonal labour in agriculture, aliens who are not yet in possession of a permit for residence in the country.

(10) A foreign employer that engages seconded workers for the provision of crossborder services in the Republic of Slovenia shall be under obligation to observe Slovenian labour-law legislation during the provision of services in the country.

(11) While concluding contracts with foreign contractual partners, which involve work carried out by aliens, legal persons established in the Republic of Slovenia shall be under obligation to observe the provisions of this Act regarding the conditions that aliens must fulfil in order to be issued with a work permit.

CHAPTER II

RESTRICTION OF THE NUMBER OF ALIENS ON THE LABOUR MARKET

Article 5

Determination of the highest permissible number of aliens

(1) In accordance with its migration policy and taking into account the conditions and fluctuations in the labour market, the Government shall annually determine the quota of work permits (hereinafter referred to as quota) through which it shall restrict the number of aliens on the labour market.

(2) The quota shall be proposed to the Government by the minister responsible for labour, in agreement with other ministers responsible for individual areas of activity, subject to prior acquisition of opinions from the competent chambers and representative trade unions at the national level.

(3) The quota shall not include aliens who, on the basis of an agreement with the European Union, have been granted equality with citizens of the Republic of Slovenia, nor shall it include aliens for whom this Act does not prescribe that they must obtain a work permit, aliens in possession of a personal work permit, representatives and seconded alien workers undergoing further training courses.

(4) The quota shall be divided into groups of permits for the following purposes:

1. the employment of aliens in the Republic of Slovenia;
2. aliens seconded to the Republic of Slovenia;
3. training and advanced training;
4. seasonal labour of aliens;
5. individual services provided by aliens.

(5) The quota referred to in the first paragraph of this Article may annually not exceed five per cent of the actively working population of the Republic of Slovenia according to data provided by the Statistical Office.

(6) The quota referred to in the first paragraph of this Article shall also include quotas for permits which the Republic of Slovenia agrees upon in international agreements with countries whose citizens do not enjoy equal status with citizens of the Republic of Slovenia.

(7) The Government may, in addition to the overall quota of permits for the employment and work of aliens, set restrictions on and prohibitions of the employment and work of aliens by region, area of activity, company and job. It may also set restrictions on and prohibitions of the influx of new alien workers in its entirety or from specific regions, if there are well-founded reasons that this is in the public interest or in the general commercial interest.

(8) The following may be reasons for adopting the measures specified in the preceding paragraph:

1. the adoption of an international agreement on the basis of which the requirements for employing alien workers are reduced;
2. rising unemployment trends;
3. a reduction in the need for alien workers resulting from active employment policy programmes;
4. an assessment that the alien concerned will not be able to return to his home country after the validity of his work permit expires;
5. requests made by a competent chamber or a representative trade union at the national level, supported by evidence of jobs lost in individual sectors.

(9) The Government may also adopt special measures to restrict the number of

self-employed aliens by individual area of activity if an increase in the number of selfemployed

aliens results in domestic unemployment growth within the area of activity.

(10) An initiative for adopting the measures referred to in the preceding paragraph may be put forward by the responsible minister, a professional association, a responsible chamber or representative trade union at the national level.

(11) Individual upward deviations from the annually determined quota during the year shall be permissible in exceptional cases if the Government determines that this is in the public commercial interest. If this is the case, the Government shall determine the scope and duration of this type of deviation at the proposal of the competent chamber, in agreement with the representative trade unions at the national level, the ministry responsible for labour and the ministry responsible for the area of activity within which the exception has been proposed.

(12) The Government may determine that in specific cases involving international tenders, work permits should be issued outside the quota without checking the situation on the labour market. In these cases the Government shall determine the number of alien workers and other necessary conditions in accordance with this Act.

(13) Bodies that decide on the registration of aliens to perform independent professional or other for-profit activities carried out on the basis of a sole proprietor status shall be in adopting their decisions on the registration of aliens in appropriate registers under obligation to take into account the restrictions and measures adopted by the Government.

Article 6

Determination of priorities

(1) The quota determined by the Government for individual purposes shall be divided according to the following priorities:

1. valid work permits;
2. work permits issued on the basis of international agreements which include the already agreed-upon quotas;
3. new work permits.

(2) The following categories of aliens shall enjoy priority in the issuing of new work permits:

1. aliens who are issued with a work permit irrespective of the situation and conditions on the labour market;
2. immediate family members of Slovenian citizens and of aliens who are in possession of a permit for residence in the Republic of Slovenia;
3. aliens who have acquired professional education in the area of jobs for which there is a shortage of workers;
4. migrant workers from neighbouring countries.

Article 7

Prohibition of new employment or work

(1) New alien employment or work shall not be permissible when it has negative effects on the restructuring of the economy and the employment rate.

(2) In accordance with the preceding paragraph, applications for the issue of work permits filed by employers established in the Republic of Slovenia shall be rejected in the following cases:

1. if an employer, prior to submitting an application for a work permit for an alien in accordance with the law governing labour relations, submitted written notification to the Employment Service of the Republic of Slovenia (hereinafter referred to as Employment Service) that a larger number of workers were no longer required;
2. if six months prior to submitting an application for a work permit for an alien, an employer dismissed workers employed for an indefinite period of time;
3. if an employer refused to employ an unemployed person who fulfilled the required conditions published at the Employment Service;
4. if, in the three years prior to submitting an application for the issue of a work permit, a penalty was imposed on an employer for committing an offence specified in the provisions of this Act, or for committing an offence specified in the regulations governing the prevention of illegal work and illegal employment;
5. if an employer disclosed negative business results for the previous year, if the wages received by its workers were below the level determined by the collective agreement for the relevant sector, if it violated labour law legislation in some other manner, or if it failed to settle its liabilities in the form of taxes and contributions;
6. if an employer, as a newly-founded company or sole proprietor, cannot disclose positive results for the previous year;
7. if an employer, as a company or sole proprietor, received within one year prior to submitting an application for a work permit for an alien state funding from the state budget in order to preserve productive jobs.

(3) The restrictions specified in the preceding paragraph, with the exception of the cases specified in point 4, shall exclude the employment of experts who have at least college education, the employer's relatives in a direct line, and workers who have specific professions and knowledge, which cannot be obtained in the country through education and training.

CHAPTER III

WORK PERMITS

Article 8

General provisions

- (1) A work permit is a document on the basis of which a domestic or foreign employer concludes a contract of employment or work or performs other work with an alien in accordance with the provisions of this Act.
- (2) A work permit shall be issued as a personal work permit, an employment permit or a permit for work.
- (3) A personal work permit shall be issued for a fixed or indefinite period of time.
- (4) An employment permit shall, as a rule, be issued for a period of one year, unless otherwise determined by this Act.
- (5) A permit for work shall be issued subject to different time restrictions, depending on the purpose for which it is issued.
- (6) A work permit shall, as a rule, be issued on the basis of an application submitted by an employer, unless otherwise determined by this Act.
- (7) An alien may be issued with only one work permit for the same period of time.
- (8) An alien's work permit shall be seized and annulled if:
 1. the alien's permit for temporary or permanent residence has expired;
 2. the alien is absent from the Republic of Slovenia for an uninterrupted period

exceeding six months, except in cases where he/she is seconded by order of the employer to a foreign country, or if he/she is absent due to education, disease, maternity leave, or childcare leave;

3. the alien performs work other than that for which the work permit was issued. Point 2 of this paragraph shall not apply to aliens in possession of a personal work permit valid for an indefinite period of time.

(9) The minister responsible for labour shall prescribe the procedures and evidence required for deciding on the granting of work permits, and the form and content of individual types of work permit.

(10) An application for a work permit needs to be accompanied with the applicant's statement to the effect that no penalty has been imposed on him for committing an offence in accordance with this Act and that he/she has not received state funding from the state budget for the preservation of productive jobs.

(11) In the event that an employer fails for any reason whatsoever to conclude a labour or contractual relation or terminates the labour or contractual relation with an alien prior to the expiry of validity of the work permit, it shall be under obligation to return the work permit to the body that issued the permit. The same obligation shall apply to self-employed persons if they cease to perform their activity prior to the expiry of validity of the permit.

Article 9

Competent bodies

(1) Procedures relating to the issuing of work permits, the termination of validity and the seizure of work permits and procedures relating to the issuing of certificates prescribed by this Act shall be carried out by the Employment Service in accordance with the General Administrative Procedure Act.

(2) Appeals against decisions and measures issued in the first instance by the Employment Service shall be decided on by the ministry responsible for labour.

(3) Procedures relating to conditions for the registration or deletion from the register of an alien who is performing a registered professional or other commercial activity independently shall be carried out by bodies and competent chambers as laid down in specific acts.

Article 10

Personal work permits

(1) A personal work permit shall be a renewable or permanent form of work permit, which, during its period of validity, provides the alien with free access to the labour market, except in cases where the personal work permit has been issued for a period of validity of one year.

(2) An application for a personal work permit may be filed by aliens fulfilling the conditions specified in this Act and by refugees.

(3) A personal work permit shall be issued for a period of time specified in this Act, irrespective of the situation and conditions on the labour market. Aliens who are in possession of a personal work permit valid for a period of three years or an indefinite period of time and aliens in possession of a personal work permit issued to a person enjoying temporary protection or a person having the status of asylum seeker, may be entered in the register of unemployed persons.

(4) An alien who intends to establish or co-establish a private commercial

company in accordance with the law governing commercial companies and represent the company on the basis of freedom of establishment, an alien who intends to perform his activity as a sole proprietor or an alien who intends to perform a professional activity independently, must obtain a personal work permit for selfemployment

which shall be issued for representing the company, performing the activity as a sole proprietor or for performing a professional business activity independently in accordance with this Act. The permit shall be valid one year as from the date of its acquisition.

(5) A personal work permit valid for a period of one year issued for representing a private company or for performing an activity as a sole proprietor, may be obtained by an alien who represents a private company or a sole proprietor who fulfils one of the following conditions:

1. if the alien or his direct descendants up to three times removed are Slovenian emigrants,
2. if the alien is a migrant worker on a daily basis from a neighbouring country,
3. if the alien is in possession of a residence permit and if, prior to submitting an application for a personal work permit, the alien resided in the Republic of Slovenia uninterruptedly for at least one year on the basis of a residence permit. The condition of a one-year uninterrupted residence shall not be fulfilled, if the permit for residence has been issued on the basis of a work permit for seasonal labour, for the provision of cross-border services by seconded workers or appointed workers or for training and advanced training.

(6) A personal work permit valid for a period of one year issued to perform an activity independently as a sole proprietor, may be obtained by an alien entered in the appropriate register laid down by law.

(7) A personal work permit referred to in the fifth and sixth paragraph of this Article may be re-obtained if the alien can prove to have performed his business during the time of validity of the previous work permit and if he has not had a penalty imposed on him for committing an offence in accordance with this Act during that time.

(8) An application for a personal work permit valid for a period of three years may be submitted by:

1. a Slovenian citizen's immediate family member who has been in possession of a valid permit for temporary residence for the period of at least two years if, prior to submitting an application, he had resided in the Republic of Slovenia on the basis of a permit for temporary residence for at least three years;
2. an immediate family member of an alien who is in possession of a personal work permit valid for an indefinite period of time and who has been in possession of a permit for temporary residence for at least two years if, prior to submitting an application, he had resided in the Republic of Slovenia on the basis of a permit for temporary residence for at least three years;
3. a Slovenian emigrant, or his direct descendant up to three times removed, who is not in possession of Slovenian citizenship;
4. a self-employed alien who has been self-employed in the Republic of Slovenia uninterruptedly for three years and who, during that time, has not had a penalty imposed on him for committing an offence specified in the provisions of this Act.

(9) Immediate family members of a Slovenian citizen shall be deemed to be:

1. spouses,
2. unmarried children up to the age of 21,
3. unmarried children of the spouse up to the age of 21,
4. unmarried children over 21 years of age and their parents, whom a Slovenian citizen is liable to maintain in accordance with the law of the state of which he/she is a national;
5. unmarried children over 21 years of age and parents of the spouse whom the spouse of the Slovenian citizen is liable to maintain in accordance with the law of the state of which he/she is a national;
6. parents of a Slovenian citizen up to 21 years of age.

Under this Act, immediate family members of a Slovenian citizen shall be deemed to be also other relatives to whom an authority in charge of issuing a residence permit has issued a permit for residence in the Republic of Slovenia for the purpose of family reunion.

(10) Immediate family members of an alien shall be deemed to be:

1. spouses,
2. unmarried minors of the alien,
3. unmarried minors of the spouse,
4. parents of a minor alien;
5. adult unmarried children and parents of an alien or spouse, whom an alien or spouse is liable to maintain in accordance with the law of the state of which he/she is a national.

Under this Act, immediate family members of an alien shall be deemed to be also other relatives to whom an authority in charge of issuing a residence permit has issued a permit for residence in the Republic of Slovenia for the purpose of family reunion.

(11) A personal work permit valid for a period of three years may be reissued to an alien for the same period if:

1. the alien under point 1, 2 or 3 of the eighth paragraph of this Article fulfils the same conditions as for the first application,
2. the alien under point 4 of the eighth paragraph of this Article during the time of validity of the previous permit did not have a penalty imposed on him in accordance with this Act.

(12) An application for a personal work permit valid for an indefinite period of time may be submitted by an alien in possession of a permit for permanent residence in the Republic of Slovenia and a refugee.

(13) An application for a personal work permit may be submitted by an asylum seeker and a person enjoying temporary protection. An asylum seeker shall be issued with a personal work permit one year after he has submitted an application for asylum and for no longer than three months with the possibility of extension. A person enjoying temporary protection shall be issued with a personal work permit for the period of validity of the status of a person enjoying temporary protection.

(14) A personal work permit shall cease to be valid:

1. if, once it expires, the conditions for renewing the permit are not in place;
2. if the alien renounces his/her personal work permit,

3. if the alien is granted citizenship of the Republic of Slovenia;

4. in the event of the alien's death.

(15) Persons under obligation to register the commencement and termination of work performed by aliens shall be employers that conclude an employment relationship with an alien or aliens themselves if they are self-employed.

Article 11

Employment permit

(1) An employment permit is a form of work permit related to the permanent employment needs of employers on the basis of systemised work positions. An alien in possession of this type of permit may only be employed by an employer who has submitted an application for his work permit.

(2) An employment permit may only be issued on the basis of an application submitted by an employer if the following conditions are fulfilled:

1. the employer fulfils the legally prescribed conditions;
2. the quota applying to this form of employment has not been filled;
3. the alien's employment has no negative effects on the labour market, in particular with respect to the domestic unemployment situation, employment structure or regional needs for creating new jobs within the industries;
4. in the two years prior to the submission of an application for a work permit the alien has not had a penalty imposed on him for committing an offence in accordance with this Act. This provision shall not apply to an alien who has lost the status of a self-employed person.

(3) In accordance with the provisions of the preceding paragraph, an employment permit shall, as a rule, be issued on condition that, for the relevant job, there are no domestic job-seekers or persons who, with regard to employment rights, enjoy equal status with the citizens of the Republic of Slovenia entered in the records of the Employment Service, and taking into account the priorities determined in Article 6 of this Act.

(4) The minister responsible for labour shall issue an executive regulation laying down the cases where the employment of aliens shall not be linked to the labour market because of the nature of the work involved (e.g. athletes, cultural workers, scientists, editors, staff at diplomatic representative offices who do not have a privileged status, etc.) and where permits for employment shall be issued regardless of the conditions referred to in the preceding paragraph.

(5) When employment has no seasonal character pursuant to the provisions of this Act, an employment permit shall be issued for the period of time specified by the employer in the application. This period may not, however, exceed one year, unless otherwise determined by this Act.

(6) After its validity expires, an employment permit may not be renewed, except in the event of first employment of an alien, when the permit is issued with a four-month restriction; after the expiry of this period the permit shall be renewed for up to one year without checking the conditions specified in the third paragraph of this Article if neither the employer nor the alien have violated the provisions of this Act during that time.

(7) First employment of an alien in the country shall be deemed to be the employment of an alien who is not in possession of a permit for residence in the

country. In the case of migrant workers, first employment shall be deemed to be a case where the alien upon submission of the application is not in possession of a valid work permit.

(8) Prior to the expiry of validity of an employment permit, an employer may reapply for a permit under the conditions determined by this Act.

(9) In the event that the Employment Service determines that, within a two-year period, it will not be possible to eliminate the shortage in specific professional profiles of workers on the labour market, it may exceptionally issue a work permit for a period of two years on condition that the application for a permit is submitted by the same employer with which the alien has been employed uninterruptedly for at least one year.

(10) Immediate family members of Slovenian citizens or of aliens in possession of a work permit shall be issued with an employment permit for the period of validity of their residence permits.

(11) An employment permit shall be issued as part of the quota determined for the employment of aliens in the Republic of Slovenia.

(12) Persons under obligation to register the commencement and termination of work performed by aliens under the provisions of this Act shall be employers that conclude an employment relationship with an alien.

(13) An employment permit shall cease to be valid:

1. when the period of time for which the permit was issued expires;
2. when the employment relationship terminates;
3. if the alien is granted citizenship of the Republic of Slovenia;
4. in the event of the alien's death.

Article 12

Permits for work

(1) A permit for work is a type of work permit with a previously determined time limit on the basis of which an alien may be employed or may work temporarily in the Republic of Slovenia in accordance with the purpose for which the permit was issued.

(2) In terms of purpose, a permit for work shall be related to:

1. work performed by seconded alien workers;
2. training and advanced training of aliens;
3. seasonal labour of aliens;
4. work performed by alien representatives;
5. individual services provided by aliens.

(3) An alien shall be issued with a permit for work on the basis of an application submitted by an employer or other legal person specified in this Act.

(4) A permit for work shall be issued within the quota determined for an individual purpose without checking the situation and conditions on the labour market.

(5) After the validity of a permit for work expires, an alien may not be issued with an employment permit or a personal work permit without an interim termination of work in the country, except in cases determined by law.

(6) After the validity of a permit for work expires, the permit for work may only be renewed in exceptional circumstances in accordance with the provisions of this Act.

(7) Persons under obligation to register the commencement and termination of

work performed by aliens in possession of a permit for work shall be their employers, unless otherwise determined by this Act.

(8) The validity of a permit for work shall expire:

1. when the period of time for which the permit was issued expires;
2. upon the termination of the employment relationship or the contract of work;
3. in the event of the alien's death.

CHAPTER IV

CROSS-BORDER PROVISION OF SERVICES BY FOREIGN COMPANIES VIA SECONDED WORKERS

Article 13

Conditions for cross-border provision of services

(1) In the Republic of Slovenia, cross-border services may be provided by foreign companies via seconded workers, when the conditions specified by this Act and other regulations are fulfilled.

(2) The provision of cross-border services via seconded workers shall not be permitted when market presence of foreign companies is required in accordance with international agreements or the regulations of the Republic of Slovenia.

(3) The provider of a foreign service in the Republic of Slovenia may be a foreign company providing the services in its own name and for its own account on the basis of a contract concluded with a client from the Republic of Slovenia for whom the services are intended.

(4) A foreign company may perform services via seconded workers, who have been employed with the foreign company for at least one year. An individual seconded worker may be issued with a permit for work several times, but for a maximum of three months in one calendar year. In case the contract provision is extended due to objective reasons, the permit for work may be renewed for a period of no more than one month.

(5) A permit for work of an alien shall be issued on the basis of an application submitted by a foreign employer – provider of services. In accordance with this Act, the service provider shall be under obligation to register work performed by aliens. A permit for work shall be issued as a part of the quota of work permits for seconded alien workers if in the last three years prior to submitting the application for a work permit, the foreign employer or alien did not have a penalty imposed on them for committing an offence in accordance with this Act.

(6) A foreign employer may apply for a permit for work for seconded workers if it fulfils all the legally prescribed conditions for performing an activity and submits a written statement to the effect that, during the provision of services in the territory of the Republic of Slovenia, it shall ensure that the labour law conditions set out in Slovenian legislation are fulfilled.

(7) In accordance with the provision of the preceding paragraph, a foreign employer shall be under obligation to provide seconded workers with the minimum rights governing working hours, breaks and rest periods, night work, minimum annual leave, wages, health and safety at work and the special protection of workers, set out in legal provisions and in the collective agreement with general validity, or in the branch collective agreement if this is more favourable for the worker.

(8) More detailed instructions regarding the checking of the fulfilment of conditions

specified in the sixth and seventh paragraph of this Article shall be prescribed by the minister responsible for labour, in agreement with the minister responsible for foreign economic cooperation or the minister responsible for the area of the relevant activity.

(9) An individual contract referred to in the third paragraph of this Article may be implemented for no longer than three months. The implementation of a contract may be extended under exceptional circumstances if the provider and client produce evidence that for well-founded reasons (force majeure, delay in the implementation of works related to works specified in the contract, etc.) the contract could not be implemented in the period of three months.

(10) In exceptional cases, when the service is of special importance for the country and the client is a state administration body, any other state authority or local government body or a holder of public authority, the service may be performed for a longer period of time as laid down in the previous paragraph. Prior to the submission of the application for a work permit the client must obtain on the basis of a well-founded explanation a written consent from the ministry responsible for labour that shall in agreement with the ministry, responsible for the area of the relevant activity, decide on the justification of the extension of period for the service provision and shall lay down the period for the service provision as well as the number of seconded workers – service providers.

(11) The minister responsible for labour may, where reciprocity (actual reciprocity) is not in place, prohibit or restrict cross-border provision of foreign services via seconded workers on the basis of an opinion obtained beforehand from the minister responsible for foreign economic cooperation or the minister responsible for the area of the relevant activity, the competent chamber and trade unions at the national level if the further provision of services may have negative effects on the employment situation or the possibility of domestic providers competing on foreign markets, or if it may have other harmful effects on the labour market.

(12) Reciprocity shall be assumed to exist until evidence to the contrary is produced; in case of doubt, it shall be subject to the opinion of the minister responsible for labour.

Article 14

Exceptions

(1) The services specified in the preceding Article may exceptionally be provided without work permits in cases set out in this Act.

(2) In the cases referred to in the preceding paragraph, the person under obligation to register the commencement and termination of work performed by aliens shall be the client of the service established in the Republic of Slovenia.

Article 14a

Seconded alien workers undergoing further training courses in Slovenian companies

(1) Further training courses for seconded alien workers may be performed if a Slovenian company has an equity relationship with a foreign company or in case of business-technical cooperation or technology transfer between the companies.

(2) Further training courses for seconded alien workers shall be performed in a company established in the Republic of Slovenia on the basis of a further training course contract signed between the Slovenian and foreign company.

(3) The further training course contract must contain provisions relating to the seconded workers' payment, accommodation and food as well as the further training course programme confirmed by the Chamber of Commerce and Industry or the Chamber of Craft of the Republic of Slovenia.

(4) A Slovenian company shall be under obligation to provide seconded workers with the minimum rights governing working hours, breaks and rest periods, night work, health and safety at work and the special protection of workers set out in the provisions of the law regulating labour relations and in the collective agreement with general validity.

(5) A foreign company may post an individual worker to further training courses several times, but for a maximum of three months in a two-year period.

(6) The work permit for seconded workers referred to in the first paragraph of this Article shall be issued on the basis of an application submitted by a foreign company which is under obligation to register the work of an alien in accordance with the provisions of this Act.

(7) During the further training course, suitable health insurance must be provided to the seconded alien worker in accordance with the regulations of the Republic of Slovenia.

(8) The Minister responsible for labour shall in agreement with the minister responsible for economic affairs lay down detailed criteria for the required equity relationship, the type of business-technical cooperation and technology transfer respectively; conditions to be fulfilled in the contract referred to in the third paragraph relating to the programme of further training courses as well as the criteria for the consent to be given by the Chamber of Commerce and Industry and the Chamber of Craft of the Republic of Slovenia under this Act.

Article 14b

Seconded alien workers performing further training courses for Slovenian workers in Slovenian companies

(1) Further training courses for Slovenian workers in a Slovenian company may be performed by seconded alien workers if the Slovenian company has an equity relationship with a foreign company or in case of business-technical cooperation or technology transfer between the companies.

(2) Further training courses for Slovenian workers shall be performed in a company established in the Republic of Slovenia on the basis of a further training course contract signed between the Slovenian and foreign company.

(3) The further training course contract must contain provisions related to the seconded workers' payment, accommodation and food as well as the further training course programme confirmed by the Chamber of Commerce and Industry or the Chamber of Craft of the Republic of Slovenia.

(4) The Slovenian company shall be under obligation to provide seconded workers with the minimum rights governing working hours, breaks and rest periods, night work, health and safety at work and the special protection of workers set out in the provisions of the law regulating labour relations and in the collective agreement with general validity.

(5) A foreign company may post an individual worker to perform further training courses for Slovenian workers several times, but for a maximum of three months in a

two-year period.

(6) The work permit for seconded workers referred to in the first paragraph of this Article shall be issued on the basis of an application submitted by a Slovenian company which is under obligation to register the work of an alien in accordance with the provisions of this Act.

(7) During the further training course, suitable health insurance must be provided to the alien in accordance with the regulations of the Republic of Slovenia.

(8) The Minister responsible for labour shall in agreement with the minister responsible for economic affairs lay down detailed criteria for the required equity relationship, the type of business-technical cooperation and technology transfer respectively, the conditions to be fulfilled in the contract referred to in the third paragraph relating to the programme of further training courses as well as the criteria for the consent to be given by the Chamber of Commerce and Industry and the Chamber of Craft of the Republic of Slovenia under this Act.

CHAPTER V

APPOINTMENT OF ALIEN WORKERS

Article 15

General conditions for the appointment of workers

(1) A foreign legal person may, under the conditions set out in this Act, temporarily transfer her/his workers from the location of their permanent employment abroad to a subsidiary or other organisational business unit through which it has market presence in the Republic of Slovenia for the purpose of carrying out specific tasks or for the purpose of providing contractual services in the territory of the Republic of Slovenia.

(2) For the appointment of workers specified in the preceding paragraph, a foreign employer must obtain a work permit, which shall be issued without checking the situation and conditions on the labour market as part of the quota determined for seconded alien workers, and register the work performed by alien workers in accordance with the provisions of this Act. A work permit shall be issued if, in the last three years prior to submitting an application for a work permit, the foreign employer or alien worker did not have a penalty imposed on them for committing an offence in accordance with this Act.

(3) A foreign legal person may appoint workers employed with him/her if the workers have been previously employed with the person for at least one year. Alien workers may be appointed in the Republic of Slovenia for no longer than one year, unless otherwise determined by this Act or by an international agreement. Foreign workers may be re-appointed or appointed to work in the Republic of Slovenia after an interim termination of work, laid down by the validity of the previous work permit.

(4) The right to appoint workers shall be subject to the principle of reciprocity. The existence of reciprocity shall be determined on the basis of the provisions of the eleventh paragraph of Article 13 of this Act.

(5) The Government may specify cases subject to derogation from the principle of reciprocity, taking into account the general economic interest expressed in the form of opinions given by competent chambers, representative trade unions at state level and competent ministries. In international tenders, the Government may specify the maximum number of appointed workers, the time of appointment of workers and

other conditions to be taken into consideration in order to avert harmful effects on the market concerning the employment of the domestic population.

(6) Employers shall be under obligation to provide alien workers temporarily appointed to the Republic of Slovenia with suitable labour law conditions in accordance with the provision of the seventh paragraph of Article 13 of this Act.

(7) During the performance of their work in the Republic of Slovenia, alien workers temporarily appointed to organisational units in the Republic of Slovenia must have suitable health insurance in accordance with regulations valid in the Republic of Slovenia.

Article 16

Movement of persons within company associations

(1) The movement of aliens within company associations shall be permitted if a foreign legal person has a registered subsidiary or other affiliated commercial company (hereinafter referred to as organisational unit) in the Republic of Slovenia. In such cases foreign employers may temporarily transfer foreign-based workers, previously employed with the employer for at least one year, to work in the Republic of Slovenia for the purpose of carrying out specific tasks within this organisational unit.

(2) A foreign employer may, in accordance with the provision of the preceding paragraph, temporarily second the following persons to work in the Republic of Slovenia:

1. persons who occupy leading positions, but are not entered in the court register of the Republic of Slovenia and who are mainly in charge of the general supervisory management of an organisational unit, on the basis of instructions given to them by the company management board or the company's shareholders meeting, etc., including:

- a) the management of an organisational unit, division or sub-department of an organisational unit;
- b) the supervision and control of other officials engaged in supervisory, expert or operational work;
- c) the authorised recruitment and dismissal of workers, or other staff matters;

2. Natural persons who work for a legal person and are in possession of special knowledge of vital importance for the company's provision of services, research equipment, methods or management. An assessment of the existence of this special knowledge shall take into account not only company-specific knowledge but also the fact that the person in question is in possession of high-level qualifications which apply to the type of work or job for which specific technical knowledge is required, including membership in professional associations.

(3) The duration of appointment of workers specified in the preceding paragraph shall be set out in the act on the appointment or secondment of workers issued by the competent body of the foreign legal person's management. An appointed person shall, as a rule, retain the status of a seconded worker for a period of one year. A worker permit shall be issued on the basis of an application submitted by a foreign legal person.

(4) In cases where international agreements on social security do not provide for any extension of seconded worker status or where the competent body in the country

has not extended this status, the alien cannot re-obtain a permit for work; the employer may, however, apply for an employment permit for the alien, which shall be issued without checking the situation and conditions on the labour market, observing other provisions of this Act for the acquisition of work permits.

Article 17

(deleted)

CHAPTER VI

TRAINING AND ADVANCED TRAINING OF ALIENS

Article 18

Conditions for training and advanced training

(1) A permit for work issued for the training or advanced training of an alien shall, as a rule, be related to cases where the Republic of Slovenia has concluded this type of agreement with the country of which the alien is a citizen. Unless otherwise provided by this Act, the training or advanced training programme shall be conducted on the basis of a contract of employment of an alien for a limited period of time, which shall be concluded for a maximum period of one year. If a training or advanced training programme cannot be completed by this time, the permit for work may be extended by no more than six months or one year respectively if training is performed in the field of medicine.

(2) Training or advanced training of aliens may exceptionally be conducted without a previously concluded interstate agreement, where this type of training and advanced training are in the interest of a specific economic sector, ministry or local community expressed through development programmes or projects on cooperation at the interstate level, which in turn shall be verified upon the issuing of the work permit.

(3) A permit for work performed by an alien shall be issued on the basis of an application submitted by the organiser of the training or advanced training programme, which may be a company, authorised institution or state body in the Republic of Slovenia (hereinafter referred to as organiser). The organiser must register the work performed by an alien in accordance with the provisions of this Act.

(4) Training or advanced training may be conducted without concluding a labour contract if this is provided by other laws.

(5) In the case specified in the preceding paragraph, a written contract must be concluded between the provider of the training programme and the organisation in which the alien is to take the training or advanced training programme. The contract must include provisions governing mutual relations with regard to the obligations and responsibilities, which the two contracting parties shall undertake relating to the implementation of the programme.

(6) During the implementation of a training or advanced training programme, suitable health insurance must be provided to the alien in accordance with the regulations of the Republic of Slovenia.

(7) Under the said conditions, an alien may, as a rule, only once participate in an individual training or advanced training programme.

(8) A permit for work pursuant to this Article shall be issued as part of the quota allocated for training and advanced training, regardless of the situation and conditions on the labour market and in respect of other provisions of this Act

governing the acquisition of permits for work.

(9) The minister responsible for labour shall, in agreement with the minister responsible for science and technology and the minister responsible for education and sport, set out in more detail the procedure and conditions for issuing permits for work in accordance with this Article.

CHAPTER VII

SEASONAL LABOUR OF ALIENS

Article 19

General provisions

(1) Seasonal labour of aliens shall be permitted within the framework of activities of a seasonal nature only in cases where demand on the labour market temporarily exceeds supply, which shall serve as the basis for determining an annual quota for these purposes.

(2) An alien with permanent residence in a foreign country shall be issued with a permit for work on the basis of an application submitted by the employer. In accordance with this Act, the employer shall also be under obligation to register the commencement and termination of work performed by the alien. A natural person not registered to perform an activity cannot be an employer of seasonal alien workers, except in the case specified in the second paragraph of Article 20 of this Act.

(3) A permit for work shall be issued as part of the quota determined for seasonal labour. A permit shall be issued if, in the last two years prior to submitting an application for a work permit, the alien did not have a penalty imposed on him for committing an offence in accordance with this Act.

(4) An employer may apply for a seasonal work permit for an alien with a validity of up to three months only once in a calendar year, unless otherwise determined by this Act.

(5) For the performance of seasonal work, the employer shall conclude a fixed duration employment relationship with the alien. An employment relationship shall not be required in cases where the work is performed up to thirty days and if it is performed in the area of agriculture and forestry.

(6) In the following calendar year an alien performing seasonal labour may be reissued with a work permit for any purpose whatsoever. After the expiry of the validity of a permit for seasonal labour in construction, the work permit may be re-issued for any purpose whatsoever after seven months.

(7) Irrespective of the provision referred to in the previous paragraph, the employer with which the alien was employed to perform seasonal labour may obtain an employment permit under the conditions laid down for a new employment of an alien.

Article 20

Seasonal labour in agriculture and forestry

(1) Irrespective of the provision of the fourth paragraph of the preceding Article, a permit for work in the fields of agriculture and forestry may be extended or re-issued to the same employer or another employer, but no more than three times a year if the total duration of work does not exceed six months in one calendar year. On the basis of the opinion of the chamber responsible for agriculture and forestry, namely that extraordinary conditions of production have occurred (prolongation of the vegetation period), the employer may apply for an exceptional extension of the work

permit for up to one month.

(2) The employer may be either a legal or natural person registered to perform an activity and a natural person who is the owner or lessee of a farm, forest or agricultural land.

Article 21

Seasonal labour in construction

(1) The validity of a permit for seasonal labour in the field of construction shall be limited to a maximum of nine months in any twelve-month period.

(2) A permit for seasonal labour may be re-issued to the same alien after the expiry of a period, specified in the sixth paragraph of Article 19 of this Act, irrespective of whether the same or another employer applies for a permit.

CHAPTER VIII

WORK BY ALIEN REPRESENTATIVES OF COMPANIES

Article 22

Conditions for work

(1) Companies and sole proprietors established in accordance with the law governing commercial companies are obliged to obtain a work permit for an alien whom they appoint as their representative in accordance with the provisions of this Act.

(2) A company that employs ten or fewer than ten workers may obtain one work permit for an alien representative of a company and one work permit for an alien representative of a subsidiary, irrespective of the number of subsidiaries.

(3) A sole proprietor that employs ten or fewer than ten workers, may obtain one work permit for an alien representative of a sole proprietor and one work permit for an alien representative of a subsidiary, irrespective of the number of subsidiaries.

(4) A foreign company that performs business operations in the Republic of Slovenia with one or more subsidiaries, may obtain one work permit for a representative of an individual subsidiary if the subsidiary employs ten or fewer than ten workers.

(5) Alien representatives shall be issued with a work permit on the basis of an application submitted by an employer regardless of the situation and conditions on the labour market for a period of up to two years.

(6) A permit for work may be reissued if the employer can prove that the company or the sole proprietor has performed its business during the time of validity of the previous work permit and if the alien as a natural person did not have a penalty imposed on him during that time for committing an offence in accordance with this Act.

(7) The person under obligation to register the commencement and termination of work shall be the employer.

CHAPTER IX

CONTRACTUAL SERVICES PROVIDED BY ALIENS ON THE BASIS OF A PERMIT FOR WORK

Article 23

Conditions for individual services provided by aliens

(1) Aliens not registered to perform an activity who have their permanent residence outside the Republic of Slovenia may obtain a work permit for the provision of

contractual services only in justified cases where the service provider is required to have specialist knowledge, which cannot be provided through the supply on the domestic market.

(2) A permit for work shall be issued by the Employment Service on the basis of an application submitted by the client of the service and as part of the quota of work permits allocated for individual services provided by aliens. The client must register the commencement and termination of work performed by an alien in accordance with the provisions of this Act.

(3) A permit for work may be issued more than once in one calendar year but for a total duration of no more than 90 days. Aliens who provide services in the fields of science, culture, sports, health and education may be issued with a work permit with a validity of up to one year if conditions for concluding an employment relationship are not in place. A permit for work shall be issued if, in the last three years prior to submitting an application for a work permit, the client of the service or the person specified in the first paragraph of this Article did not have a penalty imposed on them for committing an offence in accordance with this Act.

(4) The Employment Service shall establish whether there are well-founded reasons for issuing a permit for the provision of individual services, taking into account the situation and conditions on the labour market and the quota of available permits. In the event of doubt as to whether the issuing of a permit is justified, the Employment Service shall decide on the basis of an opinion obtained from the competent chamber, professional association or the ministry responsible for the relevant activity, or from another body authorised by the ministry to give an opinion.

(5) If a contract relating to work performed by an alien is concluded for a period exceeding one year, a permit for work may be renewed on an annual basis until the expiry of the contract.

(6) The minister responsible for labour shall, in the act referred to in the eighth paragraph of Article 13 of this Act, prescribe the instructions for checking the legal conditions that must be fulfilled by aliens for the provision of services in the territory of the Republic of Slovenia.

CHAPTER X

SERVICES PROVIDED BY ALIENS ON THE BASIS OF WORK REGISTRATION

Article 24

Contractual services provided by alien artists and professional authors

(1) Aliens who as performing artists or professional authors provide an entertainment programme independently or in a group at events in the Republic of Slovenia may perform their services without a work permit if the overall period of providing these services does not exceed seven days. One exception shall be circus performances and amusement parks, where work shall be permitted without work permits for the overall approved period of stay in the country.

(2) The condition for the provision of services under the preceding paragraph shall be the registration of work with the Employment Service. The persons responsible for registering work with the Employment Service shall be the organisers or clients of the service in the place where the service is to be provided, or if the work is performed at a number of locations, at the location of the head office of the organiser or client.

(3) In the event that work performed on the basis of a contract lasts longer than specified in the first paragraph of this Article, the aliens concerned shall be obliged to obtain a work permit in compliance with the nature of work they perform.

(4) The services specified in the first paragraph of this Article may be provided several times on the basis of a work registration certificate, but for no longer than 30 days in one calendar year.

Article 25

Trade fair services

(1) Alien workers, seconded to the country for the purpose of erecting, equipping and displaying equipment and items as part of trade fair and exhibition events in which their employer participates, shall not be required to obtain a work permit if they complete the services within a period not exceeding the duration of the trade fair.

(2) In the cases specified in the preceding paragraph, a foreign employer who puts its products and items on display shall be obliged to register work performed by aliens with the Employment Service in the place where the service is to be provided.

Article 26

Services associated with the supply of goods and after-sales services

(1) A work permit shall not be required in the following cases:

- when services provided by alien workers are associated with the supply of goods and the assembly of machinery, devices and equipment, when the provider gives introductory instructions to the staff of the client and when the services are associated with the disassembly of machinery, devices or equipment;
- when this involves the provision of regular maintenance services, if these services have been agreed upon in the contract on the purchase of machinery, devices or equipment, and if they are provided by workers employed by the producer;
- when, on the basis of a contract for the supply of machinery, devices or equipment from abroad, the supplier is obliged, at its own cost, to rectify defects in the machinery, devices or equipment supplied;
- if the work lasts no longer than seven days and the person responsible for registration registers work performed by aliens.

(2) The person responsible for registration shall be the domestic client for whom a foreign employer and its workers provide services.

Article 27

Emergency services

(1) In the event that, at the request of a domestic client, who may be a commercial company, state authority, local community or authorised organisation, it is necessary to immediately ensure services of a foreign provider for the purpose of rectifying or preventing economic damage and other consequences resulting from natural disasters and other accidents or averages, or for carrying out rescue operations or measures necessary to prevent threats to the health of the population, alien workers or suitably qualified alien natural persons shall not be required to obtain a work permit.

(2) In the cases specified in the preceding paragraph, the client for whom the services are intended shall be required to register, within three days after the aliens' arrival in the country at the latest, the work performed by aliens with the Employment

Service in the place where the client's head office is located.

(3) The provision of services under this Article may not last longer than 30 days. In the event that a longer presence of the aliens is required, the client must apply for a work permit for registered aliens, which shall be issued regardless of the situation and conditions on the labour market.

Article 28

Restrictions

In the event that providers of services from the Republic of Slovenia are not permitted to provide the services specified in Articles 24, 25 and 26 of this Act abroad, the minister responsible for labour may, at the proposal of the minister responsible for the relevant activity, prescribe the issuing of work permits.

CHAPTER X

REGISTRATION OF THE COMMENCEMENT AND TERMINATION OF WORK

PERFORMED BY ALIENS

Article 29

General provisions on the registration of the commencement and termination of work carried out by aliens

(1) The registration of work performed by aliens shall be a compulsory requirement applicable to all aliens who, on the basis of the provisions of this Act, are employed or work in the Republic of Slovenia.

(2) The persons who, pursuant to this Act, are responsible for registering the work performed by aliens shall be obliged to register the commencement and termination of work performed by aliens in accordance with the provisions of this Act.

(3) The competent unit of the Employment Service shall issue to the person responsible an alien work registration certificate on a prescribed form issued by the Employment Service.

(4) The person responsible for registration must keep the certificate during the entire period of the implementation of work at the principle place of business, and, in the event of field work, at the site where the alien works. In the event that work registration is based on a work permit, the responsible person is obliged to keep the certificate for as long as it is obliged to keep other prescribed documents.

(5) The person responsible for the registration of work performed by aliens shall be obliged to produce the work registration certificate at the request of a supervisory body. If the person fails to do so, it shall be deemed that he/she is not in possession of such a certificate.

(6) In the event of loss of the document, the competent unit of the Employment Service shall issue to the person responsible for registration a replacement document.

(7) More detailed instructions on the procedure of registration and the termination of work performed by aliens, the evidence to be attached to applications and the exchange of data from individual registrations between individual bodies and services shall be prescribed by the minister responsible for labour.

CHAPTER XII

SUPERVISION

Article 30

Competent supervisory bodies

(1) Supervision of the implementation of this Act shall be the responsibility of the Labour Inspectorate of the Republic of Slovenia (hereinafter referred to as Labour Inspectorate).

(2) Inspection and supervision may be initiated by any legal or natural person and ex officio by the Employment Service if it suspects that a violation of this Act has occurred.

(3) The Labour Inspectorate shall submit regular reports on procedures initiated and penalties imposed to the Employment Service, which shall keep a record of offences committed by employers and aliens.

Article 31

Obligations towards supervisory bodies

(1) Aliens and employers that employ or second aliens shall be obliged to cooperate with the competent supervisory bodies, and to act in compliance with the measures ordered by these bodies. They must provide the competent bodies with access to all available evidence, which served as the basis for issuing a document permitting employment or work in the Republic of Slovenia.

(2) An alien shall be obliged to keep the work permit at the place of work and, at the request of a competent control body, to submit it as evidence in the procedure.

(3) In the event that a work permit has been issued on the basis of an application submitted by an employer, the employer shall be obliged to cooperate in the supervisory procedure by producing all documentation required; in addition, the employer must keep one copy of the work permit permanently at the company's head office, or at the individual work site if the activity is carried out outside the company's head office.

(4) An employer shall be obliged to keep all documentation relating to the work and payment of aliens for a period of five years after the termination of employment or work performed by aliens in the Republic of Slovenia.

(5) More detailed instructions regarding the implementation of the provisions of the third and fourth paragraph of this Article shall be set out by the minister responsible for labour.

CHAPTER XIII

PERSONAL DATA PROTECTION

Article 32

Obligations of bodies

(1) The bodies responsible for the implementation of this Act may collect personal data on aliens in accordance with the content of records and personal data on employers in accordance with this Act and with regulations issued on the basis thereof.

(2) The collection and submission of personal data must be in accordance with the law governing personal data protection. The data may only be used for the purposes specified by this Act.

(3) National and other bodies and organisations in possession of data important for establishing possible irregularities in relation to the implementation of this Act shall be obliged to cooperate with each other and to submit the data required by the competent body specified in Article 30.

CHAPTER XIV

FEES AND COMPENSATION FOR SPECIAL COSTS

Article 33

Fees

In accordance with the law governing administrative fees, fees shall be paid for all application forms, documents and for all actions concluded in accordance with this Act.

Article 34

Compensation for special costs

(1) Compensation for special costs shall be charged in relation to the issuing of work permits to seconded alien workers who provide services in the Republic of Slovenia on a cross-border basis.

(2) Compensation for special costs shall be paid by employers for the costs incurred by the Employment Service in the procedure of issuing work permits in relation to the checking of conditions specified in the first paragraph of Article 13 of this Act, and in relation to the keeping of records in accordance with this Act.

(3) The amount of special costs shall be prescribed by the minister responsible for labour, at the proposal of the administrative committee of the Employment Service.

(4) Special costs shall be a source of income of the Employment Service.

CHAPTER XV

RECORDS

Article 35

(1) A record of aliens who are employed and work in the territory of the Republic of Slovenia in accordance with this Act shall be kept by the Employment Service.

(2) Data on aliens, which the Employment Service is collecting and recording from applications for work permits, shall include:

1. name and surname at birth;
2. sex;
3. date of birth;
4. personal identity number, if specified;
5. place and country of birth;
6. nationality;
7. last permanent or temporary residence abroad or in the Republic of Slovenia (country, place of residence, address);
8. current permanent or temporary residence in the Republic of Slovenia (place of residence, address);
9. type and number of travel document, date and place of issue, and its period of validity;
10. type of residence permit, date of issue and its period of validity;
11. level of professional education;
12. profession;
13. specialized knowledge and
14. work experience.

(3) The Employment Service may collect and record data on aliens from records kept by:

1. the ministry responsible for internal affairs, in relation to the residence in the

Republic of Slovenia and visas issued for short-term work in the Republic of Slovenia; and

2. the Health Insurance Institute of the Republic of Slovenia, in relation to the health/pension and disability insurance of aliens in the Republic of Slovenia.

(4) The Employment Service may on the basis of a written consent of the alien concerned collect and record data on the criminal records of the alien using records kept by competent state bodies.

(5) The data from records specified in the second, third and fourth paragraph of this Article shall be kept for a period of two years after the expiry of validity of the work permit and shall then be archived.

(6) The minister responsible for labour shall prescribe in more detail the types of record, and the method and procedures of their administration.

CHAPTER XVI

PENAL PROVISIONS

Article 36

A fine of 100,000 SIT shall be imposed on an alien who commits an offence of performing work for which his work permit was not issued (sixth paragraph of Article 4).

Article 37

(deleted)

Article 38

(1) A fine of 200,000 SIT to 3,000,000 SIT shall be imposed on an employer (legal person) or a sole proprietor that performs the activity of assigning workers to other employers – users in accordance with the law and commits the offence of concluding a contract of employment with an alien who is not in possession of a personal work permit valid for an indefinite period of time (eight paragraph of Article 4).

(2) A fine of 100,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

Article 39

A fine of 100,000 SIT shall be imposed on a natural person who commits the offence of concluding a contract of employment or contract of work with an alien who is not in possession of a residence permit (ninth paragraph of Article 4).

Article 40

(1) A fine of 500,000 SIT to 5,000,000 SIT shall be imposed on an employer (legal person or sole proprietor) who commits the offence of concluding a contract of employment or contract of work with an alien who is not in possession of a work permit (first paragraph of Article 8).

(2) A fine of 100,000 SIT to 300,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 100,000 SIT shall be imposed on an employer (natural person) who commits the offence of concluding a contract of employment or contract of work with an alien who is not in possession of a work permit (first paragraph of Article 8).

Article 41

(1) A fine of 1,000,000 SIT to 5,000,000 SIT shall be imposed on an employer (legal person or sole proprietor) that commits the offence of submitting a false statement regarding criminal records or a false statement regarding the receipt of

state funding from the state budget for the preservation of productive jobs (tenth paragraph of Article 8).

(2) A fine of 100,000 SIT to 300,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 50,000 SIT to 150,000 SIT shall be imposed on an employer (natural person) that commits the offence of submitting a false statement regarding criminal records or a false statement regarding the receipt of state funding from the state budget for the preservation of productive jobs (tenth paragraph of Article 8).

Article 42

A fine of 50,000 SIT to 150,000 SIT shall be imposed on an alien who commits the offence of attaching a false statement regarding his criminal record to his application for a personal work permit (tenth paragraph of Article 8).

Article 43

A fine of 50,000 SIT to 500,000 SIT shall be imposed on an employer (legal person or sole proprietor) that fails to return the work permit of an alien with whom it failed to conclude an employment or contractual relationship or terminated an employment relationship or a contract of work prior to the expiry of the validity of the work permit (eleventh paragraph of Article 8).

(2) A fine of 10,000 SIT to 100,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 50,000 SIT to 200,000 SIT shall be imposed on a self-employed person who commits the offence of failing to return a personal work permit valid for a period of one year if the person terminates the activity prior to the expiry of validity of the work permit (eleventh paragraph of Article 8).

(4) A fine of 10,000 SIT to 150,000 SIT shall be imposed on an employer (natural person) that fails to return the work permit of an alien with whom it failed to conclude an employment or contractual relationship or terminated an employment relationship or a contract of work prior to the expiry of the validity of the work permit (eleventh paragraph of Article 8).

Article 44

(1) A fine of 500,000 SIT to 5,000,000 SIT shall be imposed on a foreign employer that commits the offence of failing to provide labour law conditions specified in the seventh paragraph of Article 13 and sixth paragraph of Article 15 of this Act.

(2) A fine of 100,000 SIT to 300,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

Article 45

(1) A fine of 100,000 SIT to 5,000,000 SIT shall be imposed on a person responsible for registration (legal person or sole proprietor) that commits the offence of failing to register the commencement and termination of work of an alien (second paragraph of Article 29).

(2) A fine of 100,000 SIT to 300,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 50,000 SIT to 200,000 SIT shall be imposed on a self-employed person who commits the offence of failing to register the commencement and termination of his/her work (second paragraph of Article 29).

(4) A fine of 10,000 SIT to 150,000 SIT shall be imposed on a person responsible

for registration (natural person) who commits the offence of failing to register the commencement and termination of work of an alien (second paragraph of Article 29).

Article 46

(1) A fine of 500,000 SIT to 3,000,000 SIT shall be imposed on an employer (legal person or sole proprietor) that commits the offence of failing to assure access to all available evidence on the basis of which documents permitting the employment or work of an alien have been issued (first paragraph of Article 31).

(2) A fine of 50,000 SIT to 150,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 50,000 SIT to 200,000 SIT shall be imposed on a self-employed person that commits the offence of failing to assure access to all available evidence on the basis of which documents permitting his/her self-employment have been issued (first paragraph of Article 31).

(4) A fine of 100,000 SIT shall be imposed on an employer (natural person) that commits the offence of failing to assure access to all available evidence on the basis of which documents permitting the employment or work of an alien have been issued (first paragraph of Article 31).

Article 47

An fine of 100,000 SIT shall be imposed on an alien who commits the offence of failing to produce a work permit at the request of a supervisory body (second paragraph of Article 31).

Article 48

(1) A fine of 150,000 SIT to 1,000,000 SIT shall be imposed on an employer (legal person or sole proprietor) that commits the offence of failing to keep the work permit at the company's head office or at the work site located outside the company's head office (third paragraph of Article 31).

(2) A fine of 20,000 SIT to 100,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

Article 49

(1) A fine of 500,000 SIT to 3,000,000 SIT shall be imposed on an employer (legal person or sole proprietor) that commits the offence of failing to store documentation on the work and wages of an alien (forth paragraph of Article 31).

(2) A fine of 50,000 SIT to 150,000 SIT shall be imposed on an employer's responsible person who commits the offence specified in the preceding paragraph.

(3) A fine of 50,000 SIT shall be imposed on an employer (natural person) that commits the offence of failing to store documentation on the work and wages of an alien (forth paragraph of Article 31).

The Employment and Work of Aliens Act – ZZDT (Uradni list Republike Slovenije (Official Gazette of the Republic of Slovenia) no. 66/00) contains the following transitional and final provisions:

CHAPTER XVII

TRANSITIONAL AND FINAL PROVISIONS

Article 50

The minister responsible for labour shall, within three months of the entry into force of this Act, issue regulations governing the implementation of this Act as specified in the ninth paragraph of Article 8, forth paragraph of Article 11, eighth paragraph of

Article 13, ninth paragraph of Article 18, seventh paragraph of Article 29, fifth paragraph of Article 31 and Article 35 of this Act.

Article 51

On the day this Act enters into force, the Employment of Aliens Act (Uradni list RS no. 33/92, 43/98 – Constitutional Court decision) and the Instructions for the Implementation of the Employment of Aliens Act (Uradni list RS no. 54/97, 80/99) shall cease to be valid. They shall continue to be applied, however, until 31 December 2000.

Article 52

Procedures initiated in accordance with the provisions of the Employment of Aliens Act shall continue to be conducted in accordance with this Act if this Act is more favourable to those involved in the procedures.

Article 53

(1) Aliens whose labour relation in the period from 18 July 1992 to 15 October 1992 will be recognised in the form of a final court decision may acquire a personal work permit for a period of validity of one year. They must submit their applications within 90 days of the date on which the court decision becomes final.

(2) Aliens referred to in the preceding paragraph may acquire a work permit in accordance with this Act if this is more favourable for them.

Article 54

(1) Aliens who are in possession of a permit for residence in the Republic of Slovenia and who have obtained a personal work permit valid for an indefinite period of time in accordance with the Employment of Aliens Act must, within six months of the entry into force of this Act, replace this permit with a personal work permit valid for an indefinite period of time in accordance with this Act.

(2) Aliens shall file application forms for the replacement of personal work permits valid for an indefinite period of time with the competent unit of the Employment Service in accordance with the preceding paragraph. An application must be accompanied by a residence permit.

(3) Within one month of the entry into force of this Act, the Employment Service shall notify all holders of personal work permits valid for an indefinite period of time of their obligation to replace these permits with new permits, and of the deadline by which the replacement must be effected.

(4) For the replacement of a personal work permit valid for an indefinite period of time referred to in the first paragraph no fee shall be charged.

(5) After the expiry of the deadline specified in the first paragraph of this Article, a personal work permit valid for an indefinite period of time issued on the basis of the Employment of Aliens Act shall cease to be valid.

Article 55

(1) Aliens who in accordance with Article 10 of the Employment of Aliens Act have obtained a suitable permit which was deemed to be a personal work permit for the performance of independent professional or other for-profit activities and who have acquired social insurance on the basis thereof, must, within six months of the entry into force of this Act, submit an application for a personal work permit to the competent Employment Service to be issued in accordance with Article 10 of this Act for an indefinite or limited period of time, with respect to the status of activity

performed before this Act entered into force. For the issuing of the personal work permit specified in this Article no fees shall be charged.

(2) Within one month of entry into force of this Act, the Employment Service shall notify all aliens referred to in the preceding paragraph of the obligation to replace these permits with new permits, and of the deadlines by which the replacement must be effected.

(3) After the expiry of the deadline specified in the first paragraph of this Article, a permit that deemed to be a personal work permit in accordance with the Employment of Aliens Act shall cease to be valid.

Article 56

Issued documents, which were deemed to be personal work permits in accordance with Article 11 of the Employment of Aliens Act, shall remain valid until the expiry of their period of validity.

Article 57

This Act shall enter into force on the fifteenth day after its publication in the Uradni list Republike Slovenije. It shall, however, begin to be applied on 1 January 2001, with the exception of Article 3 of this Act, which shall begin to be applied on the day the Act enters into force.

The Act Amending the Employment and Work of Aliens Act – ZZDT-A (Uradni list RS no. 101/05) contains the following transitional and final provisions:

TRANSITIONAL AND FINAL PROVISIONS

Article 34

(1) Procedures initiated prior to entry into force of this Act shall continue to be conducted in accordance with this Act if this is more favourable to those involved in the procedures.

(2) A work permit issued prior to entry into force of this Act, shall remain to be valid until the period of validity of the permit expires.

Article 35

The minister responsible for labour shall, within 15 days of the entry into force of this Act, issue regulations referred to in the eight paragraph of Article 14.a, and the eighth paragraph of Article 14.b of this Act.

Article 36

This Act shall enter into force on the fifteenth day after its publication in the Uradni list Republike Slovenije.