

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o splošnem upravnem postopku obsega:

- Zakon o splošnem upravnem postopku – ZUP (Uradni list RS, št. 80/99 z dne 1. 10. 1999),
- Zakon o spremembi zakona o splošnem upravnem postopku – ZUP-A (Uradni list RS, št. 70/00 z dne 8. 8. 2000),
- Zakon o dopolnitvah zakona o splošnem upravnem postopku – ZUP-B (Uradni list RS, št. 52/02 z dne 14. 6. 2002),
- Zakon o spremembah in dopolnitvah zakona o splošnem upravnem postopku – ZUP-C (Uradni list RS, št. 73/04 z dne 5. 7. 2004),
- Zakon o splošnem upravnem postopku – uradno prečiščeno besedilo – ZUP-UPB1 (Uradni list RS, št. 22/05 z dne 8. 3. 2005),
- Zakon o spremembah in dopolnitvah Zakona o splošnem upravnem postopku – ZUP-D (Uradni list RS, št. 119/05 z dne 28. 12. 2005),
- Zakon o splošnem upravnem postopku – uradno prečiščeno besedilo – ZUP-UPB2 (Uradni list RS, št. 24/06 z dne 7. 3. 2006),
- Zakon o upravnem sporu – ZUS-1 (Uradni list RS, št. 105/06 z dne 12. 10. 2006),
- Zakon o spremembah in dopolnitvah Zakona o splošnem upravnem postopku – ZUP-E (Uradni list RS, št. 126/07 z dne 31. 12. 2007),

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The unofficial consolidated version of the General Administrative Procedure Act comprises:

- General Administrative Procedure Act – ZUP (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 80/99 of 1 October 1999),
- Act Amending the General Administrative Procedure Act – ZUP-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 70/00 of 8 August 2000),
- Act Amending the General Administrative Procedure Act – ZUP-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 52/02 of 14 June 2002),
- Act Amending the General Administrative Procedure Act – ZUP-C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 73/04 of 5 July 2004),
- General Administrative Procedure Act – Official Consolidated Text – ZUP-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/05 of 8 March 2005),
- Act Amending the General Administrative Procedure Act – ZUP-D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 119/05 of 28 December 2005),
- General Administrative Procedure Act – Official Consolidated Text – ZUP-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24/06 of 7 March 2006),
- Administrative Dispute Act – ZUS-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 105/06 of 12 October 2006),
- Act Amending the General Administrative Procedure Act – ZUP-E (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No.

- Zakon o spremembi in dopolnitvah Zakona o splošnem upravnem postopku – ZUP-F (Uradni list RS, št. 65/08 z dne 30. 6. 2008),
- Zakon o spremembah in dopolnitvah Zakona o splošnem upravnem postopku – ZUP-G (Uradni list RS, št. 8/10 z dne 5. 2. 2010),
- Zakon o spremembah in dopolnitvi Zakona o splošnem upravnem postopku – ZUP-H (Uradni list RS, št. 82/13 z dne 8. 10. 2013).

- 126/07 of 31 December 2007),
- Act Amending the General Administrative Procedure Act – ZUP-F (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 65/08 of 30 June 2008),
- Act Amending the General Administrative Procedure Act – ZUP-G (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 8/10 of 5 February 2010),
- Act Amending the General Administrative Procedure Act – ZUP-H (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 82/13 of 8 October 2013).

**ZAKON  
o splošnem upravnem postopku (ZUP)**

**(neuradno prečiščeno besedilo št. 11)**

PRVI DEL  
SPLOŠNE DOLOČBE

I. poglavje  
TEMELJNA NAČELA

1. Veljavnost zakona

**1. člen**

(1) Po tem zakonu morajo postopati upravni in drugi državni organi, organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil, kadar v upravnih zadevah, neposredno uporabljajoč predpise, odločajo o pravicah, obveznostih ali pravnih koristih posameznikov, pravnih oseb in drugih strank.

(2) Javno pooblastilo za vodenje postopka in odločanje v upravnih zadevah se podeli z zakonom, za vodenje postopka in odločanje

**Administrative Procedure Act  
(ZUP)**

**(Unofficial consolidated version No. 11)**

PART ONE  
GENERAL PROVISIONS

Chapter I  
FUNDAMENTAL PRINCIPLES

1. Validity of the Act

**Article 1**

(1) This Act shall apply to the procedures of administrative and other state authorities, self-governing local community authorities and bearers of public authority where, in administrative cases, through direct application of regulations, they decide on the rights, obligations or legal benefits of individuals, legal persons and other parties.

(2) Public authorisation to conduct procedures and decide in administrative cases shall be conferred by an Act, while the authorisation

v upravnih zadevah iz izvirne pristojnosti samoupravne lokalne skupnosti pa z odlokom sveta samoupravne lokalne skupnosti.

## 2. Upravna zadeva

### 2. člen

(1) Upravna zadeva je odločanje o pravici, obveznosti ali pravni koristi fizične ali pravne osebe oziroma druge stranke na področju upravnega prava.

(2) Šteje se, da gre za upravno zadevo, če je s predpisom določeno, da organ v neki zadevi vodi upravni postopek, odloča v upravnem postopku ali izda upravno odločbo oziroma, če to zaradi varstva javnega interesa izhaja iz narave zadeve.

## 3. Subsidiarna uporaba zakona

### 3. člen

(1) Posamezna vprašanja upravnega postopka so lahko za določeno upravno področje v posebnem zakonu drugače urejena, kot so urejena v tem zakonu, če je za postopanje na takem upravnem področju to potrebno.

(2) Na upravnih področjih, za katera je z zakonom predpisan poseben upravni postopek, se postopa po določbah posebnega zakona. Po določbah tega zakona pa se postopa v vseh vprašanjih, ki niso urejena s posebnim zakonom.

(3) Ta zakon se uporablja tudi v primeru, ko izvajalci javnih služb odločajo o pravicah ali obveznostih uporabnikov njihovih storitev.

to conduct procedures and decide in administrative cases under the authentic jurisdiction of a self-governing local community shall be conferred by an ordinance adopted by the self-governing local community council.

## 2. Administrative case

### Article 2

(1) Administrative case shall mean deciding on a right, obligation or legal benefit of a natural or legal person or other party in the field of administrative law.

(2) A case shall be deemed an administrative case, if a regulation provides that an authority conducts an administrative procedure in a certain case, decides in an administrative procedure or issues an administrative decision, or if for the purpose of protecting the public interest this can be deduced from the nature of the case.

## 3. Subsidiary application of the Act

### Article 3

(1) Single issues regarding administrative procedure may, for a specific administrative field, be regulated by a separate Act differently from this Act, if this is necessary in order to proceed in such administrative field.

(2) In administrative fields for which an Act prescribes a special administrative procedure, the provisions of such separate Act shall apply. However, the provisions of this Act shall apply to procedures in all issues which are not regulated by a separate Act.

(3) This Act shall also apply in cases where providers of public services decide on the rights or obligations of the users of their services.

#### 4. Uporaba zakona v drugih javnopravnih zadevah

##### 4. člen

Upravni postopek se smiselno uporablja tudi v drugih javnopravnih zadevah, ki nimajo značaja upravne zadeve po 2. členu tega zakona, kolikor ta področja niso urejena s posebnim postopkom.

#### 5. Pomen izraza "organ" in "uradna oseba"

##### 5. člen

(1) Z organom je po tem zakonu mišljen organ državne uprave ali drug državni organ, organ samoupravne lokalne skupnosti in nosilec javnih pooblastil, ki mu zakon daje pristojnost za odločanje v upravni zadevi.

(2) Z uradno osebo je po tem zakonu mišljena oseba, ki je v skladu z zakonom pooblaščen za odločanje v upravni zadevi ali za opravljanje posameznih dejanj v upravnem postopku.

#### 6. Načelo zakonitosti

##### 6. člen

(1) Organ odloča v upravni zadevi po zakonu, podzakonskih predpisih, predpisih lokalnih skupnosti in splošnih aktih, izdanih za izvrševanje javnih pooblastil.

(2) V upravnih zadevah, v katerih je organ po zakonu ali po predpisu lokalne skupnosti upravičen odločati po prostem preudarku,

#### 4. Application of the Act in other public law cases

##### Article 4

Administrative procedure shall also apply, *mutatis mutandis*, in other public law cases which do not have the character of an administrative case in accordance with Article 2 of this Act, if these areas are not regulated by a special procedure.

#### 5. Meaning of the terms "authority" and "official person"

##### Article 5

(1) An "authority" shall in accordance with this Act mean a state administration authority or other state authority, a self-governing local community authority and a bearer of public authority, on which an Act confers the competence to decide in an administrative case.

(2) An "official person" shall in accordance with this Act mean a person authorised by an Act to decide in an administrative case or perform individual actions in an administrative procedure.

#### 6. Principle of legality

##### Article 6

(1) In an administrative case, the authority shall decide in accordance with an Act, implementing regulations, local community regulations and general legal acts issued for the exercise of public authorisation.

(2) In administrative cases in which the authority is entitled by an Act or local community regulation to decide with discretion, decisions

mora biti odločba izdana v mejah pooblastila in v skladu z namenom, za katerega mu je pooblastilo dano. Namen in obseg pooblastila določa zakon ali predpis lokalne skupnosti, ki vsebuje pooblastilo za odločanje po prostem preudarku.

(3) Tudi v upravnih zadevah, v katerih je organ upravičen odločati po prostem preudarku, mora postopati po tem zakonu.

## 7. Varstvo pravic strank in varstvo javnih koristi

### 7. člen

(1) Pri postopanju in odločanju morajo organi omogočiti strankam, da čim lažje zavarujejo in uveljavijo svoje pravice; pri tem morajo skrbeti za to, da stranke ne uveljavljajo svojih pravic v škodo pravic drugih in ne v nasprotju z javno koristjo, določeno z zakonom ali z drugim predpisom.

(2) Kadar uradna oseba glede na podano dejansko stanje izve ali sodi, da ima stranka v postopku podlago za uveljavitev kakšne pravice, jo na to opozori.

(3) Pri odločanju o pravicah, obveznostih in pravnih koristih strank se nasproti njim uporabljajo tisti s predpisi določeni ukrepi, ki so zanje ugodnejši, če se z njimi doseže namen predpisa.

(4) Organ mora skrbeti, da nevednost in neukost stranke in drugih udeležencev v postopku nista v škodo pravic, ki jim gredo po zakonu.

## 8. Načelo materialne resnice

### 8. člen

must be issued within the limits of authorisation and in accordance with the purpose for which the authorisation has been conferred. The purpose and the extent of the authorisation shall be determined by an Act or local community regulation which includes the authorisation to decide at discretion.

(3) In administrative cases in which the authority is entitled to decide with discretion, it must also proceed in accordance with this Act.

## 7. Protection of the rights of parties and protection of public benefits

### Article 7

(1) In proceeding and decision-making, authorities must enable parties to protect and assert their rights in the easiest possible manner; in doing so, they must make sure that parties do not assert their rights to the detriment of the rights of others and contrary to the public benefit provided by an Act or other regulation.

(2) Where an official finds or considers, with respect to the given facts of the case, that a party to the procedure has the basis for asserting a certain right, they shall bring this to the attention of the party.

(3) In deciding on the rights, obligations and legal benefits of parties, only measures which are laid down by regulations and are more favourable to the parties shall be applied against them, provided that such measures still serve the purpose of the regulation.

(4) The authority must make sure that the ignorance or laity of the party and other participants of the procedure are not detrimental to the rights pertaining to them in accordance with an Act.

## 8. Principle of substantive truth

### Article 8

(1) V postopku je treba ugotoviti resnično dejansko stanje in v ta namen ugotoviti vsa dejstva, ki so pomembna za zakonito in pravilno odločbo.

(2) Na podlagi verjetno izkazanih dejstev lahko organ odloči le v primeru, da tako določa zakon.

## 9. Načelo zaslišanja stranke

### 9. člen

(1) Preden se izda odločba, je treba dati stranki možnost, da se izjavi o vseh dejstvih in okoliščinah, ki so pomembne za odločbo (zaslišanje stranke).

(2) Če so v postopku udeležene stranke z nasprotujočimi interesi, mora imeti vsaka stranka možnost, da se izjavi o zahtevkih in navedbah stranke z nasprotnim interesom.

(3) Organ svoje odločbe ne sme opreti na dejstva, glede katerih vsem strankam ni bila dana možnost, da se o njih izjavijo, razen v primerih, določenih z zakonom.

(4) Če za posamezna dejanja v postopku ni z zakonom določeno, v kakšni obliki se lahko opravijo, jih opravijo stranke izven ustne obravnave pisno ali ustno na zapisnik, na obravnavi pa ustno.

## 10. Prosta presoja dokazov

### 10. člen

O tem, katera dejstva je šteti za dokazana, presodi uradna oseba, pooblaščen za vodenje postopka oziroma odločanje v upravni zadevi po svojem prepričanju, na podlagi vestne in skrbne presoje vsakega dokaza posebej in vseh dokazov skupaj ter na podlagi uspeha

(1) The true facts of the case must be determined in a procedure and, to that end, all facts relevant for a lawful and correct decision shall be established.

(2) The authority may decide on the basis of plausibly demonstrated facts only if so provided by an Act.

## 9. Principle of hearing the party

### Article 9

(1) Before a decision is issued, the party shall be given the possibility to be heard on all facts and circumstances relevant for the decision (hearing of the party).

(2) If parties with opposing interests participate in a procedure, each party must have the possibility to be heard regarding the claims and assertions made by the opposing party.

(3) An authority may not base its decision on facts regarding which all parties have not been given the possibility to be heard, except in cases provided by an Act.

(4) If an Act does not provide in what form individual procedural actions may be performed, the parties shall perform them in writing or orally on record outside the oral hearing, and orally at the hearing.

## 10. Free assessment of evidence

### Article 10

The official person authorised to conduct the procedure and decide in an administrative case, shall assess which facts are to be considered proven in accordance with their belief, based on a conscientious and careful evaluation of each piece of evidence separately

celotnega postopka.

#### 11. Dolžnost govoriti resnico in poštena uporaba pravic

##### **11. člen**

Stranke morajo pred organom govoriti resnico in pošteno uporabljati pravice, ki so jim priznane s tem in drugimi zakoni, ki urejajo upravni postopek.

#### 12. Samostojnost pri odločanju

##### **12. člen**

(1) Organ vodi upravni postopek in odloča v upravnih zadevah samostojno v okviru in na podlagi zakonov, podzakonskih predpisov, predpisov lokalnih skupnosti in splošnih aktov, izdanih za izvrševanje javnih pooblastil.

(2) Uradna oseba samostojno opravlja dejanja v upravnem postopku in v tem okviru ugotavlja dejstva in okoliščine ter na podlagi ugotovljenih dejstev in okoliščin uporablja predpise oziroma splošne akte, izdane za izvrševanje javnih pooblastil.

#### 13. Pravica pritožbe

##### **13. člen**

(1) Zoper odločbo, izdano na prvi stopnji, ima stranka pravico pritožbe. Samo z zakonom je mogoče predpisati, da v posameznih upravnih zadevah ni dovoljena pritožba.

and all evidence together, and based on the outcome of the procedure as a whole.

#### 11. Obligation to tell the truth and fair use of rights

##### **Article 11**

When appearing before an authority, parties must tell the truth and fairly use the rights granted to them by this and other Acts which regulate administrative procedure.

#### 12. Independence in deciding

##### **Article 12**

(1) Authorities shall conduct administrative procedures and decide on administrative cases independently within the framework and on the basis of Acts, implementing regulations, local community regulations and general legal acts issued for the purpose of exercising public authority.

(2) Official persons shall independently perform actions in administrative procedures and within this scope establish facts and circumstances and, based on the established facts and circumstances, apply regulations and general legal acts issued for the purpose of exercising public authority.

#### 13. Right of appeal

##### **Article 13**

(1) A party shall have the right to appeal a decision issued at the first instance. Only an Act may provide that in individual administrative cases an appeal is not permitted.

(2) Kadar je za odločanje na prvi stopnji pristojen predstavniški organ ali vlada, pritožba ni dovoljena.

(3) Kadar je za odločanje na prvi stopnji pristojno ministrstvo, je pritožba dovoljena samo v primeru, da tako določa zakon. V zakonu mora biti tudi določeno, kdo o pritožbi odloča.

(4) Pod pogoji iz tega zakona ima stranka pravico pritožbe tudi v primeru, če organ prve stopnje ni izdal odločbe o njeni zahtevi v določenem roku.

#### 14. Ekonomičnost postopka

##### 14. člen

Postopek je treba voditi hitro, s čim manjšimi stroški in čim manjšo zamudo za stranke in druge udeležence v postopku, vendar tako, da se preskrbi vse, kar je potrebno, da se lahko pravilno ugotovi dejansko stanje, zavarujejo pravice in pravne koristi stranke ter izda zakonita in pravilna odločba.

#### II. poglavje PRISTOJNOST

##### A) STVARNA IN KRAJEVNA PRISTOJNOST

##### 15. člen

(1) Stvarna pristojnost organov za odločanje v upravnih zadevah se določa po predpisih, ki urejajo posamezno upravno področje ali določajo organizacijo in delovna področja posameznih organov.

(2) Where a representative authority or the Government is competent to decide at the first instance, no appeal shall be allowed.

(3) Where a ministry is competent to decide at first instance, an appeal shall be allowed only if so provided by an Act. Such Act must also define who decides on the appeal.

(4) In accordance with the conditions referred to in this Act, a party shall also have the right of appeal if the first instance authority has not yet issued a decision regarding the party's request within the specified time limit.

#### 14. Economy of procedure

##### Article 14

Procedures shall be conducted rapidly, with the minimum possible costs and with the shortest possible delay for the parties and other participants to the procedure, yet in such a manner that everything necessary is provided in order to enable the correct determination of the facts of the case, protection of the rights and legal benefits of the party, and the issuing of a lawful and correct decision.

#### Chapter II JURISDICTION

##### A) SUBJECT MATTER AND TERRITORIAL JURISDICTION

##### Article 15

(1) The subject matter jurisdiction of authorities to decide in administrative cases shall be determined in accordance with the regulations that govern an individual administrative field or define the organisation and fields of work of individual authorities.



(2) Krajevna pristojnost se določa po predpisih o teritorialni organizaciji državne uprave, po predpisih o teritoriju samoupravnih lokalnih skupnosti ter po predpisih o organizaciji posameznih organov.

## 1. Stvarna pristojnost državnih organov

### 16. člen

(1) Za odločanje v upravnih zadevah iz državne pristojnosti so na prvi stopnji stvarno pristojne upravne enote, če zakon ne določa drugače.

(2) Za odločanje v upravnih zadevah iz državne pristojnosti so na drugi stopnji pristojna ministrstva, če zakon ne določa drugače.

(3) Če zakon določa, da je za odločanje o upravnih zadevah na določenem področju na prvi stopnji pristojno ministrstvo, in je v ministrstvu organiziran organ v sestavi za to področje, na prvi stopnji vodi postopek in odloča o upravni zadevi organ v sestavi ministrstva.

## 2. Stvarna pristojnost organov samoupravnih lokalnih skupnosti

### 17. člen

Za odločanje o upravnih zadevah iz izvirne pristojnosti samoupravne lokalne skupnosti je na prvi stopnji pristojna uprava samoupravne lokalne skupnosti, če zakon ne določa drugače. Za odločanje o upravnih zadevah iz prenešene pristojnosti države na samoupravno lokalno skupnost, je na prvi stopnji pristojna uprava samoupravne lokalne skupnosti, če zakon ne določa drugače.

(2) Territorial jurisdiction shall be determined according to the regulations on the territorial organisation of the state administration, the regulations on the territory of self-governing local communities, and the regulations on the organisation of individual authorities.

## 1. Subject matter jurisdiction of state authorities

### Article 16

(1) Unless otherwise provided by an Act, administrative units shall have jurisdiction to decide at the first instance on administrative cases which fall under the jurisdiction of the state.

(2) Unless otherwise provided by an Act, the ministries shall have jurisdiction to decide at the second instance in administrative cases which fall under the jurisdiction of the state.

(3) If an Act provides that a ministry has the jurisdiction to decide on administrative cases in a specific field at the first instance, and an authority within the ministry is organised for this field, the authority within the ministry shall conduct the procedure and decide on such administrative cases at the first instance.

## 2. Subject matter jurisdiction of self-governing local community authorities

### Article 17

Unless otherwise provided by an Act, the administration of a self-governing local community shall have jurisdiction to decide at the first instance on administrative cases which fall under the authentic jurisdiction of the self-governing local community. Unless otherwise provided by an Act, the administration of a self-governing local community shall have jurisdiction to decide at the first instance on administrative cases which fall under the jurisdiction of the state delegated to the self-governing local community.

### 3. Prepoved prevzema in prenosa pristojnosti

#### 18. člen

(1) Noben organ ne more prevzeti posamezne upravne zadeve iz pristojnosti drugega organa in je rešiti sam, razen če zakon tako določa in če so izpolnjeni v zakonu predpisani pogoji.

(2) Če organ, pristojen za nadzorstvo nad delom organa prve stopnje ugotovi, da organ prve stopnje upravnih zadev ne rešuje pravočasno, opozori na to predstojnika organa prve stopnje in določi rok, v katerem mora organ prve stopnje izdati odločbo v posamezni upravni zadevi.

(3) Če po preteku roka iz prejšnjega odstavka ni izdana odločba oziroma sklep, s katerim se postopek konča, lahko organ druge stopnje prevzame upravno zadevo v reševanje, mora pa to storiti, če bi sicer utegnile nastati škodljive posledice za življenje ali zdravje ljudi, za naravno oziroma življenjsko okolje ali premoženje.

(4) Organ, ki je pristojen za odločanje v posamezni upravni zadevi, sme samo po izrecnem zakonskem pooblastilu odločanje v tej zadevi prenesti na kakšen drug organ.

(5) Stvarna in krajevna pristojnost se ne more spremeniti z dogovorom med strankami, organi oziroma strankami in organi, razen, če zakon drugače določa.

### 4. Krajevna pristojnost

#### 19. člen

### 3. Prohibition of appropriation and delegation of jurisdiction

#### Article 18

(1) No authority may appropriate an individual administrative case from the jurisdiction of another authority and solve it by itself, unless so provided by an Act and unless the conditions prescribed by an Act are fulfilled.

(2) If an authority with jurisdiction to supervise the work of a first instance authority finds that such authority does not solve administrative cases in due time, it shall bring this to the attention of the head of the first instance authority and determine a time limit in which the first instance authority must issue a decision in an individual administrative case.

(3) If, after the expiry of the time limit referred to in the preceding paragraph, no decision or procedural decision concluding the procedure is issued, the second instance authority may take on the administrative case in order to solve it, while it must do so if consequences detrimental to the life and health of people, to the natural and living environment or to property might otherwise arise.

(4) The authority with jurisdiction to decide on an individual administrative case may delegate the decision-making on such case to another authority only upon express legal authorisation.

(5) Subject matter jurisdiction and territorial jurisdiction may not be changed by an agreement between the parties, between the authorities and the parties, and between authorities, unless otherwise provided by an Act.

### 4. Territorial jurisdiction

#### Article 19

(1) Stvarno pristojno ministrstvo odloča v upravnih zadevah na območju celotne države.

(2) Organi državne uprave, organizirani po teritorialnem načelu, odločajo v upravnih zadevah na območju, za katero so organizirani.

(3) Ne glede na prejšnji odstavek, organi državne uprave, organizirani po teritorialnem načelu, odločajo v upravnih zadevah na območju celotne države v postopkih uvedenih na zahtevo stranke, če tako določa uredba vlade.

(4) Organi samoupravnih lokalnih skupnosti odločajo v upravnih zadevah na območju lokalne skupnosti.

## 20. člen

(1) V mejah predpisov iz drugega odstavka 15. člena tega zakona in v okviru 19. člena tega zakona se določa krajevna pristojnost:

1. v zadevah, ki se nanašajo na nepremičnine – po kraju, kjer ta leži;
2. v zadevah, ki se nanašajo na dejavnosti državnih organov, organov samoupravnih lokalnih skupnosti in pravnih oseb – po njihovem sedežu; v zadevah, ki se nanašajo na dejavnosti njihovih enot – po sedežu enote;
3. v zadevah, ki se nanašajo na poklicno dejavnost posameznikov, ki se opravlja v določenem kraju – po kraju, kjer se dejavnost pretežno opravlja oziroma, kjer naj bi se pretežno opravljal;
4. v drugih zadevah – po stalnem prebivališču stranke.

(2) Če stranka nima stalnega prebivališča v državi, se določi krajevna pristojnost po njenem začasnem prebivališču v državi, če niti tega nima, pa po njenem zadnjem stalnem oziroma začasnem prebivališču v državi.

(1) The ministry with subject matter jurisdiction shall decide on administrative cases within the territory of the entire state.

(2) State administration authorities organised according to the territorial principle shall decide on administrative cases within the territory for which they have been organised.

(3) Notwithstanding the preceding paragraph, state administration authorities organised according to the territorial principle shall decide on administrative cases within the territory of the entire state in procedures initiated at the request of the party, if so provided by a Government decree.

(4) Self-governing local community authorities shall decide in administrative cases on the territory of the local community.

## Article 20

(1) Within the limits of the regulations referred to in paragraph two of Article 15 of this Act and within the framework of Article 19 of this Act, territorial jurisdiction shall be determined:

1. in cases relating to real property – by the location of the property;
2. in cases relating to the activity of state authorities, self-governing local community authorities and legal persons – by the registered office thereof; in cases relating to the activity of their units – by the registered office of the unit;
3. in cases relating to the professional activity of individuals performed in a specified location – by the location where the activity is predominantly performed or where it should predominantly be performed;
4. in other cases – by permanent residence of the party.

(2) If a party does not have permanent residence in the country, territorial jurisdiction shall be determined by the party's temporary residence in the country; if the party does not have such residence either, territorial jurisdiction shall be determined by the party's last permanent or temporary residence in the country.

(3) Če v postopku sodeluje več strank, se določi pristojnost po stranki, zoper katero se vodi postopek oziroma, zoper katero je naperjen zahtevek.

(4) Če se krajevna pristojnost ne da določiti po določbah prvih treh odstavkov tega člena, se določi po kraju, kjer je nastal povod za postopek.

(5) V zadevah, ki se nanašajo na vodno plovilo ali zrakoplov, ultralahko oziroma drugo letalno napravo, in v zadevah, za katere je nastal povod za postopek na tovrstnem vodnem plovilu ali zrakoplovu, ultralahki ali drugi letalni napravi, se določi krajevna pristojnost po sedežu organa, ki je sicer pristojen za upravno zadevo.

## 5. Stek pristojnosti

### 21. člen

(1) Če bi bila po določbah 19. in 20. člena tega zakona hkrati krajevno pristojna dva ali več stvarno pristojnih organov, je pristojen tisti organ, ki je prvi začel postopek; krajevno pristojni organi pa se lahko sporazumejo, kateri od njih bo vodil postopek.

(2) Ne glede na prejšnji odstavek mora vsak krajevno pristojen organ opraviti na svojem območju tista dejanja postopka, ki jih ni mogoče odlagati.

## 6. Ustalitev pristojnosti

### 22. člen

(1) Organ, ki je kot krajevno pristojen začel postopek, ostane pristojen tudi tedaj, kadar nastanejo med postopkom okoliščine, po katerih

(3) If several parties participate in a procedure, territorial jurisdiction shall be determined by the party against whom the procedure is being conducted or against whom the claim is directed.

(4) If territorial jurisdiction cannot be determined according to the provisions of the first three paragraphs of this Article, it shall be determined by the location where the reason for initiating the procedure has arisen.

(5) In cases relating to a vessel or an aircraft, an ultralight or other flying machine, and in cases where the reason for initiating the procedure has arisen on such a vessel or aircraft, ultralight or other flying machine, territorial jurisdiction shall be determined by the registered office of the authority otherwise competent for the administrative case.

## 5. Concurrence of jurisdiction

### Article 21

(1) If, according to the provisions of Articles 19 and 20 of this Act, two or more authorities with subject matter jurisdiction simultaneously have territorial jurisdiction, the authority that started the procedure first shall have jurisdiction; however, authorities with simultaneous territorial jurisdiction may agree on which of them shall conduct the procedure.

(2) Notwithstanding the preceding paragraph, each authority with territorial jurisdiction must perform on its territory those procedural actions that cannot be postponed.

## 6. Maintenance of jurisdiction

### Article 22

(1) The authority which has started the procedure as the authority with territorial jurisdiction shall maintain jurisdiction also when, in

bi bil krajevno pristojen kakšen drug organ. Organ, ki je začel postopek, lahko odstopi zadevo organu, ki je postal krajevno pristojen po novih okoliščinah, če se s tem znatno olajša postopek, zlasti za stranko.

(2) Če zakon ne določa drugače, ostane organ, ki je kot stvarno pristojen začel postopek, pristojen tudi tedaj, kadar se med postopkom spremenijo okoliščine za določitev stvarne pristojnosti, ali se spremeni zakon tako, da določa za odločanje v upravni zadevi stvarno pristojnost drugega organa.

### **23. člen**

(1) Vsak organ mora po uradni dolžnosti med postopkom ves čas paziti na svojo stvarno in krajevno pristojnost.

(2) Če organ spozna, da ni pristojen za določeno upravno zadevo, postopa tako, kot je določeno v četrtem in petem odstavku 65. člena tega zakona.

(3) Če je nepristojni organ opravil kakšno dejanje postopka, preudari pristojni organ, ki mu je zadeva odstopljena, ali je treba katero od teh dejanj ponoviti. Organ, ki je opravil taka dejanja, mora pristojnemu organu odstopiti dokumente o teh dejanjih.

## **7. Stranke z diplomatsko imuniteto**

### **24. člen**

(1) Glede pristojnosti domačih organov v zadevah, v katerih je stranka tujec, ki uživa v Sloveniji imunitetno pravico, tuja država ali mednarodna organizacija, veljajo mednarodne pogodbe in druga pravila

the course of the procedure, circumstances develop following which some other authority would have territorial jurisdiction. The authority which has started the procedure may refer the case to the authority which has acquired territorial jurisdiction following the development of the new circumstances, if this would significantly facilitate the procedure, particularly for the party.

(2) Unless otherwise provided by an Act, the authority which has started the procedure as the authority with subject matter jurisdiction shall maintain jurisdiction also when, in the course of the procedure, circumstances affecting the way in which subject matter jurisdiction is determined, changed, or the Act is amended in a manner such that subject matter jurisdiction to decide in the administrative matter is conferred to another authority.

### **Article 23**

(1) Each authority must pay, *ex officio*, attention to its subject-matter and territorial jurisdiction throughout the procedure.

(2) If an authority finds that it does not have jurisdiction in a certain administrative case, it shall proceed as provided in paragraphs four and five of Article 65 of this Act.

(3) If an authority which does not have jurisdiction has performed a procedural action, the authority with jurisdiction to which the case has been referred shall consider whether some of the actions should be repeated. The authority which has performed these actions must refer the documents regarding these actions to the authority with jurisdiction.

## **7. Parties with diplomatic immunity**

### **Article 24**

(1) Regarding the jurisdiction of national authorities in cases where the party is a foreign national who enjoys the right to immunity in Slovenia, a foreign country or an international organisation, treaties and

mednarodnega prava, ki obvezujejo Slovenijo.

(2) Če nastane dvom o obstoju in obsegu imunitetne pravice, da pojasnilo ministrstvo, pristojno za zunanje zadeve.

(3) Uradna dejanja, ki se tičejo oseb z imuniteto, se opravljajo s posredovanjem ministrstva, pristojnega za zunanje zadeve.

## 8. Prostorska omejitev pristojnosti

### 25. člen

(1) Vsak organ opravlja uradno delo v mejah svojega območja.

(2) Če bi bilo nevarno odlašati z uradnim dejanjem, ki bi ga bilo treba opraviti izven območja organa, ga sme opraviti organ tudi izven svojega območja. To pa mora takoj sporočiti organu, na katerega območju je dejanje opravil. Taka dejanja lahko opravi državni organ tudi v razmerju do organa samoupravne lokalne skupnosti in obratno.

(3) Uradna dejanja v stavbah ali drugih objektih, ki so v uporabi vojaških organov, se opravljajo po poprejšnji naznanitvi pristojnemu vojaškemu poveljniku. Takšna naznanitev ni potrebna v nujnih zadevah.

(4) Uradna dejanja na eksteritorialnem območju se opravijo s posredovanjem ministrstva, pristojnega za zunanje zadeve, razen, če gre za nujna dejanja v javnem interesu in pravila mednarodnega prava, ki zavezujejo Slovenijo, to dopuščajo.

## 9. Spor o pristojnosti

other rules of international law that are binding on Slovenia shall apply.

(2) If there is any doubt as to the existence and extent of the right to immunity, an explanation shall be given by the ministry responsible for foreign affairs.

(3) Official actions relating to persons with immunity shall be performed through the ministry responsible for foreign affairs.

## 8. Territorial limitation of jurisdiction

### Article 25

(1) Each authority shall perform its work within the limits of its territory.

(2) If the postponement of an official action which needs to be performed outside the territory of the authority might cause danger, the authority may also perform such action outside its territory. However, this must be immediately communicated to the authority in the territory where the action has been performed. Such actions may also be performed by a state authority in relation to a self-governing local community authority, and vice versa.

(3) In buildings and other facilities used by military authorities, official actions shall be performed upon prior notice to the competent military commander. Such notice shall not be necessary in cases of urgency.

(4) In an extraterritorial area, official actions shall be performed through the ministry responsible for foreign affairs, unless the case involves urgent actions which are in the public interest and are allowed by the rules of international law that are binding on Slovenia.

## 9. Conflict of jurisdiction

## 26. člen

(1) Vlada odloča v sporih o pristojnosti:

1. med ministrstvi;
2. med nosilci javnih pooblastil, ki imajo javno pooblastilo na podlagi zakona, in ministrstvi;
3. med nosilci javnih pooblastil, ki imajo javno pooblastilo na podlagi zakona;
4. med upravno enoto in ministrstvom.

(2) Ministrstvo, pristojno za upravo, odloča v sporih o pristojnosti:

1. med upravnimi enotami;
2. med upravnimi enotami in nosilci javnih pooblastil, ki imajo javno pooblastilo na podlagi zakona.

(3) Ustavno sodišče odloča v sporih o pristojnosti:

1. med sodišči in drugimi državnimi organi;
2. med državnimi organi in organi samoupravnih lokalnih skupnosti;
3. med organi samoupravnih lokalnih skupnosti.

(4) V sporih o pristojnosti med enotami ali izpostavami ministrstev ali nosilca javnega pooblastila, odloča samo ministrstvo oziroma nosilec javnega pooblastila.

(5) Župan odloča v sporih o pristojnosti:

1. med organi iste lokalne skupnosti;
2. med nosilci javnih pooblastil, ki imajo javno pooblastilo na podlagi predpisa lokalne skupnosti;
3. med nosilci javnih pooblastil iz prejšnje alineje in organi samoupravnih lokalnih skupnosti.

(6) Minister, pristojen za upravo, odloča v sporih o pristojnosti med županom in svetom iste samoupravne lokalne skupnosti.

## Article 26

(1) The Government shall decide in conflicts of jurisdiction:

1. between ministries;
2. between bearers of public authority that have public authorisation on the basis of an Act and ministries;
3. between bearers of public authority that have public authorisation on the basis of an Act;
4. between an administrative unit and a ministry.

(2) The ministry responsible for administration shall decide in conflicts of jurisdiction:

1. between administrative units;
2. between administrative units and bearers of public authority that have public authorisation on the basis of an Act.

(3) The Constitutional Court shall decide in conflicts of jurisdiction:

1. between courts and other state authorities;
2. between state authorities and self-governing local community authorities;
3. between self-governing local community authorities.

(4) In conflicts of jurisdiction between units and branches of ministries and a bearer of public authority, the ministry itself or the bearer of public authority shall decide.

(5) The mayor shall decide in conflicts of jurisdiction:

1. between authorities of the same local community;
2. between bearers of public authority that have public authorisation on the basis of a local community regulation;
3. between bearers of public authority referred to in the preceding indent and self-governing local community authorities.

(6) The minister responsible for administration shall decide in conflicts of jurisdiction between the mayor and the council of the same self-governing local community.

(7) V drugih sporih o pristojnosti odloča organ, ki je pristojen za nadzor nad delom obeh ali vseh organov v sporu.

## 27. člen

(1) Kadar sta dva organa izjavila, da sta pristojna ali da nista pristojna za odločanje v isti upravni zadevi, poda predlog za odločanje v sporu o pristojnosti organ, ki se je zadnji izrekel, da ni pristojen oziroma organ, ki meni, da je drugi organ prevzel njegovo pristojnost. Predlog lahko poda tudi stranka.

(2) Organ, ki odloča v sporu o pristojnosti, s sklepom odloči, kateri organ je pristojen za upravno zadevo in odpravi odločbo, ki jo je v upravni zadevi izdal nepristojni organ, oziroma odpravi sklep, s katerim se je pristojni organ izrekel za nepristojnega, in pošlje zadevo z dokumenti pristojnemu organu.

(3) [\(prenehal veljati\)](#)

(4) V primeru iz prvega odstavka 21. člena in v primeru iz 22. člena tega zakona spor o pristojnosti ni dopusten. Zahtevo za takšen spor o pristojnosti organ, pristojen za odločanje v sporu o pristojnosti, zavrže.

10. Katera uradna oseba je pooblaščenca za postopek in za odločanje

## 28. člen

(1) V upravni zadevi, za katero je pristojen monokratičen (individualno voden) organ, izda odločbo v upravnem postopku njegov

(7) In other conflicts of jurisdiction, the authority responsible for supervision over the work of both or all authorities involved in the conflict shall decide.

## Article 27

(1) Where two authorities have claimed they have or do not have jurisdiction to decide in the same administrative case, the authority which last claimed not to have jurisdiction or the authority which believes that the other authority has appropriated its jurisdiction, shall submit a proposal that a decision be made in a conflict of jurisdiction. Such proposal may also be submitted by a party.

(2) The authority which decides in a conflict of jurisdiction shall decide which authority has jurisdiction in the administrative case by a procedural decision, and shall set aside the decision issued in the administrative case by the authority without jurisdiction, or set aside the procedural decision by which the authority claimed not to have jurisdiction, and shall refer the case together with the relevant documents to the authority with jurisdiction.

(3) **(Ceased to be in force)**

(4) In the case referred to in paragraph one of Article 21 and in the case referred to in Article 22 of this Act, a conflict of jurisdiction shall not be admissible. A request for such a conflict of jurisdiction shall be rejected by the authority with jurisdiction to decide in the conflict of jurisdiction.

10. Which official person has the authorisation to proceed and make decisions

## Article 28

(1) In an administrative case within the jurisdiction of a monocratic authority (managed by a single person), a decision shall be



predstojnik, če ni s predpisi o organizaciji tega organa ali z drugimi predpisi določeno drugače.

(2) Predstojnik lahko pooblasti drugo osebo, zaposleno pri istem organu, za odločanje v upravnih zadevah iz določene vrste zadev.

(3) Pooblastilo za odločanje obsega tudi pooblastilo za vodenje postopka pred odločitvijo.

(4) Inšpektor ima že po zakonu pooblastilo za odločanje v upravnih zadevah.

## **29. člen**

(1) Pri kolegijskih organih izdaja odločbe v upravnih zadevah sam kolegijski organ, če ni z zakonom oziroma s predpisom sveta samoupravne lokalne skupnosti določeno, da izdaja odločbe v upravnem postopku predsednik kolegijskega organa.

(2) Kadar je za odločanje v upravni zadevi pristojen kolegijski organ, vodi postopek do izdaje odločbe njegov član, ki ga določi sam organ. Uradna oseba kolegijskega organa mora izpolnjevati pogoje za vodenje postopka iz 31. člena tega zakona. V primeru, da take osebe v kolegijem organu ni, vodi postopek do izdaje odločbe uradna oseba, ki izpolnjuje pogoje iz 31. člena tega zakona in jo kolegijski organ za to pooblasti.

(3) V primeru iz prejšnjega odstavka predloži oseba, ki je vodila postopek, kolegijem organu, ki je pristojen za odločanje, pisno poročilo in predlog odločbe.

## **30. člen**

issued in an administrative procedure by its head, unless otherwise provided by the regulations on the organisation of that authority or other regulations.

(2) The head may authorise another person employed by the same authority to decide on administrative cases regarding certain types of cases.

(3) The authorisation for deciding shall also comprise the authorisation for conducting the procedure before a decision is issued.

(4) Inspectors have authorisation per se by an Act to decide on administrative cases.

## **Article 29**

(1) In the case of collegiate authorities, decisions in administrative cases shall be issued by the collegiate authority itself, unless an Act or a self-governing local community council regulation provides that decisions in an administrative procedure be issued by the president of the collegiate authority.

(2) Where a collegiate authority has jurisdiction to decide in an administrative case, the procedure preceding the decision shall be conducted by one of its members appointed by the authority itself. An official person of the collegiate authority must meet the conditions required for conducting a procedure referred to in Article 31 of this Act. If there is no such person in the collegiate authority, the procedure preceding the decision shall be conducted by an official person who meets the conditions referred to in Article 31 of this Act and obtains authorisation for this from the collegiate authority.

(3) In the case referred to in the preceding paragraph, the person who has conducted the procedure shall submit a written report and a draft of the decision to the collegiate authority competent for decision-making.

## **Article 30**

(1) Predstojnik organa lahko pooblasti drugo osebo, zaposleno pri istem organu, za vodenje posameznih dejanj v postopku pred izdajo odločbe.

(2) Župan lahko pooblasti za vodenje posameznih dejanj v postopku na drugi stopnji zaposlenega v upravi samoupravne lokalne skupnosti.

(3) Če v pooblastilu ni omejitev, ima uradna oseba pravico opravljati vsa dejanja v postopku, razen pravice izdajati odločbe in take sklepe, s katerimi se konča postopek.

(4) Če predstojnik organa oziroma župan ne izpolnjuje predpisanih pogojev za vodenje postopka, lahko postopek do izdaje odločbe vodi samo uradna oseba, ki te pogoje izpolnjuje.

### **31. člen**

(1) Upravni postopek lahko vodi in v njem odloča oseba, ki izpolnjuje pogoje glede izobrazbe in strokovnega izpita iz upravnega postopka.

(2) Strokovni izpit iz upravnega postopka ni potreben za vodenje in odločanje v enostavnih upravnih zadevah, ki jih določi vlada z uredbo.

(3) Strokovni izpit iz upravnega postopka mora oseba opraviti najkasneje v treh mesecih od sklenitve delovnega razmerja za delovno mesto, kjer je strokovni izpit iz upravnega postopka določen kot pogoj za zasedbo delovnega mesta.

(4) Podrobnejše pogoje glede izobrazbe in strokovnega izpita iz upravnega postopka predpiše vlada.

(5) Ministrstvo, pristojno za upravo vodi evidenco opravljanja

(1) The head of the authority may authorise another person employed by the same authority to conduct single actions in a procedure preceding the decision.

(2) A mayor may authorise an employee of the administration of a self-governing local community to conduct single actions in a procedure at the second instance.

(3) If the authorisation has no restrictions, the official person shall have the right to perform all procedural actions, except for the right to issue decisions and procedural decisions that would conclude the procedure.

(4) If the head of an authority or a mayor does not meet the prescribed conditions for conducting a procedure, the procedure preceding the decision may be conducted only by an official person who meets such conditions.

### **Article 31**

(1) An administrative procedure shall be conducted and the decisions therein made by a person who meets the conditions regarding education and the professional examination in administrative procedure.

(2) The professional examination in administrative procedure shall not be necessary for conducting and deciding on simple administrative cases defined by a Government decree.

(3) A person must pass the professional examination in administrative procedure within three months of taking employment in a post where the professional examination in administrative procedure is a requirement.

(4) Detailed requirements concerning education and the professional examination in administrative procedure shall be prescribed by the Government.

(5) The ministry responsible for administration shall keep a

izpitov iz prejšnjega odstavka. Evidenca vsebuje naslednje podatke: osebno ime osebe, ki je opravljala strokovni izpit, EMŠO, vrsto in stopnjo njene izobrazbe, datum opravljanja izpita in uspeh na izpitu.

(6) Evidenca iz prejšnjega odstavka se hrani trajno.

### 32. člen

(1) V upravnih zadevah, o katerih odločajo nosilci javnih pooblastil, se glede vprašanja, katera oseba je pooblaščenca za odločanje oziroma za opravljanje posameznih dejanj v postopku, smiselno uporabljajo določbe tega zakona, če drug zakon ne določa drugače.

(2) V primeru iz prejšnjega odstavka se za predstojnika šteje poslovodni organ, razen če splošni akt nosilca javnega pooblastila ne določa drugače.

## 11. Pravna pomoč

### 33. člen

(1) Za posamezna dejanja v postopku, ki jih je treba opraviti izven območja pristojnega organa, zaprosi ta organ tisti državni organ, na katerega območju je treba dejanje opraviti. Na enak način so si dolžni dajati pravno pomoč med seboj tudi organi samoupravnih lokalnih skupnosti.

(2) Ministrstvo lahko, kadar odloča na prvi stopnji, za posamezna dejanja v postopku, ki jih je treba opraviti izven sedeža ministrstva, zaprosi tisti državni organ, na katerega območju je treba dejanje opraviti.

(3) Organ, ki vodi postopek, lahko zaprosi drug organ za

record of the performed examinations referred to in the preceding paragraph. Such record shall comprise the following data: personal name of the person who has taken the professional examination, personal identification number, type and degree of education, date of taking the examination, and the outcome of the examination.

(6) The record referred to in the preceding paragraph shall be kept permanently.

### Article 32

(1) Regarding the question of which person is authorised to decide or perform single procedural actions in administrative cases decided by bearers of public authority, the provisions of this Act shall apply *mutatis mutandis*, unless otherwise provided by another Act.

(2) In the case referred to in the preceding paragraph, the head shall be deemed to be the management authority, unless otherwise provided by a general legal act issued by the bearer of public authority.

## 11. Legal assistance

### Article 33

(1) For single procedural actions which need to be performed outside the territory of the authority with jurisdiction, such authority shall request assistance from the state authority in the territory of which the action is to be performed. In the same manner, self-governing local community authorities shall be obliged to provide legal assistance to each other.

(2) In deciding at the first instance, a ministry may, for single procedural actions which need to be performed outside the principal office of the ministry, request assistance from the state authority in the territory of which the action is to be performed.

(3) The authority conducting the procedure may ask another

pojasnila in podatke, potrebne za ugotovitev dejstev, pomembnih za izdajo odločbe.

### 34. člen

(1) Državni organi in organizacije, ki imajo javno pooblastilo za odločanje v upravnih zadevah, morajo dajati drug drugemu pravno pomoč v upravnem postopku. Za tako pomoč prosijo s posebnim zapisilom.

(2) Zaprošeni organ kot tudi organizacija iz prejšnjega odstavka mora ugoditi zaprosilu v mejah svojega območja in delovnega področja brez odlašanja, najpozneje pa v 30 dneh od prejema zaprosila.

(3) Od sodišča se lahko zaprosi pravna pomoč za posamezna dejanja v postopku samo, če zakon tako določa.

(4) Organ lahko zaprosi sodišče naj mu pošlje dokumente, ki so mu potrebni v upravnem postopku. Sodišče mora ugoditi takemu zaprosilu, če se s tem ne ovira sam sodni postopek. Sodišče lahko določi rok, v katerem mu je treba dokumente vrniti.

(5) Za pravno pomoč v razmerju s tujimi organi veljajo določbe mednarodnih pogodb, če teh ni, pa načelo vzajemnosti. Če nastane dvom o vzajemnosti, da o tem pojasnilo ministrstvo, pristojno za zunanje zadeve.

(6) Domači organi dajejo tujim organom pravno pomoč na način, kot to določa zakon. Organ odreče pravno pomoč, če se prosi za dejanje, ki nasprotuje javnemu redu. Dejanje, za katero prosi tuji organ, se lahko opravi tudi na način, ki ga želi tuji organ, če tak postopek ne nasprotuje javnemu redu.

(7) Če v mednarodnih pogodbah ni predvidena možnost neposredne pravne pomoči med domačimi in tujimi organi, občujejo domači organi s tujimi organi preko ministrstva, pristojnega za zunanje

authority to provide explanations and data necessary to establish the facts relevant for issuing the decision.

### Article 34

(1) State authorities and organisations with public authorisation to decide on administrative cases must provide legal assistance to each other in administrative procedures. They shall submit a special request when asking for such assistance.

(2) An authority which received a request as well as the organisation referred to in the preceding paragraph must grant such request within the limits of their territory and within their field of work without delay, and no later than within 30 days of receiving the request.

(3) Legal assistance for individual procedural actions may be requested from a court only if so provided by an Act.

(4) An authority may request that the court send it the documents needed in an administrative procedure. The court must grant such request if judicial procedures are not thereby impeded. The court may determine a time limit in which the documents must be returned.

(5) The provisions of international treaties shall apply to legal assistance in relation to foreign authorities, but if no such provisions exist, the principle of reciprocity shall apply. If there is doubt concerning reciprocity, an explanation shall be given by the ministry responsible for foreign affairs.

(6) National authorities shall provide legal assistance to foreign authorities in the manner provided by an Act. An authority shall refuse to provide legal assistance if an action contrary to public order has been requested. The action requested by a foreign authority may also be performed in the manner preferred by the foreign authority, provided this is not contrary to public order.

(7) If no possibility of direct legal assistance between national and foreign authorities is envisaged in treaties, national authorities shall communicate with foreign authorities through the ministry responsible for

zadeve.

### **34.a člen**

Upravljalci zbirk osebnih podatkov, ki razpolagajo s podatki, ki so potrebni za ugotovitev dejstev v zvezi z vodenjem in odločanjem v upravnem postopku, so dolžni na podlagi obrazložene zahteve organa, brezplačno, najkasneje v roku 15 dni, posredovati zahtevane podatke. Zahteva mora vsebovati navedbo zahtevanih podatkov, pravno podlago za posredovanje, namen njihove uporabe in številko upravne zadeve.

## **B) IZLOČITEV**

### **35. člen**

Predstojnik oziroma pooblaščen uradna oseba organa ne sme odločati ali opravljati posameznih dejanj v postopku:

1. če je v zadevi, o kateri teče postopek, stranka, soupravičenec oziroma sozavezanec, priča, izvedenec, pooblaščenec ali zakoniti zastopnik stranke;
2. če je stranka ali njen zakoniti zastopnik ali pooblaščenec z njo v krvnem sorodstvu v ravni vrsti ali v stranski vrsti do vštetega četrtega kolena ali če je z njo v zakonski zvezi, ali v svaštvu do vštetega drugega kolena, četudi je zakonska zveza prenehala, ali če z njo živi ali je živela v izvenzakonski skupnosti;
3. če je skrbnik, posvojitelj, posvojenec ali rejnik stranke, njenega zakonitega zastopnika ali pooblaščenca;
4. če je bila udeležena v postopku na prvi stopnji ali je sodelovala pri odločanju.

### **36. člen**

Uradna oseba, ki naj bi odločila v določeni upravni zadevi ali

foreign affairs.

### **Article 34a**

Personal database administrators that possess the information necessary to establish the facts relating to conducting and deciding in an administrative , shall be obliged, on the basis of a reasoned request from an authority, to provide the requested information free of charge within 15 days at the latest. The request must state which information is requested, the legal basis for the request, the purpose for which the information will be used, and the number of the administrative case.

## **B) RECUSAL**

### **Article 35**

The head or an authorised official person of an authority may not decide or perform individual actions in a procedure:

1. if he or she is a party, a co-entitled person or a co-obliged person, a witness, an expert witness, an authorised person or a statutory representative of a party in the case considered in an administrative procedure;
2. if a party or their statutory representative or authorised person is his or her blood relative in a direct line or a collateral line up to the fourth degree, or if he or she is married to such party or their relative in law up to the second degree, even if the marriage has ended, or if he or she lives or has lived with them in a non-marital cohabitation;
3. if he or she is a guardian, an adoptive parent, an adopted child or a foster parent of the party, their statutory representative or authorised person;
4. if he or she has been involved in a procedure at the first instance or has participated in deciding.

### **Article 36**

An official person who is to decide or perform some procedural

opravila kakšno dejanje v postopku, mora takoj, ko zve za kakšen izločitveni razlog iz 35. člena tega zakona, prenehati s kakršnikoli nadaljnjim delom v zadevi in to sporočiti organu, pristojnemu za odločanje o izločitvi. Če uradna oseba misli, da so podane kakšne druge okoliščine, ki opravičujejo njeno izločitev, sporoči to omenjenemu organu, ne sme pa prenehati z delom.

### **37. člen**

(1) Stranka lahko zahteva izločitev uradne osebe iz razlogov naštetih v 35. členu tega zakona, lahko pa tudi, kadar druge okoliščine vzbujajo dvom o njeni nepristranosti. Pri tem mora stranka navesti okoliščine, zaradi katerih je po njenem mnenju podan kakšen razlog za izločitev.

(2) Uradna oseba, katere izločitev je zahtevala stranka iz kakšnega od razlogov, naštetih v 35. členu tega zakona, ne sme do izdaje sklepa o taki zahtevi opravljati nobenih dejanj v postopku, razen tistih, ki se ne smejo odlagati.

### **38. člen**

(1) O izločitvi ministra odloči vlada. O izločitvi predstojnikov organov in organizacij v sestavi ministrstev in uradnih oseb v ministrstvu odloča minister.

(2) O izločitvi uradne osebe v organih ter organizacijah v sestavi ministrstev odloča predstojnik organa oziroma organizacije.

(3) O izločitvi načelnika upravne enote odloča minister, pristojen za upravo.

(4) O izločitvi uradne osebe upravne enote odloča načelnik upravne enote.

(5) O izločitvi uradnih oseb nosilcev javnih pooblastil odloča

action in a particular administrative case, must immediately cease carrying out any further activities in the case when they learn of some reason for recusal referred to in Article 35 of this Act, and shall notify thereof the authority which is responsible for deciding on recusal. If the official person believes that there are any other circumstances which justify their recusal, they shall notify thereof the above authority but may not cease carrying out their work.

### **Article 37**

(1) A party may request that an official person be recused for reasons stated in Article 35 of this Act, as well as when other circumstances cast doubt on the impartiality of the official person. When this is the case, the party must indicate the circumstances which, in their opinion, provide a reason for recusal.

(2) The official person whose recusal has been requested by the party for whatever reason stated in Article 35 of this Act may not, until a procedural decision on such a request is issued, perform any procedural actions, except for those which may not be postponed.

### **Article 38**

(1) The Government shall decide on the recusal of a minister. Ministers shall decide on the recusal of heads of authorities and organisations within ministries and of official persons in the ministry.

(2) The head of an authority or organisation shall decide on the recusal of official persons in authorities and organisations within ministries.

(3) The minister responsible for public administration shall decide on the recusal of the head of an administrative unit.

(4) The head of an administrative unit shall decide on the recusal of an official person of the administrative unit.

(5) The recusal of official persons who are bearers of public

predstojnik organa, ki odloča o pritožbi zoper odločbo take organizacije, če pritožba ni dovoljena, pa minister, ki vodi ministrstvo, v katerega delovno področje spada upravna zadeva.

(6) O izločitvi uradnih oseb uprave samoupravne lokalne skupnosti odloča tajnik oziroma direktor uprave samoupravne lokalne skupnosti.

(7) O izločitvi tajnika oziroma direktorja uprave samoupravne lokalne skupnosti odloča župan.

(8) O izločitvi župana odloča predstavniški organ samoupravne lokalne skupnosti.

(9) O izločitvi uradne osebe v zadevah iz prenešene državne pristojnosti na samoupravno lokalno skupnost odloči pristojno ministrstvo, ki določi drugo uradno osebo.

(10) O izločitvi se odloči s sklepom.

### **39. člen**

(1) V sklepu o izločitvi je treba določiti uradno osebo, ki bo namesto izločene osebe opravljala posamezna dejanja ali vodila celoten postopek oziroma odločila o zadevi.

(2) Zoper sklep, s katerim je zavrnjena zahteva stranke za izločitev, je dovoljena pritožba.

### **40. člen**

Določbe tega zakona o izločitvi se smiselno uporabljajo tudi za člane kolegijskih organov in druge funkcionarje ter druge osebe, ki bi bile pooblaščenice za odločanje v upravnih zadevah oziroma opravljanje dejanj v postopku.

authority shall be decided on by the head of the authority, who is responsible for deciding on appeals filed against decisions issued by the organisation; if no appeal is allowed, the minister who heads the ministry into whose field of work the administrative case at issue falls, shall decide.

(6) The secretary or director governing the administration of a self-governing local community shall decide on the recusal of official persons of the self-governing local community administration.

(7) The mayor shall decide on the recusal of the secretary or director governing the administration of a self-governing local community.

(8) The representative body of a self-governing local community shall decide on the recusal of the mayor.

(9) In cases where jurisdiction has been delegated from the state to a self-governing local community, the competent ministry shall decide on the recusal of an official person and the appointment of another official person.

(10) The recusal shall be decided by a procedural decision.

### **Article 39**

(1) The procedural decision regarding recusal shall define the official person who is to perform individual actions or conduct the entire procedure and decide on the case instead of the recused person.

(2) An appeal shall be allowed against the procedural decision by which a party's request for recusal has been refused.

### **Article 40**

The provisions of this Act on recusal shall also apply *mutatis mutandis* to members of collegiate authorities and other high officials and to other persons who would be authorised to decide on administrative cases or perform procedural actions.

#### **41. člen**

(1) Določbe tega zakona o izločitvi se smiselno uporabljajo tudi za zapisnikarje.

(2) Sklep o izločitvi zapisnikarja izda uradna oseba, ki vodi postopek.

### III. poglavje STRANKA IN NJENO ZASTOPANJE

#### 1. Stranka

#### **42. člen**

(1) Stranka v upravnem postopku je lahko vsaka fizična oseba in pravna oseba zasebnega ali javnega prava, na katere zahtevo je začel postopek ali zoper katero teče postopek.

(2) Stranke so lahko tudi drugi (skupina oseb, itd.), če so lahko nosilci pravic in obveznosti, o katerih se odloča v upravnem postopku.

#### **43. člen**

(1) Pravico udeleževati se postopka ima tudi oseba, ki izkaže pravni interes. Pravni interes izkaže oseba, ki zatrjuje, da vstopa v postopek, zaradi varstva svojih pravnih koristi (stranski udeleženec).

(2) Pravna korist je neposredna, na zakon ali drug predpis oprta osebna korist.

#### **Article 41**

(1) The provisions of this Act on recusal shall also apply *mutatis mutandis* to typists.

(2) The procedural decision regarding the recusal of a typist shall be issued by the official person conducting the procedure.

### Chapter III PARTIES AND THEIR REPRESENTATION

#### 1. Party

#### **Article 42**

(1) A party to an administrative procedure may be any natural and legal person under private or public law on whose request the procedure has been initiated or against whom the procedure is conducted.

(2) Parties may also be others (a group of persons, etc.), provided that they can be the bearers of the rights and obligations decided in an administrative procedure.

#### **Article 43**

(1) The right to participate in a procedure shall also pertain to a person who demonstrates legal interest. Legal interest shall be demonstrated by a person who claims to be joining the procedure in order to protect their legal benefits (accessory participant).

(2) A legal benefit shall be a direct personal benefit based on an Act or other regulation.



(3) Oseba iz prvega odstavka tega člena ima v postopku enake pravice in dolžnosti kot stranka, če zakon ne določa drugače.

(4) Oseba, ki zahteva udeležbo v postopku, mora v svoji vlogi navesti, v čem je njen pravni interes.

#### **44. člen**

Organ mora ves čas med postopkom po uradni dolžnosti skrbeti za to, da so v postopku udeleženi vsi, na katerih pravice ali pravne koristi bi lahko vplivala odločba.

#### **45. člen**

(1) Državni tožilec, državni pravobranilec in drugi državni organi, ki so po zakonu upravičeni v upravnem postopku zastopati javne koristi, imajo v mejah takega pooblastila pravice in dolžnosti stranke.

(2) Organi iz prvega odstavka tega člena ne morejo imeti v upravnem postopku večjih pravic, kot jih imajo stranke.

### **2. Procesna sposobnost in zakoniti zastopnik**

#### **46. člen**

(1) Stranka, ki je poslovno popolnoma sposobna, lahko sama opravlja dejanje v postopku (procesna sposobnost).

(2) Polnoletna oseba, ki ji je delno omejena poslovna sposobnost, je procesno sposobna v mejah svoje poslovne sposobnosti.

(3) The person referred to in paragraph one of this Article shall have the same rights and obligations in the procedure as the party, unless otherwise provided by an Act.

(4) A person requesting to participate in a procedure must indicate their legal interest in their application.

#### **Article 44**

Throughout the procedure, the authority must ensure *ex officio* that all those persons whose rights or legal benefits could be affected by the decision, participate in the procedure.

#### **Article 45**

(1) The State Prosecutor, the State Attorney and other state authorities entitled by an Act to represent public benefits in an administrative procedure, shall have, within the limits of their authorisation, the rights and obligations of a party.

(2) The authorities referred to in paragraph one of this Article may not have greater rights in an administrative procedure than the parties.

### **2. Procedural capacity and statutory representative**

#### **Article 46**

(1) A party that has full capacity to contract may perform procedural actions by themselves (procedural capacity).

(2) A person of full age whose capacity to contract is partially limited shall have procedural capacity within the limits of their capacity to contract.

(3) Mladoletnik, ki ni pridobil popolne poslovne sposobnosti, je procesno sposoben v mejah, v katerih mu je priznana poslovna sposobnost.

(4) Tuj državljan, ki ni procesno sposoben po pravu svoje države, je pa procesno sposoben po našem zakonu, lahko sam opravlja procesna dejanja.

#### **47. člen**

(1) Stranko, ki nima procesne sposobnosti, zastopa njen zakoniti zastopnik.

(2) Zakoniti zastopnik je določen z zakonom ali z aktom pristojnega organa na podlagi zakona.

(3) Zakoniti zastopnik lahko opravlja v imenu stranke vsa procesna dejanja razen v primerih, ko je s predpisom določeno, da mora imeti za posamezna procesna dejanja posebno dovoljenje.

(4) Organ lahko od osebe, ki nastopa kot zakoniti zastopnik, zahteva, da predloži dokazila, da je strankin zakoniti zastopnik.

(5) Če organ, ki vodi postopek, ugotovi, da zakoniti zastopnik osebe, ki je pod skrbništvom, ne kaže potrebne skrbnosti pri zastopanju, naznani to skrbstvenemu organu.

#### **48. člen**

(1) Pravna oseba opravlja dejanja v postopku po zakonitem zastopniku, ki ga določa zakon oziroma splošni akt pravne osebe v skladu z zakonom.

(2) Monokratično voden državni organ opravlja dejanja v

(3) A minor who has not obtained full capacity to contract shall have procedural capacity within the limits in which their capacity to contract has been recognised.

(4) A foreign citizen who does not have procedural capacity according to the law of their country but who has procedural capacity according to Slovenian law may perform procedural actions by themselves.

#### **Article 47**

(1) A party who does not have procedural capacity shall be represented by their statutory representative.

(2) A statutory representative shall be laid down by an Act or by a legal act issued by a competent authority on the basis of an Act.

(3) A statutory representative may perform, on behalf of the party, all procedural actions, except where a regulation provides that special permission must be obtained for individual procedural actions.

(4) The authority may require that the person who acts as a statutory representative submit evidence to demonstrate that they are a statutory representative of the party.

(5) If the authority conducting the procedure establishes that the statutory representative of a person who is under guardianship does not demonstrate due diligence with regard to representation, it shall report this to the authority in charge of guardianship.

#### **Article 48**

(1) A legal person shall perform procedural actions through its statutory representative provided by an Act or a general legal act of the legal person in accordance with an Act.

(2) A monocratic state authority shall perform procedural

postopku po predstojniku oziroma po predstavniku, ki ga določi predstojnik. Kolegijski državni organ opravlja dejanja v postopku po predsedniku oziroma po osebi, ki jo določi sam organ.

(3) Določbe prvega in drugega odstavka tega člena veljajo tudi za organe samoupravnih lokalnih skupnosti.

(4) Osebe iz drugega odstavka 42. člena tega zakona, opravljajo dejanja v postopku po osebi, ki jo določijo, če ni v posebnih predpisih drugače določeno.

#### **49. člen**

Organ mora med postopkom ves čas po uradni dolžnosti paziti na to, ali je tisti, ki nastopa kot stranka, lahko stranka v postopku, in ali zastopa procesno nesposobno stranko njen zakoniti zastopnik.

#### **50. člen**

(1) Če stranka med postopkom umre (fizična oseba) ali preneha (pravna oseba), se postopek nadaljuje, če gre v postopku za pravico, obveznost ali pravno korist, ki lahko preide na pravne naslednike.

(2) Če med postopkom zaradi prenosa lastninske pravice ali drugih podobnih razlogov oseba pridobi možnost nastopati kot stranka v postopku, jo organ na to opozori in ji omogoči, da prevzame položaj stranke.

(3) Če pristojni organ pravni osebi pravnomočno prepove delovanje, se postopek nadaljuje v skladu s prvim odstavkom tega člena ali ustavi.

(4) Če postopka ni mogoče nadaljevati, organ ustavi postopek s sklepom, ki ga razglasi na oglasni deski in na enotnem državnem portalu e-uprava. Zoper ta sklep je dovoljena pritožba.

actions through its head or a representative determined by the head. A collegiate state authority shall perform procedural actions through the chairperson or a person determined by the authority itself.

(3) The provisions of paragraphs one and two of this Article shall also apply to self-governing local community authorities.

(4) The persons referred to in paragraph two of Article 42 of this Act shall perform procedural actions through a person determined by them, unless otherwise provided by sector-specific regulations.

#### **Article 49**

Throughout the procedure, the authority must *ex officio* pay attention as to whether a person who acts as a party can actually be a party to the procedure, and whether a party without procedural capacity is represented by their statutory representative.

#### **Article 50**

(1) If a party dies (natural person) or ceases to exist (legal person) during a procedure, the procedure shall continue if it concerns a right, obligation or legal benefit which can be transferred to legal successors.

(2) If, during a procedure, a person acquires the possibility to act as a party to the procedure as a result of the transfer of an ownership right or other similar reasons, the authority shall inform them thereof and enable them to assume the status of a party.

(3) If the competent authority prohibits a legal person from operating through a final decision, the procedure shall continue in accordance with paragraph one of this Article or it shall be stayed.

(4) If the procedure cannot be continued, the authority shall stay the procedure with a procedural decision which it posts on its information board and the state web portal e-uprava. An appeal shall be allowed against such procedural decision.

### 3. Začasni zastopnik

#### 51. člen

(1) Če procesno nesposobna stranka nima zakonitega zastopnika ali je treba opraviti kakšno dejanje zoper osebo, katere prebivališče je neznano in nima pooblaščenca, ji postavi organ, ki vodi postopek, začasnega zastopnika, če to narekuje nujnost zadeve ali interes stranke in je treba izvesti postopek. Organ, ki je postavil začasnega zastopnika procesno nesposobni stranki, mora o tem nemudoma obvestiti skrbstveni organ. Če pa je postavil začasnega zastopnika komu, čigar prebivališče je neznano, razglasi svoj sklep na oglasni deski in na enotnem državnem portalu e-uprava, po potrebi pa tudi na drug primeren način.

(2) Organ postavi stranki začasnega zastopnika tudi v primeru, ko si koristi stranke in njenega zakonitega zastopnika nasprotujejo in v primeru, ko imata stranki z nasprotnim interesom istega zakonitega zastopnika.

(3) Če stranka, ki ni fizična oseba, nima zastopnika, predstavnika, pa tudi ne pooblaščenca, postavi organ, ki vodi postopek, ob pogojih iz prvega odstavka tega člena taki stranki začasnega zastopnika in ji to brez odlašanja sporoči.

(4) Začasni zastopnik se postavi tudi takrat, kadar je treba opraviti dejanje, ki ga ni mogoče odložiti, stranke oziroma njenega pooblaščenca ali zastopnika pa ni mogoče pravočasno povabiti. To je treba takoj sporočiti stranki, pooblaščenca oziroma zastopniku.

(5) Postavljena oseba mora sprejeti zastopanje. Zastopanje sme odkloniti samo iz razlogov, ki so določeni v posebnih predpisih.

### 3. Temporary representative

#### Article 51

(1) If a party without procedural capacity does not have a statutory representative, or if some action is to be performed against a person whose residence is unknown and who does not have an authorised person, the authority conducting the procedure shall appoint a temporary representative for them if this is required by the urgency of the case or interest of the party and a procedure needs to be carried out. The authority which has appointed a temporary representative for the party without procedural capacity must immediately inform the authority in charge of guardianship about this. If it has appointed a temporary representative for someone whose residence is unknown, it shall announce its procedural decision on the information board and the state web portal e-uprava, and if necessary, also in some other appropriate manner.

(2) The authority shall appoint a temporary representative for the party also in cases where the benefits of the party and their legal representative collide, and in cases where two parties with opposing interests have the same legal representative.

(3) If a party that is not a natural person does not have a representative or an authorised person, the authority that conducts the procedure shall appoint a temporary representative for such party pursuant to the conditions referred to in paragraph one of this Article, and shall inform the party thereof without delay.

(4) A temporary representative shall also be appointed when an action which cannot be postponed is to be performed but the party or their authorised person or representative cannot be summoned in due time. This shall immediately be communicated to the party, the authorised person and the representative.

(5) The appointed person must accept representation. Representation may be refused only for reasons laid down by sector-

Začasni zastopnik sodeluje samo v postopku oziroma pri dejanju, za katerega je postavljen, in le toliko časa, dokler so podani razlogi za to.

(6) Začasni zastopnik ima v postopku oziroma pri dejanjih za katerega je postavljen vse pravice in dolžnosti zakonitega zastopnika.

#### 4. Skupni predstavnik

### 52. člen

(1) Če ni s posebnim predpisom drugače določeno, lahko dvoje ali več strank skupaj nastopa v isti zadevi. V takem primeru morajo navesti, katera od njih bo nastopila kot njihov skupni predstavnik ali pa postaviti skupnega pooblaščenca.

(2) Če poseben pravni predpis tega ne prepoveduje, lahko organ, ki vodi postopek, naloži s sklepom strankam, ki so udeležene v postopku z istovetnimi zahtevki ali obveznostmi naj v določenem roku navedejo, katera od njih jih bo predstavljala, ali pa da postavijo skupnega pooblaščenca. Če stranke temu sklepu ne ugodijo, jim lahko organ s sklepom določi skupnega predstavnika, ki obdrži to lastnost toliko časa, dokler stranke ne postavijo drugega skupnega predstavnika ali pooblaščenca. Zoper tak sklep imajo stranke pravico pritožbe, ki pa ne zadrži izvršitve.

(3) Tudi tedaj, kadar stranke imajo skupnega predstavnika oziroma pooblaščenca oziroma jim je skupni predstavnik postavljen s sklepom organa, obdrži vsaka stranka pravico samostojno vlagati pritožbo in uporabljati druga pravna sredstva.

(4) Če stranka nastopa v postopku tudi sama, mora procesna dejanja opravljati v rokih, ki tečejo za skupnega predstavnika.

specific regulations. A temporary representative shall participate only in the procedure and/or action for which they have been appointed, and only for as long as there are reasons to do so.

(6) In the procedure and for the actions for which they have been appointed, a temporary representative shall have all the rights and obligations of a legal representative.

#### 4. Joint representative

### Article 52

(1) Unless otherwise provided by a sector-specific regulation, two or more parties may appear together in the same case. In such situations, they must state which of them shall appear as their joint representative, or appoint a joint authorised person.

(2) Unless a sector-specific regulation prohibits this, the authority conducting the procedure may, by a procedural decision, impose on participating parties with identical claims or obligations the duty to state in a specified time limit which of them will be representing them or to appoint a joint authorised person. If the parties do not comply with this procedural decision, the authority may, by a procedural decision, appoint for them a joint representative, who shall retain this capacity until the parties appoint another joint representative or authorised person. The parties shall have the right to appeal against such procedural decision, however, this shall not stay its enforcement.

(3) Even where the parties have a joint representative or authorised person and their joint representative has been appointed by a procedural decision issued by the authority, each party shall retain the right to independently file appeals and use other legal remedies.

(4) If a party also participates in the procedure on their own, they must perform procedural actions within the time limits that were prescribed for the joint representative.

## 5. Pooblaščenec

### 53. člen

(1) Stranka oziroma njen zakoniti zastopnik lahko določi pooblaščenca, ki jo zastopa v postopku, razen pri dejanjih, pri katerih mora stranka sama dajati izjave.

(2) Dejanja v postopku, ki jih opravi pooblaščenec v mejah pooblastila, imajo enak pravni učinek, kot če bi jih opravila sama stranka.

(3) Poleg pooblaščenca lahko stranka na obravnavi ali izven nje tudi sama daje izjave, organ pa lahko zahteva izjave od nje same.

(4) Če je stranka navzoča, ko da njen pooblaščenec ustno izjavo, lahko takoj nato spremeni ali prekliče njegovo izjavo. Če se pisni ali ustni izjavi stranke in njenega pooblaščenca, ki se tičeta dejstev, ne ujemata, presodi organ, ki vodi postopek, obe izjavi po 10. členu tega zakona.

(5) Če stranka, ki stalno živi v tujini, uveljavlja v Republiki Sloveniji kakšno pravico v upravnem postopku, mora imeti pooblaščenca v tem postopku, če iz kakršnih koli razlogov ne more osebno sodelovati v postopku.

### 54. člen

(1) Pooblaščenec je lahko vsak, kdor je poslovno popolnoma sposoben.

(2) Za zastopanje pred organom se lahko pooblasti tudi odvetniška družba. V tem primeru se šteje, da je pooblastilo dano vsem odvetnikom pooblaščenec odvetniške družbe.

## 5. Authorised person

### Article 53

(1) The party or their statutory representative may decide to authorise a person to represent them in a procedure, except for actions where the party must give statements themselves.

(2) Procedural actions performed by an authorised person within the limits of the authorisation shall have the same legal effect as if performed by the party themselves.

(3) In addition to the authorised person, the parties themselves may give statements at the hearing or outside of the hearing, while the authority may require that statements be given by the party.

(4) If the party is present when their authorised person gives an oral statement, the party may immediately change or cancel such statement. If written or oral statements by the party and their authorised person concerning facts do not match, the authority conducting the procedure shall evaluate both statements pursuant to Article 10 of this Act.

(5) If a party with permanent residence abroad asserts any right in an administrative procedure in the Republic of Slovenia and is, for any reason whatsoever, unable to participate in the procedure in person, they must have an authorised person in such procedure.

### Article 54

(1) Anyone with full capacity to contract may be an authorised person.

(2) A law firm may also be authorised for representation before an authority. In such case, it shall be deemed that authorisation has been given to all attorneys of the authorised law firm.

(3) Za zastopanje se lahko pooblasti tudi fizična ali pravna oseba, ki je registrirana za opravljanje določene dejavnosti, ki je v neposredni zvezi s pravicami in obveznostmi, ki jih uveljavlja stranka.

(4) Če organ ugotovi, da pooblaščenec, ki ni odvetnik, očitno ni sposoben za zastopanje, opozori stranko na škodljive posledice, ki ji lahko nastanejo.

## 55. člen

(1) Pooblastilo se lahko da pisno ali ustno na zapisnik.

(2) Če stranka ne zna pisati ali se ne more podpisati, mora biti pooblastilo dano ustno na zapisnik. Če to ni mogoče zaradi bolezni stranke ali drugih utemeljenih razlogov, lahko da pisno pooblastilo, ki ga podpišeta dve priči. Priči podpišeta pisno pooblastilo potem, ko je bilo prebrano stranki in je stranka izjavila, da se z njegovo vsebino strinja.

(3) Če organ dvomi v pristnost pisnega pooblastila, lahko s sklepom odredi, naj stranka ali priči pred organom ali notarjem potrdijo pisno pooblastilo.

(4) Uradna oseba, ki vodi postopek ali opravlja posamezna dejanja v postopku, lahko izjemoma dovoli, da opravi posamezno dejanje v imenu stranke kot njen pooblaščenec brez pooblastila član njene družine ali gospodinjstva, oseba, ki je pri njej zaposlena ali pa kdo drug, če ga pozna in ne dvomi o obstoju in obsegu pooblastila. Če zahteva taka oseba uvedbo postopka ali če da med postopkom izjavo, ki je v nasprotju s prejšnjo izjavo stranke, zahteva uradna oseba od nje, naj predloži v določenem roku naknadno pooblastilo.

(5) Organ lahko dovoli, da opravi procesna dejanja za stranko oseba, ki ni predložila pooblastila, vendar ji naloži, da v določenem roku

(3) A natural person or a legal person registered for carrying out a certain activity directly connected to the rights and obligations asserted by the party, may also be authorised for representation.

(4) If the authority establishes that an authorised person who is not an attorney is obviously not qualified for representation, it shall warn the party of the adverse consequences that might ensue from this.

## Article 55

(1) Authorisation may be given in writing or orally on the record.

(2) If a party cannot write or sign for themselves, authorisation must be given orally on the record. If this is not possible because of the party's illness or for other well-founded reasons, the party may give a written authorisation which shall be signed by two witnesses. The witnesses shall sign the written authorisation after it has been read to the party and the party has declared agreement with its content.

(3) If the authority doubts the authenticity of a written authorisation, it may issue a procedural decision ordering the party or the witnesses to confirm the written authorisation before the authority or a notary.

(4) The official person conducting the procedure or performs individual procedural actions may exceptionally allow an individual procedural action to be performed on behalf of the party and, in the capacity of the party's authorised person without authorisation, by a member of their family or household, by a person who is employed by the party, or by someone else if the official person knows them and does not doubt the existence and extent of such authorisation. If such person requests the initiation of a procedure or gives a statement during the procedure which is contrary to a previous statement by the party, the official person shall require that this person submit a subsequent authorisation in a specified time limit.

(5) The authority may allow a person who has not submitted authorisation to perform individual procedural actions for the party,

predloži pooblastilo in izkaže v pooblastilu odobritev že opravljenih dejanj. Do predložitve pooblastila ni dovoljeno izdati odločbe. Če po izteku roka ni predloženo pooblastilo, se opravljena dejanja ne upoštevajo.

(6) Če oseba iz četrtega ali petega odstavka tega člena v roku, ki ga določi organ, ne predloži pooblastila za vloženo zahtevo oziroma za vloženo pritožbo ali izredno pravno sredstvo, organ zavrže takšno vlogo, razen če je dolžan nadaljevati postopek po uradni dolžnosti. Organ zavrže vlogo s sklepom, zoper katerega je dovoljena pritožba.

#### **56. člen**

(1) Če je pooblastilo v obliki zasebne listine, pa nastane dvom o njegovi pristnosti, se lahko naloži, naj se predloži overjeno pooblastilo ali da pooblastilo ustno na zapisnik.

(2) Pravilnost pooblastila se preizkusi po uradni dolžnosti. V primeru, da ugotovi pomanjkljivosti pooblastila, organ pozove stranko ali pooblaščenca, naj te pomanjkljivosti odpravi. Organ v takšnem primeru ravna po petem in šestem odstavku 55. člena tega zakona.

#### **57. člen**

(1) Pooblastilo se lahko da za ves postopek ali samo za posamezna dejanja, lahko pa se tudi časovno omeji. Pooblastilo se lahko da tudi samo za sprejem dokumentov (vročanje).

(2) Pooblastilo ne preneha, če stranka umre, izgubi procesno sposobnost ali če se zamenja njen zakoniti zastopnik; pravni naslednik stranke oziroma njen novi zakoniti zastopnik pa lahko prekliče prejšnje pooblastilo.

however it shall impose on this person the duty to submit the authorisation in a specified time limit and demonstrate therein that the actions already performed have been approved. Pending the submission of such authorisation, no decision may be issued. If authorisation has still not been submitted after the expiry of the time limit, the actions performed shall not be taken into consideration.

(6) If the person referred to in paragraphs four or five of this Article fails to submit in the time limit determined by the authority the authorisation for a filed request, appeal or extraordinary legal remedy, the authority shall reject such application, unless it is obliged to continue the procedure *ex officio*. The authority shall reject the request with a procedural decision against which an appeal is allowed.

#### **Article 56**

(1) If the authorisation has the form of a private document and there is doubt as to its authenticity, it may be required that an authenticated authorisation be submitted or that authorisation be given orally on the record.

(2) The correctness of the authorisation shall be examined *ex officio*. Where the authority establishes deficiencies in the authorisation, it shall call upon the party or authorised person to remedy such deficiencies. In such cases, the authority shall proceed pursuant to paragraphs five and six of Article 55 of this Act.

#### **Article 57**

(1) Authorisation may be given for the entire procedure or only for individual actions, and it may also be limited in time. Authorisation may also be given only for the acceptance of documents (service).

(2) Authorisation shall not be terminated if the party dies, loses procedural capacity, or if their statutory representative is replaced; however, a legal successor to the party or their new statutory representative may revoke the previous authorisation.



(3) Pooblastilo preneha s prenehanjem pravne osebe, ki ga je dala.

(4) Ob stečaju preneha pooblastilo, ki ga je dal stečajni dolžnik, ko nastopijo posledice začetka stečajnega postopka. Če je pravni osebi potrebno odvrniti škodo, je pooblaščenec, ne glede na prejšnji odstavek, dolžan še en mesec opravljati procesna dejanja.

#### **58. člen**

(1) Stranka lahko pooblastilo vsak čas prekliče, pooblaščenec pa se mu lahko ob vsakem času odpove.

(2) Preklic oziroma odpoved pooblastila se mora naznaniti organu pisno ali ustno na zapisnik.

(3) Preklic oziroma odpoved pooblastila velja od trenutka, ko se pisno ali ustno na zapisnik naznani, če ni v preklicu določen drugačen rok prenehanja, oziroma če je v postopku udeležena stranka z nasprotnim interesom, ko se odpoved ali preklic naznani tudi njej.

(4) Pooblastila ni mogoče odpovedati med dejanjem v postopku.

#### **59. člen**

(1) Če je pooblaščenec odvetnik, pa v pooblastilu, ki mu ga je dala stranka, ni omejitev in konkretno določenih procesnih pravic, ima odvetnik pravico opravljati vsa procesna dejanja v postopku o tej upravni zadevi, zlasti pa vložiti in umakniti zahtevo ali prošnjo, pripoznati nasprotni zahtevek, skleniti poravnavo, vložiti pritožbo, zahtevati izvršbo, sprejeti od stranke z nasprotnim interesom plačilo stroškov postopka ter prenesti pooblastilo na drugega odvetnika v celoti ali za posamezna dejanja. O slednjem mora odvetnik nemudoma obvestiti stranko.

(3) Authorisation shall terminate with the dissolution of the legal person which has given it.

(4) In the case of bankruptcy, the authorisation given by the debtor in bankruptcy shall terminate when the consequences of initiating the bankruptcy procedure ensue. If damage to the legal person is to be avoided, the authorised person shall be obliged, notwithstanding the preceding paragraph, to continue to perform procedural actions for another month.

#### **Article 58**

(1) A party may revoke authorisation at any time, and an authorised person may waive it at any time.

(2) The revocation or waiver of authorisation must be communicated to the authority in writing or orally on the record.

(3) The revocation or waiver of authorisation shall apply from the moment when it is communicated in writing or orally on the record, unless a different time limit is determined for termination in the revocation; or, if a party with opposing interest participates in the procedure, when the waiver or revocation is communicated also to such party.

(4) Authorisation may not be waived in the course of a procedural action.

#### **Article 59**

(1) If the authorised person is an attorney and the authorisation given to them by the party contains no restriction and no precisely specified procedural rights, the attorney shall have the right to perform all procedural actions in the procedure concerning the administrative case, in particular to file and abandon a request or application, to acknowledge a counterclaim, to achieve a settlement, to file an appeal, to request enforcement of a claim, to accept the payment of costs of procedure from the party with opposing interest, and to delegate authorisation to another

(2) Za vložitev izrednih pravnih sredstev mora odvetnik predložiti posebno pooblastilo.

(3) Odvetnika lahko nadomešča odvetniški kandidat, ki je pri njemu zaposlen, ali odvetniški pripravnik, ki dela v njegovi pisarni, če je to izrecno navedeno v pooblastilu.

(4) Če stranko v postopku zastopa oseba, ki ni odvetnik in v pooblastilu ni omejitvev, lahko pooblaščenec opravlja vsa procesna dejanja, vendar pa mora imeti izrecno pooblastilo za umik zahteve, za sklenitev poravnave, za prenos pooblastila na drugega ter za vložitev izrednih pravnih sredstev.

#### **60. člen**

Določbe tega zakona, ki se nanašajo na stranke, veljajo smiselno tudi za njihove zakonite zastopnike,časne zastopnike, predstavnike in pooblaščenca.

#### **61. člen**

(1) Stranki je treba dovoliti, da pripelje v zadevah, za katere se zahteva strokovno poznavanje vprašanj v zvezi s predmetom postopka, strokovnjaka, ki ji bo dajal pojasnila in nasvete (strokovni pomočnik). Ta ne zastopa stranke.

(2) Stranka ne sme pripeljati kot strokovnega pomočnika nekoga, ki ni opravilno sposoben.

### IV. poglavje JEZIK V POSTOPKU

attorney entirely or for individual actions. The attorney must immediately inform the party of the latter.

(2) The attorney must submit a special authorisation to file extraordinary legal remedies.

(3) If explicitly indicated in the authorisation, the attorney may be substituted by a candidate attorney employed by the attorney or by an attorney trainee working in the attorney's office.

(4) If the party is represented in the procedure by a person who is not an attorney and the authorisation contains no restrictions, the authorised person may perform all procedural actions, but they must have express authorisation to withdraw a request, to achieve a settlement, to delegate the authorisation to another person, and to file extraordinary legal remedies.

#### **Article 60**

The provisions of this Act relating to parties shall apply *mutatis mutandis* to their statutory representatives, temporary representatives, representatives and authorised persons

#### **Article 61**

(1) In cases where professional knowledge of the issues concerning the subject of the procedure is needed, the party shall be allowed to bring an expert who will give them explanations and advice (a professional assistant). Such expert shall not represent the party.

(2) The party may not bring as a professional assistant a person who does not have the capacity to exercise rights.

### Chapter IV LANGUAGE OF THE PROCEDURE

## 62. člen

(1) Upravni postopek se vodi v slovenskem jeziku. V tem jeziku se vlagajo vloge, pišejo odločbe, sklepi, zapisnik, uradni zaznamki in druga pisanja ter se opravljajo vsa dejanja v postopku.

(2) Na območjih občin, kjer sta pri organu poleg slovenskega jezika uradna jezika tudi italijanski oziroma madžarski jezik (v nadaljevanju: jezik narodne skupnosti), upravni postopek teče v slovenskem jeziku in jeziku narodne skupnosti, če stranka v tem jeziku vloži zahtevo, na podlagi katere se postopek začne oziroma, če stranka to zahteva kadarkoli med postopkom.

(3) Če so v postopku udeležene tudi stranke, ki niso zahtevale postopka v jeziku narodne skupnosti na način iz prejšnjega odstavka, postopek teče v slovenskem jeziku in jeziku narodne skupnosti.

(4) Kadar organ na območjih občin, kjer je uradni jezik poleg slovenskega jezika tudi jezik narodne skupnosti, odloči brez poprejšnjega zaslišanja stranke, izda odločbo v slovenskem jeziku in jeziku narodne skupnosti, ustno odločbo pa izda v jeziku, ki ga stranka razume.

(5) Pripadniki italijanske in madžarske narodne skupnosti imajo v postopku pred organi izven območja, na katerem sta uradna jezika tudi italijanski in madžarski jezik, pravico uporabljati svoj jezik.

(6) Če vloga ni vložena v uradnem jeziku, organ ravna tako, kot je predpisano za ravnanje za nepopolno oziroma pomanjkljivo vlogo.

## Article 62

(1) Administrative procedures shall be conducted in the Slovenian language. Applications shall be filed, decisions, procedural decisions, records, official notes and other written material shall be written, and all procedural actions performed in this language.

(2) In the territories of municipalities where, in addition to the Slovenian language, the Italian or the Hungarian language are also the official languages of the authority (hereinafter: language of a national community), administrative procedures shall be conducted in the Slovenian language and the language of the national community if the party submits in that language a request on the basis of which a procedure is initiated, or if the party requests so at any time during the procedure.

(3) If parties who have not requested a procedure in the language of a national community in the manner referred to in the preceding paragraph participate in the procedure, the procedure shall be conducted in the Slovenian language and in the language of the national community.

(4) In the territories of municipalities where, in addition to Slovenian, the language of the national community is also an official language, when the authority decides without a previous hearing of the party, it shall issue a decision in Slovenian and in the language of the national community, and shall issue an oral decision in the language understood by the party.

(5) The members of the Italian and Hungarian national communities shall have the right to use their own language in procedures before the authorities outside the territory in which Italian and Hungarian are also the official languages.

(6) If an application has not been filed in an official language, the authority shall proceed in the manner prescribed for proceeding with an incomplete or deficient application.

(7) Stranke in drugi udeleženci postopka, ki ne znajo jezika, v katerem teče postopek ali ga ne more uporabljati zaradi invalidnosti, imajo pravico spremljati potek postopka po tolmaču. Organ jih je dolžan o tem poučiti.

## V. poglavje OBČEVANJE ORGANOV IN STRANK

### 1. Vloge

#### **63. člen**

(1) Z vlogami so mišljene zahteve, predlogi, prijave, prošnje, pritožbe, ugovori in druga dejanja, s katerimi se posamezniki ali pravne osebe oziroma organizacije obračajo na organe.

(2) Vloga se lahko vloži v pisni obliki. Pisna vloga je vloga, ki je napisana ali natisnjena in lastnoročno podpisana (vloga v fizični obliki), ali vloga, ki je v elektronski obliki in je podpisana z varnim elektronskim podpisom s kvalificiranim potrdilom. Pisna vloga se praviloma izroči neposredno organu, pošlje po pošti, po elektronski poti ali preko osebe, ki opravlja posredovanje vlog kot svojo dejavnost (poslovni ponudnik). Vloga v elektronski obliki se vloži tako, da se pošlje po elektronski poti informacijskemu sistemu organa ali enotnemu informacijskemu sistemu za sprejem vlog, vročanje in obveščanje. Informacijski sistem vložniku samodejno potrdi prejem vloge.

(3) Vloga se lahko vloži tudi na predpisanem ali drugače pripravljenem obrazcu. Ne glede na določbe drugih predpisov se za obrazce, predpisane zgolj v fizični obliki, šteje, da so z enako vsebino predpisani tudi v elektronski obliki.

(4) Pristojni organ vzpostavi za organe državne uprave in nosilce javnih pooblastil, ki izvajajo naloge iz državne pristojnosti, enotni

(7) Parties and other participants to the procedure who do not speak the language in which the procedure is conducted, or who are unable to use it because of disability, shall have the right to follow the course of the procedure through an interpreter. The authority shall be obliged to instruct such persons of such possibility.

## Chapter V COMMUNICATION BETWEEN AUTHORITIES AND PARTIES

### 1. Applications

#### **Article 63**

(1) Applications shall mean claims, proposals, notifications, requests, appeals, objections and other actions by which individuals, legal persons or organisations address authorities.

(2) An application may be filed in writing. A written application shall be an application written or printed and signed in handwriting (application in paper form), or an application in electronic form signed by means of a safe electronic signature with a qualified certificate. A written application shall, as a rule, be delivered directly to the authority, sent by mail, by electronic means, or through a person whose services include the delivery of applications (commercial provider). An application in electronic form shall be submitted by electronic means to the authority's information system or to the central information system for receiving applications, delivery and notification. The information system shall automatically confirm receipt of the application to the applicant.

(3) An application may also be filed on a prescribed or otherwise prepared form. Notwithstanding the provisions of other regulations, it shall be deemed that forms prescribed only in hard copy are prescribed with identical content also in electronic form.

(4) The competent authority shall set up for state administration authorities and bearers of public authority performing tasks under state

informatijski sistem za sprejem vlog, vročanje in obveščanje. Ta informatijski sistem lahko pod pogoji, ki jih določi vlada, na podlagi pisnega dogovora uporabljajo tudi organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil, ki izvajajo naloge iz občinske pristojnosti.

(5) Pogoje in način vložitve vlog v elektronski obliki oziroma po elektronski poti, vročanje po elektronski poti ter organizacijo in delovanje informacijskega sistema za sprejem vlog, vročanje in obveščanje uredi vlada z uredbo.

(6) Vloga se lahko vloži tudi ustno pri organu na zapisnik.

(7) Vlada lahko z uredbo določi seznam vlog, ki se lahko vložijo tudi po telefonu ali elektronski poti brez varnega elektronskega podpisa s kvalificiranim potrdilom, in način identifikacije strank v teh primerih.

(8) Če je to potrebno za nemoteno delovanje informacijskega sistema za sprejem vlog, vročanje in obveščanje, se lahko znotraj tega sistema posamezni vlogi določi računalniška identifikacijska številka.

(9) Overitelji, ki izdajajo kvalificirana potrdila, ki vsebujejo uradno dodeljene identifikacijske oznake, lahko od državnega organa, ki dodeljuje takšno oznako, zahtevajo preveritev pravilnosti takšne oznake tako, da mu posredujejo podatke o imetniku potrdila ali tretje osebe, na katero se nanašajo podatki v potrdilu, in takšno oznako ter zahtevajo odgovor organa o ujemanju posredovanih podatkov s podatki v uradni evidenci.

#### **64. člen**

(1) Vloga se izroči organu, ki je pristojen za sprejem; vloži se lahko vsak delavnik med poslovnim časom, po elektronski poti pa ves čas.

jurisdiction a central information system for receiving applications, delivery and notification. Based on a written agreement and under the conditions provided by the Government, such information system may also be used by self-governing local community authorities and bearers of public authority performing tasks under municipal jurisdiction.

(5) The conditions and manner of filing applications in electronic form or by electronic means and of serving by electronic means, as well as the organisation and operation of the information system for receiving applications, delivery and notification shall be regulated by the Government by a decree.

(6) An application may also be filed with the authority orally on the record.

(7) By a decree, the Government may lay down a list of applications that may also be filed by telephone or by electronic means without a safe electronic signature with a qualified certificate, and the manner of identification of the parties in such cases.

(8) If so required for the smooth operation of the information system for receiving applications, delivery and notification, a computer identification number may be assigned to an individual application within the system.

(9) Certification service providers issuing qualified certificates which comprise officially allocated identification codes may require that the state authority allocating such code verify the correctness thereof by sending it the data on the certificate holder or a third party to whom the data in the certificate refer, and requiring a reply from the authority on the matching of the data sent with the data in official records.

#### **Article 64**

(1) An application shall be filed with the authority competent for its acceptance; it may be filed on every workday during working hours, or any time by electronic means.

(2) Vloge se lahko vložijo tudi pri organih, ki opravljajo naloge enotnih vstopnih točk. Organi, ki opravljajo naloge enotnih vstopnih točk, morajo vloge nemudoma v fizični obliki ali po elektronski poti, podpisane z varnim elektronskim podpisom organa, posredovati pristojnim organom. Organ mora s takšno vlogo postopati enako kot z vlogo, ki jo dobi po elektronski poti neposredno od stranke.

(3) Vlada z uredbo določi seznam vlog in enotne vstopne točke iz prejšnjega odstavka.

## **65. člen**

(1) Organ, ki je pristojen za sprejem vloge oziroma ustnega sporočila, je dolžan sprejeti vlogo v fizični obliki, ki se mu izroči, oziroma vzeti ustno sporočilo na zapisnik oziroma na predpisan ali drugače pripravljen obrazec in pri tem ugotoviti istovetnost vložnika, razen v primerih, ko je vložnik uradni osebi osebno znan.

(2) Uradna oseba na zahtevo vložnika, na podlagi njegovih navedb, izpolni predpisan ali drugače pripravljen obrazec vloge, razen obrazcev vlog v zvezi z javnimi razpisi. Vložnik s podpisom vloge jamči, da so podatki pravilni in resnični. Vlada z uredbo lahko določi upravne zadeve, v katerih uradna oseba ni dolžna izpolnjevati obrazca vloge na zahtevo vložnika, če bi to bistveno oviralo izvrševanje zakonskih pristojnosti organa ali uveljavljanje pravic in pravnih koristi drugih strank.

(3) Uradna oseba, ki sprejme vlogo v fizični obliki, oziroma vzame ustno sporočilo na zapisnik, oziroma na predpisan ali drugače pripravljen obrazec, mora vložniku na njegovo ustno zahtevo potrditi prejem. Za tako potrdilo se taksa ne plača.

(4) Če organ ni pristojen za sprejem vloge v fizični obliki, za sprejem ustne vloge na zapisnik oziroma na predpisan ali drugače pripravljen obrazec, uradna oseba na to opozori vložnika in ga napoti k

(2) Applications may also be filed with the authorities acting as single entry points. The authorities acting as single entry points must immediately forward applications in paper form or by electronic means, signed with a safe electronic signature of the authority, to the competent authorities. An authority must treat such application in the same way as an application it receives by electronic means directly from the party.

(3) The Government shall determine the list of applications and single entry points referred to in the preceding paragraph by a decree.

## **Article 65**

(1) The authority competent for the acceptance of an application or oral message shall be obliged to accept the application in hard copy delivered to it or take the oral messages on the record or on a prescribed or otherwise prepared form, and establish thereby the identity of the applicant, except in cases where the official person knows the applicant in person.

(2) At the request of the applicant and based on their statements, the official person shall fill out a prescribed or otherwise prepared application form, except for the forms of applications concerning calls for tenders. By signing the application, the applicant guarantees that the data are accurate and true. By a decree, the Government may determine administrative cases in which the official person shall not be obliged to fill out the application form at the request of the applicant, if this would significantly impede the execution of the authority's legal competences or the assertion of the rights and legal benefits of other parties.

(3) The official person who accepts an application in hard copy or takes an oral message on the record or a prescribed or otherwise prepared form must certify acceptance at the oral request of the applicant. No fee shall be paid for such certificate.

(4) If the authority lacks jurisdiction for accepting an application in hard copy or taking an oral application on the record or a prescribed or otherwise prepared form, the official person shall inform the applicant

pristojnemu organu. Če vložnik kljub temu zahteva, da se njegova vloga ali ustno sporočilo sprejme, je uradna oseba dolžna to storiti. Tako vlogo organ s sklepom zavrže zaradi nepristojnosti.

(5) Če dobi organ po pošti, brzojavno ali po elektronski poti vlogo, ki je ni pristojen sprejeti, pa ni nobenega dvoma o tem, kateri organ jo je pristojen sprejeti, jo pošlje brez odlašanja pristojnemu organu oziroma sodišču in to sporoči stranki. Če organ, ki je dobil vlogo, ne more ugotoviti, kateri organ je zanjo pristojen, izda brez odlašanja sklep, s katerim zavrže vlogo zaradi nepristojnosti, in ga takoj pošlje stranki.

(6) Zoper sklep po četrtem in petem odstavku tega člena je dovoljena pritožba.

(7) Ne glede na določbe prejšnjih odstavkov tega člena ravna organ po prvem odstavku 129. člena tega zakona, če ugotovi, da se vloga ne nanaša na upravno zadevo.

## **66. člen**

(1) Vloga mora biti razumljiva in mora obsegati vse, kar je treba, da se lahko obravnava. Predvsem mora obsegati: navedbo organa, kateremu se pošilja, zadevo, katere se tiče, zahtevk oziroma predlog, navedbo o tem, kdo je morebitni zastopnik ali pooblaščenec, osebno ime, firmo oziroma osebno ime vlagatelja, prebivališče (naslov) oziroma sedež vložnika oziroma njegovega zastopnika ali pooblaščenca. Organ lahko na obrazcu vloge, ob sprejemu vloge ali z dopisom za dopolnitev vloge zahteva od stranke, da navede svojo uradno dodeljeno identifikacijsko številko, če je to potrebno zaradi identifikacije stranke ali zaradi pridobivanja podatkov iz uradnih evidenc.

(2) Vloga mora vsebovati tudi druge sestavine, ki jih določa zakon ali drug predpis.

thereof and refer them to the competent authority. If the applicant still requests that their application or oral message be accepted, the official person shall be obliged to do so. The authority shall reject such application by a procedural decision for lack of jurisdiction.

(5) If the authority receives by mail, telegraph or electronic means an application for the acceptance of which it lacks jurisdiction and there is no doubt about which authority has jurisdiction to accept it, the first authority shall send it without delay to the authority or court with jurisdiction and inform the party thereof. If the authority that has received an application cannot establish which authority has jurisdiction to consider it, it shall issue without delay a procedural decision by which it rejects the application for lack of jurisdiction, and send it to the party immediately.

(6) An appeal shall be allowed against a procedural decision issued pursuant to paragraphs four and five of this Article.

(7) Notwithstanding the provisions of the preceding paragraphs of this Article, the authority shall proceed in accordance with paragraph one of Article 129 of this Act if it finds that the application does not refer to an administrative case.

## **Article 66**

(1) An application must be comprehensible and comprise everything necessary for its consideration. In particular, it must comprise: the indication of the authority to which it is sent, the case to which it relates, the request or proposal, the indication of who is a possible representative or authorised person, the personal name, business name or personal name of the applicant, the residence (address) or registered office of the applicant or their representative or authorised person. On the application form, upon accepting the application or by a letter to supplement the application, the authority may require that the party indicate their officially allocated identification number if this is necessary for the identification of the party or in order to obtain data from official records.

(2) An application must also comprise other elements prescribed by an Act or other regulation.

(3) Ne glede na določbe področnih zakonov in podzakonskih predpisov, v postopku, ki se začne na zahtevo stranke, vlogi ni potrebno prilagati potrdil, izpiskov in drugih podatkov o dejstvih iz uradnih evidenc, ki jih vodijo upravni in drugi državni organi, organi samoupravnih lokalnih skupnosti ali nosilci javnih pooblastil. Organ v tem primeru ravna po 139. členu tega zakona. Če stranka v skladu z zakonom izjavi, da prepoveduje organu, da si po uradni dolžnosti pridobi njene osebne podatke iz uradnih evidenc oziroma da želi te podatke pridobiti sama, se vloga šteje za popolno, ko so priložena dokazila, ki jih zahteva predpis.

(4) Ne glede na določbe področnih zakonov in podzakonskih predpisov vlogi ni potrebno prilagati potrdil, izpiskov in drugih podatkov o dejstvih iz uradnih evidenc, če stranka ta dejstva pred organom dokaže z osebnim dokumentom ali drugo javno listino. Če gre za dejstva, ki se s časom spreminjajo in organ podvomi v njihovo resničnost, si organ na način iz prejšnjega odstavka priskrbi podatke iz uradnih evidenc.

(5) Vložnik mora vlogo podpisati, razen če to zaradi oblike vloge ni mogoče. Izjemoma jo lahko podpiše namesto njega njegov zakonec, oče ali mati, sin ali hči ali pa odvetnik, ki je po strankinem pooblastilu vlogo sestavil. Kdor podpiše vložnika, mora na vlogi podpisati svoje osebno ime in pristaviti svoj naslov.

(6) Če vložnik ne zna pisati ali se ne more podpisati, ga podpiše kdo drug, ki zna pisati; ta se mora podpisati tudi sam in pristaviti svoj naslov.

## 67. člen

(1) Če je vloga nepopolna ali nerazumljiva, je samo zaradi tega ni dovoljeno zavreči. Organ, mora v roku petih delovnih dni zahtevati, da se pomanjkljivosti odpravijo, in določiti vložniku rok, v katerem jo mora

(3) Notwithstanding the provisions of sector-specific Acts and implementing regulations, in a procedure initiated at the request of the party, the application does not need to be accompanied by certificates, extracts or other data on facts from official records kept by administrative and other state authorities, self-governing local community authorities or bearers of public authority. In such cases, the authority shall proceed pursuant to Article 139 of this Act. If, in accordance with an Act, the party declares that they forbid the authority from obtaining their personal data from official records *ex officio*, or that they wish to obtain such data themselves, the application shall be deemed complete when it is accompanied by the evidence which is required by the regulation.

(4) Notwithstanding the provisions of sector-specific Acts and implementing regulations, the application does not need to be accompanied by certificates, extracts or other data on facts from official records if the party demonstrates such facts before the authority by means of a personal document or other official document. In cases where the facts change over time and if the authority doubts their truthfulness, the authority shall obtain data from official records in the manner referred to in the preceding paragraph.

(5) The applicant must sign the application, unless this is not possible due to the form of the application. Exceptionally, instead of the applicant, the application may be signed by their spouse, father or mother, son or daughter, or the attorney who composed the application pursuant to authorisation conferred by the party. A person who signs for the applicant must sign their name and add their address on the application.

(6) If the applicant cannot write or cannot sign their name, they shall be signed by someone else who can write; such a person must also sign their name and add their address.

## Article 67

(1) If an application is incomplete or incomprehensible, it may not be rejected merely because of this. The authority must require within five working days that the deficiencies be remedied and set a time limit for



popraviti. Zahtevo v obliki dopisa za odpravo pomanjkljivosti se pošlje ali izroči vložniku, če je podal vlogo neposredno pri organu.

(2) Če stranka pomanjkljivosti odpravi v roku, se šteje, da je vloga vložena takrat, ko je bila vložena vloga, s katero so pomanjkljivosti odpravljene. Če stranka v tem roku pomanjkljivosti ne odpravi, organ s sklepom zavrže vlogo. Zoper ta sklep je dovoljena pritožba.

(3) Če dobi organ vlogo, ki ne izpolnjuje pogojev iz drugega odstavka 63. člena glede podpisa, pa dvomi, ali je vlogo res poslal tisti, ki je naveden kot vložnik, zahteva, naj stranka tako prejeta vlogo potrdi s pisno potrditvijo, razen če gre za primer iz sedmega odstavka 63. člena tega zakona. Če stranka ne ravna tako v določenem ji roku, organ ravna po prejšnjem odstavku.

(4) Enako kot v prejšnjem odstavku ravna organ tudi, če podvomi v pristnost podpisa na pisni vlogi, ki je ni prejel osebno od vložnika.

## **68. člen**

(1) Vloga je vložena pravočasno, če jo pristojni organ prejme, preden izteče rok. Če je vloga poslana po elektronski poti, se šteje za pravočasno, če jo je pred iztekom roka prejel informacijski sistem organa ali informacijski sistem za sprejem vlog, vročanje in obveščanje.

(2) Če se vloga pošlje priporočeno po pošti, se za dan, ko je organ prejel vlogo, šteje dan oddaje na pošto.

(3) Za osebe, ki so v vojaški službi, se za dan, ko je organ prejel vlogo, šteje dan, ko te osebe izročijo vlogo vojaški enoti oziroma

the applicant in which to correct it. The request to remedy the deficiencies shall have the form of a letter and shall be sent or delivered to the applicant, provided that the applicant has filed the application directly with the authority.

(2) If the party remedies the deficiencies in due time, the application shall be deemed filed when the application with the remedied deficiencies has been filed. If the party does not remedy the deficiencies in this time limit, the authority shall reject the application by a procedural decision. An appeal shall be allowed against the procedural decision.

(3) If the authority receives an application which does not meet the conditions referred to in paragraph two of Article 63 concerning the signature, and it doubts that the application has truly been sent by the person indicated as the applicant, it shall require that the party certify the application thus received by written certification, except in the case referred to in paragraph seven of Article 63 of this Act. If the party fails to do so within the time limit set, the authority shall proceed in accordance with the preceding paragraph.

(4) The authority shall also proceed in the same manner as referred to in the preceding paragraph if it doubts the authenticity of the signature on a written application which it has not received from the applicant in person.

## **Article 68**

(1) An application shall be filed in due time if the competent authority receives it before the expiry of the time limit. If an application is sent by electronic means, it shall be deemed due if it has been received by the information system of the authority or the information system for applications, delivery and notification before the expiry of the time limit.

(2) If an application is sent by registered mail, the day of posting shall be deemed as the day when the authority received the application.

(3) In the case of persons performing military service, the day when these persons deliver the application to the military unit or

poveljstvu. To velja tudi za civilne osebe, ki službujejo v Slovenski vojski, če v kraju, kjer službujejo, ni redne pošte.

(4) Za osebe, ki jim je vzeta prostost, se za dan, ko je organ prejel vlogo, šteje dan, ko te osebe izročijo vlogo upravi zavoda, v katerem so. Uprava zavoda, ki sprejme vlogo, mora vložniku na njegovo ustno zahtevo potrditi prejem. Za tako potrdilo se taksa ne plača.

(5) Če je sicer pravočasno vložena vloga nepopolna ali nerazumljiva, pa vložnik pomanjkljivosti odpravi v roku, ki ga je določila uradna oseba, se šteje, da je vloga pravočasna.

## **69. člen**

Če obsega vloga več zahtevkov, ki jih je treba ločeno reševati, vzame organ, ki je sprejel vlogo, v reševanje zahtevke, za katere je pristojen, glede drugih pa ravna po četrtem in petem odstavku 65. člena tega zakona.

## **2. Vabila**

## **70. člen**

(1) Organ, ki vodi postopek, ima pravico povabiti tistega, čigar navzočnost je v postopku potrebna, če prebiva na njegovem območju. Praviloma ni dovoljeno povabiti koga zato, da se mu vroči odpravek odločbe ali sklepa ali da se mu sporoči nekaj, kar bi se mu lahko sporočilo po pošti ali na drug način, primernejši za tistega, ki mu je treba kaj sporočiti.

headquarters shall be deemed as the day when the authority has received the application. This shall also apply to civilians serving in the Slovenian armed forces if there is no regular post office in the town of their service.

(4) In case of persons deprived of liberty, the day when these persons deliver the application to the administration of the institution in which they are located shall be deemed as the day when the authority has received the application. The administration of the institution which receives the application must, at the applicant's oral request, confirm receipt. No fee shall be paid for such confirmation.

(5) If an application which has been filed in due time is incomplete or incomprehensible, and the applicant remedies the deficiencies in the time period determined by the official person, it shall be deemed that the application has been filed in due time.

## **Article 69**

If an application comprises several claims which are to be resolved separately, the authority that has received the application shall adjudicate the claims which fall under its jurisdiction; concerning other claims, it shall proceed in accordance with paragraphs four and five of Article 65 of this Act.

## **2. Summons**

## **Article 70**

(1) The authority conducting a procedure shall have the right to summon a person whose presence in the procedure is necessary if they reside in its territory. As a rule, it shall not be permitted to summon a person to serve on them a copy of a decision or a procedural decision, or to inform them of something of which they could be informed by mail or in some other manner more suitable for the person that needs to be informed of something.

(2) Izjemoma se lahko povabi na ustno obravnavo nekdo, ki prebiva izven območja organa, ki vodi postopek, če se s tem postopek pospeši ali olajša oziroma, če je njegova navzočnost nujno potrebna.

(3) Povabiti je treba s pisnim vabilom, če ni s posebnimi predpisi določen drugačen način.

## **71. člen**

(1) V pisnem vabilu je treba navesti ime in sedež organa, ki vabi, osebno ime in naslov tistega, ki je povabljen, kraj in dan, če je mogoče pa tudi uro prihoda, v kateri zadevi in kot kaj je povabljen (kot stranka, priča, izvedenec itd.), poleg tega pa še, katere pripomočke in dokazila naj prinese. V vabilu mora biti navedeno tudi, ali mora povabljeni priti osebno ali pa lahko pošlje pooblaščenca, ki ga bo zastopal; opozoriti ga je treba tudi na to, da mora v primeru, če se vabilu ne bi mogel odzvati, to sporočiti organu, ki mu je vabilo poslal. Povabljenega je treba prav tako opozoriti na posledice, če se vabilu ne bi odzval ali če ne bi sporočil, da ne more priti.

(2) V vabilu na ustno obravnavo se od stranke lahko zahteva, naj prinese pisna in druga dokazila, lahko pa se stranka opozori tudi na to, da sme pripeljati priče, na katere se namerava sklicevati.

(3) Če dovoljuje narava zadeve, se lahko prepusti povabljenemu, da do določenega dne da potrebno pisno izjavo, namesto da bi prišel osebno.

## **72. člen**

(1) Pri vabljenju mora organ gledati na to, da povabi tistega, katerega navzočnost je potrebna, za tak čas, ko bo najmanj oviran pri opravljanju svojega rednega dela.

(2) A person who resides outside the territory of the authority conducting the procedure may exceptionally be summoned to an oral hearing if thereby the procedure is accelerated or alleviated, or if the presence of such person is imperative.

(3) Persons shall be summoned by a written summons, unless otherwise provided by sector-specific regulations.

## **Article 71**

(1) A written summons shall indicate the name and registered office of the authority issuing the summons, the personal name of the person summoned, the place and day and, if possible, the hour of arrival, the case and the role (as a party, witness, expert witness, etc.) in which they are summoned, as well as which aids and evidence they should produce. The summons must also indicate whether the person summoned must come in person or whether they may send an authorised person to represent them; in addition, they shall be informed that if they cannot respond to the summons, they must communicate this to the authority which has sent the summons. The person summoned shall also be informed of the consequences if they do not respond to the summons or do not communicate to the authority that they are unable to appear.

(2) In a summons to an oral hearing, the party may be required to produce written or other evidence; in addition, the party may be informed that they may bring witnesses to which they intend to refer.

(3) If the nature of the case permits, the person summoned may be allowed to make a required written statement by a specified day instead of appearing in person.

## **Article 72**

(1) In summoning, the authority must make sure to summon a person whose presence is necessary for such time as enables this person to be least impeded in performing their regular work.

(2) Nihče ne more biti povabljen, naj pride med 20. in 6. uro, razen če gre za nujne in neodložljive ukrepe.

### **73. člen**

(1) Povabljeni se mora odzvati vabilu.

(2) Če povabljeni zaradi bolezni ali iz kakšnega drugega opravičenega vzroka ne more priti, mora to takoj po prejemu vabila sporočiti organu, ki mu je vabilo poslal, če nastane vzrok pozneje, pa takoj, ko zanj zve. Ob sporočilu organu je treba predložiti dokazilo, ki opravičuje izostanek, razen če to ni mogoče. Če stranka dokazila ne predloži, čeprav bi bilo to mogoče, se šteje, da izostanek ni opravičen.

(3) Če tisti, ki mu je bilo vabilo v redu vročeno, na vabilo ne pride in izostanka ne opraviči, se lahko privede, poleg tega pa tudi kaznuje z denarno kaznijo do 200 evrov. Tak ukrep se sme uporabiti samo, če je bilo v vabilu navedeno, da se bo uporabil. Če nastanejo zaradi neopravičenega izostanka povabljenega stroški v postopku, se lahko določi, da jih trpi tisti, ki je izostal. Sklep o privedbi, o kazni ali o plačilu stroškov izda uradna oseba, ki vodi postopek, v soglasju z uradno osebo, ki je pooblaščen za odločanje o zadevi, pri zaprosenem organu pa v soglasju z njegovim predstojnikom oziroma z uradno osebo, ki je pooblaščen za odločanje o podobnih zadevah. Zoper tak sklep je dovoljena pritožba.

(4) Če se vabilu ne odzove vojaška oseba ali delavec policije, se obrne organ na predstojnika take osebe z zahtevo, naj jo pripelje, lahko pa jo po tretjem odstavku tega člena tudi kaznuje oziroma ji naloži plačilo stroškov.

(2) No one may be summoned to appear between 8 pm and 6 am, except in the case of emergency measures that cannot be postponed.

### **Article 73**

(1) The person summoned must respond to the summons.

(2) If the person summoned cannot appear due to illness or for some other justified reason, they must communicate this to the authority which has sent the summons immediately after receiving the summons or, if the reason develops subsequently, immediately when they learn of it. The communication to the authority shall be accompanied by evidence justifying absence, except where this is not possible. If the party fails to submit evidence although it would be possible to submit it, it shall be deemed that absence is not justified.

(3) If a person who has been served a summons correctly does not appear and does not justify their absence, they may be brought and, in addition, they may be liable to a fine of up to EUR 200. Such a measure may only be applied if it has been indicated in the summons that it would be applied. If, due to the unjustified absence of a person summoned, costs arise in the procedure, it may be determined that these costs shall be covered by the absent person. A procedural decision to bring the person or to impose a fine or payment of costs shall be issued by the official person that conducts the procedure in agreement with the official person authorised for deciding on the case; in the case of a requested authority, this shall be in agreement with its head or the official person authorised for deciding on similar cases. An appeal shall be allowed against the procedural decision.

(4) If a military person or a police employee fails to respond to a summons, the authority shall contact the head in charge of such person, requiring that they bring this person; in addition, it may punish this person according to paragraph three of this Article or impose on them the duty to pay the costs.

### 3. Zapisnik

#### 74. člen

(1) O ustni obravnavi, o ustnih izjavah strank ali drugih oseb in o drugih pomembnejših dejanjih v postopku se sestavi zapisnik.

(2) O uradnih zapažanjih in ugotovitvah, ustnih navodilih in sporočilih ter okoliščinah, ki se tičejo samo notranjega dela organa, pri katerem se vodi postopek, se praviloma ne sestavi zapisnika: o tem uradna oseba napiše uradni zaznamek z navedbo kraja in datuma ter ga podpiše. Podpis ni obvezen, če se podatki o času in kraju zaznamka v elektronski obliki ter uradni osebi, ki ga je sestavila, samodejno evidentirajo v informacijskem sistemu za sprejem vlog, vročanje in obveščanje.

(3) Zapisnika tudi ni treba sestavljati o takih ustnih strankinih zahtevah, o katerih se odloča po skrajšanem postopku, če se jim ugodi, temveč zadostuje, da se take zahteve na predpisan način evidentirajo.

#### 75. člen

Zapisnik se sestavi tako, da uradna oseba, ki vodi postopek ali opravlja posamezna dejanja, glasno narekuje zapisnikarju, kaj naj zapiše v zapisnik. Če ga piše sama, glasno govori kaj piše, tako da navzoče stranke spremljajo potek nastajanja zapisnika.

#### 76. člen

(1) V zapisnik se vpiše:

- ime in sedež organa, ki opravlja dejanje,

### 3. Record

#### Article 74

(1) A record shall be made of an oral hearing, of oral statements by the parties or other persons, and of other important procedural actions.

(2) As a rule, a record shall not be made of official observations and findings, oral instructions and communications, and circumstances relating only to the internal activities of the authority conducting the procedure; the official person shall make an official note thereof, indicating the place and date and signing it. A signature shall not be mandatory if data relating to the time and place of the note in electronic form and to the official person who has made it are automatically recorded in the information system for applications, delivery and notification.

(3) It shall also not be necessary to make a record of oral requests by the party which are decided in a summary procedure, if they are granted; it shall suffice for such requests to be recorded in the prescribed manner.

#### Article 75

The record shall be made in such a manner that the official person conducting the procedure or performs individual actions dictates aloud to the typist what to include in the record. If the official person writes the record themselves, they shall say aloud what they are writing so that the present parties follow the creation of the record.

#### Article 76

(1) The following shall be included in the record:

- name and registered office of the authority that performs an action,

- kraj, dan in ura dejanja in zadeva, v kateri se dejanje opravlja in
- osebna imena uradnih oseb, navzočih strank in njihovih zastopnikov ali pooblaščenec.

(2) Zapisnik mora obsegati natančen in kratek potek ter vsebino v postopku opravljenega dejanja in danih izjav. Pri tem se mora zapisnik omejiti na tisto, kar se tiče same zadeve, ki je predmet postopka. V zapisniku se navedejo vse listine in drugi dokazi, ki so bili v kakršenkoli namen uporabljeni pri dejanju. Če je treba, se te listine oziroma drugi dokazi priložijo zapisniku.

(3) Izjave strank, prič, izvedencev in drugih udeležencev v postopku, ki so pomembne za odločitev, se zapišejo v zapisnik dobesedno v prvi osebi. V zapisnik se vpišejo tudi vsi sklepi, ki se izdajo med dejanjem.

(4) Če se opravi kakšno zaslihanje po tolmaču, se navede, v katerem jeziku je zaslišani govoril in kdo je bil tolmač.

(5) Zapisnik se piše med opravljanjem uradnega dejanja. Če se dejanje ne more končati isti dan, se vsak dan posebej vpiše v isti zapisnik tisto, kar je bilo tisti dan napravljeno in to podpiše.

(6) Če se dejanje, o katerem se piše zapisnik, ne more opraviti zdržema, se v zapisniku navede, da je bilo prekinjeno.

(7) Če se med dejanjem napravijo ali preskrbijo načrti, skice, risbe, fotografije in temu podobno, se priložijo zapisniku in v njem natančno navedejo.

(8) Če narava upravne zadeve tako zahteva, se zapisnik v določenih zadevah lahko piše tudi v obliki knjige ali kakšne drugačne evidence.

(9) Zapisnik se lahko narekuje v elektronski nosilec zvoka. V tem primeru uradna oseba, ki vodi postopek, ob koncu dejanja pozove

- place, day and hour of the action and the case in which the action is performed, and
- personal names of official persons, present parties and their statutory representatives or authorised persons.

(2) The record must comprise precisely and briefly the course and content of an action performed in the procedure and the statements given. In such regard, the record must be limited to those elements that relate to the case which is the subject of the procedure. The record shall indicate all documents and other evidence used for whatever purpose in the action. If necessary, these documents and other evidence shall be enclosed with the record.

(3) The statements by the parties, witnesses, expert witnesses and other participants to the procedure which are relevant for the decision shall be included in the record verbatim in first person. All procedural decisions issued during an action shall also be entered in the record.

(4) If a hearing is carried out through an interpreter, it shall be indicated in which language the person has spoken and who the interpreter was.

(5) A record shall be written while performing an official action. If the action cannot be completed on the same day, what has been done on each day shall be written in the same record, and that shall be signed.

(6) If the action on which the record is written cannot be performed without interruption, it shall be indicated in the record that it has been interrupted.

(7) If, while performing an action, plans, sketches, drawings, photographs and similar items are created or provided, they shall be enclosed with the record and precisely indicated therein.

(8) If the nature of an administrative case so requires, the record may in certain cases be also written in the form of a book or other record.

(9) The record may also be dictated into an electronic sound storage medium. In such cases, upon completion of an action, the official

udeležence, da v elektronski nosilec zvoka izjavijo, da so z vsebino zapisnika seznanjeni, in ali se z njo strinjajo oziroma ali imajo kakšne pripombe.

(10) Pisni odpravek zapisnika iz prejšnjega odstavka mora biti sestavljen v osmih dneh in poslan vsem osebam, udeleženi pri dejanju, z dopisom, da lahko v nadaljnjih osmih dneh ugovarjajo zoper morebitno nepravilnost prepisa. Če v osmih dneh ne dajo pripomb na zapisnik, se šteje, da nanj nimajo pripomb. Na to jih je treba v dopisu posebej opozoriti.

### **77. člen**

(1) Zapisnik mora biti sestavljen pravilno in čitljivo; v njem se ne sme nič izbrisati. Ročno pisani zapisnik je treba na zahtevo stranke prepisati in opremiti z žigom in podpisom, mesta, ki so bila do sklenitve zapisnika prečrtana, morajo ostati čitljiva; overi jih s svojim podpisom uradna oseba, ki vodi postopek.

(2) V že podpisanem zapisniku se ne sme nič dodati in ne spremeniti. Dopolnitev že sklenjenega zapisnika se zapiše v dodatku.

### **78. člen**

(1) Preden se zapisnik sklene, se prebere strankam, zaslišanim in ostalim udeležencem pri dejanju postopka, če želijo, pa si ga same preberejo. Udeleženci imajo tudi pravico pregledati zapisnik in dati svoje pripombe. Na koncu zapisnika se navede, da je bil zapisnik prebran in da ni bilo nobenih pripomb; če pa je bilo kaj pripomb, se na kratko zapiše njihova vsebina. Nato podpiše zapisnik tisti, ki je sodeloval pri dejanju, na koncu pa ga overi uradna oseba, ki je dejanje vodila, in morebitni zapisnikar.

person conducting the procedure shall call the participants to state into the electronic sound storage medium that they are familiar with the content of the record and whether they agree with it or have any comments.

(10) A written copy of the record referred to in the preceding paragraph must be made within eight days and sent to all the persons involved in the action, together with a letter informing them that they may object to any possible inaccuracy of the copy within eight days. If, within eight days, they give no comment regarding the record, it shall be deemed that they have no comment. They shall be specifically informed of this in the letter.

### **Article 77**

(1) The record must be made correctly and legibly; nothing in it may be erased. At the request of the party, a handwritten record shall be transcribed, stamped and signed, while the passages which have been crossed out up until the completion of the record must remain legible; they shall be authenticated by the signature of the official person conducting the procedure.

(2) Nothing may be added to and changed in a record that has already been signed. Any supplement to an already completed record shall be included in an appendix.

### **Article 78**

(1) Before the record is completed it shall be read to the parties, the persons that were examined and other participants in the procedural action; if these persons wish, they can read it themselves. The participants shall also have the right to inspect the record and give their comments. It shall be indicated at the end of the record that it has been read and that there have been no comments; if there have been any comments, their content shall be stated in brief. The record shall then be signed by the person that participated in the action and, at the end, it shall be authenticated by the official person who conducted the action and by a possible typist.

(2) Če obsega zapisnik zaslišanje več oseb, se podpiše vsaka od njih pod tistim delom zapisnika, kjer je zapisana njena izjava.

(3) Če se opravi soočenje, podpišejo ta del zapisnika soočenci.

(4) Če ima zapisnik v fizični obliki več strani, se te označijo z zaporednimi števkami, vsako stran pa overi na koncu s svojim podpisom uradna oseba, ki vodi dejanje postopka, in podpiše tisti, čigar izjava je zapisana na koncu strani.

#### **79. člen**

(1) Dopolnitve že sklenjenega zapisnika se podpišejo in overijo.

(2) Če tisti, ki bi moral podpisati zapisnik, ne zna ali ne more pisati, ga podpiše nekdo, ki zna pisati in je seznanjen z vsebino zapisnika ter se tudi sam podpiše. Tega ne more storiti uradna oseba, ki vodi postopek, in tudi ne zapisnikar.

(3) Če kdo noče podpisati zapisnika ali odide, preden je zapisnik sklenjen, se to vpiše v zapisnik in navede, zakaj ga ni hotel podpisati.

#### **80. člen**

(1) Zapisnik, ki je sestavljen v skladu z določbami tega zakona, je javna listina. Zapisnik je dokaz o poteku in vsebini dejanja postopka in danih izjav, razen tistih delov zapisnika, h katerim je zaslišanec dal pripombo, da niso pravilno sestavljeni.

(2) If the record refers to the hearing of several persons, each of these persons shall sign below the part of the record where their statement is written.

(3) If a face-to-face encounter has been concluded, the part of the record referring to it shall be signed by the persons that came face-to-face.

(4) If the record in hard copy comprises several pages, these shall be marked by serial numbers; each of them shall be authenticated at the end by the signature of the official person conducting the procedural action and signed by the person whose statement is written at the end of the page.

#### **Article 79**

(1) Any supplements to an already completed record shall be signed and authenticated.

(2) If a person who should sign a record is illiterate or cannot write, they shall be signed for by a person who is not illiterate and is familiar with the content of the record, and who shall sign the record themselves. This cannot be done by the official person conducting the procedure, nor by the typist.

(3) If a person does not want to sign the record or leaves before the record is completed, this fact shall be entered in the record and it shall be stated why this person did not wish to sign it.

#### **Article 80**

(1) A record made in accordance with the provisions of this Act shall be a public document. The record is evidence of the course and content of the procedural action and the statements given, except for those parts of the record in relation to which the person heard has commented that they have not been made correctly.



(2) Dovoljeno je dokazovati nepravilnost zapisnika.

### **81. člen**

(1) Kadar odloča v upravnem postopku kolegijski organ, se sestavi o posvetovanju in glasovanju poseben zapisnik.

(2) V zapisnik o posvetovanju in glasovanju se poleg podatkov o osebni sestavi kolegijskega organa vpišejo zadeva, za katero gre, in kratka vsebina tistega, kar je bilo sklenjeno, poleg tega pa tudi morebitna posebna mnenja. Ta zapisnik podpišeta predsedujoči in zapisnikar.

(3) Kadar odloča v upravnem postopku državni zbor, vlada ali svet samoupravne lokalne skupnosti, se piše zapisnik o posvetovanju in glasovanju po poslovniku tega organa.

4. Pregled dokumentov, obvestila o poteku postopka in dostop do informacij javnega značaja

### **82. člen**

(1) Stranke imajo pravico pregledovati dokumente zadeve in na svoje stroške prepisati ali preslikati potrebne dokumente v fizični ali elektronski obliki. Pregledovanje, prepisovanje in preslikovanje dokumentov nadzoruje določena uradna oseba, ali pa poteka v informacijskem sistemu organa ali v informacijskem sistemu za sprejem vlog, vročanje in obveščanje, v katerem stranka svojo istovetnost dokaže s svojim kvalificiranim potrdilom za elektronski podpis.

(2) Pravico iz prejšnjega odstavka ima tudi vsakdo drug, ki verjetno izkaže, da ima od tega pravno korist.

(2) It shall be permitted to prove the incorrectness of a record.

### **Article 81**

(1) Where a collegiate authority decides in an administrative procedure, a special record shall be made of the deliberation and voting.

(2) In addition to the data on the personal composition of the collegiate authority, the record of deliberation and voting shall indicate the considered case and brief content of the decision reached, as well as any special opinions. Such record shall be signed by the presiding official and the recorder.

(3) Where the National Assembly, the Government or the council of a self-governing local community decides in an administrative procedure, the record of deliberation and voting shall be written pursuant to the rules of procedure for such authority.

4. Access to files, information on the course of the procedure and access to public information

### **Article 82**

(1) Parties shall have the right to access documents relating to the case and transcribe or photocopy at their own expense the necessary documents in hard copy or electronic form. Access to, transcription and photocopying of documents shall be supervised by a designated official person, or it shall take place in the information system of the authority or the information system for receiving applications, delivery and notification, in which the party proves their identity with their qualified certificate for electronic signature.

(2) The right referred to in the preceding paragraph shall also pertain to any other person who plausibly demonstrates that they have a legal benefit therein.

(3) Pregled in prepis dokumentov se lahko zahteva tudi ustno. Od osebe iz prejšnjega odstavka sme organ v primeru dvoma zahtevati, naj pisno ali ustno na zapisnik obrazloži svojo pravno korist.

(4) V skladu z zakonom, ki ureja dostop do informacij javnega značaja, lahko, ne glede na določbe tega zakona, vsakdo ustno ali pisno zahteva od organa, da mu omogoči dostop do informacij javnega značaja v posameznih upravnih zadevah.

(5) Če se v postopku uporabljajo podatki iz informatiziranih evidenc ter drugi podatki in zapisi v elektronski obliki, se ti štejejo za dokument v tej zadevi. Če so bili v postopku uporabljeni dokumenti, ki vsebujejo tajne podatke in so bili uporabljeni kot podlaga za odločitev, jih imajo stranke pravico vpogledati.

(6) Ne morejo se pregledovati in ne prepisovati zapisnik o posvetovanju in glasovanju in osnutki odločb.

(7) Stranka, prizadeti državni organi in vsakdo drug, ki verjetno izkaže, da ima od tega pravno korist, imajo pravico zahtevati obvestila o poteku postopka.

(8) Zoper sklep o zavrnitvi zahtev iz prejšnjih odstavkov je dovoljena pritožba.

(9) Stranke imajo pravico v informacijskem sistemu za obveščanje in vročanje spremljati potek postopka.

(10) Če je zadržano izvrševanje predpisa s strani pristojnega organa, mora organ v roku 15 dni o tem pisno obvestiti stranke, ki uveljavljajo svoje pravice ali se jim nalagajo obveznosti.

## VI. poglavje VROČANJE

### 1. Način vročanja

(3) Access to and transcription of documents may also be requested orally. When in doubt, the authority may require that the person referred to in the preceding paragraph explain their legal benefit in writing or orally on the record.

(4) Pursuant to the Act regulating access to public information, anyone may, notwithstanding the provisions of this Act, orally or in writing request that an authority allows them access to public information in individual administrative cases.

(5) If data from computer records and other data and records in electronic form are used in the procedure, these shall be deemed a document in the case. If data containing classified information have been used in the procedure and have been used as a basis for the decision, the parties shall have the right to access to them.

(6) The record of deliberation and voting and of draft decisions cannot be examined or transcribed.

(7) The party, the affected state authorities and anyone else who plausibly demonstrates that they have a legal benefit therein shall have the right to request information on the course of the procedure.

(8) An appeal shall be allowed against a procedural decision refusing the requests referred to in the preceding paragraphs.

(9) The parties shall have the right to follow the course of the procedure in the information system for notification and delivery.

(10) If the enforcement of a regulation is stayed by the competent authority, the authority must inform the parties that are asserting their rights or are incurring obligations thereof within 15 days.

## Chapter VI SERVICE

### 1. Manner of service

### **83. člen**

(1) Dokumenti se vročijo po pošti ali po elektronski poti, ali pa jih vroča organ po svoji uradni osebi, po pravni ali fizični osebi, ki opravlja vročanje dokumentov v fizični obliki ali po elektronski poti kot svojo dejavnost. Tistega, ki mu je treba vročiti dokument, je samo izjemoma dovoljeno povabiti zato, da ga prevzame, če to zahteva narava ali pomen dokumenta, ki ga je treba vročiti.

(2) Organ vroča po elektronski poti, če stranka vlogo za začetek postopka pošlje v elektronski obliki, če med postopkom sporoči organu, da želi vročitev dokumentov v varni elektronski predal in v drugih primerih, ko sam lahko zanesljivo ugotovi, da ima varni elektronski predal. Če stranka nima odprtega varnega elektronskega predala, organu ne sporoči njegovega naslova, če vročitev v varni elektronski predal ni mogoča, ali če izrecno zahteva fizično vročitev dokumenta, se vročitev opravi po 87. členu tega zakona.

(3) Uradna oseba odredi, da se odločbe, sklepi ter drugi dokumenti, v katerih je določen rok in se pošiljajo naslovniku v fizični obliki, vročijo po določbah tega zakona.

### **84. člen**

(1) Vroča se ob delovnikih od 6. do 20. ure. Vročanje po elektronski poti se lahko opravi ves čas.

(2) Organ, čigar dokument je treba vročiti, lahko iz razlogov, ki jih določa poseben zakon, ali zaradi nujnih ukrepov v javnem interesu odredi, naj se vročitev opravi tudi na nedeljo ali na praznik Republike Slovenije oziroma drug dela prost dan, če je to neogibno potrebno, pa tudi izven časovnih okvirov iz prvega odstavka.

### **Article 83**

(1) Documents shall be served by mail or electronic means, or they shall be served by the authority through its official person or a legal person or natural person who performs the serving of documents in paper or by electronic means as their professional activity. It shall only exceptionally be allowed to summon a person on whom a document is to be served to appear before the authority in order to take the document, if this is required by the nature or significance of the document which is to be served.

(2) The authority shall serve by electronic means if the party sends the application for initiation of the procedure in electronic form, if the party informs the authority in the course of the procedure that they wish the documents be served to a safe electronic mailbox, and in other cases when it finds with certainty that the party has a safe electronic mailbox. If the party does not have a safe electronic mailbox, they do not communicate to the authority their address, if service into a safe electronic mailbox is not possible, or if service of the document in hard copy is expressly required, service shall be effected in accordance with Article 87 of this Act.

(3) The official person shall order decisions, procedural decisions and other documents with a fixed deadline and which are sent to the addressee in hard copy, to be served in accordance with the provisions of this Act.

### **Article 84**

(1) Service shall be effected on weekdays between 6 am and 8 pm. Service by electronic means shall be effected at any time.

(2) The authority whose document is to be served may, for reasons provided by a separate Act or because of emergency measures in the public interest, order service to be effected also on a Sunday or a national holiday of the Republic of Slovenia, or on some other work-free day, and if this is unavoidably required even outside the timeframes

## **85. člen**

(1) Vročitev se praviloma opravi v stanovanju oziroma tam, kjer je naslovnik zaposlen, vročitev odvetniku in notarju pa v njegovi odvetniški oziroma notarski pisarni. Vročitev odvetniku ali notarju se lahko opravi tudi tako, da se dokument vroči osebi, ki je zaposlena pri odvetniku oziroma notarju. V prostorih organa se vročitev opravi, če se naslovnik tam nahaja ali če to zahtevata narava in pomen dokumenta, ki ga je treba vročiti.

(2) Vročitev se lahko opravi tudi izven prostorov, ki so navedeni v prejšnjem odstavku, če je naslovnik pripravljen dokument sprejeti; če ni takih prostorov, pa se lahko opravi vročitev taki osebi, kjerkoli se najde.

(3) Pravnim in fizičnim osebam, registriranim za opravljanje dejavnosti se praviloma vroča na naslovu, navedenem v registru.

## **86. člen**

(1) Vročitev po elektronski poti se opravi preko informacijskega sistema pravne ali fizične osebe, ki opravlja vročanje dokumentov po elektronski poti kot svojo dejavnost.

(2) Informacijski sistem iz prejšnjega odstavka pošlje naslovníku v varen elektronski predal in na elektronski naslov, če ga je sporočil organu, informativno elektronsko sporočilo, da mora dokument prevzeti v 15 dneh.

(3) Naslovnik dokument prevzame iz informacijskega sistema iz prvega odstavka tako, da z uporabo kvalificiranega potrdila za varen elektronski podpis dokaže svojo istovetnost, presname dokument v elektronski obliki in elektronsko podpiše vročilnico.

referred to in paragraph one.

## **Article 85**

(1) Service shall, as a rule, be effected at the apartment or the place at which the addressee is employed, while service on an attorney or a notary shall be effected at their office. Service on an attorney or a notary may also be effected in a manner such that the document is served on a person employed by the attorney or notary. Service shall be effected on the premises of the authority if the addressee is located there or if so required by the nature and significance of the document which is to be served.

(2) Service may also be effected outside the premises stated in the preceding paragraph if the addressee is willing to accept the document; if no such premises exist, service may be effected on such a person wherever they are found.

(3) Legal persons and natural persons registered for performing activities shall, as a rule, be served at the address indicated in the register.

## **Article 86**

(1) Service by electronic means shall be effected through the information system of the legal person or natural person which performs the serving of documents by electronic means as their own activity.

(2) The information system referred to in the preceding paragraph shall send to the addressee's safe electronic mailbox and e-mail address, if it has been communicated to the authority, an information e-mail requiring the addressee to take delivery of the document within 15 days.

(3) The addressee shall take delivery of the document from the information system referred to in paragraph one by proving their identity by means of a qualified certificate for safe electronic signature, downloading the document in electronic form and electronically signing

(4) Vročitev velja za opravljeno z dnem, ko naslovník prevzame dokument. Če dokumenta ne prevzame v 15 dneh od dneva, ko je bilo sporočilo puščeno v varnem elektronskem predalu, velja vročitev za opravljeno z dnem preteka tega roka. Informacijski sistem za sprejem vlog, vročanje in obveščanje pošlje dokument v varen elektronski predal naslovníka in organu elektronsko sporočilo, da dokument ni bil prevzet v zakonitem roku.

(5) Informacijski sistem za sprejem vlog, vročanje in obveščanje o vročitvi obvesti organ, ki je vročitev odredil, z vročilnico v elektronski obliki.

## 2. Osebno vročanje

### 87. člen

(1) Odločbe in sklepi ter drugi dokumenti, od katerih vročitve začne teči rok, se morajo vročiti osebno tistemu, kateremu so namenjeni, pri čemer se za osebno vročitev šteje tudi vročitev v skladu s 86. členom tega zakona. Drugi dokumenti se vročajo v skladu z zakonom, ki ureja poštne storitve.

(2) O vročitvi je treba obvestiti organ, ki je vročitev odredil, z vročilnico.

(3) Če se vročitev ne da opraviti tako, kot je določeno v prvem odstavku tega člena, pusti vročevalec v hišnem predalčniku, na vratih stanovanja, poslovnega prostora ali delavnice pisno sporočilo. Če sporočila ni mogoče pustiti na prej določenih mestih, ga lahko pusti tudi v poštnem predalu ali na drugem primernem mestu. V sporočilu navede, kje se dokument nahaja in da ga mora naslovník prevzeti v 15 dneh. Na sporočilu in na samem dokumentu, ki bi ga moral vročiti, vročevalec navede vzrok take vročitve, datum in kraj, kjer je sporočilo pustil, ter se podpiše.

the proof of service.

(4) Service shall be deemed effected as of the day when the addressee takes over the document. If the addressee fails to take delivery of the document within 15 days of the day it was left in the safe electronic mailbox, service shall be deemed effected as of the day of expiry of the time limit. The information system for receiving applications, delivery and notification shall send the document to the addressee's safe electronic mailbox and shall send to the authority an e-mail stating that the document has not been taken within the legally provided time limit.

(5) The information system for receiving applications, delivery and notification shall inform the authority which has ordered the service about the service by means of proof of service in electronic form.

## 2. Personal serving

### Article 87

(1) Decisions and procedural decisions as well as other documents from the serving of which a time limit begins to run must be served personally on the person for whom they are intended, whereby personal service shall also be deemed service in accordance with Article 86 of this Act. Other documents shall be served in accordance with the Act regulating postal services.

(2) The authority which has ordered the service shall be informed of the service effected by the proof of service.

(3) If service cannot be effected in the manner laid down in paragraph one of this Article, the server shall leave a written note in the house letterbox or on the door of the apartment, the business premises or workshop. If the note cannot be left in the places mentioned, it may be left in a post office box or other appropriate place. The server shall state on the note where the document can be found and that the addressee must take delivery within 15 days. The server shall state on the note, as well as on the document to be served itself, the reason for such service and the date and place where the note was left, and sign it themselves.

(4) Vročitev po prejšnjem odstavku tega člena velja za opravljeno z dnem, ko naslovnik prevzame dokument. Če dokumenta ne prevzame v 15 dneh, velja vročitev za opravljeno z dnem preteka tega roka. Po preteku tega roka vročevalec pusti dokument iz prvega odstavka tega člena v hišnem oziroma izpostavljenem predalčniku naslovnika. Kolikor stranka nima predalčnika ali je ta neuporaben, vročevalec vrne pošiljko pošiljateljju. Pisno sporočilo iz prejšnjega odstavka mora vsebovati obvestilo o posledicah takega vročanja.

### 3. Posebni primeri vročanja

a) Vročanje zakonitemu zastopniku in pooblaščenca

#### **88. člen**

(1) Kadar ima stranka zakonitega zastopnika ali pooblaščenca, se vroča njemu.

(2) Vročitev zakonitemu zastopniku ali pooblaščenca stranke se opravi tako, kot je predpisano v členih 83. do 87. tega zakona.

(3) Če ima več strank skupnega zakonitega zastopnika ali pooblaščenca v isti zadevi, se za vse vroča temu zakonitemu zastopniku oziroma pooblaščenca. Če ima stranka več pooblaščenca, zadostuje, da se vroči samo enemu od njih.

(4) Šteje se, da je dokument vročen stranki, kadar je vročen njenemu zakonitemu zastopniku, začasnemu zastopniku ali pooblaščenca.

b) Vročanje pooblaščenca za vročitve

(4) Service referred to in the preceding paragraph of this Article shall be considered effected as of the day when the addressee takes the document. If they fail to take delivery of the document within 15 days, service shall be considered effected as of the day when this time limit expires. After the expiry of such time limit, the server shall leave the document referred to in paragraph one of this Article in the addressee's house letterbox or the detached letterbox. If the party has no letterbox or if it cannot be used, the server shall return the package to the sender. The written note referred to in the preceding paragraph must contain information on the consequences of such service.

### 3. Special examples of service

a) Serving on a statutory representative and authorised person

#### **Article 88**

(1) Where the party has a statutory representative or authorised person, documents shall be served on them.

(2) Service on a statutory representative or authorised person shall be effected as prescribed by Articles 83 to 87 of this Act.

(3) If several parties have a joint statutory representative or authorised person in the same case, documents for all parties shall be served on the statutory representative or authorised person. If the party has several authorised persons, it shall suffice that documents are served to only one of them.

(4) A document shall be deemed to be served on the party when it is served on their statutory representative, temporary representative or authorised person.

b) Serving on the authorised receiver

## 89. člen

(1) Stranka lahko pooblasti določeno osebo, ki naj se ji vročajo vsi dokumenti zanjo (pooblaščenec za vročitve). Če stranka obvesti o tem organ, ki vodi postopek, vroča organ vse dokumente temu pooblaščenču.

(2) Kadar stranka o obstoju pooblastila ne obvesti organa, ki vodi postopek, vročevalec pooblaščenču lahko vroča vse dokumente, ki so naslovljeni na stranko, če pooblaščenec podpiše izjavo, da ga je stranka za to pooblastila, potem ko ugotovi njegovo istovetnost z osebnim dokumentom s fotografijo, ki ga je izdal pristojni državni organ. Vročevalec na vročilnico čitljivo napiše osebno ime in številko osebnega dokumenta pooblaščenca, ter jo skupaj z izjavo pooblaščenca vrne organu. Pod enakimi pogoji lahko pooblaščenec prevzame dokument pri pravni ali fizični osebi, ki opravlja vročanje kot svojo dejavnost, ali pri organu.

(3) Pooblaščenec za vročitve mora vsak dokument nemudoma poslati stranki.

(4) Kadar je stranka ali njen zakoniti zastopnik v tujini, pa v državi nima pooblaščenca, mu je treba ob vročitvi prvega dokumenta naložiti, naj v določenem roku imenuje pooblaščenca ali pa pooblaščenca za vročitve in ga opozoriti, da mu bo po uradni dolžnosti postavljen pooblaščenec za vročitve oziroma začasni zastopnik, če v danem roku ne bo sam imenoval pooblaščenca.

(5) Šteje se, da je z vročitvijo dokumenta pooblaščenču za vročitve opravljena vročitev stranki, ki bi ji bilo treba dokument vročiti.

(6) Če pooblaščenec za vročitve ne more dokumenta izročiti stranki in bi stranka s tem zamudila rok za pritožbo ali za kakšno drugo pravno sredstvo, ima pooblaščenec za vročitve pravico vročiti ustrezno

## Article 89

(1) The party may authorise a certain person on whom documents are to be served on behalf of the party (authorised receiver). If the party informs the authority conducting the procedure thereof, the authority shall serve all documents on such authorised person.

(2) If the party fails to inform the authority conducting the procedure of the existence of such authorisation, the server may serve on the authorised person all documents addressed on the party, provided that the authorised person signs a statement that the party has authorised them for this and after establishing their identity with a personal document that has a photo issued by the competent state authority. The server shall legibly write on the proof of service the personal name and number of the personal document which has a photo of the authorised person and shall return this to the authority together with the authorised person's statement. Under the same conditions, the authorised person may take delivery of a document at a legal person or natural person that performs the serving of documents as their professional activity, or at the authority.

(3) The authorised receiver must immediately send every document to the party.

(4) If the party or his or her statutory representative is abroad and does not have an authorised person in the country, they shall be required, on the serving of the first document, to appoint an authorised person or authorised receiver within a specified time limit, and shall be informed that an authorised receiver or temporary representative shall be appointed to them *ex officio* if they do not themselves appoint an authorised person within the time limit determined.

(5) Service on the party on whom the document is to be served shall be deemed effected when the document is served on the authorised receiver.

(6) If the authorised receiver cannot deliver the document to the party and the party would thereby miss the time limit for appeal or for filing some other legal remedy, the authorised receiver shall have the right to

pravno sredstvo.

## 90. člen

(1) Kadar je več strank skupaj udeleženih v postopku z istovetnimi zahtevki, pa nimajo skupnega pooblaščenca, morajo pri prvem dejanju v postopku naznaniti organu skupnega pooblaščenca za vročitve. Dokler ne naznanijo skupnega pooblaščenca za vročitve, se šteje za takega pooblaščenca tista izmed strank, ki je na prvi skupni vlogi prva podpisana ali navedena. Če se ne more na tak način določiti pooblaščenec, lahko določi uradna oseba, ki vodi postopek, za pooblaščenca katerokoli od teh strank. Če je strank veliko ali če so iz raznih krajev, lahko naznanijo več takih pooblaščenec in navedejo, katere od strank bo zastopal posamezen pooblaščenec; to lahko stori tudi sama uradna oseba.

(2) Skupni pooblaščenec za vročitve mora brez odlašanja obvestiti vse stranke o dokumentu, ki ga je zanje prejel, in jim omogočiti, da ga pregledajo, prepisejo in overijo; dokument hrani praviloma pooblaščenec.

(3) V dokumentu, ki se vroči pooblaščenca za vročitve, morajo biti navedene vse osebe, za katere se vroča.

c) Vročanje državnim organom, organom samoupravnih lokalnih skupnosti, pravnim osebam in fizičnim osebam, registriranim za opravljanje dejavnosti

## 91. člen

(1) Državnim organom, organom samoupravnih lokalnih skupnosti, pravnim in fizičnim osebam, registriranim za opravljanje dejavnosti se praviloma vroča po elektronski poti v varni elektronski predal po 86. členu tega zakona.

file an appropriate legal remedy.

## Article 90

(1) When several parties jointly participate in a procedure with identical claims and they do not have a joint authorised person, they must inform the authority of their joint authorised receiver when the first procedural action is performed. Until they inform the authority of their joint authorised receiver, the party who is first signed or indicated on their first joint application shall be deemed to be the authorised receiver. If an authorised person cannot be determined in such a manner, the authority conducting the procedure may determine any of these parties to be the authorised person. If there are many parties or if they come from different places, they may inform the authority of several such authorised persons and indicate which of the parties shall be represented by an individual authorised person; this may also be done by the official person themselves.

(2) The joint authorised receiver must inform without delay all the parties of a document which they have taken delivery of on behalf of the parties, and enable them to examine, copy and authenticate it; the document shall as a rule be kept by the authorised person.

(3) All persons for whom a document is served must be stated in the document served on the authorised receiver.

c) Serving on state authorities, self-governing local community authorities, legal persons and natural persons registered for the performance of activities

## Article 91

(1) State authorities, self-governing local community authorities, legal persons and natural persons registered for the performance of activities shall, as a rule, be served by electronic means at the safe electronic mailbox as referred to in Article 86 of this Act.



(2) Informativno elektronsko sporočilo, da je v varnem elektronskem predalu dokument, ki ga je treba prevzeti v 15 dneh, sicer se šteje, da je vročitev opravljena, se pošlje na javno objavljen elektronski naslov državnega organa, organa samoupravne lokalne skupnosti, pravne ali fizične osebe, registrirane za opravljanje dejavnosti ali na elektronski naslov, ki ga navede v vlogi.

(3) Če državni organi, organi samoupravnih lokalnih skupnosti, pravne in fizične osebe, registrirane za opravljanje dejavnosti nimajo varnih elektronskih predalov, se jim dokumenti fizično vročajo tako, da se izročijo uradni osebi oziroma osebi, ki je določena za sprejemanje dokumentov, če ni za posamezne primere določeno drugače.

(4) Če kot stranka nastopa naselje ali skupina oseb, ki ni pravna oseba (drugi odstavek 42. člena tega zakona), se jim vroča tako, da se dokument izroči osebi, ki so jo ti določili (četrti odstavek 48. člena tega zakona).

č) Vročanje določenim osebam

## 92. člen

(1) Osebam v državi, ki uživajo diplomatsko imuniteto, se vročijo dokumenti preko ministrstva, pristojnega za zunanje zadeve, če ni v mednarodni pogodbi drugače določeno.

(2) Fizičnim in pravnim osebam v tujini se lahko vroča neposredno ali po diplomatski poti, razen, če mednarodna pogodba ne določa drugače.

(3) Vojaškim osebam se lahko dokument vroči tudi tako, da se izroči njihovemu poveljstvu oziroma organu, kjer so zaposleni.

(4) Osebam, zaposlenim v kopenskem, zračnem ali

(2) An information e-mail, stating that there is a document in the electronic mailbox for which delivery is to be taken within 15 days or it shall be deemed served, shall be sent to the publicly notified e-mail address of the state authority, self-governing local community authority, legal person or natural person registered for the performance of activities or to the e-mail address indicated in the application.

(3) If state authorities, self-governing local community authorities, legal persons and natural persons registered for the performance of activities do not have safe electronic mailboxes, documents shall be served on them physically in a manner such that they are delivered to the official person or a person determined to accept documents, unless otherwise provided for individual cases.

(4) If a settlement or a group of persons which is not a legal person act as the party (paragraph two of Article 42 of this Act), they shall be served documents in a manner such that documents are delivered to the person determined by such persons (paragraph four of Article 48 of this Act).

č) Serving on certain persons

## Article 92

(1) Persons who enjoy diplomatic immunity in the country shall be served documents through the ministry responsible for foreign affairs, unless otherwise provided by treaty.

(2) Natural persons and legal persons abroad may be served directly or through diplomatic channels, unless otherwise provided by treaty.

(3) Military persons may also be served a document by way of delivery to their headquarters or to the authority by which they are employed.

(4) Persons employed in land, air or sea traffic may also be

pomorskem prometu se lahko dokument vroči tudi tako, da se vroči delodajalcu, kjer so zaposleni.

(5) Vročitev po tretjem in četrtem odstavku je opravljena, ko poveljstvo oziroma organizacija potrdi dan izročitve dokumenta naslovniku.

### **93. člen**

(1) Osebam, ki jim je vzeta prostost, se vročajo dokumenti po upravi zavoda, v katerem so.

(2) Vročitev je opravljena, ko uprava zavoda vroči dokument naslovniku.

d) Vročanje z javnim naznanilom

### **94. člen**

Če gre za večje število oseb, ki organu niso znane, ali ki se ne morejo določiti, se jim dokument vroči z javnim naznanilom na oglasni deski organa, ki ga je izdal in na enotnem državnem portalu e-uprava. Vročitev velja za opravljeno po poteku 15 dni od dneva, ko je bilo naznanilo objavljeno na oglasni deski in na enotnem državnem portalu e-uprava, če organ, ki je dokument izdal, ne določi daljšega roka. Poleg objave na oglasni deski in objave na enotnem državnem portalu e-uprava lahko objavi organ naznanilo tudi v javnih občilih, ali na kakšen drug običajen način.

e) Odklonitev sprejema

### **95. člen**

(1) Če oseba, ki bi po tem zakonu dokument morala sprejeti,

served a document by service on their employer.

(5) Service referred to in paragraphs three and four shall be effected when the headquarters or organisation confirm the day of delivery of a document to the addressee.

### **Article 93**

(1) Persons deprived of liberty shall be served documents through the management of the institution in which they are found.

(2) Service shall be effected when the management of the institution serves the document on the addressee.

d) Service by public notification

### **Article 94**

If the case concerns a large number of persons who are unknown to the authority or who cannot be determined, they shall be served a document by a public notification posted on the information board of the authority which has issued the document and on the state web portal e-uprava. Service shall be deemed effected after 15 days from the notification being posted on the information board and on the state portal e-uprava, unless the authority which has issued the document determines a longer time limit. In addition to posting on the information board and on the state portal e-uprava, the authority may publish the notification in the public media or in some other usual manner.

e) Refusal of acceptance

### **Article 95**

(1) If the person that should accept a document pursuant to this

tega brez zakonitega razloga noče storiti, pusti vročevalec dokument v stanovanju, kjer taka oseba stanuje, oziroma v prostorih, kjer je zaposlena, ali pa nalepi dokument na vrata stanovanja oziroma prostorov, ali ga pusti v predalčniku.

(2) Če se opravi vročitev tako, kot je določeno v prejšnjem odstavku, zapiše vročevalec na vročilnici dan, uro in razlog odklonitve sprejema ter kraj, kjer je dokument pustil; šteje se, da je s tem vročitev opravljena.

f) Sprememba naslova

## 96. člen

(1) Če stranka ali njen zakoniti zastopnik ali pooblaščenec, ki ga je postavila stranka, med postopkom spremeni svoje stalno ali začasno prebivališče, sedež oziroma naslov, ki ga je navedel v vlogi ali pooblastilu, mora o tem takoj obvestiti organ, ki vodi postopek.

(2) Če vročevalec ugotovi, da se je oseba iz prvega odstavka odselila iz naslova, kjer naj se opravi vročitev, oziroma je na naslovu neznana, mora o tem obvestiti organ in mu sporočiti naslov, če ga izve na podlagi opravljenega poizvedovanja, ali kako drugače.

(3) Če oseba iz prvega odstavka tega člena ne obvesti organa o spremembi prebivališča, sedeža ali naslova, ki ga je navedla v vlogi ali v pooblastilu in vročevalec v skladu z drugim odstavkom tega člena ne sporoči naslova, organ pa na podlagi podatkov iz uradnih evidenc ugotovi, da je naslov za vročanje, prijavljen na podlagi zakona, ki ureja prijavo prebivališča (v nadaljnjem besedilu naslov za vročanje) oziroma sedež enak naslovu, kjer je bil opravljen poizkus vročitve, odredi, da se vse nadaljnje vročitve v postopku opravljajo tako, da se na oglasni deski in na enotnem državnem portalu e-uprava objavi sporočilo o vročanju z javnim naznanilom, v katerem se navedejo podatki o vzrokih za tako vročanje, organ, ki je dokument izdal, številka, datum in vrsta dokumenta, osebno

Act refuses to do so without any legally provided reason, the server shall leave the document in the apartment where such person lives or on the premises where they are employed, or shall affix the document on the door of the apartment or premises or leave it in a letterbox.

(2) If service is effected in the manner referred to in the preceding paragraph, the server shall write on the proof of service the day, the hour and the reason for the refusal of acceptance, as well as the place where they left the document; service shall thereby be deemed effected.

f) Change of address

## Article 96

(1) If, in the course of the procedure, the party or their statutory representative or person authorised by the party change their permanent or temporary residence, registered office or address indicated in the application or authorisation, they must immediately inform thereof the authority conducting the procedure.

(2) If the server finds that the person referred to in paragraph one of this Article has moved from the address where they are to be served, or is unknown at such address, the server must inform thereof the authority and communicate the address if they find it after making inquiries or otherwise.

(3) If a person referred to in paragraph one of this Article fails to inform the authority of a change of residence, registered office or address indicated in the application or authorisation and the server fails to communicate the address in accordance with paragraph two of this Article, and the authority finds, based on official records, that the service address reported in accordance with the Act regulating the reporting of residence (hereinafter: address for service) or the registered office is the same as the address where the service was attempted, it shall order that any further services in the procedure be effected in the manner such that the notification of service by public notification be posted on the information board and the state web portal e-uprava, including information

ime oziroma firma naslovnika, naslov za vročanje oziroma drugo stalno ali začasno prebivališče, če naslovnik nima naslova za vročanje, sedež pravne ali fizične osebe, registrirane za opravljanje dejavnosti, navedba upravne zadeve, datum javne objave sporočila z opozorilom, da ga mora naslovnik prevzeti v 15 dneh, posledice iz petega odstavka tega člena in kraj, kje je dokument.

(4) Če je iz uradnih evidenc razvidno, da je naslov za vročanje oziroma sedež drugačen kot naslov, na katerem je bil opravljen poizkus vročitve, se vročitev ponovno opravi na tem naslovu. Če vročitev ni možna iz razlogov iz drugega odstavka, organ odredi, da se vročitev opravi tako, da se na oglasni deski organa in na enotnem državnem portalu e-uprava objavi sporočilo o vročanju z javnim naznanilom, ki vsebuje podatke iz prejšnjega odstavka.

(5) Vročitev velja za opravljeno po poteku 15 dni od dneva, ko je bilo objavljeno sporočilo o vročanju z javnim naznanilom na oglasni deski organa, ki vodi postopek in na enotnem državnem portalu e-uprava.

g) Vročanje na naslovu za vročanje

#### **96.a člen**

(1) Organ vroča dokument osebi, ki do vročitve ni sodelovala v postopku, na naslovu za vročanje. Izjemoma lahko vroča tudi na drugem naslovu, ki ni enak naslovu za vročanje, če je verjetno, da oseba tam dejansko prebiva, vendar mora vročitev ponoviti tudi na naslovu za vročanje, če se izkaže, da na domnevnem drugem naslovu ne živi.

(2) Če se ugotovi, da oseba ne prebiva na naslovu za vročanje,

on the reasons for such serving, the authority which has issued the document, the number, date and type of the document, the personal name or business name of the addressee, the address for service or other permanent or temporary residence if the addressee does not have an address for service, the registered office of the legal person or natural person registered for the performance of activities, an indication of the administrative case, the date of publication of the notification with the warning that the addressee is to take delivery within 15 days, the consequences referred to in paragraph five of this Article, and the place where the document is located.

(4) If it is evident from the official records that the address for service or the registered office is different from the address where the service was attempted, service shall be repeated at such address. If service has not been possible for reasons referred to in paragraph two, the authority shall order that service be effected in a manner such that the notification of service by public notification be posted on the information board of the authority and the state web portal e-uprava, including data referred to in the preceding paragraph.

(5) Service shall be deemed effected after the expiry of 15 days from the day when the notification of service by public notification was posted on the information board of the authority conducting the procedure and the state web portal e-uprava.

g) Serving at address for service

#### **Article 96a**

(1) The authority shall serve a document on a person who, prior to service, has not participated in the procedure at the address for service. Exceptionally, the authority may serve a document also at an address other than the address for service, provided that it is probable that such person actually resides there; however, it must repeat the service at the address for service if it appears that the person does not reside at the alleged other address.

(2) If it is established that the person does not reside at the

ker se je odselila oziroma je na naslovu neznana, odredi organ, da se vročitev opravi tako, da se na oglasni deski organa in na enotnem državnem portalu e-uprava objavi sporočilo o vročanju z javnim naznanilom, ki vsebuje podatke iz tretjega odstavka 96. člena tega zakona. Vročitev velja za opravljeno po poteku 15 dni od dneva, ko je bilo objavljeno sporočilo o vročanju z javnim naznanilom na oglasni deski organa in na enotnem državnem portalu e-uprava.

#### 4. Vročilnica

##### 97. člen

(1) Vročilnico podpišeta prejemnik in vročevalec. Prejemnik sam z besedami napiše na vročilnici datum prejema.

(2) Če prejemnik ne zna pisati ali se ne more podpisati, napiše vročevalec na vročilnici njegovo osebno ime in datum izročitve, poleg tega pa opombo, zakaj se prejemnik ni podpisal.

(3) Če prejemnik noče podpisati vročilnice, zapiše vročevalec to na vročilnici in z besedami napiše dan vročitve; šteje se, da je s tem vročitev opravljena.

(4) Če se opravi vročitev po tretjem odstavku 87. člena tega zakona, je treba navesti na vročilnici dan sporočitve in dan, ko je bil dokument izročen upravni enoti oziroma pošti.

(5) Minister, pristojen za upravo, predpiše obliko in vsebino ovojnice in vročilnice za osebno vročanje v fizični obliki ter obliko in način elektronskega vročanja v upravnem postopku.

#### 5. Pomote pri vročanju

address for service because they have moved or are unknown at such address, the authority shall order service to be effected in a manner such that a notification of service by public notification, including data referred to in paragraph three of Article 96 of this Act, is posted on the information board of the authority and the state web portal e-uprava. Service shall be deemed effected after the expiry of 15 days from the day when the notification of service by public notification was posted on the information board of the authority and the state portal e-uprava.

#### 4. Proof of service

##### Article 97

(1) The proof of service shall be signed by the recipient and the server. The recipient shall write the date of receipt on the proof of service in words.

(2) If the recipient does not know how to write or cannot sign the proof of service, their personal name and the date of the service shall be written on the proof of service by the server, adding a note why the recipient has not signed themselves.

(3) If the recipient does not wish to sign the proof of service, the server shall write this on the proof of service and write the day of the service in words; it shall be deemed that service is thereby effected.

(4) If service is effected in accordance with paragraph three of Article 87 of this Act, it shall be necessary to indicate on the proof of service the day of notification and the day when the document was delivered to the administrative unit or post office.

(5) The minister responsible for administration shall prescribe the form and content of the envelope and of the proof of service for personal serving in hard copy as well as the form and the manner of electronic serving in administrative procedures.

#### 5. Errors in service

## 98. člen

(1) Če se zgodi pri vročitvi pomota, se šteje, da je bila vročitev opravljena tisti dan, za katerega se ugotovi, da je oseba, ki ji je bil dokument namenjen, ta dokument dejansko dobila.

(2) Če se vročilnica izgubi, se vročitev lahko dokazuje tudi z drugimi sredstvi.

## VII. poglavje ROKI IN NAROKI

### 1. Roki

## 99. člen

(1) Za posamezna dejanja v postopku so lahko določeni roki.

(2) Če roki niso določeni z zakonom, podzakonskim predpisom, aktom za izvrševanje javnih pooblastil ali predpisom lokalne skupnosti, jih glede na okoliščine primera določi uradna oseba, ki vodi postopek.

(3) Rok, ki ga je določila uradna oseba, ki vodi postopek, in s predpisi določen rok, ki ga je mogoče podaljšati, se lahko podaljšata na prošnjo, ki jo vloži prizadeta oseba pred iztekom roka, če so podani opravičeni razlogi za podaljšanje.

(4) Zoper sklep o podaljšanju roka ni pritožbe.

## 100. člen

## Article 98

(1) If an error occurs in service, it shall be deemed that service has been effected on the day for which it is established that the person to whom the document had been intended, actually received it.

(2) If proof of service is lost, service may also be proved by other means.

## Chapter VII TIME LIMITS AND HEARINGS

### 1. Time limits

## Article 99

(1) Time limits may be determined for singular procedural actions.

(2) If time limits are not laid down by an act, an implementing regulation, an act for exercising public authorisation or a local community regulation, they shall be determined by the official person that conducts the procedure considering the circumstances of the case.

(3) A time limit determined by the official person that conducts the procedure and a time limit laid down by regulations which can be extended, may be extended on a request submitted by an affected person before the expiry of the time limit, if there are justified reasons for extension.

(4) There shall be no appeal against a procedural decision on extension.

## Article 100

(1) Roki se računajo po dnevih, mesecih in letih.

(2) Če je rok določen po dnevih, se ne všeteje dan vročitve ali sporočitve oziroma dan dogodka, od katerega je treba šteti rok, temveč se vzame za začetek roka prvi naslednji dan. Rok, ki je določen po mesecih oziroma po letih, se konča s pretekom tistega dneva v mesecu oziroma letu, ki se po svoji številki ujema z dnem, ko je bilo komu kaj vročeno ali sporočeno, oziroma z dnem, ko se je zgodil dogodek, od katerega se šteje rok. Če tega dneva v zadnjem mesecu ni, se konča rok zadnji dan v tem mesecu.

(3) Konec roka je lahko označen tudi z določenim koledarskim dnem.

#### **101. člen**

(1) Začetka in teka rokov ne ovirajo nedelje in prazniki Republike Slovenije ali dela prosti dnevi v Republiki Sloveniji.

(2) Če je zadnji dan roka nedelja ali praznik Republike Slovenije ali dela prost dan v Republiki Sloveniji ali kakšen drug dan, ko se pri organu, pri katerem je treba opraviti dejanje postopka, ne dela, se izteče rok s pretekom prvega naslednjega delavnika.

#### **2. Naroki**

#### **102. člen**

(1) Narok določi organ, če se opravi ustna ali videokonferenčna obravnava.

(2) Organ mora na narok najmanj osem dni pred njegovim razpisom povabiti stranke in druge osebe, za katere ugotovi, da je

(1) Time limits shall be counted in days, months and years.

(2) If a time limit is expressed in days, the day of service or notification or the day of the event from which the time limit is to be counted shall not be included, and the next day that follows shall count as the beginning of the time limit. A time limit expressed in months or years shall end on the expiry of the day in the month or year which, by its number, corresponds to the day on which someone has been served or notified of something, or to the day on which the event from which the time limit is counted has occurred. If there is no such day in the last month, the time limit shall end on the last day of that month.

(3) The end of a time limit may also be marked by a certain calendar day.

#### **Article 101**

(1) The beginning and running of time limits shall not be impeded by Sundays and national holidays of the Republic of Slovenia, or by work-free days in the Republic of Slovenia.

(2) If the last day of the time limit coincides with a Sunday or a national holiday of the Republic of Slovenia or a work-free day in the Republic of Slovenia or some other day on which the authority where a procedural action is to be performed does not operate, the time limit shall expire on the end of the next working day.

#### **2. Hearings**

#### **Article 102**

(1) A hearing shall be called by the authority if an oral or videoconference hearing is to be held.

(2) At least eight days prior to calling a hearing, the authority must summon the parties and other persons whose presence is, in the

potrebna njihova navzočnost. Skupaj z vabilom pošlje stranki vlogo, ki je bila razlog za določitev naroka. V primeru videokonferenčne obravnave v vabilu navede kraj, prostor in čas naroka ter druge potrebne tehnološke podatke za videokonferenčno obravnavo. V vabilu na narok za videokonferenčno obravnavo pa organ navede, da se vsi, ki se ne želijo ali ne morejo vključiti v videokonferenčno obravnavo, lahko oglasijo na kraju in v prostoru, navedenem v vabilu in sodelujejo osebno. Če je organ začel postopek po uradni dolžnosti, navede v vabilu za narok, kakšno dejanje se bo opravilo na naroku.

(3) Organ opozori povabljenega v vabilu na zakonite posledice neopravičenega izostanka.

(4) Narok se praviloma opravi v poslopiju organa, ki vodi postopek, lahko pa po sklepu organa tudi v kakšnem drugem kraju, če to terja ekonomičnost postopka. Zoper tak sklep ni pritožbe.

(5) Organ lahko preloži narok, če je to potrebno za izvedbo dokazov, ali če so za to drugi upravičeni razlogi.

(6) Zoper sklep o dovolitvi oziroma zavrnitvi preložitve ni pritožbe.

## VIII. poglavje VRNITEV V PREJŠNJE STANJE

### 103. člen

(1) Stranki, ki je iz opravičenih vzrokov zamudila rok ali narok ali kakšno drugo dejanje postopka in ga zaradi tega ne more več opraviti, se na njen predlog dovoli vrnitev v prejšnje stanje.

(2) Stranki, ki ni pravočasno izročila vloge, se na njen predlog dovoli vrnitev v prejšnje stanje tudi tedaj, če je iz nevednosti ali zaradi

conclusion of the authority, necessary. Together with a summons, the authority shall send to the party the application that provided the reason for calling a hearing. In the case of a videoconference hearing, it shall indicate in the summons the place, room and time of the hearing, as well as other necessary technological data for a videoconference hearing. In the summons for a videoconference hearing, the authority shall indicate that all those who do not wish to or cannot join the videoconference hearing may appear in the place and room indicated in the summons and participate in person. If the authority has initiated the procedure *ex officio*, it shall indicate in the summons for the hearing which action is to be performed at the hearing.

(3) In a summons, the authority shall inform the persons summoned of the legal consequences of unjustified absence.

(4) A hearing shall, as a rule, be held in the building of the authority conducting the procedure or, according to a procedural decision issued by the authority, in some other place if so required by the economy of procedures. There shall be no appeal against such procedural decision.

(5) The authority may postpone a hearing if this is necessary for presenting evidence or for other justified reasons.

(6) There shall be no appeal against a procedural decision allowing or refusing postponement.

## Chapter VIII REINSTATAMENT

### Article 103

(1) A party who, for justified reasons, has missed a time limit or hearing or any other procedural action and is therefore no longer able to perform it, shall be allowed, on their proposal, to have the case reinstated.

(2) A party who has not submitted an application in due time shall be allowed, on their proposal, to have the case reinstated also if



očitne pomote vlogo pravočasno poslala po pošti, ali jo neposredno izročila nepristojnemu organu.

(3) Vrnitev v prejšnje stanje se dovoli tudi v primeru, če je stranka po očitni pomoti zamudila rok, pa je pristojni organ vlogo vendarle prejel vsaj v treh dneh po izteku roka, če bi stranka zaradi zamude izgubila kakšno pravico.

#### **104. člen**

(1) Stranka mora v predlogu za vrnitev v prejšnje stanje navesti okoliščine, zaradi katerih ni mogla pravočasno opraviti zamujenega dejanja, in te okoliščine vsaj verjetno izkazati.

(2) Predlog za vrnitev v prejšnje stanje se ne more opirati na tako okoliščino, ki jo je organ že prej ocenil kot nezadosten vzrok za podaljšanje roka ali za preložitve naroka.

(3) Če se predlaga vrnitev v prejšnje stanje zato, ker je stranka zamudila vložiti kakšno vlogo, mora predlogu priložiti tudi to vlogo.

#### **105. člen**

(1) Predlog za vrnitev v prejšnje stanje se poda v osmih dneh od dneva, ko je prenehal vzrok, ki je povzročil zamudo, če je stranka šele pozneje zvedela za zamudo, pa od dneva, ko je za to zvedela.

(2) Po treh mesecih od dneva zamude se ne more več predlagati vrnitev v prejšnje stanje.

(3) Če se zamudi rok za predlog za vrnitev v prejšnje stanje, se zaradi zamude tega roka ne more predlagati vrnitev v prejšnje stanje.

#### **106. člen**

through ignorance or an obvious mistake, they have sent the application in due time by mail or submitted it directly to an authority lacking jurisdiction.

(3) Reinstatement shall also be allowed where the party has missed a time limit through an obvious mistake, yet the authority has received the application within three days of expiry of the time limit, if the party would lose some right due to this delay.

#### **Article 104**

(1) In the proposal for reinstatement, the party must indicate the circumstances preventing them from performing the late action in due time and at least plausibly demonstrate such circumstances.

(2) A proposal for reinstatement cannot be grounded on such a circumstance which the authority has already evaluated as an insufficient reason for extending the time limit or postponing the hearing.

(3) If reinstatement is proposed because the party has missed filing an application, the application must be enclosed with the proposal.

#### **Article 105**

(1) A proposal for reinstatement shall be filed within eight days of the day when the reason causing the delay has ceased to exist; if the party has learnt of the delay at some later stage, this time limit shall run from the day when the party learnt thereof.

(2) After three months from the day of the delay, no proposal for reinstatement may be filed.

(3) If the time limit for filing a proposal for reinstatement is missed, reinstatement cannot be proposed on grounds of the time limit being missed.

#### **Article 106**

(1) Predlog za vrnitev v prejšnje stanje se vloži pri organu, pri katerem bi bilo treba opraviti zamujeno dejanje.

(2) O predlogu odloči s sklepom organ, pri katerem bi bilo treba opraviti zamujeno dejanje.

(3) Prepozen in nedovoljen predlog se zavrže s sklepom.

(4) Stranki z nasprotnimi interesi mora organ dati možnost, da se izjavi o dejstvih in okoliščinah, pomembnih za odločanje o vrnitvi v prejšnje stanje.

(5) Če so dejstva, na katera se opira predlog, splošno znana, lahko odloči pristojni organ o njem brez izjave stranke z nasprotnim interesom.

#### **107. člen**

(1) Zoper sklep, s katerim se dovoli vrnitev v prejšnje stanje, ni pritožbe, razen če se dovoli vrnitev na predlog, ki je bil prepozen, ali ni bil dovoljen.

(2) Zoper sklep, s katerim se zavrne predlog za vrnitev v prejšnje stanje, je dovoljena pritožba le tedaj, če je izdal sklep organ prve stopnje.

(3) Pritožba ni dovoljena zoper sklep o predlogu za vrnitev v prejšnje stanje, ki ga izda organ, pristojen za odločanje o glavni zadevi na drugi stopnji.

#### **108. člen**

(1) Predlog za vrnitev v prejšnje stanje ne ustavi postopka, vendar pa organ, ki je pristojen za odločitev o njem, lahko začasno prekine postopek, dokler ne postane sklep o predlogu dokončen.

(1) A proposal for reinstatement shall be filed with the authority at which the late action should have been performed.

(2) The authority at which the late action should have been performed shall decide on the proposal in a procedural decision.

(3) A late or disallowed proposal shall be rejected by a procedural decision.

(4) The authority must give the party with opposing interests the possibility to be heard regarding the facts and circumstances relevant for deciding on reinstatement.

(5) If the facts on which the proposal is grounded are generally known, the competent authority may decide thereon without a statement by the party with opposing interests.

#### **Article 107**

(1) There shall be no appeal against a procedural decision allowing reinstatement of a case, unless reinstatement is allowed based on a proposal which has been late or disallowed.

(2) An appeal shall be allowed against a procedural decision refusing a proposal for reinstatement only if the procedural decision has been issued by a first instance authority.

(3) No appeal shall be allowed against a procedural decision on a proposal for reinstatement issued by the authority responsible for deciding on the main matter of the case at the second instance.

#### **Article 108**

(1) A proposal for reinstatement shall not stay the procedure; however, the authority responsible for deciding on such a proposal may temporarily stay the procedure pending the administrative finality of the procedural decision concerning the proposal.

(2) Če se dovoli vrnitev v prejšnje stanje, se postopek vrne v tisto stanje, v katerem je bil pred zamudo, in se odpravijo vse odločbe in sklepi, ki jih je organ izdal zaradi zamude.

## IX. poglavje VZDRŽEVANJE REDA

### 109. člen

(1) Uradna oseba, ki vodi dejanje postopka, mora skrbeti za red pri delu in za dostojanstvo organa.

(2) Uradna oseba ima pravico opomniti tiste, ki motijo delo, in odrediti, kar je treba, da se red ohrani.

(3) Tisti, ki so navzoči na ustni obravnavi ali pri kakšnem drugem dejanju postopka, ne smejo imeti pri sebi orožja ali nevarnega orodja.

### 110. člen

(1) Stranka, ki kljub opominu moti delo, ali zagreši pri dejanju postopka kakšno nedostojnost, sme biti odstranjena, če je bila poprej opomnjena, da bo odstranjena, in opozorjena na pravne posledice takega ukrepa. Odstranitev zaradi motenja reda ali zaradi nedostojnosti odredi uradna oseba, ki vodi dejanje postopka. Drugi udeleženci so z naroka lahko odstranjeni brez poprejšnjega opomina in opozorila na posledice.

(2) Če je po prejšnjem odstavku tega člena odstranjena stranka, ki nima pooblaščenca, ali če je odstranjen pooblaščenec, čigar pooblastitelj ni navzoč, zahteva uradna oseba, ki vodi dejanje postopka, od odstranjenega, naj imenuje pooblaščenca. Če ta tega ne stori, lahko

(2) If reinstatement is allowed, the procedure shall be returned to the stage where it was prior to the delay, and all decisions and procedural decisions that the authority has issued because of the delay shall be set aside.

## Chapter IX MAINTAINING ORDER

### Article 109

(1) The official person conducting a procedural action must maintain order and ensure that the dignity of the authority is preserved.

(2) The official person shall have the right to caution those who disturb its work, and order what is necessary for the maintenance of order.

(3) Persons present at an oral hearing or at some other procedural action may not carry weapons or dangerous tools.

### Article 110

(1) A party who, despite being cautioned, disturbs the work or commits some indignity in relation to a procedural action, may be removed if they have been previously cautioned of the possibility of being removed and informed of the legal consequences of such measure. Removal on grounds of disturbance of order or indignity shall be ordered by the official person conducting the procedural action. Other participants may be removed from the hearing without prior caution and information on the consequences.

(2) If, pursuant to the preceding paragraph of this Article, a party without an authorised person is removed, or an authorised person whose authorising person is absent is removed, the official person conducting the procedural action shall require that the person removed

uradna oseba odloži dejanje na stroške tistega, ki ni hotel imenovati svojega pooblaščenca, lahko pa mu tudi sama postavi pooblaščenca. Tak pooblaščenec sme zastopati stranko samo pri tistem dejanju, od katerega je bila stranka odstranjena.

#### **111. člen**

(1) Kdor pri dejanju postopka huje prekrši red ali zagreši večjo nedostojnost, se lahko poleg odstranitve kaznuje tudi z denarno kaznijo do 500 evrov.

(2) Kazen iz prejšnjega odstavka ne izključuje kazenske ali disciplinske odgovornosti.

(3) Organ lahko kaznuje z denarno kaznijo do 500 evrov tudi tistega, ki v vlogi žali organ, uradno osebo, stranko z nasprotnim interesom ali druge udeležence v postopku.

#### **112. člen**

(1) Denarno kazen za dejanje iz prvega odstavka 111. člena tega zakona lahko izreče uradna oseba, ki vodi dejanje postopka, za dejanja iz tretjega odstavka 111. člena tega zakona pa uradna oseba, ki začne ali nadaljuje postopek po vlogi.

(2) Zoper sklep o kazni je dovoljena pritožba. Pritožba zoper sklep o kazni zaradi motenja reda oziroma odstranitve z naroka ne zadrži izvršitve kazni.

X. poglavje  
STROŠKI POSTOPKA

appoint an authorised person. If this person fails to do so, the official person may postpone the action at the expense of the person who declined to appoint an authorised person, or the official person may appoint an authorised person for that person themselves. Such an authorised person may represent the party only in the action from which the party has been removed.

#### **Article 111**

(1) A person who during a procedural action seriously violates order or commits a major indignity may, in addition to being removed, incur a fine of up to EUR 500.

(2) The penalty referred to in the preceding paragraph shall not exclude criminal or disciplinary responsibility.

(3) The authority may impose a fine of up to EUR 500 also on a person who, in their application, insults the authority, the official person, the opposing party or other participants in the procedure.

#### **Article 112**

(1) A fine for an act referred to in paragraph one of Article 111 of this Act may be imposed by the official person conducting the procedural action, and for acts referred to in paragraph three of Article 111 of this Act by the official person who initiates or continues the procedure following the application.

(2) An appeal shall be allowed against a procedural decision imposing a fine. The appeal against a procedural decision imposing a fine due to disturbance of order or removal from a hearing shall not stay the enforcement of the fine.

Chapter X  
COSTS OF PROCEDURE

## 1. Stroški

### 113. člen

(1) Stroški, ki nastanejo organu ali stranki med postopkom ali zaradi postopka (potni stroški uradnih oseb, izdatki za priče, izvedence, tolmače, ogled, pravno zastopanje, oglase, prihod, izgubo dohodka, strokovno pomoč, odškodnina za škodo, ki nastane pri ogledu ipd.), gredo v breme tistega, na katerega zahtevo se je postopek začel.

(2) Če se je postopek začel po uradni dolžnosti, gredo stroški v breme stranke, če se je postopek končal za stranko neugodno, ali če se v postopku izkaže, da ga je ta povzročila s svojim protipravnim ravnanjem. Če se je postopek končal za stranko ugodno, gredo stroški v breme organa, razen osebnih stroškov stranke (stroški za njen prihod, izgubo časa in zaslužka).

(3) Kadar povzroči kakšen udeleženec stroške v postopku po svoji krivdi ali iz nagajivosti, jih krije sam, ne glede na določbe prvega in drugega odstavka tega člena.

(4) Poseben zakon ali odlok sveta samoupravne lokalne skupnosti lahko določi, da stranka v določenih upravnih zadevah ne plačuje vseh ali določenih stroškov postopka.

### 114. člen

(1) Če je v postopku udeleženih dvoje ali več strank z nasprotujočimi si interesi, krije stroške stranka, ki je povzročila postopek, pa se je ta končal v njeno škodo. Če je v takem primeru katera od strank deloma zmagala s svojim zahtevkom, trpi del stroškov v sorazmerju s tistim delom svojega zahtevka, s katerim ni zmagala. Če v postopek vstopi stranski udeleženec, krije svoje stroške, če s svojim zahtevkom ni

## 1. Costs

### Article 113

(1) Costs incurred by the authority or a party during the procedure or because of the procedure (travel expenses for official persons, expenses for witnesses, expert witnesses, interpreters, costs of viewing, legal representation, advertisements, arrival, loss of income, professional assistance, compensation for damage arising in conducting a viewing, etc.) shall be borne by the person at whose request the procedure has been initiated.

(2) If the procedure has been initiated *ex officio*, the costs shall be borne by the party if the procedure has ended to the detriment of the party or if it turns out in the procedure that it has been caused by an unlawful activity of the party. If the procedure has ended favourably for the party, the costs shall be borne by the authority, except for the personal expenses of the party (expenses for their arrival, loss of time and earnings).

(3) Where a participant causes costs in the procedure through their fault or misbehaviour, they shall bear such costs themselves, irrespective of the provisions of paragraphs one and two of this Article.

(4) A separate Act or local community council ordinance may provide that the party shall not bear all or certain costs of the procedure in certain administrative cases.

### Article 114

(1) If two or more parties with opposing interests participate in the procedure, the costs shall be borne by the party that has caused the procedure where it has ended to their detriment. If in such case one of the parties has partially succeeded in their claim, such party shall bear a part of the costs in proportion to the part of their claim in which they have not succeeded. If an accessory participant enters the procedure, they shall

uspeh. Če pa je s svojim zahtevkom uspel, krije stroške stranka, na zahtevo katere se je postopek začel, razen osebnih stroškov.

(2) Stranke, ki nastopajo v postopku z istovrstnimi zahtevki, trpijo stroške po enakih delih. Če je korist, ki naj bi jo stranke z odločbo pridobile, po obsegu različna, trpijo stroške sorazmerno s to koristjo.

(3) Stranke, ki so v pravni skupnosti, trpijo stroške po enakih delih oziroma sorazmerno svojemu deležu v pravni skupnosti, če je te deleže mogoče določiti.

(4) V drugih primerih, ko trpi stroške več strank, se stroški porazdelijo mednje po enakih delih oziroma v pravičnem razmerju.

(5) Kadar se postopek konča s poravnavo, trpi vsaka stranka svoje stroške postopka, če ni v poravnavi drugače določeno.

(6) Če se postopek ustavi zaradi umika zahteve ali pravnega sredstva stranke, na zahtevo katere je bil postopek uveden, trpi stranka vse stroške, ki so nastali do ustavitve postopka.

#### **115. člen**

(1) Predhodno (pred izdajo odločbe oziroma sklepa, s katerim se odloči o stroških postopka) trpi vsaka stranka stroške, ki ji nastanejo zaradi postopka.

(2) Stroške, ki nastanejo zaradi postopka organu, predhodno trpi stranka, na katere zahtevo se je postopek začel. Če se je postopek začel po uradni dolžnosti, stroške predhodno trpi organ; stranka pa predhodno trpi le tiste stroške, ki so nastali po njeni krivdi ali iz nagajivosti. Stroške, ki nastanejo zaradi zavarovanja dokazov na zahtevo stranke in zaradi izvedbe dokaza z izvedencem na zahtevo stranke, krijejo stranke v skladu z določili tretjega odstavka 189. člena.

bear their costs if they have not succeeded in their claim. If they have succeeded in their claim, the costs shall be borne by the party at whose request the procedure was initiated, except for personal expenses.

(2) Parties that participate in the procedure with identical claims shall bear the costs in equal portions. If the benefit which is to be gained by the parties by a decision is different in its extent, the parties shall bear the costs in proportion to their benefit.

(3) Parties organised in a legal community shall bear the costs in equal portions or in proportion to their share in the legal community, if these shares can be determined.

(4) In other cases, where the costs are borne by several parties, the costs shall be distributed among them in equal portions or in a fair proportion.

(5) When a procedure ends with a settlement, each party shall bear their own costs of procedure, unless the settlement provides otherwise.

(6) If a procedure is stayed due to the withdrawal of a request or legal remedy by the party on whose request the procedure was initiated, the party shall bear all the costs incurred until the staying of the procedure.

#### **Article 115**

(1) Preliminarily (before the issuing of a decision or procedural decision in which the costs of the procedure are decided), each party shall bear the costs incurred by them owing to the procedure.

(2) The costs incurred by an authority owing to a procedure shall preliminarily be borne by the party on whose request the procedure was initiated. If the procedure has been initiated *ex officio*, the costs shall preliminarily be borne by the authority; the party shall preliminarily bear only those costs incurred through their fault or misbehaviour. The costs incurred due to the preservation of evidence at the request of the party and due to the presentation of evidence by an expert witness at the

(3) Če se začne postopek na zahtevo stranke, pa se da z gotovostjo pričakovati, da bo povzročil posebne izdatke v gotovini (v zvezi z ogledom, dokazovanjem z izvedenci, prihodom prič ipd.), lahko organ, ki vodi postopek, s sklepom določi, naj stranka založi zanje potreben znesek. Če stranka tega zneska ne založi v določenem roku, lahko organ opusti izvedbo takih dokazov ali ustavi postopek, razen če je nadaljevanje postopka potrebno v javnem interesu.

(4) Določba prejšnjega odstavka se uporablja tudi za zavarovanje dokazov, če se dokaz izvede pred uvedbo postopka.

#### **116. člen**

(1) Povrnitev stroškov mora stranka zahtevati do izdaje odločbe, sicer izgubi pravico do povrnitve stroškov. Uradna oseba, ki vodi postopek, mora stranko na to opozoriti.

(2) Če je postopek ustavljen zaradi umika zahteve ali pravnega sredstva, lahko stranka z nasprotnim interesom, ki je imela s tem stroške, zahteva povrnitev stroškov v osmih dneh od dneva, ko je prejela sklep. V sklepu jo je potrebno na to opozoriti.

#### **117. člen**

Stroške postopka v zvezi z izvršbo trpi zavezanec. Če se ti stroški ne morejo izterjati od njega, jih trpi stranka, ki je predlagala izvršbo.

#### **118. člen**

request of the party shall be borne by the parties in accordance with the provisions of paragraph three of Article 189.

(3) If a procedure is initiated at the request of a party and it can be expected with certainty that it will incur special expenses in cash (relating to a viewing, evidence of expert witnesses, arrival of witnesses, etc.), the authority conducting the procedure may decide in a procedural decision that the party shall pay in advance the necessary amount of money for such expenses. If the party does not pay this amount of money in the specified time limit, the authority may cease the presentation of such evidence or stay the procedure, unless the continuation of the procedure is necessary due to the public interest.

(4) The provision of the preceding paragraph shall also be applied to the preservation of evidence if evidence is demonstrated before the initiation of a procedure.

#### **Article 116**

(1) The party must request the reimbursement of costs before the issuing of a decision, otherwise they shall lose the right to the reimbursement of costs. The official conducting the procedure must inform the party thereof.

(2) If a procedure is stayed due to the withdrawal of a request or legal remedy, the opposing party which has incurred costs because of that may request the reimbursement of costs within eight days of the day they received the procedural decision. They shall be informed of such possibility in the procedural decision.

#### **Article 117**

The costs of procedure relating to enforcement shall be borne by the obligated person. If these costs cannot be recovered from them, they shall be borne by the party that requested the enforcement.

#### **Article 118**

(1) V odločbi odloči organ o stroških postopka, kdo trpi stroške postopka, koliko znašajo ter komu in v katerem roku jih je treba plačati.

(2) Če organ na drugi stopnji zavrže ali zavrne pravno sredstvo ali sam odloči o zadevi, odloči tudi o stroških, ki so nastali med postopkom v zvezi z njim.

(3) Če se postopek konča s sklepom, se o stroških odloči v tem sklepu. Če organ ne odloči o stroških, mora v tem sklepu navesti, da bo odločil o stroških v posebnem sklepu.

(4) Če organ ne odloči o stroških v odločbi, mora v odločbi navesti, da bo izdal o stroških poseben sklep.

(5) Če se pred uvedbo postopka izvede zavarovanje dokazov, pa se postopek ne začne v 30 dneh po tem dejanju, odloči o stroških izvedbe zavarovanja dokaza organ s sklepom.

(6) Zoper sklep o stroških postopka je dovoljena pritožba.

## **119. člen**

(1) Priče, izvedenci, tolmači in uradne osebe imajo pravico do povrnitve potnih stroškov in izdatkov v zvezi z bivanjem v kraju; če jim za ta čas ne gre zaslužek, pa tudi še pravico do povrnitve izgubljenega zaslužka. Poleg tega imajo izvedenci in tolmači tudi pravico do plačila za opravljeno storitev.

(2) Povračilo morajo zahtevati priče, izvedenci in tolmači pri zaslišanju, tolmačenju oziroma pri oddaji izvedenskega mnenja, sicer izgubijo to pravico. Uradna oseba, ki vodi postopek, jih mora na to opozoriti.

(1) The authority shall decide on the costs of procedure, on who is to bear the costs of procedure, on the amount thereof and on whom and in what time limit they are to be paid by a decision.

(2) If a second instance authority rejects or refuses a legal remedy or decides on a case on its own, it shall also decide on the costs incurred during the procedure in relation thereto.

(3) If the procedure ends with a procedural decision, the costs shall be decided by such procedural decision. If the authority fails to decide on the costs, it must indicate in such procedural decision that it shall decide on the costs by a separate procedural decision.

(4) If the authority fails to decide on the costs by a decision, it must indicate in the decision that it shall issue a separate procedural decision concerning the costs.

(5) If perpetuation of evidence takes place before the initiation of a procedure and the procedure does not start within 30 days of such action, the costs of perpetuation of evidence shall be decided by the authority in a procedural decision.

(6) An appeal shall be allowed against the procedural decision on the costs of the procedure.

## **Article 119**

(1) Witnesses, expert witnesses, interpreters and official persons shall have the right to have their travel expenses and expenses in connection with their staying in the place of the procedure reimbursed; if they are not paid during this time, they shall also have the right to the reimbursement of lost profit. In addition, expert witnesses and interpreters shall have the right to be paid for their services.

(2) Witnesses, expert witnesses and interpreters must request reimbursement for being heard, interpreting or delivering an expert opinion, otherwise they shall lose such right. The official person conducting the procedure must inform them thereof.



(3) Znesek povračil ugotovi s posebnim sklepom organ, ki vodi postopek; hkrati določi, kdo jih mora plačati in v katerem roku. Zoper ta sklep je dovoljena pritožba.

#### **120. člen**

(1) Minister, pristojen za upravo, natančneje uredi način zaračunavanja in izplačevanja stroškov postopkov. Določi tudi podrobnejša merila za izvajanje 122. člena glede oprostitve plačila stroškov, obročnega plačila ali njegovega odloga.

(2) Minister, pristojen za upravo, uredi tudi povračila stroškov, izdatkov in izgubljenega zaslužka pričam, izvedencem in tolmačem ter način zaračunavanja ter izplačevanja teh povračil, kot tudi nadomestitev stroškov v primeru oprostitve plačila stroškov.

#### **121. člen**

Stroške postopka za zavarovanje dokazov trpi stranka, ki je predlagala zavarovanje. Ti stroški se kasneje v postopku štejejo kot stroški postopka.

#### **2. Oprostitev plačila stroškov**

#### **122. člen**

(1) Organ, ki vodi postopek, lahko oprosti stranko plačila vseh stroškov ali dela stroškov, če spozna, da jih ta ne more plačati brez škode za nujno preživljanje same sebe in svoje družine. Sklep o tem izda organ na predlog stranke na podlagi potrdila o njenem premoženjskem stanju;

(3) The authority conducting the procedure shall establish the amount which is to be reimbursed by a separate procedural decision: it shall simultaneously determine who is to pay the reimbursement and in what time limit. An appeal shall be allowed against such procedural decision.

#### **Article 120**

(1) The calculation and payment of the costs of procedure shall be regulated in detail by the minister responsible for administration. The minister shall also determine detailed criteria for the implementation of Article 122 concerning exemption from the payment of costs, payment by instalments or postponement of payment

(2) The minister responsible for administration shall also provide for the reimbursement of costs, expenses and lost profit of witnesses, expert witnesses and interpreters, the manner of calculating and paying out such reimbursements, as well as the compensation of expenses in the case of exemption from the payment of costs.

#### **Article 121**

The costs of procedure for the preservation of evidence shall be borne by the party who has requested the preservation of evidence. These costs shall subsequently, in the procedure, be considered costs of the procedure.

#### **2. Exemption from the payment of costs**

#### **Article 122**

(1) The authority conducting the procedure may exempt a party from the payment of all costs or a part of the costs, if it establishes that the party cannot pay them without endangering the survival of themselves and their family. A procedural decision thereon shall be issued by the

potrdilo izda pristojni davčni organ.

(2) Organ, ki vodi postopek, lahko določi tudi obročno plačilo ali odlog plačila stroškov, če so stroški visoki. Odlog in obročno odplačevanje ne smeta trajati več kot pet let.

(3) Oprostitev plačila stroškov velja za izdatke organa, ki vodi postopek, kot so potni stroški uradnih oseb, izdatki za priče, izvedence, tolmače, ogled, oglase ipd., ter za položitev varščine za stroške.

(4) Stranka lahko prosi za oprostitev plačila stroškov že med postopkom, kadar bi morala v skladu s tem zakonom predhodno trpeti stroške ali založiti znesek za kritje stroškov.

(5) Oprostitev plačila stroškov ne velja za podjetnika posameznika v zvezi z njegovo dejavnostjo in za pravne osebe.

(6) Tuji državljani se oprostijo plačila stroškov samo, če velja vzajemnost. Če nastane dvom o vzajemnosti, da pojasnilo ministrstvo, pristojno za zunanje zadeve.

(7) Če je stranka oproščena plačila stroškov, krije stroške organ, ki vodi postopek.

### **123. člen**

Organ, ki vodi postopek, lahko med postopkom ali v enem letu po izdaji sklepa o oprostitvi plačila stroškov postopka razveljavi sklep o oprostitvi stroškov, če ugotovi, da razlogi, iz katerih je bila stranka oproščena plačila stroškov, več ne obstajajo.

authority at the request of the party based on a certificate on their financial situation; the certificate shall be issued by the competent tax authority.

(2) The authority conducting the procedure may also determine payment by instalments or postpone the payment of costs if the costs are high. The postponement of payment and payment by instalments may not last more than five years.

(3) Exemption from the payment of costs shall apply to the expenses of the authority conducting the procedure, such as travel expenses of official persons, expenses for witnesses, expert witnesses, interpreters, viewings, announcements, etc., and for depositing a security for expenses.

(4) The party may apply for exemption from the payment of costs even during the procedure when they should, in accordance with this Act, preliminarily bear the costs or advance an amount for the payment of costs.

(5) Exemption from the payment of costs shall not apply to a sole proprietor concerning their activity and to legal persons.

(6) Foreign nationals shall be exempted from the payment of costs only if reciprocity applies. In case of doubt concerning reciprocity, an explanation shall be given by the ministry responsible for foreign affairs.

(7) If the party is exempted from the payment of costs, the costs shall be borne by the authority conducting the procedure.

### **Article 123**

The authority conducting the procedure may, during the procedure or in one year after issuing the procedural decision on exemption from the payment of the costs of procedure, annul the procedural decision on exemption from the payment of costs if it finds that the reasons leading to the exemption of the party from the payment of costs no longer exist.

#### **124. člen**

Zoper sklep, s katerim se zavrne zahteva stranke za oprostitvev plačila stroškov, in zoper sklep iz 123. člena tega zakona lahko vložī stranka pritožbo.

### **DRUGI DEL POSTOPEK NA PRVI STOPNJI**

#### **XI. poglavje ZAČETEK POSTOPKA IN ZAHTEVKI STRANK**

##### **1. Začetek postopka**

#### **125. člen**

(1) Upravni postopek se začne pred pristojnim organom po uradni dolžnosti ali na zahtevo stranke.

(2) Določbe tega zakona, ki veljajo za zahtevo, veljajo tudi za prošnjo ali drugo vlogo, ki je po naravi zadeve izenačena z zahtevo.

#### **126. člen**

Pristojni organ začne postopek po uradni dolžnosti, če tako določa zakon ali na zakonu temelječ predpis in če ugotovi ali zve, da je treba glede na obstoječe dejansko stanje zaradi javne koristi začeti upravni postopek.

#### **127. člen**

#### **Article 124**

The party may file an appeal against the procedural decision whereby the request by the party for exemption from the payment of costs has been refused, and against the procedural decision referred to in Article 123 of this Act.

### **PART TWO PROCEDURE AT THE FIRST INSTANCE**

#### **Chapter XI INITIATION OF A PROCEDURE AND CLAIMS BY THE PARTIES**

##### **1. Initiation of a procedure**

#### **Article 125**

(1) An administrative procedure shall be initiated before the competent authority *ex officio* or on request by the party.

(2) The provisions of this Act which apply to a request shall also apply to a petition or other application which is by the nature of the case equated with a request.

#### **Article 126**

The competent authority shall initiate a procedure *ex officio* if an Act or a regulation based on an Act so provides and if it establishes or learns that considering the existing state of the facts of the case, an administrative procedure must be initiated because of the public benefit.

#### **Article 127**

(1) Upravni postopek po uradni dolžnosti se začne, ko opravi pristojni organ v ta namen kakršnokoli dejanje.

(2) Upravni postopek na zahtevo stranke je uveden z dnem vložitve zahteve stranke, če ne gre za primere iz 129. člena tega zakona.

### **128. člen**

V zadevah, v katerih je po zakonu ali po naravi zadeve za začetek upravnega postopka in za sam postopek potrebna zahteva stranke, sme pristojni organ začeti in voditi postopek samo, če je taka zahteva podana.

### **129. člen**

(1) Organ najprej preizkusi zahtevo in jo s sklepom zavrže:

1. če zadeva, na katero se vloga nanaša, ni upravna zadeva;
2. če vložnik v vlogi ne uveljavlja kakšne svoje pravice ali pravne koristi oziroma, če po tem zakonu ne more biti stranka;
3. če zahteva ni bila vložena v predpisanem roku;
4. če se o isti upravni zadevi že vodi upravni ali sodni postopek, ali je bilo o njej že pravnomočno odločeno, pa je stranka z odločbo pridobila kakšne pravice, ali so ji bile naložene kakšne obveznosti. Enako ravna tudi, če je bila izdana zavrnilna odločba in se dejansko stanje ali pravna podlaga, na katero se opira zahtevki, ni spremenilo.

(2) Organ lahko zavrže zahtevo tudi kadarkoli med postopkom do izdaje odločbe, če so podani razlogi iz prejšnjega odstavka tega člena.

(1) An administrative procedure *ex officio* shall be initiated when the competent authority performs any procedural action for such purpose.

(2) An administrative procedure on the request of a party shall be initiated on the day on which the party submits the request, except in cases referred to in Article 129 of this Act.

### **Article 128**

In cases in which, in accordance with an Act or given the nature of the case, a request by the party is needed for an administrative procedure to be initiated and for the procedure itself, the competent authority may initiate and conduct the procedure only if such request has been submitted.

### **Article 129**

(1) The authority shall first examine a request and it shall reject it by an order:

1. if the case to which the application refers is not an administrative case;
2. if the applicant does not assert in the application one of their rights or legal benefits or if they cannot be a party to the procedure according to this Act;
3. if the request has not been submitted in the specified time limit;
4. if an administrative or judicial procedure is already being conducted concerning the same administrative case, or it has already been decided with finality, and the party has acquired certain rights or has been imposed certain obligations by the decision. The authority shall proceed in the same manner if a decision to dismiss has been issued and the facts of the case or the legal basis to which the claim refers have not changed.

(2) The authority may also reject a request at any time during the procedure until the issuing of the decision, if reasons referred to in the

(3) Zoper sklep, s katerim organ zavrže zahtevo, je dovoljena pritožba.

## 2. Združitev zadev v en postopek

### 130. člen

(1) Če se pravice ali obveznosti strank opirajo na isto ali podobno dejansko stanje in isto pravno podlago in če je organ, ki vodi postopek, za vse zadeve stvarno pristojen, lahko začne in vodi en sam postopek tudi takrat, kadar gre za pravice in obveznosti več strank.

(2) Ob enakih pogojih lahko uveljavlja ena ali več strank v enem samem postopku tudi več različnih zahtevkov.

(3) O združitvi zadev v en postopek odloči pristojni organ s posebnim sklepom, zoper katerega je dovoljena pritožba.

### 131. člen

Pristojni organ lahko z javnim naznanilom začne upravni postopek proti večjemu številu oseb, ki mu niso znane, ali jih ni mogoče določiti, ki pa imajo lahko v postopku položaj strank, če gre pri vseh za bistveno enake obveznosti.

### 132. člen

(1) Če se začne en sam postopek po 130. členu tega zakona, ali če se začne postopek z javnim naznanilom po 131. členu tega zakona, nastopa v postopku vsaka stranka samostojno.

(2) V sklepih, s katerimi se v takem postopku odredijo proti

preceding paragraph of this Article apply.

(3) An appeal shall be allowed against the rejection order by which the authority rejects a request.

## 2. Composite procedure

### Article 130

(1) If the rights or obligations of the parties are grounded on the same or similar facts of the case and the same legal basis, and if the authority conducting the procedure has subject matter jurisdiction for all of the cases, it may initiate and conduct a single procedure even where the case concerns the rights and obligations of several parties.

(2) Under the same conditions, one or several parties may also assert several claims in a single procedure.

(3) The authority shall decide on a composite procedure by a separate procedural decision against which an appeal shall be allowed.

### Article 131

The competent authority may, by public notification, initiate an administrative procedure against a larger number of unknown or undefinable persons who may have the status of parties in the procedure, if the obligations involved are essentially equal for all.

### Article 132

(1) If only one procedure is initiated according to Article 130 of this Act, or if a procedure is initiated by public notification according to Article 131 of this Act, each party shall participate in the procedure independently.

(2) In procedural decisions whereby certain measures are

strankam določeni ukrepi, je treba določiti, kateri ukrepi se nanašajo na posamezne stranke, razen če gre za stranke, ki so udeležene v postopku z istovetnimi zahtevki, ali če je z zakonom drugače predpisano.

### 3. Sprememba zahtevka

#### **133. člen**

(1) Ko je postopek uveden, lahko stranka do izdaje odločbe na prvi stopnji razširi ali spremeni postavljeni zahtevek ne glede na to, ali ima razširjeni oziroma spremenjeni zahtevek isto pravno podlago ali ne, če se tak zahtevek opira na iste bistvene sestavine dejanskega stanja in, če je organ pristojen za njegovo reševanje.

(2) Če je v postopku udeležena stranka z nasprotnim interesom, mora biti o spremembi zahtevka takoj obveščena.

(3) Če organ, ki vodi postopek, ne dovoli razširitve ali spremembe zahtevka, izda o tem sklep. Zoper tak sklep je dovoljena pritožba.

### 4. Umik zahteve

#### **134. člen**

(1) Stranka lahko delno ali v celoti umakne svojo zahtevo vsak čas med postopkom na prvi stopnji do vročitve odločbe, v času, ko teče pritožbeni rok, in med postopkom na drugi stopnji do vročitve odločbe.

(2) Če stranka uveljavlja svoj zahtevek nasproti drugi stranki, lahko umakne zahtevek do ustne obravnave, na ustni obravnavi pa le, če stranka z nasprotnim interesom še ni začela obravnavati glavne zadeve; če pa jo je že začela obravnavati, ga lahko umakne le, če v to privoli

ordered against the parties in such a procedure, it shall be necessary to determine which measures refer to which individual parties, unless the case concerns parties participating in the procedure with identical claims, or if otherwise provided by an Act.

### 3. Change of claim

#### **Article 133**

(1) Once a procedure is initiated, the party may expand or change the submitted claim up until the issuing of the decision at the first instance, irrespective of whether the expanded or changed claim has the same legal basis or not, if the claim is grounded on the same facts of the case and if the authority has jurisdiction to resolve it.

(2) If the procedure involves a party with opposing interests, that party must be immediately informed of the change of claim.

(3) If the authority conducting the procedure does not allow the expansion or change of the claim, it shall issue a procedural decision thereon. An appeal shall be allowed against such procedural decision.

### 4. Withdrawal of request

#### **Article 134**

(1) A party may partly or entirely withdraw their request at any time during the procedure at the first instance up until the serving of the decision, during the period in which the time limit for filing an appeal has not yet expired, and during the procedure at the second instance up until the serving of the decision.

(2) If a party brings a claim against another party, they may withdraw the claim up until the oral hearing, and at the oral hearing, but only if the opposing party has not yet argued the main matter of the case; however, if they have already argued the matter, the party may withdraw

stranka z nasprotnim interesom, ki se mora o tem izreči v osmih dneh. Če se v osmih dneh ne izreče, se šteje, da je v umik privolila.

### 135. člen

(1) Če je bil postopek začel na zahtevo stranke, pa stranka umakne svojo zahtevo, izda organ sklep, da se postopek ustavi.

(2) Če je stranka svojo zahtevo umaknila med potekom pritožbenega roka ali po vložitvi pritožbe, se s sklepom o ustavitvi postopka odpravi odločba prve stopnje, s katero je bilo njenemu zahtevku v celoti ali deloma ugodeno.

(3) Če je nadaljevanje postopka potrebno v javnem interesu, ali če to zahteva stranka z nasprotnim interesom, ga pristojni organ nadaljuje.

(4) Če se je postopek začel po uradni dolžnosti, ga organ lahko ustavi. Če pa bi se postopek v isti zadevi lahko začel tudi na zahtevo stranke, se postopek nadaljuje, kadar stranka to zahteva.

(5) Zoper sklep, s katerim se ustavi postopek, je dovoljena pritožba.

### 136. člen

Posamezno dejanje ali opustitev stranke je mogoče šteti za umik zahteve samo, če je to z zakonom določeno.

5. Poravnava

### 137. člen

the claim only if the opposing party agrees; regarding this, the opposing party must be heard within eight days. If they do not declare themselves within eight days, it shall be deemed that they have agreed to the withdrawal.

### Article 135

(1) If a procedure has been initiated on the request of a party and the party withdraws their request, the authority shall issue a procedural decision to stay the procedure.

(2) If the party has withdrawn their request during the period in which the time limit for filing an appeal has not yet expired, the first instance procedural decision with which their claim was partly or entirely granted shall be set aside by a procedural decision to stay the procedure.

(3) If the continuation of the procedure is necessary due to the public interest or if this is requested by the party with an opposing interest, the competent authority shall continue it.

(4) If the procedure has been initiated *ex officio*, the authority may stay the procedure. If the procedure in the same case could have been initiated on the request of the party, it shall be continued when the party so requests.

(5) An appeal shall be allowed against the procedural decision with which a procedure is stayed.

### Article 136

A single action or omission of the party may be deemed withdrawal of the request only if so provided by an Act.

5. Settlement

### Article 137

(1) Če je v postopku udeleženi dvoje ali več strank z nasprotujočimi si interesi, si mora uradna oseba, ki vodi postopek, med postopkom ves čas prizadevati, da se stranke poravnajo, bodisi v celoti ali pa vsaj glede posameznih spornih točk.

(2) Poravnava mora biti vselej jasna in določna in ne sme biti v škodo javni koristi, javni morali ali pravni koristi drugih. Uradna oseba, ki vodi postopek, mora paziti na to po uradni dolžnosti. Če se ugotovi, da bi bila poravnava v škodo javni koristi, javni morali ali pravni koristi drugih, organ, ki vodi postopek, ne privoli v sklenitev poravnave in izda o tem poseben sklep.

(3) Poravnava se vpiše v zapisnik. Poravnava je sklenjena, ko stranke preberejo zapisnik o poravnavi in ga podpišejo. Strankam se da na njihovo zahtevo overjen prepis zapisnika.

(4) Poravnava ima moč izvršljive odločbe, izdane v upravnem postopku.

(5) Organ, pred katerim je bila sklenjena poravnava, izda sklep, s katerim po potrebi v celoti ali deloma ustavi postopek.

(6) Če sklep o ustavitvi oziroma o nadaljevanju postopka ni v skladu s sklenjeno poravnavo, je zoper njega dovoljena pritožba.

(7) Če je poravnava vključena v odločbo, zoper del, ki se nanaša na poravnavo, ni dovoljena pritožba.

## XII. poglavje POSTOPEK DO IZDAJE ODLOČBE

### A) SPLOŠNA NAČELA

(1) If two or more parties with opposing interests participate in a procedure, the official person conducting the procedure must strive throughout the procedure to achieve a settlement between the parties, either in entirety or at least concerning single disputed points.

(2) The settlement must always be clear and definite and may not be detrimental to the public benefit, public morality or the legal benefits of others. The official person conducting the procedure must pay attention to this *ex officio*. If it is established that the settlement could be detrimental to the public benefit, public morality or to the legal benefits of others, the authority conducting the procedure shall not agree to achieving the settlement and shall issue a separate procedural decision thereon.

(3) The settlement shall be entered in the record. The settlement shall be achieved when the parties read the record on the settlement and sign it. The parties shall be given an authenticated transcript of the record at their request.

(4) The settlement shall have the force of an enforceable decision issued in administrative procedure.

(5) The authority before which the settlement has been achieved shall issue a procedural decision whereby, if necessary, it entirely or partially stays the procedure.

(6) If a procedural decision to stay or continue a procedure is not in conformity with the achieved settlement, an appeal shall be allowed against it.

(7) If the settlement is included in a decision, appeal shall not be allowed against that part of the decision relating to the settlement.

## Chapter XII PROCEDURE PRECEDING DECISION

### A) GENERAL PRINCIPLES



## 1. Skupne določbe

### 138. člen

(1) Pred izdajo odločbe je treba ugotoviti vsa dejstva in okoliščine, ki so za odločitev pomembne, in strankam omogočiti, da uveljavijo in zavarujejo svoje pravice in pravne koristi.

(2) To se lahko opravi v skrajšanem postopku ali pa v posebnem ugotovitvenem postopku.

### 139. člen

(1) Uradna oseba, ki vodi postopek, lahko med postopkom ves čas ugotavlja dejansko stanje in izvaja dokaze o vseh dejstvih, pomembnih za izdajo odločbe, tudi o tistih, ki v postopku še niso bila navedena.

(2) Uradna oseba, ki vodi postopek, odredi po uradni dolžnosti izvedbo vsakega dokaza, če spozna, da je to potrebno za razjasnitev zadeve.

(3) Uradna oseba, ki vodi postopek, si preskrbi po uradni dolžnosti podatke o dejstvih, o katerih vodi uradno evidenco organ, ki je pristojen za odločanje. Enako ravna uradna oseba glede dejstev, o katerih vodi uradno evidenco kakšen drug državni organ oziroma organ samoupravne lokalne skupnosti ali nosilec javnega pooblastila.

(4) Če uradne evidence ne vodi organ, ki je pristojen za odločanje, je dolžan od pristojnega organa podatke brezplačno zahtevati takoj oziroma najkasneje v roku treh delovnih dni po vložitvi vloge. Zaprošeni organ je dolžan te podatke posredovati takoj oziroma najkasneje v roku 15 dni, če ni v predpisu, ki ureja uradno evidenco, drugače določeno.

## 1. Common Provisions

### Article 138

(1) Before a decision is issued, all facts and circumstances relevant for the decision shall be established and the parties given the possibility to assert and protect their rights and legal benefits.

(2) This may be carried out in a summary procedure or in a special fact-finding procedure.

### Article 139

(1) The official person conducting a procedure may, throughout the procedure, establish the facts of the case and present evidence on all facts necessary for issuing a decision, including on those facts which have not yet been stated in the procedure.

(2) The official person conducting the procedure shall order *ex officio* the presenting of any evidence if they conclude that this is necessary to clarify the case.

(3) The official person conducting the procedure shall *ex officio* obtain data on the facts on which the authority competent for deciding keeps official records. The official person shall proceed in the same manner in relation to the facts which are kept in the official records of some other state authority or self-governing local community authority or bearer of public authority.

(4) If official records are not kept by the authority responsible for deciding, that authority is obliged to require data free of charge from the competent authority immediately or at the latest within three working days of filing the request. The requested authority is obliged to provide such data immediately or no later than within 15 days, unless otherwise provided by the regulation governing official records.

(5) Uradna oseba lahko pridobiva za potrebe ugotavljanja dejanskega stanja osebne podatke iz uradnih evidenc o stranki, ki je vložila zahtevo za uvedbo postopka, razen, če je stranka pridobitev teh podatkov izrecno prepovedala. Podatke, ki štejejo za davčno tajnost, ali se nanašajo na rasno in drugo poreklo, politična, verska in druga prepričanja, pripadnost sindikatu, spolno vedenje, kazenske obsodbe ter zdravstvene podatke, si lahko uradna oseba v skladu s prejšnjima odstavkoma priskrbi le, če tako določa zakon, ali na podlagi izrecne pisne privolitve stranke oziroma druge osebe, na katero se ti podatki nanašajo.

(6) Določbe prejšnjega odstavka se uporabljajo tudi v postopku, uvedenem po uradni dolžnosti, v katerem se odloča o pravici stranke.

(7) Določbe petega in šestega odstavka tega člena se štejejo za zadostno zakonsko podlago za pridobivanje osebnih podatkov v smislu zakona, ki ureja varstvo osebnih podatkov, ne glede na to, ali posebni (materialni) zakoni za posamezne vrste upravnih postopkov vsebujejo takšno podlago.

(8) Način pridobivanja podatkov o dejstvih, o katerih vodi uradno evidenco organ, ki je pristojen za odločanje, kakšen drug državni organ, organ samoupravne lokalne skupnosti ali nosilec javnega pooblastila, podrobneje določi Vlada Republike Slovenije z uredbo.

#### **140. člen**

(1) Dejansko stanje, na katero opira svoj zahtevek, mora stranka navesti natančno, po resnici in določno.

(2) Če ne gre za splošno znana dejstva, mora stranka za svoje navedbe predlagati dokaze in jih, če je mogoče, predložiti. Če stranka sama tega ne stori, zahteva to od nje uradna oseba, ki vodi postopek. Od stranke se ne zahteva, naj preskrbi in predloži dokaze, ki jih lahko hitreje in lažje preskrbi organ, ki vodi postopek, in tudi ne, naj predloži taka potrdila, ki jih organi po 180. členu tega zakona niso dolžni izdajati.

(5) The official person may, for the purpose of establishing the facts of the case, obtain personal data from official records on the party that filed the request for the initiation of procedures, unless the party has expressly prohibited the obtaining of such data. Data which are considered tax secrets or relate to racial and other origin, political, religious and other beliefs, trade-union membership, sexual orientation, criminal convictions and health may be obtained by the official person in accordance with the preceding two paragraphs only if so provided by an Act or upon the express written consent of the party or other person to whom such data relate.

(6) The provisions of the preceding paragraph shall apply also to a procedure initiated *ex officio* in which a right of the party is being decided.

(7) The provisions of paragraphs five and six of this Article shall be deemed sufficient legal basis to obtain personal data within the meaning of the Act regulating personal data protection, irrespective of whether separate (substantive) Acts for individual types of administrative procedures contain such basis.

(8) The manner of obtaining data on facts of which official records are kept by the authority competent for deciding, some other state authority, a self-governing local community authority or bearer of public authority shall be laid down in detail by the Government of the Republic of Slovenia by decree.

#### **Article 140**

(1) The facts of the case on which the party grounds their claim must be stated in a precise, true and definite manner.

(2) If the case does not concern generally known facts, the party must propose evidence for their statements and, if possible, submit it. If the party fails to do so by themselves, they shall be required to do so by the official person conducting the procedure. The party shall not be required to provide and submit evidence which can more rapidly and more easily be provided by the authority conducting the procedure, nor

(3) Če stranka v določenem roku ne predloži dokazov, organ samo zaradi tega ne sme zavreči zahteve po drugem odstavku 67. člena tega zakona, temveč mora postopek nadaljevati.

#### **141. člen**

(1) Stranka da svojo izjavo praviloma ustno, lahko pa jo da tudi pisno.

(2) Če gre za zelo zahtevno zadevo ali če so potrebna obširnejša strokovna pojasnila, lahko uradna oseba, ki vodi postopek, stranki naloži, naj predloži pisno izjavo; za to ji mora določiti zadosten rok. V takem primeru ima tudi stranka pravico zahtevati, naj se ji dovoli podati pisno izjavo.

(3) Če je stranki naloženo ali dovoljeno, da predloži pisno izjavo, se ji zaradi tega ne more vzeti pravica, da poda izjavo tudi ustno.

#### **142. člen**

(1) Če zahteva vstop v postopek med postopkom nekdo, ki doslej ni bil stranka, in zahteva, da se mu prizna lastnost stranke, preizkusi uradna oseba, ki vodi postopek, ali ima pravico biti stranka, in izda o tem pisni sklep. Zoper sklep, s katerim se mu lastnost stranke ne prizna, je dovoljena pritožba, ki zadrži izvršitev sklepa.

(2) Oseba, ki zahteva udeležbo v postopku, mora v svoji vlogi določno navesti, v čem je njen pravni interes, in, če je mogoče, predložiti tudi dokaze. Oseba lahko zahteva vstop v postopek kot stranka kadarkoli

shall they be required to produce such certificates which the authorities are not obliged to issue in accordance with Article 180 of this Act.

(3) If the party fails to submit evidence in a specified time limit, the authority may not reject the request in accordance with paragraph two of Article 67 of this Act solely because of this, but must continue the procedure.

#### **Article 141**

(1) As a rule, the party shall give their statement orally and they may also give it in writing.

(2) If the case is very complicated or if extensive expert explanations are required, the official person conducting the procedure may impose on the party the duty to submit a written statement; they must determine for the party a sufficient time limit for this. In such case the party shall also have the right to request that they be allowed to give a written statement.

(3) If the party is required or allowed to submit a written statement, they may not for this reason be deprived of the right to also give the statement orally.

#### **Article 142**

(1) If someone who has so far not been a party requests that they enter the procedure during the procedure and requests that they be recognised as having the status of a party, the official person conducting the procedure shall examine whether such person has the right to be a party and shall issue a procedural decision thereon. An appeal shall be allowed against a procedural decision whereby a person is not recognised as having the status of a party, and shall stay the enforcement of the procedural decision.

(2) A person requesting to participate in a procedure must, in their application, definitively indicate their legal interest and, if possible, also submit evidence. A person may request that they enter a procedure

med postopkom.

(3) O zahtevi za vstop v postopek se nemudoma obvesti ostale stranke. Vsaka stranka lahko oporeka osebi pravico do vstopa v postopek. Uradna oseba lahko razpiše posebno obravnavo, na kateri se obravnava zahteva za vstop v postopek.

(4) Oseba, ki med postopkom vstopi vanj kot stranka, mora sprejeti postopek v tistem stanju, v katerem je ob njenem vstopu.

(5) Določbe tega člena veljajo tudi za stranske udeležence.

### **143. člen**

(1) Organ pred začetkom ugotovitvenega postopka povabi k udeležbi v postopku osebe, za katere ugotovi, da imajo pravni interes za udeležbo v postopku.

(2) Če organ ne more ugotoviti katere osebe imajo pravni interes za udeležbo v postopku, povabi k udeležbi z javnim naznanilom, ki ga objavi na oglasni deski organa in na enotnem državnem portalu e-uprava, lahko pa tudi na drug krajevno običajen način.

(3) V vabilu k udeležbi navede organ rok, v katerem je mogoče prigrasiti udeležbo v postopku. Ta rok ne sme biti krajši od osem dni.

(4) Če oseba, ki jo je organ povabil, ne prigrasiti udeležbe v postopku v roku, lahko prigrasiti udeležbo v skladu s 142. členom tega zakona do izdaje odločbe. Če oseba ne zahteva udeležbe v postopku, ji organ te udeležbe ni dolžan zagotoviti.

(5) Če stranka, ki je vložila zahtevo, zahtevi priloži pisno izjavo osebe, ki ima pravni interes za udeležbo v postopku, iz katere jasno in nedvoumno izhaja, da ta oseba v zadevi nima nasprotujočega interesa,

as a party at any time during the procedure.

(3) The other parties shall immediately be informed of a request for entering the procedure. Each party may oppose the right of a person to enter the procedure. The official person may call a special hearing to consider the request for entering the procedure.

(4) A person that enters a procedure as a party during the procedure must accept the procedure in the state in which it is found upon their entry.

(5) The provisions of this Article shall also apply to accessory participants.

### **Article 143**

(1) Prior to the beginning of a fact-finding procedure, the authority shall invite the participation in the procedure of persons for whom it establishes that they have a legal interest in participating in the procedure.

(2) If the authority cannot establish which persons have a legal interest in participating in the procedure, it shall invite participation by a public notice posted on its information board and on the state web portal e-uprava, or in some other locally usual manner.

(3) The authority shall indicate in the invitation the time limit in which participation in a procedure can be notified. Such time limit may not be less than eight days.

(4) If a person invited by the authority fails to notify their participation in the procedure in due time, they may notify their participation in accordance with Article 142 of this Act pending the issuing of the decision. If a person does not request participation in a procedure, the authority shall not be obliged to provide such participation.

(5) If the party that has filed the request includes with the request a written statement by the person who has a legal interest in participating in the procedure, from which it clearly and undoubtedly

organu ni treba vabiti te osebe k udeležbi v postopku. Takšna oseba lahko zahteva udeležbo do konca postopka na prvi stopnji v skladu s 142. členom tega zakona.

(6) Če oseba, ki je bila pravilno vabljen k stranski udeležbi in opozorjena na posledice, do izdaje odločbe na prvi stopnji ni pravilno priglasila stranske udeležbe, ne more uveljavljati pravnih sredstev zoper odločbo.

(7) Osebi, ki zatrjuje, da ji ni bila dana možnost udeležbe v postopku, čeprav je imela to pravico, se na njeno zahtevo vroči odločba, če zahteva vročitev v 30 dneh od dneva, ko je izvedela za izdajo odločbe.

## 2. Skrajšani ugotovitveni postopek

### 144. člen

(1) Organ lahko po skrajšanem postopku takoj odloči o zadevi:

1. če se da dejansko stanje v celoti ugotoviti na podlagi dejstev in dokazov, ki jih je navedla oziroma predložila stranka v svoji zahtevi, ali na podlagi splošno znanih dejstev oziroma dejstev, ki so organu znana;
2. če se da ugotoviti stanje zadeve na podlagi uradnih podatkov, ki jih ima organ, in samo za to ni treba posebej zaslišati stranke za zavarovanje njenih pravic oziroma pravnih koristi;
3. če je s predpisom določeno, da se zadeva lahko reši na podlagi dejstev ali okoliščin, ki niso popolnoma dokazane ali se z dokazi le posredno dokazujejo, in so dejstva oziroma okoliščine verjetno izkazane, iz vseh okoliščin pa izhaja, da je treba zahtevku stranke ugoditi;
4. če gre za nujne ukrepe v javnem interesu, ki jih ni mogoče odlagati, pa so dejstva, na katera se mora opirati odločba, ugotovljena ali vsaj verjetno izkazana.

proceeds that such person does not have an opposing interest in the case, it shall not be necessary for the authority to invite the person to participate in the procedure. Such person may request participation up until the end of the procedure at first the instance in accordance with Article 142 of this Act.

(6) If a person that was duly invited to participate as an accessory participant and informed of the consequences, has not duly notified their accessory participation by the issuing of the decision at the first instance, they cannot seek legal remedies against the decision.

(7) A person that claims that they have not been given the possibility to participate in a procedure although they have had the right to do so, shall be served the decision at their request if they request service within 30 days of the day they learned about the issuing of the decision.

## 2. Summary fact-finding procedure

### Article 144

(1) The authority may, following a summary procedure, immediately decide on a case:

1. if the facts of the case can entirely be established on the basis of facts and evidence stated or submitted by the party in their request, or on the basis of generally known facts or facts which are known to the authority;
2. if the state of the case can be established on the basis of official data found with the authority and there is no need to hear the party only for this sake to protect their rights or legal benefits;
3. if a regulation provides that the case can be resolved on the basis of facts or circumstances which are not entirely proven or which are only indirectly proven by evidence, and the facts or circumstances are plausibly demonstrated, while all circumstances indicate that the party's claim is to be granted;
4. if the case concerns emergency measures which need to be taken due to public interest and which cannot be postponed, while the facts on which the decision is to be grounded are established or at least

(2) Nujni ukrepi po 4. točki prejšnjega odstavka so podani, če obstaja nevarnost za življenje in zdravje ljudi, za javni red in mir, za javno varnost ali za premoženje večje vrednosti.

(3) V primerih iz prvega odstavka tega člena ni potrebno zaslišati stranke.

(4) Odločbe iz 1. in 2. točke prvega odstavka tega člena je dovoljeno izdajati na predpisanem obrazcu.

### 3. Poseben ugotovitveni postopek

#### **145. člen**

(1) Poseben ugotovitveni postopek se izvede v vseh primerih, razen v primerih iz 144. člena tega zakona. Poseben ugotovitveni postopek se izvede za ugotovitev dejstev in okoliščin, ki so pomembne za razjasnitev zadeve ali zato, da se da strankam možnost, da uveljavijo in zavarujejo svoje pravice in pravne koristi.

(2) Potek ugotovitvenega postopka določa glede na okoliščine posameznega primera uradna oseba, ki vodi postopek; pri tem se mora držati določb tega zakona in predpisov, ki se nanašajo na zadevo, za katero gre.

(3) V mejah iz prejšnjega odstavka tega člena uradna oseba, ki vodi postopek, zlasti: določa, katera dejanja v postopku naj se opravijo in izdaja naloge za njihovo izvršitev; določa, po katerem vrstnem redu naj se opravijo posamezna dejanja in v katerem roku, če roki niso predpisani z zakonom; določa ustne obravnave in zaslišanja in vse, kar je v zvezi s tem potrebno; odloča, katere dokaze je treba izvesti in s katerimi dokazili, ter odloča o vseh predlogih in izjavah udeležencev postopka.

plausibly demonstrated.

(2) The need for emergency measures referred to in point four of the preceding paragraph shall be demonstrated if there is a danger to the life and health of people, to public order and peace, to public safety or to property of major value.

(3) In cases referred to in paragraph one of this Article there shall be no need to hear the parties.

(4) The decisions referred to in points one and two of paragraph one of this Article may be issued on the prescribed form.

### 3. Special fact-finding procedure

#### **Article 145**

(1) A special fact-finding procedure shall be carried out in all cases except in the cases referred to in Article 144 of this Act. A special fact-finding procedure shall be carried out to establish facts and circumstances that are relevant for the clarification of the case or to give the parties the possibility to assert and protect their rights and legal benefits.

(2) The official person conducting the procedure shall determine the course of a fact-finding procedure considering the circumstances of the case; in this regard, the official person must comply with the provisions of this Act and the regulations relating to the case concerned.

(3) The official person conducting the procedure shall, within the limits referred to in the preceding paragraph, in particular: determine which procedural actions are to be performed and issue orders for their performing; determine in what sequence and time limit single actions are to be performed if time limits are not prescribed by an Act; determine oral hearings and examinations and everything necessary in relation thereto; determine what evidence is to be presented and which pieces of evidence; and decide on all proposals and statements by the participants

(4) Uradna oseba, ki vodi postopek, odloči, ali naj se posamezna sporna vprašanja obravnavajo in dokazujejo posebej ali skupaj za vso zadevo.

#### **146. člen**

(1) Stranka ima pravico udeleževati se ugotovitvenega postopka in za doseg namena, ki ga ima ta postopek, dajati potrebne podatke ter braniti svoje pravice in z zakonom zavarovane koristi.

(2) Stranka sme navajati dejstva, ki utegnejo vplivati na rešitev zadeve, in izpodbijati pravilnost navedb, ki se ne ujemajo z njenimi navedbami. Vse do izdaje odločbe ima pravico dopolnjevati in pojasnjevati svoje trditve; če pa stori to po ustni obravnavi, mora opravičiti, zakaj tega ni storila na obravnavi.

(3) Uradna oseba, ki vodi postopek, mora stranki na ustni obravnavi ali izven ustne obravnave pisno oziroma ustno na zapisnik omogočiti:

1. da se izreče o vseh okoliščinah in dejstvih, ki so bila navedena v ugotovitvenem postopku;
2. da se izreče o predlogih in ponujenih dokazih;
3. da sodeluje pri izvedbi dokazov;
4. da postavlja vprašanja drugim strankam, pričam in izvedencem in
5. da se seznanja z uspehom dokazovanja ter se o tem izreče.

(4) Pristojni organ ne sme izdati odločbe, preden ne da stranki možnosti, da se izreče o dejstvih in okoliščinah, ki so pomembna za izdajo odločbe.

4. Predhodno vprašanje in identično dejansko stanje

#### **147. člen**

to the procedure.

(4) The official person conducting the procedure shall decide whether single disputed questions are to be considered and proven separately or jointly for the entire case.

#### **Article 146**

(1) The party shall have the right to participate in a fact-finding procedure and, for achieving the purpose of this procedure, to give the necessary data and defend their rights and legally protected benefits.

(2) The party may state facts which might contribute to resolving the case and challenge the correctness of assertions which do not match their own assertions. They shall have the right to supplement and explain their assertions pending the issuing of the decision; if they do so after an oral hearing, they must justify why they have not done so at the hearing.

(3) The official person conducting the procedure must enable the party at the oral hearing or outside the oral hearing, in writing or orally on the record, to:

1. be heard on all circumstances and facts indicated in the fact-finding procedure;
2. be heard on the proposals and evidence offered;
3. participate in evidence taking;
4. ask questions of other parties, witnesses and expert witnesses; and
5. be informed of the successfulness of the presenting of evidence and be heard thereon.

(4) The competent authority may not issue a decision before the party is given the opportunity to be heard on the facts and circumstances relevant for the issuing of a decision.

4. Preliminary question and identical facts of the case

#### **Article 147**

(1) Če organ, ki vodi postopek, naleti na tako vprašanje, da brez njegove rešitve ni mogoče rešiti same zadeve, to vprašanje pa je samostojna pravna celota, ki spada v pristojnost sodišča ali kakšnega drugega organa (predhodno vprašanje), ga lahko ob pogojih iz tega zakona organ sam obravnava ali pa prekine postopek, dokler ga ne reši pristojni organ. O prekinitvi postopka izda sklep, zoper katerega je dovoljena pritožba, razen če ga je izdal organ druge stopnje.

(2) Če organ obravnava predhodno vprašanje, ima njegova rešitev pravni učinek samo v zadevi, v kateri je bilo vprašanje rešeno.

(3) Če je o predhodnem vprašanju že odločeno s pravnomočnim posamičnim aktom, je organ na ta posamični akt vezan.

#### **148. člen**

(1) Organ, ki vodi postopek, mora postopek prekiniti, če se predhodno vprašanje nanaša na obstoj kaznivega dejanja, na obstoj zakonske zveze ali na ugotovitev očetovstva ali če zakon tako določa.

(2) Kadar se tiče predhodno vprašanje kaznivega dejanja, pa ni mogoč kazenski pregon, obravnava organ, ki vodi postopek, tudi to vprašanje.

#### **149. člen**

Če gre za vprašanje, ali sta podana kaznivo dejanje in storilčeva kazenska odgovornost, je organ, ki vodi postopek, pri ugotavljanju dejanskega stanja vezan na pravnomočno sodbo kazenskega sodišča, s katero je obtoženec spoznan za krivega.

(1) If the authority conducting the procedure encounters a question without the resolution of which the case cannot be resolved, and such question is an independent legal issue which falls within the jurisdiction of the court or some other authority (a preliminary question), the authority may, pursuant to the conditions referred to in this Act, consider it by itself or it may suspend the procedure until the question is resolved by the competent authority. The authority shall issue a procedural decision on the suspension of the procedure, against which an appeal is allowed, unless the procedural decision has been issued by the second instance authority.

(2) If the authority considers a preliminary question, the resolution thereof shall have legal effect only regarding the case in which the question has been resolved.

(3) If a preliminary question has already been resolved by a final single act, the authority shall be bound by such single act.

#### **Article 148**

(1) The authority conducting the procedure must suspend the procedure if a preliminary question refers to the existence of a criminal offence, to the existence of marital union, or to the establishment of paternity, or if so provided by an Act.

(2) Where a preliminary question refers to a criminal offence yet criminal prosecution is not possible, the authority conducting the procedure shall also consider this question.

#### **Article 149**

If the question concerns the existence of a criminal offence and the perpetrator's criminal liability, the authority conducting the procedure shall be bound in establishing the facts of the case by the final judgment of the criminal court through which the defendant has been found guilty.



## 150. člen

Kadar zaradi predhodnega vprašanja ni treba prekiniti postopka, ga lahko organ, ki vodi postopek, sam obravnava in reši kot sestavni del zadeve ter na tej podlagi odloči o sami zadevi.

## 151. člen

(1) Če organ, ki vodi upravni postopek, ne vzame predhodnega vprašanja v obravnavo po 150. členu tega zakona, pa postopek za rešitev predhodnega vprašanja, ki ga je mogoče začeti samo po uradni dolžnosti, pri pristojnem organu še ni začel, zahteva od pristojnega organa, naj o tem vprašanju začne postopek.

(2) V zadevi, v kateri se začne postopek za rešitev predhodnega vprašanja na vlogo (zahtevo, tožbo ipd.) stranke, lahko naloži organ, ki vodi upravni postopek, s sklepom eni izmed strank, naj vloži pri pristojnem organu vlogo za začetek postopka za rešitev predhodnega vprašanja; hkrati ji določi rok, v katerem mora to storiti in mu o tem predložiti dokazilo. Pri tem mora organ, ki vodi postopek, opozoriti stranko na posledice, če bi to opustila. Rok za vložitev vloge za začetek postopka za rešitev predhodnega vprašanja začne teči z dnem, ko postane sklep dokončen.

(3) Če stranka v določenem roku ne predloži dokazila, da je pri pristojnem organu vložila vlogo za začetek postopka o predhodnem vprašanju, se šteje, da je stranka, na katere zahtevo je bil postopek začel, to zahtevo umaknila, organ pa s sklepom ustavi postopek. Če dokazila ni predložila katerakoli druga stranka v postopku, organ nadaljuje postopek in odloči o zadevi.

## Article 150

Where there is no need to suspend a procedure due to a preliminary question, the authority conducting the procedure may by itself consider the question and resolve it as a composite part of the case, and on such basis decide on the case itself.

## Article 151

(1) If the authority conducting an administrative procedure does not take a preliminary question into consideration in accordance with Article 150 of this Act, and a procedure for resolving the preliminary question which can only be initiated *ex officio* has not yet been initiated by the competent authority, it shall require the competent authority to initiate a procedure concerning this question.

(2) In a case in which the procedure for resolving a preliminary question is initiated upon an application (request, action, etc.) by a party, the authority conducting the administrative procedure may impose by procedural decision on one of the parties the duty to file with the competent authority an application for initiating a procedure for resolving the preliminary question; simultaneously, it shall determine for such party a time limit in which they must do so and submit for it the relevant evidence. In this regard, the authority conducting the procedure must inform the party of the consequences if they fail to proceed as mentioned. The time limit for filing an application to initiate the procedure for resolving a preliminary question shall begin to run from the day when the procedural decision becomes administratively final.

(3) If the party fails to submit within a specified time limit evidence that they have filed with the competent authority an application to initiate the procedure for resolving a preliminary question, it shall be deemed that the party on whose request the procedure had been initiated has withdrawn such request, and the authority shall stay the procedure by a procedural decision. If evidence has not been submitted by some other party to the procedure, the authority shall continue the procedure and decide on the case.

(4) Zoper sklep po drugem in tretjem odstavku tega člena je dovoljena pritožba.

### **152. člen**

Postopek, ki je bil prekinjen zato, da bi se rešilo predhodno vprašanje pri pristojnem organu oziroma pri sodišču, se nadaljuje, ko postane odločba o tem vprašanju dokončna ali pravnomočna.

#### 5. Prekinitev postopka

### **153. člen**

(1) Postopek se prekine s sklepom:

1. če stranka umre in pravica ali obveznost oziroma pravna korist, ki se uveljavlja v postopku lahko preide na pravne naslednike, organ v takem primeru obvesti morebitne pravne naslednike o možnosti vstopa v postopek in jim vroči sklep;
2. če stranka izgubi poslovno sposobnost, pa v postopku nima pooblaščenca in se ji ne postavi začasnega zastopnika, organ v tem primeru vroči sklep o prekinitvi postopka skrbstvenemu organu;
3. če zakoniti zastopnik stranke umre ali izgubi poslovno sposobnost, stranka pa nima pooblaščenca ali zakonitega zastopnika in se ji tudi ne postavi začasnega zastopnika, organ v tem primeru vroči sklep o prekinitvi postopka skrbstvenemu organu, v primeru pravnih oseb pa se o tem obvesti organ za imenovanje zakonitega zastopnika;
4. če so za stranko nastopile pravne posledice uvedbe stečajnega postopka sklep se vroči stečajnemu dolžniku;

(4) An appeal shall be allowed against a procedural decision referred to in paragraphs two and three of this Article.

### **Article 152**

A procedure which has been suspended in order for a preliminary question to be resolved by the competent authority or the court shall resume when the decision on such question becomes administratively final or final.

#### 5. Suspension of procedures

### **Article 153**

(1) A procedure shall be suspended by a procedural decision:

1. if the party dies and the right or obligation or legal benefit asserted in the procedure may be transferred to the legal successors; the authority shall, in such case, inform the potential legal successors of the possibility to enter the procedure and serve on them the relevant procedural decision;
2. if the party loses their capacity to contract and does not have an authorised person in the procedure, nor has a temporary representative been assigned to them; the authority shall, in such case, serve the procedural decision on the suspension of the procedure to the social care authority;
3. if the statutory representative of the party dies or loses their capacity to contract and the party does not have an authorised person, nor has a temporary representative been assigned to them; the authority shall, in such case, serve the procedural decision on the suspension of the procedure on the authority in charge of guardianship, while in the case of legal persons the authority responsible for appointing a statutory representative shall be informed thereof;
4. if the party becomes subject to the legal consequences of the opening of a bankruptcy procedure; the procedural decision shall be served on the bankruptcy debtor;

5. če organ sklene, da ne bo sam reševal predhodnega vprašanja, oziroma ga po zakonu ne more reševati.

(2) Prekinitev traja, dokler so podani razlogi iz prejšnjega odstavka, in sicer:

1. zaradi razloga iz 1. točke prejšnjega odstavka, dokler v postopek ne vstopi pravni naslednik ali skrbnik zapuščine;
2. iz razlogov iz 2. in 3. točke prejšnjega odstavka, dokler stranka nima zakonitega zastopnika;
3. zaradi razloga iz 4. točke prejšnjega odstavka, dokler ne vstopi v postopek kot zastopnik stranke stečajni upravitelj;
4. zaradi razloga iz 5. točke prejšnjega odstavka, dokler predhodno vprašanje ni dokončno oziroma pravnomočno rešeno (152. člen tega zakona).

(3) S prekinitvijo prenehajo teči vsi roki, določeni za procesna dejanja. V času prekinitve ne teče rok za izdajo odločbe iz 222. in 256. člena tega zakona.

(4) Zoper sklep, s katerim se prekine postopek, je dovoljena pritožba, ki pa ne zadrži izvršitve sklepa.

## 6. Ustna obravnava

### 154. člen

(1) Uradna oseba, ki vodi postopek, lahko po lastnem preudarku ali na predlog stranke razpiše ustno obravnavo vselej, kadar je to koristno za razjasnitev zadeve, mora pa jo razpisati v zadevah, v katerih sta udeleženi dve ali več strank z nasprotujočimi si interesi, ali kadar je treba opraviti ogled ali pa zaslišati priče ali izvedence.

(2) Če pri organu obstajajo ustrezne tehnološke možnosti, lahko uradna oseba na predlog strank razpiše namesto ustne

5. if the authority decides not to resolve a preliminary question by itself, or if it cannot resolve it in accordance with an Act.

(2) Suspension shall last until the conditions referred to in the preceding paragraph apply, that is:

1. for reasons referred to in point one of the preceding paragraph, until a legal successor or a guardian of the estate enters the procedure;
2. for reasons referred to in points two and three of the preceding paragraph, until the party obtains a statutory representative;
3. for reasons referred to in point four of the preceding paragraph, until a bankruptcy trustee enters the procedure as a representative of the party;
4. for reasons referred to in point five of the preceding paragraph, until a preliminary question is resolved with administrative finality or finality (Article 152 of this Act).

(3) Upon suspension, all time limits determined for procedural actions shall cease to run. During the suspension, the time limit for issuing a decision referred to in Articles 222 and 256 of this Act shall not run.

(4) An appeal shall be allowed against a procedural decision whereby a procedure is suspended, but it shall not stay the enforcement of the procedural decision.

## 6. Oral hearing

### Article 154

(1) The official person conducting the procedure may, at their own discretion or at the request of the party, call an oral hearing any time this is useful for clarifying the case; however they must call it in cases involving two or more parties with opposing interests, or where necessary to conduct a viewing or examine witnesses or expert witnesses.

(2) If the authority has adequate technical capacities, the official person may, at the request of the parties, also call a

videokonferenčno obravnavo.

(3) Za videokonferenčno obravnavo se smiselno uporabljajo določbe tega zakona o ustni obravnavi.

#### **155. člen**

(1) Ustna obravnava je javna.

(2) Uradna oseba, ki vodi postopek, lahko izključi javnost od celotne ustne obravnave ali od dela obravnave:

1. če to zahtevajo razlogi morale ali javne varnosti;
2. če je podana resna in neposredna nevarnost, da bi bila ustna obravnavna ovirana;
3. če je treba obravnavati razmerja v kakšni rodbini;
4. če je treba obravnavati okoliščine, ki pomenijo tajnost podatkov v skladu z zakonom, ki ureja tajnost podatkov, ali poslovno in poklicno tajnost.

(3) Izključitev javnosti lahko predlaga tudi prizadeta oseba.

(4) O izključitvi javnosti se izda sklep, ki mora biti obrazložen in objavljen na oglasni deski tega organa in na enotnem državnem portalu e-uprava.

(5) Pri razglasitvi odločbe javnost ne sme biti izključena.

#### **156. člen**

(1) Izključitev javnosti ne velja za stranke, zakonite zastopnike, njihove pooblaščenke in strokovne pomočnike.

(2) Uradna oseba, ki vodi postopek, lahko dovoli, da so pri ustni obravnavi, od katere je javnost izključena, navzoče posamezne uradne

videoconference hearing instead of an oral hearing.

(3) The provisions of this Act on oral hearings shall apply *mutatis mutandis* to videoconference hearings.

#### **Article 155**

(1) Oral hearings shall be public.

(2) The official person conducting the procedure may exclude the public from the entire oral hearing or from a part of the hearing:

1. if this is required for reasons of morality or public safety;
2. if there exists a serious and imminent danger that the oral hearing would be impeded;
3. if family relationships are to be considered;
4. if circumstances which imply confidentiality of data in accordance with the Act regulating confidentiality of data, or a business and professional secret, are to be considered.

(3) The exclusion of the public may also be proposed by the affected person.

(4) A procedural decision shall be issued on the exclusion of the public, which must include a statement of grounds and be posted on the information board of the authority and on the state web portal e-uprava.

(5) The public shall not be excluded from the pronouncement of the decision.

#### **Article 156**

(1) The exclusion of the public shall not apply to parties, statutory representatives, their authorised persons and professional assistants.

(2) The official person conducting the procedure may allow individual official persons, scientists and public employees to attend an

osebe ter znanstveni in javni delavci, če ima to pomen za njihovo službo oziroma znanstveno delo. Uradna oseba, ki vodi postopek, opozori take osebe, da morajo varovati kot tajnost, kar zvedo na ustni obravnavi.

#### **157. člen**

(1) Organ, ki vodi postopek, mora ukreniti vse potrebno, da se ustna obravnava opravi brez zavlačevanja in, če je mogoče, brez prekinitve in preložitve.

(2) Tistim, ki so povabljeni na ustno obravnavo, je treba pustiti zadosti časa, da se lahko pripravijo za obravnavo in da lahko pravočasno in brez izrednih stroškov pridejo k obravnavi. Povabljenim se pusti praviloma osem dni od vročitve vabila do dneva obravnave.

#### **158. člen**

Če je za obravnavanje na ustni obravnavi potrebno, da povabljeni poznajo dokumente, skice ali druge predmete, jim jih je treba dati na vpogled hkrati z razpisom obravnave, v vabilu na obravnavo pa navesti, kdaj in kje si jih lahko ogledajo.

#### **159. člen**

(1) Organ, ki vodi postopek, mora razpis ustne obravnave tudi javno naznaniti, če je nevarnost, da ne bo mogoče pravočasno vročiti posamičnih vabil, če je verjetno, da so prizadete osebe, ki še niso nastopile kot stranke, ali če to narekujejo drugi podobni razlogi.

(2) Javno naznanilo ustne obravnave mora obsegati vse podatke, ki morajo biti navedeni v posamičnem vabilu, poleg tega pa še vabilo, naj pride k obravnavi vsak, kdor misli, da se zadeva tiče njegovih pravih koristi. Naznanilo se objavi tako, kot je predpisano v 94. členu tega

oral hearing from which the public is excluded, if such attendance is important for their service or scientific work. The official person conducting the procedure shall inform such persons of the duty to keep confidential everything they have learned at the oral hearing.

#### **Article 157**

(1) The authority conducting the procedure must take every possible measure for an oral hearing to be carried out without delay and, if possible, without suspension and adjournment.

(2) The persons summoned to an oral hearing shall be given sufficient time to prepare themselves for the hearing and to come to the hearing in due time without incurring extraordinary costs. Persons summoned shall, as a rule, be given eight days from the day of service of the summons to the day of the hearing.

#### **Article 158**

If it is necessary for consideration at an oral hearing that the persons summoned are familiar with documents, sketches and other items, these shall be presented to them for inspection together with the calling of the hearing; the summons to the hearing shall indicate when and where they may be inspected.

#### **Article 159**

(1) The authority conducting the procedure must publicly notify the calling of an oral hearing if there is a danger that a single summons would not be served in due time, if it is likely that persons who have not yet participated as parties are affected, or if so required for other similar reasons.

(2) A public notification of an oral hearing must comprise all the data which must be indicated in a single summons, as well as an invitation for anyone who believes that the case concerns their legal benefits to come to the hearing. The notification shall be published in the

zakona.

#### **160. člen**

Ustna obravnava se opravi praviloma na sedežu organa, ki vodi postopek. Če je potreben ogled v kraju izven njegovega sedeža, se lahko opravi ustna obravnava na kraju ogleda. Organ, ki vodi postopek, lahko določi za ustno obravnavo tudi kakšen drug kraj, kadar je to potrebno, da se občutno zmanjšajo stroški ali da se zadeva temeljiteje, hitreje ali enostavneje obravnava.

#### **161. člen**

(1) Uradna oseba, ki vodi postopek, mora na začetku ustne obravnave ugotoviti, kdo od povabljenih je navzoč, glede odsotnih pa se prepričati, ali so jim bila vabila pravilno vročena.

(2) Če katera od strank, ki še ni bila zaslišana, ni prišla k obravnavi, pa ni ugotovljeno, da ji je bilo vabilo pravilno vročeno, preloži uradna oseba, ki vodi postopek, obravnavo, razen če je bil razpis ustne obravnave pravočasno javno naznanjen.

(3) Če k ustni obravnavi ne pride stranka, ki je bil na njeno zahtevo začet postopek, čeprav je bila v redu povabljena, pa se da iz celotnega stanja zadeve domnevati, da je predlog umaknila, organ ustavi postopek. Zoper sklep o tem je dovoljena pritožba. Če se ne more domnevati, da je stranka umaknila predlog, ali če je v javnem interesu potrebno, da se postopek nadaljuje po uradni dolžnosti, opravi uradna oseba glede na okoliščine primera obravnavo brez te stranke ali pa jo preloži.

(4) Če brez opravičenega razloga ne pride stranka, zoper katero je začet postopek, čeprav je bila v redu povabljena, lahko uradna oseba, ki vodi postopek, opravi ustno obravnavo tudi brez nje, lahko pa jo

manner prescribed by Article 94 of this Act.

#### **Article 160**

An oral hearing shall, as a rule, be held at the principal office of the authority conducting the procedure. If a viewing needs to take place outside such office, the oral hearing may be held in the place of the viewing. The authority conducting the procedure may also designate some other place for the oral hearing where this is necessary to significantly reduce costs or to consider the case more thoroughly, rapidly or simply.

#### **Article 161**

(1) At the beginning of an oral hearing, the official person conducting the procedure must establish who of the persons summoned is present and make sure that the absent persons have been served the summons correctly.

(2) If a party who has not yet been heard does not appear at a hearing, and it has not been established that the summons has correctly been served on this party, the official person conducting the procedure shall adjourn the hearing, unless the calling of the oral hearing has been duly publicly notified.

(3) If the party at whose request the procedure has been initiated fails to appear at an oral hearing, although they have been correctly summoned, and it may be assumed based on the overall state of the case that they have withdrawn their request, the authority shall stay the procedure. An appeal shall be allowed against the procedural decision thereon. If it cannot be assumed that the party has withdrawn the request, or if it is in the public interest that the procedure be continued *ex officio*, the official person shall carry out the hearing in view of the circumstances of the case without the party or they shall adjourn it.

(4) If the party against whom a procedure has been initiated fails to appear without a justified reason although they have been correctly summoned, the official person conducting the procedure may

na njene stroške tudi preloži, če je to potrebno za pravilno rešitev zadeve.

#### **162. člen**

(1) Če navzoča stranka, kljub opozorilu na posledice, ne poda med samo obravnavo pripomb k delu na obravnavi, se šteje, da nima pripomb. Če pa poda ta stranka pozneje tako pripombo, jo organ, ki odloča o zadevi, vendarle upošteva, kadar utegne pripomba vplivati na rešitev zadeve in ni bila podana po obravnavi z namenom, da bi se zavlačeval postopek.

(2) Če k obravnavi ne pride stranka, ki je bila povabljena z javnim naznanilom, pa poda pripombe k delu na obravnavi šele po obravnavi, se pripombe upoštevajo ob pogoju iz prvega odstavka tega člena.

#### **163. člen**

(1) Na ustni obravnavi je treba ugotoviti to, kar je predmet ugotovitvenega postopka.

(2) Če predmeta ni mogoče obravnavati na eni obravnavi, jo uradna oseba, ki vodi postopek, prekine in čimprej določi, kdaj se bo nadaljevala. Za to nadaljevanje ukrene vse, kar je predpisano za razpis ustne obravnave, navzočim pa lahko ustno sporoči te ukrepe in tudi, kdaj in kje se bo obravnava nadaljevala. Pri nadaljevanju ustne obravnave uradna oseba, ki vodi postopek, povzame potek dotedanje obravnave.

(3) Za izvedbo pisnih dokazov, ki se predložijo pozneje, ni treba znova razpisati ustne obravnave, pač pa je treba dati stranki možnost, da se izjavi o izvedenih dokazih.

carry out an oral hearing without them, or they may adjourn the hearing at the expense of such a party if this is necessary for a correct resolution of the case.

#### **Article 162**

(1) If, in spite of a warning of the consequences, a present party does not make any comment as to the activities performed at the hearing, it shall be deemed that they do not have any comments. If this party subsequently makes such a comment, the authority which decides on the case shall nevertheless take it into consideration when the comment might contribute to the resolution of the case and when it has not been made after the hearing with the aim of delaying the procedure.

(2) If a party summoned by public notification fails to appear at a hearing but they comment on the activities performed at the hearing only after the hearing, such comments shall be taken into consideration under the condition referred to in paragraph one of this Article.

#### **Article 163**

(1) At an oral hearing, the subject matter of a fact-finding procedure shall be established.

(2) If the subject matter cannot be considered at one hearing, the official person conducting the procedure shall suspend the hearing and determine as soon as possible when it is to resume. For such resumption, they shall take every measure prescribed for the calling of an oral hearing, and they may also inform the present persons orally of such measures and of when and where the hearing will resume. At the resumption of the oral hearing, the official person conducting the procedure shall briefly describe the course thus far of the hearing.

(3) For the presenting of written evidence that is submitted subsequently, there shall be no need to call an oral hearing again, but the party shall be given the possibility to be heard on the demonstrated evidence.

## B) DOKAZOVANJE

### 1. Splošne določbe

#### **164. člen**

(1) Dejstva, na podlagi katerih se izda odločba, se ugotovijo z dokazi.

(2) Kot dokaz se uporabi vse, kar je primerno za ugotavljanje stanja zadeve in kar ustreza posameznemu primeru, zlasti pa listine, priče, izjave strank, izvedence in oglede.

(3) Dejansko stanje se lahko ugotavlja tudi na podlagi podatkov v informatiziranih evidencah.

(4) Podatki iz evidenc prejšnjega odstavka se štejejo za del dokumenta, čeprav se v njem v pisni oziroma listinski obliki ne nahajajo. V zapisnik se vpiše, kje so ti podatki dostopni. Če se v postopku ne vodi zapisnik, se o tem sestavi uradni zaznamek.

#### **165. člen**

(1) Ali je treba kakšno dejstvo dokazovati ali ne, odloča uradna oseba, ki vodi postopek, glede na to, ali utegne to dejstvo vplivati na odločitev o zadevi. Dokazi se izvedejo praviloma potem, ko se ugotovi, kaj je v dejanskem pogledu sporno ali kaj je treba dokazati.

(2) Dokazovati ni treba dejstev, ki so splošno znana.

(3) Dokazovati tudi ni treba dejstev, katerih obstoj zakon domneva, pač pa je dovoljeno dokazovati, da ne obstajajo, če ni z

## B) PRESENTING EVIDENCE

### 1. General provisions

#### **Article 164**

(1) Facts on the basis of which a decision is issued shall be established by evidence.

(2) Everything relevant for establishing the state of the case and applicable to an individual case, in particular documents, witnesses, statements by the parties, expert witnesses and views, shall be used as evidence.

(3) The facts of the case may also be established based on data from computerised records.

(4) Data from the records referred to in the preceding paragraph shall be deemed part of the document, although they are not found therein in written or documentary form. The location of such data shall be entered in the record. If no record is kept of the procedure, an official note shall be drawn up.

#### **Article 165**

(1) The official person conducting the procedure shall decide whether a certain fact must be proven or not in view of whether this fact might affect the decision on the case. Evidence shall, as a rule, be demonstrated after it is established what is in fact disputable and what is to be proven.

(2) It shall not be necessary to prove generally known facts.

(3) If the existence of a fact is presumed by an Act, it shall not be necessary to prove its existence, however it shall be allowed to prove



zakonom drugače določeno.

#### **166. člen**

Če je dokazovanje pred organom, ki vodi postopek, neizvedljivo ali pa povezano z nesorazmernimi stroški ali z veliko zamudo, se lahko opravi dokazovanje ali izvedejo posamezni dokazi pred zaprošenim organom.

#### **167. člen**

Če določa predpis, da se zadeva lahko reši na podlagi dejstev in okoliščin, ki niso popolnoma dokazane ali se z dokazi samo posredno ugotavljajo (dejstva in okoliščine, ki so verjetno izkazane), izvedba dokazov v ta namen ni vezana na določbe tega zakona o izvajanju dokazov.

#### **168. člen**

(1) Če organu, ki odloča o zadevi, ni znano pravo, ki velja v tuji državi, lahko poizve o tem pri ministrstvu, pristojnemu za pravosodje.

(2) Organ, ki odloča o zadevi, lahko zahteva od stranke, naj mu predloži javno listino, izdano od pristojnega tujega organa, s katero se potrjuje, katero pravo velja v tuji državi. Dokazovanje tujega prava proti taki javni listini je dovoljeno, če ni z mednarodno pogodbo drugače določeno.

#### **2. Listine**

#### **169. člen**

(1) Listina, ki jo v predpisani obliki izda državni organ, organ

their non-existence, unless otherwise provided by an Act.

#### **Article 166**

If presenting evidence before the authority conducting the procedure is unfeasible or involves disproportionate costs or a great delay, presenting evidence or the demonstration of single evidence may be carried out before the requested authority.

#### **Article 167**

If a regulation provides that the case may be resolved on the basis of facts and circumstances that are not entirely proven, or which are only indirectly ascertained by evidence (facts and circumstances which are plausibly demonstrated), the demonstration of evidence in this regard shall not be bound by the provisions of this Act on the demonstration of evidence.

#### **Article 168**

(1) If the authority which decides on the case is not familiar with the applicable law in a foreign state, it may inquire about this at the ministry responsible for justice.

(2) The authority which decides on the case may require that the party submit a public document issued by the competent foreign authority, confirming which law applies in the foreign state. The proving of a foreign law against such public document shall be allowed, unless otherwise provided by treaty.

#### **2. Documents**

#### **Article 169**

(1) A document issued in a prescribed form by a state authority,

samoupravne lokalne skupnosti ali nosilec javnih pooblastil v mejah svoje pristojnosti, dokazuje tisto, kar se v njej potrjuje ali določa (javna listina).

(2) Enako dokazno moč imajo tudi druge listine, ki so po posebnih predpisih izenačene z javnimi listinami.

(3) V postopku dokazovanja je mikrofilmska ali elektronska kopija listine oziroma reprodukcija te kopije izenačena z listino iz prvega odstavka tega člena, če je takšno mikrofilmsko ali elektronsko kopijo oziroma reprodukcijo te kopije izdal državni organ, organ samoupravne lokalne skupnosti ali nosilec javnih pooblastil.

#### **170. člen**

Če lahko pravna dejstva (dogodki, pravni posli itd.) vplivajo na spremembo tistega, kar je potrjeno v javni listini, je potrebno za potrebe dokazovanja priskrbeti novo javno listino.

#### **171. člen**

(1) Dovoljeno je dokazovati, da so v javni listini oziroma kopiji javne listine dejstva neresnično potrjena ali da je javna listina oziroma kopija javne listine nepravilno sestavljena.

(2) Dovoljeno je dokazovati, da se mikrofilmska ali elektronska kopija oziroma reprodukcija te kopije razlikuje od izvirne listine.

#### **172. člen**

Če je na listini kaj prečrtano, zadirano ali kako drugače izbrisano ali pa vstavljeno ali če so na listini kakšne druge zunanje pomanjkljivosti, presodi uradna oseba, ki vodi postopek, glede na vse okoliščine, ali je in koliko je s tem zmanjšana dokazna vrednost listine ali pa nima listina nobene dokazne vrednosti za odločitev o zadevi, v kateri

a self-governing local community authority or a bearer of public authority within the limits of their competence, shall prove the fact which is confirmed or determined therein (public document).

(2) The same probative value shall pertain to other documents which are equated to public documents pursuant to sector-specific regulations.

(3) In proceeding with the presentation of evidence, a microfilm or electronic copy of a document or the reproduction of such copy shall be equated to the document referred to in paragraph one of this Article, if such microfilm or electronic copy or reproduction of such copy has been produced by a state authority, a self-governing local community authority or a bearer of public authority.

#### **Article 170**

If legal facts (events, legal transactions, etc.) may contribute to a change of a fact which has been confirmed in a public document, a new public document shall be provided for the needs of presenting evidence.

#### **Article 171**

(1) It shall be allowed to prove that in a public document or in a copy of a public document facts are untruly confirmed, or that a public document or a copy of a public document is incorrectly composed.

(2) It shall be allowed to prove that a microfilm or electronic copy or the reproduction of such copy differs from the original document.

#### **Article 172**

If something is crossed out, erased or otherwise deleted from or inserted into a public document, or if there are some other external deficiencies in the public document, the official person conducting the procedure shall evaluate whether and to what extent the probative value of the document is thereby reduced, or whether the document has no

teče postopek.

### **173. člen**

(1) Listine, ki so dokaz, predložijo stranke ali pa jih preskrbi organ, ki vodi postopek. Stranka predloži listino v izvorniku, mikrofilmski kopiji listine ali reprodukciji te kopije ali v overjenem prepisu, lahko pa jo priloži tudi v navadnem prepisu ali kot mikrofilmsko, elektronsko kopijo ali fotokopijo ali reprodukcijo te kopije.

(2) Za predloženo listino se šteje tudi sporočilo organu, kje se v informatizirani bazi ali evidenci nahaja zapis, če gre za javno evidenco ali za drugo evidenco, če je organu dosegljiva.

(3) Če predloži stranka listino v prepisu, kot fotokopijo ali kot elektronsko kopijo, lahko zahteva uradna oseba, ki vodi postopek, naj pokaže izvirno listino. Uradna oseba ugotovi, ali se prepis oziroma kopija ujema z izvornikom. To ugotovitev zaznamuje na prepisu oziroma kopiji; ta zaznamek se ne šteje za upravno overitev in se zanj ne plača taksa.

### **174. člen**

(1) Uradna oseba, ki vodi postopek, lahko zahteva od stranke, ki se sklicuje na kakšno listino, naj jo predloži, če jo ima ali če jo lahko dobi.

(2) Če je lista pri stranki z nasprotnim interesom, pa jo ta noče prostovoljno predložiti ali pokazati, zahteva od nje uradna oseba, ki vodi postopek, naj jo predloži ali pokaže na obravnavi, da bi se mogle druge stranke o njej izjaviti.

(3) Če stranka, od katere je bilo zahtevano, naj predloži

probative value for the resolution of the case considered in the procedure.

### **Article 173**

(1) Documents which are evidence shall be submitted by the parties or obtained by the authority conducting the procedure. A party shall produce a document in the form of the original document, a microfilm copy of the document or the reproduction of such copy or in the form of an authenticated transcript, and they may also produce it in the form of an ordinary transcript or a microfilm or electronic copy, a photocopy or the reproduction of such copy.

(2) A communication to the authority as to where a note is found in a computerised database or record shall also be considered a document produced, if the database is a public record or other record which is accessible to the authority.

(3) If the party produces a document in the form of a transcript, a photocopy or an electronic copy, the official person conducting the procedure may require that the party show the original document. The official person shall establish whether the transcript or copy matches the original document. This shall be noted on the transcript or copy; such a note shall not be deemed an administrative authentication and no fee shall be paid for it.

### **Article 174**

(1) The official person conducting the procedure may require that a party that refers to some document produce it, if they have it or if they can obtain it.

(2) If a document is found with the opposing party and such party does not wish to produce it voluntarily or does not wish to show it, the official person conducting the procedure shall require that they produce or show it at a hearing so that other parties may be heard thereon.

(3) If the party that has been required to produce or show a

oziroma pokaže listino, tega ne stori, presodi organ, ki vodi postopek, glede na vse okoliščine primera, kakšen vpliv ima to na reševanje zadeve.

#### **175. člen**

(1) Če je listino, ki naj se uporabi kot dokaz v postopku, pri državnem organu, organu samoupravne lokalne skupnosti ali pri organizaciji, ki ima javno pooblastilo za odločanje o upravnih zadevah, jo po uradni dolžnosti priskrbi organ, ki vodi postopek.

(2) Stranka lahko listino iz prejšnjega odstavka priskrbi tudi sama.

#### **176. člen**

(1) Če je listino pri drugi osebi, pa je ta noče prostovoljno pokazati, ji organ, ki vodi postopek, s sklepom naloži, naj pokaže listino na obravnavi, da bi se mogle stranke o njej izjaviti.

(2) Druga oseba sme zavrniti pokaz listine iz enakih razlogov kot pričanje ali iz drugih utemeljenih razlogov.

(3) Pred izdajo sklepa iz prvega odstavka tega člena mora organ osebi, ki noče pokazati listine, dati možnost da se o tem izjavi. Zoper sklep je dovoljena pritožba.

(4) Zoper drugo osebo, ki brez opravičenega razloga noče pokazati listine, se postopa enako, kot zoper tistega, ki noče pričati. Zoper sklep o tem je dovoljena pritožba.

(5) Stranka, ki se sklicuje na listino, ki je pri drugi osebi, mora tej povrniti stroške, ki jih ima v zvezi s pokazom listine.

document fails to do so, the authority conducting the procedure may in view of the circumstances of the case evaluate the influence this may have on the resolution of the case.

#### **Article 175**

(1) If a document which is to be used as evidence in a procedure is found with a state authority, a self-governing local community authority or with an organisation that has public authorisation for deciding on administrative cases, the authority conducting the procedure shall provide it *ex officio*.

(2) The party may also provide the document referred to in the preceding paragraph themselves.

#### **Article 176**

(1) If a document is found with some other person and they do not wish to show it voluntarily, the authority conducting the procedure shall impose on them by a procedural decision the duty to show such document at a hearing so that the parties may be heard thereon.

(2) The other person may refuse to show a document for the same reasons it may refuse to testify, or for other well-founded reasons.

(3) Before issuing the procedural decision referred to in paragraph one of this Article, the authority must give to the person who does not wish to show the document the possibility to be heard thereon. An appeal shall be allowed against the procedural decision.

(4) The same measures which are taken against a person that does not wish to testify shall be taken against a person that does not wish to show a document without justified reasons. An appeal shall be allowed against the procedural decision thereon.

(5) A party that refers to a document which is found with another person must reimburse that person for the expenses incurred in connection with the showing of the document.

### **177. člen**

(1) Listini, sestavljeni v tujem jeziku, je treba predložiti tudi overjen prevod, če je to potrebno.

(2) Listine, ki jih izdajo tuji organi in ki veljajo v kraju, kjer so bile izdane, za javne listine, imajo ob pogoju vzajemnosti enako dokazno moč kot domače javne listine, če so overjene v skladu s predpisi. Za potrdila pogojev vzajemnosti ne velja.

#### **2.a Upravna overitev lastnoročnih podpisov, prepisov in kopij**

##### **a) Splošno o overitvi**

### **178. člen**

(1) Upravna overitev lastnoročnega podpisa je potrditev njegove pristnosti. Overitev prepisa ali kopije pa potrditev istovetnosti prepisa, fizične ali elektronske kopije z izvirno listino.

(2) Z upravno overitvijo se ne potrjuje resničnost podatkov v listini.

(3) Ne glede na določbe drugih predpisov se šteje, da je upravna overitev lastnoročnega podpisa, prepisa ali kopije, glede postopkov po tem zakonu, enakovredna notarski overitvi lastnoročnega podpisa, prepisa ali kopije.

#### **178.a člen**

### **Article 177**

(1) An authenticated translation shall also be enclosed with a document composed in a foreign language, if necessary.

(2) Documents issued by foreign authorities and which are considered public documents in the place in which they have been issued shall have, subject to the condition of reciprocity, the same probative value as domestic public documents, if they are authenticated in accordance with regulations. The condition of reciprocity shall not apply to certificates.

#### **2.a Administrative authentication of handwritten signatures, transcripts and copies**

##### **a) Authentication in general**

### **Article 178**

(1) Administrative authentication of a handwritten signature shall serve to confirm the authenticity thereof. The authentication of a transcript or copy shall serve to confirm that a transcript, paper or electronic copy is identical to the original document.

(2) Administrative authentication shall not be used to confirm the truthfulness of data in a document.

(3) Notwithstanding the provisions of other regulations, it shall be deemed that administrative authentication of a handwritten signature, transcript or copy shall, in relation to the procedures referred to in this Act, be equal to the notarisation of a handwritten signature, transcript or copy.

#### **Article 178a**

(1) Overitev opravi uradna oseba upravne enote ne glede na bivališče ali sedež osebe, ki to zahteva.

(2) Upravno overitev lastnoročnega podpisa lahko opravi tudi drug organ, če tako določa zakon.

#### b) Overitev lastnoročnega podpisa

### 178.b člen

(1) Pristnost lastnoročnega podpisa dokaže predlagatelj listine tako, da pred uradno osebo lastnoročno podpiše listino ali da prizna podpis, ki je že na listini, za svoj. Istovetnost predlagatelja listine ugotovi uradna oseba na podlagi veljavne javne listine, opremljene s fotografijo, ki jo je izdal državni organ, razen v primerih, ko je predlagatelj uradni osebi osebno znan. Uradna oseba morebitno pooblaščenost predlagatelja za zastopanje ugotavlja na podlagi overjenega pooblastila ali podatkov iz uradne evidence.

(2) Overitev podpisa se potrdi na izvirni listini z navedbo datuma overitve, oznake, s katero je overitev podpisa evidentirana pri organu, z navedbo vrste in oznake uradnega osebnega dokumenta ter s podpisom uradne osebe in z žigom.

### 178.c člen

(1) Kadar se overja podpis ali ročno znamenje slepih ali tistih, ki ne znajo brati, prebere predlagatelju uradna oseba listino, na kateri naj se overi podpis ali ročno znamenje.

(2) Kadar se overja podpis ali ročno znamenje gluhih, ki ne znajo brati, prebere predlagatelju sodni tolmač listino, na kateri naj se

(1) Authentication shall be carried out by the official person of the administrative unit, irrespective of the residence or registered office of the person that requires it.

(2) Administrative authentication of a handwritten signature may also be carried out by another authority, if so provided by an Act.

#### b) Authentication of a handwritten signature

### Article 178b

(1) The authenticity of a handwritten signature shall be proven by the applicant by signing the document before the official person or by recognising the existing signature on the document as their own. The identity of the applicant shall be established by the official person on the basis of a valid public document with a photo issued by a state authority, except when the official person knows the applicant in person. The official person shall establish the possible authorisation for representation given by the applicant on the basis of an authenticated authorisation or data from official records.

(2) The authentication of a signature shall be confirmed on the original document with an indication of the date of authentication and code with which the authentication of the signature is recorded at the authority, with an indication of the type and code of the official identification document, and with the signature of the official person and stamp.

### Article 178c

(1) When the signature or mark of blind or illiterate persons is to be authenticated, the official person shall read the applicant the document on which the signature or mark is to be authenticated.

(2) When the signature or mark of illiterate deaf persons is to be authenticated, a court interpreter shall read the applicant the document

overi podpis ali ročno znamenje.

(3) Kadar se overja podpis ali ročno znamenje tistih, ki ne razumejo jezika, v katerem je listina napisana, prevede predlagatelju vsebino listine uradna oseba ali sodni tolmač.

(4) Tak način overitve je treba navesti v potrdilu o overitvi.

#### **178.d člen**

Če uradna oseba ne razume jezika, v katerem je listina napisana, lahko odredi, da prevede listino sodni tolmač. Če je listina prevedena, se to navede v potrdilu o overitvi.

c) Overitev prepisa ali kopije

#### **178.e člen**

(1) Prepis ali fizično kopijo (fotokopijo), ki naj se overi, je treba skrbno primerjati z izvirno listino. Prepis se mora ujemati z izvirno listino tudi v pravopisu, ločilih in okrajšavah.

(2) V potrdilu o overitvi se navede oznaka, datum overitve, število pol oziroma listov izvirne listine in prepisa ali kopije. Potrdilo podpiše in žigosa uradna oseba, ki opravi overitev.

#### **178.f člen**

(1) Elektronsko (skenirano) kopijo pripravi uradna oseba na podlagi izvirne listine.

on which the signature or mark is to be authenticated.

(3) When the signature or mark of persons who do not understand the language in which the document is written is to be authenticated, the content of the document shall be translated for the applicant by the official person or a court interpreter.

(4) Such manner of authentication shall be indicated in the confirmation of authentication.

#### **Article 178d**

If the official person does not understand the language in which the document is written, they may order the document to be translated by a court interpreter. If the document is translated, this shall be indicated in the confirmation of authentication.

c) Authentication of a transcript or copy

#### **Article 178e**

(1) A transcript or a hard copy (photocopy) which is to be authenticated shall be compared with the original. The transcript must also match the original document in terms of spelling, punctuation and abbreviations.

(2) The code, the date of authentication, and the number of sheets of paper or pages of the original document and of the transcript or copy shall be indicated in the confirmation of authentication. The confirmation shall be signed and stamped by the official person carrying out the authentication.

#### **Article 178f**

(1) An electronic (scanned) copy shall be prepared by the official person on the basis of the original document.

(2) Uradna oseba opravi overitev tako, da skupaj z elektronsko kopijo navede oznako, datum overitve, število pol oziroma listov izvirne listine in prepisa ali kopije ter oboje elektronsko podpiše.

### **178.g člen**

Kadar se overi prepis samo enega dela listine ali izpisek iz kake listine, mora biti prepis oziroma kopija takšna, da je iz nje razvidno, kateri deli listine so vsebovani in kateri izpuščeni.

### **178.h člen**

Če uradna oseba, ki overja prepis ali kopijo, ne razume jezika, v katerem je listina napisana, lahko odredi, da primerja prepis ali kopijo z izvirno listino sodni tolmač.

### **3. Potrdila**

### **179. člen**

(1) Državni organi, organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil izdajajo potrdila in druge listine (izpiske, certifikate itd.) o dejstvih, o katerih vodijo uradno evidenco.

(2) Za uradno evidenco se šteje evidenca, ki je bila vzpostavljena na podlagi zakona, podzakonskega predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil.

(3) Potrdila in druge listine o dejstvih, o katerih se vodi uradna evidenca, morajo biti v skladu s podatki uradne evidence. Taka potrdila

(2) The official person shall carry out authentication in such a manner that together with the electronic copy, they shall indicate the code, the date of authentication, the number of sheets of paper or pages of the original document and of the transcript or copy, and sign both electronically.

### **Article 178g**

When the transcript of only one part of a document or an extract from a document is to be authenticated, the transcript or copy must be such that it is evident which parts of the document are included and which are omitted.

### **Article 178h**

If the official person who authenticates a transcript or a copy does not understand the language in which the document is written, they may order the transcript or copy to be compared with the original document by a court interpreter.

### **3. Certificates**

### **Article 179**

(1) State authorities, self-governing local community authorities and bearers of public authority shall issue certificates and other documents (abstracts, documentation, etc.) on the facts of which official records are kept.

(2) The records which have been created on the basis of an Act, implementing regulation or general legal act issued to exercise public authorisation shall be considered official records.

(3) Certificates and other documents on the facts of which official records are kept must be in conformity with the data of the official



oziroma druge listine veljajo za javne listine.

(4) Potrdilo in druge listine o dejstvih, o katerih se vodi uradna evidenca, se izdajo stranki na ustno zahtevo praviloma istega dne, ko je stranka potrdilo oziroma drugo listino zahtevala, najpozneje pa v 15 dneh, če ni v predpisu, s katerim je bila vzpostavljena uradna evidenca, drugače določeno.

### **180. člen**

Državni organi in organi samoupravnih lokalne skupnosti izdajajo potrdila in druge listine tudi o dejstvih, o katerih ne vodijo uradne evidence, če zakon tako določa. V tem primeru se dejstva ugotavljajo v postopku, ki je predpisan v tem poglavju.

### **180.a člen**

(1) Če organ zavrne zahtevo za izdajo potrdila oziroma druge listine iz 179. člena, mora v roku 15 dni izdati odločbo, če ni v predpisu, s katerim je bila vzpostavljena uradna evidenca drugače določeno.

(2) Če organ zavrne zahtevo za izdajo potrdila oziroma druge listine iz 180. člena, mora v roku 30 dni izdati odločbo.

(3) Če organ ni izdal potrdila, druge listine ali odločbe iz prejšnjih odstavkov, se po preteku rokov šteje, da je zahtevo zavrnil. Zoper to je dovoljena pritožba.

(4) Če stranka na podlagi dokazov, s katerimi razpolaga, zatrjuje, da potrdilo oziroma druga lista, ki ji je bila izdana na podlagi 179. ali 180. člena tega zakona ni v skladu s podatki iz uradne evidence, lahko zahteva spremembo potrdila oziroma druge listine. Organ mora v roku 15 dni izdati spremenjeno potrdilo oziroma drugo listino oziroma odločbo, s katero zavrne zahtevek za spremembo oziroma za novo

records. Such certificates or other documents shall be considered public documents.

(4) A certificate and other documents on the facts of which official records are kept shall, as a rule, be issued to the party upon a verbal request on the same day the party has requested the certificate or other document, and in no later than 15 days, unless otherwise provided by the regulation through which the official records have been created.

### **Article 180**

State authorities and self-governing local community authorities shall also issue certificates and other documents on the facts of which they do not keep official records, if so provided by an Act. In this case, facts shall be established in the procedure prescribed in this chapter.

### **Article 180a**

(1) If the authority dismisses a request to issue a certificate or other document referred to in Article 179, it must issue a decision thereon within 15 days, unless otherwise provided in the regulation through which the official records have been created.

(2) If the authority dismisses a request to issue a certificate or other document referred to in Article 180, it must issue a decision thereon within 30 days.

(3) If the authority fails to issue a certificate, other document or decision referred to in the preceding paragraphs, after the expiry of the time limits the request shall be deemed to have been dismissed. An appeal shall be allowed against this.

(4) If a party claims, based on evidence at their disposal, that a certificate or other document they have been issued on the basis of Articles 179 or 180 of this Act is not in conformity with data from the official records, they may request that the certificate or other document be modified. The authority must issue, within 15 days, a modified certificate or other document or a decision whereby it refuses the request for

potrdilo ali drugo listino.

#### 4. Priče

##### **181. člen**

(1) Priča je lahko vsak, kdor je bil zmožen opaziti dejstvo, o katerem naj priča, in more to svoje opažanje izkazati.

(2) Kdor je udeležen v postopku kot uradna oseba, ne more biti priča.

##### **182. člen**

Vsak, kdor je povabljen za pričo, se mora povabilu odzvati in če ni s tem zakonom drugače določeno, tudi pričati.

##### **183. člen**

(1) Priča sme odreči pričanje:

1. na posamezna vprašanja, če bi z odgovorom na vprašanje spravila v hudo sramoto, občutno premoženjsko škodo ali pa v kazenski pregon sebe, svojega krvnega sorodnika v ravni vrsti ali v stranski vrsti do vštetega tretjega kolena, svojega zakonca, osebo, s katero živi v izvenzakonski skupnosti, ali sorodnika po svaštvu do vštetega drugega kolena, četudi je zakonska zveza že prenehala, ali pa svojega skrbnika ali oskrbovanca, posvojitelja ali posvojenca;
2. na posamezna vprašanja, na katera ne bi mogla odgovoriti, ne da bi prekršila dolžnost oziroma pravico varovati poslovno ali poklicno tajnost;
3. o tistem, kar ji je stranka zaupala kot svojemu pooblaščenču;
4. o dejstvih, za katera je zvedela kot duhovnik, odvetnik, zdravnik ali pri opravljanju kakšnega drugega poklica ali dejavnosti, če velja dolžnost, da mora ohraniti kot tajnost tisto, kar je zvedela pri opravljanju takega poklica ali dejavnosti.

modification or for a new certificate or other document.

#### 4. Witnesses

##### **Article 181**

(1) Anyone who is capable of observing a fact on which they are to testify and who can present their observation may be a witness.

(2) A person who participates in a procedure as an official person cannot be a witness.

##### **Article 182**

Anyone who is summoned as a witness must appear and, unless otherwise provided by this Act, testify.

##### **Article 183**

(1) A witness may refuse to testify:

1. about single questions if, by answering these questions, they could disgrace, inflict considerable material damage or make liable to criminal prosecution themselves, their blood relative in the lineal line or in the collateral line up to the third degree, their spouse, a person with whom they live in non-marital cohabitation, or a relative in law up to the second degree although the marriage has already been terminated, or their guardian or ward, adopter or adoptee;
2. about single questions which they cannot answer without violating the duty or the right to protect a business or professional secret;
3. about facts which were told by the party to the witness as their authorised person;
4. about facts of which they have learned as a priest, attorney, doctor, or while performing some other profession or activity which is subject to the duty to keep secret everything they have learned in performing such a profession or activity.

(2) Priča je lahko odvezana dolžnosti pričanja tudi o posameznih drugih dejstvih, če navede za to tehtne razloge. Če je treba, mora te razloge verjetno izkazati.

(3) Zaradi nevarnosti, da bi imela kakšno premoženjsko škodo, priča ne sme odreči pričanja o pravnih opravilih, pri katerih je bila navzoča kot priča, pisar ali posredovalec, o dejanjih, ki jih je v zvezi s spornim razmerjem opravila kot pravni prednik ali zastopnik katere od strank, ter o vsakem takem dejanju, ki ga je po posebnih predpisih dolžna naznaniti ali dati o njem izjavo.

(4) Priča ne sme biti zaslišana o določenih zadevah, če bi s tem prekršila dolžnost varovanja tajnosti v skladu z zakonom, dokler je pristojni organ ne odveže te dolžnosti.

#### **184. člen**

(1) Priče se zaslišujejo vsaka zase in brez navzočnosti tistih prič, ki bodo zaslišane pozneje.

(2) Zaslišana priča ne sme oditi brez dovoljenja uradne osebe, ki vodi postopek.

(3) Uradna oseba, ki vodi postopek, sme že zaslišano pričo znova zaslišati, priče, katerih izpovedbe se ne ujemajo, pa soočiti.

(4) Kdor zaradi bolezni ali telesne nezmožnosti na povabilo ne more priti, se zasliši v svojem stanovanju.

#### **185. člen**

(1) Pričo je treba najprej opozoriti, da mora govoriti resnico, da ne sme ničesar zamlčati; pri tem jo je treba opozoriti tudi na posledice krive izpovedbe.

(2) A witness may also be released from the duty of testifying about other single facts, if they state justified reasons for this. If necessary, they must plausibly demonstrate these reasons.

(3) A witness may not refuse to testify, for risk of damage to their property, about legal actions in the performing of which they have participated as a witness, typist or mediator, about the actions they have performed in connection with a disputed relationship as a legal predecessor or representative of any of the parties, and about any of those actions which they are obliged to announce or give a statement about in accordance with sector-specific regulations.

(4) A witness may not be examined about certain facts if they would thereby violate the duty to protect a secret in accordance with an Act until the competent authority releases them from such duty.

#### **Article 184**

(1) Witnesses shall be examined separately and without the presence of witnesses who are to be examined subsequently.

(2) An examined witness may not leave without permission of the official person conducting the procedure.

(3) The official person conducting the procedure may re-examine a witness already examined and confront a witnesses whose testimonies do not match.

(4) A person who cannot appear upon a summons due to illness or physical incapacity shall be examined in their home.

#### **Article 185**

(1) A witness must first be warned that it is their duty to speak the truth and not withhold anything; in such regard, they must be warned of the consequences of perjury.

(2) Uradna oseba zahteva od priče njene splošne podatke: osebno ime, poklic, prebivališče, rojstni kraj, starost in zakonski stan. Če je treba, se izpraša priča tudi o okoliščinah, ki se tičejo njene verodostojnosti kot priče v zadevi, za katero gre, zlasti pa o njenem razmerju do strank.

(3) Uradna oseba, ki vodi postopek, pouči pričo, kdaj ji ni potrebno pričati in na katera vprašanja lahko odreče pričanje.

(4) Priči se postavljajo vprašanja o sami zadevi in zahteva od nje, naj pove, kaj ji je o tem znano.

(5) Niso dovoljena taka vprašanja, v katerih je že vsebovano, kako je treba odgovoriti, kakor tudi ne vprašanja, ki izhajajo iz predpostavke, da je priča že povedala nekaj, česar v resnici še ni povedala.

(6) Pričo je treba vselej vprašati, odkod ve to, o čemer priča.

#### **186. člen**

Če priča ne zna jezika, ki se uporablja v postopku, ali ga ne more uporabljati zaradi invalidnosti, se zasliši po tolmaču.

#### **187. člen**

(1) Če priča, ki je bila v redu povabljen, ne pride in svojega izostanka ne opraviči, ali če se brez dovoljenja ali opravičenega razloga odstrani s kraja, kjer bi morala biti zaslišana, sme organ, ki vodi postopek, odrediti, da se s silo privede in da trpi s tem povezane stroške, sme pa jo tudi kaznovati v denarju do 500 evrov.

(2) Če priča pride, pa brez opravičenega razloga noče pričati,

(2) The official person shall require the witness to state their general data: personal name, occupation, residence, place of birth, age and marital status. If necessary, the witness shall also be asked about the circumstances relating to their credibility as a witness in the considered case, in particular about their relationship to the parties.

(3) The official person conducting the procedure shall instruct the witness when they do not need to testify and on which questions they may refuse to answer.

(4) A witness shall be asked questions about the case itself and be required to state everything they know about it.

(5) Questions which already include what should be answered or questions stemming from the presumption that the witness has stated something they actually have not stated, shall not be allowed.

(6) A witness must always be asked where they have learned the facts about which they are testifying.

#### **Article 186**

If a witness does not speak the language of the procedure, or cannot use it due to a disability, they shall be examined through an interpreter.

#### **Article 187**

(1) If a witness who has been duly summoned does not appear and does not justify their absence, or if they leave the place where they should be examined without permission and justified reason, the authority conducting the procedure may order that the witness be forcibly brought and bear the costs thereof, and it may also impose a fine on such witness of up to EUR 500.

(2) If a witness appears but refuses to testify without a justified

čeprav je bila opozorjena na posledice odklonitve, se lahko kaznuje v denarju do 500 evrov; če pa niti po tem noče pričati, se lahko vnovič kaznuje do 500 evrov. Sklep o denarni kazni izda uradna oseba, ki vodi postopek, v soglasju z uradno osebo, ki je pooblaščen za odločanje o zadevi, pri zaprosenemu organu pa v soglasju z njegovim predstojnikom oziroma z uradno osebo, ki je pooblaščen za odločanje v podobnih zadevah.

(3) Uradna oseba, ki vodi postopek, lahko odloči, da mora pričati povrniti stroške, ki so nastali zato, ker pričati ni prišla ali, ker ni hotela pričati.

(4) Če pričati pozneje opraviči svoj izostanek, odpravi uradna oseba, ki vodi postopek, sklep o kazni ali o stroških. Če je pričati pozneje pripravljena pričati, lahko uradna oseba odpravi sklep o kazni.

(5) Zoper sklep o stroških ali o denarni kazni, izdan po tem členu, je dovoljena pritožba.

## 5. Izjava stranke

### 188. člen

(1) Če za ugotovitev nekega dejstva ni dovolj drugih dokazov, se sme vzeti kot dokaz za ugotovitev takega dejstva tudi ustna izjava stranke. Izjava stranke se sme vzeti kot dokaz tudi v malo pomembnih zadevah, če naj bi se neko dejstvo sicer dokazovalo z zaslišanjem prič, ki živi v kraju, oddaljenem od sedeža organa, ali če bi bilo sicer zaradi iskanja drugih dokazov oteženo uveljavljanje pravic stranke.

(2) Verodostojnost izjave stranke se presoja po načelu iz 10. člena tega zakona.

reason although they have been warned of the consequences of refusing testimony, they may be imposed a fine of up to EUR 500; if they still refuse to testify, they may again be imposed a fine of up to EUR 500. A procedural decision regarding the fine shall be issued by the official person conducting the procedure in agreement with the official person authorised to decide on the case, and, in the case of a requested authority, in agreement with its head or the official person authorised to decide on similar cases.

(3) The official person conducting the procedure may decide that a witness must pay the costs incurred due to their failure to appear or refusal to testify.

(4) If the witness subsequently justifies their absence, the official person conducting the procedure shall set aside the procedural decision regarding the fine or the payment of costs. If the witness is subsequently willing to testify, the official person may set aside the procedural decision regarding the fine.

(5) An appeal shall be allowed against the procedural decision regarding the payment of costs or the issued fine in accordance with this Article.

## 5. Statement by the party

### Article 188

(1) If, for establishing some fact, there is not enough other evidence, an oral statement by the party may also be taken as evidence to establish the fact. A statement by the party may also be taken as evidence in less important cases if some fact is to be proven by examining a witness who lives in a place which is distant from the principal office of the authority, or if the search for other evidence would make the assertion of the rights of the party more difficult.

(2) The credibility of a statement by the party shall be evaluated according to the principle referred to in Article 10 of this Act.

(3) Preden sprejme izjavo, mora uradna oseba, ki vodi postopek, opozoriti stranko na kazensko in materialno odgovornost, če bi dala krivo izjavo.

## 6. Izvedenci

### 189. člen

(1) Če je za ugotovitev ali presojo kakšnega dejstva, ki je pomembno za rešitev zadeve, potrebno strokovno znanje, s katerim uradna oseba, ki vodi postopek, ne razpolaga, se opravi dokaz z izvedenci.

(2) Dokaz z izvedencem se izvede, če uradna oseba, ki vodi postopek, oceni, da je to potrebno iz razlogov iz prejšnjega odstavka.

(3) Predujem oziroma strošek izvedbe dokaza z izvedencem bremeni tisto stranko, ki ima močnejši pravni interes za izvedbo dokaza, oziroma stranko, ki je zahtevala uvedbo postopka. Če ima več strank interes, da se izvede dokaz z izvedencem, bremeni predujem oziroma strošek izvedbe dokaza vse te stranke v sorazmernem deležu.

### 190. člen

(1) Za izvedbo dokaza z izvedenci določi uradna oseba, ki vodi postopek, po uradni dolžnosti ali na predlog stranke enega izvedenca, če sodi, da bo dokazovanje z izvedenci zapleteno, pa tudi dva ali več izvedencev. O tem je treba izdati pisni sklep, v katerem se opredeli naloge izvedenca in določi rok za njihovo izvedbo.

(2) Za izvedence se določijo osebe ali organizacije, ki imajo

(3) Before accepting a statement, the official person conducting the procedure must warn the party of their criminal liability and material liability if they commit perjury.

## 6. Expert witnesses

### Article 189

(1) If, for establishing or evaluating some fact which is relevant for the resolution of the case, expert knowledge is required which the official person conducting the procedure does not have, evidence shall be presented through expert witnesses.

(2) Evidence presented through an expert witness shall be demonstrated, if the official person conducting the procedure finds it necessary for the reasons referred to in the preceding paragraph.

(3) The advance or the cost of demonstrating evidence through an expert witness shall be paid by the party which has a stronger legal interest in demonstrating evidence through an expert witness or the party which has requested the initiation of the procedure. If several parties have interest in demonstrating evidence through an expert witness, the advance or the cost of demonstrating the evidence through the expert witness shall be paid by all of these parties proportionally.

### Article 190

(1) In order to demonstrate evidence through expert witnesses, the official person conducting the procedure shall, *ex officio* or at the request of a party, appoint one expert witness or, if they believe that presenting evidence through expert witnesses will be complicated, two or more expert witnesses. A written procedural decision must be issued thereon, specifying the tasks of the expert witness and the time limit for their performance.

(2) Persons or organisations which possess expert knowledge

strokovno znanje, ki je potrebno za razjasnitev stanja zadeve. Če se za izvedenca postavi organizacija, nastopa v postopku v njenem imenu ena ali več pooblaščenih oseb.

(3) Stranki je treba dati možnost, da se izjavi o tem, kdo naj bo izvedenec. Če gre za nujne ukrepe v javnem interesu, s katerimi ni mogoče odlašati, lahko uradna oseba postavi izvedenca, ne da bi se o tem izjavila stranka.

(4) Za izvedenca ne more biti določen, kdor ne more biti priča.

#### **191. člen**

(1) Kdor je določen za izvedenca, je dolžan dati izvid in mnenje.

(2) Izvedenec lahko odreče prevzem te dolžnosti iz enakih razlogov, iz katerih priča lahko odreče pričanje, pa tudi iz drugih utemeljenih razlogov, kot so preobremenjenost z izvedenskim ali drugim delom.

(3) Oprostitev dolžnosti lahko zahteva tudi delodajalec, pri katerem je izvedenec zaposlen.

(4) Določbe tega člena se smiselno uporabljajo tudi za pooblaščene osebe organizacije, ki je določena za izvedenca.

#### **192. člen**

(1) Glede izločitve izvedencev se smiselno uporabljajo določbe o izločitvi uradnih oseb.

(2) Stranka lahko zahteva izločitev izvedenca tudi tedaj, če verjetno izkaže okoliščine, ki spravljajo v dvom njegovo strokovno znanje.

necessary for clarifying the state of the case shall be appointed as expert witnesses. If an organisation is appointed as an expert witness, one or several authorised persons shall participate in the procedure on its behalf.

(3) The party must be given the possibility to be heard on who is to be appointed as an expert witness. If the case concerns emergency measures in the public interest which cannot be postponed, the official person may appoint an expert witness without giving the party the possibility to be heard thereon.

(4) A person who cannot be a witness cannot be appointed an expert witness.

#### **Article 191**

(1) A person who is appointed an expert witness shall be obliged to produce their findings and an opinion.

(2) An expert witness may refuse to take up this duty for the same reasons for which a witness may refuse to testify, as well as for other well-founded reasons such as being overburdened with expert and other activities.

(3) Exemption from this duty may also be requested by the employer of the expert witness.

(4) The provisions of this Article shall apply *mutatis mutandis* to the authorised persons of an organisation appointed an expert witness.

#### **Article 192**

(1) The provisions on the recusal of official persons shall apply *mutatis mutandis* to the recusal of expert witnesses.

(2) A party may request the recusal of an expert witness also when they plausibly demonstrate circumstances which cast doubt on the knowledge of such expert witness.

(3) O izločitvi izvedenca odloči s sklepom uradna oseba, ki vodi postopek.

(4) Določbe tega člena se smiselno uporabljajo tudi za pooblaščenec osebe organizacije, ki je določena za izvedenca.

### **193. člen**

(1) Pred začetkom dokazovanja z izvedenci uradna oseba, ki vodi postopek, izvedencu naroči, o katerih dejstvih naj poda izvid in mnenje ter ga opozori na posledice krive izpovedbe.

(2) V svojem izvidu mora izvedenec natančno navesti vse, kar opazi in dožene. Izvedenec da obrazloženo mnenje, ki mora biti nepristransko in v skladu s pravili znanosti in stroke.

### **194. člen**

(1) Izvedensko delo se opravi na ustni obravnavi, če je to mogoče. V tem primeru izvedenec poda svoj izvid in mnenje ustno.

(2) Če se izvedensko delo opravi izven ustne obravnave, poda izvedenec svoj izvid in mnenje ustno na ustni obravnavi.

(3) Če gre za bolj zahtevno izvedensko delo, uradna oseba, ki vodi postopek, naroči izvedencu, naj pripravi pisen izvid in mnenje. V tem primeru je potrebno vročiti izvid in mnenje strankam pred narokom, na katerem se bosta obravnavala.

(4) Na ustni obravnavi lahko izvedencu, potem ko pove svoj izvid in mnenje, uradna oseba, ki vodi postopek, in stranke postavljajo vprašanja in zahtevajo pojasnila glede izvida in mnenja.

(3) The official person conducting the procedure shall decide on the recusal of an expert witness in a procedural decision.

(4) The provisions of this Article shall apply *mutatis mutandis* to the authorised persons of an organisation appointed as an expert witness.

### **Article 193**

(1) Prior to presenting evidence through an expert witness, the official person conducting the procedure shall specify to the expert witness on which facts they are to present their findings and opinion and shall warn them of the consequences of perjury.

(2) In their findings, the expert witness must precisely state everything they have observed and established. The expert witness shall submit a reasoned opinion, which must be impartial and in conformity with scientific and professional rules.

### **Article 194**

(1) If possible, expert witness activities shall be performed at an oral hearing. In this case the expert witness shall deliver their findings and opinion orally.

(2) If expert witness activities are performed outside the oral hearing, the expert witness shall deliver their findings and opinion orally at an oral hearing.

(3) If the case concerns complex expert witness activities, the official person conducting the procedure shall order the expert witness to prepare their findings and opinion in writing. In this case, the findings and the opinion must be served on the parties prior to a hearing at which they will be examined.

(4) After delivering their findings and opinion at an oral hearing, the expert witness may be questioned and asked to explain their findings and opinion by the official person conducting the procedure and by the



(5) Glede zaslišanja izvedencev se smiselno uporabljajo določbe 185. člena tega zakona.

#### **195. člen**

Če je več izvedencev, lahko dajo svoj izvid in mnenje skupno. Če se ne strinjajo, da vsak izmed njih posebej svoj izvid in mnenje.

#### **196. člen**

(1) Če izvid in mnenje izvedenca nista jasna ali nista popolna ali se izvidi in mnenja izvedencev bistveno razlikujejo, če mnenje ni zadosti obrazloženo ali če nastane utemeljen dvom o pravilnosti mnenja, pa se te pomanjkljivosti ne morejo odpraviti niti s ponovnim zaslišanjem izvedencev, se dokazovanje ponovi z istimi ali drugimi izvedenci; lahko pa se zahteva tudi mnenje kakšnega znanstvenega ali strokovnega zavoda.

(2) Mnenje znanstvenega ali strokovnega zavoda se lahko zahteva tudi tedaj, če se da zaradi zapletenosti primera utemeljeno pričakovati, da se bo tako dobilo bolj pravilno mnenje.

#### **197. člen**

(1) Če izvedenec, ki je bil v redu povabljen, ne pride, pa svojega izostanka ne opraviči, če pride, pa noče opraviti izvedenskega dela, ali če ne predloži v danem roku pisnega izvida in mnenja, se lahko kaznuje v denarju do 500 evrov. Če nastanejo zaradi neopravičenega izostanka izvedenca ali zaradi neopravičene odklonitve izvedenskega dela ali pa zato, ker izvedenec ni predložil pisnega izvida in mnenja, stroški v postopku, se lahko odredi, da jih plača izvedenec.

parties.

(5) The provisions of Article 185 of this Act shall apply *mutatis mutandis* to the examination of expert witnesses.

#### **Article 195**

If there are several expert witnesses, they may deliver their joint findings and joint opinion. If they do not agree, they shall deliver their statements of facts and opinions separately.

#### **Article 196**

(1) If the findings and opinion of an expert witness are not clear or are not complete, or if the findings and opinions of expert witnesses substantially differ, if an opinion is not sufficiently reasoned, or if there is doubt as to the correctness of the opinion and such deficiencies cannot be remedied by a new examination of the expert witnesses, the presenting of evidence shall be repeated by examining the same or other expert witnesses; furthermore, an opinion by some scientific or professional institution may also be required.

(2) The opinion of a scientific or professional institution may also be required when, due to the complexity of the case, it can be reasonably expected that a better opinion can thus be obtained.

#### **Article 197**

(1) If an expert witness who has been duly summoned fails to appear and does not justify their absence, or if they appear but do not want to carry out their expert witness activities, or if they do not submit in a specified time limit their written findings and opinion, they may incur a fine of up to EUR 500. If costs arise in the procedure due to the unjustified absence of an expert witness or due to an unjustified refusal to perform expert witness activities, or due to the fact that an expert witness has not submitted their findings and opinion, it may be ordered that such costs be covered by the expert witness.

(2) Sklep o denarni kazni ali o plačilu stroškov izda uradna oseba, ki vodi postopek.

(3) Če izvedenec pozneje opraviči svoj izostanek ali če pozneje opraviči, zakaj ni pravočasno predložil pisnega izvida in mnenja, odpravi uradna oseba, ki vodi postopek, sklep o denarni kazni ali o stroških; če je izvedenec pozneje pripravljen opraviti izvedensko delo, lahko uradna oseba odpravi sklep o denarni kazni.

(4) Zoper sklep o stroških ali o denarni kazni, ki se izda po prvem ali drugem odstavku tega člena, je dovoljena pritožba.

## 7. Tolmači

### 198. člen

Za tolmače se smiselno uporabljajo določbe tega zakona, ki veljajo za izvedence.

## 8. Ogled

### 199. člen

Ogled se opravi, kadar je za ugotovitev kakšnega dejstva ali za razjasnitev bistvenih okoliščin potrebno, da si stvar neposredno ogleda uradna oseba, ki vodi postopek.

### 200. člen

(1) Stranke imajo pravico biti navzoče pri ogledu. Katere druge

(2) The procedural decision regarding a fine or payment of costs shall be issued by the official person conducting the procedure.

(3) If an expert witness subsequently justifies their absence, or if they subsequently justify why they have not submitted written findings and an opinion in due time, the official person conducting the procedure shall set aside the procedural decision regarding the fine or the payment of costs; if the expert witness is subsequently willing to perform expert witness activities, the official person may set aside the procedural decision regarding the fine.

(4) An appeal shall be allowed against a procedural decision regarding the payment of costs or the fine issued in accordance with paragraphs one and two of this Article.

## 7. Interpreters

### Article 198

The provisions of this Act that apply to expert witnesses shall apply *mutatis mutandis* to interpreters.

## 8. View

### Article 199

A viewing shall take place when, for establishing some fact or for clarifying the relevant circumstances, it is necessary that the official person conducting the procedure views a thing of the considered case in person.

### Article 200

(1) The parties shall have the right to be present during a

osebe naj bodo navzoče poleg strank, določa uradna oseba, ki vodi postopek.

(2) Ogled se lahko opravi tudi ob udeležbi izvedencev.

## 201. člen

(1) Ogled stvari, ki se lahko brez težave prinesejo na kraj, kjer se vodi postopek, se opravi na tem kraju, sicer pa na kraju, kjer je stvar.

(2) Uradna oseba lahko odredi, da se potek izvedbe dokaza z ogledom delno ali v celoti snema. Posnetek se priloži zapisniku.

## 202. člen

(1) Lastnik ali posestnik stvari, prostorov ali zemljišča, ki naj se ogledajo, v katerih oziroma na katerih so stvari, ki naj se ogledajo, ali čez katere je treba iti, mora dovoliti, da se opravi ogled.

(2) Glede dopustnosti odklonitve ogleda se smiselno uporabijo določbe tega zakona o odklonitvi pričanja.

(3) Zoper lastnika ali posestnika, ki brez opravičenega razloga ne dovoli ogleda, se lahko uporabijo enaki ukrepi kot zoper pričo, ki noče pričati (187. člen tega zakona).

(4) Ogled stanovanja se lahko opravi samo na podlagi odločbe pristojnega sodišča, razen če je ogled njenega stanovanja zahtevala stranka sama.

(5) Morebitno škodo, ki nastane pri ogledu, je potrebno lastniku ali posestniku povrniti. O tem izda organ, ki vodi postopek, poseben sklep. Zoper ta sklep je dovoljena pritožba.

viewing. The official person conducting the procedure shall decide which other persons are to be present in addition to the parties.

(2) A viewing may also take place in the presence of expert witnesses.

## Article 201

(1) The viewing of a thing which may be brought to the place of the procedure without difficulties, shall be performed in that place, otherwise it shall be performed where the thing of the case is situated.

(2) The official person may order that the demonstration of evidence through a viewing be partially or entirely filmed. The film shall be enclosed with the record.

## Article 202

(1) The owner or possessor of the things, premises or land which are to be viewed, in which or on which the things to be viewed are situated, or which are to be crossed, must allow the viewing to take place.

(2) The provisions of this Act on the refusal to testify shall apply *mutatis mutandis* to the admissibility of refusing to allow a viewing.

(3) The same measures as against a witness who does not wish to testify (Article 187 of this Act) shall be taken against an owner or possessor who does not allow a viewing without any justified reason.

(4) The viewing of a dwelling may only be taken on the basis of a decision of the competent court, unless the viewing of the dwelling has been requested by the party themselves.

(5) The owner or possessor should be reimbursed for possible damages incurred when the viewing took place. The authority conducting the procedure shall issue a separate procedural decision thereon. An appeal shall be allowed against this procedural decision.

### **203. člen**

Uradna oseba, ki vodi ogled, mora paziti na to, da se ogled ne zlorabi in da se ne prekrši nobena poslovna, poklicna, znanstvena ali umetniška tajnost.

#### 9. Zavarovanje dokazov

### **204. člen**

(1) Če je utemeljena bojazen, da se kakšen dokaz pozneje ne bo mogel izvesti ali da bo njegova izvedba pozneje otežkočena, se lahko izvede ta dokaz za zavarovanje kadarkoli med postopkom, pa tudi še pred začetkom postopka.

(2) Zavarovanje dokazov se opravi po uradni dolžnosti ali na predlog stranke oziroma tistega, ki ima od tega pravno korist.

(3) V vlogi, s katero se zahteva zavarovanje dokazov, mora predlagatelj navesti dejstva, ki naj se dokažejo, dokaze, ki naj se izvedejo in razloge zaradi katerih misli, da se kasneje dokaz ne bo mogel izvesti ali da bo njegova izvedba težja.

(4) Če je v postopku udeležena ali bo udeležena stranka z nasprotnim interesom, se tej osebi vroči vloga za zavarovanje dokazov. Če nujnost zavarovanja terjaja takojšnje zavarovanje, se lahko dokazi zavarujejo tudi brez predhodne seznanitve stranke z nasprotnim interesom.

### **205. člen**

(1) Za zavarovanje dokazov med postopkom je pristojen organ, ki vodi postopek.

### **Article 203**

The official person conducting a viewing must pay attention to the fact that the viewing is not abused and that no business, professional, scientific or artistic secret is thereby violated.

#### 9. Preservation of evidence

### **Article 204**

(1) If there is reasonable fear that some evidence might subsequently not be able to be demonstrated or that its demonstration might subsequently be hampered, this evidence may be demonstrated in order to be preserved at any time during the procedure, and also even before the initiation of the procedure.

(2) Evidence shall be preserved *ex officio* or on the proposal of the party or the person that has a legal benefit from it.

(3) In an application wherein the preservation of evidence is requested, the applicant must state the facts which need to be proven, the evidence to be demonstrated and the reasons for which they believe that the evidence cannot subsequently be demonstrated or that its demonstration would be more difficult.

(4) If a party with opposing interests participates or will participate in the procedure, they shall be served an application for the preservation of evidence. If the urgent need for preservation requires immediate preservation, evidence may also be preserved without previously informing the party with opposing interests.

### **Article 205**

(1) The authority conducting the procedure shall be competent for the preservation of evidence during the procedure.

(2) Za zavarovanje dokazov pred začetkom postopka je pristojen organ, na katerega območju so stvari, ki si jih je treba ogledati, oziroma na katerega območju prebivajo osebe, ki jih je treba zaslišati.

(3) Zavarovanje dokazov je dovoljeno tudi po dokončnosti oziroma pravnomočnosti odločbe, če je to potrebno za postopek z izrednimi pravnimi sredstvi.

#### **206. člen**

(1) O zavarovanju dokazov se izda poseben sklep.

(2) Zoper sklep, s katerim se zavrne predlog za zavarovanje dokazov, je dovoljena pritožba.

### XIII. poglavje ODLOČBA

#### 1. Kateri organ izda odločbo

#### **207. člen**

(1) Na podlagi dejstev, ugotovljenih v postopku, izda organ, ki je pristojen za odločanje, odločbo o zadevi, ki je predmet postopka.

(2) Z odločbo se odloči o vseh zahtevkih stranke, tudi če je postopek začel po uradni dolžnosti.

(3) Kadar odloča o zadevi kolegijski organ, sme odločati, če je navzočih več kot polovica njegovih članov, odločbo pa sprejme z večino glasov navzočih članov, če ni z zakonom, podzakonskim predpisom, odlokom samoupravne lokalne skupnosti, splošnim aktom, izdanim za

(2) The authority of the territory in which a thing which is to be viewed and the persons who are to be examined are situated, shall be competent for the preservation of evidence before the initiation of the procedure.

(3) The preservation of evidence shall also be allowed after the administrative finality or finality of a decision, if this is necessary for a procedure with extraordinary legal remedies.

#### **Article 206**

(1) A separate procedural decision shall be issued on the preservation of evidence.

(2) An appeal shall be allowed against a procedural decision to dismiss the preservation of evidence.

### Chapter XIII DECISION

#### 1. Which authority shall issue a decision

#### **Article 207**

(1) On the basis of facts established in the procedure, the authority which is competent for deciding shall issue a decision on the case which is the subject of the procedure.

(2) All claims by the party shall be decided on by a decision, even if the procedure has been initiated *ex officio*.

(3) Where a collegiate authority decides on a case, it may decide when more than half of its members are present, and it shall adopt the decision by a majority of votes of the present members, unless a special majority is provided by an Act, an implementing regulation, a self-

izvrševanje javnih pooblastil ali na podlagi ustave ali zakona sprejetim poslovnikom določena posebna večina.

#### **208. člen**

Če je z zakonom ali z drugim predpisom, ki temelji na zakonu, določeno, da odloča o kakšni zadevi dvoje ali več organov, mora vsak od njih odločiti o tej zadevi. Ti organi pa se morajo sporazumeti, kateri izmed njih bo izdal odločbo; v odločbi mora biti naveden akt drugega organa.

#### **209. člen**

(1) Če je v zakonu ali odloku samoupravne lokalne skupnosti določeno, da odloča en organ v soglasju z drugim organom, se zahteva soglasje vnaprej tako, da organ, ki zahteva soglasje, sporoči drugemu organu, kakšen je zahtevk stranke, oziroma, če gre za postopek po uradni dolžnosti, kakšno odločbo namerava izdati, ter zahteva, da naj zaproseni organ svoje soglasje ali razloge za odklonitev soglasja pisno sporoči.

(2) Organ, ki izda odločbo, mora v svoji odločbi navesti akt, s katerim je drugi organ dal soglasje ali ga odrekel oziroma navesti, da drugi organ v predpisanem roku ni niti dal soglasja niti ga odrekel.

(3) Določba prvega odstavka tega člena velja tudi takrat, kadar je v zakonu predpisano, da odloča en organ z odobritvijo, potrditvijo ali dovoljenjem drugega organa ipd.

(4) Če je z zakonom ali odlokom samoupravne lokalne skupnosti določeno, da mora pristojni organ pred izdajo odločbe zahtevati mnenje drugega organa, sme izdati odločbo šele potem, ko dobi mnenje.

(5) Organ, čigar soglasje ali mnenje je potrebno za odločbo, mora dati soglasje oziroma mnenje najkasneje v 15 dneh od dneva, ko je bilo od njega to zahtevano. Če ta organ v tem roku ne sporoči organu, za

governing local community regulation, a general legal act issued in order to exercise public authority, or rules of procedure adopted on the basis of the Constitution or an Act.

#### **Article 208**

If an Act or other regulation based on an Act provides that two or more authorities decide on some case, each of them must decide on this case. These authorities must agree as to which of them is to issue the decision; the act of the other authority must be stated in the decision.

#### **Article 209**

(1) If an Act or a self-governing local community ordinance provides that an authority decides with the consent of another authority, consent shall be required in advance whereby the authority which requests consent informs the other authority about the claim of the party or, in the case of a procedure initiated *ex officio*, what decision it plans to issue, and requests that the requested authority communicate its consent or the reasons for refusal thereof in writing.

(2) The authority which issues the decision must state in its decision the act whereby the other authority has consented or denied its consent, or state that the other authority has neither consented nor refused consent in the prescribed time limit.

(3) The provision of paragraph two of this Article shall also apply where it is prescribed by an Act that one authority decides with consent, permission or confirmation of the other authority, etc.

(4) If an Act or a self-governing local community ordinance provides that prior to issuing a decision the competent authority must request the opinion of another authority, it may issue the decision only after receiving such opinion.

(5) The authority whose consent or opinion is necessary for the decision must give its consent or opinion within 15 days of the day this has been requested from it. If this authority does not inform the authority

katerega je določeno, da izda odločbo, niti da daje soglasje niti da ga odreka, se šteje, da je soglasje dal; če pa ne da nobenega mnenja, izda pristojni organ odločbo tudi brez mnenja.

## 2. Oblika, način izdaje in sestavni deli odločbe

### 210. člen

(1) Vsaka odločba mora biti označena kot taka. Izjemoma se lahko z zakonom ali odlokom samoupravne lokalne skupnosti določi, da je lahko odločba tudi drugače poimenovana.

(2) Odločba se izda pisno. Izjemoma se lahko v primerih, ki jih določa zakon, odloči tudi ustno.

(3) Pisna odločba obsega: uvod, naziv, izrek (dispozitiv), obrazložitev, pouk o pravnem sredstvu, ter, če se izda v fizični obliki, podpis uradne osebe in žig organa, oziroma če se izda v elektronski obliki, varna elektronska podpisa uradne osebe in organa, overjena s kvalificiranim potrdilom; če je varen elektronski podpis uradne osebe overjen s kvalificiranim potrdilom, ki vsebuje tudi navedbo organa, varen elektronski podpis organa ni potreben. V primerih, za katere tako določa zakon ali na podlagi zakona izdan predpis, posamezni deli v odločbi niso obvezni. Če se odločba izdelata samodejno, ima lahko namesto podpisa in žiga faksimile.

(4) Tudi če se odločba ustno razglasi, jo je treba izdati pisno.

(5) Odločbo je treba vročiti stranki v izvorniku.

### 211. člen

(1) Kadar gre za nujne ukrepe v javnem interesu po 4. točki prvega odstavka 144. člena tega zakona, lahko pristojni organ odloči tudi

which is to issue the decision of its consent or denial of consent, it shall be deemed that it has consented; however, if it does not give any opinion, the competent authority shall issue a decision without the opinion.

## 2. The form, manner of issuing and constituent parts of a decision

### Article 210

(1) Every decision must be indicated as such. An Act or a self-governing local community ordinance may exceptionally provide that a decision be given another name.

(2) A decision shall be issued in writing. In cases provided by an Act, an oral decision may exceptionally be reached.

(3) A written decision shall comprise: the introduction, the title, the operative part (disposition), the statement of grounds, the instruction on legal remedies and, if issued in paper form, the signature of the official person and stamp of the authority or, if issued in electronic form, the safe electronic signatures of the official person and authority, certified with a qualified certificate; if the safe electronic signature of the official person is certified with a qualified certificate including the indication of the authority, the safe electronic signature of the authority shall not be necessary. In cases provided by an Act or regulation issued based on an Act, single parts of a decision shall not be compulsory. If a decision is made automatically, it may include a facsimile instead of the signature and stamp.

(4) Even if a decision is pronounced orally, it must be issued in writing.

(5) A decision must be served on the party in the original.

### Article 211

(1) Where a case concerns emergency measures taken in the public interest pursuant to item four of paragraph one of Article 144 of this

ustno.

(2) Organ, ki po prejšnjem odstavku tega člena ustno odloči, lahko odredi, da se odločba takoj izvrši.

(3) Organ, ki je ustno odločil, mora stranki izdati pisno odločbo v osmih dneh od ustne odločitve.

## **212. člen**

(1) Uvod odločbe obsega: ime organa, ki odločbo izdaja, predpis o njegovi pristojnosti, način uvedbe postopka, osebno ime stranke in njenega morebitnega zakonitega zastopnika ali pooblaščenca ter na kratko označeno zadevo, za katero gre v postopku.

(2) Če izdaja odločbo dvoje ali več organov, ali pa jo izdaja en organ s soglasjem, poprejšnjim soglasjem, dovoljenjem, potrditvijo ipd. ali mnenjem drugega organa, je treba to navesti v uvodu; če pa je o zadevi odločil kolegijski organ, je treba v uvodu navesti dan seje, na kateri je bilo o zadevi odločeno.

## **213. člen**

(1) V izreku se odloči o predmetu postopka in o vseh zahtevkih strank.

(2) V izreku se lahko v skladu z zakonom določijo tudi pogoji ali nalogi, povezani z odločitvijo organa o predmetu postopka.

(3) Če se z odločbo naloži kakšno dejanje, se določi v izreku tudi, v katerem roku ga je treba opraviti.

(4) Kadar je predpisano, da pritožba ne zadrži izvršitve odločbe, mora biti to navedeno v izreku.

Act, the competent authority may also decide orally.

(2) The authority which has decided orally in accordance with the preceding paragraph may order the decision to be enforced immediately.

(3) The authority which has decided orally must issue to the party a written decision within eight days of reaching the oral decision.

## **Article 212**

(1) The introduction of a decision shall comprise: the name of the authority issuing the decision, the regulation which grants it authority, the manner in which the procedure has been initiated, the personal name of the party and their possible statutory representative or authorised person, and a short description of the case considered in the procedure.

(2) If a decision is issued by two or more authorities or if it is issued by one authority with the consent, previous consent, permission, confirmation, etc. or opinion of another authority, this must be stated in the introduction; if a collegiate authority has decided on the case, the date of the session at which the case has been decided must be stated in the introduction.

## **Article 213**

(1) The matter of the case in the procedure and all claims by the parties shall be decided in the operative part.

(2) In accordance with an Act, conditions or orders related to the decision of the authority on the matter of the case in the procedure may also be defined in the operative part.

(3) If some action is imposed through a decision, the time limit by which it is to be performed shall also be defined in the operative part.

(4) Where it is prescribed that an appeal does not stay the enforcement of a decision, this must be stated in the operative part.



(5) V izreku se odloči tudi o tem, ali so nastali stroški postopka. Uradna oseba določi njihov znesek, kdo jih mora plačati, komu in v katerem roku, ali navede, da bo o stroških postopka izdan poseben sklep.

(6) Izrek mora biti kratek in določen; če je potrebno, se lahko razdeli tudi na več točk.

#### **214. člen**

(1) Obrazložitev odločbe obsega:

1. razložitev zahtevkov strank in njihove navedbe o dejstvih;
2. ugotovljeno dejansko stanje in dokaze, na katere je le-to oprto;
3. razloge, odločilne za presojo posameznih dokazov;
4. navedbo določb predpisov, na katere se opira odločba;
5. razloge, ki glede na ugotovljeno dejansko stanje narekujejo takšno odločbo, in
6. razloge, zaradi katerih ni bilo ugodeno kakšnemu zahtevku strank.

(2) Če pritožba ne zadrži izvršitve odločbe, se je treba tudi v obrazložitvi sklicevati na predpis, ki to določa. V obrazložitvi odločbe morajo biti obrazloženi tudi tisti sklepi, zoper katere ni dovoljena pritožba.

(3) Če je v primeru iz prvega odstavka 209. člena tega zakona organ odrekel soglasje, mora obrazložitev odločbe vsebovati tudi razloge za to. Če razloge vsebuje akt, s katerim je organ odrekel soglasje, je dovolj, da se organ, ki izda odločbo, v obrazložitvi sklicuje na ta akt in ga priloži odločbi.

(4) V enostavnih zadevah, v katerih je udeležena samo ena stranka, in v enostavnih zadevah, v katerih sta v postopku udeleženi dve

(5) Whether costs of procedure have been incurred shall also be decided in the operative part. The official person shall define the amount thereof, who is to pay them, to whom and in what time limit, or state that a separate procedural decision shall be issued in relation to the costs of procedure.

(6) An operative part must be short and definitive; if necessary, it may be divided into several points.

#### **Article 214**

(1) The statement of grounds shall comprise the following:

1. an explanation of claims by the parties and their statements on facts;
2. the established facts of the case and evidence on which they are based;
3. the decisive reasons for the evaluation of single evidence;
4. an indication of the provisions of regulations on which the decision is based;
5. the reasons which, in view of the established facts of the case, dictate such a decision; and
6. the reasons for which certain claims by the parties have not been granted.

(2) If the appeal does not stay the enforcement of a decision, the statement of grounds must refer to the regulation which prescribes this. Procedural decisions against which no appeal is allowed must also be reasoned in the statement of grounds.

(3) If in the case referred to in paragraph one of Article 209 of this Act the authority has denied its consent, the statement of grounds of the decision must also include the reasons for this. If the reasons are included in the act whereby the authority has denied its consent, it shall be enough that the authority which issues a decision refers to this act in the statement of grounds and encloses it with the decision.

(4) In simple cases involving only one party and in simple cases involving two or more parties, where no party objects to the claim

stranki ali več, pa nobena ne ugovarja postavljenemu zahtevku in se zahtevku ugodi, lahko vsebuje obrazložitev odločbe samo kratko obrazložitev strankinega zahtevka in sklicevanje na pravne predpise, na podlagi katerih je bilo o zadevi odločeno. V takih zadevah se lahko izda odločba tudi na predpisanem obrazcu ali samodejno z uporabo informacijskega sistema.

(5) Če je pristojni organ po zakonu upravičen zadevo rešiti po prostem preudarku, mora v obrazložitvi poleg podatkov iz prvega odstavka tega člena navesti ta zakon in razloge, zakaj je tako odločil, in kako je uporabil obseg in namen prostega preudarka.

## **215. člen**

(1) S poukom o pravnem sredstvu se stranki sporoči, ali lahko vložijo zoper odločbo pritožbo ali pa začne upravni spor ali kakšen drug postopek pred sodiščem.

(2) Če je zoper odločbo dovoljena pritožba, je treba v pouku navesti, na koga se stranka lahko pritoži, pri kom in v katerem roku vložijo pritožbo in koliko znaša zanjo taksa ter da lahko poda pritožbo tudi na zapisnik pri organu, ki je odločbo izdal. Organ, pri katerem je potrebno vložiti pritožbo, mora biti naveden s polnim osebnim imenom in naslovom.

(3) Če je zoper odločbo mogoč upravni spor, je treba v pouku navesti, pri katerem sodišču lahko stranka vložijo tožbo in v katerem roku; če pa lahko začne kakšen drug postopek pred sodiščem, je treba v pouku navesti, na katero sodišče se lahko obrne in v katerem roku.

(4) Če je pouk v odločbi napačen, se lahko ravna vsaka stranka po veljavnih predpisih ali po pouku. Če se stranka ravna po napačnem pouku, ne more imeti to zanjo nobenih škodljivih posledic.

(5) Če odločba sploh nima pouka ali če je pouk nepopoln, se

established and the claim is granted, the statement of grounds of the decision may include only a short reasoning regarding the claim by the party and reference to the legal regulations on the basis of which the case has been decided. In such cases a decision may also be issued on a prescribed form or automatically through the electronic system.

(5) If the competent authority, pursuant to an Act, is empowered to decide on a case with discretion, it must state in the statement of grounds, in addition to the data referred to in paragraph two of this Article, the said Act and the reasons for its decision, as well as how it has used the scope and purpose of discretion.

## **Article 215**

(1) By the instruction on legal remedies the party shall be informed of whether they may file an appeal against the decision or initiate an administrative dispute or some other procedure in the courts.

(2) If an appeal is allowed against the decision, it shall be necessary to state in the instruction with which authority the party may file the appeal, with whom and in which time limit they should file the appeal and the amount of the fee to be paid, and that they may also put the appeal on the record of the authority which has issued the decision. The authority with which an appeal is to be filed must be stated with the full name and address.

(3) If an administrative dispute may be initiated against the decision, it must be stated in the instruction with which court the party may file an action and in which time limit; if they may initiate some other procedure before the court, it must be stated in the instruction to which court they may appeal and in which time limit.

(4) If the instruction included in the decision is incorrect, any party may proceed either by following the valid regulations or the instruction. If the party proceeds according to an incorrect instruction, this cannot entail for them any harmful consequences.

(5) If a decision does not include an instruction at all, or if the

stranka lahko ravna po veljavnih predpisih, lahko pa zahteva v osmih dneh od organa, ki je odločbo izdal, naj jo dopolni. V takem primeru teče rok za pritožbo oziroma za sodno tožbo od dneva vročitve dopolnjene odločbe.

(6) Kadar je zoper odločbo dovoljena pritožba, stranka pa je bila napačno poučena, da pritožba ni dovoljena ali da je mogoč zoper odločbo upravni spor, teče rok za pritožbo od dneva vročitve sodnega sklepa, s katerim je bila tožba zavržena kot nedovoljena, če ni stranka že prej vložila pritožbo na pristojni organ.

(7) Kadar zoper odločbo ni dovoljena pritožba, stranka pa je bila napačno poučena, da se zoper odločbo lahko pritoži, in je vložila pritožbo ter zato zamudila rok za upravni spor, ali za drugo sodno varstvo, ji teče ta rok od dneva vročitve odločbe, s katero je bila njena pritožba zavržena, če ni stranka že prej začela upravnega spora.

(8) Pouk o pravnem sredstvu kot poseben sestavni del odločbe sledi za obrazložitvijo.

#### **216. člen**

(1) Odločbo podpiše uradna oseba, ki jo izda. Odločbo podpiše tudi uradna oseba, ki je vodila postopek oziroma je pripravila osnutek odločbe.

(2) Odločbo, ki jo izda kolegijski organ, podpiše predsedujoči, če ni v tem zakonu, drugem predpisu ali na podlagi ustave ali zakona izdanem poslovniku drugače določeno.

#### **217. člen**

(1) Kadar gre za zadevo, ki se tiče večjega števila določenih

instruction is incomplete, the party may proceed following the valid regulations; they may also request in eight days that the authority which has issued the decision supplement it. In such case the time limit for filing an appeal or action shall begin to run from the day of the serving of the supplemented decision.

(6) Where an appeal is allowed against a decision, but the party has been incorrectly instructed that no appeal is allowed or that an administrative dispute may be filed against the decision, the time limit for the appeal shall begin to run from the day the rejection order was served, whereby a court has rejected the action as disallowed, if the party has not previously filed an appeal with the competent authority.

(7) Where no appeal is allowed against a decision, but the party has been incorrectly instructed that an appeal is allowed against the decision, and has filed the appeal but therefore missed the time limit for filing an administrative dispute or for other judicial protection, such time limit shall begin to run from the day of the serving of the decision whereby their appeal has been rejected, if the party has not previously initiated an administrative dispute.

(8) The instruction on legal remedies as a separate constituent part of a decision shall immediately follow the statement of grounds.

#### **Article 216**

(1) A decision shall be signed by the official person who issues it. The decision shall also be signed by the official person who has conducted the procedure or prepared the draft decision.

(2) A decision issued by a collegiate authority shall be signed by the presiding official, unless this Act, another regulation or rules of procedure issued on the basis of the Constitution or an Act provide otherwise.

#### **Article 217**

(1) Where the case concerns a large number of persons, a joint

oseb, se lahko izda za vse skupaj ena sama odločba; osebe morajo biti imenovane v izreku odločbe, v obrazložitvi pa morajo biti za vsako posamezno osebo navedeni razlogi, ki se nanašajo nanjo. Tako odločbo je treba vročiti vsaki od njih, razen v primeru iz 90. člena tega zakona.

(2) Če gre za zadevo, ki se tiče večjega števila oseb, ki organu niso znane, se lahko izda za vse skupaj ena sama odločba, ta pa mora vsebovati take podatke, da se da iz njih lahko ugotoviti, na katere osebe se odločba nanaša (na primer: prebivalci ali posestniki na določenem območju ipd.).

### **218. člen**

(1) Kadar se v zadevah manjšega pomena ugodi strankinemu zahtevku, pa se ne posega v javno korist ali v korist koga drugega, zadostuje, da ima odločba samo izrek v obliki uradnega zaznamka v zadevi.

(2) Taka odločba se praviloma sporoči stranki ustno, lahko pa se izda tudi pisno, če organ tako odloči ali če stranka to zahteva. Pisna odločba se lahko izda na predpisanem obrazcu ali samodejno z uporabo informacijskega sistema in praviloma nima obrazložitve, razen če je po naravi zadeve obrazložitev potrebna.

### 3. Delna, dopolnilna in začasna odločba

### **219. člen**

(1) Kadar se lahko odloča o kakšni zadevi po delih oziroma po posameznih zahtevkih, pa so posamezni deli oziroma zahtevki primerni za odločitev, lahko izda pristojni organ odločbo samo o teh delih oziroma zahtevkih (delna odločba).

(2) Delna odločba velja glede pravnih sredstev in glede izvršbe za samostojno odločbo.

decision may be issued for all of them: the persons must be named in the operative part of the decision, while in the statement of grounds the reasons relating to each individual person must be stated. Such a decision must be served on each party, except in the case referred to in Article 90 of this Act.

(2) If the case concerns a large number of persons with whom the authority is not familiar, a joint decision may be issued for all of them, which must include data from which it can be established to which persons the decision refers to (e.g. the inhabitants or possessors in a specified area, etc.).

### **Article 218**

(1) Where in cases of lesser importance a claim by the party is granted, and the public benefit or the benefit of someone else is thereby not infringed, it shall suffice for a decision to have the operative part only in the form of an official note in the case.

(2) Such a decision shall as a rule be communicated to the party orally, or it may also be issued in writing if the authority decides so or if the party requests so. A written decision may be issued on a prescribed form or automatically through the information system, and as a rule it shall not have the statement of grounds, unless the nature of the case requires it.

### 3. Partial, supplementary and temporary decision

### **Article 219**

(1) Where some case can be decided in parts or through single claims, but only some of the parts or claims are suitable for deciding, the competent authority may issue a decision on only these parts or claims (partial decision).

(2) In terms of legal remedies and enforcement, a partial decision shall be considered an individual decision.

## 220. člen

(1) Če pristojni organ ni z odločbo odločil o vseh vprašanjih, ki so bila predmet postopka, lahko izda na predlog stranke ali po uradni dolžnosti posebno odločbo o vprašanjih, ki v že izdani odločbi niso zajeta (dopolnilna odločba). Če se predlog stranke za dopolnilno odločbo zavrne, je zoper tako odločbo dovoljena pritožba.

(2) Če so bila v postopku ugotovljena vsa dejstva, pomembna za odločanje, se lahko izda dopolnilna odločba brez novega ugotovitvenega postopka.

(3) Dopolnilna odločba se šteje glede pravnih sredstev in izvršbe za samostojno odločbo.

(4) Vložitev zahteve za izdajo dopolnilne odločbe ni vezana na rok.

## 221. člen

(1) Če je glede na okoliščine primera neogibno potrebno, da se pred koncem postopka izda odločba, s katero se začasno uredijo posamezna vprašanja ali razmerja, se izda taka odločba na podlagi podatkov, ki obstajajo takrat, ko se izda. V taki odločbi mora biti izrecno navedeno, da je začasna.

(2) Začasno odločbo na predlog stranke lahko veže pristojni organ na pogoj, da stranka da zavarovanje za škodo, ki utegne nastati stranki z nasprotnim interesom zaradi izvršitve odločbe, če glavnemu zahtevku predlagatelja ne bi bilo ugodeno.

(3) Z odločbo, ki se izda o glavni zadevi po končanem postopku, se razveljavi začasna odločba, ki je bila izdana med postopkom.

## Article 220

(1) If the competent authority has not decided in a decision on all questions which have been the subject of the procedure, it may issue on the proposal of the party or *ex officio* a separate decision on the questions not included in the decision already issued (supplementary decision). If a party's proposal for a supplementary decision is dismissed, an appeal shall be allowed against the decision.

(2) If all facts relevant for the decision have been established in the procedure, a supplementary decision may be issued without a new fact-finding procedure.

(3) In terms of legal remedies and enforcement, a supplementary decision shall be considered an individual decision.

(4) The submitting of a request for the issuing of a supplementary decision shall not be bound by any time limit.

## Article 221

(1) If it is indispensable for a decision whereby single questions or relationships are temporarily regulated to be issued before the end of the procedure in view of the circumstances of the case, such decision shall be issued on the basis of the data that exist at the time of its issuing. It must be explicitly stated in such decision that it is temporary.

(2) The competent authority may tie a temporary decision issued on the proposal of the party to the condition that the party provide security for any damage that might occur to the opposing party due to the enforcement of the decision, if the main claim by the applicant is not granted.

(3) A temporary decision issued during the procedure shall be annulled by the decision on the main matter of the case issued after the end of the procedure.

(4) Začasna odločba se šteje glede pravnih sredstev in izvršbe za samostojno odločbo.

#### 4. Rok za odločbo

### 222. člen

(1) Kadar se začne postopek na zahtevo stranke oziroma po uradni dolžnosti, če je to v interesu stranke, pa pred odločitvijo ni potreben poseben ugotovitveni postopek, mora pristojni organ izdati odločbo in jo vročiti stranki čimprej, najpozneje pa v enem mesecu od dneva, ko je prejel popolno vlogo za začetek postopka, oziroma od dneva, ko je bil začet postopek po uradni dolžnosti. V drugih primerih, ko se začne postopek na zahtevo stranke oziroma po uradni dolžnosti, če je to v interesu stranke, mora pristojni organ izdati odločbo in jo vročiti stranki najpozneje v dveh mesecih.

(2) Če stranka vloži vlogo, ki je nepopolna in jo po pozivu dopolni, začne teči rok iz prejšnjega odstavka od dne, ko je organ prejel dopolnitev vloge.

(3) Rok iz prvega odstavka tega člena ne teče v času, ko je postopek prekinjen po 153. členu tega zakona, in v primerih iz desetega odstavka 82. člena tega zakona.

(4) Če pristojni organ, zoper katerega odločbo je dovoljena pritožba, ne izda odločbe in je ne vroči stranki v predpisanem roku, ima stranka pravico do pritožbe, kot da bi bil njen zahtevek zavržen.

#### 5. Popravljanje pomot v odločbi

### 223. člen

(4) In terms of legal remedies and enforcement, a temporary decision shall be considered an individual decision.

#### 4. Time limit for decision

### Article 222

(1) Where the procedure is initiated on the request of the party or *ex officio* if this is in the interest of the party, and before reaching a decision no special fact-finding procedure is necessary, the competent authority must issue a decision and serve it on the party as soon as possible or in one month at the latest from the day it received a complete application for initiating a procedure, or from the day when the procedure was initiated *ex officio*. In other cases in which the procedure is initiated on the request of the party or *ex officio* if this is in the interest of the party, the competent authority must issue a decision and serve it on the party in two months at the latest.

(2) If the party files an incomplete application and supplements it after being called to do so, the time limit referred to in the preceding paragraph shall begin to run from the day when the authority receives the supplement to the application.

(3) The time limit referred to in the preceding paragraph shall not run during the time in which a procedure is suspended in accordance with Article 153 of this Act and in cases referred to in paragraph ten of Article 82 of this Act.

(4) If the competent authority against whose decision an appeal is allowed fails to issue a decision and serve it on the party in due time, the party shall have the right of appeal as if their claim had been refused.

#### 5. Correction of errors in a decision

### Article 223

(1) Organ, ki je izdal odločbo, sme vsak čas popraviti pomote v imenih ali številkah, pisne ali računske pomote ter druge očitne pomote v odločbi. Popravek pomote ima pravni učinek od dneva, od katerega ima pravni učinek popravljena odločba. Popravek odločbe, ki je za stranko neugodna, pa učinkuje od dneva vročitve sklepa o popravku odločbe.

(2) O popravu pomote se izda sklep. Uradni zaznamek o popravu se zapiše na vse izvornike odločbe, če je to mogoče. Uradni zaznamek podpiše uradna oseba, ki je podpisala sklep o popravu.

(3) Zoper sklep, s katerim se že izdana odločba popravi ali s katerim se zavrne predlog za popravilo, je dovoljena pritožba.

#### 6. Dokončnost, pravnomočnost ter izvršljivost odločbe in sklepa

### 224. člen

(1) Odločba, ki se ne more več izpodbijati s pritožbo, je dokončna. Z dokončnostjo lahko stranka prične izvajati pravico, če zakon ne določa drugače.

(2) Odločba prve stopnje postane izvršljiva:

1. ko se vroči stranki, če pritožba ni dovoljena;
2. ko preteče rok za pritožbo, če pritožba ni bila vložena;
3. ko se vroči stranki, če pritožba ne zadrži izvršitve;
4. ko se pravici do pritožbe odpovedo vse stranke;
5. ko se stranki vroči odločba organa druge stopnje, s katero se pritožba zavrne, ali sklep s katerim se pritožba zavrne.

(1) The authority which has issued the decision may at any time correct errors in names or numbers, spelling or calculation and other obvious errors in the decision. The correction of an error shall take effect from the day when the corrected decision takes legal effect. However, the correction of a decision which is unfavourable to the party shall take effect from the day of the serving of the procedural decision on the correction of the decision.

(2) A procedural decision shall be issued on the correction of an error. An official note of correction shall be written on all the originals of the decision, if possible. The official note shall be signed by the official person who has signed the procedural decision on correction.

(3) An appeal shall be allowed against the procedural decision whereby a decision which has already been issued is corrected, or whereby the proposal for correction is refused.

#### 6. Administrative finality, finality and enforceability of decisions and procedural decisions

### Article 224

(1) A decision which can no longer be challenged by an appeal shall be administratively final. Upon such finality, a party may start to exercise a right, unless otherwise provided by an Act.

(2) A first instance decision shall become enforceable:

1. when it is served on the party, if no appeal is allowed;
2. when the time limit for appeal expires, if an appeal has not been filed;
3. when it is served on the party, if an appeal does not stay enforcement;
4. when all parties waive their right of appeal;
5. when the party is served a decision by the second instance authority dismissing an appeal, or a procedural decision whereby an appeal is rejected.

(3) Odločba druge stopnje, s katero je bila odločba prve stopnje nadomeščena, postane izvršljiva, ko se vroči stranki.

(4) Če je v odločbi določeno, da se dejanje, ki je predmet izvršbe, mora opraviti v določenem roku, postane odločba izvršljiva s pretekom tega roka. Če v odločbi ni določeno, v katerem roku je treba opraviti dejanje, postane odločba izvršljiva v 15 dneh od dneva, ko bi postala izvršljiva po pravilih drugega in tretjega odstavka, če ne bi bilo izpolnitvenega roka, razen če je določeno, da se izvrši takoj zaradi nujnih ukrepov.

(5) Če se odločba nanaša na dve stranki ali več, ki so v postopku udeležene z istovetnimi zahtevki, ovira pritožba vsake take stranke izvršljivost odločbe.

(6) Sklep, zoper katerega ni dovoljena pritožba, in sklep, zoper katerega je dovoljena pritožba, ki pa ne zadrži njegove izvršitve, postane izvršljiv, ko se sporoči oziroma vroči stranki.

(7) Kadar je z zakonom ali s sklepom določeno, da pritožba zadrži izvršitev sklepa, postane sklep izvršljiv, ko preteče rok za pritožbo, če se stranka ni pritožila; če pa se je pritožila, postane sklep izvršljiv, ko se stranki vroči sklep, s katerim je pritožba zavržena, ali odločba, s katero je pritožba zavrnjena.

(8) Glede izvršljivosti sklepa se smiselno uporabljajo določbe tega zakona.

#### **224.a člen**

(1) Če se pravici do pritožbe odpovedo vse stranke, ki so udeležene v postopku, postane odločba dokončna, ko se pritožbi odpove

(3) The second instance decision that replaces the first instance decision shall become enforceable when it is served on the party.

(4) If the decision provides that an action which is the subject of enforcement must be performed within a specified time limit, the decision shall become enforceable upon the expiry of such time limit. If the decision does not provide within which time limit the action is to be performed, it shall become enforceable within 15 days of the day it would have become enforceable according to the rules referred to in paragraphs two and three, had no time limit for the performance of an action been set, unless it is provided that it shall be enforced immediately due to emergency measures.

(5) If a decision refers to two or more parties participating in the procedure with identical claims, an appeal by any such party shall impede the enforceability of the decision.

(6) A procedural decision against which no appeal is allowed and a procedural decision against which an appeal is allowed but does not stay its enforcement shall become enforceable when it is communicated or served on the party.

(7) Where an Act or a procedural decision provides that an appeal does not stay enforcement of the procedural decision, the procedural decision shall become enforceable upon the expiry of the time limit for appeal, if the party has not filed an appeal; if they have filed an appeal, the procedural decision shall become enforceable when the party is served a procedural decision rejecting the appeal or a decision dismissing the appeal.

(8) The provisions of this Act shall apply *mutatis mutandis* to the enforceability of a procedural decision.

#### **Article 224a**

(1) If all the parties to the procedure waive the right of appeal, a decision shall become administratively final when the last party waives



zadnja stranka.

(2) Stranke iz prvega odstavka se lahko odpovedo pravici do pritožbe tudi glede posamezne točke izreka oziroma vsebinsko ločljivih delov izreka.

(3) V enostavnih upravnih zadevah in zadevah manjšega pomena iz tretjega odstavka 229.a člena tega zakona, ko se stranka odpove pritožbi pred vročitvijo, postane odločba dokončna z vročitvijo.

## **225. člen**

(1) Odločba, ki se ne more več izpodbijati v upravnem sporu ali v drugem sodnem postopku, pa je stranka z njo pridobila določene pravice oziroma so ji bile z njo naložene kakšne obveznosti, postane pravnomočna.

(2) Če se s pritožbo ali s tožbo izpodbijajo posamezne točke ali vsebinsko ločljivi deli izreka odločbe, lahko postanejo posamezne točke ali posamezni vsebinski deli izreka odločbe ali posameznih njenih točk, ki se ne izpodbijajo in medsebojno niso odvisni, dokončni ali pravnomočni.

(3) Če se odločba izpodbija v upravnem sporu ali drugem sodnem postopku, pa se s sodno odločbo ne odpravi oziroma razveljavi, postane pravnomočna tedaj, ko postane pravnomočna sodna odločba, s katero je bilo odločeno o njeni zakonitosti.

(4) Pravnomočno odločbo je mogoče odpraviti, razveljaviti ali spremeniti samo na podlagi pravnih sredstev, določenih z zakonom.

(5) Potrdilo o dokončnosti ali pravnomočnosti izda organ na zahtevo stranke ali organa v skladu z določili 180. člena tega zakona. Dopusten je popravek pomote na potrdilu glede dokončnosti ali pravnomočnosti. Organi od strank ne smejo zahtevati takšnega potrdila, temveč morajo, če je to potrebno, sami pridobiti od pristojnega organa podatek o dokončnosti ali pravnomočnosti.

the right of appeal.

(2) The parties referred to in paragraph one may also waive the right of appeal with regard to single points of the operative part or substantively separable parts of the operative part.

(3) In simple administrative cases and cases of minor importance referred to in paragraph three of Article 229a of this Act, when a party waives the right to appeal before being served, the decision shall become administratively final upon being served.

## **Article 225**

(1) A decision which can no longer be challenged in an administrative dispute or in other judicial procedures, and through which the party has acquired certain rights or has been imposed certain obligations, shall become final.

(2) If single points or substantively separable parts of the operative part of a decision are challenged by an appeal or action, single points or substantively separable parts of the operative part of the decision, or of single points thereof which are not challenged and which are not interdependent, may become administratively final or final.

(3) If a decision is challenged in an administrative dispute or in other judicial procedures and is not set aside or annulled by a court decision, it shall become final when the court decision which has decided on the legality of the decision becomes final.

(4) A final decision may be set aside, annulled or amended only on the basis of legal remedies provided by an Act.

(5) A certificate of administrative finality or finality shall be issued by the authority on the request of a party or an authority in accordance with the provisions of Article 180 of this Act. A correction of an error on the certificate regarding administrative finality or finality shall be allowed. The authorities may not request such a certificate from the parties but must, if necessary, obtain information on the administrative finality or finality from the competent authority themselves.

XIV. poglavje  
SKLEP

**226. člen**

(1) S sklepom se odloča o vprašanjih, ki se tičejo postopka.

(2) S sklepom se odloča tudi o tistih vprašanjih, ki se kot postranska vprašanja pojavijo v zvezi z izvedbo postopka in se o njih ne odloča z odločbo.

**227. člen**

(1) Sklep izda uradna oseba, ki opravlja dejanje postopka, pri katerem je nastalo vprašanje, ki je predmet sklepa, če ni s tem zakonom ali z drugimi predpisi drugače določeno.

(2) Če se s sklepom naloži kakšno dejanje, se določi tudi rok, v katerem ga je treba opraviti.

(3) Sklep se naznani prizadetim osebam ustno, pisno pa se izda, če ima stranka zoper sklep pravico pritožbe.

**228. člen**

Če je zoper sklep dovoljena pritožba, mora biti obrazložen in mora vsebovati pouk o pritožbi.

TRETJI DEL  
PРАВNA SREDSTVA

Chapter XIV  
PROCEDURAL DECISION

**Article 226**

(1) Questions relating to the procedure shall be decided by a procedural decision.

(2) Questions which are raised as secondary questions in connection with the conducting of a procedure and which are not decided by a decision shall also be decided by a procedural decision.

**Article 227**

(1) A procedural decision shall be issued by the official person who performs a procedural action in relation to which the question that is the subject of the procedural decision has arisen, unless otherwise provided by this Act or other regulations.

(2) If some action is imposed by a procedural decision, the time limit in which to perform such action shall also be determined.

(3) A procedural decision shall be communicated to the persons involved orally; if the party has the right to appeal against the procedural decision, it shall also be issued in writing.

**Article 228**

If an appeal is allowed against a procedural decision, the decision must be reasoned and include an instruction regarding appeals.

PART THREE  
LEGAL REMEDIES

XV. poglavje  
PRITOŽBA

1. Pravica pritožbe

**229. člen**

(1) Zoper odločbo, izdano na prvi stopnji, ima stranka pravico pritožbe. Pritožbo lahko vloži tudi vsaka druga oseba, če odločba posega v njene pravice ali pravne koristi, in sicer v roku, ki je določen za stranko.

(2) Če osebi, ki bi morala biti udeležena kot stranski udeleženec, ni bila vročena odločba, lahko v roku, ki ga ima stranka za vložitev pritožbe, zahteva vročitev odločbe in nato vloži pritožbo v enakem roku, kot je določen za stranko, če iz vseh okoliščin izhaja, da za izdajo odločbe ta oseba ni vedela oziroma iz okoliščin ni mogla sklepati, da je bila odločba izdana. Če pristojni organ ne ugodi zahtevi za vročitev odločbe, zahtevo s sklepom zavrže. Zoper ta sklep je dovoljena pritožba.

(3) Državni tožilec in državni pravobranilec, ki sta kot stranki sodelovala v postopku na prvi stopnji, lahko vložita pritožbo zoper odločbo, s katero je prekršen zakon v korist stranke in v škodo javnih koristi.

(4) Državni tožilec in državni pravobranilec lahko vložita pritožbo iz razlogov po prejšnjem odstavku tudi če nista sodelovala kot stranki v postopku na prvi stopnji, in sicer v istem roku kot bi jo lahko vložila stranka oziroma dokler se stranka ne odpove pravici do pritožbe.

**229.a člen**

Chapter XV  
APPEAL

1. Right of appeal

**Article 229**

(1) A party shall have the right of appeal against a decision issued at the first instance. An appeal may also be filed, in the time limit determined for the party, by any other person if the decision infringes on their rights or legal benefits.

(2) If a person who should have participated in the procedure as an accessory participant has not been served a decision, they may request the serving of the decision in the time limit determined for the party to file an appeal and subsequently file the appeal in the same time limit as determined for the party, if it arises from all circumstances that this person has not known about the issuing of the decision or that they could not conclude from the circumstances that the decision has been issued. If the competent authority does not grant the request for serving the decision, it shall reject the request by issuing a rejection order. An appeal shall be allowed against the rejection order.

(3) A State Prosecutor and State Attorney who have been parties to a procedure at the first instance may file an appeal against a decision through which an Act has been violated to the benefit of the party and to the detriment of the public benefit.

(4) A State Prosecutor and State Attorney may also file an appeal for reasons referred to in the preceding paragraph if they have not been parties to a procedure at the first instance, in the same time limit as an appeal could have been filed by the party or until the party waives the right of appeal.

**Article 229a**

(1) Stranka ali druga oseba, v katere pravice ali pravne koristi posega odločba se lahko v postopkih, ki se začno na zahtevo stranke, do poteka roka za pritožbo odpove pravici do pritožbe. Izjava o odpovedi pravici do pritožbe se da pisno ali ustno na zapisnik.

(2) Odpoved pravici do pritožbe je možna po vročitvi odločbe, če zakon ne določa drugače, sicer nima pravnega učinka.

(3) V enostavnih upravnih zadevah in zadevah manjšega pomena, v katerih je udeležena samo ena stranka, je odpoved pravici do pritožbe dopustna tudi pred vročitvijo odločbe.

(4) Odpoved pravici do pritožbe se ne more več preklicati, razen če je v primerih iz prejšnjega odstavka dana pred vročitvijo odločbe. Preklic izjave o odpovedi je dopusten do vročitve odločbe.

(5) Odpoved pravici do pritožbe učinkuje od dneva, ko organ dobi pisno izjavo oziroma ko stranka da izjavo ustno na zapisnik.

## 2. Pristojnost za odločanje o pritožbi

### **230. člen**

(1) Zoper odločbo, ki jo na prvi stopnji izda državni zbor, predstavniški organ samoupravne lokalne skupnosti ali vlada, ni pritožbe.

(2) Zoper odločbo, ki jo izda na prvi stopnji ministrstvo, je dovoljena pritožba samo takrat, kadar je to z zakonom določeno. Takšen zakon mora določiti tudi, kateri organ je pristojen za odločanje o pritožbi, sicer o pritožbi odloča vlada.

(1) A party or other person whose rights and legal benefits the decision interferes with may, in procedures initiated at the request of the party, waive the right of appeal until the expiry of the time limit for appeal. A statement waiving the right of appeal shall be given in writing or orally on the record.

(2) A waiver of the right of appeal shall be possible after the serving of the decision unless otherwise provided by an Act, or it shall not have legal effect.

(3) In simple administrative cases and cases of minor importance involving only one party, a waiver of the right of appeal shall also be allowed before the serving of the decision.

(4) It shall not be possible to withdraw a waiver of the right of appeal unless, in cases referred to in the preceding paragraph, it is presented before the decision is served. A withdrawal of the statement on the waiver shall be allowed until the serving of the decision.

(5) A waiver of the right of appeal shall have effect from the day when the authority receives a written statement or the party delivers a statement orally on the record.

## 2. Jurisdiction for deciding on appeals

### **Article 230**

(1) There shall be no appeal against a decision issued at first instance by the National Assembly, a representative authority of a self-governing local community or the Government.

(2) An appeal against a decision issued at the first instance by a ministry shall only be allowed when so provided by an Act. Such an Act must also define which authority has jurisdiction to decide on the appeal, otherwise the Government shall decide on the appeal.

### **231. člen**

(1) O pritožbi zoper odločbo, ki jo je izdala na prvi stopnji upravna enota, odloča stvarno pristojno ministrstvo.

(2) Če gre v primeru iz prejšnjega odstavka v odločbi za več upravnih zadev, za katere so stvarno pristojna različna ministrstva, odloča o vsakem delu odločbe stvarno pristojno ministrstvo.

### **232. člen**

O pritožbi zoper odločbo, ki jo je na prvi stopnji izdal nosilec javnega pooblastila, odloča organ, določen z zakonom. Če zakon ne določa, kateri organ je pristojen za odločanje o pritožbi, odloča o njej stvarno pristojno ministrstvo.

### **233. člen**

(1) O pritožbi zoper odločbo, ki jo je na prvi stopnji izdala uprava samoupravne lokalne skupnosti v upravni zadevi iz izvirne pristojnosti samoupravne lokalne skupnosti, in o pritožbi zoper odločbo, ki jo izda nosilec javnih pooblastil na podlagi predpisa sveta samoupravne lokalne skupnosti, odloča župan.

(2) O pritožbi zoper odločbo, ki jo je na prvi stopnji izdala uprava samoupravne lokalne skupnosti iz državne prenesene pristojnosti, odloča stvarno pristojno ministrstvo.

### **234. člen**

(1) O pritožbi zoper odločbo, izdano po 208. členu in prvem

### **Article 231**

(1) The ministry with subject matter jurisdiction shall decide on an appeal against a decision issued at first instance by an administrative unit.

(2) If in the case referred to in the preceding paragraph a decision concerns several administrative cases for which different ministries have subject matter jurisdiction, each part of the decision shall be decided by a ministry with subject matter jurisdiction.

### **Article 232**

The authority defined by an Act shall decide on the appeal against a decision issued at the first instance by a bearer of public authority. If an Act does not define which authority is competent for deciding on the appeal, the ministry with subject matter jurisdiction shall decide on it.

### **Article 233**

(1) The mayor shall decide on an appeal against a decision issued at the first instance by the administration of a self-governing local community in an administrative case falling under the original competence of a self-governing local community, and on an appeal against a decision issued by a bearer of public authority on the basis of a self-governing local community council regulation.

(2) The ministry with subject matter jurisdiction shall decide on an appeal against a decision issued at first instance by the administration of a self-governing local community with delegated state authority.

### **Article 234**

(1) The authority competent for deciding on an appeal against a

odstavku 209. člena tega zakona, odloča organ, ki je pristojen za odločanje o pritožbi zoper odločbo organa, ki je odločil (208. člen tega zakona) oziroma izdal odločbo (prvi odstavek 209. člena tega zakona). V delu, ki se nanaša na delo drugega organa, sme organ druge stopnje odločbo samo odpraviti, ne sme pa je nadomestiti s svojo odločbo. Nadomesti jo lahko le v soglasju z organom, ki bi bil pristojen za odločanje o pritožbi zoper odločbo organa, ki je sodeloval pri odločanju oziroma dal soglasje, dovoljenje itd.

(2) Če je organ, ki bi moral po prejšnjem odstavku odločiti o pritožbi, sodeloval pri odločanju na prvi stopnji v skladu z 208. členom in prvim odstavkom 209. člena tega zakona, je pritožba zoper odločbo dopustna, če je z zakonom določen poseben pritožbeni organ.

### 3. Rok za pritožbo

#### **235. člen**

(1) Pritožba se vloži v 15 dneh, če ni z zakonom drugače določeno.

(2) Pritožbeni rok se šteje za vsako osebo in vsak organ, ki se mu odločba vroči, od dneva vročitve odločbe.

(3) Rok za pritožbo zoper odločbo izdano po 211. členu tega zakona teče od dneva, ko je vročena pisna odločba.

(4) Oseba, ki ji odločba ni bila vročena, čeprav posega v njene pravice oziroma pravne koristi, lahko zahteva vročitev pod pogoji iz drugega odstavka 229. člena tega zakona.

(5) Če se stranka, ki ni bila udeležena v postopku, pritoži takrat, ko je pritožbeni rok že potekel za vse stranke, ki so bile udeležene v

decision of the authority which has decided on the case (Article 208 of this Act) or issued a decision (paragraph one of Article 209 of this Act) shall be competent for deciding on an appeal against a decision issued pursuant to Article 208 and paragraph one of Article 209 of this Act. In the part relating to the work of another authority, the second instance authority may only set aside a decision and may not replace it with its own decision. It may only replace it with the consent of the authority which would be competent for deciding on the appeal against a decision of the authority which has participated in deciding or given consent, permission, etc.

(2) If the authority which is to decide on the appeal pursuant to the preceding paragraph has participated in deciding at the first instance in accordance with Article 208 and paragraph one of Article 209 of this Act, an appeal against the decision shall be allowed if a separate appellate authority is defined by an Act.

### 3. Time limit for appeal

#### **Article 235**

(1) An appeal shall be filed within 15 days, unless otherwise provided by an Act.

(2) The time limit for an appeal shall be counted separately for each person and each authority which is served a decision from the day of serving of the decision.

(3) The time limit for an appeal against a decision issued pursuant to Article 211 of this Act shall run from the day when the written decision has been served.

(4) A person that has not been served a decision although it infringes on their rights or legal benefits may request service according to the conditions referred to in paragraph two of Article 229 of this Act.

(5) If a party that has not participated in the procedure files an appeal when the time limit for appeal has already expired for all parties

postopku ali so se stranke že odpovedale pravici do pritožbe, se pritožba obravnava kot predlog za obnovo postopka.

#### **236. člen**

(1) Dokler teče rok za pritožbo, se odločba ne more izvršiti. Če je pritožba po predpisih vložena, se odločba ne more izvršiti vse dotlej, dokler se odločba o pritožbi, s katero je bila pritožba zavržena ali zavrnjena ali izpodbijana odločba spremenjena, ne vroči stranki.

(2) Izjemoma se lahko izvrši odločba, zoper katero pritožbeni rok še teče, in odločba, zoper katero je vložena pritožba, če zakon tako določa, če gre za nujne ukrepe v javnem interesu, s katerimi ni mogoče odlašati (4. točka prvega odstavka 144. člena tega zakona) ali če bi zaradi odložitve izvršbe nastala za kakšno stranko nepopravljiva škoda. V zadnjem primeru se od stranke, v katere korist se opravi izvršba, lahko zahteva primerno zavarovanje in to zavarovanje postavi kot pogoj za izvršbo.

#### 4. Razlogi za pritožbo

#### **237. člen**

(1) Odločba se lahko izpodbija s pritožbo:

1. če je bil pri izdaji odločbe materialni predpis napačno uporabljen oziroma sploh ni bil uporabljen;
2. če je bilo dejansko stanje ugotovljeno nepopolno ali napačno;
3. **(črtana)**
4. če so podane kršitve pravil postopka.

(2) Za bistveno kršitev pravil upravnega postopka se v vsakem primeru šteje:

participating in the procedure, or the parties have already waived the right of appeal, the appeal shall be considered as a proposal for the reopening of the procedure.

#### **Article 236**

(1) Until the time limit for appeal has expired, a decision cannot be enforced. If an appeal is filed according to regulations, the decision cannot be enforced until the decision on the appeal by which the appeal has been rejected or dismissed, or the challenged decision amended, is served on the party.

(2) A decision against which the time limit for appeal has not yet expired and a decision against which an appeal has been filed may exceptionally be enforced if an Act so provides, if the case concerns emergency measures taken in the public interest which cannot be postponed (point four of paragraph one of Article 144 of this Act), or if some party may suffer irreparable damage due to the postponement of enforcement. In the latter case, the party to the benefit of which enforcement is carried out may be requested to provide appropriate security, and such security may be determined as a condition for enforcement.

#### 4. Reasons for appeal

#### **Article 237**

(1) A decision may be challenged by appeal:

1. if in issuing the decision a substantive regulation has been incorrectly applied or has not been applied at all;
2. if the facts of the case have been incompletely or incorrectly established;
3. **(Deleted)**
4. if violations of procedural provisions have occurred.

(2) In any case, the following shall be deemed substantial violations of administrative procedure rules:

1. če je odločbo izdal stvarno nepristojen organ;
2. če osebi, ki bi morala biti udeležena kot stranka ali stranski udeleženec v postopku, ta možnost ni bila dana, pa ne gre za primer iz drugega odstavka 229. člena, ali je nastopal nekdo, ki ne bi mogel biti stranka;
3. če stranki ali stranskemu udeležencu ni bila dana možnost, da se izjavi o dejstvih in okoliščinah, pomembnih za izdajo odločbe;
4. če stranke v skladu z zakonom ni zastopal zakoniti zastopnik oziroma, če pooblaščenec ni imel ustreznega pooblastila;
5. če so bile kršene določbe tega zakona o uporabi jezika v postopku;
6. če je pri odločanju ali vodenju postopka sodelovala oseba, ki bi po zakonu morala biti izločena;
7. če se odločbe ne da preizkusiti.

#### 5. Oblika in vsebina pritožbe

### 238. člen

(1) Pritožba se vloži pisno ali ustno na zapisnik.

(2) V pritožbi mora biti navedena odločba, ki se izpodbija, in pri tem označen organ, ki jo je izdal, ter njena številka in datum. Pritožnik mora v pritožbi navesti, zakaj izpodbija odločbo.

(3) V pritožbi lahko navaja pritožnik nova dejstva in nove dokaze, vendar pa mora obrazložiti, zakaj jih ni navedel že v postopku na prvi stopnji. Nova dejstva in novi dokazi se lahko upoštevajo kot pritožbeni razlogi le, če so obstojali v času odločanja na prvi stopnji in če jih stranka upravičeno ni mogla predložiti oziroma navesti na obravnavi.

(4) Če so v pritožbi navedena nova dejstva in novi dokazi in je v postopku udeleženih dvoje ali več strank z nasprotnimi interesi, je treba

1. if a decision has been issued by an authority without subject matter jurisdiction;
2. if a person who should have participated in the procedure as a party or accessory participant has not been given such possibility and the case does not involve the case referred to in paragraph two of Article 229, or if a person has participated who could not have been a party;
3. if the party or accessory participant has not been given the possibility to be heard on the facts and circumstances relevant for issuing the decision;
4. if the party, in accordance with an Act, has not been represented by a statutory representative or if the authorised person had not been granted the proper authorisation;
5. if the provisions of this Act on the use of language in procedures have been violated;
6. if in deciding or conducting the procedure a person has participated who should have been recused according to an Act;
7. if the decision cannot be examined.

#### 5. Form and contents of appeal

### Article 238

(1) An appeal shall be filed in writing or put orally on the record.

(2) The decision which is being challenged, the authority that has issued it and its number and date must be stated in the appeal. The appellant must state in the appeal why they are challenging the decision.

(3) The appellant may state new facts and new evidence in an appeal, however they must reason why they did not state them in the procedure at the first instance. New facts and new evidence may be considered as reasons for appeal only if they existed at the time of deciding at the first instance and if the party justifiably could not have submitted or stated them at the hearing.

(4) If new facts and new evidence are stated in an appeal and two or more parties with opposing interests participate in the procedure,



pritožbi priložiti še toliko prepisov, kolikor je takih strank.

## 6. Vložitev pritožbe

### 239. člen

(1) Pritožba se vloži pri organu, ki je izdal odločbo na prvi stopnji.

(2) Če je pritožba vložena pri organu druge stopnje, jo ta takoj pošlje organu prve stopnje.

(3) Pritožba, ki je bila vložena pri organu druge stopnje, je pravočasna, če jo je v roku prejel organ druge stopnje.

(4) Kadar stranka vloži pritožbo zato, ker organ prve stopnje o njeni zahtevi ni izdal odločbe (četrti odstavek 222. člena tega zakona), jo organ prve stopnje takoj pošlje organu druge stopnje, ki ravna po 255. členu tega zakona.

(5) Kadar stranka vloži pritožbo na podlagi tretjega odstavka 180.a člena tega zakona, jo organ prve stopnje takoj pošlje organu druge stopnje, ki smiselno ravna po 255. členu tega zakona.

## 7. Delo organa prve stopnje v zvezi s pritožbo

### 240. člen

(1) Organ prve stopnje preizkusi, ali je pritožba dovoljena in pravočasna in ali jo je vložila upravičena oseba.

the appeal must be accompanied by as many transcripts of the appeal as there are such parties.

## 6. Filing an appeal

### Article 239

(1) An appeal shall be filed with the authority which has issued the decision at the first instance.

(2) If the appeal is filed with a second instance authority, this authority shall immediately send it to the first instance authority.

(3) An appeal which has been filed with the second instance authority shall be deemed filed in due time, if the second instance authority has received it in due time.

(4) Where a party files an appeal because a first instance authority has not issued a decision concerning their request (paragraph four of Article 222 of this Act), the first instance authority shall send it immediately to the second instance authority, which shall proceed in accordance with Article 255 of this Act.

(5) Where a party files an appeal based on paragraph three of Article 180a of this Act, the first instance authority shall send it immediately to the second instance authority, which shall proceed in accordance with Article 255 of this Act.

## 7. Procedure of first instance authority in an appeal

### Article 240

(1) The first instance authority shall examine whether an appeal is allowed and submitted in due time, and whether it has been filed by an entitled person.

(2) Če pritožba ni dovoljena, če je prepozna ali če jo je vložila neupravičena oseba, jo organ prve stopnje zavrže s sklepom.

(3) Zoper sklep, s katerim je bila pritožba po prejšnjem odstavku zavržena, ima stranka pravico pritožbe. Če organ druge stopnje, ki odloča o pritožbi, spozna, da je pritožba utemeljena, odloči hkrati tudi o zavrženi pritožbi.

#### **241. člen**

(1) Če organ, ki je izdal odločbo, pritožbe ne zavrže po 240. členu tega zakona, jo pošlje morebitnim strankam z nasprotnimi interesi in jim določi rok, da se izrečejo o pritožbi in morebitnih novih dejstvih in dokazih. Rok ne sme biti krajši od osem dni in ne daljši od 15 dni.

(2) Odločbo po 242., 243. in 244. členu tega zakona lahko organ izda šele potem, ko prejme odgovor stranke z nasprotnimi interesi oziroma, ko se izteče rok za ta odgovor.

#### **242. člen**

(1) Če organ, ki je izdal odločbo, spozna, da je pritožba utemeljena, pa ni potreben nov ugotovitveni postopek, reši zadevo drugače in z novo odločbo nadomesti odločbo, ki se s pritožbo izpodbija.

(2) Zoper novo odločbo ima stranka pravico pritožbe. Ko organ prve stopnje prejme to pritožbo, mora takoj ravnati po prvem odstavku 245. člena tega zakona.

#### **243. člen**

(2) If the appeal is not allowed, if it is late, or if it has not been filed by an entitled person, the first instance authority shall reject it with a rejection order.

(3) The party shall have the right to appeal against the rejection order by which the appeal has been rejected in accordance with the preceding paragraph. If the second instance authority which decides on the appeal establishes that the appeal is well founded, it shall simultaneously decide on the rejected appeal.

#### **Article 241**

(1) If the authority which has issued the decision does not reject the appeal pursuant to Article 240 of this Act, it shall send it to any possible parties with opposing interests and determine for them a time limit to be heard on the appeal and on any new facts and evidence. The time limit may not be shorter than eight days and not longer than 15 days.

(2) A decision pursuant to Articles 242, 243 and 244 of this Act may be issued by the authority only after it receives a reply from a party with opposing interests, or after the time limit for the reply expires.

#### **Article 242**

(1) If the authority which has issued the decision establishes that the appeal is well founded, and there is no need to conduct a new fact-finding procedure, it shall resolve the case differently and replace the decision challenged by the appeal with a new decision.

(2) The party shall have the right to appeal against the new decision. When the first instance authority receives the appeal, it must immediately proceed according to paragraph one of Article 245 of this Act.

#### **Article 243**

(1) Če organ, ki je izdal odločbo, ob reševanju pritožbe spozna, da je bil izvedeni postopek nepopoln in da je to utegnilo vplivati na odločitev o zadevi, dopolni postopek.

(2) Organ, ki je izdal odločbo, dopolni postopek tudi tedaj, kadar navede pritožnik v pritožbi taka dejstva in take dokaze, zaradi katerih bi utegnila biti odločitev o zadevi drugačna, če bi morala biti pritožniku dana možnost udeležbe v postopku pred izdajo odločbe, pa mu ni bila dana, ali mu je bila dana, pa je ni izrabil, toda v pritožbi opravičil, zakaj tega ni storil.

(3) Glede na uspeh dopolnjenega postopka organ, ki je izdal odločbo, ravna po 245. členu tega zakona ali pa v mejah zahtevkov stranke zadevo drugače reši in z novo odločbo nadomesti odločbo, ki se izpodbija s pritožbo.

(4) Zoper novo odločbo ima stranka pravico pritožbe. Ko organ prve stopnje prejme to pritožbo, mora takoj ravnati po prvem odstavku 245. člena tega zakona.

#### **244. člen**

(1) Če je bila odločba izdana brez poprejšnjega posebnega ugotovitvenega postopka, čeprav je bil obvezen, ali če je bila odločba izdana, ne da bi bila stranki dana možnost, da bi se bila izjavila o dejstvih in okoliščinah, pomembnih za izdajo odločbe, čeprav je bilo to obvezno, in zahteva stranka v pritožbi, da se ji da ta možnost, mora organ prve stopnje ta postopek izvesti. Po izvedbi postopka organ ravna po 245. členu tega zakona ali pa zadevo drugače reši in z novo odločbo nadomesti odločbo, ki se izpodbija s pritožbo.

(2) Zoper novo odločbo ima stranka pravico pritožbe. Ko organ prve stopnje prejme to pritožbo, mora takoj ravnati po 245. členu tega zakona.

(1) If the authority which has issued the decision establishes in considering the appeal that the procedure which had been carried out was incomplete and that this could have affected the decision on the case, it shall supplement the procedure.

(2) The authority which has issued the decision shall also supplement the procedure when the appellant states in the appeal such facts and evidence that might entail a different decision on the case, if the appellant should have been given the possibility to participate in the procedure before the issuing of the decision, but this possibility was not given to them or it was given to them but they did not use it and have justified in the appeal why they had not done so.

(3) Concerning the success of the supplemented procedure, the authority which has issued the decision shall proceed pursuant to Article 245 of this Act, or shall resolve the case differently within the limits of the claims by the party, and shall replace the decision challenged by the appeal with a new decision.

(4) The party shall have the right to appeal against the new decision. When the first instance authority receives the appeal, it must immediately proceed pursuant to paragraph one of Article 245 of this Act.

#### **Article 244**

(1) If a decision has been issued without a previous special fact-finding procedure although this has been compulsory, or if a decision has been issued without giving the party the possibility to be heard on the facts and circumstances relevant for issuing the decision even though this was mandatory, and the party requests in the appeal that they be given this possibility, the first instance authority must carry out such a procedure. After carrying out the procedure, the authority shall proceed pursuant to Article 245 of this Act or shall resolve the case differently and replace the decision challenged by the appeal with a new decision.

(2) The party shall have the right to appeal against the new decision. When the first instance authority receives the appeal, it must immediately proceed pursuant to Article 245 of this Act.

## **245. člen**

(1) Če organ, ki je izdal odločbo, spozna, da je vložena pritožba dovoljena in pravočasna in da jo je vložila upravičena oseba, pa ne nadomesti izpodbijanje odločbe z novo odločbo, mora pritožbo brez odlašanja, najpozneje pa v 15 dneh od dneva, ko jo prejme oziroma po poteku roka iz 241. člena, poslati organu, ki je pristojen, da o njej odloči.

(2) Pritožbi mora priložiti vse dokumente, ki se tičejo zadeve.

### 8. Odločanje organa druge stopnje o pritožbi

## **246. člen**

(1) Če pritožba ni dovoljena, če je prepozna ali če jo je vložila neupravičena oseba, pa je iz teh razlogov ni zavrgel že organ prve stopnje, jo zavrže organ druge stopnje.

(2) Če organ druge stopnje pritožbe ne zavrže, vzame zadevo v reševanje.

(3) Organ druge stopnje lahko pritožbo zavrne, odločbo v celoti ali deloma odpravi ali jo spremeni ali jo izreče za nično.

(4) Organ druge stopnje pošlje pritožbo v odgovor morebitni stranki z nasprotnimi interesi in ji določi rok za odgovor, če tega ni storil že organ prve stopnje. Odločbo, s katero odpravi odločbo, lahko izda šele po prejemu odgovora oziroma po izteku roka za odgovor.

## **Article 245**

(1) If the authority which has issued the decision establishes that the appeal filed is allowed and submitted in due time, and that it has been filed by an entitled person, but does not replace the challenged decision with a new decision, it must send the appeal without delay, no later than in 15 days from the day when it receives it or after the expiry of the time limit referred to in Article 241, to the authority with jurisdiction to decide on it.

(2) It must enclose with the appeal all documents relating to the case.

### 8. Deciding on an appeal by a second instance authority

## **Article 246**

(1) If an appeal is not allowed, if it is late or has been filed by a person who is not entitled to do so, and it has not been rejected for these reasons by the first instance authority, it shall be rejected by the second instance authority.

(2) If the second instance authority does not reject an appeal, it shall take the case for consideration.

(3) The second instance authority may dismiss an appeal, set aside the decision entirely or partially, amend it or declare it void.

(4) The second instance authority shall send the appeal to a possible party with opposing interests for a response and determine for them a time limit for their response, if this has not been done by the first instance authority. It may issue a decision by which it sets aside the previous decision only after receiving the response or after the expiry of the time limit for a response.

#### **247. člen**

(1) Organ druge stopnje preizkusi odločbo v delu, v katerem jo pritožnik izpodbija.

(2) Organ druge stopnje preizkusi odločbo v mejah pritožbenih navedb, po uradni dolžnosti pa preizkusi, ali ni prišlo v postopku na prvi stopnji do bistvenih kršitev postopka in ali ni bil prekršen materialni zakon.

#### **248. člen**

(1) Organ druge stopnje zavrne pritožbo, če ugotovi, da je bil postopek pred odločbo pravilen, da je odločba pravilna in na zakonu utemeljena, pritožba pa neutemeljena.

(2) Organ druge stopnje zavrne pritožbo tudi tedaj, kadar spozna, da so bile v postopku na prvi stopnji sicer pomanjkljivosti, da pa niso bistvene.

(3) Če organ druge stopnje spozna, da je izrek v odločbi prve stopnje zakonit, vendar obrazložen z napačnimi razlogi, navede v svoji odločbi pravilne razloge, pritožbo pa zavrne.

#### **249. člen**

Če organ druge stopnje ugotovi, da se je zgodila v postopku na prvi stopnji nepravilnost, ki ima za posledico ničnost odločbe (279. člen tega zakona), izreče za nično odločbo, prav tako pa izreče za ničen tudi tisti del postopka, ki je bil opravljen potem, ko se je zgodila taka nepravilnost.

#### **Article 247**

(1) The second instance authority shall examine the decision in the part in which the appellant challenges it.

(2) The second instance authority shall examine the decision in the limits of the assertions stated in the appeal, and it shall examine *ex officio* whether substantial violations of procedure have occurred in the procedure at the first instance or whether substantive law has been violated.

#### **Article 248**

(1) The second instance authority shall dismiss an appeal if it establishes that the procedure preceding the decision was correct, that the decision is correct and based on an Act, and that the appeal is not well founded.

(2) The second instance authority shall also dismiss an appeal where it establishes that deficiencies have indeed occurred in the procedure at the first instance, but they were not substantial.

(3) If the second instance authority establishes that the operative part of a first instance decision is consistent with an Act but is reasoned with incorrect reasons, it shall state in its decision the correct reasons and dismiss the appeal.

#### **Article 249**

If the second instance authority establishes that incorrectness has occurred in the procedure at the first instance which entails the voidness of the decision (Article 279 of this Act), it shall declare the decision void and shall also declare void the part of the procedure that was carried out after such an incorrectness had occurred.

## 250. člen

Če organ druge stopnje ugotovi, da je izdal odločbo prve stopnje nepristojen organ, jo odpravi po uradni dolžnosti in pošlje zadevo v rešitev pristojnemu organu.

## 251. člen

(1) Kadar organ druge stopnje ugotovi, da so bila v postopku na prvi stopnji nepopolno ali zmotno ugotovljena dejstva, da je v postopku prišlo do bistvenih kršitev pravil postopka oziroma, da je izrek izpodbijane odločbe nejasen ali pa v nasprotju z obrazložitvijo, dopolni postopek in odpravi omenjene pomanjkljivosti bodisi sam bodisi po organu prve stopnje ali pa po zaprosenem organu.

(2) Če organ druge stopnje spozna, da je treba na podlagi dejstev, ugotovljenih v dopolnilnem postopku, zadevo rešiti drugače, kot je bila rešena z odločbo prve stopnje, odpravi odločbo prve stopnje in s svojo odločbo sam reši zadevo.

(3) Če organ druge stopnje spozna, da bo pomanjkljivosti postopka na prvi stopnji hitreje in bolj ekonomično odpravil organ prve stopnje, odpravi odločbo prve stopnje s svojo odločbo in vrne zadevo organu prve stopnje v ponovni postopek. V takem primeru je organ druge stopnje dolžan s svojo odločbo opozoriti organ prve stopnje, glede česa je treba dopolniti postopek, organ prve stopnje pa mora vseskozi ravnati po tej odločbi in brez odlašanja, najpozneje pa v 30 dneh od prejema zadeve, izdati novo odločbo. Zoper novo odločbo ima stranka pravico pritožbe.

(4) Če organ prve stopnje ob ponovnem odločanju ne sledi opozorilom o potrebni dopolnitvi postopka in ne ravna v skladu z odločbo organa druge stopnje, ta ob ponovni obravnavi pritožbe sam reši zadevo.

## Article 250

If the second instance authority establishes that the first instance decision was issued by an authority without jurisdiction, it shall set it aside *ex officio* and send the case to the authority with jurisdiction to be resolved.

## Article 251

(1) Where the second instance authority establishes that facts have been incompletely or erroneously established in the procedure at the first instance, that substantial violations of procedure have occurred in the procedure, or that the operative part of the challenged decision is unclear or contrary to the reasoning, it shall supplement the procedure and remedy the aforementioned deficiencies either by itself, through the first instance authority, or through the requested authority.

(2) If the second instance authority establishes that in accordance with the facts established in the supplemented procedure the case should have been resolved differently from how it was resolved by the first instance decision, it shall set aside the first instance decision and resolve the case through its own decision.

(3) If the second instance authority establishes that the deficiencies that occurred during the first instance procedure can be remedied faster and more economically by the first instance authority, it shall set aside the first instance decision and remand the case to the first instance authority for a new procedure. In this case, the second instance authority must caution the first instance authority in its decision in which aspects the procedure must be supplemented, and the first instance authority must proceed at all times following this decision and issue a new decision without delay, in 30 days at the latest from receiving the case. The party shall have the right of appeal against this new decision.

(4) If in deciding again the first instance authority fails to follow the instructions on the necessary supplementation of the procedure and fails to proceed in accordance with the decision of the second instance

Organ druge stopnje lahko zaradi ekonomičnosti in hitrosti postopka naloži organu prve stopnje, da v določenem roku opravi posamezna procesna dejanja in mu pošlje zbrane podatke.

#### **252. člen**

(1) Če organ druge stopnje ugotovi, da so bili v odločbi prve stopnje zmotno presojeni dokazi, da je bil iz ugotovljenih dejstev napravljen napačen sklep glede dejanskega stanja ali da je bil napačno uporabljen pravni predpis, na podlagi katerega je bilo odločeno o zadevi, ali če spozna, da bi bilo treba po prostem preudarku izdati drugačno odločbo, odpravi odločbo prve stopnje s svojo odločbo in sam reši zadevo.

(2) Če organ druge stopnje ugotovi, da je odločba glede ugotovljenih dejstev in glede uporabe zakona pravilna, da pa se da namen, zaradi katerega je bila odločba izdana, doseči tudi z drugimi, za stranko ugodnejšimi sredstvi, spremeni odločbo prve stopnje v tem smislu.

#### **253. člen**

(1) Da bi se zadeva pravilno rešila, sme organ druge stopnje ob reševanju pritožbe v mejah zahtevka, ki je bil postavljen v postopku na prvi stopnji, s svojo odločbo odpraviti odločbo in rešiti zadevo v korist pritožnika v obsegu, ki presega meje preizkusa iz 247. člena tega zakona, če se s tem ne posega v pravico koga drugega.

(2) Z enakim namenom lahko organ druge stopnje v obsegu, ki presega meje preizkusa iz 247. člena tega zakona, spremeni odločbo v škodo pritožnika, vendar samo iz razlogov, ki so določeni v 274., 278. in 279. členu tega zakona.

authority, the latter shall resolve the case by itself after considering the appeal again. The second instance authority may, for reasons of economy and speed of procedure, impose on the first instance authority the performance of certain procedural actions in a specified time limit and send it the data gathered.

#### **Article 252**

(1) If the second instance authority establishes that evidence has been erroneously evaluated in a first instance decision, that an incorrect conclusion concerning the facts of the case has been drawn from the established facts, or that a legal regulation has been incorrectly applied, on the basis of which the case has been decided, or if it establishes that using discretion a different decision should have been issued, it shall set aside the first instance decision by its own decision and resolve the case by itself.

(2) If the second instance authority establishes that a decision is correct concerning the established facts and the Act applied, but that the purpose for which the decision has been issued can be achieved by other means more favourable to the party, it shall amend the first instance decision in this sense.

#### **Article 253**

(1) In order for a case to be correctly resolved, the second instance authority may in deciding on the appeal within the limits of the claim set during the first instance procedure set aside a decision by its own decision, and may resolve the case to the benefit of the appellant in the extent which exceeds the limits of examination referred to in Article 247 of this Act, if this does not infringe on a right of some other person.

(2) For the same purpose, the second instance authority may amend a decision to the detriment of the appellant in the extent that exceeds the limits of examination referred to in Article 247 of this Act, but only for the reasons referred to in Articles 274, 278 and 279 of this Act.

## 254. člen

(1) Določbe tega zakona, ki se nanašajo na odločbo, se smiselno uporabljajo tudi za odločbo o pritožbi.

(2) V obrazložitvi odločbe druge stopnje se morajo presoditi vse pritožbene navedbe. Če je že organ prve stopnje v obrazložitvi svoje odločbe pravilno presodil navedbe, ki se uveljavljajo v pritožbi, se lahko organ druge stopnje sklicuje na razloge iz prve odločbe.

9. Pritožba, če odločba prve stopnje ni bila izdana

## 255. člen

(1) Če se je stranka pritožila zato, ker o njeni zahtevi organ prve stopnje ni izdal odločbe (četrti odstavek 222. člena tega zakona) zahteva organ druge stopnje, naj mu organ prve stopnje sporoči, zakaj odločbe ni pravočasno izdal. Če spozna, da odločba iz opravičenih razlogov oziroma iz razlogov, ki so na strani stranke, ni bila pravočasno izdana, podaljša organu prve stopnje rok za odločbo za toliko časa, kolikor je trajal razlog za zamudo, vendar ne več kot za en mesec.

(2) Če razlogi, zaradi katerih odločba ni bila pravočasno izdana, niso opravičeni, zahteva organ druge stopnje, naj mu organ prve stopnje pošlje dokumente zadeve.

(3) Če lahko organ druge stopnje reši zadevo po dokumentih, izda svojo odločbo; če je ne more rešiti na ta način, pa opravi postopek in nato s svojo odločbo reši zadevo. Le izjemoma, če spozna, da bo postopek hitreje in bolj ekonomično izvedel organ prve stopnje, naloži njemu, naj to stori in mu v določenem roku pošlje zbrane podatke, nakar sam reši zadevo. Taka odločba je dokončna.

## Article 254

(1) The provisions of this Act relating to decisions shall also apply *mutatis mutandis* to decisions on appeals.

(2) All assertions of the appeal must be evaluated in the statement of grounds of a second instance decision. If the first instance authority has correctly evaluated the assertions stated in the appeal in the statement of grounds of its decision, the second instance authority may refer to the reasons stated in the first decision.

9. Appeal if a first instance decision has not been issued

## Article 255

(1) If the party has appealed because the first instance authority has not issued a decision concerning their request (paragraph four of Article 222 of this Act), the second instance authority shall require the first instance authority to inform it as to why it has not issued the decision in due time. If it establishes that the decision has not been issued in due time for justified reasons or for reasons on the side of the party, it shall extend to the first instance authority the time limit for the decision by the amount of time equal to the amount of time that the reason for the delay has lasted, but for not more than one month.

(2) If the reasons for which a decision has not been duly issued are not justified, the second instance authority shall require the first instance authority to send it the files of the case.

(3) If the second instance authority can resolve the case through the files, it shall issue its own decision; if it cannot resolve it in such a manner, it shall conduct a procedure and subsequently decide on the case through its own decision. Only exceptionally, if it establishes that a procedure can be carried out faster and more economically by the first instance authority, it shall impose on it the duty to do so and send it the gathered data in a specified time limit, after which it shall resolve the case



## 10. Rok za odločbo o pritožbi

### **256. člen**

(1) Odločba o pritožbi mora biti izdana in vročena stranki, brž ko je to mogoče, najpozneje pa v dveh mesecih od dneva, ko je organ prejel popolno pritožbo. Če je pritožba nepopolna in jo pritožnik po pozivu dopolni, začne teči rok za izdajo odločbe tedaj, ko organ prejme dopolnitev pritožbe.

(2) Rok iz prvega odstavka tega člena ne teče v času, ko je postopek prekinjen po 153. členu tega zakona, in v primerih iz desetega odstavka 82. člena tega zakona.

(3) Če stranka umakne pritožbo, se pritožbeni postopek s sklepom ustavi.

## 11. Vročitev odločbe druge stopnje

### **257. člen**

(1) Organ, ki je odločil o zadevi na drugi stopnji, pošlje praviloma svojo odločbo obenem z dokumenti zadeve organu prve stopnje, ki mora odločbo vročiti strankam v osmih dneh od dneva, ko prejme dokument.

(2) Organ druge stopnje lahko tudi sam vroči odločbo strankam, če meni, da je to potrebno.

## 12. Pritožba zoper sklep

by itself. Such decision shall be administratively final.

## 10. Time limit for deciding on appeals

### **Article 256**

(1) A decision on an appeal must be issued and served on the party as soon as possible, and in two months at the latest from the day the authority received the complete appeal. If the appeal is incomplete and if the appellant supplements it on request, the time limit for issuing the decision shall start on the day when the authority receives the supplement to the appeal.

(2) The time limit referred to in the preceding paragraph shall not run when the procedure is suspended pursuant to Article 153 of this Act, and in cases referred to in paragraph ten of Article 82 of this Act.

(3) If the party withdraws the appeal, the appellate procedure shall be stayed by a procedural decision.

## 11. Serving of second instance decisions

### **Article 257**

(1) The authority which has decided on the case at the second instance shall, as a rule, send its decision together with the files of the case to the first instance authority, which must serve the decision on the parties within eight days of the day of receiving the document.

(2) The second instance authority may serve a decision on the parties also by itself, if it finds this necessary.

## 12. Appeal against procedural decisions

## 258. člen

(1) Zoper sklep je dovoljena pritožba samo takrat, kadar je z zakonom izrecno tako določeno. Tak sklep mora biti obrazložen in vsebovati tudi pouk o pritožbi.

(2) Pritožba zoper sklep ni dovoljena, če ni dovoljena pritožba zoper odločbo organa, ki je sklep izdal.

(3) Pritožba se vloži v enakem roku, na enak način in na isti organ kot pritožba zoper odločbo.

(4) Sklepe, zoper katere ni dovoljena pritožba, lahko izpodbijajo prizadete osebe v pritožbi zoper odločbo razen, če je pritožba zoper sklep s tem zakonom izključena.

(5) Pritožba ne zadrži izvršitve sklepa razen, če je z zakonom ali s samim sklepom drugače določeno.

## 259. člen

(1) Glede dela organa prve stopnje v zvezi s pritožbo zoper sklep in glede odločanja organa druge stopnje o tej pritožbi se smiselno uporabljajo določbe o pritožbi zoper odločbo.

(2) Določba prejšnjega odstavka ne velja za sklep, s katerim se zavrže pritožba.

## Article 258

(1) An appeal shall be allowed against a procedural decision only where an Act expressly provides so. Such procedural decision must be reasoned and also include an instruction on appeals.

(2) An appeal against a procedural decision shall not be allowed if no appeal is allowed against a decision of the authority which has issued the procedural decision.

(3) The appeal shall be filed in the same time limit, in the same manner, and with the same authority as an appeal against a decision.

(4) Procedural decisions against which no appeal is allowed may be challenged by the affected persons in an appeal against a decision, unless an appeal against a procedural decision is excluded pursuant to this Act.

(5) An appeal shall not stay the enforcement of a procedural decision, unless otherwise provided by an Act or the procedural decision itself.

## Article 259

(1) Regarding the activities of the first instance authority concerning appeals against procedural decisions and the deciding of the second instance authority on such appeals, the provisions on appeals against decisions shall apply *mutatis mutandis*.

(2) The provisions referred to in the preceding paragraph shall not apply to a procedural decision by which an appeal is rejected.

## 1. Obnova postopka

### 260. člen

Postopek, ki je končan z odločbo, zoper katero v upravnem postopku ni rednega pravnega sredstva (odločba, dokončna v upravnem postopku) se obnovi:

1. če se zve za nova dejstva ali se najde ali pridobi možnost uporabiti nove dokaze, ki bi bili mogli sami zase ali v zvezi z že izvedenimi in uporabljenimi dokazi pripeljati do drugačne odločbe, če bi bila ta dejstva oziroma dokazi navedeni ali uporabljeni v prejšnjem postopku;
2. če je bila odločba izdana na podlagi ponarejene listine ali krive izpovedbe priče ali izvedenca ali kot posledica kakšnega dejanja, ki je kaznivo po kazenskem zakonu;
3. če temelji odločba na sodbi, pa je sodba pravnomočno spremenjena, razveljavljena ali odpravljena;
4. če se odločba organa, ki je vodil postopek, opira na kakšno predhodno vprašanje, pa je pristojni organ pozneje to vprašanje v bistvenih točkah drugače rešil;
5. če je bila izdana za stranko ugodna odločba na podlagi njenih neresničnih navedb;
6. če je pri izdaji odločbe sodelovala uradna oseba, ki bi morala biti po zakonu izločena;
7. če je izdala odločbo uradna oseba pristojnega organa, ki je ni imela pravice izdati;
8. če kolegijski organ, ki je izdal odločbo, ni odločal v sestavi kot je predpisana z veljavnimi predpisi, ali če za odločbo ni glasovala predpisana večina;
9. če osebi, ki bi morala biti udeležena v postopku kot stranka ali stranski udeleženec, pa ne gre za primer iz drugega odstavka 229. člena, ni bila dana možnost udeležbe v postopku;
10. če stranke ni zastopal tisti, ki jo po zakonu lahko zastopa, če stranke ni zastopal zakoniti zastopnik, po zakonu pa bi jo bil moral zastopati

## 1. Reopening of procedure

### Article 260

A procedure which ended with a decision against which there is no ordinary legal remedy in an administrative procedure (final decision in an administrative procedure) shall be reopened:

1. if new facts are discovered, or if the possibility to present new evidence is found or obtained, which alone or in connection with the evidence already demonstrated and presented could have led to a different decision, if these facts or evidence had been stated or presented in the previous procedure;
2. if the decision has been issued on the basis of a forged document or perjury of a witness or expert witness, or as a consequence of some action punishable according to the Criminal Code;
3. if the decision is based on a judicial decision, but the judicial decision has been amended, annulled or set aside with finality;
4. if a decision of the authority which has conducted the procedure is grounded on some preliminary question, but the competent authority has subsequently resolved the question differently concerning its essential points;
5. if a decision which is favourable for the party has been issued on the basis of their false statements;
6. if an official person who should have been recused pursuant to an Act has participated in issuing the decision;
7. if the decision has been issued by an official person of the competent authority who has not been empowered to do so;
8. if the collegiate authority which has issued a decision has not decided in the composition prescribed by valid regulations, or if the decision has not been voted on by the required majority;
9. if a person that should have participated in the procedure as a party or accessory participant has not been given the possibility to participate in the procedure, and it is not a case referred to in paragraph two of Article 229;
10. if a party has not been represented by a person who may represent it according to an Act, if a party has not been represented by a

ali če pooblaščenec stranke ni imel pooblastila, razen če je stranka kasneje odobrila procesna dejanja.

## 261. člen

(1) Obnovo upravnega postopka lahko predlaga stranka; organ, ki je izdal odločbo, na katero se obnovitveni razlog nanaša, pa lahko začne obnovo postopka po uradni dolžnosti.

(2) Zaradi okoliščin iz 1., 6., 7. in 8. točke 260. člena tega zakona sme stranka predlagati obnovo postopka le, če v končanem prejšnjem postopku brez svoje krivde ni mogla navesti okoliščin, zaradi katerih predlaga obnovo.

(3) Iz razloga navedenega v 9. točki 260. člena tega zakona se ne more predlagati obnove postopka, če gre za primer iz drugega odstavka 229. člena tega zakona.

(4) Iz razlogov, ki so navedeni v 6. do 9. točki 260. člena tega zakona, stranka ne more predlagati obnove postopka, če je tak razlog brez uspeha uveljavljala že v končanem prejšnjem postopku.

(5) Državni tožilec in državni pravobranilec lahko predlagata obnovo postopka ob enakih pogojih kot stranka, če odločba posega v javne koristi.

## 262. člen

Če je bila odločba, glede katere se predlaga obnova upravnega postopka, predmet upravnega spora, se sme dovoliti obnova samo zaradi tistih dejstev, ki jih je organ ugotovil v prejšnjem upravnem postopku, ne pa tudi zaradi tistih dejstev, ki jih je ugotovilo sodišče v svojem postopku.

statutory representative although they should have been represented by one according to an Act, or if the authorised person of the party has not been granted authorisation, unless the party has subsequently approved the procedural actions.

## Article 261

(1) The reopening of an administrative procedure may be requested by a party; however, the authority which has issued the decision to which the request for reopening applies may commence the reopening of the procedure *ex officio*.

(2) A party may request the reopening of a procedure based on the circumstances referred to in points one, six, seven and eight of Article 260 of this Act only if they have not been able to state the circumstances which are the basis for their request of a reopening in the previous completed procedure, through no fault of their own.

(3) The reopening of a procedure cannot be requested for the reason referred to in point nine of Article 260 of this Act if this involves a case referred to in paragraph two of Article 229 of this Act.

(4) A party cannot request the reopening of a procedure for the reasons referred to in points six to nine of Article 260 of this Act if the reason has been asserted without success in a previous completed procedure.

(5) The State Prosecutor and the State Attorney may request the reopening of a procedure under the same conditions as the party if a decision infringes on public benefits.

## Article 262

If a decision concerning the reopening of an administrative procedure has been subject to an administrative dispute, reopening may be allowed only on the basis of the facts which the authority has established in the previous administrative procedure, and not also with regard to facts which a court has established in its own procedure.

## 263. člen

(1) Stranka lahko predlaga obnovo postopka samo v enem mesecu, in sicer:

1. v primeru iz 1. točke 260. člena – od dneva, ko je mogla navesti nova dejstva oziroma uporabiti nove dokaze;
2. v primeru iz 2. in 3. točke 260. člena – od dneva, ko je zvedela za pravnomočno sodbo, če postopka ni mogoče izvesti, pa od dneva, ko je zvedela za ustavitev tega postopka ali za okoliščine, zaradi katerih se postopek ne more začeti;
3. v primeru iz 4. točke 260. člena – od dneva, ko je mogla uporabiti novi akt (sodbo, odločbo);
4. v primeru iz 5., 6., 7. in 8. točke 260. člena – od dneva, ko je zvedela za obnovitveni razlog;
5. v primeru iz 9. točke 260. člena – od dneva ko je izvedela, da je bila odločba izdana;
6. v primeru iz 10. točke 260. člena – od dneva, ko je bila odločba izdana.

(2) Na rok iz prejšnjega odstavka je vezan tudi organ, če začne obnovo po uradni dolžnosti, rok v primeru iz 1. točke 260. člena začne teči za organ od dneva, ko za odločanje o obnovi pristojni organ zve za nova dejstva oziroma nove dokaze. Enak rok pa velja za organ tudi v primeru iz 5. točke 260. člena.

(3) Če bi rok, ki je določen v prejšnjem odstavku, začel teči prej, preden bi postala odločba v upravnem postopku dokončna, se šteje ta rok od dneva, ko postane odločba dokončna, oziroma od dneva, ko je vročena dokončna odločba pristojnega organa.

(4) Po preteku treh let od dokončnosti odločb se obnova ne more več predlagati in tudi ne uvesti po uradni dolžnosti.

## Article 263

(1) The party may request the reopening of a procedure only within one month, as follows:

1. in the case referred to in point one of Article 260 – from the day when they could have stated new facts and presented new evidence;
2. in the case referred to in points two and three of Article 260 – from the day when they have learned of a final judicial decision; and if a procedure cannot be carried out, from the day when they have learned of the staying of this procedure or of the circumstances due to which a procedure cannot be initiated;
3. in the case referred to in point four of Article 260 – from the day when they could have applied the new act (judicial decision, decision);
4. in the case referred to in points five, six, seven and eight of Article 260 – from the day when they have learned of a reason for reopening;
5. in the case referred to in point nine of Article 260 – from the day when they have learned that the decision has been issued;
6. in the case referred to in point ten of Article 260 – from the day when the decision has been issued

(2) The time limit referred to in the preceding paragraph shall also bind the authority if it commences the reopening *ex officio*; the time limit for the authority referred to in point one of Article 260 shall begin on the day when the authority competent for deciding on the reopening learns of new facts or new evidence. The same time limit shall also apply for the authority in the case referred to in point five of Article 260.

(3) If the time limit laid down in the preceding paragraph starts before a decision would become final in an administrative procedure, this time limit shall be counted from the day when the decision becomes administratively final or from the day when the administratively final decision of the competent authority is served.

(4) Reopening cannot be requested, or commenced *ex officio*, after three years have elapsed from the administrative finality of decisions.

(5) Izjemoma se lahko predlaga oziroma začne obnova tudi po preteku treh let, vendar samo iz razlogov, ki so navedeni v 2., 3. in 4. točki 260. člena tega zakona.

#### **264. člen**

Preden izda sklep o obnovi upravnega postopka zaradi razlogov, navedenih v 2. točki 260. člena tega zakona, mora uradna oseba zahtevati od organa, pristojnega za kazenski pregon, obvestilo o tem, ali je kazenski postopek ustavljen oziroma ali so okoliščine, zaradi katerih postopka ni mogoče začeti. Uradni osebi takšnega obvestila ni treba zahtevati, če je kazenski pregon zastaral ali če je oseba, na katere kazensko odgovornost meri zahteva za obnovo upravnega postopka, umrla oziroma če lahko okoliščine, zaradi katerih postopka ni mogoče začeti, sama uradna oseba zanesljivo ugotovi.

#### **265. člen**

Stranka mora v predlogu za obnovo postopka verjetno izkazati okoliščine, na katere opira predlog in okoliščine, da je bil predlog podan v zakonskem roku.

#### **266. člen**

(1) Predlog za obnovo postopka se izroči ali pošlje organu, ki je odločal o zadevi na prvi stopnji, ali organu, ki je izdal odločbo, s katero je bil postopek končan.

(2) O predlogu za obnovo postopka odloča tisti organ, ki je izdal odločbo, na katero se predlog za obnovo nanaša.

(5) Reopening may exceptionally be requested or commenced after a lapse of three years only for the reasons referred to in points two, three and four of Article 260 of this Act.

#### **Article 264**

Before issuing a procedural decision on the reopening of an administrative procedure due to the reasons referred to in point two of Article 260 of this Act, the official person must request that the authority competent for criminal prosecution inform them of whether criminal procedures have been stayed or whether there are circumstances due to which the procedure cannot be initiated. The official person does not need to request such information if criminal procedures have been statute barred or if a person against whose criminal responsibility the reopening of procedure has been requested has died, or if the circumstances due to which the procedure cannot be commenced may be reliably established by the official person themselves.

#### **Article 265**

In a request for the reopening of a procedure, the party must plausibly demonstrate the circumstances on which the request is grounded and the circumstances demonstrating that the request has been submitted within the legally provided time limit.

#### **Article 266**

(1) A request for reopening of a procedure shall be submitted or sent to the authority which has decided on the case at the first instance or to the authority which has issued the decision by which the procedure has been concluded.

(2) The authority which has issued the decision to which the request for reopening refers, shall decide on the request for the reopening of a procedure.

(3) Če se vloži predlog za obnovo postopka na organ prve stopnje glede odločbe, ki je bila izdana na drugi stopnji, priključi organ prve stopnje dokumente zadeve predlogu in jih pošlje organu, ki je odločal na drugi stopnji.

#### **267. člen**

(1) Ko organ, ki je pristojen za odločanje o predlogu za obnovo, prejme predlog, mora preizkusiti, ali je predlog dovoljen, popoln in pravočasen, ali ga je podala upravičena oseba in ali je okoliščina, na katero se predlog opira, verjetno izkazana.

(2) Če pogoji iz prejšnjega odstavka niso izpolnjeni, zavrže pristojni organ predlog s svojim sklepom.

(3) Če so pogoji iz prvega odstavka tega člena izpolnjeni, preizkusi pristojni organ, ali so okoliščine oziroma dokazi, ki se navajajo kot razlog za obnovo, taki, da bi lahko pripeljali do drugačne odločbe, razen v primeru iz 9. in 10. točke 260. člena; če ugotovi, da niso, zavrne predlog s svojo odločbo.

#### **268. člen**

(1) Če pristojni organ ne zavrže ali ne zavrne predloga za obnovo, izda sklep, da se obnova dovoljuje, in določi, v kakšnem obsegu naj se postopek obnovi.

(2) Pri obnovi postopka po uradni dolžnosti izda pristojni organ sklep, s katerim odloči, da bo postopek obnovljen, če poprej ugotovi, da so zanjo izpolnjeni zakonski pogoji. Zoper sklep o obnovi postopka po uradni dolžnosti je dovoljena pritožba.

(3) If a request for the reopening of a procedure is submitted to the second instance authority concerning a decision which has been issued at the second instance, the first instance authority shall join the files of the case with the request and send them to the authority which has decided at the second instance.

#### **Article 267**

(1) When the authority competent for deciding on a request for reopening receives the request, it must examine whether the request is allowed, complete, filed in due time, whether it has been submitted by an entitled person, and whether the circumstance on which the request is grounded is plausibly demonstrated.

(2) If the conditions referred to in the preceding paragraph are not fulfilled, the competent authority shall reject the request in a procedural decision.

(3) If the conditions referred to in paragraph one of this Article are fulfilled, the competent authority shall examine whether the circumstances or evidence stated as a reason for reopening are such that they might have led to a different decision, except in the case referred to in points nine and ten of Article 260; if it finds that they are not such, it shall refuse the request by its decision.

#### **Article 268**

(1) If the competent authority does not reject or dismiss a request for reopening, it shall issue a procedural decision allowing reopening and determine to what extent the procedure is to be reopened.

(2) In reopening a procedure *ex officio*, the competent authority shall issue a procedural decision whereby it determines that the procedure be reopened, if it previously establishes that the legally provided conditions for reopening are fulfilled. An appeal shall be allowed against a procedural decision on reopening of a procedure *ex officio*.

(3) Kadar je glede na okoliščine primera očitno, da je potrebna obnova postopka in obstaja verjetnost, da bo izdaja posebnega sklepa povzročila nepopravljive posledice za predlagatelja obnove ali za javni interes, lahko pristojni organ opravi tista dejanja postopka, ki jih je treba ponoviti, ne da bi izdal poseben sklep o obnovi postopka. To, da se dovoli obnova postopka brez posebnega sklepa, se navede v izreku odločbe iz 270. člena tega zakona. V obrazložitvi organ utemelji razloge za uvedbo obnove brez posebnega sklepa.

#### **269. člen**

(1) Kadar odloča o predlogu za obnovo organ druge stopnje, opravi sam dejanja, ki so potrebna v obnovljenem postopku; le izjemoma, če spozna, da bo to hitreje in bolj ekonomično opravil organ prve stopnje, naloži njemu, naj to stori in mu v določenem roku pošlje gradivo o tem.

(2) Prejšnja dejanja v postopku, na katera ne vplivajo obnovitveni razlogi, se ne ponovijo.

#### **270. člen**

(1) Na podlagi podatkov, ki so bili zbrani v prejšnjem postopku in v obnovljenem postopku, izda pristojni organ odločbo o zadevi, ki je bila predmet postopka; z njo lahko pusti prejšnjo odločbo, ki je bila predmet obnove, v veljavi, ali pa jo odpravi ali razveljavi in nadomesti z novo.

(2) V obnovljenem postopku lahko stranka, kateri je bila izdana odločba in zoper katero se vodi obnova postopka, umakne svoj zahtevek do izdaje odločbe. Lahko pa ga tudi spremeni v soglasju s stranko z nasprotnim interesom.

(3) Where it is evident, given the circumstances of the case, that the reopening of a procedure is necessary and there is a probability that the issuing of a separate procedural decision will cause irreparable consequences for the reopening applicant or for the public interest, the competent authority may perform those procedural actions which need to be repeated without issuing a separate procedural decision on reopening of the procedure. The fact that the reopening of a procedure has been allowed without a separate procedural decision shall be indicated in the operative part of the decision referred to in Article 270 of this Act. In the operative part, the authority shall ground the reasons for commencing the reopening without a separate procedural decision.

#### **Article 269**

(1) In deciding on a request for reopening, the second instance authority shall perform the actions that are necessary in the reopened procedure by itself; only exceptionally, if it establishes that this could be performed faster and more economically by the first instance authority, it shall impose on it the duty to do so and send to it the relevant materials within a specified time limit.

(2) Previous procedural actions which are not affected by the reasons for reopening shall not be repeated.

#### **Article 270**

(1) On the basis of the data gathered in the previous procedure and in the reopened procedure, the competent authority shall issue a decision on the case which has been the subject of the procedure; in this decision it may maintain the validity of the previous decision which has been the subject of the reopening, set aside or annul it and replace it with a new decision.

(2) In the reopened procedure, the party to which the decision has been issued and against which the reopening of a procedure is conducted may withdraw their request up until the issuing of the decision. They may also amend it in agreement with the party with opposing



## **271. člen**

Zoper sklep, izdan o predlogu za obnovo postopka, in zoper odločbo, izdano v obnovljenem postopku, je dovoljena pritožba, razen v primerih, ko po določbah tega zakona pritožbe ni.

## **272. člen**

(1) Predlog za obnovo postopka praviloma ne zadrži izvršitve odločbe, glede katere se predlaga obnova; vendar pa lahko organ, ki je pristojen za odločanje o predlogu, odloči, da se odloži izvršitev, dokler se ne odloči o obnovi postopka, če misli, da bo predlogu za obnovo ugodeno.

(2) Sklep, s katerim se dovoli obnova postopka oziroma odloči, da bo postopek obnovljen, zadrži izvršitev odločbe, glede katere je obnova dovoljena.

### **2. Sprememba ali odprava odločbe v zvezi z upravnim sporom**

## **273. člen**

(1) Če organ, zoper katerega odločbo je pravočasno sprožen upravni spor, ugodí vsem tožbenim zahtevkom, ne da bi s tem kršil pravice koga drugega, lahko dotlej, dokler ni končan spor, odpravi ali spremeni svojo odločbo iz razlogov, zaradi katerih bi jo lahko odpravilo sodišče.

(2) Zoper odločbo iz prejšnjega odstavka je možen ponovni

interests.

## **Article 271**

An appeal shall be allowed against a procedural decision issued in relation to a request for the reopening of a procedure, and against a decision issued in a reopened procedure, except in cases where there is no appeal according to the provisions of this Act.

## **Article 272**

(1) A request for reopening shall not, as a rule, stay the enforcement of a decision concerning which reopening is requested; however, the authority competent to decide on the request may decide that the enforcement be stayed pending the decision on the reopening of procedure, if it believes that the request for reopening is likely to be granted.

(2) A procedural decision whereby the reopening of procedure is allowed, or whereby it is decided that the procedure is to be reopened, shall stay the enforcement of the decision concerning the procedure which is allowed to be reopened.

### **2. Amendment or setting aside of decisions concerning administrative disputes**

## **Article 273**

(1) If the authority against a decision of which an administrative dispute has been initiated in due time grants all the claims in the action without violating the rights of someone else, it may, up until the administrative dispute has been concluded, set aside or amend its decision for reasons with which the setting aside could have been done by the court.

(2) A repeated administrative dispute shall be possible against

upravni spor. V tem primeru organ ne sme ravnati po prejšnjem odstavku, ampak mora odločitev prepustiti sodišču.

### 3. Odprava in razveljavitev odločbe po nadzorstveni pravici

#### 274. člen

(1) Pristojni organ po nadzorstveni pravici odpravi odločbo po njeni izdaji in vročitvi:

1. če jo je izdal stvarno nepristojen organ, pa ne gre za primer iz 1. točke 279. člena tega zakona;
2. če je bila v isti zadevi že prej izdana pravnomočna odločba, s katero je bila ta upravna zadeva ob enakem dejanskem in pravnem stanju drugače rešena;
3. če je izdal odločbo kakšen organ brez soglasja, potrditve, dovoljenja ali mnenja drugega organa, kadar je po zakonu ali po kakšnem drugem na zakonu temelječem predpisu to potrebno;
4. če je odločbo izdal krajevno nepristojen organ.

(2) Izdano odločbo lahko pristojni organ razveljavi po nadzorstveni pravici, če je bil z njo očitno prekršen materialni predpis.

#### 275. člen

(1) Pristojni organ po nadzorstveni pravici odpravi oziroma razveljavi odločbo po uradni dolžnosti, če izve oziroma ugotovi, da so podani razlogi za odpravo ali razveljavitev. Odločbo pa lahko odpravi oziroma razveljavi tudi na zahtevo stranke, državnega tožilca ali državnega pravobranilca ali inšpektorja.

(2) Če je bilo zoper odpravljeno odločbo vloženo kakšno drugo pravno sredstvo, pristojni organ to pravno sredstvo zavrže.

a decision referred to in the preceding paragraph. In this case, the authority may not proceed according to the preceding paragraph, but must leave the decision to the court.

### 3. Setting aside and annulment and of decision through supervisory right

#### Article 274

(1) The competent authority shall set aside a decision after its issuing and service through the supervisory right:

1. if it has been issued by an authority without subject matter jurisdiction, and it is not a case referred to in point one of Article 279 of this Act;
2. if in the same case a final decision has been previously issued whereby this administrative case, despite having the same facts of the case and legal situation, has been resolved differently;
3. if the decision has been issued by some authority without the consent, confirmation, permission or opinion of the other authority where this is necessary pursuant to an Act or some other regulation based on an Act;
4. if the decision has been issued by an authority without territorial jurisdiction.

(2) The competent authority may annul the issued decision through the supervisory right if it has clearly violated a substantive regulation.

#### Article 275

(1) The competent authority shall set aside or annul a decision through the supervisory right *ex officio*, if it learns or establishes that there are reasons for setting aside or annulment. It may also set aside or annul a decision at the request of the party, the State Prosecutor, the State Attorney or an inspector.

(2) If some other legal remedy has been filed against a decision which has been set aside, the competent authority shall reject this legal

remedy.

#### **276. člen**

(1) Odločbo lahko odpravi ali razveljavi po nadzorstveni pravici organ druge stopnje. Če ni organa druge stopnje, lahko odpravi ali razveljavi odločbo organ, ki je po zakonu pooblaščen za nadzorstvo nad delom organa, ki jo je izdal.

(2) Odločbo, ki jo je v upravni zadevi iz izvirne pristojnosti lokalne skupnosti izdal organ samoupravne lokalne skupnosti, odpravi ali razveljavi po nadzorstveni pravici ministrstvo, v katerega delovno področje sodi zadeva po vsebini.

#### **277. člen**

(1) Odločba o odpravi po 1. in 2. točki 274. člena tega zakona se lahko izda v petih letih, odločba po 3. in 4. točki 274. člena in drugem odstavku 274. člena tega zakona pa v enem letu od dneva, ko je bila odločba izdana in vročena.

(2) Zoper odločbo, izdano po 274. členu tega zakona, ni dovoljena pritožba.

#### **4. Izredna razveljavitev**

#### **278. člen**

(1) Izvršljiva odločba se lahko razveljavi, če to narekujejo nujni ukrepi v javnem interesu, ki jih ni mogoče odlagati (drugi odstavek 144. člena tega zakona), če nevarnosti ne bi bilo mogoče uspešno odvrniti z drugimi sredstvi, s katerimi bi bile manj prizadete pridobljene pravice. Odločba se lahko razveljavi tudi le deloma, in sicer toliko, kolikor je

#### **Article 276**

(1) A decision may be set aside or annulled through the supervisory right by the second instance authority. If there is no second instance authority, the decision may be set aside or annulled by the authority which is authorised by an Act to supervise the activities of the authority which has issued the decision.

(2) A decision which, in an administrative case in the authentic jurisdiction of a local community, has been issued by the self-governing local community authority, shall be set aside or annulled through the supervisory right by the ministry to whose field of work the case pertains by its content.

#### **Article 277**

(1) A decision on setting aside pursuant to points one and two of Article 274 of this Act may be issued within five years, while a decision pursuant to points three and four of Article 274 and paragraph two of Article 274 of this Act may be issued within one year of the day when the decision is issued and served.

(2) No appeal shall be allowed against a decision issued pursuant to Article 274 of this Act.

#### **4. Extraordinary annulment**

#### **Article 278**

(1) An enforceable decision may be annulled if this is dictated by emergency measures in the public interest which cannot be postponed (paragraph two of Article 144 of this Act), if danger could not successfully be averted by other means by which the acquired rights would be less affected. A decision may also be annulled only partially, namely to the

neogibno potrebno, da se odvrne nevarnost.

(2) Če je odločbo izdal organ prve stopnje v zadevi iz državne pristojnosti, jo lahko po prejšnjem odstavku razveljavi organ druge stopnje, če tega organa ni, pa vlada.

(3) Če je odločbo izdal organ samoupravne lokalne skupnosti v zadevi iz izvirne pristojnosti samoupravne lokalne skupnosti, jo lahko po prvem odstavku tega člena razveljavi ministrstvo, v katerega delovno področje sodi zadeva po vsebini.

(4) Zoper odločbo, s katero se razveljavi odločba iz prejšnjega odstavka, ni dovoljena pritožba.

(5) Stranka, ki utрпи škodo zaradi razveljavitve odločbe, ima pravico do povračila za celotno škodo.

## 5. Ničnost odločbe

### 279. člen

(1) Za nično se izreče odločba:

1. ki je bila izdana v upravnem postopku v zadevi iz sodne pristojnosti ali v zadevi, v kateri sploh ni mogoče odločati v upravnem postopku;
2. ki bi s svojo izvršitvijo lahko povzročila kakšno dejanje, ki je kaznivo po kazenskem zakonu;
3. ki je sploh ni mogoče izvršiti;
4. ki jo je izdal organ brez zahteve stranke (128. člen tega zakona), pa stranka pozneje ni izrecno ali molče v to privolila;
5. ki je bila izdana kot posledica prisiljenja, izsiljevanja, posebnega primera izsiljevanja, pritiska, ali drugega nedovoljenega dejanja;
6. v kateri je taka nepravilnost, ki je po kakšni posebni zakonski določbi razlog za ničnost.

extent necessary to avert danger.

(2) If a decision has been issued by a first instance authority in a case within the state jurisdiction, it may pursuant to the preceding paragraph be annulled by a second instance authority and, if there is no such authority, by the Government.

(3) If a decision has been issued by a self-governing local community authority in a case in the authentic jurisdiction of the self-governing local community, it may pursuant to paragraph one of this Article be annulled by the ministry to whose field of work the case pertains by its content.

(4) No appeal shall be allowed against a decision by which the decision from the preceding paragraph is annulled.

(5) A party that suffers damage due to the annulled of a decision shall have the right to be compensated for the entire damage.

## 5. Voidness of decisions

### Article 279

(1) A decision shall be declared void:

1. if it has been issued in an administrative procedure concerning a case which is under the jurisdiction of a court or concerning a case on which it is not possible to decide in an administrative procedure;
2. if its enforcement could entail some action punishable pursuant to the Criminal Code;
3. if it cannot be enforced;
4. if it has been issued by the authority without a request by the party (Article 128 of this Act), and the party has not subsequently consented, explicitly or tacitly, to this;
5. if it has been issued as a consequence of coercion, blackmail, a special type of blackmail, pressure or some other prohibited action;
6. if it entails such incorrectness which, in accordance with some sector-specific legal provision, constitutes a reason for voidness.

(2) Pod pogoji iz prejšnjega odstavka tega člena se lahko izreče za ničnega tudi sklep, če je bilo z njim odločeno o vsebinskih vprašanjih.

#### **280. člen**

(1) Odločba se lahko vsak čas izreče za nično po uradni dolžnosti ali pa na predlog stranke ali državnega tožilca ali državnega pravobranilca.

(2) Odločba se lahko izreče za nično v celoti ali deloma.

(3) Odločbo izreče za nično organ, ki jo je izdal, organ druge stopnje oziroma organ, pristojen za nadzorstvo nad organom, ki jo je izdal.

(4) Zoper odločbo, s katero se kakšna odločba izreče za nično ali se zavrne predlog stranke ali državnega tožilca ali državnega pravobranilca, naj se odločba izreče za nično, je dovoljena pritožba, razen če zoper odločbo organa, ki jo je izdal, po zakonu ni pritožbe.

#### 6. Pravne posledice odprave in razveljavitve

#### **281. člen**

(1) Če se odločba odpravi ali izreče za nično, se odpravijo tudi pravne posledice, ki so iz nje nastale.

(2) Če se odločba razveljavi, se ne odpravijo pravne posledice, ki so iz nje že nastale, ne morejo pa nastati iz nje nobene nadaljnje pravne posledice.

(3) Organ, ki izve za odločbo, s katero je bil kršen zakon, kršitev pa bi lahko bila razlog za obnovo postopka oziroma za ničnost, odpravo, razveljavitev ali spremembo odločbe, je dolžan o tem brez

(2) A procedural decision may also be declared void under the conditions referred to in the preceding paragraph, if substantive questions have been resolved by it.

#### **Article 280**

(1) A decision may at any time be declared void *ex officio* or at the request of a party, the State Prosecutor or the State Attorney.

(2) A decision may be declared void entirely or partially.

(3) A decision shall be declared void by the authority which has issued it, the second instance authority or the authority competent for supervision over the authority which has issued it.

(4) An appeal shall be allowed against a decision by which some decision is declared void or by which a request by the party, the State Prosecutor or the State Attorney that the decision be declared void is refused, unless there is no appeal pursuant to an Act against the decision of the authority which has issued it.

#### 6. Legal consequences of setting aside and annulment

#### **Article 281**

(1) If a decision is set aside or declared void, the legal consequences resulting from it shall also be nullified.

(2) If a decision is annulled, the legal consequences which have resulted from it shall not be nullified, however no further legal consequences may result from it.

(3) An authority which learns of a decision by which an Act has been violated, and the violation could be a reason for the renewal of the procedure or for voidness, setting aside, annulment, or amendment of the

odlašanja obvestiti organ, ki je pristojen začeti postopek.

## ČETRTI DEL

### XVII. poglavje IZVRŠBA

#### 1. Splošne določbe

#### **282. člen**

(1) Odločba, izdana v upravnem postopku, se izvrši, ko postane izvršljiva.

(2) Izvršba se lahko opravi tudi na podlagi poravnave, vendar samo zoper udeleženca v poravnavi.

#### **283. člen**

(1) Sklep, izdan v upravnem postopku, se izvrši, ko postane izvršljiv.

(2) Določbe tega zakona o izvršitvi odločbe veljajo tudi za izvršitev sklepa.

#### **284. člen**

Izvršba odločbe, izdane v upravnem postopku, se opravi zato, da se izterja denarna terjatev ali izpolni nedenarna obveznost.

#### **285. člen**

decision, it must inform thereof without delay the authority which has jurisdiction to initiate a procedure.

## PART FOUR

### Chapter XVII ENFORCEMENT

#### 1. General provisions

#### **Article 282**

(1) A decision issued in an administrative procedure shall be enforced when it becomes enforceable.

(2) Enforcement may also be carried out on the basis of settlement, but only against a participant in the settlement.

#### **Article 283**

(1) A procedural decision issued in an administrative procedure shall be enforced when it becomes enforceable.

(2) The provisions of this Act on the enforcement of decisions shall also apply to the enforcement of procedural decisions.

#### **Article 284**

The enforcement of a decision issued in an administrative procedure shall be carried out in order to recover a monetary claim or perform a non-monetary obligation.

#### **Article 285**

(1) Če je mogoče opraviti izvršbo na več načinov in z različnimi sredstvi, se opravi izvršba na tak način in s takim sredstvom, ki sta za zavezanca najmilejša, pa se z njima vendarle doseže namen izvršbe.

(2) Ob nedeljah, ob državnih praznikih oziroma drugih dela prostih dnevih in med 20. in 6. uro se smejo opravljati izvršilna dejanja samo, če bi bilo nevarno odlašati in če izda organ, ki opravlja izvršbo, za to pisni nalog.

### **286. člen**

(1) Izvršba se opravi zoper tistega, ki je dolžan izpolniti obveznost (zavezanec).

(2) Izvršba se opravi po uradni dolžnosti ali na predlog stranke.

(3) Po uradni dolžnosti se opravi izvršba, kadar to zahteva javna korist. Izvršba v korist stranke se opravi na predlog stranke (upravičenca).

### **287. člen**

(1) Izvršba odločbe se opravi kot upravna ali kot sodna izvršba.

(2) Upravno izvršbo opravljajo upravni organi po določbah tega ali posebnega zakona, sodno izvršbo pa opravlja pristojno sodišče po predpisih, ki veljajo za sodno izvršbo.

### **288. člen**

(1) Izvršba odločbe za izpolnitev denarnih in nedenarnih obveznosti zavezanca se opravi z upravno izvršbo.

(1) If enforcement can be carried out in several ways and by various means, it shall be carried out in such manner and by such means that are the mildest for the liable person, yet by which the purpose of enforcement can still be achieved.

(2) On Sundays, national holidays or other work-free days and between 8 pm and 6 am, enforcement actions may be carried out only if their postponement could entail danger and if the authority conducting the enforcement issues a written order for such purpose.

### **Article 286**

(1) Enforcement shall be carried out against a person who is obliged to fulfil an obligation (liable person).

(2) Enforcement shall be carried out *ex officio* or on the request of the party.

(3) Enforcement shall be carried out *ex officio* when so required by public benefit. Enforcement to the benefit of the party shall be carried out on the request of the party (person entitled).

### **Article 287**

(1) Enforcement shall be carried out as administrative or judicial enforcement.

(2) Administrative enforcement shall be carried out by administrative authorities in accordance with this or a separate Act, whereas judicial enforcement shall be carried out by the competent court according to the regulations which apply to judicial enforcement.

### **Article 288**

(1) Enforcement for the fulfilment of monetary and non-monetary obligations of a liable person shall be carried out through

(2) Prisilna izterjava iz dolžnikovega nepremičnega premoženja in deleža družbenika, se opravi po sodni izvršbi. Sodno izvršbo opravi sodišče, na katerega območju je nepremičnina oziroma pri katerem je delež družbenika vpisan v sodni register.

#### **289. člen**

(1) Upravno izvršbo opravlja organ, ki je odločil o zadevi na prvi stopnji, če ni s posebnim predpisom za to določen kakšen drug organ.

(2) Ne glede na določbe tega člena, upravno izvršbo denarnih obveznosti opravi davčni organ po postopku, predpisanem za izvršbo davčnih obveznosti.

(3) Neposredna dejanja upravne izvršbe in zavarovanja lahko opravljajo tudi izvršitelji, imenovani na podlagi zakona, ki ureja izvršbo in zavarovanje.

(4) Policija je organu, ki je pristojen za izvršbo, na njegovo zahtevo dolžna pomagati pri izvršbi.

#### **290. člen**

(1) Organ, ki je pristojen za upravno izvršbo, izda po uradni dolžnosti ali na zahtevo upravičenca sklep o dovolitvi izvršbe. S sklepom se ugotovi, da je odločba, ki naj se izvrši, postala izvršljiva, kdaj je postala izvršljiva in določi način izvršbe. Zoper ta sklep je dovoljena pritožba na pristojni organ druge stopnje.

(2) Sklep o dovolitvi izvršbe odločbe, ki je bila izdana v upravni zadevi po uradni dolžnosti, mora organ, ki je pristojen za upravno izvršbo,

administrative enforcement.

(2) Forcible recovery on the real property of the debtor and on a share of a partner shall be carried out through judicial enforcement. Judicial enforcement shall be carried out by the court in the territory where the real estate is situated or the share of the partner is entered in the court register.

#### **Article 289**

(1) Administrative enforcement shall be carried out by the authority which has decided on the case at the first instance, unless a sector-specific regulation provides some other authority.

(2) Notwithstanding the provisions of this Article, administrative enforcement of monetary obligations shall be carried out by a tax authority pursuant to the procedure provided for the enforcement of tax obligations.

(3) Direct actions of administrative enforcement and securing may also be carried out by executors appointed on the basis of the Act regulating enforcement and securing.

(4) Police shall be obliged, on the request of the authority competent for enforcement, to help it with enforcement.

#### **Article 290**

(1) The authority competent for administrative enforcement shall issue *ex officio* or on the request of the person entitled a procedural decision allowing enforcement. This procedural decision shall establish that a decision which is to be enforced has become enforceable, when it has become enforceable, and determine the manner of enforcement. An appeal against this procedural decision may be filed with the competent second instance authority.

(2) The authority competent for administrative enforcement must issue a procedural decision allowing the enforcement of a decision



izdati brez odlašanja, ko je takšna odločba postala izvršljiva, najpozneje pa v 30 dneh od dneva, ko je postala izvršljiva, če ni s posebnimi predpisi drugače določeno. Dejstvo, da sklep ni bil izdan do tega roka, ne izključuje obveznosti njegove izdaje.

(3) Če gre za nujne ukrepe v javnem interesu, ki jih ni mogoče odlagati, pritožba pa ne zadrži izvršitve odločbe, se lahko ugotovi izvršljivost odločbe in določi način izvršbe v izreku odločbe, ki naj se izvrši.

(4) Kadar upravne izvršbe ne opravlja organ, ki je odločil na prvi stopnji, potrdi ta organ na zahtevo upravičenca oziroma po uradni dolžnosti na odločbi, da je postala izvršljiva (potrdilo o izvršljivosti), in jo pošlje v izvršitev organu, ki je pristojen za izvršbo. Obenem predlaga tudi način izvršbe.

#### **291. člen**

(1) Upravna izvršba, za katero je pristojen organ, ki je odločil o zadevi na prvi stopnji, se opravi na podlagi izvršljive odločbe in sklepa o dovolitvi izvršbe.

(2) Upravna izvršba, za katero je pristojen kakšen drug organ, se opravi na podlagi odločbe, na kateri je potrdilo o izvršljivosti, in sklepa o dovolitvi izvršbe.

#### **292. člen**

(1) Zoper sklepe v upravnem izvršilnem postopku je dovoljena pritožba, ki se nanaša na samo izvršbo; z njo ni mogoče izpodbijati pravilnosti odločbe, ki se izvršuje.

(2) Pritožbo lahko vložijo upravičenec, zavezanec in vsakdo

issued on an administrative case *ex officio* without delay when such decision has become enforceable, or within 30 days at the latest from the day it has become enforceable, unless otherwise provided by sector-specific regulations. The fact that the procedural decision has not been issued by this time limit shall not exclude the obligation for it to be issued.

(3) If the case concerns emergency measures in the public interest which cannot be postponed, and an appeal does not stay the enforcement of a decision, the enforceability of the decision may be established and the manner of enforcement determined in the operative part of the decision which is to be enforced.

(4) Where administrative enforcement is not carried out by the authority which has decided at the first instance, the authority shall confirm in the decision on the request of the entitled person or *ex officio* that it has become enforceable (confirmation of enforceability), and shall send it for enforcement by the authority competent for enforcement. At the same time, it shall suggest the manner of enforcement.

#### **Article 291**

(1) Administrative enforcement for which the authority which has decided at the first instance is competent, shall be carried out on the basis of an enforceable decision and a procedural decision allowing enforcement.

(2) Administrative enforcement for which some other authority is competent shall be carried out on the basis of a decision containing the confirmation of enforceability and a procedural decision allowing enforcement.

#### **Article 292**

(1) An appeal shall be allowed in an administrative enforcement procedure which refers to the enforcement itself; the correctness of a decision subject to enforcement cannot be challenged by it.

(2) An appeal may be filed by the person entitled, the liable

drug, v katerega pravice in pravne koristi posega izvršba.

(3) Pritožba se vloži pri pristojnem organu druge stopnje. Pritožba ne zadrži izvedbe izvršbe. Organ, ki je pristojen za izvršbo, lahko zadrži izvedbo izvršbe, če obstajajo razlogi, ki kažejo na to, da bo pritožbi zoper sklep lahko ugodeno.

(4) Glede roka za pritožbo in organa, ki je pristojen za odločanje o pritožbi, se uporabljajo določbe členov 230 do 236 tega zakona.

### **293. člen**

(1) Upravna izvršba se po uradni dolžnosti ustavi in opravljena dejanja odpravijo, če se ugotovi, da je obveznost izpolnjena, da izvršba sploh ni bila dovoljena ali da je bila opravljena proti komu, ki ni zavezanec, ali če upravičenec zahtevo umakne oziroma če je izvršilni naslov odpravljen ali razveljavljen.

(2) Upravna izvršba se odloži, če se ugotovi, da je za izpolnitev obveznosti dovoljen odlog ali da je namesto začasne odločbe, ki naj bi se izvršila, izdana odločba o glavni zadevi, ki se razlikuje od začasne odločbe. Odložitev izvršbe dovoli organ, ki je izdal sklep, s katerim jo je dovolil, vendar ne več kot za šest mesecev.

(3) Upravna izvršba se lahko izjemoma odloži tudi na predlog zavezanca ali upravičenca, če je bilo zoper izvršbo oziroma zoper izvršilni naslov vloženo pravno sredstvo, pa bi z izvršbo verjetno nastala nepopravljiva škoda. Organ o predlogu zavezanca ali upravičenca odloči v 8 dneh.

### **294. člen**

person and anyone else whose rights and legal benefits are being infringed by the enforcement.

(3) An appeal may be filed with the competent second instance authority. An appeal shall not stay the carrying out of enforcement. The authority competent for enforcement may stay the carrying out of enforcement if there are reasons showing that an appeal against the procedural decision may be granted.

(4) Regarding the time limit for appeals and the authority competent to decide on appeals, the provisions of Articles 230 to 236 of this Act shall apply.

### **Article 293**

(1) Administrative enforcement shall *ex officio* be stayed and the actions performed nullified if it is established that the obligation has been fulfilled, that enforcement has not been allowed at all or that it has been carried out against a person who is not the liable person, or if the person entitled withdraws their request or if the enforceable instrument has been nullified or annulled.

(2) Administrative enforcement shall be postponed if it is established that postponement is allowed for the fulfilment of an obligation, or if instead of a temporary decision which is to be enforced a decision on the main matter of the case is issued which differs from the temporary decision. Postponement of enforcement shall be allowed by the authority which has issued the procedural decision allowing enforcement, yet for no more than six months.

(3) Administrative enforcement may exceptionally be postponed also on the request of a liable person or a person entitled, if a legal remedy has been filed against the enforcement or the enforceable instrument, and the enforcement would probably entail irreparable damage. The authority shall decide on the request of a liable person or a person entitled within eight days.

### **Article 294**

(1) Denarne kazni, izrečene po tem zakonu, izvršujejo organi, pristojni za davčno izvršbo.

(2) Denarna kazen se izterja v korist države oziroma lokalne skupnosti, če gre za upravno zadevo iz njene izvirne pristojnosti.

#### **295. člen**

(1) Kadar se sodno izvrši odločba, izdana v upravnem postopku, potrdi organ, katerega odločbo je treba izvršiti, na odločbi, da je izvršljiva (četrti odstavek 290. člena tega zakona) in jo pošlje v izvršitev sodišču, ki je pristojno za izvršbo.

(2) Odločba, izdana v upravnem postopku, na kateri je potrdilo o izvršljivosti, je izvršilni naslov za sodno izvršbo. Ta izvršba se opravi po predpisih, ki veljajo za sodno izvršbo.

#### 2. Izvršba za nedelarne obveznosti

#### **296. člen**

Izvršba za izpolnitev zavezančevih nedelnarnih obveznosti se opravlja po drugih osebah ali s prisilitvijo.

##### a) Izvršba po drugih osebah

#### **297. člen**

(1) Če je zavezanec dolžan storiti kaj takega, kar lahko stori tudi kdo drug, pa te obveznosti sploh ne izpolni ali je ne izpolni popolnoma, se tako dejanje opravi po drugi osebi na zavezančeve

(1) Fines imposed according to this Act shall be enforced by the authorities competent for tax enforcement.

(2) A fine shall be collected to the benefit of the state or the local community if the case concerns an administrative case in its authentic jurisdiction.

#### **Article 295**

(1) Where a decision issued in an administrative procedure is judicially enforced, the authority whose decision is to be enforced shall confirm in the decision that it is enforceable (paragraph four of Article 290 of this Act), and shall send it for enforcement by the court competent for enforcement.

(2) A decision issued in an administrative procedure in which there exists confirmation of enforceability shall be the enforceable instrument for judicial enforcement. This enforcement shall be carried out according to the regulations which apply to judicial enforcement.

#### 2. Enforcement for non-monetary obligations

#### **Article 296**

Enforcement for the fulfilment of non-monetary obligations of the liable person shall be carried out through other persons or forcibly.

##### a) Enforcement through other persons

#### **Article 297**

(1) If the obliged person is bound to perform something which can also be performed by someone else, and does not perform this obligation or does not perform it completely, such action shall be

stroške. Zavezanca je treba na to poprej opozoriti.

(2) V primeru iz prvega odstavka tega člena lahko organ, ki opravlja izvršbo, naloži zavezancu s sklepom, naj založi znesek, ki je potreben za kritje izvršilnih stroškov, proti poznejšemu obračunu. Sklep o položitvi tega zneska je izvršljiv.

b) Izvršba s prisilitvijo

### **298. člen**

(1) Če je zavezanec dolžan kaj storiti, dopustiti ali kaj trpeti, pa ravna v nasprotju s to obveznostjo, ali če je predmet izvršbe kakšno zavezančevo dejanje, ki ga ne more namesto njega opraviti nihče drug, ali če narava izvršbe to terja, ali če izvršba po drugih osebah ni bila uspešna ali ni primerna, prisili organ, ki opravlja izvršbo, zavezanca k izpolnitvi obveznosti z denarno kaznijo.

(2) Organ, ki opravlja izvršbo, zagrozi najprej zavezancu, da bo uporabil denarno kazen, če ne bo izpolnil svoje obveznosti v danem roku. Če stori zavezanec medtem kaj takega, kar nasprotuje njegovi obveznosti, ali če dani rok preteče brez uspeha, se denarna kazen s katero je organ zagrozil, takoj izterja, obenem pa mu določi organ nov rok za izpolnitev obveznosti in mu zagrozi z novo, višjo denarno kaznijo.

(3) Prva denarna kazen, ki se izreče za prisilitev po prejšnjem odstavku tega člena, ne sme presegati 1.000 evrov. Vsaka poznejša denarna kazen za prisilitev je lahko znova izrečena do tega zneska.

(4) Plačana denarna kazen se ne vrne.

performed through the other person at the expense of the liable person. The liable person must previously be informed of this.

(2) In the case referred to in paragraph one of this Article, the authority which carries out enforcement may require through a procedural decision that the liable person deposit the amount necessary for the payment of enforcement costs, which is to be settled subsequently. The procedural decision on depositing such an amount shall be enforceable.

b) Forcible enforcement

### **Article 298**

(1) If the liable person is bound to perform something, allow something, or endure something, and they act contrary to this obligation, or if the subject matter of enforcement is some action by the liable person which cannot be done instead of them by anyone else, or if the nature of enforcement requires so, or if enforcement through other persons has not been successful or is not appropriate, the authority which carries out enforcement shall force the liable person to perform the obligation through a fine.

(2) The authority which carries out enforcement shall first threaten the liable person that it will fine them if they do not fulfil the obligation within a given time limit. If the liable person performs during such time something that contradicts their obligation, or if the given time limit expires without success, the fine threatened by the authority shall be recovered immediately, and the authority shall at the same time determine for the liable person a new time limit for the fulfilment of the obligation and shall threaten them with a new, higher fine.

(3) The first fine to be imposed concerning forcible enforcement pursuant to the preceding paragraph of this Article shall not exceed EUR 1,000. Any additional fine to force the liable person may be again imposed up to this amount.

(4) A fine paid shall not be returned.

### **299. člen**

Če se izvršba za nedenarno obveznost sploh ne more opraviti ali ne more pravočasno opraviti s sredstvi iz 297. in 298. člena tega zakona, se lahko opravi glede na naravo obveznosti tudi z neposredno fizično prisilitvijo, če ni v predpisih drugače določeno.

### **300. člen**

(1) Če je bila na podlagi odločbe opravljena izvršba, odločba pa je bila pozneje odpravljena ali spremenjena, ima zavezanec pravico zahtevati, da se mu vrne, kar mu je bilo vzeto oziroma da se vrne v stanje, ki izhaja iz nove odločbe.

(2) O zavezančevi zahtevi odloča organ, ki je izdal sklep, s katerim je dovolil izvršbo.

### **3. Izvršba v zavarovanje**

### **301. člen**

(1) Za zavarovanje izvršbe se sme s sklepom dovoliti izvršitev odločbe, še preden postane izvršljiva, če bi bila sicer po nastopu izvršljivosti odločbe izvršba lahko onemogočena ali znatno otežkočena.

(2) Če gre za obveznosti, ki se prisilno izvršijo samo na predlog stranke, mora predlagatelj verjetno izkazati nevarnost, da bo izpolnitev obveznosti onemogočena ali otežkočena, organ pa lahko veže izvršbo iz prejšnjega odstavka tega člena na pogoj, da se da zavarovanje v skladu z drugim odstavkom 221. člena tega zakona.

### **Article 299**

If enforcement for a non-monetary obligation cannot be carried out at all, or cannot be carried out in due time by the means referred to in Articles 297 and 298 of this Act, it may also be carried out in view of the nature of the obligation by immediate physical force, unless otherwise provided by regulations.

### **Article 300**

(1) If enforcement has been carried out on the basis of a decision, and the decision has been subsequently annulled or amended, the liable person shall have the right to request the return of what has been taken from them, or that it be restored to the state proceeding from the new decision.

(2) The authority which has issued the procedural decision allowing enforcement shall decide on a request by the liable person.

### **3. Enforcement for security**

### **Article 301**

(1) In order to secure enforcement, the enforcement of a decision may be allowed by a procedural decision before the decision becomes enforceable, if after the beginning of the enforceability of the decision enforcement might be prevented or considerably impeded.

(2) If the case concerns obligations which are forcibly enforced only on the request of the party, the applicant must plausibly demonstrate the danger that the performance of the obligations will be prevented or considerably impeded, and the authority may bind the enforcement referred to in the preceding paragraph of this Article to the condition that security is given in accordance with paragraph two of Article 221 of this Act.

(3) Zoper sklep, izdan na predlog stranke za izvršbo v zavarovanje, ter zoper sklep izdan po uradni dolžnosti, je dovoljena pritožba. Pritožba zoper sklep, s katerim je dovoljena izvršba v zavarovanje, ne zadrži izvršbe.

### **302. člen**

(1) Izvršba v zavarovanje se opravi po upravni poti razen za zavarovanje na nepremičninah ali na deležu družbenika, ki se opravi po sodni poti.

(2) Če opravi izvršbo v zavarovanje sodišče, postopa po predpisih, ki veljajo za sodno izvršbo.

### **303. člen**

Izvršitev začasne odločbe (221. člen tega zakona) se sme opraviti samo v takem obsegu in v tistih primerih, kolikor je dovoljena izvršba v zavarovanje.

#### **4. Začasni sklep za zavarovanje izpolnitve obveznosti**

### **304. člen**

(1) Če je obveznost podana ali vsaj verjetno izkazana, pa je utemeljeno pričakovati, da bo zavezana stranka s tem, da bo razpolagala s premoženjem ali se dogovorila z drugimi ali pa kako drugače onemogočila ali znatno otežkočila izpolnitev obveznosti, sme organ, ki je pristojen za odločanje o strankini obveznosti, še pred izdajo te odločbe izdati začasen sklep za zavarovanje izpolnitve bodoče obveznosti. Pri tem mora upoštevati določbo 285. člena tega zakona in sklep obrazložiti.

(3) An appeal shall be allowed against a procedural decision issued on the request of the party for enforcement for security, and against a procedural decision issued *ex officio*. An appeal against the procedural decision whereby enforcement for security is allowed shall not stay the enforcement.

### **Article 302**

(1) Enforcement for security may be carried out by administrative means, except for security on real property or on a share of a partner, which is carried out by judicial means.

(2) If enforcement for security is carried out by the court, it shall proceed pursuant to the regulations that apply to judicial enforcement.

### **Article 303**

The enforcement of a temporary decision (Article 221 of this Act) may be carried out only in the extent and in the cases insofar as enforcement for security is allowed.

#### **4. Temporary procedural decision for securing the performance of an obligation**

### **Article 304**

(1) If an obligation exists or is at least plausibly demonstrated, however it is reasonably expected that the obliged person will prevent or considerably impede the fulfilment of the obligation by disposing of the property or making an agreement with other persons or in some other manner, the authority competent for deciding on the obligation of the party may issue a temporary procedural decision for securing the fulfilment of the future obligation even before it issues the decision. To this effect, it must consider the provision of Article 285 of this Act and reason the procedural decision.

(2) Izdaja začasnega sklepa se lahko veže na pogoj, da da stranka zavarovanje po drugem odstavku 221. člena tega zakona.

(3) Za začasni sklep po prvem odstavku tega člena veljajo določbe tretjega odstavka 301. člena in določbe 302. člena tega zakona.

### **305. člen**

(1) Če se s pravnomočno odločbo ugotovi, da strankina obveznost, za katere zavarovanje je bil izdan začasen sklep, pravno ne obstaja, ali če se kako drugače ugotovi, da je bila zahteva za začasni sklep neopravičena, mora predlagatelj, v čigar korist je bil začasni sklep izdan, povrniti stranki z nasprotnim interesom s tem povzročeno škodo.

(2) O odškodnini iz prvega odstavka tega člena odloča organ, ki je izdal začasni sklep.

(3) Če je v primeru iz prvega odstavka tega člena očitno, da je predlagatelj izposloval začasni sklep iz nagajivosti, se kaznuje z denarno kaznijo do 1.000 evrov. Zoper sklep o kazni je dovoljena pritožba, ki zadrži njegovo izvršitev.

### **306. člen (črtan)**

PETI DEL

XVIII. poglavje

NADZOR NAD IZVAJANJEM ZAKONA O SPLOŠNEM UPRAVNEM  
POSTOPKU IN POSEBNIM UPRAVNIM POSTOPKOM

(2) The issuing of a temporary procedural decision may be bound to the condition that the party provide security according to paragraph two of Article 221 of this Act.

(3) The provisions of paragraph three of Article 301 and the provisions of Article 302 of this Act shall apply to a temporary procedural decision referred to in paragraph one of this Article.

### **Article 305**

(1) If it is established by a final decision that an obligation of the party for the security of which a temporary order has been issued does not legally exist, or if it is established in some other manner that the request for the temporary order has been unjustified, the applicant to the benefit of whom the temporary procedural decision has been issued must compensate the opposing party for the damage thereby caused.

(2) The authority which has issued the temporary procedural decision shall decide on the compensation referred to in paragraph one of this Article.

(3) If it is obvious in the case referred to in paragraph one of this Article that the applicant achieved the issuing of the temporary procedural decision through mischievous intent, they shall be punished by a fine of up to EUR 1,000. An appeal shall be allowed against the order imposing a fine, which stays its enforcement.

### **Article 306 (Deleted)**

PART FIVE

Chapter XVIII

SUPERVISION OVER IMPLEMENTATION OF THE GENERAL  
ADMINISTRATIVE PROCEDURE ACT AND OVER THE SPECIAL

## ADMINISTRATIVE PROCEDURE

### 307. člen

(1) Nadzor nad izvajanjem tega zakona in drugih zakonov, ki urejajo upravne postopke, opravlja upravna inšpekcija.

(2) Upravni inšpektor ima pravico do vstopa v prostore organa in pravico do vpogleda v dokumentacijo, ki se nanaša na upravne postopke in upravno poslovanje, vključno s tajnimi podatki, osebnimi podatki, poslovnimi skrivnostmi, davčnimi tajnostmi in drugimi varovanimi podatki. Organ mora upravnemu inšpektorju zagotoviti pogoje za delo in potrebne informacije.

### 307.a člen

Upravni inšpektor izvaja nadzor neposredno pri organu ali na podlagi predloženih dokumentov organov. Pri opravljanju nadzora lahko odredi, da se nezakonitosti odpravijo v roku, ki ga določi.

### 307.b člen

(1) Če so pri nadzoru ugotovljene kršitve pravil upravnega postopka, ki imajo za posledico očitno prikrajšanje javnega interesa, pravic oziroma pravnih koristi strank, ali druge ponavljajoče se kršitve pravil upravnega postopka, ki niso odpravljene v določenem roku, lahko upravni inšpektor z odločbo odredi, da se uradna oseba ponovno udeleži usposabljanja za vodenje in odločanje v upravnem postopku.

(2) Zoper odločbo iz prejšnjega odstavka je dovoljena pritožba. Pritožba ne zadrži izvršitve. O pritožbi odloča ministrstvo, pristojno za upravo.

### Article 307

(1) Supervision over the implementation of this Act and other Acts regulating administrative procedures shall be conducted by the administrative inspection service.

(2) An administrative inspector shall have the right to enter the premises of the authority and the right to inspect the documents relating to administrative procedures and administrative operations, including classified data, personal data, business secrets, tax secrets and other protected data. The authority must provide to the administrative inspector the conditions for work and the necessary information.

### Article 307a

An administrative inspector shall conduct supervision directly at the authority or on the basis of submitted documents of authorities. In conducting supervision, an administrative inspector may order the remedying of legal irregularities in a specified time limit.

### Article 307b

(1) If violations of the rules of administrative procedure which result in an evident curtailment of the public interest, of the rights or legal benefits of the parties, or other continuous violations of the rules of administrative procedure which are not remedied in the specified time limit are established in supervision, the administrative inspector may impose an order whereby the official person shall again undergo training on conducting and deciding in an administrative procedure.

(2) An appeal shall be allowed against the decision referred to in the preceding paragraph. An appeal shall not stay enforcement. Appeals shall be decided on by the ministry responsible for administration.



### **307.c člen**

(1) Če se pri nadzoru ugotovi, da upravni postopek vodi ali v njem odloča oseba, ki ne izpolnjuje pogojev iz 31. člena tega zakona, se z odločbo odredi predstojniku organa, da taka oseba takoj preneha z vodenjem postopka oziroma odločanjem v upravnih zadevah.

(2) Predstojnik organa mora v primerih iz prejšnjega odstavka zagotoviti, da bo vodenje postopka in odločanje takoj prevzela druga uradna oseba, ki izpolnjuje zahtevane pogoje.

(3) Zoper odločbo iz prvega odstavka je dovoljena pritožba. Pritožba ne zadrži izvršitve. O pritožbi odloča ministrstvo, pristojno za upravo.

### **307.č člen**

Zaradi kršitev pravil upravnega postopka iz 307.b člena tega zakona lahko upravni inšpektor predlaga uvedbo disciplinskega postopka zoper uradno osebo, ki jih je z vodenjem ali odločanjem kršila.

### **307.d člen**

Če je pri opravljanju nadzora ugotovljeno, da ima dejanje uradne ali druge osebe v konkretni upravni zadevi znake kaznivega dejanja, za katero se storilec preganja po uradni dolžnosti, mora upravni inšpektor to naznaniti pristojnemu organu oziroma vložiti kazensko ovadbo.

### **307.e člen**

### **Article 307c**

(1) If it is established in supervision that an administrative procedure is conducted or is being decided by a person who does not meet the conditions referred to in Article 31 of this Act, the head of the authority shall be required by a decision to ensure that such person immediately stop conducting the procedure or deciding in administrative cases.

(2) In cases referred to in the preceding paragraph, the head of the authority must ensure that the conducting of procedures and deciding will be immediately taken over by another official person who meets the required conditions.

(3) An appeal shall be allowed against the decision referred to in paragraph one. An appeal shall not stay enforcement. Appeals shall be decided by the ministry responsible for administration

### **Article 307č**

Owing to violations of the rules of administrative procedure referred to in Article 307b of this Act, the administrative inspector may propose that a disciplinary procedure be initiated against the official person who has violated such rules by conducting a procedure or deciding therein.

### **Article 307d**

If during the conducting of supervision it is established that an action by an official or other person in the specific administrative case presents signs of a criminal offence for which the perpetrator is prosecuted *ex officio*, the administrative inspector must report this to the competent authority or bring criminal charges against them.

### **Article 307e**

Če se pri nadzoru nosilca javnega pooblastila ugotovi, da ta ne izvaja javnih pooblastil ali jih izvaja nestrokovno, nevestno ali malomarno, lahko upravni inšpektor predlaga pristojnemu organu, da začne postopek odvzema javnih pooblastil.

### **307.f člen**

(1) Upravni inšpektor o ugotovitvah nadzora napiše zapisnik, v katerem lahko predstojniku organa odredi, da v določenem roku odpravi nezakovitosti oziroma izvede druge ukrepe.

(2) O ugotovitvah inšpekcijskega nadzora se prijavitelja obvesti, če to zahteva.

(3) Upravni inšpektor ravna po prvem in drugem odstavku tega člena tudi, kadar opravlja nadzor nad izvajanjem predpisov o upravnem poslovanju na podlagi Zakona o državni upravi (Uradni list RS, št. 113/05 – uradno prečiščeno besedilo, 126/07 – ZUP-E in 48/09).

### **307.g člen**

Ministrstvo, pristojno za upravo enkrat letno poroča vladi o ugotovitvah pri nadzoru izvajanja tega zakona in drugih zakonov, ki urejajo upravne postopke.

**308. člen**  
(črtan)

**309. člen**  
(črtan)

If during supervision it is established that a bearer of public authority does not exercise public authorisation or that it exercises it in a non-professional, unscrupulous or negligent manner, the administrative inspector may propose to the competent authority that it initiate a procedure for withdrawing public authorisation.

### **Article 307f**

(1) The administrative inspector shall write a record of the findings of supervision in which they may impose on the head of the authority the remedying of irregularities or take other measures in a specified time limit.

(2) The notifier shall be informed of the findings of inspection if they so request.

(3) The administrative inspector shall proceed in accordance with paragraphs one and two of this Article also when they conduct supervision over the implementation of regulations on administrative operations pursuant to the State Administration Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 113/05 – official consolidated version, 126/07 – ZUP-E and 48/09).

### **Article 307g**

The ministry competent for administration shall report to the Government once a year on the findings of supervision over the implementation of this Act and other Acts regulating administrative procedures.

**Article 308**  
(Deleted)

**Article 309**  
(Deleted)

**310. člen  
(črtan)**

**Article 310  
(Deleted)**

**311. člen  
(črtan)**

**Article 311  
(Deleted)**

**312. člen  
(črtan)**

**Article 312  
(Deleted)**

**313. člen  
(črtan)**

**Article 313  
(Deleted)**

**314. člen  
(črtan)**

**Article 314  
(Deleted)**

**315. člen  
(črtan)**

**Article 315  
(Deleted)**

**316. člen  
(črtan)**

**Article 316  
(Deleted)**

**317. člen  
(črtan)**

**Article 317  
(Deleted)**

**ŠESTI DEL  
IZVAJANJE ZAKONA TER PREHODNA IN KONČNI DOLOČBI**

**PART SIX  
IMPLEMENTATION OF THE ACT AND TRANSITIONAL AND FINAL  
PROVISIONS**

**XIX. poglavje**

**Chapter XIX**

## IZVAJANJE ZAKONA

### **318. člen (črtan)**

### **319. člen**

Državni organi, organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil morajo na primeren način objaviti, katere uradne osebe so pooblašcene za odločanje o upravnih zadevah (28. člen), katere pa za dejanja v postopku pred odločbo (30. člen).

### **320. člen**

Predstojnik državnega organa, organa samoupravne lokalne skupnosti oziroma organizacije z javnimi pooblastili, mora skrbeti, da se v organu oziroma v organizaciji pravilno uporablja ta zakon, zlasti pa, da se upravne zadeve rešujejo v predpisanih rokih, in skrbeti za strokovno izpopolnjevanje delavcev, ki odločajo v upravnih zadevah.

### **321. člen**

(1) Za izvajanje tega zakona skrbi ministrstvo, pristojno za upravo.

(2) Na zahtevo organov ter organizacij, ki imajo javno pooblastilo za odločanje o upravnih zadevah, je ministrstvo, pristojno za upravo, dolžno dati pojasnila k posameznim določbam tega zakona.

### **322. člen**

(1) Ministrstvo, pristojno za upravo, organizira stalno

## IMPLEMENTATION OF THE ACT

### **Article 318 (Deleted)**

### **Article 319**

State authorities, self-governing local community authorities and bearers of public authority must announce in a proper manner which official persons are authorised to decide on administrative cases (Article 28) and which are authorised to perform procedural actions which precede the decision (Article 30).

### **Article 320**

The head of a state authority, self-governing local community authority or organisation with public authorisation must ensure that this Act is correctly applied in the authority or organisation and, in particular, that administrative cases are resolved within the prescribed time limits, and must make sure that the professional knowledge of employees who decide in administrative cases is constantly improved.

### **Article 321**

(1) The ministry responsible for administration shall ensure the implementation of this Act.

(2) The ministry responsible for administration shall be obliged to give explanations of certain provisions of this Act at the request of the authorities and organisations which have been granted public authorisation for deciding on administrative cases.

### **Article 322**

(1) The ministry responsible for administration shall organise

izpopolnjevanje uradnih oseb, ki vodijo upravni postopek in odločajo v upravnih zadevah.

(2) Za spremljanje izvrševanja tega zakona vodijo državni organi, organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil evidenco o naslednjih podatkih, ki se nanašajo na reševanje upravnih zadev: o številu vloženih zahtev, o številu upravnih postopkov, začelih po uradni dolžnosti, o načinu in rokih reševanja upravnih zadev v upravnem postopku na prvi in na drugi stopnji, o številu odpravljenih oziroma razveljavljenih upravnih aktov in o številu zavrženih zahtev oziroma ustavljenih upravnih postopkov.

(3) Podatki iz prejšnjega odstavka tega člena se vodijo in izkazujejo po upravnih področjih.

(4) O podatkih iz drugega odstavka tega člena morajo vsi organi, ki izvajajo ta zakon, poročati ministrstvu, pristojnemu za upravo.

(5) Način izkazovanja podatkov iz tretjega odstavka tega člena ter način in roke za pošiljanje poročil iz četrtega odstavka tega člena predpiše minister, pristojen za upravo.

(6) Minister, pristojen za upravo, lahko predpiše obrazce za vabila, vročilnice, odredbe za privedbo, zapisnike, zapisnike v obliki knjig, za odločbe ter druge akte v upravnem postopku.

(7) Minister, pristojen za upravo določi spletni naslov enotnega državnega portala e-uprava, na katerem se opravljajo objave dokumentov v skladu s tem zakonom.

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**323. člen**

permanent training for official persons who conduct administrative procedures and decide in administrative cases.

(2) In order to monitor the implementation of this Act, state authorities, self-governing local community authorities and bearers of public authority shall keep records of the following data which refer to the resolving of administrative cases: of the number of requests submitted, of the number of administrative procedures initiated *ex officio*, of the manner and time limits for resolving administrative cases at the first and second instance, of the number of administrative acts set aside or annulled, and of the number of requests rejected or administrative procedures stayed.

(3) The data referred to in the preceding paragraph shall be kept and demonstrated by administrative fields.

(4) All authorities which implement this Act must report to the ministry responsible for administration the data referred to in paragraph two of this Article.

(5) The manner of demonstrating the data referred to in paragraph three of this Article and the manner and time limits for reporting referred to in paragraph four of this Article shall be prescribed by the minister responsible for administration.

(6) The minister responsible for administration may prescribe forms for summons, service forms, orders for the bringing of persons, records, records in the form of books, decisions and other acts in an administrative procedure.

(7) The minister responsible for administration shall determine the web address of the state portal e-uprava where documents are published in accordance with this Act.

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TRANSITIONAL AND FINAL PROVISIONS

**Article 323**

(1) Z dnem, ko začne veljati ta zakon, se v Republiki Sloveniji preneha uporabljati zakon o splošnem upravnem postopku (Uradni list SFRJ, št. 47/86).

(2) Z dnem, ko začne veljati ta zakon, prenehajo veljati določbe od 67. do 82. člena zakona o upravi (Uradni list RS, št. 67/94, 20/95 – odločba US RS in 29/95).

### **324. člen**

Zadeve, glede katerih je postopek ob uveljavitvi tega zakona v teku oziroma, glede katerih je bila ob uveljavitvi tega zakona že vložena zahteva ali pravno sredstvo, se končajo po določbah zakona o splošnem upravnem postopku (Uradni list SFRJ, št. 47/86).

### **325. člen**

Ta zakon začne veljati po preteku šestih mesecev od dneva njegove objave v Uradnem listu Republike Slovenije.

(1) On the day this Act enters into force, the General Administrative Procedure Act (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], No. 47/86) shall cease to apply in the Republic of Slovenia.

(2) On the day this Act enters into force, the provisions of Articles 67 to 82 of the Administration Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 67/94, 20/95 – Dec. of the CC and 29/95) shall cease to apply.

### **Article 324**

Cases in which a procedure has been in progress on the entry into force of this Act, or in which a request or legal remedy has already been submitted before the entry into force of this Act, shall be completed pursuant to the provisions of the General Administrative Procedure Act (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], No. 47/86).

### **Article 325**

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